

Part 5

Management Areas

Part 5 - Management Areas

5.1 Introduction

This Part contains the five management areas:

- Rural Management Area
- Settlement Management Area
- Industrial Management Area
- Coastal Marine Area
- Off Shore Islands Management Area

The management areas are generally based on common natural and physical resources within each area, and in which each area is distinct from one another. By adopting a management area approach, Council is recognising that different environments do exist and that community expectations for these environments within the territory are also different. The management area approach seeks to manage the actual and potential effects on common amenity and environmental values.

The management areas include objectives and policies specific to each area to address the issues raised in Section 3. The territory wide objectives and policies set out in Section 4 are relevant which emphasises the need to read the document as a whole.

5.2 Rules

The management areas include the rules to implement the objectives and policies. To assist in the integration of the management of resources, the management area rules address land use, subdivision, diversion and damming of water and discharges to land, water and air within each area.

The rules for each management area are set out on the pages after the objectives and policies. They are generally divided into columns as follows:

(i) Item

This describes the item or activity that is subject to control. In every management area, except for the Coastal Marine Area, activities not regulated by a rule are allowed without a resource consent. In the Coastal Marine Area, if an activity defined by Sections 12(1) and (2) of the Act is not referred to or allowed as a permitted activity, a resource consent is required. Each item should be assessed to ensure that all potential effects are addressed in an integrated manner.

(ii) Permitted Activities

If the item or activity complies with the conditions or standards specified then it is a permitted activity which does not require resource consent. Unless specifically stated, an activity must comply with all of the items listed to qualify as a permitted activity.

(iii) Controlled Activities

A resource consent is required for this activity. Provided the activity complies with the standards the application will be processed as a controlled activity in which Council must grant consent subject to the imposition of conditions. The matters that Council will exercise control over are listed.

(iv) Discretionary Activities

A resource consent is required for this activity. A discretionary activity will normally arise when an activity fails to meet the conditions for a permitted activity or controlled activity.

(v) Non-Complying Activity

A resource consent is required for this activity. While this is not specifically listed in a column a non-complying activity is one which does not meet the standards of a discretionary activity. Often when a resource consent is required for a non-complying activity it will be stated in the discretionary activity column.

(v) Assessment Criteria

Assessment criteria do not form part of the rules but are matters for consideration by applicants and Council when assessing a resource consent. While they provide some guidelines Council will not necessarily be limited to the matters stated and will have regard to all of the matters set out under Section 104 of the Act, which itself is subject to Part II of the Act.

(vi) Explanation

This provides an explanation of the rules.

In addition, the following items are also found in the rules.

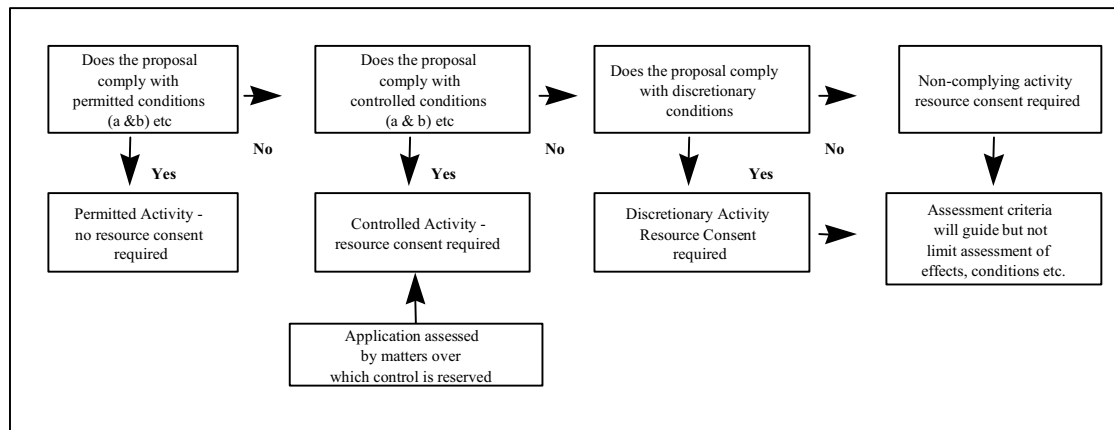
(vii) Restricted Coastal Activities - Coastal Marine Area only

A resource consent is required for a restricted coastal activity. Restricted coastal activities are either discretionary or non-complying and are indicated by a statement in the discretionary column of the rules. Application for a resource consent is made to the Council but the Minister of Conservation makes the final decision, after receiving a recommendation from a hearings committee arranged by the Council. The Minister has discretion to grant or refuse consent.

(viii) Scheduled Activities

Any activity listed in a Schedule shall comply with the specified conditions.

The flow chart below illustrates the resource consent process.



5.3 Rural Management Area

5.3.1 Description

The Rural Management Area comprises all of Chatham Island and Pitt Island (except for the Settlement and Industrial Management Areas) above MHWS.

The rural area is an extremely important resource. It contains the territory's productive land resources which are able to facilitate activities such as farming, forestry, quarrying etc all of which are critical to the well-being of the islanders. The area also contains significant areas of natural, spiritual and cultural value, indigenous vegetation and habitats, conservation land, coastline, water resources, landscapes and recreation areas as well as urupa, waahi, tapu and sites of Moriori and Maori history.

5.3.2 Objective – Management of Resources

- (i) **The management of resources in the rural area in a manner that enables people and communities to carry out a variety of activities while ensuring that the resource base is sustainable for future generations.**

Reasons

The rural area of the islands is important to the economic, cultural, social and recreational well being and thus the lifestyle of the community. The resources in the rural area should therefore be managed so as to ensure their life supporting capacity is safeguarded and so they can meet the foreseeable needs of future generations.

5.3.2.1 Policies

- (i) **Activities should not significantly reduce the long-term potential or availability of the natural and physical resources**
- (ii) **A wide range of activities should be permitted provided adverse effects are avoided, remedied or mitigated.**

5.3.2.2 Methods

- (i) Rules which permit a wide range of activities subject to the control of adverse effects.

Reasons and Explanation

The rural area contains resources including soil, water, gravel, rock, *vegetation* and wildlife habitats which are limited in extent. It is important that activities do not compromise the potential of these resources to meet the reasonably foreseeable needs of future generations including their lifestyle. Provided adverse effects can be avoided, remedied or mitigated a wide range of activities should be permitted.

5.3.3 Objective – Amenities

- (i) **To retain and enhance the existing amenities of the rural area.**

Reasons

The rural area is characterised by an openness and natural features which are of importance to residents. Components include the coastline, water features, vegetation and the absence of built up areas. The maintenance and enhancement of amenity values is in accordance with Section 7(c) of the Act.

5.3.3.1 Policies

- (i) **The patterns of subdivision and housing should ensure that the openness of the rural area is retained and the adverse effects on natural features be avoided, remedied or mitigated.**
- (ii) **The bulk and location of structures should not affect the character of the rural area or affect the amenities of adjoining properties.**
- (iii) **Activities should not adversely affect the amenities of the rural area or adjoining properties in terms of such matters as effluent disposal, noise, traffic generation, air emissions, odour, shading and visual impact.**

5.3.3.2 Methods

- (i) Rules which control subdivision, bulk and location of structures, noise, traffic, odour, taking of water, discharge of contaminants etc.

Reasons and Explanation

The above policies seek to protect the amenities of the rural area by imposing specific controls. The lack of demand for housing on the islands means a relatively relaxed approach can be taken to this kind of development but some controls are required to avoid over intensive development and effects on natural features. Activities should also not unduly intrude on neighbouring properties or the character of the area itself.

5.3.3.3 Anticipated Environmental Results

- (i) Availability of the rural resources for a number of activities.
- (ii) Adverse effects are controlled that are commensurate with the existing amenities of the rural area.

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
1. Permitted Activities General	(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Management Area. (i) Industrial and commercial activities are permitted if: (a) They do not exceed 200 square metres in site area and; (b) They are separated by a minimum of 100m from the nearest dwelling not on the site.	(ii) Not applicable. (ii) Not applicable.
2. Industrial and Commercial Activities	(i) Buildings are permitted if: (a) they are set back a minimum of 10m from boundaries and; (b) they do not exceed 12m in height and; (c) they are located more than 100 metres from MHWS	(ii) Not applicable
3. Buildings	(i) Buildings are permitted if: (a) they are set back a minimum of 10m from boundaries and; (b) they do not exceed 12m in height and; (c) they are located more than 100 metres from MHWS	(ii) Not applicable
4. Residential Units	(i) Residential units are a permitted activity if there is: (a) a maximum of four residential units per site and; (b) a minimum separation distance of 50 metres between residential units on adjoining sites	(ii) Not applicable.
5. Noise	(i) Noise generated by an activity shall not exceed the following limits measured at the notional boundary of the nearest dwelling on an adjoining site: <ul style="list-style-type: none"> • 55 dBA L10 7am-7pm daily • 45 dBA L10 7pm - 7am daily • 75 dBA Lmax all days between 10pm and 7am Noise levels shall be measured in accordance with NZS 6801:1991 and be assessed in accordance with NZS 6802:1991.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Not applicable.	Not applicable.	Any activity is allowed in the Rural Management Area provided the rules are not contravened.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The extent to which rural amenities and adjoining properties will be affected by such factors as noise, odour, traffic, operating hours. (b) The adverse effect of any discharges to air, land or water and how they can be mitigated. (c) (a) - (f) of Rule 5.3.4.3. (a) The effect of the activity on the amenities of adjoining sites. (b) The effect on road safety. (c) The extent to which the open space character is retained. (d) The effect on the coastal environment and sites of value to Iwi. (e) The presence of natural hazards. (f) The extent to which public access is effected.	Industrial and commercial activities are unlikely to create an adverse effect if they are limited in scale and separated from residential activities. Industrial and commercial activities of a larger scale have the potential to adversely affect the amenities of the rural area. This rule allows a case by case assessment. Setbacks from internal boundaries enable a reasonable separation distance to be retained for amenity reasons and allows good visibility on roads. The rule limiting height is designed to allow a reasonable dimension for building without detracting from the rural character. A number of features which contribute to the coastal environment such as indigenous vegetation, habitats of fauna and landscapes could be adversely affected by developments such as buildings. The 100 metre rule allows an assessment of these effects as well as effects on Iwi sites and natural hazard areas which are also prevalent in the coastal area.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) Whether the additional residential units will affect the rural character particularly as it relates to visual aspects. (b) The reasons why the additional dwellings are required.	This rule is to retain the general openness of the rural area while accommodating the reasonable needs for those residing in the rural area.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The duration and frequency of the noise, particularly at night. (b) The proximity and type of adjoining uses such as dwellings. (c) The existing ambient noise level in the area. (d) The proximity of wildlife habitats.	This provision provides protection from excessive noise levels, particularly as it relates to dwellings. Noise from farming activities, such as tractor driving and temporary activities are excluded for practical reasons (see definition of "noise").

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
6. Heritage Sites and Buildings	(i) Alteration to any heritage site and building listed in Appendix 3 and shown on the Planning Maps is permitted: (a) if the work is redecoration and/or restoration and; (b) the work is carried out with materials similar to, or having the same appearance to those originally used.	(ii) Not applicable.
7. Parking and Loading	(i) Parking and loading of vehicles associated with any activity shall be contained on site: (a) When a building is constructed, or reconstructed or; (b) When there is a change in the use of a building.	(ii) Not applicable.
8. Hazardous Substances	(i) The use, storage, disposal and transportation of hazardous substances is permitted if: (a) There is compliance with all legislation and regulation requirements including the regulations under the Hazardous Substances and New Organisms Act and; (b) No hazardous substance is discharged or dumped into any waterbody or water course or stormwater system and; (c) Any hazardous substance that is to be dumped on land is sealed or contained in a manner that does not allow any discharge or escape.	(ii) Not applicable.
9. Signs	(i) Signs are permitted if: (a) The area does not exceed 3 square metres per site or; (b) They are regulatory or information signs erected by a Government Department or Council, street signs and traffic signs.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(ii) Activities that contravene a permitted condition including demolition and removal are a discretionary activity.	(a) The extent to which the historical integrity of the building will be compromised. (b) Whether the alteration will assist in retaining the item. (c) The comments of the New Zealand Historic Places Trust. (d) The financial implications of allowing/not allowing the alteration, demolition and removal. (e) The integration of the alteration with the original item.	This rule provides protection for heritage sites and buildings. Consent is required for works other than minor alterations.
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on traffic safety of providing parking or loading on the road. (b) The effect on adjoining residential properties of providing parking or loading on the road.	Parking and loading should be accommodated on site rather than rely on the road side given potential effects on traffic safety. This rule applies to new buildings.
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The type of hazardous substance having regard to its explosiveness, flammability, toxicity, oxidation and corrosiveness. (b) The proximity of adjoining land uses, particularly residential accommodation and ecological sites.	Hazardous substances should be used, stored, disposed and transported in circumstances that minimises spillages. Existing rural activities do not involve the storage of large quantities and there is not a requirement for detailed rules.
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect any signage will have on traffic safety and the general amenities including visual amenity of the rural area. (b) The cumulative effect of signs in an area. (c) Whether the sign relates to an activity on site.	This rule allows reasonable signage on a site for information/advertising purposes. Provision is also made for traffic and other essential signs. A proliferation of signs or large signs can affect visual amenity and traffic safety.

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
10. Earthworks	<p>(i) Earthworks is a permitted activity if:</p> <p>(a) Within 100 metres of MHWS the amount does not exceed 50m³ (volume) in any 12 month period per hectare and;</p> <p>(b) The activity does not result in any change to the colour or visual clarity of any water, including coastal water other than of a temporary nature and;</p> <p>(c) When the earthworks are completed, the site is revegetated or treated to avoid erosion and the finished contours are in accordance with the surrounding land.</p> <ul style="list-style-type: none"> (a) shall not apply to access tracks, fencelines, utility service lines, firebreaks and maintenance of drains. 	<p>(ii) Not applicable</p>
11. Roads	<p>(i) Road construction, maintenance and modification, including stockpiling of roading materials, is a permitted activity if:</p> <p>(a) it is within any existing road reserve or within 10 metres of the existing road formation.</p> <ul style="list-style-type: none"> no other rules are applicable to this activity. 	<p>(ii) Not applicable</p>
12. Subdivision	<p>(i) Subdivision is not permitted.</p>	<p>(ii) Any subdivision is controlled if:</p> <p>(a) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access, a network utility, conservation covenant or the number of titles remain the same as prior to the subdivision and;</p> <p>(b) any allotment or part of the allotment of the subdivision is located more than 100m from MHWS and;</p> <p>(c) Archaeological sites are not destroyed, damaged or modified.</p> <p style="text-align: right;">Cont. ...</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effect on landscape values, water quality, significant indigenous vegetation and habitats</p> <p>(b) Rehabilitation of the site</p> <p>(c) The visual effect.</p>	<p>This rule allows extraction of amounts of material such as earth, shell, rock, shingle, and gravel. Earthworks have the potential to adversely affect the natural character of the coast and waterbodies, and lead to soil erosion and an adverse visual impact. It is accepted that it is not practicable to apply some of the rules to activities which have traditionally occurred in the rural area such as fencing and farm tracks.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The efficiency of the road network.</p> <p>(b) The effect on landscape values, water quality, significant indigenous vegetation and habitats.</p> <p>(c) The visual effect.</p>	<p>This rule allows for the continued operation of the existing roading network. Beyond this area resource consent may be required.</p>
<p>(iii) Any subdivision that contravenes a controlled standard is a discretionary activity.</p>	<p>(a) Whether the size and shape of the allotments are adequate for the proposed use.</p> <p>(b) Whether the size, shape and soil permeability is sufficiently adequate to dispose of sewage.</p> <p>(c) Whether access can be safely achieved.</p> <p>(d) The effect on the natural character of the coastline.</p> <p>(e) To what extent the effects of a natural hazard can be avoided remedied or mitigated.</p> <p>(f) The effect on adjoining sites in terms of effluent disposal, stormwater disposal and runoff.</p> <p style="text-align: right;">Cont. ...</p>	<p>Subdivision is a controlled activity in order that conditions can be imposed to ensure orderly development, provision of services and the avoiding, remedying and mitigating of adverse effects. If a subdivision fails to comply with the requirements of a controlled activity, it becomes a discretionary activity.</p>

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
		<p>... 5.3.4.12 Cont</p> <p>Matters which control is reserved over:</p> <p>(a) the imposition of development contributions as provided for in Section 4.13</p> <p>(b) The design and layout of subdivisions</p> <p>(c) Protection of features such as outstanding landscapes, heritage items, significant indigenous vegetation and habitats and lwi values</p> <p>(d) Creation of esplanade reserves/strips</p> <p>(e) Transfer or amalgamation of parcels of land, whether they are adjoining or not in accordance with Section 220(2) of the Act.</p> <p>(f) The siting of buildings</p> <p>(g) The filling and compaction of the land and earthworks</p> <p>(h) The provision of services including access, water supply, power supply, telephone, stormwater and sewage disposal</p> <p>(i) The provision to be made for the protection of land or any part thereof or of any land not forming part of the subdivision against erosion, subsidence, slippage or inundation from any source.</p> <p>(j) The vesting of beds of lakes and rivers (Section 237A of the Act).</p> <p>(k) Not applicable.</p>
<p>13. Forestry and Shelterbelts Separation</p>	<p>(i) Forestry and shelter belts are permitted if:</p> <p>(a) They do not shade a formed public road or a dwelling on an adjoining site which was existing prior to planting and;</p> <p>(b) Forestry is set back a minimum of 10 metres from adjoining neighbouring boundaries and;</p> <p>(c) A management plan for forestry with a minimum area of 10 hectares describing the type and number of trees, expected volumes of timber and harvest dates is submitted to Council.</p>	
<p>14. Network Utilities</p>	<p>(i) Network utilities are permitted activities if they:</p> <p>(a) Do not exceed 12 metres in height.</p>	

Discretionary	Assessment Criteria	Explanation
	<p>... 5.3.4.12 Cont</p> <p>(g) The effect on features including outstanding landscapes, significant indigenous vegetation and habitats and lwi values.</p> <p>(h) The matter set out in Table 4.12.1 (page 57) in respect of creation of an esplanade/strip.</p> <p>(i) The effect on the demand for services.</p> <p>(j) Compliance with New Zealand Standard 4404.</p>	
<p>(ii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effects on adjoining sites, dwellings and roads in terms of:</p> <p>(i) shading</p> <p>(ii) fire protection</p> <p>(iii) amenity.</p>	<p>Trees should be set back from neighbouring properties in order they do not create shading or a fire risk or adversely affect amenities. Shading can also affect the surface of roads by restricting their drying ability. Submission of a management plan for reasonably substantial areas of forestry enables Council to determine roading priorities.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) Function of the network utility.</p> <p>(b) The visual effect of the network utility.</p>	<p>Network utilities perform an important function and are of such a scale they can generally be permitted subject to the maximum height requirements of the Area.</p>

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
<p>15. Quarries - Scheduled Activity (SQ)</p>	<p>(i) Quarry activities are permitted at the following sites:</p> <ul style="list-style-type: none"> • Waitaha (SQ.1) • Matarakau (SQ.2) • C. Preeces (SQ.3) • Stony Creek (SQ.4) • Paritu (SQ.5) • Waihatu Bay (SQ.6) • Kaiwhata (SQ.7) • Rongamaiponga (Lime Pit) (SQ.8) • Existing farm quarries provided the material is for non-commercial purposes <p>Provided:</p> <p>(a) The activity does not result in any change to the colour or visual clarity of water, including coastal water, other than of a temporary nature and;</p> <p>(b) Fish passage is not impeded as a result of the quarry operations.</p> <ul style="list-style-type: none"> • No other rules are applicable to this activity. 	<p>(ii) Not applicable</p>
<p>16. Activities In or Near Waterbodies</p>	<p>(i) Activities</p> <ul style="list-style-type: none"> - within 5 metres of a bank of a river or lake or - in a wetland or within 5 metres of a wetland are permitted if: <p>(a) they do not involve the erection of structures and;</p> <p>(b) they do not involve the clearance of indigenous vegetation and;</p> <p>(c) the activity does not result in any change in the colour or visual clarity of water other than of a temporary nature</p> <p>Provided this rule does not apply to:</p> <ul style="list-style-type: none"> • fences • access tracks • structures specified in Rule 5.3.4.22 in respect of the bank of a river or lake • wetlands less than one hectare in area • rivers with an average bed width of 1.5 metres or less <p>For the purposes of this rule the measurement of the width of the river shall be taken at the point adjacent to the activity.</p>	<p>(ii) Not applicable</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effect the quarry operations have on the water quality and fish passage.</p>	<p>The quarries have been in existence for a considerable period of time and are vital for the maintenance of the roading network, and for farm operations. While existing use rights are available, scheduling provides quarries some certainty of operation. While the use of the quarries is intermittent and no significant adverse effects have been identified, some controls are necessary, particularly in respect of the Stony Creek Quarry which operates adjacent to a creek bed.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The necessity to undertake the activity in proximity to the waterbody. (b) Effects on water quality, public access, ecosystems, cultural and community values.</p>	<p>This rule is intended to protect the natural character of waterbodies and margins from modification. Given that there are a number of "wet" areas on the Chathams, rivers and wetlands are defined by minimum dimensions to give practical effect to this rule.</p>

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
17. Discharge of Effluent	<p>(i) The discharge of sewage tank or pit privy effluent to land is permitted if:</p> <p>(a) there is sufficient soakage into the subsoil to dispose of effluent in a sanitary manner and;</p> <p>(b) new effluent fields are located no closer than</p> <ul style="list-style-type: none"> - 20 metres from the bank of any waterbody or MHWS - and - are wholly contained within the site and; <p>(c) it does not adversely affect any bores used for the taking of water in a manner that will affect the potability of water for human consumption.</p>	<p>(ii) Not applicable</p>
18. Discharge of Contaminants into Air	<p>(i) Discharges of contaminants including odour particulates into air are permitted provided:</p> <p>(a) They do not give rise to a nuisance that would not reasonably be expected in a normal working rural environment.</p>	<p>(ii) Not applicable</p>
19. Discharge of Contaminants or Water into Water or the Discharge of Contaminants into or onto Land Which May Result in that Contaminant Entering Water	<p>(i) Discharge of a contaminant or water into water or the discharge of a contaminant to or into land which may result in that contaminant, entering water is permitted if:</p> <p>(a) The discharge is for stormwater, water supply or freshwater purposes provided the discharge after reasonable mixing shall not give rise to any of the following effects;</p> <p>(b) The production of any conspicuous scums or foams on floatable or suspended materials;</p> <p>(c) Any conspicuous change in colour or visual clarity;</p> <p>(d) Any emission of objectionable odour;</p> <p>(e) The rendering of freshwater unsuitable for consumption by farm animals;</p> <p>(f) Any significant adverse effects on aquatic life.</p>	<p>(ii) Not applicable</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) Alternative mitigation measures available such as technology</p> <p>(b) The rate of discharge</p> <p>(c) The sensitivity of the receiving environment.</p>	<p>Subsoil conditions on sites must be capable of disposing of effluent in an acceptable manner. Buffer distances help to protect waterbodies. Bores should not be adversely affected by effluent fields.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The proximity of sensitive land uses including dwellings.</p> <p>(b) The frequency and duration of emissions.</p> <p>(c) The need to generate the contaminants.</p>	<p>This provision provides protection from unreasonable levels of contaminants such as odour and particulates in the rural environment.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effects of items in 5.3.1.19(i) (b) - (e) will have on amenity values and cultural values and ecosystems.</p> <p>(b) The rate of discharge.</p> <p>(c) The criteria in Rule 5.6.1.13 for discharges from aquaculture.</p>	<p>This rule prescribes the circumstances under which the discharge of contaminants is allowed.</p>

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
20. Taking of Water	<p>(i) Taking of water from the ground, a river or lake, is permitted provided:</p> <p>(a) it is existing and does not increase beyond its current take or;</p> <p>(b) the take does not exceed 3 cubic metres per day or;</p> <p>(c) it is for stock water, an individual's domestic needs, school, or fire fighting purposes and;</p> <p>(d) Council is notified of the location of new water takes and;</p> <p>(e) Flows and levels of water are sustained to an extent that the passage of fish is not impeded.</p>	<p>(ii) Not applicable</p>
21. Damming and Diversion of Water	<p>(i) Damming or diversion of water from the ground, a river, or a lake, is permitted provided:</p> <p>(a) Any new dam or weir necessary is less than two metres in vertical height from base to crest on the downstream batter, and the reservoir floods an area less than 500 square metres and;</p> <p>(b) a take for an individual's domestic needs, or stockwater, school, public water supply, or fire fighting purposes, or any take authorised by a resource consent is not restricted as a result of the damming or diversion and;</p> <p>(c) Flows and levels of water are sustained to an extent that the passage of fish is not impeded and;</p> <p>(d) it is for the purposes specified in Rule 5.3.4.20.</p>	<p>(ii) Not applicable</p>

Discretionary	Assessment Criteria	Explanation
<p>(ii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The type of activity.</p> <p>(b) The volumes of water required including duration and frequency.</p> <p>(c) The effect on aquatic life.</p> <p>(d) The effect on cultural values.</p>	<p>This rule controls the taking of water. Reasonable taking of water is allowed provided adverse effects are avoided, remedied or mitigated. Council requires to be notified of the location of water takes for monitoring purposes. The impact of a large water take for industrial activities or similar could have potential effects and Council therefore requires a resource consent to assess any effects. This rule reflects the general thrust of Section 14 of the Act.</p>
<p>(iii) Activities that contravene a permitted activity are a discretionary activity.</p>	<p>(a) The type of activity.</p> <p>(b) The volumes of water required including duration and frequency.</p> <p>(c) The effect on ecosystems.</p> <p>(d) The effect on cultural values.</p>	<p>Damming and diversion of water has the potential to create adverse effects as it relates to aquatic life and downstream users. Provision is made for reasonable damming and diversion. Beyond this Council wishes to assess the effects by way of a resource consent. This rule reflects the thrust of Section 14 of the Act.</p>

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled	Discretionary	Assessment Criteria	Explanation
<p>22. Structures - Beds of Lakes and Rivers</p> <p><i>Includes to use, place, erect, alter, reconstruct, remove, demolish, or extend a structure</i></p>	<p>(i) Structures in, under or over the bed of a river or lake are permitted if:</p> <p>(a) They are existing or</p> <p>(b) They are fences or utility service lines or</p> <p>(c) They are culverts, bridges and fords which are part of an existing road or track system or;</p> <p>(d) They are for a structure for the purposes specified in Rule 5.3.4.20 & 21(a) or;</p> <p>(e) they are other structures that do not exceed 10 square metres provided that structures used for aquaculture in Te Whanga are not permitted and;</p> <p>(f) The permitted structures do not impede the passage of fish.</p>	<p>(ii) Not applicable</p>	<p>(ii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effect on public access.</p> <p>(b) The effect on water flows.</p> <p>(c) The effect on ecosystems.</p> <p>(d) The effect on cultural values.</p> <p>(e) The purpose of the structure</p>	<p>This rule authorises structures which are unlikely to have adverse effects because they are existing, small in area and meet certain conditions. Structures for aquaculture in Te Whanga require resource consent.</p>
<p>23. Disturbance of Beds of Lakes and Rivers.</p> <p>Disturbance means "excavate, drill, tunnel, deposit a substance, introduce a plant, or reclaim in on or under a bed."</p>	<p>(i) Disturbance of the bed of a river or a lake is permitted if it is:</p> <p>(a) for the purposes of a fence or utility service line, or a structure for the purposes specified in Rule 5.3.4.20-22 or;</p> <p>(b) for the purposes of artificially opening the outlet of Te Whanga provided that iwi are consulted and the community advised, or;</p> <p>(c) for an activity which complies with Rule 5.3.4.10(i) provided the amount does not exceed 50m³ (volume) in any 12 month period per hectare.</p> <p>Provided that:</p> <p>(d) deposition of material is not permitted in Te Whanga and;</p> <p>(e) the stability of the shoreline of Te Whanga is not affected and;</p> <p>(f) indigenous vegetation or nesting sites of indigenous fauna in Te Whanga are not displaced and;</p> <p>(g) exotic species of plants are not introduced in Te Whanga</p> <p>The extent of Te Whanga shall be determined by the level of the lagoon which exists immediately prior to its opening.</p>	<p>(ii) Not applicable</p>	<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effect on public access.</p> <p>(b) The effect on water flows and quality.</p> <p>(c) The effect on ecosystems.</p> <p>(d) The effect on cultural values.</p> <p>(e) The effects of erosion, scouring and deposition.</p>	<p>This rule provides the circumstances in which disturbance of beds of lakes and rivers can take place. There are a number of small intermittent gravel and sand operations for localised use which can be allowed subject to conditions. This rule also allows the opening of Te Whanga subject to consultation and imposes controls on Te Whanga in respect of deposition, introduction of exotic plants and indigenous fauna and flora. This recognises the important status of Te Whanga.</p>

5.3.4 Rules - Rural Management Area

5.3.4 Item	Permitted	Controlled
24. Discharge of Contaminants onto Land	<p>(i) Discharge of contaminants onto land is permitted if:</p> <p>(a) they are not from an industrial or trade premises, wastes and septic tank sludge effluent and existing landfills which are permitted; and</p> <p>(b) they are not dumped within 30 metres of a waterbody or water supply or MHWS; and</p> <p>(c) they are not dumped within 50 metres of a dwelling</p>	<p>(ii) Not applicable</p>
25. Areas of Significant Natural Value	<p>(i) Activities within areas of Significant Natural Value, listed in Appendix 1 and identified on the Planning Maps, are permitted if:</p> <p>(a) it is in accordance with an agreement, a covenant, a conservation management strategy, or a management plan or;</p> <p>(b) if there is no agreement, conservation management strategy, covenant, or management plan in place the rules of the document shall apply.</p>	<p>(ii) Not applicable</p>
26. Archaeological Sites	<p>(i) Activities which destroy, damage or modify an archaeological site are only permitted if:</p> <p>(a) permission is obtained from Iwi</p> <p>Note: An authority may also be required from the New Zealand Historic Places Trust under the New Zealand Historic Places Act.</p>	<p>(ii) Not applicable</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are a discretionary activity</p>	<p>(a) The type of contaminant to be discharged.</p> <p>(b) The effect on ecosystems and rural amenity.</p> <p>(c) The rate or frequency of the discharge.</p>	<p>This rule controls the discharge of contaminants to the land. Generally industrial or trade premises require resource consents while other discharges which are likely to be of smaller magnitude must comply with conditions in respect of dumping. The rule recognises that the disposal of fish factory wastes and septic sludge and effluent and material to landfills are existing activities which in general, operate without significant adverse effect.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity</p>	<p>(a) The frequency, intensity and duration of activity proposed</p> <p>(b) The effect on natural values in terms of viability of species, visual impact, water quality etc.</p>	<p>This rule regulates activities in Areas of Significant Natural Values. It is recognised that many areas are already subject to agreements or management plans. The rule will also not apply to Department of Conservation managed land where the requirements of Section 4 of the Act are met.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effect on Iwi values</p>	<p>The permission of Iwi is a necessary prerequisite prior to any work. Section 14 of the Historic Places Act 1993 also states that an authority is required from New Zealand Historic Places Act before any archaeological site is destroyed, damaged or modified. Archaeological sites are defined as sites of human activity prior to 1900.</p>

5.4 Settlement Management Area

5.4.1 Description

The Settlement Management Area applies to the five major settlements on the Chatham Islands:

- Waitangi
- Te One
- Kaingaroa
- Owenga
- Port Hutt

However, the industrial/port areas of each settlement (excluding Te One) are dealt with under the Industrial Management Area. The delineation of settlement areas generally reflect existing settlement patterns with the exception of Kaingaroa. At Waitangi, Te One, Owenga and Port Hutt there is generally opportunity for further development within the existing settlements and reflects the desirability of concentrating more intensive development in these areas rather than into the coastal environment or the rural areas.

At Kaingaroa opportunities for infill are more limited and any increase in the settlement area is constrained by the necessity to avoid coastal hazards and significant habitats of indigenous fauna and vegetation along the coast. Further provision for development is made along the entrance into Kaingaroa.

5.4.2 Objective – Management of Resources

- (i) **The management of the settlement resources in the settlement areas in a manner that provides for the well being of the people and communities of Chatham Islands without creating adverse effects.**

Reasons

The islands' settlements are integral to the well being of the community. They provide residential, employment, education, commercial, service, agricultural and recreational opportunities in a compact and convenient form. The maintenance and enhancement of these settlements providing for a variety of activities without creating adverse effects is in the interests of the community.

5.4.3 Policies

- (i) **A variety of activities should be permitted in the Settlement Management Area provided that the adverse effects, particularly on residential areas are avoided, remedied or mitigated.**
- (ii) **Higher density development should locate in the Settlement Management Areas rather than along the coast or in the rural areas.**
- (iii) **Activities should not adversely affect the amenities of the settlements or adjoining properties in terms of effluent disposal, noise, traffic, generation, air emissions and odour.**
- (iv) **The bulk and location of structures should not affect the character of the settlement area or affect the amenities of the adjoining properties.**

5.4.4 Methods

- (i) Rules which control subdivision, effluent disposal, noise, traffic generation, air emission and bulk and location of adjoining properties.

Explanation and Reasons

In order for the settlements to carry out their various functions and make available different opportunities, a wide range of activities are permitted provided that they do not have an adverse effect on the adjoining amenities, particularly those relating to the residential function. By allowing higher density in the settlements their existing roles are reinforced and areas such as the coastal environments are better protected.

5.4.5 Anticipated Environmental Results

- (i) The opportunity for a wide range of compatible activities to locate in the settlements.
- (ii) Adverse effects are controlled that are commensurate with the existing amenities of the settlement area.
- (iii) Concentration of higher density development in the settlements.

(iv) 5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
1. Permitted Activities General	(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Management Area.	(ii) Not applicable
2. Maximum Gross Floor Area - Non residential activities.	(i) The maximum gross floor area including outside storage for a non-residential activity is 150 square metres.	(ii) Not applicable
3. Site Coverage	(i) The maximum site coverage shall be 45%.	(ii) Not applicable
4. Set Backs	(i) Buildings shall be set back a minimum of 2m from boundaries except that accessory buildings may be located within a setback provided they do not exceed 3m in height.	(ii) Not applicable
5. Height	(i) The maximum height of buildings shall be 10m.	(ii) Not applicable
6. Hours	(i) Non-residential activities may only operate within the hours of 0700 - 2200 weekdays and 0800 - 2000 weekends and public holidays provided that this shall not apply to temporary activities, premises covered by the Sale of Liquor Act 1989 and unstaffed premises.	(ii) Not applicable
7. Noise	(i) Noise generated by an activity shall not exceed the following limits measured at the boundary of the site: <ul style="list-style-type: none"> 55 dBA L10 7am-7pm daily 45 dBA L10 7pm - 7am daily 75 dBA Lmax all days between 10pm and 7am Noise levels shall be measured in accordance with NZS 6801:1991 and be assessed in accordance with NZS 6802:1991.	(ii) Not applicable

Discretionary	Assessment Criteria	Explanation
(ii) Not applicable	Not applicable.	Any activity is allowed in the Settlement Management Area provided the rules are not contravened.
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(a) The type and effects of the non-residential activity. (b) The proximity of residential areas and other sensitive land uses.	Floor area controls are necessary to ensure that large non-residential activities do not have an adverse effect and dominate the residential character of the settlements.
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(a) The effect on adjoining properties (b) The bulk of the building in relation to the site. (c) Where the excess affects parking, loading, amenity area and effluent disposal.	Site coverage is controlled to ensure that open space and other servicing requirements are met. It also assists in maintaining an area that is adequate for on-site effluent disposal.
(iii) Any activity that contravenes a condition permitted is a discretionary activity.	(a) The effect on adjoining properties in terms of sunlight, noise, privacy and appearance. (b) The effect on road safety.	Setbacks from internal boundaries enable a reasonable separation distance to be retained in order the effects on streetscape, traffic safety and neighbouring properties are minimised.
(iii) Any activity that contravenes a condition permitted is a discretionary activity.	(a) The effect on adjoining properties in terms of sunlight, outlook and privacy.	Height controls allow a two story building. Beyond this limit, control is required to protect the amenities of adjoining properties.
(iii) Any activity that contravenes a permitted condition is a discretionary activity.	(a) The effect on adjoining properties (b) The type of activity and the reason for it operating outside the specified hours.	Hours of operation of non-residential activities are restricted to ensure the quiet nature of settlement areas during night time hours is maintained and not disrupted by activities which operate for extended hours. Exceptions are made for temporary activities, unstaffed premises and licensed premises. The hours of the latter are covered by separate legislation.
(iii) Activities that contravene a permitted condition are discretionary.	(a) The duration and frequency of the noise, particularly at night. (b) The proximity and type of adjoining uses such as dwellings. (c) The existing ambient noise level in the area.	This provision provides protection from excessive noise levels, particularly from non-residential activities.

5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
8. Heritage Sites and Buildings	(i) Alteration to any heritage site and building listed in Appendix 3 and shown on the Planning Maps is permitted if: (a) The work is redecoration and/or restoration and; (b) The work is carried out with materials similar to, or having the same appearance to those originally used.	(ii) Not applicable.
9. Parking and Loading	(i) Parking and loading of vehicles associated with any activity shall be contained on site: (a) When a building is constructed, or reconstructed or; (b) When there is a change in the use of a building.	(ii) Not applicable.
10. Hazardous Substances	The use, storage and transportation of hazardous substances is permitted if: (a) the amount of diesel stored per site does not exceed 1200 litres, provided that existing farm units shall be permitted to store a maximum of 2,500 litres and; (b) there is compliance with all legislation and regulation requirements, including the regulations under the Hazardous Substances and New Organisms Act; and; (c) no hazardous substance may be dumped or discharged into any waterbody or water course or stormwater system or dumped on land.	(ii) Not applicable.
11. Signs	(i) Signs are permitted if: (a) The area does not exceed 3 square metres per site, or; (b) They are regulatory or information signs erected by a Government Department or Council, street signs and traffic signs.	(ii) Not applicable.
12. Network Utilities	(i) Network utilities are permitted activities if: (a) they do not exceed 12 metres in height and (b) Telephone and power lines are provided underground for new developments, provided this does not apply to new lines on existing support structures or the extension of lines involving no more than two poles.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Activities that contravene a permitted condition including demolition and removal are a discretionary activity.	(a) The extent to which the historical integrity of the item will be compromised. (b) Whether the alteration will assist in retaining the item. (c) The comments of the New Zealand Historic Places Trust. (d) The financial implications of allowing/not allowing the alteration, demolition and removal. (e) The integration of the alteration with the original item.	The rule provides protection for heritage sites and buildings. Consent is required for works other than minor alterations.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on traffic safety of providing parking or loading on the road. (b) The effect on adjoining residential properties of providing parking or loading on the road. (c) The availability of parking and loading in the vicinity, including on the road.	Parking and loading should be accommodated on site rather than rely on the road side given potential effects on traffic safety. This rule applies to new buildings.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The type of hazardous substance having regard to its explosiveness, flammability, toxicity, oxidation and corrosiveness. (b) The proximity of adjoining land uses, particularly residential accommodation.	Hazardous substances should be used, stored and transported in circumstances that minimises spillages. Limits on the maximum amount of diesel to be stored is in recognition of the prevalent use of diesel and the residential nature of the settlements. An increased amount is allowed for existing farm units, in recognition of their operational requirements.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect any signage will have on traffic safety and the general amenities including visual amenity. (b) The cumulative effect of signs in an area. (c) whether the sign relates to an activity on site.	This rule allows reasonable signage on a site for information/advertising purposes. Provision is also made for traffic and other essential signs. A proliferation of signs or large signs can affect visual amenity and traffic safety.
(iii) Any activity that contravenes a condition of a permitted activity is a discretionary activity.	(a) Function of the network utility (b) The visual effect of the network utility.	Network activities perform an important function and are generally permitted subject to a maximum height. To improve the visual amenity telephone and power lines should generally be undergrounded.

5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
13. Light Spill & Glare	(i) There shall be no spill of light, light flashes or direct glare onto adjoining properties in a manner that creates a nuisance.	(ii) Not applicable.
14. Subdivision	(i) Subdivision is not permitted in the Settlement Management Area.	(ii) Any subdivision is controlled if: (a) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access, network utility, conservation covenant or the number of titles remains the same as prior to the subdivision Matters which control is reserved over: (a) The imposition of development contributions as provided for in Section 4.13 (b) The design and layout of subdivisions (c) Protection of features such as outstanding landscapes, heritage items, significant indigenous vegetation and habitats and lwi values (d) Creation of esplanade reserves/strips (e) Transfer or amalgamation of parcels of land, whether they are adjoining or not in accordance with Section 220(2) of the Act. (f) The siting of buildings (g) The filling and compaction of the land and earthworks (h) The provision of services including access, water supply, telephone, power supply, stormwater and sewage disposal (i) The provision to be made for the protection of land or any part thereof or of any land not forming part of the subdivision against erosion, subsidence, slippage or inundation from any source (j) The vesting of beds of lakes, rivers and rivers (Section 237A of the Act).

Discretionary	Assessment Criteria	Explanation
(iii) Any activity that contravenes a condition of a permitted activity is a discretionary activity.	(a) The extent, frequency and intensity of light, spill and glare.	Lighting and glare can detrimentally impact on a person's enjoyment of their property, particularly if there is a mix of uses in an area.
(iii) Any subdivision that contravenes a controlled standard is a discretionary activity.	(a) Whether the size and shape of the allotments are adequate for the proposed use. (b) Whether the size, shape and soil permeability is sufficiently adequate to dispose of sewage. (c) Whether access can be safely achieved. (d) The effect on the natural character of the coastline. (e) To what extent the effects of a natural hazard can be avoided remedied or mitigated. (f) The effect on adjoining sites in terms of effluent disposal, stormwater disposal and runoff. (g) The effect on features such as outstanding landscapes, significant indigenous vegetation and habitats and lwi values. (h) The matters set out in Table 4.12.1 (page 57) in respect of the creation of an esplanade reserve/strip. (i) Compliance with New Zealand Standard 4404.	Subdivision is a controlled activity in order that conditions can be imposed to ensure orderly development, provision of services and the avoiding, remedying or mitigating of adverse effects. If a subdivision fails to comply with the requirements of a controlled activity, it becomes a discretionary activity.

5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
15. Earthworks	Earthworks is a permitted activity if: (a) the activity does not result in any change to the colour or visual clarity of any water, including coastal water other than of a temporary nature and; (b) When the earthworks are completed, the site is revegetated or treated to avoid erosion and the finished contours are in accordance with the surrounding land.	(ii) Not applicable
16. Roads	(i) Road construction, maintenance and modifications, including stockpiling of roading materials, is a permitted activity if: (a) It is within any existing road reserve or within 10 metres of the existing road formation. • No other rules are applicable to this activity.	(ii) Not applicable
17. Discharge of Effluent	(i) The discharge of sewage tank effluent to land is permitted if: (a) There is sufficient soakage of effluent in a sanitary manner and; (b) New effluent fields are located no closer than - 20 metres from the bank of any waterbody or MHWS, and - are wholly contained within the site and; (c) do not adversely affect any bores used for the taking of water in a manner that will affect the potability of water for human consumption.	(ii) Not applicable.
18. Discharge of Contaminants into Air	(i) Discharges of contaminants into air are permitted provided: (a) They do not give rise to a nuisance that would not reasonably be expected in a residential environment.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on landscape values, water quality, significant indigenous vegetation and habitats and cultural values. (b) Rehabilitation of the site. (c) The visual effect.	This rule allows extraction of material such as earth, rock, shingle and gravel subject to certain conditions. Earthworks are expected to be limited in the Settlement Management Area.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The efficiency of the road network. (b) The effect on landscape values, water quality, significant indigenous habitats and fauna. (c) The visual effect.	This rule allows for the continued operation of the existing roading network. Beyond this area resource consent may be required.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) Alternative mitigation measures available such as technology (b) The rate of discharge (c) The sensitivity of the receiving environment.	Subsoil condition on sites must be capable of disposing effluent in an acceptable manner. Buffer distances help to protect waterbodies. Bores should not be adversely affected by effluent fields.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The proximity of sensitive land uses including dwellings. (b) The frequency and duration of emissions. (c) The need to generate the contaminants.	This provision provides protection from unreasonable levels of contaminants such as odour and particulates in a residential environment.

5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
19. Discharge of contaminants or Water into Water or the Discharge of Contaminants into or onto land in that Contaminant Entering Water	(i) Discharge of a contaminant or water into water or the discharge of a contaminant to or into land which may result in that contaminant, entering water is permitted if: (a) The discharge is for stormwater, water supply or freshwater, purposes provided the discharge after reasonable mixing shall not give rise to any of the following effects: (b) The production of any conspicuous scums or foams on floatable or suspended materials; (c) Any conspicuous change in colour or visual clarity; (d) Any emission of objectionable odour; (e) The rendering of freshwater unsuitable for consumption by farm animals; (f) Any significant adverse effects on aquatic life.	(ii) Not applicable
20. Taking of Water	(i) Taking of water is permitted provided: (a) It is existing and does not increase beyond its current take or; (b) The take does not exceed 3 cubic metres per day; (c) it is for stock, individual's domestic needs, school, or fire fighting purposes and Council is notified of the location of new water takes and (e) Flows and levels of water are sustained to an extent that the passage of fish is not impeded.	(ii) Not applicable
21. Damming and Diversion of Water	(i) Damming or diversion of water is permitted provided: (a) Any dam or weir necessary is less than two metres in vertical height from base to crest on the downstream batter, and the reservoir floods an area less than 500 square metres and; Cont ...	(ii) Not applicable

Discretionary	Assessment Criteria	Explanation
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effects of items in 5.4.6.19(i) (b) - (e) will have on amenity values and cultural values and ecosystems. (b) The rate of discharge.	This rule prescribes the circumstances under which the discharge of contaminants is allowed.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The type of activity. (b) The volumes of water required including duration and frequency. (c) The effect on ecosystems. (d) The effect on cultural values.	This rule controls the taking of water. Reasonable taking of water is allowed provided adverse effects are avoided, remedied or mitigated. Council requires to be notified of the location of water takes for monitoring purposes. The impact of a large water take for industrial activities or similar could have potential effects and Council therefore requires a resource consent to assess any effects. This rule reflects the general thrust of Section 14 of the Act.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The type of activity. (b) The volumes of water required including duration and frequency. (c) The effect on aquatic life. (d) The effect on cultural values.	Damming and diversion of water has the potential to create adverse effects as it relates to aquatic life and downstream users. Provision is made for reasonable damming and diversion. Beyond this Council wishes to assess the effects by way of a resource consent. This rule reflects the thrust of Section 14 of the Act.

5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
	<p>... 5.4.6.21 <i>Cont</i></p> <p>(c) a take for an individual's domestic needs, or stockwater, school, public water supply, or fire fighting purposes, or any take authorised by a resource consent is not restricted as a result of the damming or diversion and;</p> <p>(d) flows and levels of water are sustained to an extent that indigenous aquatic life is not reduced and the passage of fish is not impeded and;</p> <p>(e) it is for the purposes specified in Rule 5.4.6.20.</p>	
22. Structures - Beds of Lakes and Rivers Includes to use, place, erect, alter, reconstruct, remove, demolish, or extend a structure	<p>(i) Structures in, under or over the bed of a river or lake are permitted if:</p> <p>(a) they are existing or;</p> <p>(b) they are fences or utility service lines or;</p> <p>(c) they are culverts, bridges and fords which are part of an existing road or track system or;</p> <p>(d) they are for a structure for the purposes specified in Rule 5.4.6.20 & 21(a) or;</p> <p>(e) they are other structures that do not exceed 10 square metres and;</p> <p>(f) the permitted structures do not impede the passage of fish.</p>	(ii) Not applicable
23. Disturbance of Beds of Lakes and Rivers Disturbance means "excavate, drill, tunnel, deposit a substance, or reclaim in on or under a bed."	<p>(i) Disturbance of the bed or river or a lake is permitted if it is:</p> <p>(a) For the purposes of a fence or utility service line, or a structure for the purposes specified in Rule 5.4.6.20-22 or;</p> <p>(b) for an activity which complies with Rule 5.3.4.10(i) provided the amount does not exceed 50m³ (volume) in any 12 month period per hectare.</p>	(ii) Not applicable
24. Discharge of Contaminants onto Land	<p>(i) Discharge of contaminants onto land is permitted if:</p> <p>(a) They are not from an industrial or trade premises, and;</p> <p>(b) They are not dumped or disposed of within 30 metres of a waterbody or water supply or M/HWS and,</p> <p>(c) they are not dumped within 50 metres of a dwelling.</p>	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Activities that contravene a permitted condition are a discretionary activity.	<p>(a) The effect on public access.</p> <p>(b) The effect on water flows.</p> <p>(c) The effect on ecosystems.</p> <p>(d) The effect on cultural values.</p> <p>(e) The purpose of the structure.</p>	This rule authorises structures which are unlikely to have adverse effects because they are existing, small in area and meet certain conditions.
(iii) Activities that contravene a permitted condition are a discretionary activity.	<p>(a) Effect on public access.</p> <p>(b) Effect on water flows.</p> <p>(c) The effect on natural ecosystems.</p> <p>(d) The effect on cultural values.</p>	This rule provides the circumstances in which disturbance of beds of lakes and rivers can take place.
(iii) Activities that contravene a permitted condition are a discretionary activity	<p>(a) The type of contaminant to be discharged.</p> <p>(b) The effect on natural ecosystems and amenity.</p> <p>(c) The rate or frequency of the discharge.</p>	This rule controls the discharge of contaminants to the land. Generally industrial or trade premises require resource consents while other discharges which are likely to be of smaller magnitude must comply with conditions in respect of dumping.

5.4.6 Rules - Settlement Management Area

5.4.6 Item	Permitted	Controlled
25. Archaeological Sites	<p>(i) Activities which destroy, damage or modify an archaeological site are only permitted if:</p> <p>(a) Permission is obtained from lwi</p> <p>(c) Note: An authority may also be required is obtained from the New Zealand Historic Places Trust under the New Zealand Historic Places Act .</p>	<p>(ii) Not applicable</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effects on lwi values</p>	<p>The permission of lwi is a necessary pre-requisite prior to any work. Section 14 of the Historic Places Act 1993 also states that an authority is required from New Zealand Historic Places Act before any archaeological site is destroyed, damaged or modified. Archaeological sites are defined as sites of human activity prior to 1900.</p>

5.5 Industrial Management Area

5.5.1 Description

The Industrial Management Area generally applies to the Chatham Islands Airport and the jetties, wharves and associated activities including industries such as the fish factories at Waitangi, Owenga, Port Hutt, Kaingaroa and Flower Pot on Pitt Island. These areas are vital to the well being of the residents and as a consequence activities that would not be compatible with airport, industrial or port orientated activities are generally not permitted.

In some cases delineation of these areas allows for further development.

5.5.2 Objective – Management of Resources

- (i) **The efficient use of the resources associated with the airport, ports and industry in a manner that provides for the well being of the islands without creating adverse effects.**

Reasons

The airport, ports, and associated areas are limited as to their location. Given these strategic locations and their importance to the islands they should be managed in a manner that maximises their location without adversely impacting on amenities.

5.5.3 Policies

- (i) **Activities that could conflict with the efficient operation of the airport, port and associated activities should not be located in the Industrial Management Areas.**
- (ii) **Activities should not create adverse effects beyond the boundaries of the Industrial Management Area.**

5.5.4 Methods

- (i) Rules that control activities in the Industrial Management Area.

Reasons and Explanation

As the port and industrial resources are limited, efficient use should be made of the area by restricting activities that could inhibit their operation. At the same time the effects of activities should not adversely impact on adjoining areas, particularly given that these areas are likely to be coastal and residential.

5.5.5 Anticipated Environmental Results

- (i) Industrial areas that can operate in efficient manner without creating adverse effects, particularly as it relates to adjoining areas.

5.5.6 Rules - Industrial Management Area

5.5.6 Item	Permitted	Controlled
1. Permitted Activities General	(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Management Area.	(ii) Not applicable.
2. Residential Units	(i) Residential units are permitted if they are ancillary to an industrial activity on site.	(ii) Not applicable.
3. Retail Activities	(i) Retail activities are permitted if they are ancillary to an industrial activity on site.	(ii) Not applicable.
4. Height	(i) The maximum height of buildings shall be 15 metres.	(ii) Not applicable.
5. Setbacks	(i) Buildings shall be setback 3m where they adjoin a Settlement Management Area.	(ii) Not applicable.
6. Noise	(i) Noise generated by an activity shall not exceed the following limits measured at the boundary of a Settlement Management Area <ul style="list-style-type: none"> • 55 L10 7am-7pm daily • 45 L10 7pm - 7am daily • 75 dBA Lmax all days Noise levels shall be measured between 10pm and 7am in accordance with NZS 6801:1991 and be assessed in accordance with NZS 6802:1991 provided that this does not apply to noise generated by aircraft, immediately before and after takeoffs and landings at Chatham Islands Airport.	(ii) Not applicable.
8. Parking and Loading	(i) Parking and loading of vehicles associated with any activity shall be contained on site: <ul style="list-style-type: none"> (a) When a building is constructed, or reconstructed or, restructured or, (b) When there is a change in the use of a building. 	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Not applicable.	Not applicable.	Any activity is allowed in the Industrial Management Area provided the rules are not contravened.
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect a residential unit will have on the efficient operation of an industrial or port activity. (b) The scale and nature of the activity. (c) The effect a retail activity will have on the efficient operation of an industrial or port activity. (d) The scale and nature of the activity.	Residential units are restricted in order valuable land is not taken up by non-essential activities and the operation of legitimate activities is not inhibited by sensitive land uses. Retail activities are restricted in order valuable land is not taken up by non-essential activities and the operation of legitimate activities is not inhibited by sensitive land uses.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on views, sunlight and landscapes, particularly as it relates to the residential activities, in the Settlement Management Area.	While reasonably intensive development is allowed in the Industrial Management in recognition of the activities carried out, some limit on height is necessary to protect amenities.
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The type of land use in the Settlement Management Area (b) The type of activity the building in the Industrial Management Area contains and its likely effect.	This rule allows intensive development on the site provided some protection is afforded to land uses in the Settlement Management Area which are likely to be more sensitive.
(ii) Activities that contravene a permitted condition are a discretionary activity	(a) The duration and frequency of the noise, particularly at night. (b) The proximity and type of adjoining uses such as dwellings. (c) The existing ambient noise level in the area.	This provision provides protection from excessive noise levels, as it relates to Settlement Management Areas. Aircraft at Chatham Islands airport are excluded given their different noise characteristics. Their current level of operation does not create any nuisance. (See also definition of "noise" for other exemptions.)
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on traffic safety of providing parking or loading on the road. (b) The effect on adjoining residential properties of providing parking or loading on the road.	Parking and loading should be accommodated on site rather than rely on the road side given potential effects on traffic safety. This rule applies to new buildings.

5.5.6 Rules - Industrial Management Area

5.5.6 Item	Permitted	Controlled
9. Hazardous Substances	The use, storage and transportation of hazardous substances is permitted if: (a) there is compliance with all legislation and regulations and Codes of Practice, including the regulations under the Hazardous Substances and New Organisms Act and; (b) no hazardous substance may be dumped or discharged to any waterbody or water course or stormwater system and may not be dumped on land.	(ii) Not applicable.
10. Signs	(i) Signs are permitted if: (a) The area does not exceed 4 square metres per site or; (b) They are regulatory signs to be erected by a Government Department or Council, street signs, traffic signs and airport safety and information signs.	(ii) Not applicable.
11. Light, Spill & Glare	(i) There shall be no spill of light, light flashes or direct glare onto sites located in the Settlement Management Area in a manner that creates a nuisance.	(ii) Not applicable.
12. Subdivision	(i) Subdivision is not permitted in the Industrial Management Area.	(ii) Any subdivision is controlled if: (a) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility, conservation covenant, or the number of titles remains the same as prior to subdivision. Matters which control is reserved over: (a) the imposition of development contributions as provided for in Section 4.13 (b) the design and layout of subdivisions
		Cont ...

Discretionary	Assessment Criteria	Explanation
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The type of hazardous substance having regard to its explosiveness, flammability, toxicity, oxidation and corrosiveness. (b) The proximity of adjoining land uses, particularly residential.	Hazardous substances should be used, stored and transported in circumstances that minimises spillages.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect any signage will have on traffic safety and the general amenity including visual amenity of the industrial area. (b) The cumulative effect of signs in an area. (c) Whether the sign relates to an activity on site.	Some controls on signs are necessary in the Industrial Management Area particularly given its coastal locations. Provision is also made for traffic and other essential signs. This rule allows reasonable signage on a site for information/advertising purposes. A proliferation of signs or large signs can affect visual amenity and traffic safety.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(i) The extent, frequency and intensity of light, spill and glare.	Lighting and glare can detrimentally impact on properties in the Settlement Management Area.
(iii) Any subdivision that contravenes a controlled standard is a discretionary activity.	(a) Whether the size and shape of the allotments are adequate for the proposed use. (b) Whether the size, shape and soil permeability is sufficiently adequate to dispose of sewage. (c) Whether access can be safely achieved. (d) The effect on the natural character of the coastline. (e) To what extent the effects of a natural hazard can be avoided, remedied or mitigated. (f) The effect on adjoining sites in terms of effluent disposal, stormwater disposal and runoff. (g) The effect on natural features such as outstanding landscapes, significant indigenous vegetation and habitats and lwi values.	Subdivision is a controlled activity in order that conditions can be imposed to ensure orderly development, provision of services and the avoiding, remedying or mitigating of adverse effects. If a subdivision fails to comply with the requirements of a controlled activity, it becomes a discretionary activity.
	Cont ...	

5.5.6 Rules - Industrial Management Area

5.5.6 Item	Permitted	Controlled
		... 5.5.6.12 Cont (c) Protection of features such as outstanding landscapes, heritage items, significant indigenous vegetation and habitats and lwi values (d) creation of esplanade reserves/strips. (e) Transfer or amalgamation or parcels of land, whether they are adjoining or not in accordance with Section 220(2) of the Act (f) The siting of buildings (g) The filling and compaction of the land and earthworks (h) The provision of services including access, water supply, power supply and stormwater disposal (i) The provision to be made for the protection of land or any part thereof or of any land not forming part of the subdivision against erosion, subsidence, slippage or inundation from any source (j) The vesting of the beds of lakes and rivers (Section 237A of the Act).
13. Earthworks	Earthworks is a permitted activity if: (a) The activity does not result in any change to the colour or visual clarity of any water, including coastal water other than of a temporary nature and; (b) When the earthworks are completed the site is revegetated or treated to avoid erosion and the finished contours are in accordance with the surrounding land.	(ii) Not applicable.
14. Roads	(i) Road construction, maintenance and modifications, including stockpiling of roading materials, is a permitted activity if: (a) it is within any existing road reserve or within 10 metres of the existing road formation. • No other rules are applicable to this activity.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
	... 5.5.6.12 Cont (i) The matter set out in Table 4.12.1 (page 57) in respect of the creation of an esplanade/reserve strip. (i) Compliance with New Zealand Standard 4404.	
(ii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on landscape values, water quality, significant indigenous vegetation and habitats and cultural values. (b) Rehabilitation of the site. (c) The visual effect.	Earthworks should not affect water quality and be completed in an environmentally acceptable manner.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The efficiency of the network. (b) The effect on landscape values, water quality, significant indigenous habitats and fauna. (c) The visual effect.	This rule allows for the continued operation of the roading network provided it is confined to the existing formation and legal widths. Beyond this area, resource consent may be required.

5.5.6 Rules - Industrial Management Area

5.5.6 Item	Permitted	Controlled
15. Discharge of Contaminants or Water into Water or the Discharge of Contaminants into or onto Land in that Contaminant Entering Water	<p>(i) Discharge of a contaminant or water into water or the discharge of a contaminant to or into land which may result in that contaminant, entering water is permitted if:</p> <p>(a) The discharge is for stormwater, water supply or freshwater purposes provided the discharge after reasonable mixing shall not give rise to any of the following effects;</p> <p>(b) The production of any conspicuous scums or foams on floatable or suspended materials;</p> <p>(c) Any conspicuous change in colour or visual clarity;</p> <p>(d) Any emission of objectionable odour;</p> <p>(e) The rendering of freshwater unsuitable for consumption by farm animals;</p> <p>(f) Any significant adverse effects on aquatic life.</p>	<p>(ii) Not applicable</p>
16. Discharge of Effluent	<p>(i) The discharge of sewage tank effluent to land is permitted if:</p> <p>(a) There is sufficient soakage into the subsoil to dispose of effluent in a sanitary manner and;</p> <p>(b) New effluent fields are located no closer than - 20 metres from the bank of any waterbody or MHWS and - are wholly contained within the site and;</p> <p>(c) Do not adversely affect any bores used for the taking of water in a manner that will affect the potability of water for human consumption.</p>	<p>(ii) Not applicable.</p>
17. Taking of Water	<p>(i) Taking of water is permitted provided:</p> <p>(a) it is existing and does not increase beyond its current take or;</p> <p>(b) the take does not exceed 3 cubic metres per day or;</p> <p>(c) it is for stock, an individual's domestic needs, school, or fire fighting purposes and;</p> <p>(d) Council is notified of the location of new water takes and;</p> <p>(e) Flows and levels of water are sustained to an extent that the passage of fish is not impeded.</p>	<p>(ii) Not applicable</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The effects of items in 5.5.6, 15(i) (b) - (e) will have on amenity values and cultural values and ecosystems.</p> <p>(b) The rate of discharge.</p>	<p>This rule prescribes the circumstances under which the discharge of contaminants is allowed.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) Alternative mitigation measures available such as technology</p> <p>(b) The rate of discharge</p> <p>(c) The sensitivity of the receiving environment</p>	<p>Subsoil condition on sites must be capable of disposing of effluent in an acceptable manner. Buffer distances help to protect waterbodies. Bores should not be adversely affected by effluent fields.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) The type of activity.</p> <p>(b) The volumes of water required including duration and frequency.</p> <p>(c) The effect on aquatic life.</p> <p>(d) The effect on cultural values.</p>	<p>This rule controls the taking of water. Reasonable taking of water is allowed provided adverse effects are avoided remedied or mitigated. Council requires to be notified of the location of water takes for monitoring purposes. The impact of a large water take for industrial activities or similar could have potential effects and Council therefore requires a resource consent to assess any effects. This rule reflects the general thrust of Section 14 of the Act.</p>

5.5.6 Rules - Industrial Management Area

5.5.6 Item	Permitted	Controlled
18. Damming and Diversion of Water	(i) Damming or diversion of water is permitted provided: (a) Any dam or weir necessary is less than two metres in vertical height from base to crest on the downstream batter, and the reservoir floods an area less than 500 square metres and; (b) a take for an individual's domestic needs, or stockwater, school, public water supply, or fire fighting purposes, or any take authorised by a resource consent is not restricted as a result of the damming or diversion and; (c) flows and levels of water are sustained to an extent that indigenous aquatic life is not reduced and the passage of fish is not impeded and; (d) it is for the purposes specified in Rule 5.5.6.17.	(ii) Not applicable
19. Structures - Beds of Lakes and Rivers Includes to use, place, erect, alter, reconstruct, remove, demolish, extend a structure	(i) Structures in, under or over the bed of a river or lake are permitted if: (a) They are existing or; (b) They are fences or utility service lines or; (c) They are culverts, bridges and fords as part of an existing road or track system or; (d) They are for a structure for the purposes specified in Rule 5.5.6.17 & 18 (a) or; (e) They are other structures that do not exceed 10 square metres and; (f) The permitted structures do not impede the passage of fish	(ii) Not applicable
20. Disturbance of Beds of Lakes and Rivers. Disturbance means "excavate, drill, tunnel, deposit a substance, or reclaim in or under a bed."	(i) Disturbance of the bed of a river or a lake is permitted if it is: (a) For the purposes of a fence or utility service line, or a structure for the purposes specified in Rule 5.5.6.17 – 19 or; (b) For an activity which complies with Rule 5.3.4.10(i) provided the amount does not exceed 50m ³ (volume) in any 12 month period per hectare.	(ii) Not applicable

Discretionary	Assessment Criteria	Explanation
(iii) Activities that contravene a permitted activity are a discretionary activity.	(a) The type of activity. (b) The volumes of water required including duration and frequency. (c) The effect on ecosystems. (d) The effect on cultural values.	Damming and diversion of water has the potential to create adverse effects as it relates to aquatic life and downstream users. Provision is made for reasonable damming and diversion. Beyond this Council wishes to assess the effects by way of a resource consent. This rule reflects the thrust of Section 14 of the Act.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on public access. (b) The effect on water flows. (c) The effect on ecosystems. (d) The effect on cultural values. (e) The purpose of the structure.	This rule authorises structures which are unlikely to have adverse effects because they are existing, small in area and meet certain conditions.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effect on public access. (b) The effect on water flows. (c) The effect on ecosystems. (d) The effect on cultural values.	This rule provides the circumstances in which disturbance of beds of lakes and rivers can take place.

5.5.6 Rules - Industrial Management Area

5.5.6 Item	Permitted	Controlled
21. Discharge of Contaminants onto Land	(i) Discharge of contaminants onto land is permitted if: (a) They are not from an industrial or trade premises, and; (b) They are not dumped within 30 metres of a waterbody or water supply, and; (c) They are not dumped within 50 metres of a dwelling	(ii) Not applicable.
22. Discharge of Contaminants into Air	(i) Discharges of contaminants into air are permitted provided: (a) They do not give rise to a nuisance that would not reasonably be expected in an industrial environment or do not give rise to a nuisance in an adjoining management area.	(ii) Not applicable.
23. Network Utilities	(i) Network utilities are permitted activities if: (a) they do not exceed 15 metres in height	(ii) Not applicable
24. Archaeological Sites	(i) Activities which destroy, damage or modify an archaeological site are only permitted if: (a) Permission is obtained from Iwi. Note: An authority may also be required from the New Zealand Historic Places Trust under the New Zealand Historic Places Act.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Activities that contravene a permitted condition are a discretionary activity	(a) The type of contaminant to be discharged. (b) Its effect on ecosystems and amenity. (c) The rate or frequency of the discharge.	This rule controls the discharge of contaminants to the land. Generally industrial or trade premises require resource consents while other discharges which are likely to be of smaller magnitude must comply with conditions in respect of dumping.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The proximity of land uses and in particular sensitive land uses. (b) The frequency and duration of emissions. (c) The need to generate the contaminants.	This provision provides protection for industrial areas and adjoining areas from unreasonable levels of contaminants such as odour and particulates.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The function of the network utility. (b) The visual effect of the network utility. (c) The effects on Iwi values.	Network utilities perform an important function and are generally permitted subject to a maximum height. The permission of Iwi is a necessary prerequisite prior to any work. Section 14 of the Historic Places Act 1993 also states that an authority is required from New Zealand Historic Places Act before any archaeological site is destroyed, damaged or modified. Archaeological sites are defined as sites of human activity prior to 1900.
(iii) Activities that contravene a permitted condition are a discretionary activity.		

5.6 Coastal Marine Area

5.6.1 Description

The Coastal Marine Area is all that area between mean high water springs of all of the islands of the Chathams, including the smaller off-shore islands, and the outer limits of the territorial sea (which is generally 12 nautical miles (22.224 km) from the lower water mark). The area encompasses coastal waters, beaches, river and stream mouths as well as man made structures such as wharves, jetties etc. That part of the coastal marine area occupied by existing structures such as the wharves and jetties at Waitangi, Kaingaroa, Port Hutt, Owenga and Flower Pot are subject to the Industrial Management Area provisions insofar as they relate to activities carried out on the structures. The provisions of the Coastal Marine Area will still apply to matters such as disturbance of the seabed, reclamation etc.

5.6.2 Fisheries Management

The waters within the Chathams Coastal Marine Area support highly valued commercial, recreational and customary fisheries. However, the management of all these fisheries is not within the scope of this document nor of the Resource Management Act.

Fisheries management, including to use, conserve, enhance or develop any fisheries resource, is controlled under the Fisheries Acts of 1996 and 1983. Fisheries management includes commercial, recreational and customary fishing, whether marine or freshwater, as well as aspects of aquaculture. The fisheries law is administered by the Ministry of Fisheries under the direction of the Minister of Fisheries.

Council's coastal functions and responsibilities under the Resource Management Act are limited to the allocation of coastal space (involving among other things, the avoidance of conflict between fishing and other activities), the management of coastal activities including structures and water quality, habitat protection and provision for the relationship between Iwi and their traditional resources, apart from fisheries.

5.6.3 Objective – Life Supporting Capacity

- (i) **To safeguard the life-supporting capacity of coastal ecosystems.**

Reasons

Council is required by the Act to safeguard the life-supporting capacity of water and ecosystems. The objective also reflects the requirements of Section 6 of the Act and is consistent with the New Zealand Coastal Policy Statement. Coastal ecosystems are particularly critical to the continuation of the Chatham fisheries resources of the Chathams.

5.6.3.1 Policies

- (i) **Activities should not have more than a minor adverse effect which cannot be avoided, remedied or mitigated on the life-supporting capacity of the Coastal Marine Area, including effects on one or more of:**
 - (a) **the quality and quantity of habitats**
 - (b) **the integrity of essential ecological processes**
 - (c) **the viability of species populations**

- (d) **spawning, nursery or feeding areas for marine life (including access by marine life to these areas), energy flows and nutrient cycling**
 - (e) **shellfish gathering areas, and fishing areas**
 - (f) **flora and fauna**
 - (g) **water quality**
 - (h) **movement of water, sediment transport or the composition of natural substrates**
- (ii) **Activities within the Coastal Marine Area involving the use, storage, transport, and disposal of hazardous substances should be managed or controlled, so as to minimise:**
- (a) **the risk of a spill or leakage occurring, and**
 - (b) **the potential for adverse effects in the event of a spill or leakage**
- (iii) **Where opportunities to restore and rehabilitate the life-supporting capacity of the Coastal Marine Area are identified they will where practicable be acted upon.**

5.6.3.2 Methods

- (i) Rules in the document regulating activities which have the potential to create an adverse effect.
- (ii) Assessment and monitoring of Resource Consent applications.
- (iii) Compliance with legislation dealing with hazardous substances.
- (iv) Financial contributions from consent holders for the enhancement of areas.
- (v) Encouraging community participation in restoration projects.

Reasons and Explanation

The features identified in Policy (i) are considered integral to the life supporting capacity of ecosystems. Given the interdependence between the Chathams community and coastal resources, sustainable management is required and thus the necessity to avoid, remedy or mitigate the adverse effects on the identified features. While a number of the individual features are referred to, 5.6.3.1 (i) (b) refers to a total ecological process in which the reduction of one of the features even in a minor way, could jeopardise the whole process.

Hazardous substances also have the potential to have a serious effect on the life supporting capacity of ecosystems if there are leaks or spills and correct handling and operation is therefore essential. The disposal of hazardous substances into the coastal marine area is to be avoided. In accordance with the NZCPS 1.1.5, the opportunity should be taken to rehabilitate degraded environments where this is practically possible through, for example, community projects.

5.6.4 Objective – Vegetation, Habitat and Natural Features

- (i) **The protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna and outstanding natural features within the Coastal Marine Area.**

Reasons

The objective reflects the requirements of Sections 6(a), 6(b) and 6(c) of the Resource Management Act and the national priorities established by Policies 1.1.2 -1.1.4 of the New Zealand Coastal Policy Statement.

5.6.4.1 Policies

- (i) **Activities in the Coastal Marine Area should be located and designed in a way which avoids, remedies or mitigates adverse effects and protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes.**
- (ii) **The network of non-commercial fishing areas as identified and administered by the community should be maintained and following public consultation, further areas protected if appropriate.**

5.6.4.2 Methods

- (i) Rules regulating activities within the Coastal Marine area which have the potential to cause adverse effects.
- (ii) Encourage community participation in restoration projects.
- (iii) Identify areas of significance on planning maps and where appropriate manage these areas with a range of methods.
- (iv) Educate and promote public awareness of significant and outstanding features.

Reasons and Explanation

The policies give effect to the requirements of the Act and the NZCPS. Given that all of the coast retains a degree of natural character, it should be protected from inappropriate, use and subdivision by a variety of methods. Fifteen non-commercial areas are established around Chatham and Pitt Island and gazetted non-commercial fishing areas by the Minister of Fisheries which assists in the sustainable management of such resources.

5.6.5 Objective – Amenity Values

- (i) **The maintenance and enhancement of amenity values within the Coastal Marine Area.**

Reasons

The Act requires Council to have particular regard to the maintenance and enhancement of amenity values which are integral to the lifestyle of the Chatham's people and community. This objective is reinforced by the provisions of the NZCPS and in particular Chapter 3.1.

5.6.5.1 Policies

- (i) **Activities within the Coastal Marine Area should avoid, remedy or mitigate adverse effects on amenity values.**
- (ii) **Structures should be removed at the expiry of their authorisation or the purpose for which they were erected is no longer relevant, provided that none of the following apply:**

- (a) **the structure will have no more than minor adverse effects on the environment or on public access or use of the area if left in place**
 - (b) **the structure has significant heritage value**
 - (c) **a new authorisation has been granted, or applied for but not yet determined.**
- (iii) **Activities within the Coastal Marine Area should:**
- (a) **permit the unrestricted safe navigation of vessels to and from recognised launching, mooring or berthing areas**
 - (b) **not adversely affect the functioning of navigation aids**
 - (c) **allow people to have safe access to and along the Coastal marine Area**
 - (d) **retain opportunities for people to make use of the foreshore and coastal waters for contact recreation**
 - (e) **ensure that appropriate notice is when the navigability of an area changes as a result of that use or development**

5.6.5.2 Methods

- (i) Rules regulating activities in the Coastal Marine Area which have a potential to create adverse effects.
- (ii) Assessment and monitoring of Resource Consent applications.
- (iii) Other legislative requirements such as the Harbours Act 1950 and Maritime Safety Authority.

Reasons and Explanation

Activities which locate in the coastal marine area should avoid, remedy and mitigate adverse effects in that order. Typical activities include the erection and operation of structures such as moorings, jetties, wharves, launching ramps, navigation aids, seawalls etc as well as the disturbance and deposition of substances on the seashore. Clearly some of the activities and structures will improve amenity values and any adverse effect will depend on their location, size and design.

Structures which are no longer required or abandoned can have an adverse effect in terms of interference with navigation, use of public space and visual obtrusion. If practicable they should be removed. This gives effect to Policy 4.1.3 of the NZCPS.

Activities within the Coastal Marine Area, including surface water activities and the placement of structures, have the potential to adversely affect the safety of users of the Coastal Marine Area. The Act is concerned only with residual safety and navigation issues through part of its purpose “enabling people to provide for ... their health and safety.” Safety is more directly the subject of the Harbours Act 1950, the Building Act 1991 and the Maritime Transport Act 1993. While the Act permits the Council to control activities in relation to the surface of the water, that control is to achieve the purpose of the Act. The Harbours Act 1950 provides explicitly for control over navigation and safety.

Policy (iii) promotes integrated management of navigational safety. The Maritime Safety Authority administers the Harbours Act 1950 and the Maritime Transport Act 1993, which provide for navigational safety. The Maritime Safety Authority need to be aware of structures, dredging, reclamation etc which can change the navigability of an area of coastal water.

5.6.6 Objective – Coastal Processes

- (i) **Natural coastal processes are not adversely affected by activities on the foreshore or seabed.**

Reasons

Activities on the foreshore or seabed can alter the natural coastal processes acting on the area. This may adversely affect flow regimes, tidal hydraulics, and flushing capabilities. Erosion and sedimentation can be increased if the overall sediment equilibrium is altered. The intrinsic values of ecosystems can also be adversely affected.

5.6.6.1 Policies

- (i) **Activities on the foreshore or seabed should avoid, remedy or mitigate adverse effects on natural coastal processes.**
- (ii) **Structures should not have more than a minor adverse effect on natural coastal processes.**
- (iii) **To adopt a precautionary approach towards those activities which affect coastal processes.**

5.6.6.2 Methods

- (i) Rules regulating activities.
- (ii) Assessment of resource consents.
- (iii) Removal of structures that adversely affect coastal processes.
- (iv) Non regulatory methods such as education, consultation etc.

Reasons and Explanation

Activities and structures have the potential to affect natural coastal processes by impeding coastal water flows, impounding coastal water or excluding coastal water. This can affect sedimentation and erosion rates which may endanger other structures and affect mooring areas as well as the ecosystems. Given the relative lack of understanding of coastal processes, a precautionary approach is adopted with most activities requiring a resource consent. This is in accordance with NZCPS 3.3.1.

5.6.7 Objective – Coastal Water Quality

- (i) **Maintenance and enhancement of the quality of the Chatham's coastal water.**

Reasons

The coastal waters are integral to the well being of the community particularly as it relates to the fisheries resource. The waters are also important for recreational purposes and cultural and spiritual values. The existing quality of the coastal water is generally very high and this should be maintained and enhanced if it becomes degraded to protect the values identified.

5.6.7.1 Policies

- (i) Coastal water quality standards should be maintained or enhanced to reflect lwi values and community aspirations for the management of fisheries, fish spawning, aquatic ecosystems and aesthetic purposes, food gathering and cultural purposes.**
- (ii) Discharges to coastal water should not, after reasonable mixing give rise to any significant adverse effects on habitats, feeding grounds or ecosystems.**
- (iii) Discharges should not lead to a further degradation of existing water quality.**
- (iv) When considering new proposals or applications to discharge contaminants directly to water, or reviewing existing discharges, matters to be taken into account shall include:**
 - (a) the total contaminant load (composition/concentration/flow rate) of the discharge**
 - (b) the assimilative capacity of the receiving water to dilute and dispense the contaminant.**
 - (c) actual or potential uses of the water body and the degree to which the needs of other water users are, or may be, compromised**
 - (d) scenic, aesthetic, amenity, recreational and fisheries values**
 - (e) the cultural and spiritual values**
 - (f) the actual or potential risk to human health from the discharge**
- (v) The discharge of human sewage into coastal water should only occur after passing through land in a manner that does not give rise to adverse effects.**
- (vi) The level of contaminants in stormwater discharges to the Coastal Marine Area should be minimised where practicable using screening, filtering or settlement devices.**
- (vii) Port areas should possess adequate and convenient rubbish facilities to accept rubbish and contaminants from vessels.**
- (viii) All vessel maintenance sites should possess facilities for the containment, collection, and treatment or disposal, of wastes or contaminants arising from the maintenance or repair of vessels.**
- (ix) The implementation of the approved oil spill contingency plan to manage any emergency discharge or spillage of environmentally damaging substances.**
- (x) The public shall be adequately warned when the degradation of water in the coastal environment has rendered the water unsafe for shellfish gathering and other activities.**

5.6.7.2 Methods

- (i) Rules regulating discharges.**

- (ii) Liaison with Mfish when setting monitoring requirements for aquaculture discharges or suchlike so that both Council and Mfish can arrange for monitoring to be done simultaneously.
- (iii) Other legislative mechanisms such as the Maritime Transport Act 1994 and Bio Security Act.
- (iv) Encourage good practices such as regular maintenance of effluent disposal systems to prevent or minimise discharges affecting the Coastal Marine Area.
- (v) Provision of rubbish disposal facilities at the wharves on the Chatham Islands.
- (vi) Conditions of resource consents.
- (vii) Television and radio notices when water is unsafe for activities.

Reasons and Explanation

The coastal waters are a community resource for all of the islands. As a consequence the management of such waters should reflect the aspirations of the community as to coastal water standards. For example high water quality is essential for the fishing industry while discharges to water containing human waste are generally not favoured by Iwi in terms of their cultural beliefs (Policy i). Policy (ii) reflects NZCPS Policy 5.1.3 that states discharges after reasonable mixing should not adversely affect ecosystems in any significant manner.

In general, discharges should not lead to a degradation of the existing quality which is very high (Policy iii). While consideration was given to the adoption of water standards as set out in the Schedules to the Act, it is considered that these standards are potentially of a lower quality than the existing water quality.

Policy (iv) states the matters Council will give consideration to when considering applications to discharge contaminants into the coastal waters.

Sewage on the Chathams is generally disposed of by septic tank by either individual tank or a community tank in the case of Waitangi. The liquid effluent, after passing through the disposal fields could enter coastal waters. This method of discharging to land is preferable to direct to coastal waters given the effect on ecosystems, Iwi values and the NZCPS policies. The discharges should however be such that the water quality is not affected (Policy v). The maintenance and efficient operation of such facilities as the Waitangi system and septic tank will assist in achieving this.

While the volume of stormwater discharged to the coastal marine area is not significant given the limited extent of development and the absence of a significant infrastructural network, any potential contaminants should be minimised (Policy vi).

The disposal of rubbish at sea can be a major source of pollution at sea and on the beaches. The provision of adequate rubbish facilities, which are provided at some of the wharves/jetties on the Chathams assists in the disposal of such rubbish, thus reducing the potential effect on water quality (Policy vii).

The maintenance and repair of boats on areas in or adjacent to the Coastal Marine Area can result in toxic antifouling paint, heavy metals, etc, entering the Coastal Marine Area at such locations as Waitangi and Port Hutt. While acknowledging the vital function these facilities

provide they should be carried out in a manner which avoids, remedies or mitigates the potential effect (Policy viii).

Contingency plans are an effective way of dealing with unplanned events that can affect the water quality. The Council has an oil spill contingency plan in place formulated under the Maritime Transport Act 1994 to cater for oil spillages (Policy ix).

NZCPS Policy 5.1.7 indicates that the public should be warned by an appropriate method if the water becomes unsafe for shellfish gathering (Policy x).

5.6.8 Objective – Public Access

(i) The maintenance and enhancement of public access along the coastal marine area.

Reasons

This recognises that public access along the coastal marine area is a matter of national importance under Section 6(d). Access to the coastal marine area is dealt with in Part 4.7.

5.6.8.1 Policies

(i) In considering public access the Council shall have regard to:

(a) the necessity to:

- **protect areas of significant indigenous vegetation or significant habitats of indigenous fauna**
- **protect cultural values**
- **protect public health or safety**
- **ensure a level of security consistent with the purpose of a resource consent**
- **in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.**

(b) property security and stock safety.

(ii) Occupation of space in the coastal marine area should not be granted, and constraints on public access should not be imposed, unless:

(a) there is no practical alternative, and

(b) the effects on public access would not be significant.

(iii) Coastal structures should be designed and located to avoid, remedy or mitigate adverse effects on public access along the coastal marine area.

(iv) Where reclamation occurs in the coastal marine area, public access should be maintained by either the setting aside of esplanade/reserve/strips or some other means.

5.6.8.2 Methods

- (i) Rules in the document regulating activities
- (ii) Assessment of resource consents
- (iii) Physical works by the construction of facilities
- (iv) Esplanade reserve/strips

Reasons and Explanation

The maintenance and enhancement of public access is a matter of national importance recognised in the Act and the NZCPS. The NZCPS states that a restriction depriving the public of access should only be imposed in the circumstances outlined in Policy (i)(a). Regard should also be had to matters such as property security and stock safety (Policy (i)(b)).

Occupation of space in the coastal marine should however be allowed in only certain circumstances given that the area is “common property”. Similarly, access should not be impeded by poorly designed coastal structures such as reclamations and protection works (Policy ii and iii).

Where reclamations occur, public access should be maintained in order the existing situation in respect of public access is retained or improved (Policy iv).

5.6.9 Objective – Natural Hazards

- (i) **Minimisation of the risks to people, property or other aspects of the environment, arising from the interaction between human development and natural coastal processes in the coastal marine area.**

Reasons

Human development, such as structures and protection works, has in the past lead to natural hazards affecting people and property and the environment including the displacement of effects elsewhere.

5.6.9.1 Policies

- (i) **Activities, including structures, within the coastal marine area should be located and designed to take into account existing and potential natural hazards, including sea level rise, and the need to avoid hazard protection works.**
- (ii) **Coastal hazard protection works should only be allowed in relation to existing development in the coastal environment and only where the positive effects of allowing the works are likely to be significantly greater than the adverse effects. Determination of this will include consideration of:**
 - (a) **the probability of the works achieving their stated purpose**
 - (b) **the public benefit from the use or development to be protected**
 - (c) **the effects of the protection works on the environment, including any change in the occurrence and rate of coastal erosion, or its location**
 - (d) **the effects (including costs and benefits) of not proceeding with the works**

- (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
- (iii) Structures or reclamations within the coastal marine area should not interact with or intercept sediment flow in a way that could increase the risk of coastal erosion or accretion.
 - (iv) Disturbance of the foreshore or seabed should not remove such quantities of sediment as to increase the risk of coastal erosion or accretion.
 - (v) Accelerated erosion attributable to an existing structure should be remedied when new consents are being sought for works.

5.6.9.2 Methods

- (i) Identification of potential natural hazard areas and rules in the document regulating activities in these areas.
- (ii) Monitor information of potential hazards such as sea level rise.

Reasons and Explanation

Activities need to take into account existing and potential hazards in order human life, property or other aspects of the environment is not affected. The necessity for hazard protection works should be avoided in respect of new activities and should only be allowed for existing development in certain circumstances. Sea level rise is a potential hazard about which there is uncertainty and while unlikely to affect properties in the lifetime of this document, sea level rise should at least be recognised. The above is in accordance with NZCPS 3.3.1 and 3.4.4 which advocates a precautionary approach.

Activities such as hazard protection works, structures, reclamations and disturbance of the foreshore or seabed should not affect the processes of erosion and sedimentation, which in turn can adversely affect human life, property and other aspects of the environment. This recognises that natural features such as beaches and sand dunes provide protection for use and development. Existing structures can exacerbate erosion and these effects should be remedied when consents for new work is sought.

5.6.10 Anticipated Environmental Results

- (i) Coastal ecosystems are retained and enhanced.
- (ii) The protection of significant vegetation and habitats and outstanding natural features and landscapes.
- (iii) Traditional use of the coast is retained for economic and social activities.
- (iv) Coastal processes remain largely unaffected by human activities where practicable.
- (v) The public is able to obtain access to and along the coastal marine area without impacting on natural and cultural values.
- (vi) The protection of human life and property and other parts of the environment from natural hazards.

5.6.11 Rules - Coastal Marine Area

Item 5.6.11	Permitted	Controlled
<p>1. Occupation</p> <p>(i) Occupation of the Coastal Marine Area is a permitted activity if:</p> <p>(a) The occupation is solely by a structure which is permitted under a rule in this Section or a resource consent.</p>	<p>(ii) Not applicable.</p>	
<p>2. Structures General</p> <p>(i) Erection or placement of structures in the Coastal Marine Area is permitted if:</p> <p>(a) The structure is one of the following:</p> <ul style="list-style-type: none"> (i) outfall/intake structures (ii) mooring anchor blocks (iii) navigation structures. (iv) mobile slips (v) fences (vi) utility service lines <p>Provided that:</p> <p>(b) any mooring anchor block is within an area of existing moorings at the harbours of Waitangi, Owenga, Kaingaroa and Port Hutt that has available additional mooring space and the structure, when complete, does not prevent reasonable navigation between existing launching, mooring or berthing facilities and the open sea and;</p> <p style="text-align: right;">Cont. ...</p>		

Discretionary	Assessment Criteria	Explanation
<p>(iii) Occupation of the Coastal Marine Area that contravenes a permitted condition is discretionary if:</p> <p>(a) the area occupied does not exceed 10 ha.</p> <p>(iv) Any activity involving occupation of the Coastal Marine Area which:</p> <ul style="list-style-type: none"> (a) excludes or effectively excludes public access from areas over 10 hectares (except where such exclusion is required in commercial port area for reasons of public safety or security) or, (b) excludes or effectively excludes the public from more than 316 metres along the length of the foreshore, or (c) involves occupation or use of areas greater than 50 hectares and such occupation or use would restrict public access to or through such areas is a discretionary activity, and a restricted coastal activity. <p>(iii) Erection or placement of structures that:</p> <ul style="list-style-type: none"> (a) are not dealt with specifically in other rules or (b) contravene a permitted condition in this rule are discretionary activities. 	<p>(a) The availability of alternatives and the justification for the occupation.</p> <p>(b) Effects on public access and other activities.</p>	<p>The occupation of large areas as detailed in discretionary activities (iv) (a), (b) and (c) is identified in the NZCPS as a restricted coastal activity. The occupation of coastal space can affect public access and other activities, and is only allowed for structures which are permitted given that the effects on public access are not significant, or by resource consent on a case-by-case basis.</p>
	<p>(a) The need for the structure.</p> <p>(b) The suitability of the site in terms of prevailing wave, tide and wind conditions, particularly during storm events.</p> <p>(c) The extent of the area potentially affected and likely effects on conservation values.</p> <p>(d) The potential for structures to cause erosion or deposition or any effect on ecological processes.</p> <p>(e) Effects on public access, amenity and recreation values.</p> <p>(f) The manner in which access, dinghy storage and parking would be dealt with on land.</p> <p>(g) The proximity of the existing launching or mooring structures.</p> <p>(h) Effects on navigational safety.</p> <p>(i) Effects on water quality.</p> <p>(j) Effects on fisheries.</p>	<p>Certain structures can be allowed given their small area, lack of adverse effects and value to the community subject to conditions. The erection or placement of other structures within the Coastal Marine Area (ie other than those dealt with in specific rules) has the potential for significant adverse effects on amenity values, or natural resource values. Consequently "other structures" are dealt with as discretionary activities subject to full Council and public scrutiny.</p> <p style="text-align: right;">Cont. ...</p>

5.6.11 Rules - Coastal Marine Area

Item 5.6.11	Permitted	Controlled
	<p>... 5.6.11.2 <i>Cont</i></p> <p>(c) the maximum internal diameter of the outfall/intake structure is 1 metre and;</p> <p>(d) the maximum distance the outfall/intake structure extends into the coastal marine area shall not be more than 10 metres and;</p> <p>(e) the placement or use of outfall/intake structures does not result in erosion, scour, or deposition.</p>	
<p>3. Maintenance, Removal or Demolition of Permanent Structures; Placement of Temporary Structures</p>	<p>(i) Maintenance around and removal or demolition of existing structures and placement of temporary structures is permitted if:</p> <p>(a) Any alteration, reconstruction or replacement of an existing structure is contained within the envelope of the existing structure and;</p> <p>(b) The activity disturbs less than 3 cubic metres of sand, shingle, shell or other natural foreshore or seabed material and;</p> <p>(c) No waste is placed, or any contaminant released into the Coastal Marine Area and;</p> <p>(d) Removal or demolition of the structure will not significantly affect sediment movement or lead to increased erosion or scour and;</p> <p>(e) all temporary structures will be in place for less than 31 days, inclusive of days of erection or placement and removal and;</p> <p>(f) it does not result in loss of existing lawful public access to the Coastal Marine Area and;</p> <p>(g) it does not compromise navigational safety.</p>	<p>(ii) Maintenance around and removal or demolition of existing structures that contravene a permitted condition are controlled if:</p> <p>(a) less than 100 cubic metres of sand, shingle, shell or other natural foreshore or seabed material is disturbed, no waste is placed, or any contaminant released into the Coastal Marine Area.</p> <p>Control reserved over:</p> <p>(a) the extent and nature of the disturbance to the foreshore or seabed</p> <p>(b) design matters that relate to visual amenity</p> <p>(c) the duration of the consent</p> <p>(d) information and monitoring requirements.</p>
<p>4. Impounding or Containing Structures</p>	<p>(i) Erection of impounding or containing structures is not a permitted activity.</p>	<p>(ii) Not applicable.</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition or controlled standard are discretionary.</p>	<p>(a) The potential effects on erosion, scour, deposition in the immediate vicinity or over the wider area</p> <p>(b) The duration of any adverse effects, ie whether restricted to maintenance phase or longer term</p> <p>(c) The water quality/ecological effects</p> <p>(d) The effects on conservation values</p> <p>(e) The potential for interference with fishing activities</p> <p>(f) The potential effects on navigational safety</p> <p>(g) The effects on public access, amenity and recreational values</p> <p>(h) The effects on visual amenity values</p> <p>(i) The effects on noise and glare.</p>	<p>Subject to specified standards, maintenance, removal, demolition and temporary structures can be allowed given their low impact</p>
<p>(iii) The erection of a structure is a discretionary activity if:</p> <p>(a) it will impound or effectively contain less than 4ha of Coastal Marine Area, or</p> <p>(b) it is a floating or open pile structure which will not impede water flows.</p> <p><i>Cont ...</i></p>	<p>(a) The size and location of the area affected</p> <p>(b) Effects on conservation values, amenity values, public access and recreation</p> <p>(c) Effects on physical and ecological processes</p> <p>(d) Effects on water quality</p> <p>(e) Effects on movement of migratory species or potential loss of nursery or feeding areas.</p> <p>(f) Effects on fisheries.</p>	<p>Impounding or containing structures have the potential to alter the ecology of surrounding areas. They may also have significant effects on public access, visual amenity, and water quality. It is therefore appropriate that they be subject to full Council and public scrutiny.</p> <p>The NZGPS identifies the erection of impounding structures which contain 4 ha or more of the Coastal Marine Area as restricted coastal activities.</p>

5.6.11 Rules - Coastal Marine Area

Item	Permitted	Controlled
5. Large Solid Structures	(i) Construction of large solid structures is not a permitted activity.	Not applicable.
6. Disturbance (includes excavate, drill, move and tunnel) of foreshore and seabed	<p>(i) Disturbance of foreshore or seabed is a permitted activity if:</p> <p>(a) The volume of sediment disturbed does not exceed 50m³ in any 12 month period per hectare or:</p> <p>(b) The disturbance is for the marine rescue and disposal of marine mammals</p> <p>Provided that:</p> <ul style="list-style-type: none"> the stability of the foreshore is not affected conditions (b) and (c) of Rule 5.3.4.10(i) are complied with nesting sites and indigenous vegetation are not displaced <p>This rule does not apply to Rule 5.6.11.9.</p>	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
<p>... 5.6.11.4 Cont</p> <p>(iv) The erection of a structure is a discretionary activity and a restricted coastal activity if it impounds or effectively contains 4 ha or more of the Coastal Marine Area.</p>		
<p>(iii) The erection of a structure is a discretionary activity and is a restricted coastal activity if:</p> <p>(a) It is solid (or presents a significant barrier to water or sediment movement), and</p> <p>(b) is either:</p> <p>(i) 300 metres or more in length, more or less parallel to the line of mean high water springs (including separate structures the sum of whose length is 300 metres or more), or</p> <p>(ii) sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the Coastal Marine Area; and is in horizontal projection 100 metres or more in length.</p>	<p>(a) Size of area potentially affected</p> <p>(b) Effect on pattern of water and sediment movement (including potential to exacerbate erosion or sedimentation problems)</p> <p>(c) Ecological effects</p> <p>(d) Effects on conservation values of area</p> <p>(e) Extent to which the structure could compromise navigational safety</p> <p>(f) Effect on public access (to and along the Coastal Marine Area), amenity and recreational values.</p> <p>(g) Effects on fisheries.</p>	The NZCPS identifies the activity as a restricted coastal activity.
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p> <p>(iv) Any activity involving, in any 12 month period, disturbance of foreshore and seabed for specific purposes, including any removal of sand, shell or shingle:</p> <p>(a) In greater volumes than 50,000 cubic metres, or</p> <p>(b) extracted from areas equal to or greater than 4 hectares, or extending 1000 metres or more over foreshore and seabed is a discretionary activity and a restricted coastal activity.</p>	<p>(a) Size of area directly disturbed or likely to be indirectly affected by way of water quality effects or the settling out of suspended material</p> <p>(b) Ecological effects, including effects on fisheries values</p> <p>(c) Physical effects, including erosion, scouring deposition and amenity values</p> <p>(d) Extent to which removal methods are designed to minimise adverse effects</p> <p>(e) Effects of noise and glare.</p>	<p>Some disturbance of the foreshore and seabed is allowed as it is unlikely to create an adverse effect. It allows the continuation of a number of small intermittent sand and shell extractions for local use. Larger operations require resource consent. Large disturbances are a restricted coastal activity as identified in the NZCPS.</p>

5.6.11 Rules - Coastal Marine Area

Item	Permitted	Controlled
7. Deposition of Material	(i) Deposit of material on the foreshore or seabed is not a permitted activity.	(ii) Not applicable.
8. Vehicle Use	(i) Vehicle use is permitted if: (a) Vehicles are driven in a manner which does not affect the stability of the foreshore and; (b) Nesting sites and indigenous vegetation are not displaced.	(ii) Not applicable.
9. Reclamation	(i) Reclamation is not a permitted activity.	(ii) Not applicable.
10. Discharge of Contaminants - General	(i) Discharge of contaminants to coastal water is not a permitted activity unless authorised by Rules 5.6.11.1-13.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) Deposit of material on the foreshore or seabed is a discretionary activity, if: (a) The deposit is in quantities of 50,000m ³ or less in any 12 month period. (iv) Any activity involving the deposition of any material on the foreshore or seabed in quantities greater than 50,000m ³ in any 12 month period is a discretionary activity and a restricted coastal activity .	(a) Size of area directly disturbed or likely to be indirectly affected by way of water quality effects or the settling out of suspended material (b) Ecological effects, including effects on fisheries values (c) Physical effects, including erosion, scouring, deposition. (d) Effects on conservation and amenity values (e) Extent to which deposition methods are designed to minimise adverse effects (f) Effects of noise and glare.	Dumping of materials in the coastal marine area has potentially major impacts for amenity and ecological values and therefore a case by case analysis is required. Quantities greater than 50,000m ³ is identified as a restricted coastal activity in the NZCPS.
(iii) Activities that contravene a permitted activity are a discretionary activity	(a) Extent of disturbance and area potentially affected (b) Potential for release of contaminants (c) Effects on conservation values of area.	Beach access by vehicles is common on the Chathams and should be permitted subject to appropriate conditions.
(iii) Reclamation and associated draining of foreshore or seabed is a discretionary activity. (iv) Any activity reclaiming foreshore or seabed which: (a) equals or exceeds 1 hectare, or (b) extends 100 or more metres in any direction, or (c) is an incremental reclamation connected to, or part of, another reclamation which; was commercial or received a coastal permit after 5 May 1994; and the proposed reclamation is equal to or exceeds the dimensions in (a) and (b) is a discretionary activity and a restricted coastal activity .	(d) Ecological effects (e) Effects on water quality (f) Effect on sedimentation transport and deposition (g) Effects on conservation values (h) Effects on amenity and recreational values (i) Effects on public access (j) The need for esplanade reserves or esplanade strips in the vicinity of the reclamation.	Reclamations in the Coastal Marine Area can have adverse effects on the natural environmental processes and systems. Reclamations can also result in the loss of values of public access along the existing coastline. It is therefore appropriate that there be an opportunity for Council and public scrutiny of all reclamation proposals. The NZCPS Section 1.1, requires larger reclamations to be treated as restricted coastal activities.
(iii) Discharges of contaminants to coastal water are discretionary activities if: (a) after reasonable mixing the discharge (either by itself or in combination with other discharges) does not have significant adverse effects on habitats, feeding grounds or ecosystems. (iv) Any discharge to the coastal marine area in respect of which the applicant may desire to rely on Section 107(2)(a) is a discretionary activity and a restricted coastal activity .	(a) Presence of oil, grease, scums, foams, floatable or suspended materials in the proposed discharge (b) Potential of discharge to cause colour changes in receiving waters or to give rise to objectionable odours (c) Potential for significant adverse effects on aquatic life (d) The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge	This rule is the general rule regulating discharges. There are no permitted discharges of contaminants or water into the Coastal Marine Area, except in the specific cases dealt with in the rules that follow. The NZCPS requires the document to contain rules to enhance water quality (Policy 5.5.1) and close regulation of discharges of contaminants under this rule implements that policy.

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5.6.11 Rules - Coastal Marine Area

Item	Permitted	Controlled
<p>11. Discharge of Stormwater</p>	<p>The discharge of stormwater is permitted if:</p> <p>(a) The discharge, after reasonable mixing, does not cause:</p> <p>(i) the production of any conspicuous oil or grease films, scums, or foam, or floatable or suspended material and;</p> <p>(ii) any conspicuous change in colour or visual clarity and;</p> <p>(iii) any emission of objectionable odour</p>	<p>(ii) Not applicable.</p>
<p>12. Discharge of Human Sewage</p>	<p>(i) Discharge of human sewage is not a permitted activity.</p>	<p>(ii) Not applicable.</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities that contravene a permitted condition are discretionary.</p>	<p>... 5.6.11.10 Cont</p> <p>(e) Quantitative specifications contained in relevant ANZEC or New Zealand Government (eg Ministry for the Environment, Department of Health) publications</p> <p>(f) The need to undertake works in stages to ensure that the discharge will meet the standards at all times.</p> <p>Whether:</p> <p>(g) exceptional circumstances justify the granting of consent, or</p> <p>(h) the discharge is of a temporary nature, or</p> <p>(g) the discharge is associated with necessary maintenance work.</p>	<p>Section 107 of the Resource Management Act contains provisions affecting discharge permits, which are reflected in the assessment criteria. The NZCPS (S1.10) requires that applications based on the "exceptional circumstances" ground in section 107(2)(a) shall be a restricted coastal activity.</p> <p>There are a few practicable alternatives to discharging stormwater in the sea. This rule refers to the requirements of section 107 of the Resource Management Act, which requires minimal adverse effects after reasonable mixing.</p>
<p>(iv) The discharge of human sewage to coastal water is a discretionary activity if:</p> <p>(a) prior consultation with Iwi and the public has been carried out.</p> <p>(b) the discharge better meets the purpose of the Act than disposal to land</p> <p>(c) in the case of untreated sewage, one of the following applies:</p> <p>(i) the discharge is temporary, or</p> <p>(ii) the discharge is associated with necessary maintenance work.</p> <p>Any discharge of human sewage to the Coastal Marine Area, except for vessels, which has not passed through soil or wetland is a discretionary activity and a restricted coastal activity.</p>	<p>(a) Whether or not the discharge better meets the purpose of the Act than disposal onto the land</p> <p>(b) The assessment criteria in Rule 5.6.11.10.</p>	<p>The rule enables application to be made for the discharge of sewage to the Coastal Marine Area, subject to appropriate consultation and complying with receiving water standards after reasonable mixing.</p> <p>Further, the rule allows for occasional discharges of untreated sewage to the Coastal Marine Area subject to the above requirements. The NZCPS requires all discharges of human sewage which do not pass through soil or wetland to be a restricted coastal activity.</p>

5.6.11 Rules - Coastal Marine Area

Item	Permitted	Controlled
13. Discharges from Aquaculture	Discharges from aquaculture are not a permitted activity.	(ii) Not Applicable.
14. Storage and use of Hazardous Substances	(i) The use, storage and transportation of hazardous substances is permitted if: (a) There is compliance with all legislative and regulatory mechanisms, and codes of practice and; (b) No hazardous substances may be discharged or dumped into the Coastal Marine Area.	(ii) Not applicable.
15. The taking, use, damming or diversion of water	(i) The taking use, damming or diverting of water within the Coastal Marine Area is permitted if: (a) all structures associated with the activity comply with other rules.	(ii) Not applicable.

Discretionary	Assessment Criteria	Explanation
(iii) The discharge of water or contaminants from aquaculture activities into the Coastal Marine Area is a discretionary activity.	(a) Nature of contamination (chemicals, nutrients, organic materials etc.) (b) Effects on benthic communities (c) Water quality, consequent ecological effects (d) The adequacy of proposed solid waste disposal methods (e) The likely impact on the seabed or foreshore disposal methods for solid wastes generated at the site (f) The assessment criteria in Rule 5.6.11.10.	Aquaculture has the potential to have significant impact on water quality, particularly in semi-enclosed areas with limited circulation. Potential discharges include: <ul style="list-style-type: none"> • deteation from fish/shellfish stock involved • introduction of palletised food for cage-reared fish • addition of chemicals to the water eg disinfectants, antibiotics, antifoulants • solid wastes, including ropes, bags, nets, dead stock and offal. It is appropriate that such proposals be subject to Council and public scrutiny.
(iii) Activities that contravene a permitted condition are a discretionary activity. (iv) Any activity involving the erection of structures for the storage, containment or distribution of any petroleum products, chemical or contaminants in quantities greater than 50,000 litres is a discretionary activity and a restricted coastal activity .	(a) The type of hazardous substance having regard to its explosiveness, flammability, toxicity, oxidisation, and corrosiveness (b) The proximity of adjoining land uses, particularly residential activities (c) Compliance with hazardous substances regulations (d) The adequacy of contingency measures (eg provision for bunding) plans and procedures (e) The effects in the event of escape, leakage or unintentional discharge (f) The availability of alternative sites outside the Coastal Marine Area (g) The conservation/ecological values associated with the area.	Hazardous substances should be used, stored and transported in circumstances that minimise spillages. The NZCPS requires significant storage of hazardous substances to be a restricted coastal activity.
(iii) Activities that contravene a permitted condition are discretionary.	(a) Ecological effects (shellfish and fish values) (b) Effects on water quality (c) Effects of structures on physical processes (d) Effects on conservation values (e) Effects on amenity and recreational values	The taking and associated use of coastal water in the Chatham Islands which generally has an open coast and robust environment, has minor adverse effects.

5.6.11 Rules - Coastal Marine Area

Item	Permitted	Controlled
16. Exotic Plants	(i) The introduction of exotic plants is not a permitted activity	(ii) Not applicable.
17. Archaeological Sites	(i) Activities which destroy, damage or modify an archaeological site are only permitted if: (a) Permission is obtained from Iwi. Note: An authority may also be required from the New Zealand Historic Places Trust under the New Zealand Historic Places Act.	(ii) Not applicable.
18. Areas of Significant Natural Value	(i) Activities within areas of Significant Natural Value, listed in Appendix 1 and identified on the Planning Maps, are permitted if: (a) it is in accordance with an agreement, a covenant, a conservation management strategy or management plan or (b) if there is no agreement, conservation management strategy, covenant or management plan in place the rules of the document shall apply.	(ii) Not applicable

Discretionary	Assessment Criteria	Explanation
(iii) The introduction of an exotic plant species to the Coastal Marine Area, when that plant is already present in an area, is a discretionary activity. The introduction of an exotic plant species to the Coastal Marine Area when that species is not in the area, is a restricted coastal activity.	(a) Biosecurity and ecological considerations	The introduction of an exotic plant species to the Coastal Marine Area, when it is already known or thought to be present, is treated as a discretionary activity because it may be inappropriate to facilitate the spread of the plant in the proposed locality. The NZCPS requires the introduction of exotic species not already present to be a restricted coastal activity.
(iii) Activities that contravene a permitted condition are a discretionary activity.	(a) The effects on Iwi values	The permission of Iwi is a prerequisite to any work. Section 14 of the Historic Places Act 1993 states that an authority is required from New Zealand Historic Places Act before any archaeological site is destroyed, damaged or modified. Archaeological sites are defined as sites of human activity prior to 1900.
(iii) Activities that contravene a permitted condition are a discretionary activity	(a) The frequency, intensity and direction of activity proposed (b) The effect on natural values in terms of viability of species (c) Effects on fisheries, etc	This rule regulates activities in Areas of Significant Natural Values. It is recognised that many areas are already subject to agreements or management plans. In other areas activities should not adversely affect the inherent values of such areas. The rule will also not apply to Department of Conservation managed land where the requirements of Section 4 of the Act are met

5.6.11 Rules - Coastal Marine Area

Item	Permitted	Controlled
19. Coastal Marine Area within the Industrial Management Area.	<p>(i) Any activity in the portion of the Industrial Management Area within the Coastal Marine Area as it relates to existing jetty and wharf structures is permitted if:</p> <p>(a) The activity is specified in an Industrial Management Area rule as a permitted activity and;</p> <p>(b) Any conditions specified in the Industrial Management Area rule are complied with.</p>	<p>(ii) Any activity in the portion of the Industrial Management Area within the Coastal Marine Area is controlled if:</p> <p>(a) the activity is specified in an Industrial Management Area rule as a controlled activity</p> <p>(b) any standards and terms specified in the Industrial Management Area rule are complied with.</p> <p>Control is reserved over:</p> <p>(i) the matters that control is reserved over in the Industrial Management Area</p> <p>(ii) life supporting capacity of Coastal Marine Area</p> <p>(iii) conservation values</p> <p>(iv) amenity and heritage values</p> <p>(v) public access and recreational values.</p>
20. Other Activities	<p>(i) Activities referred to in Section 12(1) and (2) of the Act and not otherwise specifically referred to in this part of the document are not permitted activities.</p> <p>(ii) Activities not referred to in Section 12(1) and (2) of the Act and not affected by a rule in this part of the document are permitted activities.</p>	<p>(ii) Not applicable.</p>

Discretionary	Assessment Criteria	Explanation
<p>(iii) Activities in the portion of the Industrial Management Area within the Coastal Marine Area are discretionary if:</p> <p>(a) the activity contravenes a permitted condition, or controlled standard or term.</p> <p>(b) the activity is stated in a Industrial Management Area rule to be discretionary</p> <p>Activities are non-complying if:</p> <p>(c) the activity is stated in a Industrial Management Area rule to be non-complying</p>	<p>(a) Assessment criteria set out for the Industrial Management Area rule for the relevant activity</p> <p>(b) Effects on life-supporting capacity of Coastal Marine Area</p> <p>(c) Effects on conservation values</p> <p>(d) Effects on amenity and heritage values</p> <p>(e) Effects on public access and recreational values</p> <p>(f) Occupation charges.</p>	<p>This rule applies to the portion of the Industrial Management Area that overlaps with the Coastal Marine Area, as shown on the Planning Maps. In the area of overlap, rules for the Industrial Management Area that specifically regulate or control an activity apply in the area of overlap. In effect this will apply to the existing jetties and wharves given their classification as Industrial Management.</p> <p>Activities in the area of overlap that are not specifically dealt with in the Industrial Management Area rules will be governed by the Coastal Marine Area rules. For example, the Industrial Management Area rules say nothing about reclamation of the seabed, so reclamation is governed by the Coastal Marine Area rules.</p> <p>Additional matters of control and assessment criteria are introduced to recognise the sensitivity of the Coastal Marine Area.</p>
<p>(iii) Activities that contravene a permitted condition are a discretionary activity.</p>	<p>(a) Effects on life-supporting capacity of Coastal Marine Area</p> <p>(b) Effects on conservation values</p> <p>(c) Effects on amenity and heritage values</p> <p>(d) Effects on public access and recreational values</p> <p>(e) Effect on water quality</p> <p>(f) Effects on fisheries.</p>	<p>The provision is a rule for other activities. A resource consent is therefore required for activities described in Sections 12(1) and (2) that are not mentioned in the Coastal Marine Area. Those activities which are not referred to in Section 12 (1) and (2) or in this part of the document do not require resource consent in terms of Section 12(3) of the Act.</p>

5.7 Off Shore Islands Management Area

5.7.1 Description

The Off Shore Islands Management Area applies to the following islands:

- Rangatira (South East)
- Mangere
- Tapuaenuku (Little Mangere)
- Rangiwehu (The Castle)
- (Sail Rock)
- Motuhopi (Star Keys)
- Rangitatahi (The Sisters)
- Motuhara (The Forty-Fours)
- Rabbit Island
- Tarakoikoia (The Pyramid)
- Murumuru
- (Sugar Loaf)
- Kokope
- Rangituka (Round Rock)
- Houruakopara
- Motuhinahina
- Te Wakaru

Rangatira and Mangere are administered by Department of Conservation as Nature Reserves and are vital natural habitats, providing predator free environments for a number of endangered species. They are reasonably substantial in area, being 218 ha and 113 ha respectively.

By contrast the remaining islands are much smaller, rocky and steep sided. These islands, many of which also contain significant natural values and cultural values are privately owned by Iwi families.

5.7.2 Objective – Retention of Natural Values

- (i) **To retain the values associated with the off-shore islands including:**
- **landscape features**
 - **indigenous vegetation and habitats of fauna**
 - **cultural and spiritual values**

Reason

The off shore islands represent resources of significant natural values and cultural values for Iwi. The retention of these values is in accordance with the requirements of the Act and the NZCPS.

5.7.2.1 Policies

- (i) **Activities should not damage, threaten or detract from the natural and cultural values or ecosystems.**

5.7.2.2 Methods

- (i) Compliance where applicable with Conservation Act 1987, Reserves Act 1977 and Wildlife Act 1953 and a Conservation Management Strategy.
- (ii) Compliance with any management plan approved by Council, otherwise compliance with rules.

Reasons and Explanation

The offshore islands should be protected from adverse effects given their inherent attributes. It is proposed that the islands be managed in accordance with management plans or strategies prepared by the owners of or administrators of the islands. In order that Council meets its obligations under the Act the plan should be agreed by Council in terms of the principles of the Act rather than any particular detail. The Management Plan would be required to be introduced by way of a change to the document. The management plans are intended to allow the respective owners and administrators to manage the islands within broad parameters in recognition of their historical and cultural association and expertise.

If the management plan or strategy is not in place rules of the Rural Management Area will apply. It is acknowledged these provisions cannot override Section 4(3) of the Resource Management Act which applies to Mangere and Rangatira Islands.

5.7.2.3 Anticipated Environmental Results

- (i) The offshore islands retained in their natural state and values enhanced where possible.

5.7.3 Rules

5.7.3.1 Activities on the Off Shore Islands

The off-shore islands shall be subject to the same rules as for the Rural Management Area, except that any such rule will not apply where:

- (a) a management plan has been prepared by the Iwi owners or the administering agency for the island, and
- (b) the management plan covers the subject matter governed by that rule, and
- (c) the Council has agreed that the management plan will achieve the purpose and principles set out in Part II of the Act (see Section 2.1 of this document) by way of a plan change to the document (refer to First Schedule to the Act). This rule shall be subject to Section 4(3) of the Resource Management Act.