

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

Part C: Region Wide Provisions (C9-C11)



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C9 NATURAL HERITAGE

The matters addressed in C9 are both regional plan and district plan matters. The exception is the urban ridgeline provisions, which is just district plan matter. The rules are to be interpreted as district rules.



Regional Plan



District Plan

Part C9 is operative

C9.1 Natural Heritage



C9.1.1 Introduction



This chapter considers the issues and sustainable management of the natural heritage resources of the Gisborne district, including:

- a) Natural character of wetlands, lakes and rivers and their margins
- b) Outstanding natural features and landscapes;
- c) Areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- d) Ridgelines of the Gisborne urban area; and
- e) Intrinsic values of ecosystems, including indigenous biodiversity.

For the natural character of the coastal environment refer to Part C3.

Five overlays have been developed in order to identify areas known to have significant or particularly vulnerable natural heritage values. They are not intended to encompass all natural heritage values and are not the sole measure of significance in the Gisborne district. The overlays are:

- a) Outstanding Landscape Areas (in the coastal environment);
- b) Protection Management Areas;
- c) Ridgelines of the Gisborne urban area;
- d) Riparian Management Areas; and
- e) Wetlands.

The first three overlays have been mapped and the remaining are defined in Part E – common definitions. However only those outstanding landscapes in the coastal environment have been identified. The inclusion of inland landscapes is under consideration. Policies and rules addressing the sustainable management of the district's natural heritage resource pertain to each of the above general overlays. This chapter also includes policies and rules which apply to all areas, irrespective of any particular overlay.

The Outstanding Landscape Overlay comprises regionally outstanding landscapes identified in the report *"An Assessment of the Landscape Character of the Coastal Environment of Gisborne District"*: Boffa Miskell Ltd, Auckland. The assessment was undertaken in relation to section 6(b) of the RMA. As no definition for outstanding or significant is used in the RMA, the assessment used the collective experience of three landscape architects to identify and confirm regionally outstanding natural features and landscapes using a consistent evaluation methodology based on field surveys and secondary data.

Evaluation sheets included information and analyses on map references, landscape character type; physical description; visibility ranking based on the potential for the landscape unit to be viewed; visual quality ranking based on vividness, intactness and coherence; visual absorption capability ranking based on modification, relief and vegetative cover; enhancers and detractors; a ranking on a scale of five of visual sensitivity; and any outstanding natural features and landscapes which lay within or contributed to the unit.

All natural features and landscapes identified in the report are considered to be outstanding at a regional level, although four features/landscapes should be considered in a nationally significant context. All regionally outstanding landscapes and features are also outstanding at a district level and it is acknowledged that there are other areas which would rate as locally outstanding natural features and landscapes.

Many of the natural heritage values of the Gisborne district have been diminished as a result of historic land clearance practices and an underlying unstable geology.

In particular, the most productive classes of land (Land Use Capability (LUC) classes I, II, III and IV) now seldom contain areas of native vegetation. Although many landowners have taken steps to protect individual pockets of native bush, much of the remaining indigenous vegetation in the district is restricted to small remnants of questionable viability and is often subject to grazing pressure.

Natural heritage resources are valued differently among the district's communities.

Market trends over recent years and the introduction of Crown subsidies for forestry planting, mean that land now regenerating to scrub may again be cleared, this time to be replanted in plantation forestry. The visual effects of any change in vegetation type are likely to be considerable because the colour, form and scale will differ markedly from indigenous vegetation. The social, economic and cultural well-being of some rural communities may be reliant upon the potential economic benefits brought by converting reverting areas to other land uses. However, there is great potential for a loss of ecological integrity, areas of significant vegetation and significant habitats through vegetation clearance and the creation of small pockets of indigenous habitat that are isolated from seed sources.

Riparian vegetation can provide a crucial buffer between the adverse effects of land uses and in-stream or coastal water quality by impeding stormwater run-off and sediment loadings, and by regulating in-stream temperatures, for example. Riparian vegetation (particularly indigenous riparian vegetation) can also possess significant natural heritage values, including habitat and natural character values. The district's indigenous riparian vegetation is vulnerable to clearance for primary production such as forestry and pastoral grazing.

Exotic animals have thrived in the Gisborne district, in part as a consequence of pastoral farming but also through deliberate and accidental liberations.



C9.1.2 Issues



1. Loss or degradation of natural heritage through inappropriate subdivision, use and development. In particular, natural heritage resources such as landscape, natural character, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and biodiversity have the potential to be further diminished through inappropriate land use. In some areas natural heritage resources have been depleted. Without intervention many of these areas may not be available to future generations.
2. Land use activities may directly or indirectly have adverse effects on the quality of water bodies or the CMA. In particular, activities that occur in upstream catchments or immediately adjacent to waterbodies or the CMA can diminish the natural heritage values of the aquatic systems these places support.



C9.1.3 Objectives



1. The maintenance and, where appropriate, enhancement of the abundance, distribution range and diversity of the Gisborne district's indigenous flora and fauna.

2. Protection of areas of significant indigenous vegetation, significant habitats and outstanding natural features and landscapes.
3. Protection of the quality of water, wetlands and aquatic habitats, and the preservation of the natural character associated with lakes, rivers, wetlands and their margins.

Principal reasons:

- **Objective 1:** *Historic and current land use has reduced the quantity of intact indigenous vegetation in the district. Indigenous fauna has been lost from the district. Any further loss of diversity would be inconsistent with sustainable management. On the flats and lowlands the main sources of indigenous biodiversity exist predominantly as isolated stands, often subject to grazing pressure from farm animals or other adverse effects. Without recognition of the need to plan long term for these areas, and the need for physical links between them, the biodiversity supported by such areas could be lost.*
- **Objective 2:** *sections 6(b) and 6(c) of the Act require the protection of these areas.*
- **Objective 3:** *Integration of Council's regional and district functions and the activities on land and the effects on water.*



C9.1.4 Policies



1. To provide for protection management of areas of significant indigenous vegetation and significant habitats of indigenous fauna; particularly those poorly represented within ecological districts and those that are rare or threatened¹. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations that may affect Protection Management Areas:
 - a) the location of the area; in particular, where associated with dunelands, estuaries or freshwater wetlands; or where part of a succession of natural habitats;
 - b) the size and shape, to encourage the creation of large Protection Management Areas where appropriate;
 - c) the extent and composition of indigenous vegetation, the naturalness, diversity and any pattern within the area, recognising the ecosystems located across a succession of natural habitats (such as riparian areas, foreshores, soil gradients and coast-to-mountain forest sequences), or in areas which experience occasional stress events (such as seasonal wetlands, slip faces, exposed headlands) are likely to be more diverse than elsewhere;
 - d) the presence of threatened indigenous species or species unique to the district, and the importance of breeding, feeding, roosting or loafing areas used by threatened indigenous fauna on a regular or annual basis;
 - e) the long term viability of the area, including the level of disturbance within the area, pest impact, or threats, existing or proposed protection measures with particular regard to covenants or other mechanisms which ensure the long term protection of natural values including significant indigenous vegetation or habitat.
 - f) the use of buffering (preferably indigenous) within the Protection Management Area boundary in the establishment of Protection Management Areas;
 - g) the rarity, distinctiveness or representativeness of the site in regard to its vegetation, soil type and landform combination in national, regional and local ecological contexts. Particular regard should be had to ensuring that provision is made for the protection of ecosystems that are under-represented at a local (ecological district) level from the adverse effects of inappropriate subdivision, use and development; and

¹ "threatened" means plant or animal species identified as threatened in any of the following three publications:

UCN 1996. Red List of Threatened Animals, IUCN, Gland, Switzerland.

Molloy, J. and A. Davis for Department of Conservation (2nd ed. Collated by C. Tisdall), 1994 Setting Priorities for the Conservation of New Zealand's Threatened Plants and Animals, Department of Conservation, Wellington.

Cameron, ED, DeLange PJ, Given, PN and Ogle, CC – 1995. New Zealand Botanical Society Threatened and Local Plant Lists (1995 revision). NZ Botanical Society Newsletter 39: 15-28.

- h) the condition of the site compared to others in the district, with particular consideration to the protection of advanced primary and secondary indigenous forest species on Rural Productive Zone land;
 - i) the extent to which the site makes up part of an ecological corridor.
2. To protect, through the maintenance or enhancement of, the biodiversity of indigenous flora and fauna throughout the Gisborne district. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations affecting natural heritage values not specifically provided for in Natural Heritage Overlays:
- a) the location of the area, particularly where associated with natural heritage values specifically considered in Policy C9.1.4(1) (such as ecological corridors); *and*
 - b) the extent and composition of indigenous vegetation; the naturalness, diversity and any pattern within the area, recognising that ecosystems located across a succession of natural habitats (such as riparian areas, foreshores, soil gradients and coast-to-mountain forest sequences), or in areas which experience occasional stress events (such as seasonal wetlands slip faces, exposed headlands) are likely to be more diverse than elsewhere; *and*
 - c) the presence of threatened indigenous species or species endemic to the district; *and*
 - d) the importance of breeding, feeding, roosting or loafing areas used by threatened indigenous fauna on a regular or annual basis; *and*
 - e) rarity, distinctiveness or representativeness of the site in regard to its fauna, vegetation, soil type and landform combination, in national, regional and local ecological contexts. Particular regard should be had to ensuring that provision is made for the protection of ecosystems that are under-represented at a local (ecological district) level from the adverse effects of inappropriate subdivision, use and development, with particular consideration given to the protection of primary and advanced secondary indigenous forest species on Rural Productive Zone land; *and*
 - f) the condition and long term viability of the area, including the level of disturbance within the site, pest impact, threats, existing or proposed protection measures, with particular regard to covenants or other mechanisms which ensure the long term protection of natural values including significant indigenous vegetation or habitat; *and*
 - g) encouraging the restoration and rehabilitation of degraded land through revegetation, using genetically suitable indigenous flora where appropriate, having regard when undertaking such planting to the habitat requirements of indigenous fauna, and giving priority to the rehabilitation of indigenous habitats found on class LUC class I, II and III land; *and*
 - h) the protection for buffer areas (preferably indigenous) to mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna.
3. To avoid, remedy or mitigate the adverse effects of activities on riparian areas and aquatic ecosystems including aquatic habitat, flora and fauna. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations affecting areas within the Riparian Management Area:
- a) the adverse effects of activities that reduce or disturb riparian vegetation and indigenous riparian vegetation in particular; *and*
 - b) assessing options for the management of the entire catchment before targeting land use controls or management devices to any shingle water body; *and*
 - c) encouraging the management of the margins of lakes, rivers and wetlands to provide for the health of aquatic ecosystems including habitat, flora and fauna and for amenity, access, terrestrial habitat and natural character values and for the natural functioning of riparian ecosystems; *and*
 - d) avoiding, remedying or mitigating the adverse in-stream effects of activities that accelerate soil, water or nutrient run-off from land, increase directly or indirectly in-stream water temperatures, decrease levels of dissolved oxygen, or increase the concentration of toxic chemicals within waterbodies; *and*

- e) encouraging the establishment of tall woody vegetation with an extensive strong root network, on unstable land near waterways as soon as is practicable where no indigenous vegetation already exists.
4. To avoid, remedy or mitigate the adverse effects of activities on areas of outstanding landscape. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations within Outstanding Landscape Areas:
- a) effect of the activity on the natural landform characteristics;
 - b) visual contrasts between the activity and the landscape;
 - c) effect of the activity on the skyline or prominent ridge;
 - d) effect of the activity on the natural vegetation cover;
 - e) existing protection mechanisms;
 - f) recognition that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
5. To avoid, remedy or mitigate the effects of inappropriate subdivision, use and development on prominent ridges of the Coastal Environment or prominent ridges of the Gisborne urban area. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations within the Coastal Environment:
- a) the integrity of the landscape and its tolerance to change;
 - b) effect of the activity on the natural landform characteristics;
 - c) visual contrasts between the activity and the landscape;
 - d) effect of the activity on the skyline or prominent ridge;
 - e) effect of the activity on the natural vegetation cover;
 - f) recognition that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
6. To manage the adverse effects of activities on the health and functioning of aquatic and terrestrial ecosystems including habitat, flora and fauna for the purpose of preserving the natural character of wetlands and protecting them from inappropriate subdivision, use and development.
- Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations:
- a) consideration of whether or not the wetland was purposely created as such.
 - b) adverse effects associated with the timing, duration, area and location of the activity.
 - c) the adverse effects of activities that reduce or disturb vegetation and indigenous vegetation in particular, including any vegetation to be retained.
 - d) any adverse effects of activities on water quality and aquatic ecosystems.
 - e) any adverse effects of activities on stream bank stability.
 - f) any measures necessary or proposed to avoid, remedy or mitigate the adverse effects of activities on significant habitat of indigenous fauna, biodiversity, amenity, access and natural character values and the natural functioning of wetland ecosystems.
7. To consider negotiating an agreement with landowners to provide public access to significant natural heritage areas. The creation of an access may be appropriate where land being subdivided includes, adjoins or can provide enhanced public access to a:
- a) strategically important water body
 - b) significant heritage feature

- c) protected area compatible with public access
 - d) significant wetland.
8. To consider requiring financial contributions on a case-by-case basis to offset adverse effects on significant indigenous vegetation, significant habitats, outstanding natural features or landscapes, water quality, wetlands or aquatic habitats or the natural character associated with the Coastal Environment, lakes, rivers, wetlands or their margins. Financial contributions will only be considered when all means of avoiding, mitigating or remedying adverse effects have been addressed, and then only if the remaining adverse effects are acceptable and the applicant offers and agrees to the requirement for the financial contribution.

Principal reasons:

- **Policy 1** - This policy seeks to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna which have been severely denuded through the use of the Protection Management Area Overlay. Without enhancing some habitats and indigenous species in the district the resource may not be available to future generations. When considering subdivision, use and development effects attention needs to be focused at the whole system – not just the physical Protection Management Area.
- **Policy 2** - Biodiversity is important to future generations and needs to be protected. The policy encourages conscious decisions to be made to ensure that common or unremarkable indigenous species are afforded protection. The use of indigenous species is also encouraged, where appropriate, but care needs to be taken when planting and managing these species. In order to maintain and enhance the quality of the environment, replanting with genetically appropriate indigenous species should be promoted.
- **Policy 3** - Council has a preference for managing riparian vegetation for in-stream and terrestrial riparian values. The natural character of rivers, streams, lakes and their margins is inextricably tied to the management of these areas for their ecological values. The dependency of in-stream values on riparian vegetation is high.
- **Policy 4** - This policy ensures that the visual impacts of activities are avoided, remedied or mitigated, and is particularly important in the Coastal Environment. This policy is necessary to ensure that sustainable management occurs and that sections 6(a) and 6(b) of the RMA are given effect.
- **Policy 5** - Subdivision, use and development can have a major impact on the Coastal Environment or the Gisborne urban area, where the activity projects above prominent ridgelines. This policy seeks to manage this impact.
- **Policy 6** - This policy recognises and provides for the preservation of the natural character of wetlands, and the protection of wetlands from inappropriate subdivision, use and development as a matter of national importance. The natural character of wetlands is dependent to a large extent on good water quality and intact wetland vegetation. The policy also allows for the consideration of appropriate subdivision, use and development within wetlands that are designed and managed for specific purposes unrelated to natural heritage.
- **Policy 7** - The RMA allows for the creation of easements with the agreement of Council and the landowner.
- **Policy 8** - Financial contributions are a means of compensating in some way for any significant unavoidable effects that remain after all avoidance, mitigation and remedial measures have been applied. They should only be applied after all avenues to avoid, mitigate or remedy the adverse effects of an activity have been exhausted, and then only if the adverse effects are acceptable.

C9.1.5 Methods



Advocacy



1. Encourage awareness of natural heritage values and sustainable management through a programme of:
 - a) Individual property advice, including information on significant geological features in the district;
 - b) Promoting co-operation with and between landowners, users, iwi and runanga and other organisations with statutory responsibilities for resource management to advance the integrated management of natural resources;
 - c) Supporting programmes of other organisations that conform with the concept of sustainable management, Council policies and have community support. The type of programme could include "care" initiatives, QE II Trust land retirement and Nga Whenua Rahui. It could also mean support for industry-based training programmes and the development of guidelines appropriate to the Gisborne district. The degree of support would be higher where initiatives were on a district, catchment or sub-catchment basis. Support could include the provision of information, services or financial assistance. The type and amount would be determined through the Council's Annual Plan;
 - d) Submissions on policy to interest groups, government departments and industry;
 - e) Promoting the establishment of a community-based, contestable Natural Heritage Fund to assist the development of sustainable land management within the district.

Education

1. Promote the understanding of sustainable management of natural heritage resources within the community and interest groups through the Annual Plan by:
 - a) Publications and other pamphlets;
 - b) Seminars, field days and workshops on specific issues;
 - c) Prioritised extension to schools, tertiary institutes and industry.

Natural Heritage Fund

1. Council will investigate the establishment of a fund to assist community-based natural heritage enhancement projects. This would include consideration of the following:
 - a) The setting aside and practical protection of any area of predominantly indigenous vegetation;
 - b) Contracting expert advice on means to avoid, remedy or mitigate the adverse effects of activities on the the margins of waterbodies;
 - c) The maintenance of the health of aquatic ecosystems;
 - d) The maintenance and enhancement of wetland ecosystems;
 - e) The maintenance of the health of ecosystems located within or associated with areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Research into Formally Protected Areas

1. Identify areas within the district which are voluntarily protected in a manner ensuring the long-term protection of natural heritage values contained within them. Propose inclusion of these areas in the Tairāwhiti Plan maps as Formally Protected Areas (FPAs) for information purposes only.

Research into Significant Waterbodies and Riparian Areas

1. Identify waterbodies and/or riparian areas within the district that warrant specific riparian protection management due to their associated aquatic or terrestrial biodiversity, habitat or ecosystem values, within the term of the Tairāwhiti Plan, prioritising forestry areas and areas with known high riparian values or threats.

2. Propose inclusion of these areas in the Tairāwhiti Plan maps as mapped Riparian Management Areas as information becomes available.

Regulation

1. District rules within the Tairāwhiti Plan to avoid, mitigate or remedy the adverse effects on natural heritage values of activities.
2. Identification of natural heritage overlays in the Tairāwhiti Plan. As one method to achieve Policies in C9.1.4, land is categorised into five natural heritage overlays in Part C9 (refer to C3 for a further overlay for the coastal environment). The overlays recognise the different sustainable management requirements of key natural heritage values. There five overlays are:
 - a) Outstanding Landscape Area (OLA) – which is a method of identifying and mapping important landscapes within the district. They are identified in order to reduce or eliminate adverse effects from activities;
 - b) Protection Management Area (PMA) – which identifies and maps areas of significant indigenous vegetation and significant habitats of indigenous fauna, and provides for their protection.
 - c) Riparian Management Area – which identifies a criteria-based zone for riparian protection based on the sensitivity of riparian ecosystems to disturbance, and provides for the preservation of the natural character of wetlands, lakes, rivers and their margins and their preservation from inappropriate subdivision, use and development. This overlay will be reconsidered as waterbodies and/or riparian management areas are identified, with a view to both narrowing its application to identified and mapped Riparian Management Areas, and re-assessing the adequacy of the provisions in protecting known natural heritage values.
 - d) Ridgelines in the Gisborne Urban Area – a method which identifies and maps the amenity landscape values of the ridgelines included within the Gisborne urban area.
 - e) Wetlands – which identifies a criteria based zone for protection of wetland values, based on the sensitivity of wetland ecosystems to disturbance, and provides for the preservation of the natural character of wetlands and their preservation from inappropriate subdivision, use and development

The determination of significant natural heritage values is aided by the criteria set out in B9.1.3(2) of the Tairāwhiti Plan.

Principal reasons

Advocacy

- **Method 1** - Advocacy involves explaining to landholders why unsustainable resource use is occurring, what the best methods are to resolve the issue and how they can implemented. Emphasis is on direct contact with landholders, but there is also an advocacy role in ensuring that Council's policies are considered by other resource user groups in the community, and by central government.

Education

- **Method 1** - Education is a key method to engendering change in the community's perception of the environment and sustainable land management

Natural Heritage Fund

- **Method 1** - This fund is a method to directly assist the retention and enhancement of natural heritage features in appropriate circumstances.

Research into Significant Waterbodies and Riparian Areas

- **Method 1 & 2** - This method acknowledges that while riparian areas are generally important as the transitional interface between wet and dry ecosystems, there are some riparian areas that are particularly vulnerable to the effects of vegetation clearance, land disturbance and structures. The method identifies a discrete set of riparian areas that provides certainty for land users as well as the ability to target and prioritise riparian management efforts. The method acknowledges data available outside of the Council, and provides that Council appropriately has a co-ordinating, collating and information repository role.

Regulation

- **Method 1** - Rules are used to implement the overlay approach, to provide certainty that defined environmental standards will be able to be achieved, and to provide certainty for the applicant and for the administration of the Tairāwhiti Plan.
- **Method 2** - Overlays recognise and provide for the matters of national importance specified in section 6(a)-(e) of the Act. The overlays are either mapped or are based on clear measurable criteria to indicate with some certainty to landowners or other resource users the sensitivity and importance of the district's natural heritage values. Affected landowners strongly favour voluntary methods over regulatory methods of implementing section 6(c) of the Act. The necessity for ongoing regulation will depend on the level of voluntary long-term protection of significant natural areas undertaken in the district.



C9.1.6 Rules for Natural Heritage Overlay



Note: The rules of C9 are to be interpreted as district rules with the exception of the rules for riparian management area overlay, which are both regional and district rules.

Activities shall also 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, C11.1 Signs.

The rules for each overlay apply in addition to the zone rules for the area. The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Standard C9.1.6.1(A) a) states that activities are permitted activities unless listed as Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited in this chapter or any other chapter of the plan.

C9.1.6.1 General Standards

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

- A. a) Subject to any other rule in the Plan, activities affecting natural heritage are permitted.
- b) Where an activity is required to comply with the rules contained in more than one overlay within C9 or the Coastal Environment Overlay in C3.14 the status of an activity shall be determined by that in the most restrictive overlay.

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

C9.1.6.2 Specific Standards

A Method of Certification:

- a) When making a determination under Rule C9.1.6(34), the Consent Authority may take into account the extent to which any adverse effects of the indigenous vegetation clearance will be avoided, remedied or mitigated.

- b) Before making a determination under Rule C9.1.6(34), the Consent Authority must take into account the recommendations in an assessment report prepared by an approved ecologist as to whether the area to be cleared contains significant indigenous vegetation or significant habitat of indigenous fauna.
- c) Gisborne District Council will at all times make available a list of ecologists approved to provide assessment reports for the purposes of Rule C9.1.6(34). When preparing and amending the list Gisborne District Council must:
- i. Consult with the Department of Conservation, iwi, Royal Forest and Bird Protection Society of New Zealand Incorporated, Eastland Wood Council Incorporated and Federated Farmers of New Zealand Gisborne Wairoa Province Incorporated (or any successor entities); *and*
 - ii. Take into account the professional qualifications and experience of any prospective ecologist, including experience within any East Coast area of the North Island. For the avoidance of doubt, it is not necessarily mandatory that any prospective ecologist have experience within any East Coast area of the North Island.

The list may be added to and/or amended from time to time as required. For the avoidance of doubt, the list may include an ecologist engaged by an applicant and/or an ecologist employed by Gisborne District Council.

- d) An assessment report for the purposes of Rule C9.1.6(34) need only include such detail as corresponds with the scale and significance of the effects that the proposed activity may have on the environment.
- e) An assessment report for the purposes of Rule C9.1.6(34) must:
- i. Assess all indigenous vegetation within the same rating unit that is continuous (or nearly continuous) with the area/s proposed for clearance ("assessment area") as well as the effects of any indigenous vegetation enhancement measures within the same ecological district that will be implemented should some clearance proceed; *and*
 - ii. Include a scaled map and/or recent aerial photograph showing the assessment area and its context, provided that any aerial photograph must include the approximate date on which it was taken; *and*
 - iii. Include a vegetation map and description of the vegetation types making up the assessment area; *and*
 - iv. Assess the significance of the indigenous vegetation and habitat of indigenous faunas in the assessment area based on the following matters:
 1. representativeness – for instance whether the area is a good example of an indigenous vegetation or habitat type within the Gisborne district;
 2. diversity – for instance whether the area includes natural diversity of landform, ecosystems, flora or fauna;
 3. rarity – for instance whether the area contains nationally or regionally rare flora, fauna, ecosystems or landforms or is regularly used by nationally or regionally rare fauna;
 4. ecological viability (for instance the area's ability to maintain itself without active management);
 5. size and shape *and*
 6. context – for instance the area's relationship with other areas of indigenous vegetation including any ecological linkages or corridors to other areas of significant indigenous vegetation or habitats of indigenous fauna; *and*
 7. naturalness; *and*

8. the importance of the assessment area for breeding, feeding, roosting or loafing areas used by threatened indigenous fauna on a regular or annual basis.

For the avoidance of doubt the words “for instance” in paragraphs (1) to (4) and (6) are not limiting but are referring only to an example of the type of matter that might be considered in each paragraph.

Rule Table 9.1.6 – Outstanding Landscape Area Overlay

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Outstanding Landscape Area Overlay				
9.1.6(1)	Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)	Outstanding Landscape Area Overlay	Permitted	
9.1.6(2)	Maintenance of lawfully established roads, fencelines, tracks or earth dams.	Outstanding Landscape Area Overlay	Permitted	
9.1.6(3)	Maintenance and repair of lawfully established structures excluding network utility structures.	Outstanding Landscape Area Overlay	Permitted	
9.1.6(4)	Vegetation clearance. <i>Note: this rule does not apply to vegetation clearance associated with a plantation forestry activity which is regulated under regulations 93-95 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017.</i>	Outstanding Landscape Area Overlay	Permitted	<ul style="list-style-type: none"> a) The vegetation comprises trees or shrubs or other plants not exceeding 30cm d.b.h., and 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; or f) The clearance is land preparation by discing, ploughing or ripping; or g) The clearance is for fencing, confined to the extent necessary to create and maintain a stable fenceline, and not more than 5m total width; or h) The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.
9.1.6(5)	Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.	Outstanding Landscape Area Overlay	Permitted	
9.1.6(6)	Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.	Outstanding Landscape Area Overlay	Permitted	
9.1.6(7)	Subject to Rule C3.14.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below	Outstanding Landscape Area Overlay	Permitted	<ul style="list-style-type: none"> a) the construction corridor does not exceed 2m in width.

	ground, including associated vegetation clearance and land disturbance, where			
9.1.6(8)	<p>Clearance of plantation forest vegetation planted prior to the notification of this plan</p> <p>Provided that:</p> <p>a) Vegetation clearance exceeds 2ha in any contiguous area and /or exceeds 2ha over any 12 month period.</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>	Outstanding Landscape Area Overlay	Controlled	<p>Council shall limit its control to matters a) to f) below:</p> <p>a) the timing and duration of the activity;</p> <p>b) the area and location of the activity;</p> <p>c) any vegetation that is to be retained;</p> <p>d) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values;</p> <p>e) effect on the water quality of waterbodies;</p> <p>f) heritage values in the heritage alert layer.</p>
9.1.6(9)	<p>Subject to Rule C3.14.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2m in width.</p>	Outstanding Landscape Area Overlay	Restricted Discretionary	<p>Council shall restrict its discretion to the matters a) to g) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) area, location and length of the activity with particular regard to conformity with existing landforms</p> <p>c) placement and management of cuts and fills likely to be visually dominant in the landscape</p> <p>d) potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density</p> <p>e) effects on water quality of waterbodies</p> <p>f) heritage values in the heritage alert layer</p> <p>g) any vegetation that is to be retained.</p>
9.1.6(10)	<p>Vegetation clearance, other than that specifically permitted or authorised by another rule.</p> <p>Provided that:</p> <p>a) Vegetation clearance exceeds 500m² in any contiguous area and/or exceeds 500m² over any 12 month period.</p> <p><i>Note: this rule does not apply to vegetation clearance associated with a plantation forestry activity which is regulated under regulations 93-95 of the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017.</i></p>	Outstanding Landscape Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to f) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) the area and location of the activity</p> <p>c) any vegetation that is to be retained</p> <p>d) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values</p> <p>e) effect on the water quality of waterbodies</p> <p>f) heritage values in the heritage alert layer.</p>

9.1.6(11)	<p>Tree planting, subject to LO3A Rule C7.1.6.(33). <u>Provided that:</u></p> <ul style="list-style-type: none"> a) The tree planting exceeds 500m² in any contiguous area and/or exceeds 500m² over any 12 month period. b) The tree planting activity is not a condition of a consent for subdivision, use or development. 	Outstanding Landscape Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) - d) specified below:</p> <ul style="list-style-type: none"> a) the area and location of the activity with particular regard to conformity with existing land and vegetation forms b) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, with particular regard to ridgelines c) vegetation species with particular regard to maintaining species of local genetic stock d) heritage values in the heritage alert layer.
9.1.6(12)	<p>Land disturbance. <u>Provided that:</u></p> <ul style="list-style-type: none"> a) The activity exposes more than 10m² of earth measured in a vertical plane view in any three month period, or disturbs more than 10m³ of earth in any three month period <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>	Outstanding Landscape Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to f) specified below:</p> <ul style="list-style-type: none"> a) the timing and duration of the activity; b) area, location and length of the activity with particular regard to conformity with existing landforms; c) placement and management of cuts and fills likely to be visually dominant in the landscape; d) potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density as they impact on these values; e) effects on water quality of waterbodies; f) heritage values in the heritage alert layer.
9.1.6(13)	<p>Erection of new structures or alteration or additions to existing structures on land that is not within a residential zone. <u>Provided that:</u></p> <ul style="list-style-type: none"> a) The structure exceeds 2.5m in height; or b) Cannot be contained within a volume of 25m³. 	Outstanding Landscape Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to i) specified below:</p> <ul style="list-style-type: none"> a) the timing and duration of the activity b) the cumulative effect of the activity c) proximity to existing structures d) conformity with the nature and extent of existing structures e) the area, location and size of the structure with particular regard to conformity with existing landforms f) the structure's visual dominance in the landscape g) any vegetation screening and backdrop h) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape i) heritage values in the heritage alert layer.

Rule Table 9.1.6 – Protection Management Area Overlay

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Protection Management Area Overlay				
9.1.6(14)	Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)	Protection Management Area Overlay	Permitted	
9.1.6(15)	Maintenance of lawfully established roads, fencelines, tracks or earth dams.	Protection Management Area Overlay	Permitted	
9.1.6(16)	Maintenance and repair of lawfully established structures excluding network utility structures.	Protection Management Area Overlay	Permitted	
9.1.6(17)	<p>Vegetation clearance. Provided that:</p> <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 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 for fencing, confined to the extent necessary to create and maintain a stable fenceline, and not more than 4m total width; h) The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance. 	Protection Management Area Overlay	Permitted	

	<i>Note: this rule does not apply to vegetation clearance associated with a plantation forestry activity which is regulated under regulations 93-95 of the Resource Management (National Environmental standards for Plantation Forestry) Regulations 2017.</i>			
9.1.6(18)	Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.	Protection Management Area Overlay	Permitted	
9.1.6(19)	Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.	Protection Management Area Overlay	Permitted	
9.1.6(20)	Subject to Rule C3.14.3.(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance	Protection Management Area Overlay	Permitted	The construction corridor does not exceed 2m in width.
9.1.6(21)	<p>Clearance of plantation forest vegetation planted prior to the notification of this plan. Provided that:</p> <p>a) Vegetation clearance exceeds 2ha in any contiguous area and /or exceeds 2ha over any 12 month period.</p> <p><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>	Protection Management Area Overlay	Controlled	<p>Council shall limit its control to the matters a) to f) specified below:</p> <p>a) the timing and duration of the activity;</p> <p>b) the area and location of the activity;</p> <p>c) any vegetation that is to be retained;</p> <p>d) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values;</p> <p>e) effect on the water quality of waterbodies;</p> <p>f) heritage values in the heritage alert layer.</p>
9.1.6(22)	Subject to Rule C3.14.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2m in width.	Protection Management Area Overlay	Restricted Discretionary	<p>Council shall restrict its discretion to the matters a) to g) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) area, location and length of the activity with particular regard to conformity with existing landforms</p> <p>c) placement and management of cuts and fills likely to be visually dominant in the landscape</p> <p>d) potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of</p>

				<p>indigenous fauna, amenity value and landscape, including revegetation type, timing and density</p> <p>e) effects on water quality of waterbodies</p> <p>f) heritage values in the heritage alert layer</p> <p>g) any vegetation that is to be retained.</p>
9.1.6(23)	<p>Vegetation clearance, other than that specifically permitted or authorised by another rule.</p> <p>Provided that:</p> <p>a) Vegetation clearance exceeds 500m² in any contiguous area and/or exceeds 500m² over any 12 month period.</p> <p><i>Note: this rule does not apply to vegetation clearance associated with a plantation forestry activity which is regulated under regulations 93-95 of the Resource Management (National Environmental standards for Plantation Forestry) Regulations 2017.</i></p>	Protection Management Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to f) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) the area and location of the activity</p> <p>c) any vegetation that is to be retained</p> <p>d) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values</p> <p>e) effect on the water quality of waterbodies</p> <p>f) heritage values in the heritage alert layer.</p> <p>Notification</p> <p>Subject to section 95A(2) of the RMA, an application for a restricted discretionary activity shall be notified. However such an application need not be publicly notified if, in the opinion of the consent authority, notification may be limited to service of notice of the application on all persons who may be adversely affected by the activity.</p>
9.1.6(24)	<p>Indigenous vegetation clearance by selective tree felling.</p> <p>Provided that:</p> <p>a) Vegetation clearance in a single rating unit per ten years exceeds the lesser of:</p> <p>i) 50m³ of roundwood, or</p> <p>ii) 10% of any single species exceeding 30cm d.b.h; and</p> <p>b) The vegetation is not vegetation that has become dangerous to human life or property as a result of natural causes.</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>	Protection Management Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to f) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) the area and location of the activity</p> <p>c) any vegetation that is to be retained</p> <p>d) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values</p> <p>e) effect on the water quality of waterbodies</p> <p>f) heritage values in the heritage alert layer.</p> <p>Notification</p> <p>Subject to section 95A(2) of the RMA, an application for a restricted discretionary activity shall be notified. However such an application need not be publicly notified if, in the opinion of the consent authority, notification may be limited to service of notice of the application on all persons who may be adversely affected by the activity</p>
9.1.6(25)	<p>Land disturbance, provided that:</p> <p>a) The activity exposes more than 100m² of earth measured in a vertical plane view in</p>	Protection Management Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) - f) specified below:</p> <p>a) the timing and duration of the activity;</p>

	<p>any three month period, or disturbs more than 100m³ of earth in any three month period</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>b) area, location and length of the activity with particular regard to conformity with existing landforms;</p> <p>c) placement and management of cuts and fills likely to be visually dominant in the landscape;</p> <p>d) potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density as they impact on these values;</p> <p>e) effects on water quality of waterbodies;</p> <p>f) heritage values in the heritage alert layer.</p>
9.1.6(26)	<p>Erection of new structures or alteration or additions to existing structures.</p> <p>Provided that:</p> <p>a) The structure exceeds 2.5m in height; or</p> <p>b) Projects an area of more than 10m², measured in a plan view; or</p> <p>c) Cannot be contained within a volume of 25m³.</p>	Protection Management Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to i) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) the cumulative effect of the activity</p> <p>c) proximity to existing structures</p> <p>d) conformity with the nature and extent of existing structures</p> <p>e) the area, location and size of the structure with particular regard to conformity with existing landforms</p> <p>f) the structure's visual dominance in the landscape</p> <p>g) any vegetation screening and backdrop</p> <p>h) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape</p> <p>i) heritage values in the heritage alert layer.</p>

Rule Table 9.1.6 – Indigenous Vegetation Clearance Outside the Protection Management Area Overlay

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Indigenous Vegetation Clearance Outside the Protection Management Area				
9.1.6(27)	Indigenous vegetation clearance, which is not subject to any other rule in the Plan.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	
9.1.6(28)	Indigenous vegetation clearance where the vegetation to be cleared comprises trees, shrubs or other plants scattered amongst pasture.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	

9.1.6(29)	Indigenous vegetation clearance which is necessary for the maintenance and repair of lawfully established: 1. Structures (including structures for network utility purposes); or 2. Roads; or 3. Tracks; or 4. Firebreaks; or 5. Earth dams; or 6. Fences (provided that, in the case of fences, the clearance is not more than 4m in overall width and is confined to the extent necessary to maintain a stable fenceline).	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	
9.1.6(30)	Indigenous vegetation clearance for the purposes of establishing a new fenceline to exclude stock and/or pests from an area, provided that the clearance is not more than 4m in overall width.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	
9.1.6(31)	Indigenous vegetation clearance which is necessary for the minor upgrading of: 1. Lawfully established structures for network utility purposes (excluding roads, tracks and earth dams); or 2. Fences.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	
9.1.6(32)	Indigenous vegetation clearance which is specifically provided for by the Management Plan of any areas that is subject to: 1. A statutory instrument; or 2. A covenant required to be entered into as a condition of a resource consent; or 3. A covenant entered into in accordance with the Tasman Accord or the Erosion Control Funding Project (formerly ECFP); 4. A Gisborne District Council Kaitiaki Agreement.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	
9.1.6(33)	Indigenous vegetation clearance associated with a plantation forestry activity is regulated under Regulation 93 and 94 of the Resource Management (National Environmental standards for Plantation Forestry) Regulations 2017 provided that the indigenous vegetation being cleared is not within a Riparian Management Overlay	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	Clearance of indigenous vegetation is a restricted discretionary activity under the Resource Management (National Environmental standards for Plantation Forestry) 2017 if regulation 93(2), (3), or (4) is not complied with.
9.1.6(34)	Indigenous vegetation clearance where the Consent Authority has certified that the area to be cleared does not contain significant indigenous vegetation or significant habitat of indigenous fauna.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Permitted	Specific standard A in C9.1.6.2

9.1.6(35)	Subject to Rule C3.14.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2m in width.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay,	Restricted Discretionary	Council shall restrict its discretion to the matters a) to g) : a) the timing and duration of the activity b) area, location and length of the activity with particular regard to conformity with existing landforms c) placement and management of cuts and fills likely to be visually dominant in the landscape d) potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density e) effects on water quality of waterbodies f) heritage values in the heritage alert layer g) any vegetation that is to be retained
9.1.6(36)	Indigenous vegetation clearance where: 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy and that canopy has an average height of more than 6m; and 2) The area to be cleared has more than 1ha per rating unit within any period of 12 months.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Restricted discretionary	Council shall restrict its discretion to the matters a) to g) specified below: a) the timing and duration of the activity. b) the area and location of the activity. c) the extent to which any adverse effects of the activity will be avoided, remedied or mitigated, where such avoidance, remedy or mitigation may include – but is not limited to – any indigenous vegetation that is to be retained and any indigenous vegetation that is to be protected by excluding stock or managing pests. d) whether the natural heritage values recognised in Policies C9.1.4(2) – C9.1.4(5) and C3.14.2(1) and C3.4.2(2) will be given effect to in the Gisborne district if the proposed vegetation clearance takes place. e) the extent to which any area of indigenous vegetation less than 5ha is practical to protect. f) any impact clearing or not clearing the area/s proposed for clearance will have on the economic viability of the land subject to the activity and to the economic, social and cultural opportunities available to the owner/s of that land. g) whether the adverse effects of the proposed activity on the environment will be mitigated by: i. the establishment of any other area which qualifies as a Formally Protected Area under

				<p>method C9.1.5 Research into Formally Protected Areas (1); and/or</p> <p>ii. the extent of any other indigenous vegetation within the same rating unit which must be retained due to the operation of this Plan.</p>
9.1.6(37)	<p>Indigenous vegetation clearance where:</p> <ol style="list-style-type: none"> 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy and that canopy has an average height of more than 6m or less; and 2) The canopy of the vegetation to be cleared has an actual or emerging predominance of naturally occurring indigenous tree species of any height (other than Kanuka or Manuka); and 3) The area to be cleared is more than 5ha per rating unit within any period of 12 months <p>For the purposes of this rule "actual or emerging predominance" means visible within the canopy.</p>	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to g) specified below:</p> <ol style="list-style-type: none"> a) the timing and duration of the activity. b) the area and location of the activity. c) the extent to which any adverse effects of the activity will be avoided, remedied or mitigated, where such avoidance, remedy or mitigation may include – but is not limited to – any indigenous vegetation that is to be retained and any indigenous vegetation that is to be protected by excluding stock or managing pests. d) whether the natural heritage values recognised in Policies C9.1.4(2) – C9.1.4(5) and C3.14.2(1) and C3.4.2(2) will be given effect to in the Gisborne district if the proposed vegetation clearance takes place. e) the extent to which any area of indigenous vegetation less than 5ha is practical to protect. f) any impact clearing or not clearing the area/s proposed for clearance will have on the economic viability of the land subject to the activity and to the economic, social and cultural opportunities available to the owner/s of that land. g) whether the adverse effects of the proposed activity on the environment will be mitigated by: <ol style="list-style-type: none"> i. the establishment of any other area which qualifies as a Formally Protected Area under method C9.1.5 Research into Formally Protected Areas (1); and/or ii. the extent of any other indigenous vegetation within the same rating unit which must be retained due to the operation of this Plan.
9.1.6(38)	<p>Indigenous vegetation clearance where:</p> <ol style="list-style-type: none"> a) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy; and 	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to g) specified below:</p> <ol style="list-style-type: none"> a) the timing and duration of the activity.

	<p>b) Clearance of the vegetation would have a significant adverse effect on the viability of any continuous link between:</p> <ul style="list-style-type: none"> i. two or more wetlands; or ii. any wetland and a Protection Management Area; or iii. any wetland and a Riparian Management Area; or iv. any Riparian Management Area and a Protection Management Area 			<p>b) the area and location of the activity.</p> <p>c) the extent to which any adverse effects of the activity will be avoided, remedied or mitigated, where such avoidance, remedy or mitigation may include – but is not limited to – any indigenous vegetation that is to be retained and any indigenous vegetation that is to be protected by excluding stock or managing pests.</p> <p>d) whether the natural heritage values recognised in Policies C9.1.4(2) – C9.1.4(5) and C3.14.2(1) and C3.4.2(2) will be given effect to in the Gisborne district if the proposed vegetation clearance takes place.</p> <p>e) the extent to which any area of indigenous vegetation less than 5ha is practical to protect.</p> <p>f) any impact clearing or not clearing the area/s proposed for clearance will have on the economic viability of the land subject to the activity and to the economic, social and cultural opportunities available to the owner/s of that land.</p> <p>g) whether the adverse effects of the proposed activity on the environment will be mitigated by:</p> <ul style="list-style-type: none"> i. the establishment of any other area which qualifies as a Formally Protected Area under method C9.1.5 Research into Formally Protected Areas (1); and/or ii. the extent of any other indigenous vegetation within the same rating unit which must be retained due to the operation of this Plan.
9.1.6(39)	<p>Indigenous vegetation clearance where:</p> <ul style="list-style-type: none"> 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy; and 2) The area to be cleared is continuous with and forms part of the same catchment of a wetland. 	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Restricted discretionary	
9.1.6(40)	<p>Indigenous vegetation clearance where:</p> <ul style="list-style-type: none"> 1) The vegetation clearance will be undertaken by selective felling of live trees; and 2) The vegetation to be cleared is not wind-thrown trees or standing trees that have died of natural causes; and 3) The trees to be felled include but are not limited to beech (any species), kahikatea, matai, miro, pohutukawa, northern rata, puriri, rimu, tanekaha, tawa or Hall's totara; and 4) The trees to be felled will yield more than 50m³ of round-wood per rating unit within any period of ten years. 	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Restricted discretionary	
9.1.6(41)	Indigenous vegetation clearance where the area to be cleared contains naturally occurring regionally and/or nationally threatened montane-subalpine scrub community.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Discretionary	
9.1.6(42)	Indigenous vegetation clearance where the area to be cleared contains any plants listed in Schedule G7B and the owner and/or manager of the relevant rating unit knows or should reasonably have known about the existence of such plants.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Discretionary	
9.1.6(43)	Indigenous vegetation clearance where the area to be cleared contains any habitat important for and used by any animals listed in Schedule G7B and the owner and/or manager of the relevant rating unit knows or should reasonably have known about the existence of such habitat.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Discretionary	

9.1.6(44)	Indigenous vegetation clearance where the total area to be cleared in the rating unit within any 12 month period comprises 500m ² or greater of remnant primary forest.	Indigenous Vegetation Clearance Outside the Protection Management Area Overlay	Discretionary	
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Rule Table 9.1.6 – Urban Ridgeline Overlay

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Urban Ridgeline Overlay				
9.1.6(45)	Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams).	Urban Ridgeline Overlay	Permitted	
9.1.6(46)	Maintenance of lawfully established roads, tracks or earth dams.	Urban Ridgeline Overlay	Permitted	
9.1.6(47)	Maintenance and repair of lawfully established structures excluding network utility structures.	Urban Ridgeline Overlay	Permitted	
9.1.6(48)	Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.	Urban Ridgeline Overlay	Permitted	
9.1.6(49)	Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.	Urban Ridgeline Overlay	Permitted	
9.1.6(50)	Subject to Rule C3.14.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor does not exceed 2m in width.	Urban Ridgeline Overlay	Permitted	
9.1.6(51)	Subject to Rule C3.14.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2m in width.	Gisborne Urban Ridgeline overlay	Restricted Discretionary	Council shall restrict its discretion to the matters a) to g): a) the timing and duration of the activity b) area, location and length of the activity with particular regard to conformity with existing landforms c) placement and management of cuts and fills likely to be visually dominant in the landscape d) potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density e) effects on water quality of waterbodies f) heritage values in the heritage alert layer g) any vegetation that is to be retained.
9.1.6(52)	Erection of new structures or alteration or additions to existing structures that are not within a residential zone	Urban Ridgeline Overlay	Restricted Discretionary	Council shall restrict its discretion to the matters a) - k) specified below:

	<p>Provided that:</p> <ul style="list-style-type: none"> a) The structure is not a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997. b) The structure exceeds 2.5m in height; and c) Projects above any prominent ridgeline. 			<ul style="list-style-type: none"> a) the timing and duration of the activity b) the area, location and size of the structure with particular regard to conforming with existing landforms c) proximity to prominent ridgelines d) the cumulative effect of the activity e) proximity to existing structures f) conformity with the nature and extent of existing structures g) the structure's visual dominance in the landscape h) any vegetation screening and backdrop i) the means necessary to maintain values associated with natural character, biodiversity, amenity and landscape k) heritage values in the heritage alert layer.
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C9.1.7 Financial Contributions

Financial Contributions of Land for Access to Significant Natural Heritage Areas - Circumstances Imposed

Financial contributions of land – including easements – may be imposed on subdivision consent applications where the subdivision adjoins or can provide enhanced public access to a strategically important water body, significant heritage feature, protected area compatible with public access or significant wetland.

Provided that:

- a) Discretion or control is reserved over financial contributions, natural heritage, or over the values identified in the overlays of C9– Natural Heritage.
- b) The applicant and landowner agree to the requirement for the contribution.

The purpose of contributions is to enhance or provide access to a significant natural heritage area.

The amount and nature of the contribution will be determined on the facts of each application with particular regard to the following factors, and agreed to by the applicant and landowner:

- c) The availability or potential availability of other access to the significant natural heritage area. Access that does not require financial contribution of land will be preferred and a financial contribution will only be considered when no other reasonable access is available.
- d) The minimum contribution of land required to provide safe access to the significant natural heritage area.
- e) The impact on the remainder of the site. A contribution will not be required if it would have a significant impact.

Financial Contributions to Offset Adverse Effects on Natural Heritage Values - Circumstances Imposed

Financial contributions of money or land (including easements) may be imposed on resource consent applications to offset an adverse effect of the activity on:

- a) significant indigenous vegetation
- b) significant habitats, outstanding natural features or landscapes
- c) water quality, wetlands or aquatic habitats; or
- d) the natural character of the coastal environment, lakes, rivers, wetlands and their margins.

Provided that:

- a) Discretion or control is reserved over financial contributions, natural heritage, or over the values identified in the overlays of Chapter C9 – Natural Heritage.
- b) All means of avoiding, mitigating or remedying adverse effects have been addressed.

C9.2 Esplanade Reserves/Strips – Conservation Protection and Public Access

C9.2.1 Introduction

The principal purposes of esplanade reserves, esplanade strips and access strips are for:

- a) protection of conservation values;
- b) enabling public access;
- c) enabling public recreation compatible with conservation values;
- d) catchment protection; and
- e) mitigation of natural hazards.

Much of the district's coastal land is in private ownership with limited public access at specific locations. It has been modified by the clearance of indigenous vegetation and the development of smaller communities, urban areas and port development. The margins of lakes and rivers have also been substantially modified by the clearance of vegetation, stop-banking and river control works and the planting of forestry. In most instances this has reduced the value of the river, lake or stream with respect to conservation, habitat protection or recreation opportunity.

Presently within the district, access to waterways is obtained by a number of mechanisms, including existing esplanade reserves, esplanade and access strips, marginal strips, legal roads (formed and unformed), across public land and by agreement with landowners.

The district has many waterways and areas of coast which are significant for recreation activities. The most significant recreational and conservation worthy waterways have been identified as strategically important in the Plan. The entire area of land in the Gisborne district that abuts the CMA has been identified as a priority when opportunity exists for conservation or gaining public access.

C9.2.2 Issues

1. Inadequate protection of the riparian areas of lakes, rivers and the coastal environment that have high conservation value results in loss of aquatic and terrestrial habitats and the natural functioning of water bodies and the inappropriate management of riparian areas.
2. Lack of public access to and along the riparian areas of lakes, rivers and the CMA results in a loss of amenity and recreational opportunity.
3. Recreation use that is incompatible with conservation values at the margins of rivers, lakes and the coastal environment results in a loss of conservation values.
4. A lack of public access to waterways to provide for the reasonably foreseeable needs of future generations.

C9.2.3 Objectives

1. Preservation of the natural character and protection of the riparian areas of lakes, rivers and the coast where appropriate.
2. The maintenance and enhancement of public access and recreation activity to and along the margins of rivers, lakes and the CMA that is compatible with conservation values.
3. Management of the riparian areas of rivers, lakes and CMA that promotes the avoidance, remedying and mitigating of adverse effects of land use on water quality.

Principal reasons:

- **Objectives 1-3** -The margins of water bodies often have high conservation values. These areas can contain different species and/or provide important feeding, resting or breeding areas. They can be of importance to the natural functioning of the water body or an essential part of both aquatic and terrestrial habitats.
- **Objective 2** - Water bodies and their margins may have high amenity values. The maintenance and enhancement of public access to and along rivers, lakes and wetlands and the CMA is considered a matter of national importance in the Act and was reflected in the consultation exercise with the community.
- The provisions of this Plan relating to esplanade reserves, esplanade strips and access strips are aimed at maintaining and enhancing public access to and along the CMA and the margins of rivers, lakes and streams, achieving the purposes of section 229 of the of the Act and ensuring the community's reasonable expectations of it are upheld.

C9.2.4 Policies

1. To provide for the preservation of the natural character of the margins of the district's rivers, lakes and the coastal environment and for the protection of the ecological and amenity values from inappropriate subdivision, use and development.
2. To provide for the acquisition of esplanade reserves or esplanade strips on subdivision or road closure in the rural, urban and township areas – including any applicable access strip – for the maintenance and enhancement of conservation values, public access and recreation to and along the district's CMA and strategically important rivers.
3. To provide for the creation of esplanade strips to and along the district's CMA and strategically important rivers.
4. Particular attention to the following criteria should guide but not limit the esplanade reserve / strip requirement on subdivision:
 - a) conservation value of the site;
 - b) the ability to obtain access onto and between existing reserves or strips;
 - c) public access to or along the CMA or any strategically important river or stream;
 - d) recreational opportunity.
5. In considering whether to create an esplanade strip instead of an esplanade reserve the following assessment matters shall be applied:
 - a) the extent to which the riverbank or coastal margin may or has the potential to change position due to erosion or deposition or permanent changes in the watercourse or water level;
 - b) the extent to which the retention of ownership of the land subject to the esplanade reserve by the adjoining landowner is necessary to maintain or promote the effective or efficient use of the adjoining land provided that the
 - c) purposes of the esplanade strip under section 229 of the Act will not be significantly diminished by the creation of any such esplanade strip;
 - d) the extent to which public access to the river or coastal margin is unlikely to be facilitated or promoted by the creation of an esplanade reserve.
6. To provide for the width of an esplanade reserve or esplanade strip required under general standards C9.2.6.1 (A) a) and b) and C9.2.6.1 (B) to be increased.
 - a) where outstanding conservation, or recreation value warrant an increase in the width of any such esplanade reserve or esplanade strip;
 - b) where the maintenance or enhancement of the natural functioning of the adjacent water body warrants an increase to protect bank or dune stability, water quality, control shading or for sediment control;
 - c) where access to an existing or potential future reserve or resource of outstanding natural features would be enhanced by an increased width;
 - d) where provision of access recognises and provides for the relationship of Māori and their culture and traditions.
7. To consider negotiating an agreement with landowners for an access strip under section 237B in place of an esplanade reserve or strip on land that is not subject to subdivision or where there is no "as of right" legislative ability to acquire esplanade reserves or strips.
8. To restrict public access along esplanade reserves/strips where priority has been given to significant conservation values.
9. In considering whether to grant a reduction in width or a waiver in respect of the requirement for an esplanade reserve or esplanade strip the following assessment matters shall be applied:
 - a) the extent to which any conservation values will be protected;

- b) whether a Queen Elizabeth II covenant is registered, or whether the Reserves Act 1977 or other protective mechanism exists in perpetuity;
 - c) the extent to which the natural functioning of the water body, water quality, land and water-based indigenous habitats and natural values associated with water margin will be affected by any reduction in the width, size or non-provision of
 - d) the reserve or strip;
 - e) the extent to which public access and recreational opportunity is reduced or removed;
 - f) the extent to which public safety issues associated with the waterway or risks from plant, machinery or structures outweigh the public benefit of acquiring the esplanade reserve or esplanade strip or maintaining the required width;
 - g) the extent to which public costs of provision and maintenance of an esplanade reserve or esplanade strip are greater than the benefit in respect of the esplanade reserve and esplanade strip requirements pursuant to section 229 of the Act;
 - h) where a reduction in the width could achieve the same purpose;
 - i) whether the esplanade reserve/esplanade strip requirement is the result of a subdivision which is an amalgamation of lots or a boundary adjustment where no additional lots are created.
10. To consider negotiating an agreement with landowners to obtain access to the margins of the CMA, lakes or rivers. The access could be implemented by way of financial contribution of land at subdivision, or by negotiating an easement section 237B of the Act.
11. To provide for the following water margins to be considered strategically important in the context of esplanade reserve and esplanade strip and access acquisition and negotiations:
- any part of or along the district's CMA;
 - Awatere River
 - Hamanatua Stream (mouth of stream up to and including Williamson Street/ Douglas Street intersection) and the length of river which is adjacent to the Residential Lifestyle Zone (Scarly's Way).
 - Hangaroa River
 - Karakatuwhero River
 - Karekare Stream and all tributaries
 - Karaua Stream from the sea to the State Highway (Main Road South)
 - Kopuawhara River
 - Koranga River
 - Mangapoike River
 - Maraetaha River
 - Mata River
 - Matokitoki Stream
 - Moanui Stream
 - Motu and all tributaries
 - Nuhaka River
 - Pakarae River
 - Ruakituri River
 - Raukokore River
 - Rereauira River
 - Ruatahanga River
 - Tapuaeroa River and tributaries
 - Taruheru River (rivermouth to Hansen Road)
 - Te Arai River
 - Turanganui River
 - Uawa River
 - Waiapu River
 - Waihuka River
 - Waikanae Stream
 - Waikohu River
 - Waikura River
 - Waimata River
 - Waingakia River
 - Waingata River
 - Waipaoa River
 - Waioeka River and all tributaries
 - Waitahaia River and tributaries
 - Waitangirua River
 - Whakarau River
 - Whangaparaoa River
 - Wharekahika River

- Wharekopae River

Principal reasons:

- **Policy 1** - The margins of water bodies often have high conservation values. These areas can contain different species and/or provide important feeding, resting or breeding areas. They can be of importance to the natural functioning of the water body or an essential part of both aquatic and terrestrial habitats.
- **Policy 2** - Due to the high level of recreation activity within the rural, urban and township areas it is considered appropriate that esplanade reserves are required in order to provide sustainably for public access, and recreational values where this is consistent with conservation values. The difference in the width requirement is largely a factor of population and recreational pressures on reserves in the urban and township areas as opposed to the rural areas.
- **Policy 3 and Policy 5** - In the district, esplanade reserves can disappear with erosion. Rarely do abutting esplanade reserves join uniformly. The legal process involved with an esplanade strip is less intensive and expensive with no survey necessary to define the existing natural boundary. The strip will achieve the purpose of the Act with substantially less burden on all parties.
- **Policy 4** - The management of riparian and coastal areas have a number of values and serve a variety of functions. Their management is of interest to private landowners and the public. There needs to be careful consideration regarding the values of these sites and their function. Not all values will be protected in every instance
- **Policy 6** - The provision for the securing of esplanade reserves and esplanade strips in excess of the required width is included to further maintain and enhance the development of esplanade areas which are of District and national importance.
- **Policy 7** - The Act allows for the creation of easements with the agreement of Council and the landowner. It may be appropriate to use this mechanism where an esplanade reserve or strip will not be acquired through subdivision.
- **Policy 8** - Where conservation values exist recreation activities will need to be compatible with these values. Activities or works should be restricted either where conservation values or recreation opportunity are high and coastline or river margin topography provides easy access to facilitate this. The conservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and the maintenance and enhancement of public access are matters of national importance.
- **Policy 9** -
 - The registration of a QEII covenant or other perpetual protection mechanism may under certain circumstances remove the need for an esplanade reserve or esplanade strip.
 - There may also be circumstances where other mechanisms such as rules existing elsewhere in the Plan may remove the necessity for the provision of the esplanade reserve or strip.
 - In considering the taking of esplanade reserves and strips the natural functioning of ecosystems could be a major factor in reaching a decision. It may not be desirable to remove public access or enjoyment unless there are sound ecological or other reasons for doing so.
 - Unless the esplanade reserve or esplanade strip fulfils the purposes of section 229 then a waiver should be granted.
 - A reduction in the width is warranted if the reduced esplanade reserve or esplanade strip will achieve the purposes of section 229 of the Act.
- **Policy 10** - Access to significant esplanade reserves or strips may in some circumstances be enhanced by the creation of access across private land to the area.
- **Policy 11** - The protection of conservation values is a matter of national importance (section 6 of the Act). The prioritising of areas where esplanade reserves/strips and access strips should be taken ensures that public funding is spent in areas where they are most required to achieve national planning policies. It also ensures that the use and enjoyment of privately owned land is not restricted unnecessarily. Criteria for consideration of strategically important rivers include the following:

- Actual or potential natural, scenic, amenity and recreational and public access values including fishery values, indigenous fish and their habitat, and the habitat of trout and ecological corridors for wildlife;
- The intensity of land uses, their proximity to watercourses and the actual or potential contamination from diffuse sources;
- Existing habitat including in-stream habitat and the importance of or extent of loss of existing vegetation and the ability to restore habitats where appropriate; and
- Existing water quality and the ability to restore water quality, where appropriate.

C9.2.5 Methods

Advocacy

1. Liaise with statutory organisations, tangata whenua and community groups with an interest in the resource to advocate sustainable land management practices to be undertaken along the margins of rivers lakes and the coastline.
2. Keep, maintain and make publicly available a register of esplanade strips, reserves and access strips.
3. Liaise with Gisborne District Council flood control staff, lessees and landowners in areas where river control works have been constructed and where public access is desirable.
4. Seek voluntary agreements with landowners where esplanade reserves, esplanade strips or access strips are identified as strategically important and there is no as of right legislative ability to acquire the site.

Economic Instruments

1. Negotiate and consider compensation to landowners where rivers, streams, and coastal riparian areas are strategically important or of outstanding significance or the land is required to be put into retirement to ensure its protection pursuant to the criteria of policy C9.2.4.6 of this Plan. Where subdivision or development occurs and there is no as-of-right legislative ability to acquire esplanade reserves or strips without compensation, Council will negotiate to have the land vested or set aside on a voluntary basis without compensation unless the conservation values, public access and recreational opportunity of the site are outstanding, in which case compensation shall be considered.
2. Seek voluntary agreements with landowners without compensation where esplanade strips and access strips are identified as strategically important and are on land not subject to subdivision or development unless the conservation values, public access and recreational opportunity of the site are outstanding in which case compensation shall be considered.
3. Seek voluntary agreements with tangata whenua without compensation where esplanade strips and access strips are identified as strategically important and are on Māori land. Where the conservation values, public access and recreational opportunity of the site are outstanding, compensation shall be considered.
4. In the following circumstances Council will seek and negotiate an esplanade reserve or esplanade strip in excess of the required width or an access strip:
 - a) to adequately protect outstanding natural features and conservation values;
 - b) to enable public access to and the use of locations of recreational value where there is a deficiency in the resource.
 - c) to adequately avoid or mitigate against the adverse effects of natural hazards.

Information/Research

1. Carry out research to assess the need for enhancement of public access to and along the coastal environment, rivers and lakes.
2. Carry out research to assess the need for enhancement of areas where conservation values are high.

3. Identify any further rivers that in the opinion of the Council are strategically important for conservation, public access and recreation use. In the context of this chapter “strategically important” means necessary for the protection of conservation value, maintenance and enhancement of public access and/or enabling recreation use.

Regulation

1. Rural planning maps identify esplanade reserves and esplanade strips with a boundary line on the adjacent coastal or river margin. They have been incorporated into the adjacent land use zone. Esplanade reserves are managed under the provisions of the Reserves Act 1977. Esplanade strips are protected by the instruments drawn up when the strip was created.
2. Urban and township planning maps identify or indicate:
 - a) Where access to and along the CMA, rivers lakes or streams is generally allowed by incorporating esplanade reserves, strips and access strips into the Amenity Reserve Zone.
 - b) Where access to and along the coastline, rivers lakes or streams is restricted by incorporating esplanade reserves, strips and access strips into the Heritage Reserve Zone.

Principal reasons:

Advocacy:

- **Methods 1-4** - Advocacy enables direct input into the identification and prioritising of locations that are important to the esplanade resource. It highlights Council policies and ensures that appropriate statutory and community groups consider them when they are planning or undertaking activities. The identification of areas where esplanade reserves, esplanade strips and access strips are required is a project where a number of interest groups need to be involved.

Economic instruments

- **Methods 1-4** - The securing of access strips or esplanade reserves and esplanade strips in excess of the required width or where there is no as-of-right legislative ability to acquire land for the esplanade resource is included to further maintain and enhance the development of esplanade areas which are of district and national importance. Access strips are an easement arrangement designed to obtain access from public places (eg. roads, recreation reserves) over private land to an esplanade reserve or strip. These can only be arranged through negotiation with the landowner and Council.

These instruments cannot be imposed as a condition of a resource consent. The option of compensation to landowners for esplanade reserves or esplanade strips where rivers, streams and coastal margins are of outstanding value ensures the possibility of protection balanced within community expectations and financial constraints.

Information and research

- **Methods 1-3** - Not all sensitive riparian and coastal areas have been identified. To ensure that Council has the opportunity to acquire those areas with conservation and recreation value that will rapidly experience degradation with inappropriate management, further research will be necessary. This may take place at the time the subdivision application is presented to the consenting authority but will not affect the outcome of that application.

Regulation

- **Method 1 & 2** - Different zones indicate the level of impact of activities on different values attached to the site. Public access is restricted where it is necessary to meet the purpose of section 229 of the Act. The difference in requirement is largely to do with the population and recreational pressures on reserves in the urban and township areas as opposed to the rural areas. Esplanade strips are instruments that leave the ownership of the riparian area in the hands of the property owner. In a rural region this may be desirable and the instrument created with the strip can protect both the public and the private property owner's rights. As a largely rural region this is a matter for consideration

C9.2.6 Rules for Esplanade Reserves

C9.2.6.1 General Standards

The following General Standards shall apply to the subdivision of land in all zones:

A. Subdivision in the Gisborne Urban Area and the district's Rural Township

- a) For any subdivision of land in the Gisborne urban area or the rural townships that results in the creation of an allotment of less than 4.0ha which abuts any part of or along the district's coastal marine area or any part of a river specified in General Standard C9.2.6.1(D) an esplanade reserve of not less than 20m shall be provided.
- b) For any subdivision of land in the Gisborne urban area or the rural townships that results in the creation of an allotment of 4ha or more which abuts any part of or along the district's coastal marine area or any part of a river specified in General Standard C9.2.6.1(D) an esplanade strip of not less than 10m shall be provided.
- c) For the purpose of determining the size of the allotment for the purpose of a) and b) the esplanade reserve shall be assumed to be included in the allotment.

B. Subdivisions outside of the Gisborne Urban Area and the district's Rural Townships

- a) For any subdivision of land outside of the Gisborne urban area and the district's rural townships that results in the creation of an allotment which abuts any part of or along the district's coastline or any part of a river specified in Rule C9.2.6.1D an esplanade strip of not less than 10m wide shall be provided.

C. Esplanade Reserves on Stopped Roads

- a) The requirement in section 345(3) of the Local Government Act 1974 to set aside stopped road as esplanade reserve shall be reduced to 0m in width where that road does not abut the district's Coastal Marine Area or a river specified in General Standard C9.2.6.1(D); and
- b) Where the stopped road is outside of the Gisborne urban area and district's rural townships an esplanade strip of 10m shall be required instead of a 20m esplanade reserve required under section 345(3) of the Local Government Act 1974.

D. Coastal marine area and list of specified rivers

- a) Rivers along which esplanade reserves or strips shall be provided:
 - Any part of, or along the district's Coastal Marine Area
 - Awatere River
 - Hamanatua Stream [mouth of stream up to and including Williamson Street/ Douglas Street intersection] and the length of river adjacent to the Residential Lifestyle Zone (Scarly's Way)
 - Hangaroa River
 - Karakatuwhero River
 - Karekare Stream and all tributaries
 - Karaua Stream from the sea to the state Highway (Main Road South)
 - Kopuawhara River
 - Koranga River
 - Mangapoike River
 - Maraetaha River
 - Mata River
 - Matokitoki Stream
 - Moanui Stream
 - Motu and all tributaries
 - Nuhaka River
 - Pakarae River
 - Ruakituri River
 - Raukokore River
 - Rereauira River
 - Ruatahanga River
 - Tapuaeroa River and tributaries
 - Taruheru River [rivermouth to Hansen Road]
 - Te Arai River
 - Turanganui river
 - Uawa River
 - Waiapu River
 - Waihuka River
 - Waikanae Stream
 - Waikohu River
 - Waikura River
 - Waimata River
 - Waingakia River

- Waingata River
- Waioeka River and all tributaries
- Waipaoa River
- Waitahaia River and all tributaries
- Waitangirua River
- Whakarau River
- Whangaparoa River
- Wharekahika River
- Wharekopae River

Rule Table C9.2.6

Rule Number	Rule	Zone/Overlay	Status	Permitted Activity Standards; Matters of Control or Discretion
Restricted Discretionary Activities				
9.2.6(1)	Subdivision that does not comply with General Standards C9.2.6.1 (A) and C9.2.6.1 (B)	All zones	Restricted Discretionary	<p>Council shall restrict its discretion to matter a) specified below:</p> <p>a) Esplanade Reserves and Strips</p> <ul style="list-style-type: none"> i. The creation of an esplanade strip instead of an esplanade reserve. ii. The width of any such esplanade reserve or strip. iii. The appropriateness of the creation of an access strip. iv. Conservation value of the site. v. Public access to or along the coastal marine area or any strategically important river. vi. The ability to gain access onto and between an existing or potential future reserve. vii. Recreational opportunity. viii. The waiver or part waiver of any such esplanade reserve or esplanade strip.

C9.2.7 Financial Contributions

Financial contributions for access to the margins of rivers, lakes and the CMA

Financial contributions of land – including easements – may be imposed on subdivision consent applications for access to the margins of rivers, lakes and the CMA.

Provided that:

- a) Discretion or control is reserved over financial contributions or over access to the margins of rivers, lakes and the CMA.
- b) The applicant and landowner agree to the requirement for the contribution.

The purpose of contributions is to enhance or provide access to the margins of rivers, lakes and the CMA.

The amount and nature of the contribution will be determined on the facts of each application with particular regard to the following factors:

- a) Whether there is existing public access along the margin of the river, lake or CMA. A financial contribution to access this public access will generally only be imposed when there is a significant area of public access along the margin of the river, lake or coastal marine area.
- b) The availability or potential availability of other access to the river, lake or CMA. Access that does not require financial contribution of land will be preferred and a financial contribution will only be considered when no other reasonable access is available.
- c) The minimum contribution of land required to provide safe access.
- d) Ongoing costs associated with obtaining the public access e.g. maintenance costs.

The impact on the remainder of the site. A contribution will not be required if it would have a significant impact.

C10 SUBDIVISION

C10 provisions are district plan provisions.



District Plan

Part C10 is operative.

C10.1 Subdivision

C10.1.1 Introduction

The RMA distinguishes subdivision as a category of activity distinct from land use activities. Subdivision and land use are closely related as the subdivision of land is usually embarked upon in anticipation of a particular land use proposal. The subdivision process will directly or indirectly involve the use of water, soil and land. Subdivisions should be undertaken in an environmentally sensitive way to ensure that the adverse effects resulting from the subsequent use and development are avoided, remedied or mitigated.

The process of subdivision relates to a number of chapters in the Tairāwhiti Plan as the process:

- a) provides an opportunity to conserve and manage natural features through the acquisition of esplanade reserves and strips;
- b) provides the ability to acquire esplanade reserves and strips to provide public access to and along waterways and the coast;
- c) has the ability to avoid or mitigate the effects of natural hazards;
- d) requires the assessment of the relationship between land use, site areas, site access onto roads, dimensions and related standards for buildings and surrounding space;
- e) requires the provision of essential services;
- f) may affect natural and cultural heritage values;
- g) implies a land use (any subdivision application will need to be tested against the rules contained in the relevant zone chapters); and
- h) often results in earthworks being required which can have an impact on natural ground levels, surface vegetation and groundwater.

It is not intended to repeat the rules in other chapters that exist and relate to subdivision.

C10.1.2 Issue

1. Subdivision gives rise to land use expectations which can have adverse environmental effects.

C10.1.3 Objectives

1. To enable subdivision provided that any consequent adverse environmental effects can be avoided, remedied or mitigated.
2. Subdivision is consistent with high quality urban environments. Subdivision should encourage a pattern of land use integrated with the provision of infrastructure to:
 - a) promote a high level of amenity value, especially in residential and commercial zones.
 - b) promote a safe and healthy urban environment.
 - c) encourage resource and energy efficiency.
 - d) avoid, remedy or mitigate adverse effects on the environment.

Principal reasons:

- **Objective 1 & 2** - Subdividing implies a consequent land use which can give rise to environmental effects. The consequent land use should be considered at the time of subdivision. Furthermore, the pattern of subdivision influences the future pattern of land use and supporting infrastructure. It is important that subdivisions encourage patterns of land use and supporting infrastructure that are consistent with promoting efficiency, a safe and healthy environment, a high level of amenity, while avoiding, remedying or mitigating adverse effects in the environment.

C10.1.4 Policies

1. When considering whether to grant consent or impose conditions in respect of any subdivision the Council shall have regard to the relevant policy contained in C2, C4, C7, C8, C9 as well as any relevant zone policy in addition to the following:
 - **Network Utility Infrastructure**
 - the potential adverse effects the subdivision activity may have on the ongoing operational maintenance, upgrading and protection requirements of any network utility infrastructure.
 - **Building Platform**
 - the ability to provide at least one stable building platform on each allotment whose formation does not cause or contribute to land instability.
2. When considering whether to grant consent or impose conditions in respect of any resource consent for a subdivision in the Rural Industrial A zone regard shall be given to:
 - The need for the area to develop as an integrated and efficient industrial precinct that specifically provides for small to medium sized industrial activities.
 - The extent to which the subdivision complies with the Roding Concept Plan in Appendix H11 **provided that**
 - a variation to the roading concept plan may be considered if the proposal enables the orderly development of a roading network to the entire area without compromising the integrity of the concept or requiring any site to obtain direct access to State Highway 35.
 - a) Where a proposed subdivision comprises sites of less than 1000m² area per site, then consideration shall be given to:
 - b) the ability of the utility network to cope with the increased density of development,
 - c) the potential cumulative effect on the operation of existing and provision of future infrastructure; and
 - d) Evaluate landscape provisions for the area at the time of subdivision and impose conditions relating to planting and landscape requirements for site frontages adjacent to State Highway 35 boundaries only to the extent necessary to remain consistent with Appendix H12.
 - e) To protect the safe and efficient operation of Gisborne Airport by ensuring that ground-based activities do not interfere with Airport and aircraft operations – including the use of navigation and communication devices.
3. Where a subdivision is located adjacent to or within an overlay identified in C3.14 – Coastal Environment Overlay or C9 – Natural Heritage, Council shall consider the following matters when assessing a resource consent for subdivision:

- a) the effect that the subdivision – including the effect of exotic flora and fauna may have on the values identified in C3.14 Coastal Environment Overlay or C9 – Natural Heritage;
- b) any measures to avoid, remedy or mitigate adverse effects on indigenous flora and fauna. Such measures may include – but are not limited to – buffer areas, fencing and covenants.

Note: The freshwater provisions of the Tairāwhiti Plan also apply.

Principal reasons:

- **Policy 1** - In relation to network utility infrastructure, certain utilities may require specific requirements to maintain its protection and integrity. Consultation and advice should be sought from the network utility operator to ascertain possible impacts and protection requirements.
- **Policy 2** - Council has identified this area in recognition of the limited availability of suitable land for small to medium industrial activities. This is a strategic decision for which consideration should be given at subdivision stage, to ensure the strategic provision of such land is not compromised, by any individual circumstance.
 - The roading concept plan indicates the links required between sites for the provision of essential vehicular access to the entire zone. Deviations from the concept are encouraged **provided that** the objective of connecting all sites via a roading network is achieved.
 - The design of utility infrastructure for the zone has been based on assumptions about the types and density of industrial development as well as the level of discharge each will contribute to the system at peak times.
 - To ensure that an integrated approach is taken to planting adjacent to the state highway, landscaping conditions will be imposed on subdivision consents. This will also encourage positive consideration of landscaping in subdivision design processes.
 - The potential for aircraft accidents increases near the airport. Ground-based activities in the proximity of the Airport must be compatible to maintain the efficient operation and safety of aircraft using Gisborne Airport and its air space corridors. Threats to aircraft operations arising from nearby ground-based activities may include intrusions into aircraft flight corridors by the height of structures, dust, smoke or birds, significant thermal disturbances or electronic interference to navigation aids (e.g. reflection from large metal structures).
- **Policy 3** - The use of the land may result in an increase of exotic flora and fauna, which may impact indigenous flora and fauna. The appropriateness of any planning controls will need to be assessed on a case-by-case basis. Policies contained in C3.14 and C9 give further guidance in relation to the subdivision of land within the Protection Management Area Overlay and Coastal Environment Overlay.

C10.1.5 Methods

Regulation

1. Rules

Principal reasons:

- **Method 1** - Rules are the principal means of obtaining compliance as there is no other suitable non-regulatory method. Rules will ensure that any potential adverse effects that could stem from the subdivision process are avoided, remedied or mitigated.

C10.1.6 Rules for Subdivisions

Note: Activities shall comply, where relevant, with the regional or district rules specified in C3.14 Coastal Environment Overlay, C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C9 Natural Heritage and C11.1 Signs.

Attention is drawn to the coastal and freshwater provisions of the Tairāwhiti Plan.

C10.1.6.1 General Standards

The following General Rules shall apply to all subdivision activities:

- A. a) Subdivisions shall comply with C2 – Built Environment, Infrastructure and Energy and C9.2 Esplanade Reserves/Strips.
- B. **Allotment Sizes and Dimensions**
 - a) Subdivisions shall comply with the rules for allotment sizes and shape factor and road frontage Requirements in C10.1, **provided that:**
 1. In Rural Productive and Rural Residential zones where an existing site used for farming purposes is occupied by more than one dwelling-house erected prior to 31 March 1987, and any of those dwelling houses, excluding at least one to remain on the site, is no longer required for farming the site, a new site may be created notwithstanding that the site does not meet the requirements in Figure C10.1, but subject to compliance with the following:
 - i. minimum area - 1000m²,
 - ii. maximum area - 2000m²,
 - iii. maximum shape factor and road frontage requirement. Every site shall be of such a shape as to contain a rectangle 13m x 18m without encroachment on to any yard,
 - iv. the new boundaries of the site to be created are to be so located as to ensure that the existing buildings conform with the requirements of the Plan.
 2. The rules for minimum allotment sizes and dimensions shall not apply to subdivisions for meteorological activities.

Zone	Minimum Net Area	Shape Factor and Road Frontage Requirements
Rural productive	8ha	Every site shall be capable of containing a rectangle of 100m x 200m.
Rural residential	1 hectare	Every site shall be capable of containing a rectangle of 50m x 80m.
Rural lifestyle (Glenelg Corner & Nelson Road)	5000m ²	Nil
Rural Lifestyle (Rest of Rural Lifestyle Zone)	5000m ² or Existing sites held as separate Certificates of Title as at 1 October 1982 and comprising less than 1 hectare may be subdivided once only to create one new allotment and a balance allotment each comprising at least 2000m ²	Nil
Rural General	1000m ²	Nil
Suburban Commercial (Reticulated) (Non-reticulated)	200m ² 1000m ²	6m minimum frontage 7.5m minimum frontage
Rural Commercial (Reticulated) (Non-reticulated)	200m ² 1000m ²	6m minimum frontage 7.5m minimum frontage

Residential dwellings Inner Residential Zone General Residential and Residential Protection Zones (reticulated) General Residential and Residential Protection Zones (non-reticulated) Residential Lifestyle Zone Taruhuru Subdivision Block All residential zones covered by a site caution layer	350m ² per unit or 280m ² per unit attached on one side to another unit or 250m ² per dwelling unit attached on two or more sides (including vertically). 400m ² per unit or 320m ² per unit attached on one side to another unit or 250m ² per dwelling unit attached on two or more sides (including vertically) 1000m ² per unit 3000m ² 800m ² per unit 1000m ² per unit	Nil Refer Rule C10.1.6(8)
Visitor Accommodation, associated buildings and activities (excluding licensed facilities for the public, camping grounds and motor camps) Inner Residential Zone All other zones	1000m ² 2000m ²	Nil Nil
Educational Institutions (including early learning and day care facilities for up to 20 children) All residential zones	1000m ²	Nil
Other Non-Residential Activities All residential zones	600m ²	Nil
Provision of sites for network utility operators All zones	No minimum site area for the site accommodating the network utility, provided that: <ul style="list-style-type: none"> The site is used exclusively for network utility activities; and The site / activity complies with the rules of Chapter 8 (Utilities); 	Nil
General Industrial	800m ²	Nil
Rural Industrial A zone	1000m ²	Nil
Rural Industrial B Zone	2ha	Nil
Aviation Commercial Zone	1000m ²	Nil
Inner and Amenity Commercial	200m ²	Minimum 6m street front
Fringe and Outer Commercial	1000m ²	Minimum 20m street front
Port and Reserve	No minimum provided that allotments are capable of accommodating a structure or activity which complies with the zone rules.	

Figure C10.1 – Standards for Allotment Sizes and Dimensions

Note: The Rural Productive Zone minimum site areas have been determined in consultation with industry groups, landowners, leaseholders and other interest groups. Further rural land fragmentation was clearly identified by stakeholders as being unsustainable. Section 32 material is available.

C. Building Platforms

- a) Every site that is intended to be used for any building shall contain a building platform that is stable and not affected by any potentially unstable land.

D. Existing Buildings

- a) Any new boundaries created by subdivision shall be located such that any existing buildings comply with the rules of the relevant zone and (where relevant) overlay; or that the appropriate resource consents have been obtained.

E. Boundary Adjustment

- a) Boundary adjustments shall not create any additional sites or reduce any site below the minimum subdivision size for the zone except where a single site is being created exclusively for a network utility service. This provision shall not apply where sites are to be amalgamated.

F. Easements

- a) The granting of a subdivision consent may include a condition requiring the reservation of a memorandum of easement in respect of any of the following:
 - i. the creation of right of way access to any allotment pursuant to section 321 of the Local Government Act 1974;
 - ii. the right to maintain shelter belts;
 - iii. the right in respect of a dominant tenement or easement in gross to lay, construct, erect, convey, discharge or maintain an underground or overhead water, electric power, telecommunications, gas, sewage, or stormwater service;
 - iv. the right to construct and maintain a party wall;
 - v. any other easement that the specific situation may require.
- b) For stormwater pipes, sewer pipes and water supply pipes that are to be vested in the Gisborne district Council, easement widths shall be the larger of:
 - i. a width equal to 1.5 times the depth to the invert level with the service laid in the centre, or
 - ii. a minimum of 3m with the service laid in the centre.

Rule Table C10.1.6

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Controlled Activities				
10.1.6(1)	Any subdivision (excluding subdivision in the Coastal Environment Overlay and Protection Management Area Overlay), which complies with the General Standards in this chapter	All zones	Controlled	<p>Council shall limit its control to the matters a) to f) specified below:</p> <ul style="list-style-type: none"> a) Suitability of building platform; b) Suitability of Infrastructure, works and services; c) The extent to which the amenity values of the surrounding areas are affected; d) Financial contributions; e) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter C9 - Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay); and f) In respect of any subdivision in the Rural Lifestyle Zone (Nelson Road) Council may exercise control over the reverse sensitivity effects of any rural lifestyle development in respect of any lawfully established agricultural activities and dog pound and cattery activities. This control may include the use of anti-complaint instruments and the requirement of planting trees acting as a buffer. <p>In the case of subdivisions to create sites of 250m² or less, for the purpose of exclusively accommodating network utility activities control is limited to financial contributions</p>
10.1.6(2)	<p>Any subdivision in the rural Industrial A zone which complies with the General Rules in this Chapter; provided that:</p> <ul style="list-style-type: none"> a) Landscaping shall be provided in accordance with Appendix H12 in respect of boundaries adjacent to a state highway or a rural zone. 	Rural Industrial A	Controlled	<p>Council shall limit its control to the matters a) to c) specified below:</p> <ul style="list-style-type: none"> a) Financial contributions; b) Provision for vehicular access across the site to be subdivided to either Aerodrome or MacDonald's Road for sites within the zone which otherwise only have frontage to State Highway 35; and c) Compatibility of the activity with maintenance of the efficient operation and safety of aircraft using Gisborne Airport and its air space corridors.
Restricted Discretionary Activities				
10.1.6(3)	Any subdivision, (excluding subdivision in the Coastal Environment Overlay and Protection Management Area Overlay),	All zones	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 zone rules; b) Health and safety;

	<p>which does not comply with the General Standards with respect to:</p> <ul style="list-style-type: none"> a) Allotment dimensions b) Street frontages c) Existing buildings d) Boundary adjustment e) Easements f) Financial contributions 			<ul style="list-style-type: none"> c) Amenity values; d) Access; e) Site function; f) Heritage values in the heritage alert layer; g) Financial contributions and bonds; h) Calculation of reserve contributions where an esplanade reserve is required for the subdivision; i) Any consequential impacts on network utility services; j) Effects on existing rural activities; and k) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter C9 – Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay). <p>Notification</p> <p>Subject to section 95A(3) and 95B(2) of the Act, an application for a restricted discretionary activity resource consent for subdivision in the Taruheru subdivision block under Rule 10.1.6(3) shall not be notified.</p>
10.1.6(4)	<p>Any subdivision in the Rural Industrial A zone which does not comply as a Controlled Activity in respect of:</p> <ul style="list-style-type: none"> a) Allotment dimensions (including allotment site size) b) Street frontages c) Existing buildings d) Boundary adjustment e) Easements f) Financial contributions g) Landscaping provision 	Rural Industrial A	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to g) specified below:</p> <ul style="list-style-type: none"> a) Provision of landscaping and site function; b) Health and safety; c) Enhancement of amenity values; d) Compliance with the intent of the Rooding Concept Plan; e) Financial contributions; f) Provision of network utility services and any cumulative impact on such provision; and g) Mitigation of flood risk.
10.1.6(5)	Subdivision of land in Waimata Riverbank Erosion Hazard Overlay	All zones	Restricted Discretionary	Council shall restrict its discretion to the matters a) to e) specified below:
10.1.6(6)	Subdivision of land in Site Caution Layer	All zones	Restricted Discretionary	<ul style="list-style-type: none"> a) Ensuring that activities do not cause or contribute to land instability; b) Financial contributions and bonds; c) Site function; d) Any consequential impacts on network utility services, including safe access to and from roads; and

				e) Any adverse effects of exotic flora and fauna on values identified in the overlays of C9 – Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay).
10.1.6(7)	Subdivision of land within the Citrus Grove Development Control Area; provided that: a) The floodway and minimum ground levels set out in Schedule G10 have been constructed or the applicant proposed to construct the floodway and minimum ground levels; or b) The subdivision is necessary to ensure cadastral boundaries align with the appropriate zone boundary prior to the floodway and minimum ground levels set out in Schedule G10 being achieved.	All zones	Restricted Discretionary	Council shall restrict its discretion to the matters a) to d) specified below: a) Flood hazard effects; b) The controlled activity criteria listed in Rule C10.1.6(1); c) The restricted activity criteria listed in Rule C10.1.6(3); d) Compatibility of the activity with maintenance of the efficient operation and safety of aircraft using Gisborne Airport and its space corridors.
10.1.6(8)	Subdivision within the Residential Lifestyle Zone (Scarly's Way); Provided that: a) The maximum number of lots is limited to 21; b) Adjoining multiple access legs to serve rear lots are not provided.	Residential Lifestyle Zone	Restricted Discretionary	Council shall restrict its discretion to the matters a) to c) specified below: a) The controlled activity criteria listed in Rule C10.1.6(1); b) The restricted activity criteria listed in Rule C10.1.6(3); and c) The design and integration of the lot boundaries within the rural context of the surrounding area and the implementation of mitigation measures to address amenity issues. Notification An application for a restricted discretionary activity resource consent for subdivision in the Residential Lifestyle Zone (Scarly's Way) under Rule 10.1.6(8) shall not be publicly notified and shall be considered without the approval of affected parties.
Discretionary Activities				
10.1.6(9)	Activities which do not comply with the General Standards and are not listed as Controlled or Restricted Discretionary activities	All zones	Discretionary	
10.1.6(10)	Subdivision in Coastal Hazard Overlay 3 (moderate risk area)	All zones	Discretionary	
10.1.6(11)	Subdivision in Coastal Hazard Overlay 4 (safety buffer area)	All zones	Discretionary	

10.1.6(12)	Subdivision in the Coastal Environment Overlay	All zones	Discretionary	
10.1.6(13)	Subdivision in the Protection Management Area Overlay	All zones	Discretionary	
Non-complying activities				
10.1.6(14)	Subdivision within the Citrus Grove Development Control Area when the floodway and minimum ground levels set out in Schedule G10 a) to c) have not been constructed and the applicant does not propose to construct the floodway and minimum ground levels.	Citrus Grove Development Control Area	Non-complying	
Prohibited Activities				
10.1.6(15)	Subdivision, except for adjustment of boundaries which will not create any additional housing sites, or for the creation of esplanade reserves in Makorori Hazard Overlay	All zones	Prohibited	
10.1.6(16)	Subdivision to enable new development to occur, except for the provision of esplanade reserves in Coastal Hazard Overlay 1 (Extreme Risk)	All zones	Prohibited	
10.1.6(17)	Subdivision for new commercial or residential development in Coastal Hazard Overlay 2 (High Risk Area)	All zones	Prohibited	

C11 GENERAL CONTROLS

C11 provisions are district plan provisions. The exception are the provisions for noise in the coastal environment, which are Regional Plan and Regional Coastal Plan provisions.



Regional Plan



Regional Coastal Plan



District Plan

Rule C11.2.15 for the Heritage Reserve Zone is proposed. The hearing of submissions has not yet been held and there are submissions outstanding in relation to the cone of vision.

The provisions for noise in the coastal environment C11.2.10 to C11.2.13 and C11.2.16 are proposed. They reflect Council's decisions on the provisions but have not yet been made operative.

The remainder of Part C11 is operative.

C11.1 Signs

C11.1.1 Introduction

Signs are necessary to enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. However any adverse effects of signs must be avoided, remedied or mitigated. The issues with regard to signage identified in the land (regional and district) provisions of the Tairāwhiti Plan include safety, access, and the maintenance and enhancement of amenity and heritage values.

The siting of signs is fundamental to both the effectiveness of a sign and matters of safety, access and amenity and heritage values. It is necessary to keep the scale and intensity of signs appropriate to the character of the local neighbourhood to maintain the amenity of the local environment. Signs located on sites other than the site to which they relate may, singularly or cumulatively, erode the amenity values and character of the vicinity in which they are erected, particularly in areas of high heritage or recreational value or where people generally pursue non-trading activities. In general, motorists anticipate more signage on roads with high volumes of traffic, and occupants on properties adjoining such roads may be more tolerant of signs for similar reasons.

C11.1.2 Issues

1. Inappropriate design (including clarity and conciseness), scale and location of signage may compromise road safety and efficiency by inhibiting driver visibility and obstructing pedestrian and vehicular traffic flows within the road reserve and distracting drivers.
2. Inappropriate design, scale and location of signage may adversely affect the amenity values and heritage values of the site and the surrounding environment.
3. The cumulative impact of signs on a site or on different sites in close proximity may adversely affect the amenity values of the surrounding environment.

C11.1.3 Objectives

1. Effective signage which does not compromise the safety and efficiency of the road transport network.
2. Signage that maintains or enhances the amenity values and heritage values of the environment in which such signage is located.

Principal reasons:

- **Objective 1** - The objective seeks to ensure that signage does not impinge on the safe and efficient functioning of the transport network as required by sections 5 and 7 of the RMA.

- **Objective 2** - The objective seeks to ensure that the scale, design and location of signage on any site reflects the character, amenity values and heritage values of the site, as required by sections 6 and 7 of the RMA.

C11.1.4 Policies

1. Manage the design, content and location of signage to ensure that signs do not either singularly or cumulatively restrict drivers' visibility, cause distraction, obstruct the pedestrian or vehicular traffic flows or adversely affect public safety.
2. Ensure that the illumination from signs does not adversely affect amenity values or distract drivers.
3. Ensure that signs are maintained and designed in a professional manner.
4. Ensure that signage will not adversely affect amenity values, natural heritage values and cultural heritage values of the area in which it is located, specifically:

Residential and Reserve Zones

- a) The intensity and scale of signage in residential zones should be limited so as not to detract from the domestic quality of the environment. Signs associated with non-residential activities in Residential zones should not detract from residential character.

Inner Commercial Zone and Amenity Commercial Zone

- a) Signs should be of an intensity and scale that implies a sense of vibrancy but which does not dominate the streetscape or the buildings to which signs are attached.
- b) Signs shall not detract from or obscure the architectural qualities of buildings.
 - o the scale and intensity of signs should be limited above verandah or first floor level, where architectural qualities of buildings are most expressed.
 - o signs that are affixed to buildings or verandahs should generally not project out from or above the buildings or verandahs, although small signs projecting perpendicular to a building's façade may be acceptable.
 - o signs should not cover or interrupt the architectural details of ornamentation of a building's façade, particularly above verandah level.
- c) The content and design of signs should not detract from heritage values, amenity values and sense of place.

Port Zones

- a) Signs should be located in a manner and of a scale and intensity that is consistent with the architectural qualities of the buildings to which they are affixed.
- b) Signs should be used to maintain or enhance the main entranceways into Gisborne city and the heart of the city centre and prominent locations in relation to tourist and recreational routes, including Lytton Road, Stanley Road, Grey Street, Customhouse Street, Awapuni Road, Gladstone Road and Main Road, Makaraka.
- c) Signs should not dominate the streetscape or otherwise adversely affect the character and amenity values of the surrounding environment, particularly with regard to views from principal or arterial roadway, residential zones, reserve zones, and areas where open space predominates.

Suburban and Rural Commercial Zones

- a) Signs should not dominate the streetscape.
- b) Signs should be located in a manner and of a scale and intensity that is consistent with the architectural qualities of the buildings to which they are affixed.
- c) The content and scale of signs should be consistent with the suburban and rural context.

- d) Signs should not adversely affect the character and amenity values of the surrounding environment, particularly with regard to residential zones, reserve zones, areas where open space predominates or other areas where amenity values are sensitive.

Rural Zones

- a) Signage in areas with natural heritage values, cultural heritage values or scenic significance should be limited and shall be of a scale, intensity and design that respects the values of the environment.
- b) The intensity and scale of signs should not detract from rural character.

Heritage Items listed in Schedule G4 or G5

- a) The location, intensity, design and content of signs attached to and in close proximity to heritage items should not detract from the heritage values of these items.
5. Enable the erection of signs that provide community information, including:
- a) matters of public health and safety;
 - b) the location of destinations, routes, distances and public facilities and the names of settlements, streets and features;
 - c) site characteristics or features of historical, cultural, spiritual, aesthetic, environmental, scenic or scientific significance;
 - d) recreation and access values and regulations.
6. Enable temporary erection of signs that do not adversely affect public safety, health or access, but may not otherwise comply with the rules of this Plan, to meet the social, cultural or economic needs of the community.

Principal reasons:

- **Policy 1** - Restrictions on the size, location, design and intensity of signs can help to ensure the efficient and safe operation of the roading network.
- **Policy 2** - Illuminated signs can increase the prominence of signs. However, if poorly located or designed, illuminated signs can adversely affect amenity values or create a hazard to vehicle movement and safety.
- **Policy 3** - Signs that are not designed and maintained appropriately can have an adverse effect on the visual amenity of the surrounding environment.
- **Policy 4** - Insensitively designed and located signs can impact upon heritage values and amenity values. Some areas are more sensitive to signs than other areas. Residential areas, reserves, open space areas and areas with cultural heritage, natural heritage and scenic values, the Inner Commercial Zone and Amenity Commercial zone are particularly sensitive to signs.
Industrial and Commercial environments are likely to be consistent with a wider range and greater intensity of signage. However even these locations the design, location, intensity of signs, and placement of signs is managed to protect areas of special amenity values or heritage values and the amenity values of adjoining areas. Signage is also managed along the entranceways to Gisborne city and adjacent to key recreational and tourist routes because the visual character and sense of identity in these areas are important for economic and social wellbeing.
- **Policy 5** - This policy provides for road safety and direction signs, public health signs, recreational and access regulatory signs and non-commercial signs giving information about the significance of a particular site.
- **Policy 6** - Where signs are erected for a limited duration until an event takes place, such as with real estate signs, provisions for temporary signs are necessary to balance their needs against the amenity values of the area. However the safety, health and access rules, standards and terms for signs would generally take precedence over social and economic provisions.

C11.1.5 Other Methods

Other Legislation

1. There are a number of pieces of legislation other than the RMA that control the design and display of signage

Note: Situations may arise in which Gisborne District Council bylaws conflict with Tairāwhiti Plan policies or rules. In such situations, Tairāwhiti Plan requirements override that of the bylaws.

Regulation

1. Rules:
 - a) Develop rules which identify and protect the amenity values and heritage values of the surrounding areas.
 - b) The zoning system will be used as a basis for implementing rules for signs.

Principal reasons:

Regulation

- **Method 1a** - To identify the circumstances in which inappropriate signs will impact on the significant amenity values and heritage values of these areas and avoid, remedy or mitigate adverse effects on these values.
- **Method 1b** - Different zones in which different activities take place have different amenity values. Greater provisions for signs may be allowed in areas where trading activities are anticipated, provided that the amenity values of the area are not compromised.

C11.1.6 Rules for Display of Signs

Note

Activities shall comply, where relevant, with the district or regional rules specified in C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C9 Natural Heritage. Permitted activities also require to comply with the rules for lighting and glare (C11.3.1).

C11.1.6.1 General Standards

The following General Standards shall apply to the display of signage identified as permitted activities:

A. Location

- a) Signage on land zoned residential, reserve or Rural Industrial A, shall be located on the site/s to which they relate.
- b) Signs shall not be located on or protrude above any ridgeline.
- c) Signs shall not restrict visibility to or from intersections and property access.

Note: Attention is drawn to the requirements of the New Zealand Transport Agency's "Road and Traffic Standards No. 6 Guidelines for Visibility at Driveways."

B. Content and Design

- a) Signs shall be maintained to a professional standard so that they do not adversely affect the visual amenity of the area.
- b) The design does not conflict or cause confusion with traffic signs or signals;
- c) Portable signs (excluding traffic signs) shall be a maximum of 700mm wide and 1m in height;
- d) The message shall be clear, concise and easy to read;
- e) The minimum lettering height shall be 120mm where the posted speed limit is less than 70 km/hr and 160mm where the posted speed limit is 70km/hr or greater;
- f) The sign shall not reflect light onto road users.

C. Duration of Display

- a) Temporary signs shall be removed no later than seven calendar days after the completion of the event or the activity to which they relate.
- b) Portable signs shall only be displayed during the business hours of the activity to which the sign relates.
- c) Permanent signs shall be removed when no longer required.

D. Signs in the Road Reserve

- a) Signs (excluding traffic signs) shall not be placed on the median strip or carriageway of any road.
- b) Signs (excluding traffic signs) shall not be placed in Council road reserve unless provided for by another rule.
- c) Portable signs (excluding traffic signs but including sandwich boards) shall only be located on the grass berm or, where there is no berm, portable signs shall be located no more than 400mm from the kerb.
- d) Signs (excluding traffic signs) shall not be placed in the State Highway Road Reserve where the posted speed limit is greater than 50 km/h.

Note

- Attention is drawn to New Zealand Transport Agency bylaws for Signs within the Road Reserve of State Highways, and any subsequent amendments.

E. Heritage

- a) Signs on sites containing an item identified in Schedule G4 and on sites identified in Schedule G5 as having cultural landscape or townscape value shall be located on the site to which they relate.
- b) Signs on sites containing an item identified in Schedule G4 or G5 and signs located in the road reserve directly adjacent to sites containing an item identified in Schedule G4 or G5 shall not obscure any architectural feature of the heritage item, including but not limited to windows, columns, mouldings, cornices and balustrades, except that signs on buildings identified in Schedule G4 or G5 may be located on ground floor windows if contained within the face of the windows.
- c) Signs affixed to the façade or a building identified in Schedule G4 or G5 shall not extend above the façade.
- d) Signs shall not be located on the roof of any building identified in Schedule G4 or G5.
- e) Signs shall not be located on the roof of a verandah associated with a building identified in Schedule G4 or G5.
- f) The following signs shall be deemed to comply with C11.1.6.1(E)(c):
 - i. signs attached at right angles to a building with a maximum sign face area of 0.72m² and not projecting out from the building by more than 1200mm.
 - ii. signs on the spandrel panel of a building and contained within the structural bay of the building, with a maximum sign face area of 3m².
 - iii. signs under a verandah and contained within the depth of the verandah, perpendicular to the building façade and not exceeding 600mm in height.

Rule Table C11.1.6 - All Zones

Excluding sites subject to Rule Table C11.1.7 – Fringe Commercial, Outer Commercial, Aviation Commercial, Port Management & Industrial Zones

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.1.6(1)	Community signs	All zones	Permitted	<ul style="list-style-type: none"> a) Maximum height of freestanding signs: 2.4m. b) Maximum sign face area: 3m² per face. c) Signs affixed to a building shall not protrude above the roofline. d) Signs in the Inner Commercial zone shall not be located above the verandah fascia and, for clarity, shall not be on the verandah roof. e) Signs in the Inner Commercial, Amenity Commercial, Residential, Reserve or Rural Industrial A zones shall be located on the site to which they relate.
11.1.6(2)	Temporary signs that advertise the intention to sell, lease or auction land or buildings	All zones	Permitted	<ul style="list-style-type: none"> a) Signs are located on the site to which they relate; b) Maximum sign face area: 0.6m² per face; and c) In the case of auctions, one sign per property with a maximum sign face area of 1.5m² per face.
11.1.6(3)	Temporary signs that advertise construction activities or the intention to subdivide and sell land	All zones	Permitted	<ul style="list-style-type: none"> a) Signs are located on the site to which they relate. b) Only one sign shall be displayed per road frontage.
11.1.6(4)	Temporary signs that advertise a forthcoming gala, sporting or other non-commercial public event	All zones	Permitted	<ul style="list-style-type: none"> a) Signs are located on the site to which they relate.
11.1.6(5)	Temporary signs that advertise an electoral candidate or party	All zones	Permitted	<ul style="list-style-type: none"> a) One sign per political party or independent candidate may be erected at any approved site identified in Appendix H27. b) Signs may be located on private property, with the owner's consent. c) Signs may be displayed a maximum of six weeks prior to the date of the election. d) Maximum sign face area: 3m² per face. e) Signs are to be constructed and installed in a manner which minimises any danger or damage to persons or property. <p><u>Note:</u> It is advised that prior to the display of signage on or adjacent to a state highway the written consent of New Zealand Transport Agency New Zealand must first be obtained.</p>
11.1.6(6)	Official Signs	All zones	Permitted	
Restricted Discretionary Activities				

11.1.6(7)	Signs listed as Permitted activities which do not comply with respect to: a) Maximum sign face area Provided that The activity shall comply with all other general standards specified for a permitted activity	All zones	Restricted discretionary	Council shall restrict its discretion to the matter a) specified below: a) maximum sign face area.
Discretionary Activities				
11.1.6(8)	Permanent signs located in any Natural Heritage Overlay and not provided for as Permitted or Restricted Discretionary activities.	All zones	Discretionary	
11.1.6(9)	Signs listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities.	All zones	Discretionary	
11.1.6(10)	Signs not specifically provided for as Permitted or Restricted Discretionary activities	All zones	Discretionary	

Rule Table C11.1.7 - Fringe Commercial, Outer Commercial, Aviation Commercial, Port Management & Industrial Zones

(Excluding sites fronting Lytton Road, Awapuni Road, Stanley Road, Grey Street, Customhouse Street, Gladstone Road between Derby Street and Cobden Street and Main Road Makaraka)

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.1.7(1)	Permanent and temporary signs	Fringe commercial, outer commercial, aviation commercial, port management and industrial zones	Permitted	a) Only one portable sign per road frontage may be displayed in the road reserve directly adjacent to the property to which the sign relates.
Restricted Discretionary Activities				
11.1.7(2)	Portable signs which do not comply as Permitted activities with respect to: a) Maximum sign face area b) Number of signs per road frontage Provided that the activity shall comply with all other general standards specified for a permitted activity	Fringe commercial, outer commercial, aviation commercial, port management and industrial zones	Restricted discretionary	Council shall restrict its discretion to the matter a) to b) specified below: a) Maximum sign face area b) Number of signs per road frontage
Discretionary Activities				
11.1.7(3)	Signs listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities.	Fringe commercial, outer commercial, aviation commercial, port management and industrial zones	Discretionary	
Non-complying Activities				
11.1.7(4)	Signs not specifically provided for as Permitted, Restricted Discretionary or Discretionary activities.	Fringe commercial, outer commercial, aviation commercial, port management and industrial zones	Non-Complying	

Rule Table C11.1.8 - Fringe Commercial, Outer Commercial & Industrial Zones

(Sites fronting Lytton Road, Awapuni Road, Stanley Road, Grey Street, Customhouse Street, Gladstone Road between Derby Street and Cobden Street and Main Road Makaraka)

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.1.8(1)	Permanent or temporary signs (excluding signs listed for all zones).	Fringe commercial, outer commercial or industrial	Permitted	<p>General</p> <ul style="list-style-type: none"> a) Permanent signs shall only be located on the site to which they relate. b) Signs shall not be placed on the roof of any building. c) Signs shall cover a maximum of 30% of the area of a building (including any associated verandah fascias) visible from any one location in a road reserve or other public place. <p>Signs affixed to building façade</p> <ul style="list-style-type: none"> a) Permanent signs shall not obscure windows, except that signs may be located on the face of ground floor windows if contained within the face of the windows. b) Signs shall not extend above the façade of the building. c) Signs protruding out from the façade of a building shall be limited to one sign per business or activity having a maximum sign face area of 1.44m² per face and extending at right angles to the façade. <p>Signs on verandah fascia</p> <ul style="list-style-type: none"> a) Signs shall be contained within the depth of the verandah fascia or shall have a maximum height of 600mm. b) Signs must be set back a minimum of 500mm from a vertical line extending upwards from the edge of any adjacent road carriageway. <p>Signs under verandahs</p> <ul style="list-style-type: none"> a) Signs under verandahs shall be erected in a manner which ensures that a distance of at least 2.4m is maintained between the footpath and the sign. <p>Signs on verandah roof</p> <ul style="list-style-type: none"> a) Signs on the verandah roof shall be limited to one sign per business or activity having a maximum sign face area of 1.44m² per face. <p>Signs not affixed to buildings or verandahs</p> <ul style="list-style-type: none"> a) Maximum sign face area (per face) = 3m² b) Maximum total sign face area of all signs visible from any one location in the road reserve = 6m² c) Maximum height of signs = 2.4m d) Freestanding signs shall be at least 4m distance from the kerbline. e) Portable signs (including sandwich boards) located in the road reserve shall be limited to one sign per road frontage for each business or activity.

Restricted Discretionary Activities				
11.1.8(2)	Signs which do not comply as Permitted activities with respect to: Permanent or temporary signs.	Fringe commercial, outer commercial or industrial	Restricted Discretionary	Council shall restrict its discretion to the matters a) to d) specified below: a) road safety b) amenity values c) heritage values d) cumulative effects
Discretionary Activities				
11.1.8(3)	Signs listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities.	Fringe commercial, outer commercial or industrial	Discretionary	
Non-complying Activities				
11.1.8(4)	Signs not specifically provided for as Permitted, Restricted Discretionary or Discretionary activities.	Fringe commercial, outer commercial or industrial	Non-Complying	

Rule Table C11.1.9 - Residential, Rural Commercial and Suburban Commercial Zones

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.1.9(1)	Permanent signs that identify the name of the property or building or business.	Residential, Rural Commercial, and Suburban Commercial Zones	Permitted	a) Signs are located on the site to which they relate. b) Maximum sign face area (per face), per road frontage: <ul style="list-style-type: none"> i. Residential zones = 1.0m² ii. Rural and suburban commercial zones = 1.5m².
11.1.9(2)	Permanent signs associated with retail activities in residential zones.	Residential, Rural Commercial, and Suburban Commercial Zones	Permitted	a) Signs are located on the site to which they relate. b) Signs shall only be located: <ul style="list-style-type: none"> i. on any part of a building front below verandah level; ii. on any wall of a building (excluding sites adjacent to a residential zone); iii. within the verandah fascia and shall have a maximum height of 600mm.
11.1.9(3)	Permanent signs associated with Permitted activities in Rural Commercial and Suburban Commercial zones.	Residential, Rural Commercial, and Suburban Commercial Zones	Permitted	a) Signs are located on the site to which they relate. b) Signs shall only be located: <ul style="list-style-type: none"> i. on any part of a building front below verandah level; ii. on any wall of a building provided that the written consent of adjoining property owners is obtained and submitted to the consent authority; iii. within the verandah fascia and shall have a maximum height of 600mm.
11.1.9(4)	Portable signs (including sandwich boards).	Residential, Rural Commercial, and Suburban Commercial Zones	Permitted	a) Signs are located on the site to which they relate. b) There is a maximum of one such sign per frontage.
Restricted Discretionary Activities				
11.1.9(5))	Signs which do not comply as Permitted activities with respect to: <ul style="list-style-type: none"> a) Maximum sign face area. Provided that the activity shall comply with all other rules specified for a permitted activity	Residential, Rural Commercial, and Suburban Commercial Zones	Restricted Discretionary	Council shall restrict its discretion to matter a) below: a) Maximum sign face area
Discretionary Activities				
11.1.9(6)	Permanent signs located in any Natural Heritage Overlay and not provided for	Residential, Rural Commercial, and	Discretionary	

	as Permitted or Restricted Discretionary activities.	Suburban Commercial Zones		
11.1.9(7)	Signs listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities.	Residential, Rural Commercial, and Suburban Commercial Zones	Discretionary	
Non-complying Activities				
11.1.9(8)	Signs not specifically provided for as Permitted, Restricted Discretionary or Discretionary activities.	Residential, Rural Commercial, and Suburban Commercial Zones	Non-Complying	

Rule Table C11.1.10 - Inner Commercial and Amenity Commercial Zones

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.1.10(1))	Permanent and temporary signs (excluding signs listed for all zones and permanent freestanding signs).	Inner commercial and amenity commercial zones	Permitted	<p>General</p> <ul style="list-style-type: none"> a) Permanent signs shall not obscure windows. b) Signs shall only be located on the site to which they relate. c) Unless otherwise specified, the height of signs shall be no greater than 75% of the height of the spandrel panel. <p>Signs above verandah level</p> <ul style="list-style-type: none"> a) Signs shall not be located on the verandah roof. b) No signs shall be located above the verandah fascia except the following: <ul style="list-style-type: none"> i. signs identifying activities located solely above ground level; having a maximum sign face area of 0.72m² per face; and limited to one sign per activity located solely above ground level; and located at right angles to the building and not projecting out from the building by more than 1200mm and not exceeding a width of 200mm; ii. one sign that identifies the name of the building and/or the date of construction and contained and attached to the building, within a structural bay of the building, having a maximum sign face area of 3m²; iii. signs located within the spandrel panel of the building and contained within a structural bay of the building, having a maximum sign face area of 3m². <p>Signs on verandah fascia</p> <ul style="list-style-type: none"> a) Signs shall be contained within the depth of the verandah fascia or shall have a maximum height of 600mm. <p>Signs under verandahs</p> <ul style="list-style-type: none"> a) Signs under verandahs shall be erected in a manner which ensures that a distance of at least 2.4m is maintained between the footpath and the sign. b) Signs shall be contained within the depth of the verandah, perpendicular to the building façade and shall not exceed 600mm in height. c) Signs shall be limited to one per business or activity. <p>Signs below verandah level</p> <ul style="list-style-type: none"> a) Portable signs (including sandwich boards) located in the road reserve shall be limited to one sign per road frontage for each business or activity. <p><i>Note: Refer to general standard C11.1.6.1(B) for content and design requirements. And Refer to general standard C11.1.6.1(D) for road reserve restrictions.</i></p>
Restricted Discretionary Activities				
11.1.10(2)	Signs which do not comply as Permitted activities with respect to:	Inner commercial and amenity	Restricted Discretionary	<p>Council shall restrict its discretion to matter a) below:</p> <ul style="list-style-type: none"> a) Maximum sign face area

	a) Maximum sign face area Provided that the activity shall comply with all other general rules specified for a permitted activity	commercial zones		
Discretionary Activities				
11.1.10(3)	Permanent signs located in any Natural Heritage Overlay and not provided for as Permitted or Restricted Discretionary activities.	Inner commercial and amenity commercial zones	Discretionary	
11.1.10(4)	Signs listed as permitted which do not comply with the rules and are not provided for as Restricted Discretionary Activities	Inner commercial and amenity commercial zones	Discretionary	
11.1.10(5)	Permanent freestanding signs and supporting structures which are 3m or less in height.	Inner commercial and amenity commercial zones	Discretionary	
Non-complying Activities				
11.1.10(6)	Permanent freestanding signs and supporting structures which are greater than 3m in height.	Inner commercial and amenity commercial zones	Non- Complying	
11.1.10(7)	Signs not specifically provided for as Permitted, Restricted Discretionary or Discretionary activities.	Inner commercial and amenity commercial zones	Non- Complying	

Rule Table C11.1.11 - Rural Zones

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.1.11(1)	Permanent and temporary signs (excluding signs listed for all zones),	Rural Zones	Permitted	<p>General</p> <p>a) Maximum height = 3m</p> <p>b) Maximum sign face area (per face) = 3m²</p> <p>c) On sites adjoining the state highway, only one permanent double-sided sign is permitted per site.</p> <p>Location</p> <p>a) Advertising signs or signs advising the name or use of a property on sites adjacent to a state highway shall be erected generally at right angles to the road frontage but angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare.</p> <p>b) Minimum distance between signs on the same site on site frontages adjacent to arterial (excluding state highways), principal or collector roads = 80m</p> <p>c) Signs on site frontages adjacent to minor roads shall be located on the site to which they relate.</p>
Restricted Discretionary Activities				
11.1.11(2)	<p>Signs which do not comply as Permitted activities with respect to:</p> <p>a) Height</p> <p>b) Maximum sign face area</p> <p>c) Location</p> <p>Provided that: that activity shall comply with all other general rules specified for a permitted activity</p>	Rural zone	Restricted Discretionary	<p>Council shall restrict its discretion to the matters a) – c) specified below:</p> <p>a) height</p> <p>b) maximum sign face area</p> <p>c) location</p>
Discretionary Activities				
11.1.11(3)	Permanent signs located in any Natural Heritage Overlay and not provided for as Permitted or Restricted Discretionary activities.	Rural zone	Discretionary	
11.1.11(4)	Signs listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary Activities.	Rural zone	Discretionary	

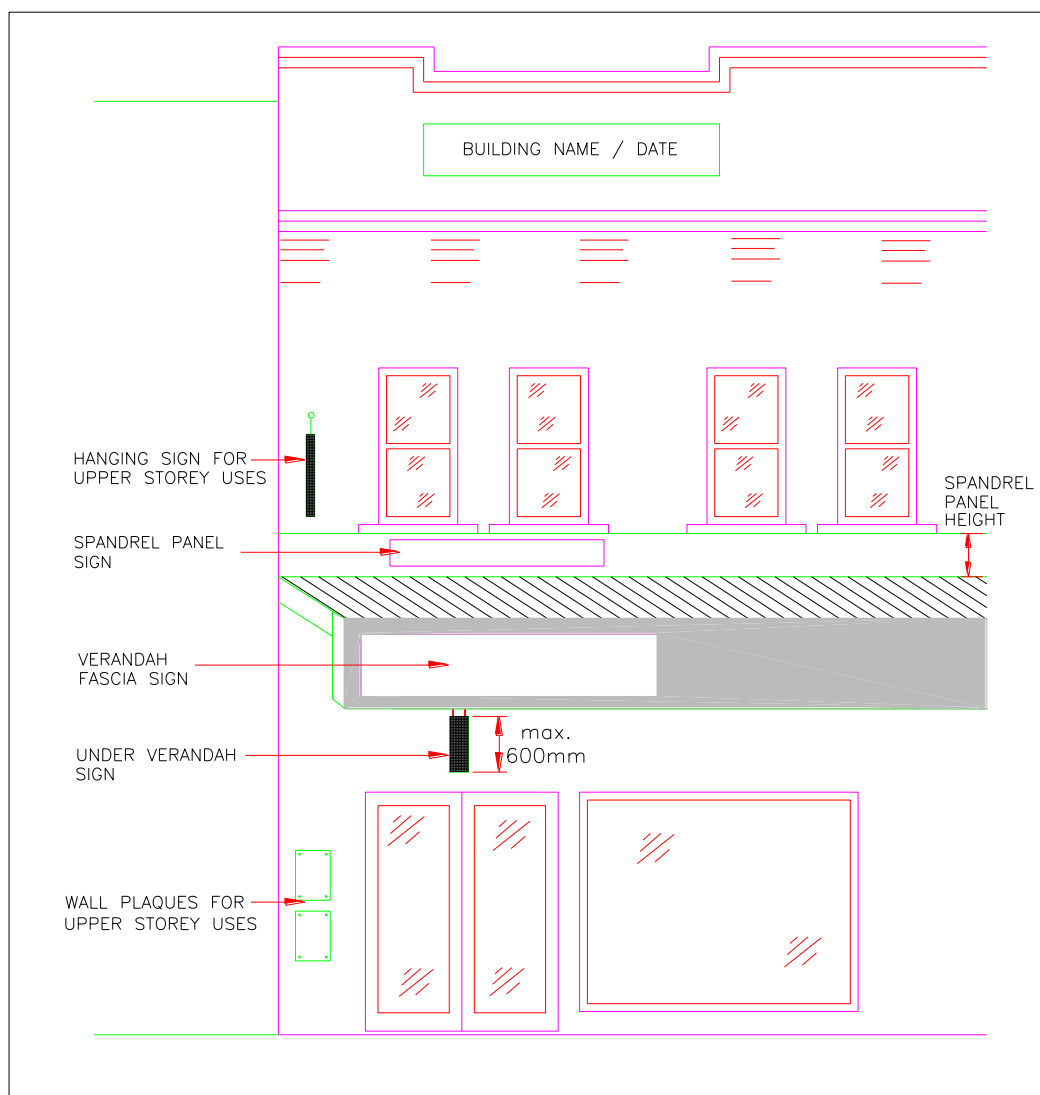


Figure C11.1 – Concepts for placement of signs (Inner commercial zones)

C11.2 Noise and Vibration

C11.2.1 Structure of this chapter

Noise and vibration occurs throughout the Gisborne district. For the purposes of clarity, the provisions controlling these effects will be divided into the following categories:

- a) noise and vibration provisions for all zones throughout the Gisborne district;
- b) noise provisions for transportation (land and air); and
- c) noise provisions for the coastal environment.

This chapter includes rules for noise and vibration and details regarding assessment of these effects. Rules for zone-specific activities which generate noise are not included in this chapter. They are instead addressed in the respective zone chapters to which the activity relates. Under the Act, the definition of noise includes vibration.

C11.2.2 Introduction

Noise and vibration are effects that have the ability to move beyond the boundary of the site of emission and impact on other areas, sometimes adversely. Noise or the type or level of noise is an important component of the character an area and the level of noise occurring in the proximity of a particular site may significantly alter the amenity of the site or impact upon human health.

C11.2.3 Issues

1. The community's health, safety and well-being may be adversely affected by noise and vibration.
2. Inappropriate noise and vibration emissions may adversely impact on the amenity and character of the zone that is being affected.

C11.2.4 Objectives for Noise and Vibrations

1. To enable noise and vibration at levels which do not have an adverse effect on human health.
2. An acoustic environment within each zone that is compatible with the character of the area.

Principal reasons:

- **Objective 1** - Noise has the potential to adversely impact upon the community if it is not adequately controlled. Maintaining an environment in which noise does not adversely impact on people's health and safety is therefore necessary.
- **Objective 2** - Zoning has been used throughout the district to identify areas where varying levels and types of effects are expected to occur and to ensure that adverse effects do not inappropriately affect the environment. There are expectations for each zoning as to the level and types of effects with respect to noise based on acceptable levels for their differing sensitivity to adverse effects.

C11.2.5 Policies for Noise including Vibrations

1. To ensure that noise emissions are contained at levels or in locations in a manner which provides for the health and safety of individuals and the community.
2. To maintain noise at limits that reflect the amenity values and character associated with the locality in which the noise is having an effect.
3. To maintain the character and amenity values of the rural zones with respect to noise, without unduly restricting farming activities. Noise limits for noise received by occupants of rural dwellings will be set to avoid restrictions on farming activities, where such farming activities adopt the best practicable option.

4. In assessing applications for resource consents in respect of noise, requirements for designations or modification to designations to exceed noise standards, consideration shall be given to the following factors:
 - a) the impact the noise will have on individuals and communities' health and safety, in particular the effects of night time sleep interference such as through awakening by startle effect, difficulty getting to sleep or disturbed sleep patterns
 - b) the character and amenity of the areas which will be affected by noise emissions, and the appropriateness of the noise for that area;
 - c) in the case of reserves, any Reserve Management Plan which is developed for the reserve;
 - d) the extent that the characteristics of noise emitted contribute to the adverse effects of emission such as:
 - o the level of noise,
 - o the duration, number and timing of events throughout the 24 hour day or over a year when the noise limit is exceeded,
 - o the characteristics of the location in which noise will impact including the background noise levels in this area (L95) and stipulated standards for noise in the Plan,
 - o noise characteristics – including but not limited to – the frequency, tone, impulse and spectrum of noise,
 - o the cumulative effect that the noise has on background (L95) of the area.
5. To manage noise on reserves in a manner which reflects both the amenity of the reserve and the character of the surrounding landscape in recognition of the diversity of situations in which reserves are located.
6. When assessing applications for resource consents, requirements for designations or modification to designations where:
 - a) internal noise standards for residential dwellings are contravened; or
 - b) visitor accommodation, camp grounds and motor camps, hospitals, health and medical centres, residential care housing, education institutions and structures for the purposes of, or activities involving public assembly (excluding structures required for airport activities are described in the conditions of the designation) occur in the Noise Impact Overlay;
 - o consideration shall include but not be limited to the following factors,
 - o the characteristics of the noise experienced (on the site to which the activity relates) and the extent that noise adversely impacts upon the activity for which consent is sought,
 - o exacerbates the background noise levels,
 - o whether, and the extent to which, the activity for which consent is sought,
 - o whether the potential adverse effects of noise will be confined to the site for which the activity relates.

Principal reasons:

- **Policy 1** - Noise emitting activities must be undertaken in a sustainable manner. People's health and safety is an important aspect that must be provided for when undertaking a range of activities.
- **Policy 2** - Zoning provides a useful tool to contain noise in areas where adverse effects may be avoided, remedied or mitigated to the extent required. Zones have been identified according to their sensitivity to effects. Any noise emitted should occur in a manner which maintains the values of the zones.
- **Policy 3** - The bulk of rural land is not affected by noise limits so farming activities should be largely unrestricted. Noise controls apply only in proximity to rural dwellings or at residential zone boundaries. Noise from farming activities of a limited duration, such as harvesting, which are operated no louder than necessary are exempt from the noise limits.

- **Policy 4** - This policy contains criteria to be considered during the assessment of resource consent applications and designations. It allows site-specific consideration for each application. This policy will guide decisions on applications in addition to the guidance given in the Act and other statutory plans.
- **Policy 5** - Although neighbourhood reserves are always located within residential zones, amenity and recreation reserves are situated across the district throughout a range of zones. Rules for noise for these areas therefore need to accommodate the varying sensitivity of these areas to the effects of noise.
- **Policy 6** - Noise-sensitive activities may be located within a noisy environment. This policy gives guidance for assessment of consent applications in these circumstances. Perception of the extent to which adverse effects of noise are considered to be occurring should be included as an aspect of the consent application assessment.

C11.2.6 Transport Noise

The transportation network is an important physical resource which provides for people's social, economic and cultural wellbeing. However land and air transportation may cause adverse effects on public health and safety or alter the character or amenity of an area in which noise is being emitted. The generation of land-based transportation noise is generally associated with the roading network. The traffic characteristics, the proximity to residential areas and the zones through which the roads traverse will determine the level of adverse effects which occur. Heavy trucks operating in a residential area, for example, will potentially have a greater adverse effect than trucks travelling through an industrial area.

Air transport noise is concentrated around arrival and departure sites (airports, airfields and helipads) and along flight paths. The effects of noise generated from these areas on the surrounding environment varies due to the difference in scale of the operations and the location in which the activity is situated. It is necessary that the operations of the airport are undertaken in a manner which provides for the safe operation of the airport, field or helipad and addresses the adverse effects of noise on the area, including impacts upon human health and amenity.

New activities, which are sensitive to the effects of noise may wish to locate in the vicinity of transport centres. This is often referred to as "reverse sensitivity". This occurrence may result in demands on the transport operators to change or curtail their existing activities.

The operation of vehicles to control the levels of noise emitted is addressed in other legislation. Unreasonable noise provisions also applies to land-based activities by requiring that the best practicable option is used to ensure that noise emitted does not exceed an unreasonable level.

C11.2.7 Issues

1. Public health and safety may be compromised as a result of noise generated by land and air transportation activities. Location of noise sensitive activities (such as residential) in close proximity to traffic networks or airports may also result in adverse effects.
2. Noise generated from the road network has the potential to impact upon the amenity values of the zones through which roads are established.
3. Aircraft operations are characteristically noisy and activities may adversely affect a wide area, in particular sites in close proximity to arrival and departure points.

C11.2.8 Objectives for Transport Noise

1. Mitigation of the adverse effects on residential sites of traffic noise generated by vehicles using the roading network.
2. The safe and efficient operation of the airports, airfields, heliports and helipads in a manner in which any adverse effects of noise on the environment is avoided, remedied or mitigated.

Principal reasons:

- **Objective 1** - For properties already located adjacent to busy roading networks, the avoidance or remediation of the effects of traffic noise is not possible. Mitigation of the adverse effects of noise is therefore required. Avoidance of traffic noise is not generally possible, although options exist for reducing noise levels generated through the use of alternative roading design.
- **Objective 2** - Maintaining continuing operational capability of existing air operations in a manner which addresses adverse effects of noise is required. The establishment of new operations must also be performed in an appropriate manner so that the viability of the operations and the adverse effects of noise are addressed.

C11.2.9 Policies for Transport Noise

1. To require new residential development on front sites adjacent to arterial roads or within the Airport Noise Impact Overlay be constructed in a manner which mitigates the adverse effects of noise from the roading network or the airport operation.
2. To address the adverse effects of traffic noise, when making alteration to the roading network (such as development of new roads or alteration to the roading hierarchy) consideration of the following criteria may be used:
 - a) adopting measures which assist in the reduction of creation of noise such as through design of roads, and use of alternative roading materials and surfaces during construction which lessen noise generation,
 - b) evaluation of alternative routes,
 - c) adopting measures to mitigate the adverse effects of noise such as through the use of screening, evaluation or other noise barriers.
3. Noise-sensitive activities may only be established in the Noise Impact Overlay area if they are insulated to ensure that the potential adverse effects of noise, from airport operations, would not adversely affect the health of occupants.
4. When considering applications for resource consents, designations or modifications to designations to construct or modify an airport, airfield, heliport or helipad, regard shall be had to the following factors:
 - a) the impact the noise will have on people and communities' health and safety – in particular regard should be had for the adverse effects of night time sleep interference;
 - b) the character and amenity of the areas which will be affected by noise emissions – including the background noise (L95) of the location in which the aircraft will be arriving or departing;
 - c) provisions of the appropriate New Zealand Standards developed by Standards Association of New Zealand for the purposes of management of noise;
 - d) the adverse effect of the characteristics of noise emitted such as:
 - o the level of noise to be emitted;
 - o the noise characteristics – including but not limited to– the frequency, tone, impulse and spectrum of noise and type of craft used,
 - o the frequency and timing of flights, and the duration of aircraft activities,
 - o flight paths, including the height and direction of any manoeuvres and ground and air space required for emergency procedures

Principal reasons:

- **Policy 1** - For established areas, the avoidance and remediation of adverse effects of noise is not a possibility. Adverse effects of traffic noise on new houses will therefore need to be mitigated through acoustic insulation.

- **Policy 2** - During construction of new roads or modification to existing roads, consideration should be given to the manner in which these developments occur with respect to the effect of the level of noise generated by traffic. Road design also complements other measures adopted to address noise effects.
- **Policy 3** - Consideration must be given to the airport with regard to the potential effect (reverse sensitivity) caused by poor location of noise sensitive activities.
- **Policy 4** - These criteria give guidance for assessment of applications and designations. Criteria include consideration of aspects and characteristics of noise which contribute to the adverse effects of noise. New Zealand Standards for noise are generally based around volume control. This policy allows wider consideration of characteristics of noise.

C11.2.10 Noise in Coastal Environment

The emission of noise in the Coastal Environment does not typically result in significant adverse effects to values associated with that environment. Exposed coasts are common throughout the region and are often dominated by natural background noise and, in most instances, noise has no long-term adverse effects on them. Noise is an issue when it threatens people's appreciation of the natural character of the CMA, or when it adversely affects values in the CMA that are sensitive to noise (wildlife for example). Excessive noise can diminish the amenity of the Coastal Environment and, taken to a real excess, can impact upon the health of people and ecosystems.

C11.2.11 Issues for Noise in the Coastal Environment

1. The adverse effects of noise are often an unavoidable by-product of activities located in the CMA. The effects of noise are highly dependent on the values of a given location, and change over time.

C11.2.12 Objectives for Noise in Coastal Environment

1. No interference with the peace, comfort or convenience of people in the Coastal Environment as a consequence of noise emanating from the CMA.
2. The management of space within the CMA to accommodate activities which create significant noise as a consequence of their operational requirements.
3. The avoidance of the effects of noise on sensitive ecosystems.

Principal reasons:

- **Objective 1** - The perception of people in the Coastal Environment of that environment reflect its amenity. This objective is required in order to provide recognition of an important adverse effect on excessive noise. This objective is consistent with the NZCPS.
- **Objective 2** - Providing for the management of necessarily noisy activities is consistent with sustainable management if the adverse effects can be avoided, remedied or mitigated.
- **Objective 3** - Noise may adversely affect sensitive ecosystems - such as breeding or roosting birds or mammals. It is important to avoid adversely affecting these ecosystems to preserve natural character.

C11.2.13 Policies for Noise in Coastal Environment

1. To ensure that activities located within the CMA do not create noise emissions which exceed standards set landward of the Mean High Water Spring mark.
2. To recognise that some activities, especially those associated within the Port Management Area, create noise and to manage the effects of this noise with regard to the operational requirements of ports.

3. Where doubt arises as to the ability of a proposed activity to comply with the noise performance standards to require applicants for resource consents to supply an acoustic design certificate from a qualified acoustic consultant demonstrating that the performance standards will be met.
4. Where noise may disrupt or have an adverse effect on significant habitats of indigenous fauna to require adequate measures be taken to avoid the adverse effect.
5. Noise Levels in the CMA shall be measured and assessed in accordance with the requirements of New Zealand Standards NZS6801:1991 "Measurement of Sound" and NZS6802:1991 "Assessment of Environmental Sound".
6. Construction noise arising from any activity in the CMA shall meet the limits recommended in, and be measured and assessed in accordance with, New Zealand Standard NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

Principal reasons:

- **Policy 1** - *There are well established standards for maintaining a healthy human environment. It is appropriate to utilise these standards as the main regulatory tool for activities located in the CMA as standards seaward of MHWS are likely to be very difficult to monitor.*
- **Policy 2** - *In a port management area, or adjacent to any industrial type activity noise is likely to be a problem for occupiers that are sensitive to it. This policy is necessary to direct such sensitive occupiers away from these areas.*
- **Policy 3** - *In circumstances where noise has the potential to create significant adverse effects it may be appropriate to require professional assessment of that noise. This policy is needed to ensure that the risk associated with a project is minimised.*
- **Policy 4** - *This policy is needed to ensure that natural values are assessed and had regard to.*
- **Policy 5 & 6** - *These policies are required to maintain consistency with national standards.*

C11.2.14 Methods

Advocacy

1. Council will develop guidelines or codes of practice and provide information to the public advising how rules for noise may be met. The manner in which noise emissions with special audible characteristics, such as tonality or impulsiveness, which cause adverse effects, may be managed will also be addressed.
2. To provide information and advice to encourage and support the development of a Gisborne Field Airport Management Plan. This Plan should assist the airport authority in managing the use of the Airport in a manner consistent with the provisions of this Plan and the requirements of the Act.
3. Encourage compliance with the appropriate industry protocols, voluntary guidelines and codes of practice for farming operations.

Information Provision

1. To develop and make available to interested members of the public information regarding measures which may be used to mitigate the adverse effects of traffic and airport noise on residential amenity and internal noise levels.

Regulation

1. An air noise boundary and outer control boundary will be established around the Gisborne Airport in accordance with NZS 6805:1992 "Airport Noise Management and Land Use Planning" and district rules controlling residential development and land use within these areas will be developed. These boundaries will act as an overlay with the existing zoning provisions retained and overlay specific rules developed as appropriate.

2. Rules

- a) District rules will be developed to manage the effects of noise and vibration for each of the generic zones identified.
- b) District rules will be developed to address the adverse effects of the arterial roading network and airport noise on new residential dwellings.

3. Zones will be used as a tool for the setting of noise and vibration rules. The following groupings will be used when establishing rules:

Generic Zone Referred to	Zones Included in this Grouping
Residential	General Residential, Inner Residential, Residential Protection
Industrial	General Industrial, Rural Industrial A and Rural Industrial B
Port	Port Management A, B, C & Cook "Cone of Vision"
Commercial	Inner Commercial, Amenity Commercial, Fringe Commercial, Outer
Suburban Commercial	Suburban Commercial
Rural	Rural Residential, Rural Production, Rural General, Rural Lifestyle
Amenity	Amenity Reserves
Heritage	Heritage Reserves
Neighbourhood	Neighbourhood Reserves
Recreation	Recreation Reserves

Figure C11.2 – Generic Zone Categories

Road Hierarchy

1. The roading hierarchy will be utilised as a method to identify areas where residential amenity may be adversely affected by traffic noise emitted from the road network.

Multi-disciplinary Approach

1. Establishment of a consultative committee in Council – including members able to offer expertise in engineering, environmental health and planning – will be undertaken. The purpose of this committee is to annually review and report on the roading hierarchy measures to mitigate adverse effects of noise based on criteria such as traffic characteristics, including total flows and proportions of heavy traffic, traffic growth projections, proposed network changes, noise levels and state highway planning.

Principal reasons:

Advocacy

- **Method 1** - It is possible that new or evolving activities may result in new noise issues emerging and Council may choose to provide information to the public regarding how adverse effects may be avoided, remedied or mitigated.
- **Method 2** - The development of a management plan for the airport would assist in the avoidance or mitigation of adverse effects of airport operations on people in the vicinity of the airport who are affected by noise and also provide guidance for future decisions.

- **Method 3** - Adherence to industrial protocols and guidelines will help to achieve sustainable management. However, such documents are best referred to outside the Tairāwhiti Plan.

Information Provision

- **Method 1** - Mitigating the effects of noise through the use of acoustic insulation may be achieved by utilising specific building materials and techniques. Council will provide this information to people on request to assist in compliance with rules regarding insulation of new residential homes.

Regulation

- **Method 1** - Rules and the establishment of air noise and outer control boundaries are required to provide clarity and certainty regarding the mitigation of adverse effects of transportation noise on the health and safety of people.
- **Method 2** - Rules are required to give guidance and certainty as to the level of noise expected for each zone and to establish requirements for residential dwellings affected by transportation noise.
- **Method 3** - Zoning provides a useful tool to contain noise in areas where adverse effects may be avoided, remedied or mitigated to the extent required. Categorising zones throughout the district into ten generic groupings is undertaken because the adverse effects of noise on these areas are comparable and should therefore be managed in a consistent manner.

Road Hierarchy

- **Method 1** - The adverse effects of traffic noise on residential dwellings are based upon road utilisation. The roading hierarchy is a method to identify which roads require noise mitigation rules.

Multi-disciplinary approach

- **Method 1** - Many factors contribute to the levels of noise emitted from a particular road. Traffic flow and roading use is dynamic and changes to the roading hierarchy may be required. These changes should be done in a manner in which consideration is given to a range of traffic, environmental health and planning considerations on a regular basis.

C11.2.15 Rules for Noise

C11.2.15.1 General Rules and Standards for Permitted Activities

Note: These rules do not apply to noise associated with plantation forestry activities regulated under the Resource Management (National Environmental standards for Plantation Forestry) Regulations 2017. Regulation 98 and 99 of those regulations apply to noise associated with plantation forestry activities and prevail over the rules and Standards in this chapter.

Note: Because of the designation status of Gisborne Airport, and the special provisions stated in Appendix H2 relating to airport noise, airport activities undertaken on land identified in the planning maps as Dg4 (Gisborne Airport) are exempt from Rules in C11.2.15.1.

The following general rules shall apply to all permitted activities with respect to noise (excluding vibration):

A All Zones

1. At any boundary where the zones differ, the appropriate noise limit shall be the lowest average maximum noise level (L10) permitted by either zone.
2. Outdoor activities associated with educational institutions conducted on the site of the institutions between 7am and 9pm shall not exceed a maximum of the noise standard at the boundary of the zone in which it is being received, increased numerically by 10dBA.
3. Noise associated with emergency warning devices used by emergency services shall be exempt from all rules contained in C11.2.15.1.

B Residential and Neighbourhood Reserve Zones

1. The average maximum noise level (L10) and maximum noise level (Lmax) as measured at or within the boundary of any site zoned residential or at, or within the boundary of any site zoned Neighbourhood Reserve shall not exceed the following limits:

Residential Zones and Neighbourhood Reserves	Monday to Saturday				Sundays and Public Holidays			
	AVERAGE MAXIMUM NOISE LEVEL (L 10) dBA			(Lmax) dBA	(L 10) dBA			(Lmax) dBA
	day 7am-6pm	evening 6pm-10pm	night 10pm-7am	night 10pm-7am	day 7am-6pm	evening 6pm-10pm	night 10pm-7am	night 10pm-7am
Front sites adjacent to arterial, principal roads, front and rear sites adjacent to railway lines or commercial or industrial zones	55	50	45	70	50	45	45	70
All other sites	55	45	40	65	45	45	40	65

Figure C11.3 – Standards for Noise in the Residential and Neighbourhood Reserves Zones

2. Awapuni Road

- a) Any new residential dwelling erected or re-erected on sites specified in Appendix H28 shall comply with rules specified in Figure C11.5 below.

C Industrial, Port, Commercial, Inner Residential and Suburban Commercial zones

1. The average maximum noise level (L10) as measured at or within the boundary of any industrial, port, commercial or Suburban Commercial zone shall not exceed the following limits:

Generic Zone	AVERAGE MAXIMUM NOISE LEVEL (L10) dBA at all times
Industrial and Port	75
Commercial	70
Suburban Commercial	65

Figure C11.4 – Standards for Noise in the Industrial, Port, Commercial and Suburban Commercial Zones

2. Where buildings for permanent residential and visitor accommodation are permitted in industrial, port, commercial, Inner Residential or Suburban Commercial zones, the developer shall design and construct the building so as to comply with the following internal noise limits (Maximum level of permitted noise for each zone shall be assumed to occur as specified in Figure C11.4 above):

Permanent residential & visitor accommodation permitted in Industrial, Port, Commercial, Suburban Commercial Inner Residential	TIME	AVERAGE MAXIMUM INTERNAL NOISE LEVEL (L ₁₀) dBA	MAXIMUM NOISE LEVEL INTERNAL (L _{max}) dBA
Industrial Port Commercial Suburban Commercial Inner Residential	DAY AND EVENING 7am-10pm	65 60 55	-
Industrial Port Commercial Suburban Commercial Inner Residential	NIGHT 10pm-7am	35	65

Figure C11.5 Rules for permanent residential accommodation in Residential, Industrial, Port, Commercial, Inner Residential and Suburban Commercial Zones

D Rural Zones

- The average maximum noise level (L₁₀) and maximum noise levels (L_{max}) as measured at or within the boundary of any site zoned Rural Residential, Rural Lifestyle or the notional boundary of any dwelling zoned Rural Production, Rural General, and shall not exceed the following limits.

ZONE	AVERAGE MAXIMUM NOISE LEVEL (L ₁₀) dBA		(L _{max}) dBA
	DAY 0600-2100	NIGHT 2100-0600	NIGHT 2100-0600
Rural	55	45	70

Figure C11.6 – Rules for Noise in the Rural Zone

- Rule C11.2.15.1 (Rural zones – 1) shall exclude farming activities (not specifically provided for by a rule other than Rule DD4.6.1.1), and provided that the best practicable option is adopted to ensure noise does not exceed a reasonable level.

Note: Attention is drawn to the requirements of section 16 of the Act.

Note: Refer to Regulation 98 and 99 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 for noise associated with a plantation forestry activity. Those regulations prevail over this rule.

- New dwellings located within the Rural P or Rural G zones (where the dwelling site is adjacent to either an industrial or commercial zone), shall provide an acoustic design certificate to show that the dwelling can comply with the noise limits specified in Figure C11.5 above in all habitable rooms with the windows closed, using appropriate noise mitigation measures as necessary.

E Heritage Reserve Zone

- The average maximum noise level (L₁₀) and maximum noise level (L_{max}) arising from any zone as measured at or within the boundary of any site zoned Heritage Reserve shall not exceed the following limits:

ZONE	AVERAGE MAXIMUM NOISE LEVEL (L ₁₀) dBA		(L _{max}) dBA
	DAY 7am and 9pm	NIGHT 2100 - 7am	NIGHT 2100 - 7am
Heritage Reserve	50	50	50

Figure C11.7 – Rules for Noise in the Heritage Reserve Zone

F Amenity and Recreation Reserve Zones

1. The average maximum noise level (L10) arising from any zone as measured at or within the boundary of any site zoned Amenity Reserve or Recreation Reserve shall not exceed the following limits: or

ZONE Amenity Reserve Recreation Reserve	AVERAGE MAXIMUM NOISE LEVEL (L10) DbA At all times
Reserves adjacent to Suburban Commercial	65
Reserves adjacent to Commercial	70
Reserves adjacent to Industrial or Port	75
Reserves adjacent to Residential	Refer to Figure C11.3
Reserves adjacent to Rural	Refer to Figure C11.6

Figure C11.8 – Rules for Noise in the Amenity and Recreation Reserves Zones

2. The average maximum noise level (L10) arising from any site zoned Amenity Reserve or Recreation Reserve, as measured at or within the boundary of any other zone shall comply with the following conditions:
 - a) noise levels are not exceeded by more than a maximum for 10dBA from 7am and 9pm;
 - b) noise incidents do not occur more than six times in any 12 month period;
 - c) noise incidents have a duration of not more than three hours on any single occasion.

G Port Management Zones

1. **General**
 - a) The longer term average sound level (Ldn) from “essential port activities” within the Port Management zones shall not exceed 55dBA at any point outside the 55dBA noise contour nor 65dBA at any point outside the 65dBA noise contour.
 - b) Non-essential port activities conducted in the Port Management zones shall comply with noise limits specified in C11.2.15.1.
 - c) The short term average sound level (Leq) shall not exceed 60dBA between 10pm and 7am.
 - d) The night time maximum sound level (Lmax) shall not exceed 85dBA between the hours of 10pm and 7am at any point outside the 65dBA noise contour.
 - e) Persons carrying out essential port activities shall provide, on the third anniversary of the Plan becoming operative – and every three years thereafter – certification that noise produced complies with standards a)–d) above.
2. No structure or additions to existing structures associated with a noise sensitive activity shall be erected on land located between the 55dBA Noise Contour Boundary and the 65dBA Noise Contour Boundary for the Port of Gisborne, except where the internal Ldn of 45dBA in all habitable rooms with doors and windows closed is achieved.

C11.2.15.2 Rules and Standards for Noise for Construction Activities- All Zones

A Long Term Construction

1. Emissions of construction noise shall not exceed 168 calendar days in any 12 month period.
2. The construction activity shall comply with the noise limits specified in Figure C.11.

B Shorter Term Construction Noise Standards

1. Emission of construction noise shall not exceed 15 calendar days in any 12 month period.
2. Noise limits specified in Figure C11.9 may be exceeded by 5 dBA except for residential zone between 6pm - 7am and rural zone dwellings between 6pm – 6am.

- The background sound level (L₉₅), average maximum noise level (L₁₀) and maximum noise level (L_{max}) arising from any zone as measured at or within the boundary of any site zoned residential, commercial, Suburban Commercial, industrial, port or reserve or the notional boundary of any dwelling in a rural zone shall not exceed the following limits:

Construction & temporary activity noise measured within the	Time Period	AVERAGE MAXIMUM NOISE LEVEL (dBA)		
		L ₉₅	L ₁₀	L _{MAX}
Residential Zone	Mon – Sat 7am-6pm	60	75	90
	all other times	Refer to Figure C11.3	Refer to Figure C11.3	Refer to Figure C11.3
Commercial and Suburban Commercial Zones	Mon – Sat at all times	60	75	90
	all other times	-	Refer to Figure C11.4	-
Industrial and Port Zones	Mon – Sat at all times	-	90	-
	Sun & Public Holidays at all times	-	Refer to Figure C11.4	-
Rural Zone	Mon – Sat 0600-6pm	60	75	90
	all other times	Refer to Figure C11.6	Refer to Figure C11.6	Refer to Figure C11.6
Reserves Zone	Mon – Sat at all times	60	75	90
	Sun & Public Holidays at all times	-	Refer to Figures C11.3, C11.7 and C11.8	Refer to Figures C11.3, C11.7 and C11.8

Figure C11.9 – Rules for Construction Noise in all Zones

C11.2.15.3 Rules for Vibration

General Rules

Note: These rules do not apply to vibration associated with plantation forestry activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Regulation 98 and 99 of those regulations apply to vibration associated with plantation forestry activities and prevail over the rules and standards in this chapter.

The following General Rules shall apply to all activities with respect to vibration:

A Residential and Rural Zones

General

- Vibration shall not be noticeably discernible at or within the boundary of any site zoned residential or Rural Lifestyle or the notional boundary of any dwelling zoned Rural Residential, Rural Production, Rural General, by a suitably experienced person using unaided senses; or
- The maximum weighted vibration level (W_b or W_d) arising from any zone as measured at or within the boundary of any site zoned residential, or Rural Lifestyle or the notional boundary of any dwelling zoned Rural Production, Rural General, shall not exceed the following limits:

Zone	Time	Maximum Weighted Vibration Level (W _b or W _d)
Residential	7am-6pm Monday to Saturday	45 mm/s ²
	At all other times	15 mm/s ²

Rural	0600-6pm Monday to Saturday	45 mm/s ²
	At all other times	15 mm/s ²

Figure C11.10 – Rules for Vibration in the Residential and Rural Zones

B Industrial, Port, Commercial, Suburban Commercial, Reserves Zones

General

1. Vibration shall not be noticeably discernible at or within the boundary of any site zoned industrial, port, commercial, Suburban Commercial, or reserve by a suitably experienced person using unaided senses; or
2. Vibration shall not exceed the rules specified in Figure C11.11, at or within the boundary of any site zoned industrial, port, commercial, Suburban Commercial or reserve.
3. The maximum weighted vibration level (Wb or Wd) arising from any zone as measured at or within the boundary of any site zoned industrial, port, commercial, Suburban Commercial or reserve shall not exceed the following limits:

Zones	Time	Maximum Weighted Vibration Level (Wb or Wd)
Industrial Port Commercial Suburban Commercial Reserves	At all times	60 mm/s ²

**Figure C11.11 – Rules for Vibration in Industrial, Port,
Commercial, Suburban Commercial and Reserves Zones**

C11.2.15.4 Rules for Vibration for Construction Activities – All Zones

A Residential and Rural Zones

Short Term Construction

1. The period for which vibration is emitted shall not exceed 15 calendar days in any 12 month period; and
2. All activities shall comply with the rules specified in Figure C11.12.
3. The maximum weighted vibration level (Wb or Wd) arising from any zone as measured at or within the boundary of any site zoned residential, or Rural Lifestyle or the notional boundary of any dwelling zoned Rural Production, Rural General, shall not exceed the following limits:

Zones	Time	Maximum Weighted Vibration Level (Wb or Wd)
Residential	7am - 6pm Monday to Saturday	60mm/s ²
	All other times	15mm/s ²
Rural	0600 - 6pm Monday to Saturday	60mm/s ²
	At all other times	15mm/s ²

Figure C11.12 – Rules for Vibration Construction in Residential and Rural Zones

B Industrial, Port, Commercial, Suburban Commercial or Reserve Zones

1. Activities shall comply with rules specified in Figure C11.11 for each respective zone.

2. There shall be no restriction on the duration of construction activities.

C11.2.15.5 Rules for Arterial Roads

1. No new residential dwelling shall be erected adjacent to an arterial road, except where the following rules can be satisfied:
 - a) An external Leq (24 hour) level of 60 dBA measured at a point 1m from the façade of the building; or
 - b) An internal Leq (24 hour) level of 40 dBA in all habitable rooms with the windows closed.

C11.2.15.6 Rules for Airport Noise

1. No building shall be used or erected, (or subject to additions or alterations), for a noise-sensitive activity in the Noise Impact Overlay except where an internal Ldn of 45dBA with windows closed is achieved.
2. An acoustic design certificate is to be provided to show how these levels can be met using appropriate noise mitigation measures.

C11.2.15.7 Rules for Lot 1 DP 2888 and Kaiti 65ML 802 (17 and 19 Hirini Street)

1. No new residential dwelling shall be erected except where an internal Ldn of 45dBA in all habitable rooms with the windows closed is achieved.
2. An acoustic design certificate is to be provided to show how these levels can be met using appropriate noise mitigation measures.

C11.2.15.8 Method of Assessment of Noise

A General Noise Assessment

1. All measurements shall be taken in accordance with:
 - a) NZS6801:1991 "Measurement of Sound";
 - b) NZS 6802:1991 "Assessment of Environmental Sound"; NZS 6802:1999 "Acoustics – Assessment of Environmental Sound" and
 - c) NZS 6803P:1984 "The measurement and Assessment of Noise from Construction, Maintenance and Demolition Work", NZS6803:1999 "Acoustics – Construction Work" and
 - d) Draft New Zealand Standard DZ 6808:1997, Acoustics -The assessment and measurement of sound from wind turbine generators.
 - e) NZS 6809:1999 " Acoustics – Port Noise Management and Land Use Planning"
2. Where it is not practicable to assess and/or measure noise outside:
 - a) internal noise will be measured in accordance with New Zealand Standards; and
 - b) the rules for internal noise for each respective zone will be the relevant noise rules for that zone numerically reduced by 10dBA.
3. Where noise is of a type which is intermittent and/or varying over long time intervals, then the relevant noise performance standards are considered to be exceeded when:

Zone	Time	Assessment Provisions
Rural	DAY Mon – Sat 0600-1900	The logarithmic average of three measurement periods (22 minutes duration) exceeds the specified limit
	EVENING Mon – Sat 1900-10pm Sun & Public Holidays 6pm-10pm	The logarithmic average of two measurement periods (12 minutes duration) exceeds the specified limit

Zone	Time	Assessment Provisions
	NIGHT At all other times	1 measurement period (10 minutes duration) exceeds the specified limit
All other zones	DAY Mon – Sat 7am-6pm	The logarithmic average of three measurement periods (22 minutes duration) exceeds the specified limit
	EVENING 1900-10pm Sun & Public Holidays 6pm-10pm	The logarithmic average of three measurement periods (12 minutes duration) exceeds the specified limit
	NIGHT All other times	1 measurement period (10 minutes duration) exceeds the specified limit

Figure C11.13 – Assessment for intermittent/ varying noise over long time intervals

B Method for Assessment of Noise - Reserves

1. Where more than one type of zone is bounding the reserve, rules shall be set in accordance with the more lenient of the noise rules applicable.
2. Where Amenity and Recreation Reserves share a common boundary with another reserve, noise rules will be established on a case-by-case basis as the need arises using the Act.
3. The noise performance standards for Recreation Reserves do not apply to spectator or player noise generated from outdoor sporting activities between 7am and 9pm.

C Method for Assessment of Vibration

1. Assessment of vibration will initially involve assessment by a suitably experienced person using unaided senses.
2. If, during initial unaided senses, assessment vibration is detected and further clarification of the level of vibration emitted is required, a secondary assessment of weighted vibration levels (Wb and Wd) shall be measured according to BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying an adjacent site.
3. Under Regulation 98 of the Resource Management (National Environmental standards for Plantation Forestry) Regulations 2017, vibration associated with a plantation forestry activities must be measured and assessed in accordance with ISO 4866.

C Methods for Assessment of Transport Noise

1. All measurements will be taken in accordance with:
 - a) NZS6805:1992 "Airport Noise Management and Land Use Planning"; and
 - b) NZS6807: 1994: "Noise Management and Land use Planning for Helicopter Landing Sites".

D Methods for Assessment of Industrial Noise

1. Noise from motor vehicles within the boundaries of an industrial, port or commercial site shall be included in the calculation of noise emission from that site.

C11.2.16 Rules for Noise in Coastal Environment

C11.2.16.1 General Standards

The following General Standards shall apply to the generation of noise in the coastal environment identified as a permitted activity.

A. Significant Values Management Area

- a) The average maximum noise level (L10) and maximum noise level (Lmax), as measured at or within the boundary generated within any part of the coastal marine area of a Significant Value Management Area shall not exceed the following limits set out in Figure C11.14.

Management Areas (within the coastal marine area only)	Average Maximum Noise Level (L10) dBA at all times	Maximum Noise Level (Lmax) dBA at all times
Significant Value Management Area	50	75

Figure C11.14 – Noise Standards for the Significant Value Management Area

- b) Noise shall not reach a level or be of such a nature that it results in the long-term modification of the behaviour of aggregations of marine mammals or birds. Long-term, for the purpose of this standard, means any change in behaviour which is not corrected within 30 minutes and repetitive modifications to behaviour which culminate in more than 60 minutes of response to noise. Modification of behaviour includes any visible flight or flee response to noise - especially movement for a nesting or rearing site but does not include accommodation responses such as re-orientation to the source of noise; or
- c) The noise is generated by any siren, bell, foghorn or any other device used for navigation and/or warning purposes.

B. Port Management Area

- a) The average maximum noise level (L10) and maximum noise level (Lmax) generated within the Coastal Marine Area of the Port Management Area as measured at or within the boundary of (respectively) the General Management Area, the CMA of the Port Management Area and the Significant Value Management Area, shall not exceed the following limits set out in Figure C11.15.

Management Areas (within the Coastal Marine Area only)	Average Maximum Noise Level (L10) dBA at all times	Maximum Noise Level Between 9pm – 7am (Lmax)
General Management Area and CMA Boundary of the Port Management Area	70	70
Significant Value management Area	50	70 – (at all times)

Figure C11.15 – Noise Standards for the Port Management Area

- b) Noise shall not reach a level or be of such a nature that it results in the long-term modification of the behaviour of aggregations of marine mammals or birds. Long-term, for the purpose of this standard, means any change in behaviour which is not corrected within 30 minutes and repetitive modifications to behaviour which culminate in more than 60 minutes of response to noise. Modification of behaviour includes any visible flight or flee response to noise - especially movement from a nesting or rearing site but does not include accommodation responses such as re-orientation to the source of noise; or
- c) The noise is generated by any siren, bell, foghorn or any other device used for navigation and/or warning purposes.

C. General Management Area

- a) Except as provided for in Standard and Term d), the average maximum noise level (L10) and maximum noise level (Lmax) generated within the Coastal Marine Area of the General Management Area as measured at or within the CMA adjoining (respectively) residential, rural, amenity and heritage reserve zones in the Tairāwhiti Resource Management Plan and adjoining Significant Values Management Areas within the Coastal Marine Area shall not exceed the following limits set out in Figure C11.16.

Land Adjoining the CMA of the General Management Area and Adjoining Protection Management Areas within the CMA	Monday – Saturday Maximum Average Noise Level (L10)				Sunday & Public Holidays Maximum Average Noise Level (L10)			
	7am– 6pm	6pm– 10pm	10pm – 7am	Lmax 10pm – 7am	7am – 6pm	6pm – 10pm	10pm – 7am	Lmax 10pm – 7am
Adjoining Residential Zones	55	45	40	65	55	45	40	65
Time Periods	7am– 9pm	9pm– 7am	Lmax 9pm – 7am		7am – 9pm	9pm – 7am	Lmax 9pm – 7am	
Adjoining Rural Zones	55	45	70		50	45	70	
Adjoining Amenity/Recreation Reserves	55	45	70		50	45	70	
Adjoining Heritage Reserves	50	50					50	

Figure C11.16 – Noise Standards for the CMA of the General Management Area

- b) Noise shall not reach or be of such a nature that it results in the long-term modification of the behaviour of aggregations of marine mammals or birds. Long-term, for the purpose of this standard, means any change in behaviour that is not corrected within 30 minutes and repetitive modifications to behaviour that culminate in more than 60 minutes of response to noise. Modification of behaviour includes any visible flight or flee response to noise – especially movement from a nesting or rearing site but does not include accommodation responses such as re-orientation to the source of noise; or
- c) The noise is generated by any siren, bell, foghorn or any other device used for navigation and/or warning purposes.
- d) The noise standards established in the figure C11.16 shall not apply within or at the boundaries of the Specific Activity Area established for the exclusive use of personal watercraft.

Rule Table C11.2.16

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.2.16(1)	Subject to all other relevant rules in this Plan, any activity which generates noise located within the Coastal Marine Area of the Significant Values Management Area	Significant Values Management Area	Permitted	C11.2.16.1 General Standards
11.2.16(2)	Subject to all other relevant rules in this plan, any activity which generates noise located within the coastal marine area of the General Coastal Management Area	General Coastal Management Area	Permitted	C11.2.16.1 General Standards
11.2.16(3)	Subject to all other relevant rules in this plan, any activity which generates noise located within the coastal marine area of the Port Management Area	Port Management Area	Permitted	C11.2.16.1 General Standards
Discretionary activities				
11.2.16(4)	Subject to all other relevant rules in this plan, any activity which generates noise located within the coastal marine area of the General Coastal Management Area that does not comply with the General Standards in section C11.2.16.1	General Coastal Management Area	Discretionary	
11.2.16(5)	Subject to all other relevant rules in this plan, any activity which generates noise located within the coastal marine area of the Port Management Area that does not comply with the General Standards in section C11.2.16.1	Port Management Area	Discretionary	
Non-complying activities				
11.2.16(6)	Subject to all other relevant rules in this Plan, any activity which generates noise located within the Coastal Marine Area of a Significant Values Management Area that does not comply with the General Standards in section C11.2.16.1	Significant Values Management Area	Non- Complying	

C11.3 Lighting and Glare

C11.3.1 Lighting and Glare Rules

C11.3.1.1 General Standards

Permitted activities in all zones and papakainga and marae settlements shall comply with the following requirements.

- A. All exterior lighting shall be directed away from adjacent properties and roads so that the spill of light is contained within the external boundaries of the property.
- B. Any welding activities (excluding construction activities) shall be screened so that they are not visible from residential or reserve zones and roads.
- C. Activities shall not emit artificial lighting greater than:
 - i. 10 lux spill (horizontal and vertical) of light as measured at or within the boundary of any site zoned residential or the notional boundary of any rural dwelling;
 - ii. 20 lux spill (horizontal and vertical) of light as measured at or within the boundary of any property zoned commercial;
 - iii. 10 lux spill (horizontal and vertical) of light as measured within any road carriageway, other than from road lighting, activities in reserve zones, activities in port management zones and network utilities.
- D. In reserve zones:
 - i. between the hours of 6pm and 10pm the limits apply at the boundary of residential or rural zones directly adjoining reserve sites or 20m from a residential building in a rural area, and are measured in a vertical plane parallel to the relevant boundary, to a height equal to the height of the potentially affected dwellings.
 - ii. between the hours of 10pm and 7am limits apply in the plane of the windows of the habitable rooms of dwellings on nearby residential properties.
- E. In industrial and reserve zones:
 - i. between the hours of 6pm and 10pm the limits apply at the boundary of residential or rural zones directly adjoining industrial or reserve sites or 20m from a residential building in a rural area, and are measured in a vertical plane parallel to the relevant boundary, to a height equal to the height of the potentially affected dwellings.
 - ii. between the hours of 10pm and 7am limits apply in the plane of the windows of the habitable rooms of dwellings on nearby residential properties.
- F. Activities shall not emit lighting or glare that may compromise aircraft safety or the safe movement of air traffic nearing the vicinity of the Gisborne Airport by constituting a hazard in navigable air space pursuant to Civil Aviation Rule Part 77.
- G. Activities (including signs) shall not include revolving, flashing, animated or moving lights, lasers or images which could produce glare, except on any site in the Inner Commercial zone which is more than 100m from a state highway boundary.

Rule Table C11.3.1

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.3.1(1)	Lighting and glare	All zones and in Papakainga and Marae settlements and all zones	Permitted	
Restricted Discretionary Activities				
11.3.1(2)	Network utility activities and structures that do not comply with the general standards for lighting and glare	All zones	Restricted Discretionary	Council shall restrict its discretion to matters a)- as relevant: a) health and safety; b) traffic c) location d) amenity values
11.3.1(3)	Activities (excluding industrial and commercial and activities for which Rules C2.1.8(1) and C2.1.8.(4) apply) on Māori land that do not comply with the general standards for lighting and glare.	All Zones	Restricted Discretionary	Council shall restrict its discretion to matter a): a) lighting and glare.
11.3.1(4)	Industrial and commercial activities (excluding industrial and commercial and activities for which Rule C2.1.8.(4) applies) that do not comply with the general standards for lighting and glare.	All Zones	Restricted Discretionary	Council shall restrict its discretion to matter a): a) lighting and glare.
11.3.1(5)	The: i. Construction, addition to or alteration of minor dwelling units, residential dwelling units and residential accessory buildings; or ii. Home-occupation activities; or iii. Visitor accommodation, associated buildings and activities (excluding licensed facilities for the general public, camping grounds and motor camps; or iv. Educational institutions (including early-learning and day-care facilities) for up to 20 pupils and the erection of associated buildings and structures;	Residential Zone	Restricted Discretionary	Council shall restrict its discretion to matter a): a) lighting and glare.

	that do not comply with the general standards for lighting and glare.			
11.3.1(6)	Activities that do not comply with the general standards for lighting and glare.	Commercial Zones	Restricted Discretionary	Council shall restrict its discretion to matters a) to m) as relevant: <ul style="list-style-type: none"> a) amenity values b) human health and comfort c) financial contributions d) parking and access e) landscaping, fencing and walling f) Safety g) design & appearance & orientation to harbour h) heritage values in the Heritage Alert Layer i) infrastructure, works and services; j) structure Plan for the Citrus Grove Development Control Area k) operation of the Airport l) aircraft safety m) reverse sensitivity
11.3.1(7)	Activities that do not comply with the general standards for lighting and glare.	Industrial Zone	Restricted Discretionary	Council shall restrict its discretion to matters a) to g) as relevant: <ul style="list-style-type: none"> a) impact on amenity values b) impact on character of surrounding vicinity c) effects on human health and comfort d) shading e) aviation safety and requirements relevant to Gisborne Airport f) heritage values in the heritage alert layer g) financial contributions, works and services.
11.3.1(8)	Activities that do not comply with the general standards for lighting and glare.	Port Management Zone	Restricted Discretionary	Council shall restrict its discretion to matters a) to g) as relevant: <ul style="list-style-type: none"> a) amenity values including shading b) health and safety c) landscaping, fencing and walling d) parking & access, including alternative sites, volumes, existing areas e) heritage values in the heritage alter layer f) financial contributions g) infrastructure, works and services .

11.3.1(9)	Activities that do not comply with the general standards for lighting and glare.	Rural Zones	Restricted Discretionary	Council shall restrict its discretion to matters a) to f) as relevant: a) amenity values including shading b) health and safety c) parking and access d) heritage values in the heritage alert layer e) financial contributions, works and services f) effect on neighbours and on the soil resource.
11.3.1(10)	Activities that do not comply with the general standards for lighting and glare.	Reserves Zone	Restricted Discretionary	Council shall restrict its discretion to matter a): a) lighting and glare.

C11.4 Radiofrequency

C11.4.1 Rules for radiofrequency and electro and magnetic fields

- a) All activities shall comply with the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016, AS/NZS 2772.2:2016 Radiofrequency fields – Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz, and NZS 2772.1:1999 Radiofrequency fields – Part 1 Maximum exposure levels – 3 kHz to 300 GHz.
- b) All activities shall comply with the International Commission on Non-ionizing Radiation Protection (ICNIRP) Guidelines (1998).

C11.5 Petrochemical Exploration and Production and Mining

C11.5.1 Introduction

There continues to be an interest in petrochemical exploration in the area and it will be necessary to identify the effects of exploration, testing and any eventual extraction processes to ensure adverse effects on the environment and other activities are able to be avoided, mitigated or remedied.

Gisborne district contains hydrocarbon resources which are likely to be subject to investigation to determine the location of sites which could be mined commercially. As the location of exploration and mining activities will be determined by the potential hydrocarbon resource, rules for these industrial activities will extend outside of the industrial zones and cover all of the Gisborne district area. The effects from the various activities associated with petrochemical exploration will vary depending on the characteristics of the location.

Exploration for other minerals could also occur within the district and could generate a variety of environmental effects depending on the exploration and extraction processes used.

C11.5.2 Issues

1. Adverse environmental effects from industries can degrade the environment and adversely affect other activities.
2. Reduction in the life-supporting capacity of the district's soil resources from the adverse effects of industrial activity.
3. Lack of acknowledgement of the importance of amenity values and environmental quality within industrial areas to those who visit and work within industrial areas.

C11.5.3 Objectives

1. Industrial activity that avoids, remedies or mitigates adverse effects on adjacent land use activity.
2. Avoid, remedy, or mitigate the adverse effects of industrial activities upon the natural heritage values of the receiving environment with particular reference to C9: Natural Heritage.
3. Sustainable management of the district's infrastructural resources.
4. Where industrial activities or areas meet with other zones or activities the environment is to be maintained or enhanced as far as practicable to avoid, mitigate or remedy adverse environmental effects on adjoining sites and areas.
5. The avoidance, remediation or mitigation of the adverse effects of industrial activities upon the life supporting capacity of the district's soil resources.

Principal reasons:

- *Industries vary considerably in their size, scale and the range of effects they create. Some effects only occur because of the sensitive nature of neighbouring activities and residential areas are sensitive to many of the effects which may be generated by industry.*
- *Industrial uses may create effects which could adversely impact upon the natural values of the immediate and wider environment.*
- *Industrial activities often require substantial infrastructural support – including roads, sewers, waste disposal, water and energy supplies. The supply of these support networks can have major environmental impacts and it is important that these effects are avoided, remedied or mitigated.*
- *To achieve a reasonable level of amenity for people carrying out other activities including residential, adjacent to industrial areas.*
- *Efficient use of water and soil resources will reduce conflict between potential users.*

C11.5.4 Policies**Compatibility**

1. To ensure that the adverse effects of industrial land use on the soil and water resources of the district are avoided, remedied or mitigated.
2. To ensure that the adverse effects of industrial activity on adjacent land use activity is avoided, remedied or mitigated.
3. In relation to the adverse effects from an industrial activity, regard will be had to the following when considering applications for plan changes or resource consents:
 - the location of the industrial activity, in particular where associated with the life-supporting soils on the Poverty Bay and Tolaga Bay flats
 - visual contrasts between the activity and the landscape
 - effects on and proximity to adjacent land use activity
 - proximity to existing industrial activity, use and development
 - the cumulative adverse effects of industrial activity, use and development on the productive capacity of the district's soil and water resource
 - the heritage values of the landscape and their tolerance to change.

Natural Heritage Policies

1. To avoid locating industries on sites which are important for the functioning of ecosystems, natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, or the life supporting capacity of air, water and soil, with particular reference to C9 Natural Heritage, unless the effect of locating on the site can be mitigated by some method.
2. To ensure that industries do not create, either alone or in combination with other activities, adverse effects which will reduce the quality of the natural environment.
3. Recognition that in some areas the quality of the environment and ecosystems has been degraded, and enhancement may be required in association with any industrial development.

Infrastructure Policies

1. Industrial activities to provide a standard of servicing which meets their operational needs while avoiding, remedying or mitigating any adverse environmental effects.
2. In areas where connection to reticulated water and sewer systems is unavailable industries operating only where they can provide for their water supply waste water and effluent treatment and other waste disposal in a manner which will avoid mitigate or remedy any adverse environmental effects.

3. Evaluate landscape provisions for the area and impose conditions relating to planting and landscape requirements for the area to the extent necessary to establish planted areas consistent with Appendix H12 and to ensure protection of watercourses and maintenance and, where possible, enhancement of amenity values. To protect the safe and efficient operation of Gisborne Airport by ensuring that ground-based activities do not interfere with Airport and aircraft operations including the use of navigation and communication devices.

Amenity Policies

1. Industrial development along road frontages at the zone boundary and other zone boundaries to be located and landscaped or otherwise designed to enhance the level of visual amenity. To ensure the landscaping will enhance visual amenity the scale, height and nature of the industrial development, existing landscape setting, and likely effectiveness of proposed screening will need to be taken into account.

Location Policies

1. To locate industrial activities, where possible, on land that is of comparatively low productive capacity.

Principal reasons:

- **Compatibility 1:** *This policy is intended to reduce or eliminate adverse effects which arise due to the location of industries in or near areas which are sensitive to the environmental effects generated by industrial activity.*
- **Compatibility 2:** *Areas have been identified within the district for industrial development. These areas currently have a mix of industrial and non-industrial land uses which can give rise to conflicts. Where Council has identified areas for industrial development, there will be a transition of land use type and amenity values over time.*
- **Compatibility 3:** *To allow flexibility for industries where it is difficult to predict their effects, or in areas where it is difficult to predict demand for industry.*
- **Natural Heritage 1:** *The Act places considerable emphasis on the protection of natural systems in sections 5, 6 and 7. This policy is intended to protect natural systems from adverse effects from industries.*
- **Natural Heritage 2:** *To allow flexibility for industries where it is difficult to predict their effects, or in areas where it is difficult to predict demand for industry.*
- **Natural Heritage 3:** *Maintenance and enhancement of the quality of the environment.*
- **Infrastructure 1:** *Avoidance of adverse effects from overtaxing existing infrastructure network and ensuring new systems are appropriate for the industry they serve and will not create adverse environmental effects.*
- **Infrastructure 2:** *To ensure industries in unserviced areas are able to obtain and provide services and disposal systems which will not adversely impact upon the environment, and ensure infrastructure services operate efficiently.*
- **Amenity 1:** *Avoidance of adverse effects on visual amenity from industrial development.*
- **Location 1:** *To preserve the productive potential of high quality soils, where possible.*

C11.5.5 Methods

- a) Rules related to petrochemical prospecting, exploration and mining will apply across all zones as the location of these activities will vary depending on the location of the resource being investigated or mined.

C11.5.5 Rules for Petrochemical Exploration and Production and Mining

Note: Activities shall comply, where relevant, with the regional or district rules and general standards specified in C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C9 Natural Heritage, C10 Subdivision, C11 General Controls.

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

Rule Table C11.5.1

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities				
11.5.1(1)	Geological and geophysical prospecting activities	Rural G, Rural P and Industrial zones	Permitted	<ul style="list-style-type: none"> a) Notice shall be given to landowners within 100m of any prospecting activities, to the district Council and to tangata whenua at least 30 days prior to commencement of operations. The notice is to include information on the nature, location, timing and effects of the activity. b) Public notice in a newspaper circulating in the prospecting area shall be printed 7 days prior to commencement of operations. c) The minimum distance between a shot hole and any dwelling shall be 100m unless the written approval of the owner and occupier has been obtained. d) Restoration and rehabilitation of disturbed areas including access tracks, shot holes, drainage areas, vegetation and gates and fences shall be carried out. e) All activities must comply with the General Standards specified in C2 – Built Environment, Infrastructure and Energy and C11.2: Noise and Vibration.
Discretionary Activities				
11.5.1(2)	Geophysical prospecting	Any zone except Rural P, Rural G and industrial zones	Discretionary	
11.5.1(3)	Exploration and development appraisal well drilling	Rural P, Rural G and industrial zones	Discretionary	
11.5.1(4)	Production (Mining)	Rural P, Rural G and industrial zones	Discretionary	
11.5.1(5)	Geological and geophysical prospecting activities that do not comply with the permitted activity standards.	Rural P, Rural G and industrial zones	Discretionary	
Non-complying Activities				
11.5.1(6)	Petrochemical exploration and production and mining activities which are not provided for as Permitted or Discretionary activities.	All zones	Non-complying	

