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ACTIVITIES

3.1 STRUCTURES

3.1.1 Introduction

The presence of coastal communities means there are many structures located on or near the coastline, and it may be necessary or appropriate to locate additional structures within the Coastal Environment. Many network utility and transportation activity structures can only be located there, and other structures such as boat ramps and hazard protection works are typically found on the coast.

The exposed and geologically recent nature of the Gisborne coastline often limits the type of structure placed on or near the coast. Severe erosion is common and structures located in areas prone to erosion are at risk.

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

The intention of the Plan is to enable the use and enjoyment of the Coastal Environment by people and communities, while recognising and providing for the preservation or protection of important natural values within the Coastal Environment.

The Plan through the following issues, objectives and policies identifies the circumstances where the provision of structures in the Coastal Environment may be considered appropriate. For the CMA component, the Plan identifies rules that will also apply. For the terrestrial component, the District Plan establishes further guidance by way of additional objectives, policies and rules. In all cases, the promotion of the purpose of the Resource Management Act will determine how best to address the use, development, protection and preservation of coastal resources.

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

It is important to recognise that our understanding of the effects of structures in the Coastal Marine Area and much of the Coastal Environment is incomplete. However, in respect of the spatial distribution of structures the following can be said:

a) The adverse effects of structures in a Protection Management Area are, generally, likely to be greater than elsewhere in the Gisborne Coastal Environment. This is because Protection management areas usually contain either a single, unique mix or representative sample of very sensitive values.

Proposals to locate structures within a Protection Management Area can usually be more fully assessed than elsewhere in the Coastal Marine Area. Many of the rules within Protection Management Area reference identified values within that area and are intended to convey certainty about the type of values that are important there.

The precautionary principle, while still applicable, is moderated by a reasonably sound understanding of the values of the Protection Management Area.

b) The General Management Area is that area of Coast that does not, given our current level of understanding, present unique or especially important values for protection. Like the Protection Management Area, values within the General Management Area vary on a case-by-case examination. Unlike the Protection Management Area, the sensitivity of values in the General Management Area is not well documented.

Proposals to locate structures within the General Management Area can only be dealt with on a case-by-case basis. The decision whether to notify any consent application or not will be made in accordance with Section 94 of the Resource Management Act 1991.

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

Methods for managing the effects of structures in the different areas reflect the differences between them. Rules in the Port Management Area, for example, are less restrictive than those in the General and Protection Management Areas. The uncertainty over effects in the General Management Area is reflected through tighter standards and terms for discretionary activities and limiting permitted activities to situations where the effects of activities are understood (i.e. where they have occurred in the past) or can reasonably be expected to be minimal.

The rules of this section have been developed with a view to achieving a level of certainty in environmental outcomes and recognising management area differences.

3.1.2 Issues

3.1.2A ▸ There are several existing coastal communities. The use and enjoyment of the Coastal Environment by people and communities means that it is necessary to make appropriate provision for the continued use of existing structures.

3.1.2B ▸ The location of some structures in the Coastal Environment is necessary. Such structures currently provide for services, recreation, aquaculture and other forms of use, development and protection. Without provision for certain types of structures in the Coastal Environment, activities associated with them would be restricted.

3.1.2C ▸ The visual obtrusiveness of many structures has the potential to reduce values associated with the natural character, amenity and visual quality of the Coastal Environment. It is important that the natural character and amenity of the Coastal Environment is maintained or enhanced, yet it is also important that appropriate development is not constrained by inappropriate rules or other methods.

3.1.2D ▸ Structures located within the Coastal Environment have a potential to adversely affect processes and organisms characteristic of the coast and fundamental to the maintenance of important life-supporting functions. As well as natural character, vulnerable habitats and ecosystems need to be protected; particularly when adverse effects on these can go unnoticed.

3.1.2E ▸ Structures within the Coastal Environment can limit public access to the coastal marine area. There is a need to ensure that measures are taken to avoid, remedy or mitigate this potential adverse effect.

3.1.2F ▸ The location of structures, processes associated with structures or activities on structures can adversely affect spiritual, cultural and heritage values associated with the Coastal Environment. It is important that structures located in the Coastal Environment are located sensitively and that consultation with the appropriate guardians of spiritual, cultural or heritage values leads to informed and sensible decisions in this respect.

3.1.2G ▸ Structures within the Coastal Environment are particularly prone to the adverse effects of physical processes associated with the coast. How to avoid the adverse effects of natural processes on structures is an important issue within the Gisborne District.

3.1.2H ▸ Structures within the Coastal Environment have a potential to adversely affect physical processes associated with the coast. In many instances the cumulative effects of structures can be serious. Because physical processes frequently impact upon ecological processes, and are in their own right important elements in sustainable management, dealing with the adverse effects of structure effects on physical processes is an important issue.

3.1.2I ▸ Almost all land in the Coastal Marine Area is owned by the Crown, and there is no "market" operating in the buying and selling of Coastal Marine Area land. Because the dollar value of space in the CMA is therefore difficult to determine readily, and also because there is a history of coastal users expecting free occupation, the occupation charges have traditionally been minimal. Peppercorn rentals create the potential for the costs of inefficient structures to be born by the community, as well as the operator of those structures.

3.1.2J ▸ Structures located in the Coastal Environment frequently provide opportunities for people to move over the Coastal Environment and are frequently located in the CMA. The safety of people using structures is an important consideration.

3.1.3 Objectives

3.1.3A ▸ Provision is made for appropriate structures in the CMA provided that any adverse effects on the environment arising from the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure are avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects are mitigated and provision made for remedying those effects, to the extent practicable.

***Principal reason**: This is a requirement of the Second Schedule of the RMA. Whereas use development and protection landward of MHWS is permitted unless a rule in a plan states otherwise, this is not the case seaward of this line.*

3.1.3B ▸ Appropriate structures are located and built in such a way so as to provide for the preservation and where appropriate, enhancement[1] of the natural character of the Gisborne Coastal Environment.

***Principal reason**: The Resource Management Act requires as a matter of national importance the preservation of the natural character of the Coastal Environment and its protection from inappropriate subdivision, use and development[2]. This requirement is reflected in the NZCPS and implemented through policies and methods stemming from this objective.*

3.1.3C ▸ Maintenance or enhancement of the diversity of aquatic life adjacent to, or otherwise affected by, structures in the Gisborne Coastal Environment.

***Principal reason**: Biological diversity is a good indicator of the health of ecosystems; itself an important component of the natural character of the Coastal Environment. This objective implements in part policy 1.1.4 of the NZCPS and reflects a desire to maintain or improve threatened environmental values. This objective is needed to provide a basis for defining methods which constrain those structures which are needed to parameters necessary to achieve sustainable management.*

3.1.3D ▸ No reduction in the level and quality of access the public have to and along the Coastal Marine Area as a consequence of structures located in the Coastal Environment and, where appropriate, enhanced levels of access.

***Principal reason**: The RMA requires as a matter of national importance the maintenance and enhancement of access to the Coastal Marine Area. Policy 3.5 of the NZCPS reflects this fact.*

3.1.3E ▸ Management of any structures with cultural, spiritual or heritage value or structures located in sites or areas of cultural, spiritual or heritage value, in the Coastal Environment, which is consistent with the values of the guardians or kaitiaki of those values and appropriate given the principles of the Treaty of Waitangi.

[1] Port Gisborne Consent Order 742/00
[2] Port Gisborne Consent Order 742/00

***Principal reason**: The RMA requires as a matter of national importance recognition of the relationship of Maori and their culture to natural and physical resources. The Act also requires that regard be had to the protection of heritage values associated with some buildings and sites. In implementing the Act the principles of the Treaty of Waitangi are required to be taken into account. These requirements are reflected throughout the NZCPS.*

3.1.3F ▸ Avoidance of damage to structures from physical coastal processes or events.

***Principal reason**: Damage to structures in the Coastal Environment can occur during storm and other episodic events. Persistent erosion at the interface between land and sea is another common threat to property. The social cost of these processes is often high; this objective seeks to minimise this cost on the community. The RMA and NZCPS require that the adverse effects of coastal hazards be avoided. In avoiding the potential adverse effects of damage the potential for sea level rises as a consequence of global warming must be taken into account.*

3.1.3G ▸ Avoidance of adverse effects on the environment, including the adverse effect of preventing the natural migration of coastal systems such as dunes and wetlands which occurs as a result of dynamic coastal processes, as a result of the placement of structures where they may interfere in the dynamic processes of the coast and as a result of changes in the rate of coastal erosion or accretion caused by structures.

***Principal reason**: The Gisborne Coastline is relatively new in geological terms. One of the more important effects structures located within the Coastal Marine Area can have is modifying processes of sediment transportation and deposition. This can result in a worsening of a problem for which a structure may have been intended to resolve or could cause the unexpected erosion of sites associated with or adjacent to an unrelated structure. The effects of changes to physical processes can be serious if life or property is threatened.*

3.1.3H ▸ The efficient use and development of finite resources of the Coastal Environment.

***Principal reason**: Notwithstanding the need to provide for certain structures the coastal marine environment is particularly sensitive to their effects. Structures inevitably reduce open space, values associated with natural character and often modify natural processes.*

The Resource Management Act requires particular regard be had of the efficient use of resources in the Coastal Environment and directs development towards "appropriate" ends.

This objective seeks to ensure both those purposes are met and directs monitoring efforts towards measuring elements of efficiency such as increased usage of structures, greater user satisfaction of structure users and ultimately maximum utility within a sustainable bottom line.

3.1.3I ▸ A high level of safety associated with structures located in the Coastal Environment.

***Principal reason**: The RMA defines sustainable management as management which provides for use, development etc. and enables people to provide for their ...health and safety while ... avoiding, remedying or mitigating any adverse effects of activities on the environment. Environment includes values associated with personal wellbeing and undeniably poor safety standards should be avoided where possible.*

3.1.3J ▸ Maintained or enhanced levels of amenity value through allowing only appropriate development in the Coastal Environment.

***Principal reason**: The RMA requires particular regard be had of "the maintenance and enhancement of amenity values". The exercise of an overall judgement between providing for amenity in the Coastal Environment and the adverse effects this can have on natural values is an important issue in implementing this plan.*

3.1.4 Policies

3.1.4A ▸ To recognise that within the Coastal Environment different areas have distinct natural character and amenity value and to ensure that applications for consents for structures within the Coastal Environment include adequate measures to avoid, remedy or mitigate any adverse effects on natural character and amenity values. (Ref: 3.1.3 B , 3.1.3 C).

Explanation: The purpose of this policy is to direct (primarily Council discretion) towards recognising natural character and amenity even where these might not be readily identified. The choice of the word "distinct" is in order to ensure that not only wilderness areas or highly developed amenities are targeted for scrutiny but that the coast is recognised as comprising a spectrum of these values and that the recognition of this spectrum is important.

***Principal reason**: The RMA requires the preservation of the natural character of the environment and the maintenance and enhancement of amenity values. The NZCPS requires the same. This policy ensures avoidance, remedy or mitigation of effects - important if the Acts purpose is to be achieved.*

3.1.4B ▸ To provide for the maintenance and upkeep of structures located in the Coastal Environment. To avoid, remedy or mitigate the effects of maintenance and upkeep. (Ref: Obj. 3.1.3 A, 3.1.3 B).

Explanation: The purpose of this policy is to provide a basis for allowing but controlling the maintenance of structures. This policy is considered important and necessary given the harsh Coastal Environment and is stated in two parts to alert decision makers of the potential adverse effects of maintenance.

***Principal reason**: Structures will deteriorate in the Coastal Environment. Deterioration threatens human safety, could reduce amenity, could affect cultural values and so on. Maintenance itself can be a threat to sustainable management.*

3.1.4C ▸ To ensure that no inappropriate proliferation or sprawl of structures within the Coastal Environment occurs by:

- Encouraging appropriate subdivision, use and development in areas that are already developed; and
- Fully assessing the effects of subdivision, use and development on natural character values; and
- Avoiding the cumulative effects of subdivision, use and development; particularly in respect of adverse effects on the finite characteristics of open space. (Ref Obj. 3.1.3B, 3.1.3 C, 3.1.3H).

Explanation: The purpose of this policy is to implement policy 1.1.1 of the NZCPS which consists of three parts related to encouraging appropriate subdivision, use and development, assessing the effects of subdivision, use and development and the avoidance of cumulative effects arising from subdivision, use and development.

***Principal reason**: This policy is consistent with the NZCPS and recognises that natural character, including open space is valuable in the Coastal Environment.*

3.1.4D ▸ To recognise the appropriateness of Papakainga housing and marae housing developments within the Coastal Environment where there is no significant adverse effect on the environment (Ref: Obj. 3.1.3 E).

Explanation: The purpose of this policy is to implement policy 3.2.6 of the NZCPS and to provide for Papakainga and marae housing within sustainable bounds.

***Principal reason**: This is consistent with the NZCPS - itself a reflection of the RMA.*

3.1.4E ▸ Council and Consent Authorities should make provision for new structures in the CMA where it can reasonably be demonstrated that such structures are:

a) Reasonably necessary to provide for the lawful exercise of any activity and no reasonably practicable alternative to the new structure in the CMA exists; *and*

b) Any new structure is consistent with the Objectives and Policies of this Plan.

Provided that adverse effects on the environment arising from the new structure are, as far as practicable, avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.

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

1. The extent to which the structure restricts the exercise of other lawful activities or public access into or through the area in which the structure is to be located.
2. The level of security required to ensure the safe and efficient exercise of the activity for which the structure is required. (Ref: Obj. 3.1.3C, 3.1.3H).

Explanation: This policy states that Council should provide for new structures in the CMA provided certain conditions are met. The identification of "practicable alternatives" requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the environment will be adverse and can be avoided, remedied or mitigated in accordance with Policy 3.2.2 of the NZCPS. A "practicable alternative" may, in some circumstances, be one that is more expensive but with fewer or no adverse effects on the environment.

***Principal reason**: The CMA is unique in its virtual exclusion from major development. The RMA establishes its natural character as very important and this rule is fundamental to ensuring that development does not compromise that value without sound reason.*

Explanation: The promotion of the efficient use of existing network utility corridors in the Coastal Marine Area by maximising their potential to accommodate new network utility structures will ensure that Policy 1.1.1 of the New Zealand Coastal Policy Statement is given effect to while ensuring that such structures are provided for as appropriate within the Coastal Marine Area.

***Principal reason**: This Policy is consistent with Policy 1.1.1 of the NZCPS and Section 7(b) of the Resource Management Act 1991. It will ensure that sprawling and sporadic development will not occur as a result of the introduction of new network utility services and it will promote the*

3.1.4F ▸ Council and Consent Authorities should promote the maximum use of existing network utility corridors for network utility related activities that must locate in the Coastal Marine Area. (Ref: Obj. 3.1.3C, 3.1.3H).

3.1.4G ▸ To achieve efficiencies in the utilisation of existing structures within the Coastal Marine Area by ensuring that no new structures are allowed in the CMA while modification or addition to an existing structure or structures can be made and will achieve the purpose of the required new structure with the same or less adverse effect. *(Ref: Obj 3.1.3 B, 3.1.3 C, 3.1.3 H)*.

Explanation: This policy is designed to focus on reducing the adverse effects of the redundancy of existing structures and also to achieve efficiency in the development of new ones.

***Principal reason**: This is tied very closely with 7b of the RMA. It is considered inefficient if a new structure is established where an existing one could better meet the purposes of the RMA.*

3.1.4H ▸ To ensure that, where a structure locates in the CMA and results in adverse effects on the environment that are not able to be avoided, remedied or mitigated[3], the structure remains within the CMA only so long as is necessary to achieve the purpose for which it was established. This policy will be implemented in part by monitoring the exercise of resource consents and cancelling those that are not exercised for a continuous period of at least two years. To encourage the removal of structures which are obsolete, illegal or unused *(Ref: Obj. 3.1.3 B, 3.1.3 C)*.

Explanation: The purpose of this policy is to direct decision makers and applicants to the fact that occupation of the CMA by a structure "in absentia" is not regarded as sustainable. This Policy ensures that, where appropriate, abandoned or redundant structures are removed from the coastal marine area, in a manner consistent with Policy 4.1.3 of the NZCPS.

***Principal reason**: Will rationalise the use of structures in the CMA, will eventually result in efficient use of CMA and minimal impact on natural character.*

3.1.4I ▸ To avoid, remedy or mitigate any adverse effects of structures in the Coastal Environment on processes necessary to sustain the diversity of organisms within biological communities and of communities within the Coastal Marine Area. *(Ref: Obj. 3.1.3 C)*.

Explanation: This policy is aimed at focusing attention on two issues that effects do not necessarily impact upon values immediately and that diversity is a good indicator of the health of a living system.

***Principal reason**: This policy was thought necessary in order to preserve ecosystems. Its wording reflects an ecosystem approach to sustainable management - rather than focusing on specific elements of s5(2)(b) of the RMA.*

3.1.4J ▸ To take a precautionary approach in assessing the effects of structures on the environment. *(Ref: Obj. 3.1.3 B, 3.1.3 C)*.

Explanation: The purpose of this policy is to complement NZCPS policy 3.3.1. A precautionary approach means that where doubt exists as to the effects of an activity the consent authority should make a decision where any benefits fall on the side of preserving the environment

***Principal reason**: This policy is required in order to be not inconsistent with the NZCPS.*

3.1.4K ▸ To maintain or enhance existing levels of public access to and along the coast or, where a specific reduction in public access is unavoidable, to avoid, remedy or mitigate the adverse effects of that reduction. To require all new structures, or consents for existing structures, in the CMA to provide for public access across them unless restriction is necessary:

- To protect public health or safety; or
- To protect Maori cultural values; or
- There is a specific operational requirement to exclude the public. *(Ref: Obj. 3.1.3 D)*.

[3] Port Gisborne Consent Order 742/00

Explanation: The purpose of this policy is to provide for access to and along the CMA (RMA 6(d)). This policy reflects desires of the NZCPS policy 3.5.1.

***Principal reason**: This is consistent with both the NZCPS and RMA. The issue of access is topical and an important element in respect of managing the effects of structures located in the Coastal Environment.*

3.1.4L ▸ To ensure structures are not located on sites of cultural, conservation or historical significance as identified by this Plan, unless it can be demonstrated that the adverse effects of locating there are minor. To ensure that structures do not locate where they will adversely affect values in a protection management area. *(Ref: Obj. 3.1.3E)*.

Explanation: This policy is in response to objective 3.1.3 E and its issue. The reason for this is to ensure the provisions of the Act are met in respect of s6(e), 7(a) and s8. In particular it requires protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga

Principal reason: The protection of cultural values and special sites are closely linked and need recognition in a policy.

3.1.4M ▸ To ensure that the heritage values associated with existing structures in the Coastal Environment are protected where appropriate. *(Ref: Obj. 3.1.3E)*.

Explanation: This policy seeks to protect the heritage values of existing structures.

***Principal reason**: Heritage values are provided for in the RMA. The Gisborne coastline is rich in maritime history and these values should be protected.*

3.1.4N ▸ To ensure that new structures are designed, located and managed in a way that avoids threats to them from coastal processes. Where appropriate, to ensure that the design, location and management of structures located in or adjacent to the Coastal Marine Area takes into account the most recent Inter-Governmental Panel on Climate Change (IPCC) "best estimate" for sea level rise *(Ref: Obj. 3.1.3F)*.

Explanation: This policy seeks to ensure that consideration is given to the way hazards may impact upon structures. It is envisaged that the policy will be implemented at the project design level.

***Principal reason**: The NZCPS requires new subdivision and use to be located to avoid hazards. This policy reflects that requirement and also the potential for sea level rise. Policy 3.4.2 of the NZCPS states that policy statements and plans "should recognise the potential for sea level rises ...".*

3.1.4O ▸ To ensure that structures are designed, located and managed in a manner that avoids any adverse effects they might have on existing physical coastal processes as far as practicable. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable. *(Ref: Obj. 3.1.3 G)*.

Explanation: The purpose of this policy is to ensure that regard is had of the fact that structures can dramatically change the way coastal processes affect other structures and the rest of the environment.

***Principal reason**: Principal 10 of the NZCPS states that "it is important to maintain biological and physical processes in the Coastal Environment in as natural a condition as possible and to recognise their dynamic and interdependent nature". This is also consistent with Policy 1.1.4 of the NZCPS.*

3.1.4P ▸ To ensure that structures located within the Coastal Environment comply fully with provisions of the Building Act, 1991.

Explanation: This policy simply advises of a legal requirement. Its purpose is to inform applicants and decision makers that the requirement exists.

***Principal reason**: To provide information where it is felt that an absence could seriously inconvenience applicants.*

3.1.4Q ▸ To recognise the potential impacts that natural hazards have on the existing subdivision, use or development in the Coastal Environment and to provide for the mitigation of these adverse effects by providing for coastal protection works only where coastal protection works can be shown to be the best method for precenting or minimising adverse effects on the environment having regard, among other things, to the sensitivity of the surrounding environment, the effects of the protection work when combined with other options, and the current state of technical knowledge and the likelihood that the option can be successfully applied.[4]

Explanation: The purpose of this policy is to reflect the NZCPS and indicate the matters to which regard must be given when considering the option of protection works in the Coastal Environment.[5]

Principal reason: Policy 3.4.6 of the NZCPS requires that coastal protection works be permitted only where they can show an assessment of the options available and the associated environmental effects.[6] This policy is consistent with that requirement.

3.1.4R ▸ To ensure that structures do not pose a risk to coastal navigation and shipping by ensuring that the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy are advised upon granting a coastal permit for a structure in the CMA and also upon completion of work for that structure. To require conditions on all structures that the applicant advise the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy as soon as construction, erection or modification of a structure is complete.

Explanation: This policy reflects requirements of the NZCPS and also the expressed requirements of these two authorities mentioned in the policy. Details of the information to be supplied are contained in the information requirements section of this plan.

Principal reason: This policy is consistent with the NZCPS and reflects the desires of the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy.

4 Port Gisborne Consent Order 742/00
5 Port Gisborne Consent Order 742/00
6 Port Gisborne Consent Order 742/00

3.1.4S ▸ To ensure that coastal amenity is not adversely affected by activities associated with wharves and marinas and to require applicants for consents or plan changes within wharves, boatyards and marinas to provide:

- Adequate and convenient facilities for disposal of rubbish; and

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

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

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

- Adequate and convenient facilities to collect sewage from ships.

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

Explanation: Wharves and marinas are discretionary or non-complying structures. The development of these structures will be controlled by policies. This policy reflects the intentions of policies 5.2.1 to 5.2.3 of the NZCPS.

***Principal reason**: This policy is required to ensure consistency with the NZCPS.*

3.1.5 Methods

3.1.5A ▸ GDC will establish a database of existing lawful and unlawful structures which will be updated as new structures are approved within the Coastal Marine Area. Processes will be initiated to legalise unlawful structures by 1998.

***Principal reason**: To achieve proper monitoring of structures in the Gisborne Region it is considered necessary to have and maintain an accurate record of all structures in the Coastal Marine Area.*

3.1.5B ▸ GDC may require unlawful structures to be removed by the owner or will remove unlawful structures itself. Where an owner cannot be found the GDC will remove illegal structures at its own or the Crowns expense. Structures will not be removed where removal will have adverse effects greater than retaining the structure.

***Principal reason**: This method regularises within a specific time frame unlawful structures that currently exist, recognising that some of them are useful and should remain in order to meet the purpose of the Resource Management Act (1991).*

3.1.5C ▸ GDC will advise the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy of all consents granted for structures or reclamations in the CMA.

***Principal reason**: The Hydrographic Office prepares navigation and marine charts commonly used by most skippers of vessels and other professional maritime operators. These people and organisations should be aware of structures in the Coastal Marine Area.*

***Note**: Activities in respect of structures not documented within the General Rules, Protection management Area, General Management Area or Port Management Area sections are non-complying. In respect of these a resource consent must be obtained.*

3.1.6 Monitoring Structure Effects and Plan Effectiveness in Respect of Objectives for Structures in the Coastal Environment

Purpose of this Section

s35 of the Act requires every local authority to gather information as is necessary to carry out its functions under the Act. Special mention is made in s35 of the need to monitor the state of the environment and the suitability of provisions of any policy statement or plan.

In order to satisfy the requirements of the Act it is necessary to monitor performance against criteria set in the Act. Since these are reflected in Objectives set in this section of this plan, the achievement or otherwise of plan Objectives is an important component of monitoring.

A second element of monitoring is in respect of the exercise of resource consents. Most resource consents contain conditions or are permitted subject to conditions. Conditions are set to ensure sustainable management occurs, and monitoring of these conditions is important if the purpose of the Act is to be achieved.

This monitoring system will result in an audit report every two years. The report will collates the results of plan monitoring into a single document with recommendations in respect of plan provisions. The audit report will give effect to plan monitoring effort by providing a transparent and publicly digestible report as a basis for future plan changes.

Monitoring the Achievement of Plan Objectives

A. Identifying the Appropriateness and Adequacy of Structures

Method ▸ Two yearly studies of the satisfaction of coastal users with structures available within the Coastal Environment for their amenity. Monitoring the safety of structures and their impact on navigation.

Indicators

a) The frequency of usage of amenity structures.

b) Identification of inadequacies in the provision of amenity structures.

c) Trends in accidents associated with structures or complaints related to safety.

d) Trends in navigation incidents/ complaints.

B. Monitoring the State of Natural Character in the Gisborne Region

Method ▸ Two yearly studies of community perceptions of Natural Character of the Coastal Environment in the Gisborne district.

Indicators

Identification of the relative usage of coastal resources and the classification of consumer preference into standard criteria which reflect:

a) Features of the site/ resource
b) Barriers to utilising the resource.
c) The magnitude of satisfaction with experiences at the site.
d) A consumer rating for defined elements of natural character.
e) Elements that detract from natural character.

C. Identification at the Local Scale of Changes to Ecosystems

Method ▸ Conditions may be imposed on resource consents for new structures in the CMA to assess prior to erection and at further times to be determined thereafter, in accordance with the likely adverse effects the structure may have on ecosystems and the structure of benthic communities on and adjacent to the structure.

Note: Such an assessment will be required at a level necessary to reflect the likelihood of the structure having adverse effects on ecosystems.

Indicators

a) Biomass (units as appropriate)
b) Identification and enumeration of Molluscs
c) Identification and enumeration of Invertebrate worms
d) Identification of major algae and weeds.

D. Documentation of the Rate of Usage of Structures for Public Access

Method ▸ Either surveys in conjunction with the "satisfaction with amenity" surveys or maintenance of site specific access registers (whichever is most appropriate given the individual circumstances).

Indicators

a) Site usage measured in people/day.

E. Identification of the extent of tangata whenua satisfaction with the management of structures in the Gisborne District

Method ▸ The Gisborne District Council will maintain an open file for recording tangata whenua comments and will, where appropriate, develop standard techniques for documenting trends in satisfaction. Where practical the Council will survey Iwi in order to assess their preferences.

Indicators

Developing suitable indicators depends upon the evolution of identifiable trends as consultation with tangata whenua occurs. Until such a time as these trends become apparent surveying will rely on qualitative tools for developing survey results.

F. Identification of the effects of structures on natural coastal processes and of those processes on structures

Methods ▸ Monitoring site-specific rates of coastal erosion and accretion. Maintaining an active file on the health of and threats to structures located in the active coastal zone of the Coastal Environment. Active coastal zone is defined as that area from the territorial 12 nautical mile limit to the back of the permanent foredune, or where there is no foredune, to the landward edge of the Coastal Marine Area. [7] Information directly relating to a structure in the Coastal Marine area may be collected as a condition of a consent; that which is associated with a structure in the active coastal zone will be collected as part of Councils ongoing monitoring program.

Indicators

a) Rates of coastal erosion and accretion.

b) Rate of deterioration or increase in threat to structures.

c) Cross tabulation of (a) and (b) with new structures or the removal of old structures.

G. Assessing the Exercise of Resource Consents

Methods ▸ Random and unannounced surveys by compliance officers and the checking of condition compliance against the appropriate charts and maps. Identification of illegal structures through methods identified in this plan. Developing community awareness and encouraging the reporting of illegal practises.

Indicators

a) Identified rates of non-compliance.

b) Documentation of illegal structures.

c) Successful compliance exercises.

Auditing

Every two years a plan audit will be prepared or commissioned by the Gisborne District Council and will consist of all monitoring data for the two-year period and an assessment of long term trend where this is possible.

The audit will identify or comment on:

a) Adequacies and inadequacies in the achievement of objectives identified in this plan.

b) The health of the environment as reflected through the monitoring program.

c) The rate of consent compliance with conditions.

d) The extent of illegal and non-consented structures within the District.

Recommendations for change to the plan and plan implementation systems.

The audit will be publicly notified.

[7] Port Gisborne Consent Order 742/00

3.1.7 Anticipated Environmental Results

a) A high level of public use and enjoyment of the Coastal Environment without compromising natural character or amenity values.

b) No apparent reduction in biological diversity in the CMA adjacent to structures.

c) High levels of public access to and along the CMA.

d) Satisfaction amongst tangata whenua, organisations like the Historic Places Trust and other resource guardians that their values are recognised and appropriately dealt with by the planning process.

e) No acceleration of coastal erosion, accretion or deposition and no avoidable damage to structures from coastal processes.

f) Necessary, beneficial and sustainable structures located in the CMA.

g) Low social costs and high levels of safety associated with structures in the Coastal Environment.

h) Important natural features such as wetlands and beaches are not adversely affected, or "squeezed out", as a result of structures.

3.2 OCCUPATION OF SPACE

3.2.1 Introduction

Occupation of space in the Coastal Marine Area owned by the Crown or vested in the Gisborne District Council is not permitted by the Act unless expressly allowed by a rule in a Regional Coastal Plan or by a resource consent.

s12 of the RMA states that:

(2) No person may, in relation to land of the Crown in the coastal marine area, or land in the coastal marine area vested in the regional council:

(a) Occupy the land and any related part of the coastal marine area; *or*

(b) Remove any sand, shingle, shell, or other natural material from the land - unless expressly allowed to do so by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.

Occupation of space in the CMA is a concept that is not readily understood. On land the system of land tenure and concepts of group or individual ownership, combined with a very well developed market for land ensure that, in most cases, land is occupied by its owners or lessees. The bed of the CMA, in contrast, is not usually privately owned but rather is usually owned by the Crown. Occupation in this case is a right conferred by either the Crown or the Gisborne District Council to take up space in the CMA for a particular use. This right, unlike that associated with a parcel of land in a town or rural area, can be subject to a host of controls set under the RMA and can only be granted if it is consistent with the purpose of the RMA.

The concept of private or exclusive occupation of the CMA does not fit well with many New Zealanders. New Zealand has a strong heritage of free public access over the CMA and for many, any erosion of this right would be unacceptable.

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

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

Much of the Coastal Marine Area of the Gisborne Region is sparsely occupied.

The Gisborne CMA is characteristically undeveloped and one of the more important concerns in relation to occupation of space is that it avoids so far as is possible any adverse effects on natural character. In this regard it is important to promote the efficient utilisation of space and where possible, to deter duplication of activities that occupy space where one or the other could suffice for both.

The occupation of space and the use of Crown land in the Coastal Marine Area can lead to conflict between competing resource users.

For security or for logistical reasons it is often necessary for structures to occupy the Coastal Marine Area and to exclude the public from using their space. While this is an unreasonable condition in areas associated with high public demand for open space or recreational opportunities, it may be reasonable where coastal values are not threatened.

The Resource Management Act provides three mechanisms for dealing with the occupation of space in the Coastal Marine Area. In the first instance resource users can apply to the Gisborne District Council for a Coastal Permit to occupy space necessary for the activity they propose.

A second mechanism resource users may have potential access to, is the transfer of coastal permits to occupy space among users. The Act provides access to transfer of coastal permits through s135. In this plan those provisions are used primarily to promote the avoidance of duplication of structures and secondly to promote the efficient use of the CMA.

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

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

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

Section 64A of the Resource Management Act enables regional councils to apply coastal occupation charges to activities occupying space within the coastal marine area. Under this section, a regional council must introduce a change to its coastal plan to either introduce a coastal occupation charging regime or include a statement to the effect that a charging regime will not be introduced.

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

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

The Meaning of "Occupation of Space"

The RMA is not altogether helpful in defining occupation of space:

(Section 12) - (4) - In this section:

(a) Occupy means occupy the land and any related part of the coastal marine area necessary for the activity, [my emphasis]-

  (i) To the exclusion of other persons who do not have a right of occupation to the space by a resource consent or under a rule in a regional coastal plan; and

  (ii) For a period of time and in a way that, but for the rule in the regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary; -

  and "occupation" has a corresponding meaning:

(b) Remove any sand, shingle, shell, or other natural material means to take any of that material in such quantities or in such circumstances that, but for the rule in the regional coastal plan or the holding of a resource consent, a licence or profit ê prendre to do so would be necessary.

Occupation - simply to obtain exclusive rights over a piece of the CMA does not appear to be anticipated by the Act.

Rather, the reference in the definition *to "necessary for the activity"* would appear to require occupation to occur in conjunction with something that is an activity. It is likely that an activity (undefined in the Act - but used extensively in conjunction with anything requiring a resource consent or rule in a plan) is anything for which a resource consent or rule in this plan is required before it can occur. Section 122(5) of the RMA further defines this.

3.2.2 Issues

3.2.2A ▸ The occupation of space in the Coastal Marine Area is often necessary for the social, economic, cultural or other functioning of communities but does frequently result in adverse effects on the environment.

3.2.2B ▸ The occupation of space in the CMA is frequently a principal determinant in the extent of adverse effects caused through coastal hazards.

3.2.2C ▸ The occupation of space in the CMA has adverse effects on future opportunities for the use of the CMA and can adversely affect existing uses of the CMA.

3.2.2D ▸ The occupation of space in the CMA lessens the availability of open space in the CMA and can be wasteful of finite resources of the CMA. Frequently these adverse effects are cumulative.

3.2.2E ▸ The total or partial exclusive occupation of space in the CMA can diminish public access to and along the CMA and can adversely affect the traditional relationship of tangata whenua with the CMA.

3.2.3 Objectives

3.2.3A ▸ To provide for the occupation of space in the CMA where this is required to provide for an activity:

1. That has a functional need to locate in the CMA; *or*
2. For which there is no reasonably practicable alternative location outside the CMA

after ensuring that the adverse effects arising from the activity's occupation of space in the CMA are avoided as far as practicable and where complete avoidance is not practicable, the adverse effects are mitigated and provision is made for their remediation to the extent practicable.

***Principal reason**: This objective states the purpose of providing for the occupation of space in the CMA. The identification of any "practicable alternatives" requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the environment will be adverse and can be avoided, remedied or mitigated. Convenience to anyone wishing to undertake an activity is not an issue to be considered in the assessment of "practicable alternatives". A "Practicable alternative" may, in some circumstances, be one that is more expensive but with fewer or no adverse effects on the environment.*

The objective is qualified by the terms "avoid, remedy, mitigate" to be consistent with the RMA and no inconsistent with Policy 3.2.2 of the New Zealand Coastal Policy Statement. This objective contrasts with those that follow in being stated in the positive and is different in this respect in order to provide an overlay that captures adverse effects not specifically covered in the objectives below.

3.2.3B ▸ Locations sought for the occupation of space that avoids the adverse effects of coastal hazards.

***Principal reason**: The location of a structure or other activity is a principal determinant in whether that activity will be adversely affected by Coastal hazards. The social cost of hazard processes is often high. The RMA and NZCPS require that the adverse effects of coastal hazards be avoided.*

3.2.3C ▸ No new occupation of space in areas where existing occupied sites are reasonably available for the same purpose, or where the transfer of a permit to occupy space is a reasonable option.

Explanation: "Reasonable" in the context of the transfer of permits is used with reference to the availability of transferable permits and the willingness of existing permit holders to transfer their permit.)

***Principal reason**: NZCPS Policy 4.1.6 requires that regard be had of alternatives to what an applicant seeks to do. This objective extends that policy to anticipate an ideal situation where new sites are not occupied if an alternative exists. This objective ties in very closely with efficiency. See also the principal reason for 3.2.3 B.*

3.2.3D ▸ The efficient use of space in the CMA.

***Principal reason**: The RMA requires that particular regard be had to the efficient use and development of natural and physical resources. Occupation of space occurs almost solely for purposes of development and the main limitation on occupation of space (in the absence of any other affect) should be that efficiency occurs.*

3.2.3E ▸ There shall be no reduction in the level of access the public have to and along the Coastal Marine Area as a consequence of the occupation of the CMA unless there are no available measures to avoid, remedy or mitigate the adverse effects of a reduction and the reduction is necessary.

***Principal reason**: The RMA requires as a matter of national importance the maintenance and enhancement of access to the Coastal Marine Area. Policy 3.5 of the NZCPS reflects this fact.*

3.2.3F ▸ Occupation of culturally or historically valuable space in the CMA which is consistent with the values of the local community, kaitiaki, or owners of those values; and appropriate, given the principles of the Treaty of Waitangi.

***Principal reason**: The RMA requires as a matter of national importance recognition of the relationship of Maori and their culture to natural and physical resources. The Act also requires that regard be had to the protection of heritage values associated with some buildings and sites. In implementing the Act the principles of the Treaty of Waitangi are required to be taken into account. These requirements are reflected throughout the NZCPS.*

3.2.4 Policies

3.2.4A ▸ To promote and provide for the transfer of permits to occupy space in the CMA.

Explanation: The transfer of permits for strictly economic reasons will fail. The reality is that demand for the development of open space is not high. However, the effects of occupying previously unoccupied space are such that any incentive which will achieve rehabilitation of space elsewhere should be pursued. This policy is such an incentive.

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

3.2.4B ▸ Council and Consent Authorities should make provision for the exclusive occupation of space in the CMA where it can be demonstrated that such exclusive occupation of space:

a) Is reasonably necessary to provide for the lawful exercise of any activity and no reasonably practicable alternative to the exclusive occupation of space in the CMA exists; and

b) Is consistent with the policies and objectives of this plan.

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

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

1. The extent to which the occupation of space restricts the exercise of other lawful activities or public access into or through the area sought.
2. The level of security required to ensure the safe and efficient exercise of the activity for which the exclusive occupation is sought.

Explanation: This policy states that Council will provide for the occupation of space provided certain conditions are met. A distinction is drawn between occupation of space (restriction of certain types of activities or restriction of all activities for certain periods of time for an area over which consent is held) and exclusive occupation of space (involving the exclusion of all other activities for the duration for which a consent is granted).

The identification of any "practicable alternatives" requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the environment will be adverse and can be avoided, remedied or mitigated.

Convenience to anyone wishing to undertake an activity is not an issue to be considered in the assessment of "practicable alternatives". A "practicable alternative" may, in some circumstances, be one that is more expensive but with fewer or no adverse effects of the environment. Alternatives to exclusive occupation of space in the CMA may include occupation of space in the CMA that restricts some other uses of that space from occurring for periods of time or landbased alternatives.

***Principal reason**: This policy implements and extends policy 4.1.6 of the NZCPS and also contains conditions to ensure consistency with other policies and objective 3.2.3A of this plan.*

3.2.4C ▸ To require the provision of public access across Crown space occupied in the CMA unless restriction of access is necessary to protect:

a) Significant indigenous fauna, flora or significant habitats; or

b) Maori cultural sites; or

c) Public health and safety; or

d) Is necessary to ensure a level of security consistent with the purpose of the resource consent or is needed in other exceptional circumstances notwithstanding the national importance of maintaining access. Where a reduction of access is necessary - to remedy or mitigate the adverse effects of the reduction where appropriate.

Explanation: This policy states that occupation of Crown space in the CMA cannot reduce levels of public access to and across the CMA without very good reason (these are listed). Where reduced access is necessary the policy requires that the adverse effects are remedied or mitigated. It is envisaged that the policy will result in either the maintenance of access or access shifting, over time, to areas where the effects are minor.

***Principal reason**: This policy is consistent with and enhances Policy 3.5.1 of the NZCPS.*

3.2.4D ▸ Where appropriate, to ensure that when space is allocated in the Coastal Marine Area account is taken of the potential for sea level rises and to ensure that space is allocated in a way that avoids, remedies or mitigates potential threats from any coastal processes.

Explanation: The policy requires occupation of space to occur in a way that reflects the realities of potential impacts on coastal processes and also the likelihood of sea level rise.

***Principal reason**: This policy reflects an issue that is both regionally and internationally significant and relies on an assessment of probabilities.*

3.2.4E ▸ To have particular regard to the cumulative adverse effects occupation of space in the CMA has - particularly in respect of its impact on finite characteristics such as the availability of open space.

Explanation: The coastline is largely devoid of structures and is typically unoccupied. From this state a progressive diminution of a host of values (natural character, amenity, ecology) is likely if action is not taken to ensure this does not happen. This policy is necessary because the CMA is largely a public resource and as such could easily be degraded in a progressive fashion.

***Principal reason**: This policy is consistent with policies 3.1.3 and 3.2.4 of the NZCPS.*

3.2.4F ▸ To provide space in the CMA for temporary recreational and cultural events in the Coastal Marine Area where the effects of providing for these are minor.

Explanation: This policy aims to cater for infrequent sporting events such as surf-lifesaving competitions, triathlons and beach races.

***Principal reason**: These types of events contribute towards community well being and are low impact.*

3.2.5 Methods

3.2.5A ▸ Council will compile and maintain an inventory of all occupations of the Coastal Marine Area and will manage information on that inventory for purposes established in this and other chapters of this plan as they relate to monitoring.

***Principal reason**: This is required to monitor effects.*

3.2.5B ▸ Council will encourage the transfer of permits to occupy in preference to duplication of activities in the Coastal Marine Area by highlighting this option with applicants if it exists.

***Principal reason**: This is consistent with policy 3.2.4A and achieves part of that policy.*

3.2.5C ▸ Council will promote the provisions of this plan as they relate to unauthorised occupation.

***Principal reason**: This is required to implement rules in the Management Areas of this Plan. Refer to Chapter 2.5 for methods in respect of tangata whenua and their interests in the CMA, and Chapter 3.1 which deals with structures.*

3.2.6 Monitoring the Achievement of Plan Objectives

- Determining trends in the efficiency of use of sites occupied in the CMA.

Method ▸ Maintaining records of actual usage of occupied sites in the CMA and correlating these with the total number of sites. Maintaining records of the number of alternative sites available for applications for new sites.

Indicators

a) Decreasing occupation of sites and increased utilisation.

b) Evidence of reduced duplication of occupied sites.

- Documenting the extent of public access to and across the Coastal Marine Area within the Gisborne District.

Method ▸ Maintenance of a file which documents the extent of access to and across the Coastal Marine Area. Liaison with D.O.C, adjacent landowners and tangata whenua, and the maintenance of complaint files relating to Coastal Access points to document adverse effects.

Two yearly surveys of public opinion of their opportunities to access the Coastal Marine Area, or pass over the Coastal Marine Area.

Maintenance of site specific registers of requests to pass over, or use, sites which do not permit public access.

Indicators

a) A subjective indicator of the relative impedance to the public of access to and across the Coastal Marine Area in the Gisborne District.

b) A relative ranking of coastal access impediments

c) The percentage of the Coastal Environment publicly accessible.

d) The number of public access points to the Coastal Marine Area.

e) The area of the Coastal Marine Area in exclusive occupation (for which access is not possible)

- Determining the hazard effects of occupation of space in the CMA.

Method ▸ Maintaining files for sites occupied in the CMA and recording hazard episodes. Estimating the value of property damaged. Consultation with insurance industry.

Indicators

a) A reduction in the value of property damaged.

Compliance Monitoring ▸ *see structures section.*

Plan Audit ▸ see structures section.

3.2.7 Anticipated Environmental Results

- Community enjoyment of the Coastal Environment maintained or enhanced.
- Cultural values protected.
- Conservation values protected.
- Adverse effects on private property minimised.
- Public safety protected.
- Efficient use of open space.

NB: Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from:

Runanga
Gisborne District Council
Te Puni Kokiri
Department of Conservation

3.3 ALTERATION OF THE FORESHORE and SEABED

3.3.1 Introduction

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

- Reclamation
- Sand, shingle, shell removal
- Driftwood removal/ beach grooming
- Burial of marine mammals

- Deposition (includes dumping)
- Beach replenishment
- Drilling, excavating, tunneling, use of explosives
- The construction or demolition of some structures
- Dredging

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

In the Gisborne region dredging and dumping for navigation purposes, sand and gravel extraction, beach grooming and stream mouth opening routinely occur in selected locations. There is also a significant potential for beach replenishment to become more frequent.

As part of their routine operations the port company dredges the port navigation channels to maintain depth. Without this dredging sediments would gradually build up to a point that prevented the safe navigation of deep draft vessels to and from the port. The effects of this dredging occur both at the site of the dredging and also off site; usually at spoil grounds at sea.

Commercial sand extraction occurs at only two sites in the Gisborne region - behind a foredune at Whangara and from the mouth of the Waipaoa river. Sand is also removed from a number of areas for non-commercial purposes or by the Gisborne District Council (such as occurs at Midway Beach). These activities are unlikely to impact directly upon important habitats but can have serious indirect effects on the natural processes that are fundamental to the maintenance of coastal dune systems and on amenity values.

The accumulation of driftwood along Gisborne beaches is regarded by some as a nuisance. For this reason the Council routinely removes accumulated driftwood from Waikanae and Midway beaches to provide greater amenity for the users of these beaches. This may destabilise the dunes of this area by removing a natural sand trap, and also destroys habitat for interstitial fauna. During the removal of driftwood peoples amenity and perceptions of natural character can be diminished.

Activities that result in modification of the foreshore or bed frequently have adverse effects.

In order to achieve the sustainable management of the Coastal Environment it is important to ensure that the adverse effects do not undermine the integrity of the Coastal Environment while allowing people to provide for their economic, social and cultural wellbeing.

THE LEGAL CONTEXT

s12: Restrictions on use of coastal marine area

(1) No person may, in the coastal marine area,

(a) Reclaim or drain any foreshore or seabed; *or*

(b) Erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; *or*

(c) Disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); *or*

(d) Deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; *or*

(e) Destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; *or*

unless expressly allowed by a rule in a regional plan and in any relevant proposed regional coastal plan or a resource consent.

s13: Restriction on certain uses of beds of lakes and rivers

(1) No person may, in relation to the bed of any lake or river;

(a) Use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or

(b) Excavate, drill, tunnel, or otherwise disturb the bed; or

(c) Introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or

(d) Deposit any substance in, on, or under the bed; or

(e) Reclaim or drain the bed -

(f) unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent.

3.3.2 Issues

3.3.2A ▸ Activities that alter the foreshore or bed may also disturb important cultural and historic sites, or may be inconsistent with the values of Tangata whenua.

3.3.2B ▸ Activities that alter the foreshore or bed have the potential to adversely affect fragile ecosystems and can significantly reduce available habitat for some species.

3.3.2C ▸ Activities that alter the foreshore or bed can modify sediment transport processes and change patterns of accretion and deposition. This could result in a significant loss of property or the loss of important natural values.

3.3.2D ▸ The visual effects of activities that alter the foreshore or bed are sometimes significant. Such effects can result in diminished natural character or the loss of coastal amenity.

3.3.2E ▸ Some disturbance of the foreshore or bed of the CMA is necessary in order to provide for the social and economic welfare of people of Gisborne District.

3.3.3 Objectives

3.3.3A ▸ To provide for activities that alter the foreshore or bed of the Coastal Marine Area while avoiding, remedying or mitigating any adverse effects they have on ecosystems and habitat.

***Principal reason**: Many of the activities that alter the foreshore or bed of the Coastal Marine Area are beneficial and of value to communities and individuals. It is important however, that the provisions of these activities do not undermine the integrity of natural processes and organisms.*

3.3.3B ▸ Avoidance of adverse changes to rates of coastal erosion and accretion caused by activities that alter the foreshore or bed of the Coastal Marine Area.

***Principal reason**: The Gisborne Coastline is relatively new in geological terms. Any alteration to the foreshore or bed of the Coastal Marine Area has the potential to cause wide ranging effects elsewhere. Where possible these should be avoided.*

3.3.3C ▸ Maintenance or enhancement of natural character and amenity values of the Coastal Environment.

***Principal reason**: The Resource Management Act requires as a matter of national importance the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development*[8]*. The Act also requires particular regard be had of maintaining amenity values. These requirements are reflected in the NZCPS.*

3.3.4 Policies

3.3.4A ▸ Council and Consent Authorities will give priority to avoiding the adverse effects of disturbance or alteration of the foreshore or seabed on:

a) habitats important to the continued survival of indigenous species; *and*

b) values associated with a Protection Management Area; *and*

c) areas of strategic importance to aquatic species, including but not limited to whitebait spawning areas, marine mammal haul-out areas and fish spawning areas.

Where complete avoidance is not practicable, the adverse effects on (a), (b) and (c) above should be mitigated and provision made for remedying those effects, to the extent practicable.

Explanation: This policy applies to all activities that alter or disturb the foreshore or bed. The policy is intended to direct dredging and dumping activities away from important habitats, and to highlight the need to endeavour to avoid adverse effects. The term "areas of strategic importance" refers to areas that may be limiting to the growth of an organism or important in terms of the life cycle of that species.

[8] Port Gisborne Consent Order 742/00

***Principal reason**: Policy 1.1.2 of the NZCPS contains similar provisions and this policy is needed to ensure consistency with the NZCPS. Policy 3.2.2 of the NZCPS establishes that priority should be given to "avoidance".*

3.3.4B ▸ To ensure that the extraction of material from the foreshore or bed of the CMA does not result in a reduction in the stability of dunes and other fragile ecosystems and, in particular, to:

- Ensure extraction from Poverty bay near the Waipoa River Mouth does not adversely affect the stability of the foreshore or dunes there; *and*
- Prevent sand extraction from Wainui beach, Kaiti Beach and Tolaga Bay.

Explanation: This policy is more specific than policy A and is designed to apply an appropriate level of control to regionally important areas of sand extraction. The specific provisions of the policy are designed to ensure that sand extraction does not increase the risk to life or property through increased risk from coastal hazards.

***Principal reason:** This policy is consistent with Policy 1.1.2 (c) of the NZCPS.*

3.3.4C ▸ To ensure that activities that alter or disturb the foreshore or bed of the CMA do not adversely affect the natural character of the Coastal Environment by:

- Protecting the integrity and functioning of sediment transport processes; and
- Ensuring that measures are taken to mitigate any adverse effects an activity may have on the biodiversity of an area; and
- Ensuring beach replenishment activities use sand or other natural materials that is compatible with the natural character and geophysical processes of the area.

Explanation: This policy aims at protecting aspects of natural character that are likely to be adversely affected by activities that disturb or alter the foreshore or bed. The policy will require an assessment of measures taken to contain or lessen the effects of an activity.

***Principal reason**: This policy reflects a matter of national importance in the RMA and is also consistent with part of Policy 1.1.4 of the NZCPS. The potential for natural character to be diminished by insensitive activities in the CMA is considered significant.*

3.3.4D ▸ To require activities that have the effect of disturbing or altering the foreshore or seabed of the CMA to avoid, so far as is practicable, adverse effects on amenity values of the CMA by:

- Avoiding the visible disturbance or alteration of the foreshore or seabed of the CMA in areas that are characterised by open space.
- Recognising and providing for the amenity values arising from the natural character of the Coastal Environment.

Explanation: Some activities that disturb or alter the foreshore or bed of the CMA involve heavy machinery and other forms of development. The presence of this type of development can diminish people's perceptions of the Coastal Environment and thus should be avoided where possible.

***Principal reason**: The NZCPS in policies 3.1.3 and 3.2.2 directs this plan to contain the above provisions.*

3.3.4E ▸ To recognise the ability of beaches and sand dunes to protect subdivision use and development by:

- Not allowing activities that will destabilise dune systems adjacent to existing or proposed subdivision, use or development; and
- Encouraging activities that enhance the stabilisation of dune systems.

Explanation: This policy is designed to facilitate coastal management which recognises that dune systems can protect human investment. In particular, the policy has relevance to the Waikanae and Midway beaches where beach grooming has the potential to compromise the process of dune stabilisation.

***Principal reason**: Policy 3.4.3 of the NZCPS states the plans should contain this type of provision.*

3.3.4F ▸ To ensure that the material used in any reclamation, or constituent of any dumping does not contain contaminants that, in the quantities dumped, having regard to cumulative and synergistic effects, will result in any of the following:

- The death of organisms by toxic contamination
- The bioaccumulation of heavy metals in organisms
- The rendering of nursery areas and feeding grounds unsuitable for dependant species.
- The localised depletion of dissolved oxygen as a result of increased biological activity.

Explanation: This policy protects the Coastal Environment from the dumping of toxic waste. In particular the policy is supposed to ensure that the CMA does not become a dumping ground for people's rubbish. Reference should be made to s107 RMA when reading this policy.

***Principal reason**: The policy picks up on Policy 4.1.4 and 5.1.3 of the NZCPS and also provides a linkage with s70 of the RMA (discharges). The purpose of the linkage is to ensure that an effect that is expressly dealt with in one part of the RMA does not occur through classifying an activity in another way.*

3.3.4G ▸ To ensure activities that alter or disturb the foreshore or bed of the CMA are not located in[9] sites of cultural, conservation or historical significance unless it can be demonstrated that the adverse effects of locating there are minor.

Explanation: The reason for this policy is to ensure the provisions of the Act are met in respect of s6(e), 7(a) and s8, and also to ensure that values special enough to be included in a Protection Management Area are protected. In particular the policy requires protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

***Principal reason**: The protection of cultural values and special sites are closely linked and need recognition in a policy.*

[9] Port Gisborne Consent Order 742/00

3.3.4H ▸ To ensure that the alteration or disturbance of the foreshore or bed of the CMA avoids adverse effects on the values identified within or protected by a Protection Management Area to the extent practicable. Where complete avoidance is not practicable then the adverse effects on such values should be mitigated and provision made for remedying those effects to the extent practicable.

Explanation: The Protection Management Area contains values that are very important to the sustainable management of resources in the Gisborne Region. Those values need to be protected to achieve the purpose of the Resource Management Act and this policy achieves that level of protection.

***Principal reason**: This policy is needed to protect the integrity of those values identified as needing protection in a Protection Management Area.*

3.3.4I ▸ To have regard of alternatives to reclamations or activities that alter the foreshore or bed of the CMA and applicants reasons for the activity when considering applications for coastal permits.

Explanation: The purpose of this policy is to require an assessment of alternatives and reasons for an activity in the CMA

***Principal reason**: Policy 4.1.6 of the NZCPS requires that plans stipulate that regard be had of alternatives to these activities. The above policy gives effect to the NZCPS.*

3.3.4J ▸ Council and Consent Authorities should adopt a precautionary approach in assessing the effects on the environment arising from the alteration or disturbance of the foreshore or seabed of the CMA where the effects are:

i unknown; *or*

ii little understood.

Explanation: The purpose of this policy is to complement NZCPS policy 3.3.1. A precautionary approach means that where scientific uncertainty exists as to the effects of an activity the consent authority should make a decision where any benefits fall on the side of the environment.

***Principal reason**: This policy is required in order to be consistent with the NZCPS. The types of activity dealt with under this chapter are quite likely to require application of the precautionary principle.*

3.3.5 Anticipated Environmental Results

This chapter deals largely with activities that are either occurring at present or are readily anticipated. The intent of the chapter is to enable activities that have occurred in the past without adverse effects to continue occurring and to focus control effort where adverse effects are likely.

The chapter does not have a rule for every conceivable activity but does prescribe policies that direct decisions on activities not covered by the chapter.

The environmental results anticipated from this chapter:

- The continuance of activities that have no, or only a minor adverse effect.
- Maintenance of the natural character of areas subject to extractive activities.

- Continued port activities; dredge spoils going to places that are appropriate for them.
- Informed decisions being made on less traditional activities as and when applications are made for them.

3.3.6 Monitoring the Achievement of Plan Objectives

A. Provision for activities that alter the foreshore or bed of the CMA and avoid, remedy or mitigate any adverse effects on ecosystems and habitat.

Methods ▸ Maintaining a table of anticipated activity effect, actual effects and measures to avoid, remedy or mitigate for each resource consent.

Indicators ▸ Number of documented measures to avoid, remedy or mitigate for actual or anticipated adverse effects.

B. Avoidance of adverse changes to rates of coastal erosion and accretion caused by activities that alter the foreshore or bed of the CMA

Methods ▸ Documenting net removal and disposal to a coastal system against measured changes in the rates of erosion/ accretion there. Setting sand budgets and assessing their viability.

Indicators ▸ Strong correlation (good explanation of any variation) between documented sand removal etc and coastal process.

(Note: This methods requires documentation of all other possible sources (weather etc)).

C. Maintenance or enhancement of natural character and amenity values of the CE.

Methods ▸ Subjective - surveying community perceptions.

Objective ▸ Documenting the actual loss of pristine habitat.

Indicator ▸ Community dissatisfaction with known sites of sand etc removal.

D. Alteration of the foreshore or bed of the CMA on or adjacent to sites or areas of cultural, spiritual or heritage value which is consistent with the values of the guardians or kaitiaki of those values and appropriate given the principles of the Treaty of Waitangi.

Method ▸ Documentation of sites lost/ threatened, survey of cultural perception.

Indicators ▸ The actual loss of special sites. The worsening of cultural attitudes towards the planning process.

3.4 DISCHARGES

3.4.1 Introduction

This chapter of this plan deals with three types of discharge:

- discharges to water.
- discharges to air
- discharges to land

Of the three, discharges to water are most fully addressed - though these will also be covered in the regional water management plan. Discharges to air and discharges to land are adequately covered in the Regional Air Quality Plan and Regional Waste Management Plan respectively.

Throughout the process of development of this plan Iwi have stressed the importance of water quality to their relationship with the Coastal Environment. The wider public have similarly expressed grave concerns about some aspects of present water quality, a position acknowledged by the Gisborne District Council and reflected in community surveys.

Water quality can be affected by the discharge of contaminants resulting from activities within and adjacent to the Coastal Environment. There are two main types of discharge that affect water quality, often called point and non-point discharges. Point source discharges are those that discharge through a recognisable and definitive point.

Non-point discharges enter a water body from a diffuse source - such as occurs when runoff from catchment areas enters a stream or river, and is responsible for the very high levels of silt and other suspended solids often found in Gisborne Districts Coastal waters.

Air quality can be reduced when industrial processes discharge odours or other contaminants to air or when an activity results in the passive emission of odours. There are few problems in the district with regards air quality, but in isolated spots such as Waikanae beach during light winds problems do exist.

Discharges to land become an issue when the soil resource is unable to sustain discharge or when they enter groundwater or threaten the health of biological or human systems. In particular - the use of soil or land for the assimilation of waste products, or as a final treatment for human or animal waste needs to be carefully considered. Unlike air quality, the region does have some localised problems with discharges to land. The Paokahu dump, for example, is poorly contained and has, until recently, affected adjacent waterways and aquifers.

It is difficult and expensive to accurately determine the quality of inshore coastal waters in Gisborne District. For example, it is not possible to determine the relative contribution of contaminants to Poverty Bay from the existing outfall and from diffuse sources such as runoff from land.

More intensive water quality sampling and better correlation with meteorological events could help develop predictive models that would help answer this type of question but the financial costs would be high.

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

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

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

- Maintaining and where practicable, enhancing the quality of coastal waters.
- Improving information systems and establishing improved policies, methods, rules, classifications and standards.
- Addressing community concerns relating to Poverty Bay water quality by stressing through policy the importance of consultation.
- Creating a link to provisions of the Regional Air Quality, Waste Management and Hazardous Substances and Water plans and guiding, through policy, subdivision, use and development in the Coastal Environment.
- Providing policy certainty that coastal water quality will not be diminished and that sustainable management will occur.
- Ensuring that the provisions of MARPOL 73/78 are recognised.

The Existing Situation

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

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

The inshore waters of Poverty Bay and the mouths of a number of streams and rivers within this area are classified SB - a classification which provides for contact recreation (low health risks from the presence of faecal bacteria) while also protecting ecosystem values. The harbour area is classified SC. An SD classification has been applied around the Gisborne City wastewater outfall, but the SD area does not necessarily define the mixing zone(s) for that discharge. At some places within Poverty Bay, the water quality standards are not being met at all times.

Recognising that receiving waters have varying degrees of sensitivity, Council will implement a risk-based management regime for all of the Region's coastal waters that will:

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

The Gisborne District Council has publicly notified a number of regional planning documents including a Regional Air Quality Plan and a Regional Discharges to Land and Water Plan. These plans will manage the discharge of contaminants to air and land and will also control the discharge of contaminants into water outside of the CMA.

The Gisborne City Sewage Discharge to Poverty Bay

For a number of years the Gisborne District Council has been aware of inadequacies in its discharge of human effluent to Poverty Bay. There have been times when the conditions of the resource consent the Council holds for its discharge have not been met and there have been numerous occasions when public, tangata whenua and other community groups have expressed the opinion that an improvement in wastewater treatment and discharge is required.

The Gisborne District Council by means of a Waste Water Strategy for Gisborne City adopted in 2002 has formalised an approach for the upgrade of its wastewater treatment and discharge systems. The community has limited ability to pay and the system is therefore proposed to be phased in stages over a number of years. The Strategy continues stormwater and sewer remedial works, and anticipates significant reductions in microbiological loadings, oil and grease loadings, and suspended sediment loadings in the discharge. Investigations into the feasibility of disposal through land, and disposal to land, will also be made. This approach should ensure that in the short-term water quality is maintained, and that in the long term water quality will be enhanced. This Waste Water Strategy will require coastal permits for any continued discharge into Poverty Bay.

3.4.2 Issues

3.4.2A ▸ A significant amount of contaminants enter the CMA through diffuse sources and cannot be effectively controlled in the short term.

3.4.2B ▸ The discharge of contaminants to air, land or water can result in adverse effects in the following:

a) Peoples perceptions of the amenity of the Coastal Environment

b) Natural character of the Coastal Environment

c) Coastal flora and fauna

d) MAORI perceptions of the Mauri of water

e) Recreational opportunity

f) The health of people exposed to contaminants

3.4.2C ▸ Uncertainty, high costs and long time frames associated with improving the water quality and reducing the quantity of contaminants discharged to the Coastal Environment can also diminish people's perceptions of amenity.

3.4.3 Objectives

3.4.3A ▸ To maintain or where practicable enhance the physical and cultural quality of air, water (including that found in aquifers) and land in the Coastal Environment.

***Principal reason**: Policy 5.1.1 of the NZCPS states that rules should be made as soon as possible with the object of enhancing water quality. This objective is necessary to establish a basis for monitoring water quality and will be achieved in the first instance through improvements to existing point source discharges and in the longer term through improved land management practices.*

3.4.3B ▸ The progressive upgrade of the quality of existing point and non-point discharges to water of the Coastal Environment.

***Principal reason**: While there is significant concern for the adverse effects caused by existing discharges, in particular with the sewerage system outfall in Poverty Bay, there is recognition that realistically improvements need to be staged. However, there is evidence that the community want to see a real commitment and progress to attaining improved water quality.*

3.4.3C ▸ Avoidance, where practicable of the adverse effects of discharges to air, land or water on the natural character and amenity of the Coastal Environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.

***Principal reason**: This objective meets the requirements of Section 6(a) and 7(c) of the Resource Management Act 1991 and is consistent with Policy 3.2.2 of the New Zealand Coastal Policy Statement.*

3.4.4 Policies

3.4.4A ▸ Water quality of the Coastal Marine Area between Pariokonohi Point and Young Nicks to approximately 2 Kilometres offshore will be managed to accommodate the following purposes:

a) SA - Water managed to afford all water values the highest protection.

b) SB - Water managed for contact recreation (to at least provide for low health risks while bathing) while also protecting ecosystem values.

c) SC - Water managed to at least provide for low risk occasional human contact whilst protecting ecosystem values.

d) SD - Water managed to at least protect organisms from death by toxic discharge and prevent fouling of fishing grounds.

Refer: Method 3.4.5L for Water Quality Standards.

Explanation: This policy establishes that the Coastal water between the points named in the policy will be managed according to the uses described in the policy. This means that different requirements may be prescribed to discharges occurring in different areas. It should be noted that some waterways in the Coastal Environment are also classified.

***Principal reason**: This policy is necessary to reinstate existing water classifications pursuant to Section 69(2) of the Resource Management Act 1991.*

3.4.4 B ▸ Council will seek to enhance Poverty Bay water quality through:

a) Phased improvement over a period of time in the quality of wastewater discharge from the city outfall including monitoring and controlling the quality of trade wastes from commercial and industrial premises.

b) Continued encouragement of on-site treatment of effluent prior to discharge particularly within the horticultural processing sector.

c) Ongoing commitment to continued upgrading, where necessary, of infrastructure to manage the quality of urban runoff.

d) Ongoing commitment to the management and improvement of rural runoff via strategies and via rules in District and Regional Plans.

Explanation and principal reason: *Water quality in Poverty Bay will need to be improved if the purpose of the Act is to be met. A Wastewater Strategy adopted by the Gisborne District Council in 2002 will go some way towards achieving an enhancement in water quality in the long term. It is evident that the City outfall is only one source of contamination with discharges from the Waipaoa and Turanganui Rivers playing a part in addition to other factors Council is unable to control. The Coastal Marine Area water quality issue needs to be tackled holistically if water quality is to be enhanced. This will require Council and community commitment on a number of fronts and will need to take into account the economic situation of the community and their ability to pay for the upgrade, social issues and physical feasibility of potential improvements.*

3.4.4C ▸ Council will develop and implement a risk based approach to managing coastal water quality, that:

a) Identifies and evaluates the risks of a particular use or from a particular activity to human health or the environment;

b) Defines a programme of works or actions (with timeframes) to mitigate any adverse effects of uses or activities;

c) Includes ongoing monitoring after completion of any mitigation works or actions to determine whether risks are at an acceptable level or if further mitigation is required; *and*

d) Defines trigger levels at which specified management responses will be undertaken.

The risk-based approach includes a three tier strategy for monitoring coastal water quality (refer to Method 3.4.5F).

3.4.4D ▸ The Consent authority shall not grant a permit for a discharge to water of the Coastal Marine Area which on its own, or in combination with other existing lawful discharges, will, after reasonable mixing, result in existing water classification standards being exceeded except where:

a) Exceptional circumstances justify the granting of the consent;

b) Or the discharge is of a temporary nature and will not result in adverse effects that are cumulative; or

c) The discharge is needed for maintenance work, the result of which will be an improvement in the quality of the discharge; and the discharge will not result in adverse effects that are cumulative;

d) Or the existing water classification can be demonstrated to be inappropriate, and exceeding the standards is consistent with sustainable management having particular regard to the desirability of enhancing water quality, and public expectations for water quality.

Explanation: This policy establishes the validity and effect of the water classifications adopted in this Plan (refer Method 3.4.5L and Appendix 7). The exceptions provided allow some discretion to exceed the standards but only in limited circumstances. This policy must be read as being ancillary to Section 107 of the Act and can only be applied within the constraints of that Section.

***Principal reason**: The Gisborne District RPS envisages continued use of water classification as an appropriate management tool.*

3.4.4E ▸ A discharge of human sewage, excluding discharges of Human Sewage from ships, direct into the water of the Coastal Environment, that does not pass through land, shall only occur where:

a) It better meets the purpose of the Act than disposal onto land; *and*

b) There has been consultation with the tangata whenua in accordance with Tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; *and*

c) There has been consultation with the community generally.

Explanation: This policy applies to discharge of human sewage to waters in the Coastal Environment except those arising from vessels. In practice, it would be applied to the Gisborne City outfall after the expiry of the existing consent. Discharges from vessels are dealt with in the Resource Management (Marine Pollution) Regulations 1998 rather than in Rules in the Regional Coastal Environment.

***Principal reason**: This policy is designed to give effect to policy 5.1.2 of the New Zealand Coastal Policy Statement in regard to the Gisborne sewerage system outfall and other discharges of human sewage outside of a Protection Management Area.*

3.4.4F ▸ The Consent authority shall not permit the discharge of human sewage direct to the CMA of a protection management area unless it can be demonstrated that the adverse effects of the discharge will be minor. In particular the consent authority will have regard of the effects of the discharge on:

a) The Mauri of the receiving environment.

b) The potential impacts the discharge will have on actual or perceived amenity values of the receiving environment.

c) Any values protected or sought to be protected by the Protection Management Area, including any adverse effect on the natural character of the Protection Management Area.

Explanation: The policy is self-explanatory and precludes the direct discharge of effluent to a Protection Management Area except in exceptional circumstances.

***Principal reason**: Policy 5.1.2 of the NZCPS establishes that such a discharge may only occur in limited circumstances. On the basis of consultation with Maori and having regard of the regional importance of protection management areas the direct discharge of effluent to these areas will be carefully assessed.*

3.4.4G ▸ The discharge of a contaminant (either by itself or in combination with other discharges) directly into the coastal marine area should only be allowed in circumstances where:

a) The existing water quality is maintained and where appropriate enhanced;

b) The effects on the community of not allowing the discharge would not promote the social and economic wellbeing of the community; *or*

c) The discharge to an alternative receiving environment would create a greater adverse effect than the proposed discharge to sea.

***Explanation and principal reason**: There is a requirement within the legislation that quality of water will at least be maintained with an expectation that it will be enhanced. Water quality in the Coastal Marine Area is affected by both point and non-point discharges. In the short term there are no economically affordable means of immediately resolving the issues. Hill country runoff quality will be extremely difficult to effectively improve. There needs to be a short to medium term tolerance of the various discharges but this tolerance is coupled to a firm commitment to enhancing water quality. The Gisborne District Council has made this commitment by implementing a Wastewater Strategy for Gisborne City and other strategies for catchment management including controls on vegetation clearance, earthworks and pest management.*

Discharges should not be permitted in other locations where the adverse effect of the discharge will be greater than the discharge to sea.

3.4.4H ▸ All discharges of contaminants to water, land or air of the Coastal Environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:

a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant; *and*

b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.

Explanation: This policy sets a minimum descriptive standard for discharges (other than discharges from vessels which comply with the provisions of MARPOL 73/78) of contaminants to the Coastal Environment.

***Principal reason**: This policy is a requirement of Policy 5.1.3 of the New Zealand Coastal Policy Statement. The Australian Water Quality Guidelines for Fresh and Marine Water, Nov. 1992 provide details of thresholds at which fish mortality may occur.*

3.4.4I ▸ Particular regard will be given to avoiding the adverse effects of discharges that:

a) Do not readily degrade in the Coastal Environment into harmless forms; *or*

b) Have the potential, once discharged into the Coastal Environment, to be transformed into a more toxic form; *or*

c) When combined with other contaminants, have serious synergistic effects; *or*

d) Have poorly understood effects.

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

Explanation: Contaminants that have these properties can have serious and long-term adverse effects on the Coastal Environment. Extra caution will be adopted when considering applications for land use, or discharges involving these contaminants.

***Principal reason**: The NZCPS requires use of a precautionary principal (NZCPS Policy 3.3.1) and throughout addresses the importance avoiding adverse effects.*

3.4.4J ▸ Maintain and where practicable, enhance amenity values in the following locations:

a) Locations with a high public interest or public use of water except for the Port Management Area

b) Locations with a particular tangata whenua interest in the water

c) Places where food is regularly gathered

d) Places which can be demonstrated to be regionally important in respect of the amenity they provide and which may include:

i. Important scenic sites; *and*

ii. Important recreation sites; including sites that may be used for active recreation such as surfing, swimming or fishing; or passively used sites which may be appreciated for their relative ease of access, scenic beauty or seclusion; *and*

iii. Sites which contain a special mix of built and natural amenity values which combine to enhance people's perception of amenity.

For the purposes of this Policy, the Port Management Area includes the area set out in Appendix 2, Map Series 2B.1 and 2B.2. Within the Port Management Area, the dredge dump areas are excluded from amenity considerations in relation only to the deposition of dredge spoil and its discharge, and not in relation to any other discharge or deposit.[10]

Explanation: This policy establishes the very important role people's values play in respect of the effects of discharges into the Coastal Environment. The purpose of the Resource Management Act includes providing for peoples economic, cultural, spiritual well-being and directs particular regard to be had of maintaining or enhancing amenity. This policy implements that requirement by giving priority to the protection of the amenity in areas that are already well recognised for their amenity.

[10] Port Gisborne Consent Order 742/00

***Principal reason**: The Coastal Environment is central to the feeling of well being of many people in the Gisborne District. A majority of the population derive recreation or leisure experiences from the coast and any significant erosion of people's perceptions of the amenity of the coast would compromise achieving the purpose of the Resource Management Act. The NZCPS in policies 5.1.1 to 5.1.7 establishes the need for high water quality and in policy 3.1.2 establishes the need to protect significant amenity sites.*

3.4.4K ▸ The Council will consult fully with the community and will have regard to community expectations for coastal water quality when:

a) Setting minimum standards for water quality in the Coastal Environment;

b) Providing works or services involving a discharge to waters in the Coastal Environment.

c) Reviewing options for the treatment and ultimate disposal of Gisborne City sewage.

d) In other situations where it is reasonable to believe that the wider community stands to be affected by the works.

Explanation: The Council is stating that when it is engaged in important water quality works the community will be consulted.

***Principal reason**: Water quality issues are inextricably linked to human expectations. Policies 5.1.1 & 5.1.2 of the NZCPS establish the importance of community consultation; this policy is necessary to ensure consultation does occur and the results of the process are given due weight.*

3.4.4L ▸ The storage, manufacture, use or disposal of potential chemical contaminants in the Coastal Environment, should be avoided where, after having regard to alternative locations, or methods of containment, including location requirements, design specifications, national and industry guidelines and relevant codes of practice, avoidance is the best practicable option for preventing a possible containment failure, or possible cumulative minor discharges, which could give rise to significant adverse effects on habitats, feeding grounds or ecosystems.

Explanation: New facilities such as landfills, petrochemical stores, timber treatment plants and other significant sources of potential contamination will be required to locate outside the Coastal Environment unless it is not practicable to do so.

***Principal reason**: The Coastal Environment is frequently sensitive to the adverse effects of contamination. Containment and implementing remedial action should spills occur can be very difficult and for this reason risky activities should not locate in the Coastal Environment.*

3.4.4M ▸ The Council shall minimise the practical uncertainty created by the use of the terms 'reasonable mixing' and 'natural perturbations' by:

a) Requiring applicants for discharges water of the CMA to assess dispersion and mixing characteristics for their discharge in the receiving environment; *and*

b) Based upon the dispersion and mixing characteristics of the discharge defining, on a case by case basis, a zone that will be used for the discharge as the reasonable mixing zone.

Explanation: The application of these terms is required in applying the standards in sections 70 and 107, and the Third Schedule of the Act.

***Principal reason**: The effects of uncertainty as to the extent or effects of a mixing zone - both administratively and in respect of public confidence needs to be minimised if the provisions of this plan are to be useful. A case by case approach is necessary as "reasonable mixing' is undefined in the RMA yet pivotal to assessing breach or otherwise of permit conditions.*

3.4.4N ▸ Adverse effects that arise from vessel discharges and maintenance shall be avoided or mitigated by, among other things:

a) Ensuring adequate measures are taken to prevent contaminants from vessel maintenance entering the CMA; and

b) In appropriate circumstances, requiring applicants for Resource Consents within the Port Management Area, as a condition of the consent pursuant to Section 108 of the Resource Management Act 1991, to provide facilities to collect rubbish or sewage from vessels at Port Gisborne. Where appropriate, such collection facilities should be designed so that they can be used by self contained vehicles complying with NZS 5465:1990; *and*

c) Encouraging the provision of facilities for collection of the residues of vessel maintenance at all places where vessel maintenance regularly occurs and requiring all new vessel maintenance facilities to provide such facilities or have available the appropriate services.

Explanation: The Council will use various methods to encourage the responsible disposal of wastes from vessels. However, complete avoidance of adverse effects is unlikely to be achieved.

***Principal reason**: Policy 5.2.1 of the NZCPS requires the provision of these things at ports, marinas and other busy areas.*

3.4.4O ▸ The discharge to land of liquid wastes which contain high levels of organic waste, contaminants that are likely to be toxic to organisms living in the receiving environment, or other wastes the effects of which are either uncertain or likely to be adverse to the receiving environment shall be avoided in or adjacent to the following locations:

a) Areas aquifers recharge from

b) Surface or groundwaters

c) The margins of lakes, rivers, streams, wetlands or estuaries.

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

Explanation: The disposal of effluent to land is generally preferable to disposal in the Coastal Marine Area or rivers, lakes and streams. The policy is necessary to ensure that disposal of waste does not have unnecessary adverse effects (inevitably there will be some).

Principle reason: *This policy is necessary to ensure that measures are taken to avoid, remedy or mitigate adverse effects that are reasonably foreseeable, consistent with Policy 3.2.2 of the NZPS. This policy also implements the precautionary principle requirements of the NZCPS (Policy 3.3.1 of the NZCPS).*

3.4.4P ▸ The adverse effects of the discharge of wastes to land of the Coastal Environment shall be avoided by:

a) Ensuring that the cumulative effects of discharges to land are fully assessed.

b) Requiring waste treatment facilities to contain adequate provisions to avoid the escape of untreated effluent to the Coastal Environment during emergencies.

c) Ensuring that waste which contains toxic contaminants is adequately sealed to prevent leakage into soils, waterbodies or the Coastal Marine Area.

d) Avoiding locating discharges in areas of high amenity or natural character.

e) Avoiding locating waste disposal sites where they are prone to inundation or other natural hazard.

f) Requiring the remediation of waste disposal sites at the end of their useful lives.

g) Ensuring solid waste disposal sites are sufficiently landscaped to avoid detracting from local amenity and the natural character of the Coastal Environment.

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

Explanation: While standards exist for part of the Coastal Marine Area with respect discharges there, none exist above MHWS. This policy establishes minimum requirements for land disposal of wastes (note: more general policies above address this area also). These provisions should be read in conjunction with the WM&HSP.

Principal reason*: This policy is necessary to ensure that measures are taken to avoid, remedy or mitigate adverse effects that are reasonably foreseeable.*

3.4.4Q ▸ Air quality in the CMA must not exceed the following guidelines:

Indicator Level	Guideline	Averaging Time	Method of Measurement
Deposited Particulate	4 g/m^2	30 days	ISO/DIS 4222.2-1980
Inhalable Particulate (PM_{10})	40 $\mu g/m^3$ 120 $\mu g/m^3$	Annual Mean 24 Hour Mean	AS 3580.9.6-1990 AS 3580.9.7-1990
Sulphur Dioxide	50 $\mu g/m^3$ 125 $\mu g/m^3$ 350 $\mu g/m^3$ 500 $\mu g/m^3$	Annual Mean 24 Hour Mean 24 Hour Mean 10 Minute Average	AS 3580.4.1-1990
Carbon Monoxide	10 $\mu g/m^3$	8 Hour Mean	AS 3580.7.1-1992
Nitrogen Dioxide	100 $\mu g/m^3$ 300 $\mu g/m^3$	24 Hour Average 1 Hour Average	AS 3580.5.1-1993
Lead	0.5-1.0 $\mu g/m^3$	3 Month Moving Average	AS 2800 – 1985
Fluoride Special Land Use	1.8 $\mu g/m^3$ 1.5 $\mu g/m^3$ 0.8 $\mu g/m^3$ 0.4 $\mu g/m^3$ 0.25 µg/m	12 hour 24 hour 7 day 30 day 90 day	AS 3580.13.1-1993 AS 3580.13.2-1991
General Land Use	3.7 $\mu g/m^3$ 2.9 $\mu g/m^3$ 1.7 $\mu g/m^3$ 0.84 $\mu g/m^3$ 0.5 $\mu g/m^3$	12 hour 24 hour 7 day 30 day 90 day	AS 3580.13.1-1993 AS 3580.13.2-1991
Conservation Areas	0.1 $\mu g/m^3$	90 day	AS 3580.13.1-1993 AS 3580.13.1-1991
Hydrogen Sulphide		30 minute	AS 3580.8.1-1990
Landuse Affected by Natural Emissions	70 $\mu g/m^3$	Average	
Landuse Unaffected by Natural Emissions	7 $\mu g/m^3$	30 minute average	AS 3580.8.1-1990
Ozone	150 $\mu g/m^3$ 100 $\mu g/m^3$	1 hour average 8 hour average	AS 3580.6.1-1990
Visibility	20 kms	1 hour	AS 2724.4-1987

Note: $\mu g/m^3$ micrograms per cubic metre of air g/m^3 grams per square metre of a surface
mg/m^3 milligrams per cubic metre of air

Special Landuse involves those areas where there are commercially valuable plants.

Conservation Landuse involves those native areas of recreational or cultural significance or areas where the susceptibility of species is unknown.

Explanation: These air quality guidelines provide a quantitative basis for decision making and are based upon guidelines provided by MfE. It is highly unlikely that these guidelines would ever be exceeded; their inclusion ensures some consistency across the line of MHWS.

***Principal reason**: These guidelines are included in the Regional Air Quality Plan and are necessary to ensure integration with that plan occurs.*

3.4.5 Methods

3.4.5A ▸ Rural and urban land use activities will be encouraged to adopt practices that minimise the use or creation of potential contaminants, and reduce the quantity of contaminants entering land, air or the waters of the Coastal Environment.

***Principal reason**: Rural and urban land uses contribute contaminants to the Coastal Environment.*

These include, sediment, faecal, plant nutrient and agrochemical runoff from rural activities, various materials dumped at farm landfills and aerial discharges of smoke, agrochemical and odour. Also included are contaminants which enter storm water and groundwater in urban areas. The Council aims to reduce the adverse effects of these contaminants to the greatest extent practicable. This will largely be implemented through other statutory plans and non-statutory methods.

3.4.5B ▸ Within 6 months of this plan becoming operative Council will initiate a review of permits to discharge contaminants to the Coastal Marine Area with a view to amending the conditions of those permits that do not conform with policies or rules in this plan.

***Principal reason**: This method states that Council will actively review the conditions attached to coastal permits pursuant to section 128 of the Resource Management Act (the NZCPS policy 5.1.4 requires this). The method is included because it is a requirement under the NZCPS.*

3.4.5C ▸ The Council will implement a staged Wastewater Strategy for Gisborne City. The Strategy continues sewer and stormwater remedial works, and anticipates significant reductions in microbiological loadings, oil and grease loadings and suspended sediment loadings in the discharge. Investigations into the feasibility of disposal through land and disposal to land will also be made. Alternative strategies based on new technologies or further investigations may be considered provided equivalent or better discharge quality is achieved.

***Principal reason**: Refer Policies 3.4.4B and 3.4.4G.*

3.4.5D ▸ Council will maintain and enforce a trade waste Bylaw under which it will require industry to treat its own effluent prior to discharge to the sea through the reticulated system.

***Principal reason**: The sewage outfall currently discharges a mix of domestic and industrial effluent. Trade Waste Bylaws are the principal means that Council has adopted for ensuring that the quality of industrial effluent discharged is sufficient to meet the standards for the classified waters of Poverty Bay and, at the same time implementing a user pays regime.*

3.4.5E ▸ The Council will research the issues and values of the Gisborne City urban rivers and streams which include the Turanganui River, its riparian margins, and tributaries including the Kopuawhakapata Creek and the Port Basin. This research will culminate in the development of a systems based management plan for urban waterbodies.

***Principal reason**: The research is necessary in order to provide for the future management of these river systems. Council committed itself to this process during negotiations undertaken in the definition of river boundaries with the CMA. The research will cover water quality and other issues relating to the Turanganui River System.*

3.4.5F ▸ The Council will develop and implement a three tier monitoring strategy that shall provide for the monitoring of coastal water quality at three distinct levels:

Resource Use

a) Activities requiring resource consents will be subject to effects monitoring programmes established through conditions of a resource consent(s) for the following purposes:

- To compare water quality against the predictions in the environmental effects assessments submitted in support of a consent application or otherwise considered in the granting of a consent, and to establish the effectiveness of the methods proposed by a consent holder or otherwise imposed on the consent to manage or avoid adverse effects.
- For activities having the potential to create more than minor adverse effects on the environment, to require a contingency plan that will determine what additional measures (if any) may need to be undertaken to redress adverse environmental effects.
- To determine the need to review conditions of a resource consent.

Suitability of Waters

b) To develop and implement a risk-based approach in the evaluation of various environmental parameters in terms of the on-going monitoring of appropriate indicators, including those specifically relevant to water classification standards where applicable. Reporting processes on the environmental aspects shall identify risk levels and whether those risks are acceptable for the use of the environment or whether the risks need to be reduced.

State of the Environment Reporting

c) State of the Environment monitoring provides for a general overview of the state of coastal waters. As far as possible, reporting will draw on the results of the monitoring regimes discussed above. Monitoring of other parameters to assess aspects such as visual or life-supporting capacity and other data/assessment regimes may be used.

***Principal reason**:*

***Resource use** ▸ Activities requiring resource consents (i.e. the outfall discharge or a marine farm) will be subject to effects monitoring programmes established through conditions of a resource consent(s). These programmes will be used to compare water quality against the predictions in the environmental effects assessments considered in support of a resource consent application or otherwise considered in the granting of a consent.*

The monitoring programmes (funded by the holder of a resource consent) will establish how well the methods proposed by a consent holder, or imposed on a consent to manage or avoid adverse effects, actually work. Some activities may also be subject to a contingency plan that will determine what additional measures (if any) may need to be undertaken to redress adverse environmental effects. In certain situations monitoring results will enable the Council to instigate a review of the conditions of a resource consent. This process would provide the opportunity to strengthen consent conditions if necessary.

Suitability of Waters ▸ *This risk-based approach has the advantage of being more flexible in its operation while still achieving environmental outcomes that will be consistent with general community expectations.*
Importantly, it represents a move away from a rigid, numerically based standards approach that is unable to adequately accommodate influences beyond the control of consent holders. For instance, river discharges following high rainfall can cause dramatic reductions in coastal water quality. It is not appropriate for consent holders to be held accountable in those situations where natural processes have a major influence on water quality. Areas subject to higher recreational use such as swimming beaches will be subject to higher water quality standards than some other coastal waters. Relevant indicators will usually be based on recognised health standards (e.g. enterococci or faecal coliform levels), although other indicators may also be used.

State of the Environment ▸ *State of the Environment reporting provides information for the purposes of longer term trends and planning strategies.*

3.4.5G ▸ Coastal monitoring programmes will ensure that:

a) Monitoring data is gathered in a way that provides reasonable public confidence in the result, and serves as a reasonable defence in court.

b) The results of the water quality monitoring exercises are collated, analysed and written up in a format that is readily understood by the public, comparable with previous data sets and provides a reasonable indication of the error of any sampling regime. Any reports produced should be available to the public within 1 month of capture of the final data set.

c) Data gathered is sufficiently detailed to enable a reasonable estimation of the relative contribution of contaminants from Point and Diffuse source discharges into Poverty Bay and sampling occurs district wide in sufficient detail to enable effective monitoring of the state of the environment.

d) The adequacy of existing water quality standards is critically assessed against the objectives of this plan and national guidelines or standards should these be available.

Principal reason*: There are limitations in current water quality monitoring. In order to assess the implementation of this plan and gauge the effectiveness of management tools improved monitoring is required.*

3.4.5H ▸ The most appropriate indicator organisms will be to assess recreational and shellfish water quality.

Suspended sediment is assessed in the most appropriate manner to consider visual effects and life supporting capacity.

The following guidelines will be taken into account in meeting the requirements of the water quality standards and implementing the risk-based approach to managing coastal water quality:

- The Australian and New Zealand Environmental Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality Guidelines 2002 or any subsequent replacement document.
- Any current version of the Microbiological Water Quality Guidelines produced by the New Zealand Ministry of Health and Ministry for the Environment or any subsequent replacement document.

***Principal reason**: Currently Enterococci and faecal coliforms form the basis of the Council's existing monitoring programme and are used in risk-based assessment. These indicator organisms are simple to measure, have an established historic record that enables the comparison of trends and provides a basis for State of the Environment monitoring, however the best parameters to indicate water quality can change over time.*

3.4.5I ▸ Within 6 months of the lapsing of any coastal permit that is not replaced or renewed the consent authority shall initiate a review of the classification of that part of the CMA for which the classification was set and shall, if appropriate, reclassify that water to that of surrounding water.

***Principal reason**: Existing water classifications were based upon decisions made under previous legislation. The RMA and the NZCPS encourage an improvement in water and do not allow for a worsening; this policy ensures that water quality does not worsen. In particular - where an industry has failed it is inappropriate to retain the potential for similar adverse effects to occur just because it could in the past.*

Information, Education and Guidelines

3.4.5J ▸ The Council will encourage urban land use that reduces the frequency and quantity of contaminants entering the storm water and sewerage systems by:

a) Facilitating public and industry understanding of the causes and consequences of water pollution;

b) Initiating a specific education programme for householders and businesses to discourage inappropriate waste entering the storm water system.

c) Increasing awareness of appropriate alternatives and disposal methods.

d) Supporting the use of unleaded fuels, pedestrian, cycle and public transport.

e) Encouraging the separation of waste materials from stormwater in new subdivisions.

***Principal reason**: Education is a potentially viable means of ensuring adverse effects do not occur.*

Provision of services

3.4.5K ▸ The Council will progressively upgrade the city sewer system so as to reduce the frequency and quantity of sewage overflows into rivers.

***Principal reason**: The upgrade is a council policy. Sewer overflow is a major source of urban river and stream contamination.*

3.4.5L ▸ **Discharge water quality standards**:

Note: Water classes are fully described in Appendix 7. Please refer there to determine the bounds of the respective water quality class areas.

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

STANDARDS FOR CLASS SA WATERS

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

a) The natural water temperature shall not be changed by more than 3 degrees Celsius:

b) The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5:

c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours:

d) The natural colour and clarity of the water shall not be changed to a conspicuous extent:

e) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and the water shall not be rendered unsuitable for bathing by the presence of contaminants.

STANDARDS FOR CLASS SB WATERS

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

a) The natural water temperature shall not be changed by more than 3 degrees Celsius:

b) The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5:

c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours:

d) The natural colour and clarity of the water shall not be changed to a conspicuous extent:

e) The water shall not be rendered unsuitable for bathing by the presence of contaminants.

STANDARD FOR CLASS SC WATERS

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

a) The natural water temperature shall not be changed by more than 3 degrees Celsius:

b) The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5:

c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours:

d) The natural colour and clarity of the water shall not be changed to a conspicuous extent:

STANDARD FOR CLASS SD WATER

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

a) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances, or an altered acidity or alkalinity as measured by the pH, or a rise in temperature caused by the pollutant:

b) There shall be no fouling of fishing grounds:

c) The natural colour and clarity of the water shall not be changed to a conspicuous extent:

3.4.6 Anticipated Environmental Results

A. Coastal water, air, land quality to be maintained or enhanced.

B. Risk of introduction of exotic organisms minimised.

C. Adverse effects from point diffuse discharges on water quality reduced by public education.

D. Occurrence of accidental spills of contaminants minimised and if spills occur effective remedial measures are carried out.

3.4.7 Monitoring

Note: While the effects of discharges to air and land in the Coastal Environment are controlled under this plan only minimal monitoring is anticipated. Both the Air and WM&HSP Plans will contain provisions that adequately monitor the effects of activities landward of MHWS. The effects seaward are likely to be minor unless associated with a major activity - in which case monitoring will occur through conditions of that process.

Refer Policy 3.4.4C and Methods 3.4.5F, 3.4.5G and 3.4.5H

The effects of the Gisborne City discharge will be monitored on at least a monthly basis. Sampling shall be designed to give a reasonable indication as to the extent and effectiveness of mixing. Consent holders will be required to provide information for this purpose in accordance with section 108.

The levels of enterococci and faecal coliforms of coastal waters at Browns Beach, Wherowhero Lagoon, Waipaoa River, Paokahu Beach, Abattoir Beach, Midway Beach, Waikanae Beach, Turanganui River, Kaiti Beach, Sponge Bay, Wainui Beach, Tolaga wharf, Tokomaru wharf and Hicks Bay wharf, will be monitored on a monthly basis.

The safety of waters for contact recreation at Okitu Lagoon, Makorori Beach, Tatapouri Beach, Turihaua Beach, Turihaua Stream, Pouawa Stream and Beach, Waiomoko River, Whangara Beach, Pakarae River, Waihau Bay, Waihau Bay lagoon, Tolaga Bay Beach, Uawa River, Anaura Bay Beach, Tokomaru Beach, Mangahauini River, Te Araroa Beach, Onepoto Beach and the Lottin point reserve, Kaiaua Beach, Kaiaua Stream, Waipiro Bay, Waipiro River, Tuparoa Beach, Waiapu Beach, Waiapu River, Awatere River, Karakatuwhero River, North Karakatuwhero Beach, Punaruku Stream, Nukutaharua Stream, Hicks Bay Beach and Wharekahika River, will be monitored at appropriate intervals.

Heavy metals and polyaromatic hydrocarbons in the coastal waters and sediments of the Turanganui River and Port Gisborne Basin will be monitored on an annual basis.

The microbial quality of shellfish at Kaiti Beach will be monitored on an annual basis.

The total volumes of contaminant by type discharged to air of the Coastal Environment shall be monitored and where identified, the effects of discharges shall be documented.

In all cases, the number of samples taken shall be sufficient to give reasonable public confidence in the result, and serve as a persuasive defence in court. This monitoring programme will be reviewed once every four years.

3.5 TAKE, USE, DAM, DIVERT WATER

3.5.1 Introduction

Within the Gisborne District very few if any industries take or use coastal water in significant quantities. With limited exceptions, the effects of any taking, use, damming or diversion of coastal waters that is likely to occur is minimal.

The exceptions are where taking, use, damming or diversion occurs in confined water; such as occurs within rivers or estuaries or even within a small embayment. In these situations the effects of the activity are likely to be greater than in open coastal water because:

a) The effects are confined and less likely to be assimilated to the extent that they cannot be measured

b) The fauna and flora in these areas is likely to be more specialised than in open water; any adverse effects are likely to be more significant to these organisms

c) Enclosed waterways are more prone to the adverse effects of siltation, changes in speed and volume of water flow and other physical changes to the environment.

The Resource Management Act presumes that activities that involve taking, using, damming or diverting open coastal water can occur unless they occur in a manner that is contrary to the rules in a Coastal plan. The administrative overhead of developing all encompassing rules to provide certainty that all activities that involve taking, use, damming or diversion of water occur according to specific guidelines precludes that approach being adopted for this activity class.

Rather, this chapter of this plan provides broad policies for providing guidance on what effects are likely to be important when applications to take, use, dam or divert are made. The chapter also recognises that in all likelihood the number of applications for this type of activity is likely to be low.

The Resource Management Act states:

s14 Restrictions relating to water

(1) No person may take, use, dam, or divert any-

a) Water (other than open coastal water); *or*

b) Heat or energy from water (other than open coastal water); *or*

c) Heat or energy from the material surrounding any geothermal water - *unless the taking, use, damming, or diversion is allowed by subsection (3).*

(2) No person may -

a) Take, use, dam, or divert any open coastal water; or

b) Take or use any heat or energy from any open coastal water, - in a manner that contravenes a rule in a regional plan or a proposed regional plan unless expressly allowed by a resource consent or allowed by section 20 (certain existing lawful activities allowed).

The Act has the following definitions:

Coastal water means seawater within the outer limits of the territorial sea and includes-

(a) Sea water with a substantial fresh water component; *and*

(b) Sea water in estuaries, fjords, inlets, harbours, or embayments:

Open coastal water means coastal water that is remote from estuaries, fjords, inlets, harbours, and embayments:

The Act does not define "sea water".

3.5.2 Issue

3.5.2A ▸ The taking, use, damming or diversion of water in the Coastal Environment has a potential to result in adverse effects on the environment - particularly where they occur in enclosed waters.

3.5.3 Objectives

3.5.3A ▸ There be no more than minor adverse effects on the environmental, amenity or cultural values of the Coastal Environment caused by the taking, using, damming or diverting of water.

3.5.3B ▸ The mauri, amenity and natural character values of the Coastal Environment be protected from any adverse effects associated with taking, use, damming, or diversion of water in the Coastal Environment.

Note: Where taking, using, damming or diverting water in the Coastal Environment involves the erection of structures, alteration to the foreshore or bed of the Coastal Environment or any other activity specifically provided for by rules or policies of this plan, the provisions of those rules or policies apply also.

Principal reasons: *The objectives for this chapter are couched in general terms in recognition of the complexity of the adverse effects that taking, using, damming or diverting coastal waters can cause. Without such an objective the purpose of the RMA could not be met (it should be notes that most activities involving major works will also involve structures).*

3.5.4 Policies

3.5.4A ▸ To allow the taking use, damming or diverting of water in the Coastal Environment provided that it has no more than minor adverse effects on the natural or physical values of the Coastal Environment, and provided activities associated with the take, use, damming or diversion of water is consistent with other policies and rules of this plan.

Explanation: This Policy is self-explanatory and facilitates activities which take, use, dam and divert water in the Coastal Environment. The policy is intended to direct decision makers to the requirements of other chapters of the plan.

Principal reason*: The Resource Management Act establishes its purpose as allowing people to provide for their needs without compromising environmental bottom lines.*

3.5.4B ▸ To provide for the taking or use of water from the Coastal Environment for the operational needs of vessels, or for firefighting purposes.

Explanation: This Policy refers to water taken by vessels for engine and machinery cooling, refrigeration, freshwater production, ballast, and water taken for use in on board sewage treatment plants, and also to all water used for firefighting purposes.

Principal reason*: Policy 5.2.5 of the NZCPS establishes that the taking of water for normal operational requirements of ships should be allowed. It is inconceivable that the adverse effects of taking coastal water for firefighting purposes would have significant adverse effects that in any way outweighed the benefits of firefighting activities.*

3.5.4C ▸ To have particular regard to the effects of any taking, use, damming or diversion of water in the Coastal Environment on the mauri of coastal waters.

Explanation: This Policy seeks to ensure that any effects on the mauri of a water body are considered when assessing an application to take, use, dam or divert water in the Coastal Environment.

Principal reason*: Maori have established the importance of the Mauri of Coastal Waters. The Resource Management Act establishes the importance of maintaining Maori values and this is supported by the NZCPS (eg. policy 2.1.1).*

3.5.4D ▸ To avoid taking, using, damming or diverting coastal water where taking, using, damming or diverting coastal water is likely to:

a) Adversely affect tidal movements or water levels within an estuary; river, stream or embayment or

b) Prevent the migration of trout, salmon or indigenous flora and fauna; or

c) Result in the localised depletion of organic or inorganic compounds from water of the Coastal Environment; unless it can be demonstrated that allowing so will not significantly adversely affect any plant or animal species in that location; or

d) Adversely affect to significant degree coastal water containing any habitat important to the continued survival of any indigenous species or containing nationally vulnerable species or nationally outstanding examples of indigenous community types.

Explanation: This policy establishes a threshold at which Council will discourage certain activities. The effects that form the basis of this threshold are sufficiently adverse to warrant this approach.

***Principal reason**: The sustainable management of the regions natural and physical resources depends upon those resources being available for future generations. The NZCPS (eg. Policy 1.1.1 a) and Resource Management Act states the importance of avoiding cumulative adverse effects. The NZCPS throughout points to environmental bottom lines (eg. Policy 1.1.2 (a)).*

3.5.5 Anticipated Environmental Results

A. Taking, using, damming or diverting water within the Coastal Environment occurring with a minimum of interference where the effects are minor.

B. Preservation of the Mauri and amenity values of the Coastal Environment.

C. Taking, using, damming or diversion not occurring where it is likely to:

a) Adversely affect tidal movements or water levels within an estuary; river, stream or embayment; *or*

b) Prevent the migration of trout, salmon or indigenous species; *or*

c) Result in the localised depletion of organic or inorganic compounds from water of the Coastal Environment; unless it can be demonstrated that allowing so will not adversely affect any plant or animal species in that location; *or*

d) Adversely affect any habitat important to the continued survival of any indigenous species or containing nationally vulnerable species or nationally outstanding examples of indigenous community types.

3.6 NOISE

3.6.1 Introduction

The emission of noise in the Coastal Environment does not typically result in significant adverse effects to values associated with that environment. Exposed coasts such as are common throughout the Gisborne region are often dominated by natural back-ground noise and, in most instances, noise has no long-term adverse effects on them.

Noise is an issue when it threatens peoples appreciation of the natural character of the Coastal Marine Area, 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.

The RMA requires every occupier of land to use the Best Practicable Option (BPO) to ensure that noise is not unreasonable. The Act states that in the Coastal Marine Area Regional Councils have a responsibility to control noise and in Section 326, that excessive noise is defined with respect to peoples comfort and convenience and includes only those noises under human control:

Section 16: Duty to avoid unreasonable noise

(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

(2) Subsection (1) does not limit the right of any local authority or consent authority to prescribe noise emission standards in plans made, or resource consents granted, for the purposes of any of sections 9, 12, 13, 14, or 15.

(vi) The emission of noise and the mitigation of the effects of noise.

Section 30: Functions of regional councils

(1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

d) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of-

vi The emission of noise and the mitigation of the effects of noise:

Section 326: Meaning of "excessive noise"

(1) In this Act, the term "excessive noise" means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted).

In the absence of rules in this plan the Act provides a mechanism for dealing with the effects of noise on people. This Chapter of this plan takes the regulatory provisions of the Act further by stating methods for the control of the effects of noise on people and by providing policies which recognise the sensitivity of some coastal animal species to noise.

3.6.2 Issue

3.6.2A ▸ The adverse effects of noise are often an unavoidable by-product of activities located in the Coastal Marine Area. The effects of noise are highly dependant on the values of a given location, and change over time.

3.6.3 Objectives

3.6.3A ▸ No interference with the peace, comfort or convenience of people in the Coastal Environment as a consequence of noise emanating from the Coastal Marine Area.

***Principal reason**: 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 policy 3.1.1 of the NZCPS.*

3.6.3B ▸ The management of space within the CMA to accommodate activities which create significant noise as a consequence of their operational requirements.

***Principal reason**: Sustainable management means managing the use, development and protection of the environment to meet various needs, without compromising the environment. Providing for the management of necessarily noisy activities is consistent with sustainable management if the adverse effects can be avoided, remedied or mitigated.*

3.6.3C ▸ The avoidance of the effects of noise on sensitive ecosystems.

***Principal reason**: 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.*

3.6.4 Policies

3.6.4A ▸ To ensure that activities located within the Coastal Marine Area do not create noise emissions which exceed standards set landward of the Mean High Water Spring mark.

Explanation: This policy establishes that activities seaward of MHWS will have to ensure they meet the same noise emission standards that activities landward of MHWS must. In principle this means that noise emissions from marine activities must not exceed certain values at the boundaries of properties zoned for various purposes.

***Principal reason**: 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.*

3.6.4B ▸ 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.

Explanation: This policy establishes the right of some existing activities to generate noise which may not be appropriate should the adjacent land use change. This policy does not abrogate responsibility for avoiding, remedying or mitigating any adverse effects of noise.

***Principal reason**: 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.*

3.6.4C ▸ 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.

Explanation: Implementation of this policy will provide an appropriate level of certainty about the actual noise emissions of an activity, but will not guarantee a given activity will always meet the appropriate standards.

***Principal reason**: 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.*

3.6.4D ▸ 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.

Explanation: This policy requires the avoidance of adverse effects on significant fauna. It is envisaged that roosting birds and haul out areas for seals will be protected from excessive noise if these meet the threshold of "significant".

***Principal reason**: This policy is needed to ensure that natural values are assessed and had regard to.*

3.6.4E ▸ Noise Levels in the coastal marine area 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".

Explanation: The standards referred to in this policy are well respected national standards established by the Government.

***Principal reason**: This policy is required to maintain consistency with national standards.*

3.6.4F ▸ Construction noise arising from any activity in the coastal marine area 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".

Explanation: The standards referred to in this policy are well respected national standards established by the Government.

***Principal reason**: This policy is required to maintain consistency with national standards.*

3.6.5 Monitoring the Achievement of Plan Objectives

A. Assessing the effects of noise.

Method

Maintaining records of complaints of excess noise emanating form the Coastal Marine Area.

Surveying community perceptions of coastal amenity.

Maintenance of a register of animal sites threatened by noise.

Indicators

a) Changes in the rate of complaint of excessive noise.

b) An index of public perceptions of the impact noise has on amenity of the Coastal Marine Area.

c) Documentation of noise complaints against activity type.

d) Stability of populations first registered as being affected by noise.

3.7 EXOTIC PLANTS

3.7.1 Introduction

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

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

Section 12(1)(f) of the Resource Management Act prohibits the introduction of exotic plants to the Coastal Marine Area unless expressly allowed by a rule in a Regional Coastal Plan.
Section 12: Restrictions on use of coastal marine area

(1) No person may, in the coastal marine area,

(f) Introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed-unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.

The Act implies it, but it is worth noting also, that where indigenous and exotic plants can achieve the same purpose indigenous plants are favoured. On the subject the NZCPS states:

"*Policy 3.2.10*

Policy statements and plans should indicate that when restoration plantings are carried out, preference should be given to use of indigenous species, with a further preference for the use of local genetic stock"

Relationship to Other Legislation

The Council is responsible for educating the public and ensuring noxious plants do not become a problem in the district.

The Biosecurity Act, 1993 has replaced the Noxious Plants Act and required the adoption of Regional Pest Management Strategies. These strategies supersede programs instituted under the Noxious Plants Act and will address the management of species that pose an economic threat.

The overlap between legislation does not abrogate responsibility for dealing with issues under respective statutes. The RMA and Biosecurity Acts are different - though at a practical level may result in similar outcomes through their implementation. Under the RMA a wide range of effects are the benchmarks against which an application is measured. The Act controls largely through the resource consent process and plan rules.

The Biosecurity Act on the other hand focuses on controlling economically damaging pests and weeds and will be implemented by developing plans to control these species.

Where resource consent applicants seek to introduce new exotic plants into the coastal marine environment, controls and if necessary policies, will be formulated in association with DOC and MFish regarding the treatment of such plant species.

The following objectives, policies and rules seek to establish a framework for dealing with exotic plan introductions under the RMA.

3.7.2 Issue

3.7.2A ▸ Exotic plants, when introduced to a new environment, can have adverse effects which are irreversible and difficult to predict.

3.7.3 Objective

3.7.3A ▸ No adverse effects to the Coastal Marine Area as a consequence of managing the introduction of exotic or introduced plants to the Coastal Marine Area.

Principal reason*: This objective encapsulates a number of areas of concern into one succinct statement. The potential for adverse effects is a prime concern.*

3.7.4 Policies

3.7.4A ▸ To recognise the inappropriateness of introducing exotic plants to locations in the Coastal Environment containing:

a) Significant indigenous flora; *or*

b) Significant habitats of indigenous fauna (where these are dependant on indigenous flora or are threatened by exotic flora); *or*

c) Areas of high natural character values; *or*

d) Areas of high cultural values.

Explanation: Exotic plants have the potential to seriously threaten natural character and plant and animal habitats. This policy is necessary to protect those values.

Principal reason*: These values are highly susceptible to the effects of exotic plants and should be protected from these effects.*

3.7.4B ▸ To have regard to the unique relationship of tangata whenua with the Coastal Environment and the potential introductions of exotic plants have to disrupt this relationship.

Explanation: This policy gives cultural values special status in the decision making process and reflects the special relationship tangata whenua have with the sea.

Principal reason*: Exotic plants have the potential to adversely affect Maori cultural values by displacing native species, reducing available food or impacting upon cultural beliefs.*

3.7.4C ▸ To promote, where appropriate, the planting of indigenous species (of local genetic stock where possible) in the Coastal Environment.

Explanation: The NZCPS requires preference be given to indigenous species for restoration planting. This policy ensures that and extends it to promote the same for all plantings.

Principal reason*: This policy is required to be not inconsistent with policy 3.2.10 of the NZCPS.*

3.7.4D ▸ To promote the management of exotic or introduced plant species in accordance with Regional Pest Management Strategies.

Explanation: This policy is designed to cross link this document with the Noxious Plants program as a means of achieving integrated management.

Principal reason*: The Gisborne Region Noxious Plant programme details plants that are regarded as noxious and plans their management. In order to achieve integrated management this plan should support that document through the appropriate policy and methods*

3.7.4E ▸ To prohibit the introduction of exotic plant species to the CMA unless the plant species can be demonstrated to:

a) Be compatible with natural ecosystems of the receiving environment; and

b) Have a well documented ecology and a high probability of behaving in a predictable manner in the receiving environment; or

c) Be so contained or managed as to be extremely unlikely to cause adverse effects on the ecology of the CMA beyond the immediate area for which the resource consent is sought.

Explanation: Plants, terrestrially and in the CMA, have a huge potential to spread. If plants that can adapt to an environment are introduced to it chances are high that they will succeed in colonising. If such exotic species are dominant over indigenous local species the adverse effects on natural values can be high.

Principal reason*: The precautionary principal is extremely important in respect of the introduction of plants to the CMA because of the potential irreversibility of that action. This policy details the bounds of precaution.*

3.7.5 Methods

3.7.5A ▸ The Gisborne District Council will develop and administer Pest Management strategies for economically threatening exotic plant species of the Coastal Environment as required by the Biosecurity Act 1993, and in the interim will manage noxious plants under its noxious plants program.

3.7.6 Anticipated Environmental Results

a) No adverse effects on the values of tangata whenua as a consequence of introductions of exotic plants to the CMA.

b) Efficient processing of resource consents to introduce exotic plants to the CMA.

c) Only well documented and predictable plant species being used in the CMA or good containment of less well understood species.

d) Protection of important natural values from the effects of introduced exotic plants.

3.7.7 Monitoring the Achievement of Plan Objectives

A. Assessing the benefit of exotic plantings.

Method ▸ Maintaining records of the extent of exotic planting in the Coastal Marine Area in conjunction with monitoring records for the process sought to be controlled by planting. The latter requires monitoring to be undertaken by the consent recipient. Conducting surveys of public perceptions of the effects of exotic planting.

Indicators:

a) The total area of exotic plantings in the Coastal Marine Area.

b) An index of the impact the public perceive planting have had on the Coastal Marine Area.

c) Documented effects of specific planting impacts.

Compliance Monitoring ▸ *See provisions in the monitoring section of this plan.*

SCHEDULE

Class A Noxious plants

Johnson Grass	Sorghum halepense
Cape tulip	Homeria collina
Water Hyacinth	Eichornia crassipies
Water lettuce	Pistia stratiotes
Salvinia	Salvinia molesta

Class B target plants

African Feather cress	Pennisetum macrourum
Australian sedge	Carex longebrachiata
Boxthorn	Lyciym ferrcissimumn
Common broom	Cytisus scoparius
Gorse	Ulex spp.
Montpellier broom	Teline montspessulana
Nodding thistle	carduus nutans
Pampas	Cortedaria jubata
Red cestrum	Cestrum elegans
Sweet briar	Rosa rubiginosa
White edge nightshade	Solanum marginatum
Woolly nightshade	Solanum mauritianum

3.8 NATURAL HAZARDS

3.8.1 Introduction

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

The Coastal Environment of the Gisborne District is particularly susceptible to a number of natural hazards because the majority of people in the Gisborne District live close to, or use, the coast.

There are several different types of coastal hazard which the Coastal Environment in the Gisborne District is susceptible to. These include:

- Tsunami
- Earthquake
- Mud volcanoes
- Storm surge inundation
- Erosion
- Fire
- River mouth movement
- Dune and Coastal Sediment movement

All of these events have occurred in the past within the Gisborne District. Tsunami, inappropriately referred to as tidal waves, are ocean waves generated by some types of earthquakes, volcanic eruptions or meteor strikes. Very large waves can be generated on occasions with the potential to cause loss of life and damage to coastal property. The waves can be generated from sources close to the New Zealand coastline in which case there is very little warning time. In other cases, waves can be generated in distant parts of the Pacific Ocean, and there is more warning time to take evasive measures before the waves arrive (with Tsunami, there is a common misconception that there is only one wave. This is not the case, there may be several). There is an international tsunami monitoring system in the Pacific Ocean, to which the Gisborne District Council is linked via Civil Defence Headquarters.

Within the last 150 years there have been approximately eight tsunami recordings on the coast of the Gisborne District. The great majority of tsunami recorded in the Gisborne Region produced waves less than four metres in height. It is possible that tsunami exceeding fifteen metres in height could strike the coast and people would be considerably more at risk today from tsunami than in 1947 because of additional development which has occurred over the century.

Earthquakes are a relatively common experience within the Gisborne District. In fact this District is considered to be a high risk earthquake zone.

Earthquakes affect more than the Coastal Environment but they can have specific effects on the Coastal Environment not found in other locations. Such effects include liquefaction, where unconsolidated sediments take on the properties of a fluid causing buildings and structures to sink. Sand is one such sediment.

Another effect is rapid uplift or downdrop of land. When this occurs adjacent to the sea the possibility of inundation by the sea caused by a drop in the land is increased and may occur very suddenly. The possibility of tsunami caused by such an earthquake has been discussed earlier.

Mud volcanoes are a phenomenon peculiar to the Gisborne District and occur in a band between 25 kilometres inland from the coast and 25 kilometres seaward of the coast. The tsunami of 1947 is thought to have been caused by a mud volcano eruption off Aerial reef.

Mud volcano eruptions are also recorded as eruptions of very large quantities of mud mixed with gas which has, in one reported instance, ignited. The ejection of mud has been reported in the form of a geyser reaching approximately 75-90 metres in height. Clearly, if such an eruption were to occur in an urban area in the Coastal Environment, it would have the potential to cause serious damage with potential loss of life. Such eruptions are not able to be predicted though previous eruptions have been associated with fault lines.

Storm surge inundation has been recorded on a number of occasions throughout the District. It generally arises from storm events which generate large seas occurring at high spring tides. Large waves overtop dunes and flow into low lying land behind the dune systems. Areas that lay below sea level are most at risk. An example of such an area is the area in the vicinity of the Wherowhero Lagoon. Storm surge inundation is likely to become an increasing coastal hazard over time as global climate change creates different weather patterns for this region of New Zealand.

It has been predicted that the weather in this region will become more stormy and, with the expected rise in sea levels coupled with a greater frequency of storms, areas of land that are not currently below sea level may become so and be at risk from storm surge inundation. Council intends to prepare Coastal Inundation Hazard Area maps (CIHAs) for areas that are likely to suffer inundation from the sea within a planning horizon of 100 years.

Fire is a hazard that generally arises in summer as a result of very dry weather drying out dune grasses and driftwood. Fire becomes a hazard when numbers of people enjoy "freedom camping" along the coastal margin in these grass areas. The fires are caused either by natural means such as lightening strike or spontaneous combustion or by accidents arising from camping areas or, occasionally, from arson. Driftwood fires are also a problem in that they are difficult to extinguish and may smoulder for a long time.

River mouths are highly mobile coastal features. They are also prone to blockage which causes localised flooding of adjacent land. Traditionally, river mouths have been subjected to river training works in order to prevent their migration to new locations within bays and to prevent the formation of sand bars at their mouths.
An example of a "trained" river mouth is the Waipaoa River. A mobile river mouth may put private property and homes at risk and in that sense is a natural hazard.

Coastal erosion is by far the most serious coastal hazard within the Gisborne Region.

In the Report; "Initial Assessment of Areas Sensitive to Coastal Hazards for Selected Parts of the Gisborne District Coast", Dr J.G. Gibb concludes that with the exception of the coasts of volcanic lithologies, such as those in the Lottin Point area, the entire Gisborne District coastline is subject to, and is likely to continue to be subject to, adverse effects from one or a combination of the natural hazards of sea and wind erosion, landslip and flooding from the sea and coastal rivers.

Natural coastal hazards are an example of an issue which straddles the administrative boundary between the land and sea set up in the Resource Management Act 1991. The District Plan for the Gisborne District Council will develop more detailed rules for the land component of the Coastal Environment following on from a policy framework developed in this plan.

Two means of identifying coastal hazards (other than fire, earthquake and volcanic hazards) have been adopted for this purpose. The majority of the coast has undergone an initial assessment of sensitivity to coastal hazards. This represents a rapid and less rigorous assessment of the extent to which an area is subject to coastal hazards over a 100 year planning horizon.

For areas where there is an identified coastal hazard problem, such as Wainui Beach and Northern Poverty Bay, a rigorous and complete coastal hazard zone assessment has been undertaken. Both these assessments are available in the reports prepared for Council by Dr Jeremy Gibb. Both assessment techniques adopt a 100 year planning horizon and neither of them guarantees protection from coastal hazards in perpetuity. In reality, they are based on an acceptable level of risk, and strike a balance between the expectations of members of the community to be able to use their land on the one hand against the need to protect life, adjacent property, and values from coastal hazards on the other.

It is important for people who wish to undertake subdivision, use and development in the Coastal Environment in areas which are identified as being sensitive to coastal hazards, including areas for which a CHZ assessment has been undertaken, to appreciate that Section 36 of the Building Act 1991 contains provisions that will apply.

Similarly areas within ASCHs, CHZs and CIHAs are covered by Section 106 of the Resource Management Act 1991 when any subdivision is proposed within them. The Council will ensure that Section 36 Notices (under the Building Act 1991) will be inserted onto property titles whenever any building is constructed or altered, including any property protection device, within those areas described, and that subdivisions in those areas will be assessed against Section 106 of the Resource Management Act 1991.

3.8.2 Issue

3.8.2A ▸ Subdivision, use and development in areas of the Coastal Environment is threatened by natural physical processes. Responses to those natural physical processes may exacerbate the threat or cause additional adverse effects on the environment.

3.8.3 Objectives

3.8.3A ▸ Identify the areas where natural hazards may occur for all the Gisborne District coastline within 5 years.

***Principal reason**: Policy 3.4.1 of the NZCPS requires Local Authorities to identify areas in the Coastal Environment where natural hazards exist. Doing so will enable people to consider ways of avoiding exposure to those natural hazards.*

3.8.3B ▸ New subdivision, use, and development and human settlement patterns in the Coastal Environment which:

- Maximise personal safety from natural hazards.
- Ensures that property and community infrastructure is less at risk of loss or damage from natural hazards.
- Does not accelerate or worsen or cause transfer of adverse effects of natural hazards on the environment.
- Preserves the natural character of the Coastal Environment and protects the amenity values and quality of the Coastal Environment from any adverse effect arising from activities undertaken in response to natural hazards.

***Principal reason**: As people become aware of the types of natural hazards that can occur in the Coastal Environment, attitudes about how development should be undertaken and where they should occur must change from confrontation with natural processes to harmonising with those processes. This Objective indicates that this is the direction the Council seeks to take and is consistent with Policy 3.4.4 and Policy 3.4.5 of the NZCPS.*

3.8.3C ▸ Regionally significant infrastructure, such as state highway 35 and Port Gisborne, is maintained by appropriate protection mechanisms, including the option of relocation where feasible, when threatened by natural hazards.

***Principal reason**: There are several regionally important infrastructure networks within the Gisborne District including Port Gisborne and state highway 35 as well as telecommunications and electrical and gas networks which may become exposed to natural hazards in the Coastal Environment. Because of their regional significance they will need to be maintained but relocation of them away from natural hazards must be considered as an option for their protection.*

3.8.3D ▸ Agencies and members of the general public are aware of areas of the coast identified as being areas subject to natural hazards and appreciate the dangers associated with subdivision, use, and development in those areas

***Principal reason**: Before the Council can initiate a shift in the public perception of how development should occur in areas prone to natural hazards it is essential that information on the areas where natural hazards may occur is made available and education on the dangers posed by those hazards is undertaken so that informed community debate can occur.*

3.8.3E ▸ Natural features, such as dune systems and estuaries, and physical processes are maintained or enhanced in order to maintain natural buffers against natural hazards which occur in the Coastal Environment.

***Principal reason**: Policy 3.4.2, 3.4.3 and 3.4.4 of the NZCPS point out that natural features and systems are natural defences against natural hazards and these should be maintained or enhanced. It is also important to appreciate that these natural features which act as buffers may migrate inland and activities undertaken in the Coastal Environment should not prevent such migration.*

3.8.3F ▸ A fully integrated approach to natural hazard identification, review, avoidance and mitigation between departments of the Gisborne District Council and with other responsible agencies.

***Principal reason**: A number of departments of the Gisborne District Council and other agencies and Departments of State have differing but complimentary roles to play in assessing, identifying, responding to and making policies about natural hazards in the Coastal Environment. It is essential that communication occurs between these agencies and that the approach to natural hazards each one takes is integrated and consistent.*

3.8.4 Policies

3.8.4A ▸ The Council will adopt a two-tiered assessment of areas prone to natural hazards associated with coastal erosion, storm surge inundation and slips. These assessments will be incorporated into the Regional Coastal Environment Plan and the District Plan for the Gisborne District.

Explanation: There are few areas where extensive development has occurred in the Coastal Environment and only a few areas where development is likely to occur. Because of this it is not necessary to carry out a detailed analysis of coastal hazards likely to occur in an area and establish risk zones. Such an analysis should only be necessary in areas where significant development has occurred, or is likely to occur. A more rapid, less accurate, survey methodology was adopted by the Council to indicate risk areas for the coast recognising that developments were less likely to occur in remote areas but needed to be informed as to the nature of any likely hazard should they occur.

***Principal reason**: This Policy is necessary to implement Objective 3.8.3A of this Plan and Policy 3.4.1 of the NZCPS.*

3.8.4B ▸ The initial assessments of areas sensitive to coastal hazards for selected parts of the Gisborne District coast set out in the report and accompanying A1 Aerial photomaps prepared for the Gisborne District Council in December 1994 are adopted as ASCHs for inclusion in this Plan and the District Plan of the Gisborne District and the Photomaps are reproduced in Appendix (5) of this Plan.

Explanation: Reports prepared for the Gisborne District Council on areas sensitive to coastal hazards must be incorporated into the Regional Coastal Environment Plan in order for them to attain legal status. These reports set out in map form and data form the areas of the Coastal Environment at risk from natural hazards within a planning horizon of 100 years and identifies the type of hazards an area is exposed to. This information is reproduced in appendix (4) of this Plan and has been incorporated onto the GIS computer system of the Gisborne District Council.

***Principal reason**: This Policy implements Objective 3.8.3A of this Plan and Policy 3.4.1 of the NZCPS.*

3.8.4C ▸ The assessments of coastal hazard zones for northern Poverty Bay and Wainui beach and data contained in the report and accompanying A1 aerial photomaps prepared for the Gisborne District Council in June 1995 were adopted as CHZs for inclusion in this Plan and the District Plan of the Gisborne District. In 2001 the 1995 Wainui CHZ were reviewed on the basis that new more precise information has become available which includes: new precise survey information of the coastal hinterland and seabed collected in 1999 and 2000; the latest advances in science including forecasts on climate change effects, sea level rise (SLR) and tsunami published in 2000 and 2001; knowledge of Wainui Beach developed from 1973 to 2001 and a parametric Geographic Information Systems (GIS) computer model developed in 1996 for assessing erosion risk on sandy coasts. The data from the photomaps is reproduced in Appendix (6) of this Plan.

Explanation: Reports prepared for the Gisborne District Council on coastal hazard zones assessed for northern Poverty Bay and Wainui Beach must be incorporated into the Regional Coastal Environment Plan in order for them to attain legal status. These reports set out in detailed map form and data form graded zones of risk arising from identified natural hazards within a planning horizon of 100 years. This information is reproduced in Appendix (6) of this Plan and has been incorporated onto the GIS computer system of the Gisborne District Council.

***Principal reason**: This Policy implements Objective 3.8.3A of this Plan and Policy 3.4.1 of the NZCPS.*

3.8.4CA ▸ The assessments of coastal hazard zones for Tolaga Bay and Anaura Bay and data contained in the report and A3 cadastral maps prepared for the Gisborne District council in August 1998 are adopted as CHZs for inclusion in this Plan and the District Plan of the Gisborne District and the data from the cadastral maps is reproduced in Appendix 6 of this Plan.

Explanation: Reports prepared for the Gisborne District Council on coastal hazard zones assessed for Tolaga Bay and Anaura Bay must be incorporated into the Regional Coastal Environment Plan in order for them to attain legal status. These reports set out in detailed map form and data form graded zones of risk arising from identified natural hazards within a planning horizon of 100 years. This information is reproduced in Appendix 6 of this Plan and has been incorporated onto the GIS computer system of the Gisborne District Council.

***Principal reason**: This Policy implements Objective 3.8.3A of this Plan and Policy 3.4.1 of the NZCPS.*

3.8.4CB ▸ The amalgamated assessments of Coastal Erosion Hazard Zone (Erosion) and Coastal Landslip Hazard Zone for Southern Poverty Bay and data contained in the report and A3 cadastral maps prepared for the Gisborne District Council in June 2004 are adopted as CHZs for inclusion in this Plan and the District Plan of the Gisborne District and the data from the cadastral maps is reproduced in Appendix 6 of this Plan.

Explanation: Reports prepared for the Gisborne District Council on coastal hazard zones assessed for southern Poverty Bay must be incorporated into the Regional Coastal Environment Plan in order for them to attain legal status. These reports set out in detailed map form and data form graded zones of risk arising from identified natural hazards within a planning horizon of 100 years. This information is reproduced in Appendix 6 of this Plan and has been incorporated onto the GIS computer system of the Gisborne District Council.

***Principal reason**: This policy implements Objective 3.8.3A of this Plan and Policy 3.4.1 of the NZCPS.*

3.8.4CC ▸ The assessment of Coastal Erosion Hazard zones (CEHZ), Coastal Landslip Hazard Zones (CLHZ) and Coastal Flood Hazard Zones (CFHZ) for Tokomaru Bay and data contained in the report and A3 cadastral maps prepared for the Gisborne District Council in September 2008 are adopted as CHZs for inclusion in this Plan and the Combined Regional Land and District Plan of the Gisborne District and the data from the cadastral maps is reproduced in Appendix 6 of this Plan.

Explanation: The report prepared for the Gisborne District Council on coastal hazard zones assessed for Tokomaru Bay must be incorporated into the Regional Coastal Environment Plan in order for it to attain legal status.
The report sets out in detailed map form and data form graded zones of risk arising from identified natural hazards within a planning horizon of 100 years. This information is reproduced in Appendix 6 of this Plan and has been incorporated onto the GIS computer system of the Gisborne District Council.

***Principal reason**: This policy implements Objective 3.8.3A of this Plan, Policy 3.4.1 of the NZCPS 1994 and Policy 51 of the proposed NZCPS 2008.*

3.8.4D ▸ Council shall adopt a minimum planning horizon of 100 years for ASCH and CHZ assessments.

Explanation: In order to facilitate forward planning, it is necessary to establish a planning horizon so that forecasts of risks to future generations can be made.

***Principal reason**: The Council has adopted a 100 year planning horizon because this period generally encompasses the minimum period of occupation of property on the coast and the minimum useful life of residential buildings and services provided they are regularly maintained. It allows for the cumulative effects of a slowly accelerating rise in sea-level, recurrence of severe onshore storms with a one-in-100 year frequency, long-term fluctuations in sediment supply and the recurrence of episodic short-term shoreline fluctuations.*

3.8.4E ▸ When considering an application for a resource consent, the Council or Consent Authorities shall require a developer to undertake either a CHZ or ASCH assessment in areas where no ASCH assessment has been made but subdivision, use, or development is proposed.

Explanation: Not all the Gisborne District's coastline has undergone an ASCH assessment. It is possible that development may be proposed in areas where no assessment has been made. The NZCPS states, in Policy 3.4.5, that new subdivision, use and development should be so located and designed that the need for hazard protection works is avoided. To enable Council to comply with this policy, it may be necessary to identify hazard risks for a proposed development located in the Coastal Environment.

***Principal reason**: This Policy is required to implement Objective 3.8.3 A and 3.8.3 B of this Plan and Policy 3.4.5 of the NZCPS.*

3.8.4F ▸ Where subdivision, use, and development is proposed within an ASCH, Council may require the developer to have a full CHZ assessment prepared as part of any information requirement or environmental assessment for a resource consent application.

Explanation: Certain subdivision, use and development which may be proposed within an ASCH area may require a more detailed analysis of risk exposure to natural hazards in order to establish the appropriate location for such subdivision, use and development. CHZ assessments may provide sufficiently detailed risk assessments that will enable Council to determine the appropriateness of an activity in the context of a planning horizon and hazard risk.

***Principal reason**: This Policy is required to implement Objective 3.8.3 A and 3.8.3B of this Plan and Policy 3.4.5 of the NZCPS.*

3.8.4G ▸ Where activities involving quantities of hazardous substances are, or are likely to be, undertaken adjacent to areas identified as being prone to coastal hazards, a planning horizon greater than 100 years may be applied to that area when assessing natural hazards in order to avoid adverse effects on the environment if contamination of the Coastal Environment could occur at the end of a 100 year planning horizon.

Explanation: Hazardous substance, once released into the coastal marine area, may have very significant adverse effects on a range of environmental parameters including community health and safety. Hazardous substances may also be very persistent in the environment and substances dumped now may still be hazardous in one hundred years time. The Gisborne District Council may require hazardous substances facilities to be set back further from the coast than would be the case for other activities, in order to reduce the possibility of future contamination.

***Principal reason**: Hazardous substances are frequently persistent and should be set back from the coast so that the risk of introducing those substances into the environment is reduced. Increasing the planning horizon where such activities may be undertaken will effectively cause those sites to be set back from the coast. This Policy implements Objective 3.8.3B.*

3.8.4H ▸ Council shall take into account projected changes in sea level as a result of global warming when preparing ASCH and CHZ assessments and shall adopt the Intergovernmental Panel on Climate Change (IPCC) "best estimate" rise in sea-level projection.

Explanation: The IPCC has established a "best estimate" 1990 projection of +0.66 metres by 2100 AD for sea-level rise. This is recognised by international and national scientific experts and is considered to have a high probability of occurrence. It also has the advantage of being in close agreement with the NZCCC mid range estimates for the New Zealand region. The IPCC reviews this figure every five years. The sea levels in the Gisborne region have been recorded as rising now for several decades and this is projected to continue.

***Principal reason**: Adopting the IPCC "best estimate" figure errs on the side of caution as required by Policy 3.3.1 of the NZCPS and is consistent with Policy 3.4.2 of the NZCPS.*

3.8.4I ▸ Where coastal property and infrastructure is artificially protected from coastal erosion by devices such as sea walls and revetments, Council will adopt the *Extreme Risk Erosion Zone* as a minimum *Coastal Hazard Zone* width provided that the Council is satisfied that the protective structures have a "*specified intended life*" EXCEEDING 50 years (refer: S. 39, Building Act 1991) and will, with regular maintenance, achieve the purpose for which it is designed.

Explanation: Property protection devices such as sea walls, groynes and revetments may reduce the risk of erosion for the land behind them if they are adequately designed and maintained. This may alter the extent of any assessed hazard zone to a minimum area affected by short term shore-line fluctuations delineated by the *Extreme Risk Erosion Zone*. This alteration is artificial and dependant on whether the protective structures are adequately designed and likely to last as effective structures for a period greater than 50 years.

If they are not adequately designed and there is no certainty of their continued existence, then the full CHZ still needs to be assessed. The Building Act 1991 makes provision for specifying an intended life for any structure and this offers a mechanism for achieving this policy.

***Principal reason**: This Policy identifies that property protection devices may reduce the risk posed by natural hazards to property, altering the area covered by a CHZ, while being consistent with Policy 3.3.1 of the NZCPS.*

3.8.4J ▸ ASCHs and CHZs may be reassessed after the occurrence of significant natural phenomena (e.g. large storms, tsunami, earthquakes, etc.), or significant new information becomes available (e.g. Climate Change and sea-level rise, monitoring program results), or after significant failure of property protection devices, or after the construction of significant property protection devices.

Explanation: ASCHs and CHZs are assessments of risk over time. A number of factors determine how those assessments are made. If significant change to the coast or physical parameters used to assess these risk areas then new assessments are likely to be required in order to reflect those altered factors.

***Principal reason:** This Policy is required to implement Objective 3.8.3F of this Plan.*

3.8.4K ▸ Publicly owned and administered land should generally not be used to construct private property protection devices unless no other alternative is available and the statutory purpose of those community assets is consistent with their use for the construction of private property protection devices.

Explanation: Private property should not be protected by community assets unless the purpose of those community assets is consistent with their use for the construction of private property protection devices. People who wish to construct such devices should do so on their own land so that the community may continue to enjoy full use of community assets.

***Principal reason**: This Policy is required to implement Objectives 3.8.3B and 3.8.3E of this plan and Policies 3.4.3 and 3.4.5 of the NZCPS.*

3.8.4L ▸ Publicly owned and administered land within the Protection Management Area shall not be used to construct property protection devices which may adversely affect the values identified in the Protection Management Area unless such use better meets the purpose of the Resource Management Act 1991 and the statutory purpose of those community assets is consistent with their use for the construction of private property protection devices

Explanation: Section 6 of the Resource Management Act 1991 sets out that certain significant values should be protected unless sustainable management can be better achieved by their loss. The Protection Management Area has been set up by identifying areas with very high natural values. Publicly owned land within the Protection Management Area frequently contains significant natural values and is important for public access to those values. Devices that may destroy those values sought to be protected should not be permitted in those areas.

***Principal reason**: This Policy implements Objectives 3.8.3B and 3.8.3E of this Plan and the Policies in Chapter 1 and 3.4.3 and 4.1.1 of the NZCPS.*

3.8.4M ▸ When assessing subdivision consent applications in the Coastal Environment, Council shall have regard to any coastal flood hazards.

Explanation: Coastal inundation from either storm surge or tsunami overtopping the foredune is especially likely in low lying coastal land such as Muriwai or in estuaries and harbours generally. While there are isolated records of wave run-up and tsunami surge heights in the Gisborne region, there is insufficient information to make any statistical assessments for future events. A precautionary approach should therefore be applied in assessing the heights of storm wave or tsunami surge heights based on past records and other information.

***Principal reason**: This Policy is required to implement Objective 3.8.3A, 3.8.3B and 3.8.3F of this Plan and Policies 3.4.1 and 3.4.2 of the NZCPS.*

3.8.4N

i. Council and Consent Authorities may require financial contributions as a condition of any resource consent pursuant to Section 108 of the Resource Management Act 1991 for any structure built within an ASCH zone or CHZ according to the provisions set out in Chapter 4 of this Plan and the District Plan.

ii. Consents for structures in the coastal marine area and any property protection device in the Coastal Environment built within a CHZ shall require a bond to be given against the removal of the structure on the expiry of the consent or in the event of its abandonment or its destruction by natural hazards.

Explanation: In the event of the destruction or loss of any structure in the CMA of the ASCH, CHZ, or on the expiry of a resource consent for such structures, the cost of removing those structures should fall on the owner of the structure, not the regional community. This also applies to property protection devices constructed within the Coastal Environment

***Principal reason**: This Policy implements Objective 3.8.3B and 3.8.3D of the Plan and Policies 3.2.3 and 4.1.3 of the NZCPS.*

3.8.4O ▸ Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be allowed only where they are the best practicable option for the future. The limitations of attempts to control natural processes by physical works will be recognised in the consideration of future options. The abandonment or relocation of existing structures should be considered among the options.

Explanation: Natural processes in the exposed, open Coastal Environment of the Gisborne Region are fuelled by powerful forces such as storms, wind, tide, erosion, sea level rise and waves. Generally, structures erected to prevent or restrict these forces are only able to do so for relatively short periods of time. If they are constructed to withstand these forces for longer periods of time they are considerably more expensive, require continued maintenance and frequently cause significant adverse effects in their own right. Care should be given to choosing when to use such devices and consideration should be given to how long those devices should reasonably be expected to function within their design specifications.

***Principal reason**: This Policy is required to implement Objective 3.8.3B, 3.8.3D and 3.8.3E of this plan and Policy 3.4 of the NZCPS.*

3.8.4P ▸ Coastal hazard protection works may be considered in relation to existing use or development of areas in the Coastal Environment. Determination of applications for resource consent will include consideration of:

a) The probability of the works providing effective long-term protection;

b) The public benefit from the use or development to be protected, in enabling the regional community to provide for its economic wellbeing, health and safety;

c) The regional and national significance of the use or development to be protected;

d) The effects of the protection works on the environment, including any change in natural character values or in the occurrence and rate of coastal erosion;

e) Measures previously taken, including decisions as to the location of the use and development, to avoid the need for coastal hazard protection works;

f) Alternatives to the development of coastal hazard protection works, and the reasons why those alternatives have not been proceeded with.

Explanation: Policy 3.8.4P provides for matters to be considered in the determination of applications for resource consent for coastal hazard protection works. It is anticipated that this will occur only in relation to existing coastal settlements and developments as the New Zealand Coastal Policy Statement and the Regional Policy Statement for Gisborne District states that Plans should prevent new use, development or subdivision in areas that may be adversely affected by coastal erosion or flooding

Principal reason: *This Policy is required to implement Policy 3.4.5 of the NZCPS and to indicate where appropriate subdivision, use and development may occur in the Coastal Environment.*

3.8.4Q ▸ Council and consent authorities shall discourage new development in areas that are known to be at high risk from coastal hazards within the Coastal Environment unless either:

a) The development is necessary for the operation of regionally important infrastructure such as Port Gisborne, and

b) There is no practical alternative; or

c) The proposed development will not be significantly affected by coastal hazards or affect natural features that act as buffers against natural hazards.

And in the case of (b) and (c) above:

i The development is unlikely to lead to a demand for protection works.

ii In the event of a hazard occurring, any resulting damage will not result in significant adverse effects on the environment including the safety of the general public.

Explanation: Avoidance of coastal hazards can be achieved by ensuring that structures and activities are located on sites that are not threatened by natural hazards within a 100 year planning horizon. There are some facilities and developments that require coastal locations and cannot be located any where else but within an area identified as being sensitive to natural hazards. The Port of Gisborne is one such facility.

***Principal reason**: This Policy is required to implement Objective 3.8.3B, 3.8.3C and 3.8.3D of this Plan and Policy 3.4.5 of the NZCPS.*

3.8.4R ▸ The Council will maintain a strong commitment to researching, recording and publicising information about natural hazards in the Coastal Environment.

Explanation: People should be made aware of the existence of natural hazards so that they can make informed decisions about the types of activities they can undertake in the Coastal Environment. To facilitate the appropriate level of awareness, Council must research, record and publicise information on natural hazards including the results of long and short term monitoring undertaken.

***Principal reason**: This Policy is required to implement Objective 3.8.3A, 3.8.3D and 3.8.3F of this Plan and Policy 3.3.2 of the NZCPS.*

3.8.4S ▸ The Council will provide for integration and consistency in dealing with resource consents for protection works either side of mean high water springs through provisions of the District Plan.

Explanation: This policy provides for rules regarding protection work in the new District Plan to be consistent with those in the Regional Coastal Environment Plan.

***Principal reason**: This Policy is required to implement Objective 3.8.3F.*

3.8.5 Methods

3.8.5A ▸ Council will undertake a rapid hazards assessment of the entire coast. This will be known as an Area Sensitive to Coastal Hazards (ASCH) assessment. A more detailed assessment known as a Coastal Hazard Zone (CHZ) assessment will be undertaken for areas where there is a high degree of risk revealed by the ASCH assessment and significant development has occurred, or is likely to occur, and be at risk from natural hazards.

***Principal reason**: This Method is required to implement Policy 3.8.4A of this Plan and Policy 3.4.1 of the NZCPS.*

3.8.5B ▸ Council will ensure that responses to natural hazards are integrated with the policies of this Plan through other documents prepared under the Resource Management Act 1991, and other Acts under which the Gisborne District Council operates including:

- The Building Act 1991.
- The Reserves Act 1977.
- Other Regional Plans and the District Plan for Gisborne District Council.
- The Civil Defence Plan prepared under the Civil Defence Act 1983.
- The Annual Plan of the Gisborne District Council prepared under the Local Government Act.

***Principal reason**: Several different divisions of the Gisborne District Council are responsible for preparing documents under a number of different Acts. It is important that those documents are integrated with the Policies set out in this Plan to ensure a consistent approach to responses when natural hazards occur. This Method Implements Objective 3.8.3F.*

3.8.5C ▸ Council will work closely with and advocate to other organisations which have responsibilities for dealing with natural hazards in the Coastal Environment in order to ensure consistent approaches to natural hazard management. These organisations include:

- The Department of Conservation.
- Iwi Authorities.
- Port Gisborne Ltd.
- Maritime Safety Authority.
- Ministry of Civil Defence.
- New Zealand Defence Force.
- New Zealand Police.
- Department of Survey and Land Information.

***Principal reason**: Other agencies have responsibilities for natural hazard management and should be consulted with and made aware of policy directions that Council wishes to adopt. This Method implements Objective 3.8.3F.*

3.8.5D ▸ Where new ASCH assessments or CHZ assessments have been completed, Council shall incorporate those assessments into the Regional Coastal Environment Plan and District Plan, within three months of their completion, by way of commencing a Plan Change pursuant to the first schedule of the Resource Management Act 1991.

***Principal reason**: Once new information about natural hazards has been formulated, it is important that such information is made publicly available and of use to decision makers. The RCEP and District Plan will immediately provide policies and rules for the interpretation of those hazard assessments and assist in achieving Objective 3.8.3B and 3.8.3D.*

3.8.5E ▸ Council will undertake CHZ assessments for southern Poverty Bay, Tokomaru Bay, Te Araroa and Hicks Bay within five years after this Plan is made Operative.

***Principal reason**: The areas referred to are considered to be areas with a high degree of vulnerability to natural hazards and areas that are likely to be subject to some degree of development pressure over the next ten years. It is considered desirable to identify the extent to which these areas are vulnerable to coastal hazards so that subdivision, use and development are undertaken in an informed manner.*

3.8.5F ▸ ASCH assessments and CHZ assessments will be undertaken using the standard methodologies and criteria set out in the report to Council, "Section 32 analysis of criteria to be included in the Regional Coastal Environment Plan for assessing coastal hazard areas in the Gisborne District; Appendix 1" and reproduced here in Appendix 5.

***Principal reason**: Consistency of approach is required to obtain consistent evaluations of coastal hazards in the Gisborne District. Since these criteria have been used to determine ASCHs and CHZs for the Gisborne District in the past, it is appropriate to continue their use.*

3.8.5G ▸ Council will incorporate information on identified and mapped ASCH and CHZ assessments in Council's property database.

***Principal reason:** Land Information Memoranda and Project Information Memoranda are formulated from Council's property database. If information on hazard areas is incorporated onto the property database then "PIMs and LIMs" will automatically reveal hazard information to people who wish to carry out subdivision, use and development in the Coastal Environment*

3.8.5H ▸ Council will publish new information on natural hazards and promote greater understanding of the natural processes that give rise to such hazards.

***Principal reason**: New information on natural hazards in the Coastal Environment should be disseminated as soon as possible so that people are able to make informed decisions about activities they wish to undertake in areas identified as at-risk.*

3.8.5I ▸ In areas where CHZs have been assessed, Council will undertake long term and regular monitoring of sand budgets, earth movements, sea level measurements and weather patterns in order to obtain a more detailed understanding of the natural processes occurring at those locations.

***Principal reason**: Coastal hazards are generally long term events and long term detailed monitoring is the only means of detecting the long term trends that underlay the nature and progress of such hazards. In areas already identified as being very prone to such hazards it is imperative that monitoring programs are established with a view to obtaining results in up to one hundred years time.*

3.8.5J ▸ Council will investigate the feasibility of preparing Coastal Inundation Hazard Areas for inclusion into the RCEP and the District Plan. Areas which may be assessed as a matter of priority are Poverty Bay, Wainui Beach and Tolaga Bay.

***Principal reason**: Policy 3.4.1 of the NZCPS requires Council to identify areas in the Coastal Environment where natural hazards exist. This Method is required to implement Policy 3.8.4M.*

3.8.5K ▸ The Council will, where appropriate, facilitate the undertaking of beach management options relating to property / beach protection works as recommended in the Wainui Beach Coastal Management Strategy (2003).

***Principal reason**: Refer 1.2.5.7.*

3.8.6 Environmental Results Anticipated

1. New development occurring in areas not under threat by natural hazards.
2. Options for the protection of existing development exposed to natural hazards fully explored.
3. Natural features that are resistant to natural hazards protected and enhanced so that natural protection from hazards remains.
4 Recognition by the public that long term climate change, including sea-level rise, needs to be considered when identifying areas which may become prone to natural hazards.
5. All areas prone to natural hazards in the Coastal Environment are identified and policies concerning subdivision, use and development are developed recognising those hazards.
6. The public knows which areas are prone to natural hazards, and is well informed on the natural hazards occurring there and the options for response to those natural hazards.

3.9 COASTAL RECREATION

3.9.1 Introduction

Marine recreation is an important component of the New Zealand lifestyle. The New Zealand coastline is recognised overseas for its attractive character and the variety of recreational opportunities available to visitors. The Gisborne District is no exception. The region's coastline is well known for its rural character, long sandy beaches, extensive reefs, and good surfing, swimming, fishing and camping opportunities.

Past dependence on coastal shipping has left us with a legacy of small coastal towns. These now survive in a large measure because of cultural links with the coastline and the recreational lifestyle opportunities that only a coastal location can provide.

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

There is a diverse range of recreational pursuits available to people in the coastal marine area. They range from more passive opportunities such as simply taking in the view and ambience of the coast or fishing and swimming, to more active opportunities including operating powered ships such as personal water craft and jet boats towing water skiers. Consequently it is important that policy on coastal recreation reflects the diversity of activities pursued in the coastal marine area.

The Resource Management Act enables Regional Coastal Plans to control activities on the surface of the water and on the foreshore of the coastal marine area. There are several other regulations made under different Acts that also control these activities. The principal Acts, other than the Resource Management Act, are the Local Government Act 1974 (as amended by the Local Government Amendment Act (No. 2) 1999) and the Maritime Transport Act 1994.

Two sets of regulations prepared under the now repealed Harbours Act 1950 have been saved under it. These are the Water Recreation Regulations 1979 and the General Harbour Regulations.

The Water Recreation Regulations control activities on the surface of the water in all navigable waters including all of the coastal marine area, except within Harbours that were defined in the Harbours Act 1950. Within Harbours, Harbour Board Bylaws which regulate activities on the surface of the water may continue in force until the 31st of March 2003 unless they are replaced with Navigation Bylaws prepared under the Local Government Act 1974. The Gisborne District Council has elected to replace the Harbour Board Bylaws it administers with Navigation Bylaws. Both regulations and Navigation Bylaws can place restrictions on the speed of ships in specific areas and provide for the exclusive or semi-exclusive use of parts of the coastal marine area for specific activities or classes of ship. They can control recreational activities such as swimming and fishing in specified areas.

There are four harbours in the Gisborne region. They are Matakaoa Harbour (Hicks Bay), Tokomaru Bay Harbour, Tolaga Bay Harbour and Gisborne Harbour. The Gisborne District Council is the responsible agent for all of them. The Navigation Bylaws apply to all of them.

The Gisborne Harbour and the Tolaga Bay Harbour extend into adjacent river systems outside of the coastal marine area and this plan cannot regulate activities on the surface of the water outside of the coastal marine area. That is a function of the District Plan.

The Local Government Act sets out that Navigation Bylaws must be read subject to the Regional Coastal Environment Plan for the Gisborne Region.

3.9.2 Issues

3.9.2A ▸ Some recreational activities on the surface of the water of the coastal marine area may be incompatible with other recreational activities taking place in the same area; and the environment in general. Adverse environmental effects generated by such activities may include excessive noise and navigational difficulties due to speed and people being unable to see or avoid ships. People's health and safety may be compromised by the inappropriate use of powered or unpowered recreational devices.

3.9.2B ▸ There are overlapping legislative instruments controlling recreational activities on the surface of the water that are not integrated and may not promote the sustainable management of natural and physical resources.

3.9.3 Objectives

3.9.3A ▸ Integrated management of recreational opportunities and resources which avoids, remedies or mitigates the adverse effects on the environment arising from recreational activities and the movement of ships.

***Principal reason**: There are several regulatory mechanisms currently in place that overlap and do not require a consideration of the likely effects of activities on the environment within the meaning of the Resource Management Act. The Resource Management Act 1991 enables this Plan to emphasise the need to assess impacts on the environment. This includes adverse effects on cultural values within the Coastal Environment.*

3.9.3B ▸ Lawful but essentially incompatible activities on the surface of water in the Coastal Environment are provided for in a manner that avoids threats to the health and safety of other recreational users.

***Principal reason**: Activities in specific locations, such as the effective operation of personal watercraft in the surf zone without speed restrictions, may impose other users of that area to personal danger. However, such uses of the coastal resource should be provided for in specified areas where the operation of such craft or other devices can be undertaken without fear of injuring others in the pursuit of their legitimate recreational activity.*

3.9.3C ▸ Activities, such as bathing and beach combing, which have only minor adverse effects on the Coastal Environment, are not generally restricted by regulation.

***Principal reason**: Swimming and other forms of passive recreation are essential to the wellbeing of the Gisborne region's communities and have not generally been subject to any regulatory mechanisms in the past. They should be allowed to continue without hindrance unless there is a very clear reason to prevent them. Resource consents to undertake such activities should not be required.*

3.9.4 Policies

3.9.4A ▸ Consent Authorities shall establish permanent exclusive or semi-exclusive Specific Activity Areas where it can be demonstrated that the activity proposed to be undertaken in the area is essentially incompatible with other activities.

Explanation: Generally, Council will not interfere with the opportunity to undertake any recreational opportunity within the coastal marine area and will not regulate them further than regulations and bylaws that already exist under other legislation such as the Water Recreation Regulations 1979 and Navigation Bylaws. However, activities that utilise devices or ships that have the potential to cause serious injury or death to other recreational users of the sea but are otherwise lawful and legitimate recreational pursuits should be provided for while ensuring that other recreational users are not put at risk. Ships such as personal watercraft are capable of causing serious injury or death because they are very powerful, fast and, when operating within the surf zone of a beach, the driver is unable to see swimmers in the water.

***Principal reason**: Essentially incompatible activities on the surface of the sea have the ability to cause serious adverse effects on people and communities and should be provided for only in locations where others will not be put at risk.*

3.9.4B ▸ Council will consider an activity essentially incompatible with other activities where:

1. People lawfully undertaking the activity cannot maintain visual contact with other users of an area; *or*
2. The device or devices they are operating have the potential to cause injury or loss of life to others in the same area.

Additional factors that may be considered are the required operating speed and/or size of any ship and the nature of the activity being undertaken.

Explanation: Essential incompatibility is the test of whether an exclusive Specific Activity Area, or any restrictions on activities in specific areas, should be established and Council must be clear as to what it means and how it should be applied. The incompatibility must be an issue of public safety and wellbeing such that if the activity were allowed generally then people's lives would be in danger.

***Principal reason**: This policy is appropriate in order to establish that loss of life and health and safety are the primary issues which may lead to the establishment of Specific Activity Areas or the imposition on any restrictions on activities in specific areas, in the coastal marine area.*

3.9.4C ▸ When considering an application for a plan change to establish a permanent exclusive or semi-exclusive Specific Activity Area in the coastal marine area, Consent Authorities will have particular regard to the following matters:

- The extent to which exclusivity of use of the proposed area is necessary to ensure public health and safety.
- Any requirements for public access including the need to launch and retrieve ships including personal watercraft.
- Any adverse effects arising as a result of either the exclusivity of use of the proposed area or the nature of the activity to be undertaken on culturally significant sites in the area.
- The results of consultation undertaken with all interested parties.
- Any adverse effects on ecological processes, bio-diversity, water quality, natural character, natural landscape and flora and fauna identified in a Protection Management Area near where, or in which, a Specific Activity Area is proposed to be located.
- The need to identify and mark the site for the benefit of the public.
- The amenity values that exist in the area proposed.
- The extent to which other recreational opportunities may be lost as a result of the establishment of any Specific Activity Area.
- Any matters raised by the Maritime Safety Authority or Harbour Master.
- Any restrictions of use of the area imposed on any other activity and the duration, if not permanent, of any such restriction.

Explanation: A wide range of issues should be canvassed when considering the establishment of Specific Activity Areas. Issues such as the need to undertake extensive consultation, navigation and safety and likely adverse effects on amenity values and recreational opportunities are obvious components of the design and implementation of any exclusive or semi-exclusive area. Applicants for plan changes should be prepared to provide the details in an Assessment of Environmental Effects in order to ensure that a consent authority is capable of determining the application

***Principal reason**: This Policy is required to enable a proper assessment of environmental effects and supports Objectives 3.9.3A and 3.9.3B.*

3.9.5 Methods

3.9.5A ▸ There shall be a Specific Activity Area established for the purpose of the operation of personal water craft in Gisborne Harbour located between the line of MHWS and 200 metres offshore, extending 400 metres parallel to the shore with its western end located 50 metres west of the extended centre line of Pacific Street and its eastern end located 350 metres east of the extended centre line of Pacific Street. The area is further described in Appendix 2, Map 2B.1 of the Regional Coastal Environment Plan for the Gisborne region.

***Principal reason**: A specific request for the operation of personal water craft without speed restrictions in the surf zone was received by the Council in late 1996 and, after consultations with the public and other interest groups it was decided to incorporate this site into the Coastal Plan. This Method implements Objective 3.9.3A and 3.9.3B and Policy 3.9.4A.*

3.9.5B ▸ The Council will establish, and may map, permanent exclusive or semi-exclusive Specific Activity Areas, other than Specific Activity Areas established under Rule 4.3.13A, 4.4.13A or 4.5.13A, through the Regional Coastal Environment Plan by way of Plan change applications pursuant to the First Schedule to the Resource Management Act 1991.

***Principal reason**: Since Specific Activity Areas hold a degree of exclusivity, Council considers it necessary to ensure that no individual or private organisation holds a Resource Consent granting exclusivity over an area of the Coastal Marine Area due to difficulties of enforcement and the potential for private organisations to obtain additional private benefit from public space. At the same time, Council recognises that essentially incompatible activities should still be catered for in a manner that does not put at risk the health and safety of others in specific areas. This Method implements Objectives 3.9.3B and Policy 3.9.4A.*

3.9.5C ▸ The Council will undertake a complete review of the Navigation Bylaws within the Gisborne Region within two years from the date the Minister of Conservation approves this Plan.

***Principal reason**: The Gisborne Region's Navigation Bylaws cover four harbours. The Navigation Bylaws must be prepared for the whole of the Gisborne Region by the close of the 31st of March 2003. This Method implements Objective 3.9.3A.*

3.9.5D ▸ The Council may undertake a review of this Chapter of this Plan after any review and amendment of the Navigation Bylaws promulgated under the Local Government Act 1974.

***Principal reason**: Bylaws promulgated under the Local Government Act 1974 should not be inconsistent with the Regional Coastal Environment Plan. Ideally, the two statutory provisions should be consistent with each other.*

3.9.5E ▸ The Council may participate in any promulgation or review of Maritime Rules prepared under the Maritime Transport Act 1994 in order to ensure a consistent approach to the regulation of activities on the surface of the coastal marine area.

***Principal reason**: The Maritime Safety Authority has indicated an intention to prepare and review Maritime Rules prepared under the Maritime Transport Act 1994. Since the Gisborne Region has an extensive coastline, Council's participation in such reviews is necessary in order to promote integrated management.*

3.9.5F ▸ The Council may appoint enforcement officers under the Resource Management Act 1991 outside of staff of the Gisborne District Council with powers sufficient to enforce the rules set out in Chapter 4.3.13, 4.4.13 and 4.5.13 of this Plan provided that such persons are also Honorary Enforcement Officers under either the Navigation Bylaws or the Water Recreation Regulations 1979, or both.

***Principal reason**: The enforcement of rules regarding activities on the surface of the water may better be carried out by people with specific skills and recognised warrants under different legislation who are currently involved in the same enforcement activity. This will ease the burden of enforcement on the Council and provide a more efficient method of policing these specific rules*

3.9.6 Anticipated Environmental Results

1. Integrated management of activities on the surface of the Coastal Marine Area between different statutory instruments.
2. The avoidance of risk to life and safety by the zoning of activities that is essentially incompatible.
3. Generally unrestricted recreational opportunities in the coastal marine area of the Gisborne Region.
4. Provision made for specialised recreational opportunities that are otherwise incompatible with other recreational opportunities.