Chatham Islands

Resource Management Document

chatham islands council

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This is the approved Chatham Islands Resource Management Document, by the Chatham Islands Council

This Document was publicly notified on 15 December 2020 and became operative on 22 December 2020.

The Common Seal of the Chatham Islands Council was fixed in the presence of:

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25 November 2020

Chatham Islands Resource Management Document

Report No. R17/3

March 2020

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How to Use the Chatham Islands Resource Management Document

The Chatham Islands Resource Management Document is made up of a single volume which contains all the information that you will require, including the planning maps.

1. To find out how the document affects a property.

   Steps:

   (i) Turn to Part 8 and find the area you are interested in on the map index.

   (ii) Find the property on the appropriate map – the legend explains the symbols on the map and will indicate the Zone the property is in. The property may also be affected by notations such as a heritage site, natural hazard site etc.

   (iii) Go to Part 5 – Zones, and check through the rules in each area to find the permitted activities and relevant conditions. It is important to note that in every Zone, except the coastal marine area, that if an activity is not limited by a rule then it is allowed without resource consent. Within the coastal marine area, you generally may not carry out activities unless a rule states that you may.

   (iv) If after reading the rules your activity is permitted and complies with all relevant conditions then you can proceed without resource consent (other consents may still however be required – such as a building consent, Ministry of Fisheries licences, Heritage New Zealand Archaeological authority etc.).

   (v) If the activity is not permitted, a resource consent is required from Council. The objectives and policies set out in Parts 4 and 5 are relevant to a decision on a resource consent. Part 2 sets out the background information on how to apply for a resource consent.

2. To find out if you can carry out a particular activity, say building a house or opening a business.

   Steps:

   (i) If you have a site in mind, refer to steps (i) – (v) above.

   (ii) If you do not then refer to Part 5 in particular, to give you some idea if the activity is an appropriate one.

   (iii) Once the general area or site is identified, read through the rules in Part 5 to identify if the activity is permitted.

   (iv) If the activity is permitted, resource consent is not required (See 1(iv) above).

   (v) If the activity is not permitted, then a resource consent is required (See 1(v) above).

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Chatham Islands Resource Management Document
Fully Operative

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Part 1

Introduction

Part 1 - Introduction

1.1 Overview

The Chatham Islands Resource Management Document (referred to as "the document" or "the CIRMD") provides a framework for the integrated management of natural and physical resources of the islands including the sea area out to the 12 mile territorial limit. The first document was made operative on 24 January 2001 and the review of this document was undertaken in 2012/13.

The CIRMD is created by the Chatham Islands Council Act 1995. Section 26 of the Act states that Council shall have such a single resource management document and that it shall contain all the information that the Resource Management Act 1991 (referred to as "the Act") requires to be contained in:

- A regional policy statement
- A regional coastal plan
- A district plan

The document may also contain provision for contents of regional plans as set out in Section 67 of the Act and also regional rules in accordance with Section 68 of the Act.

The Council can make provision in the document for a range of matters as set out in the Act, including the control of:

- The effects of any use of land
- Subdivision
- Natural hazards
- Hazardous substances
- Activities on the surface of the water
- Discharge of contaminants into or onto land, air or water
- Taking and diverting water
- Noise
- Activities and occupation in the Coastal Marine Area

The level of control necessary to achieve the integrated management of natural and physical resources depends upon the particular circumstances of the islands.

The CIRMD is a unique one in the New Zealand context, containing aspects of a regional policy statement, a district plan, a coastal plan and regional plans in one document administered by the Chatham Islands Council, rather than separate plans administered by different authorities.

1.2 Structure of the Document

Sections 62, 67 and 75 of the Act generally prescribe the contents of the document. The CIRMD has to state the:

- Significant resource management issues of the islands
- Objectives sought to be achieved
- Policies in regard to the issues and objectives

- Methods used or to be used to implement the policies, including any rules
- Principal reasons for adopting the objectives, policies and methods
- Information to be submitted with an application for a resource consent
- Environmental results anticipated
- Review of these matters and how the effectiveness of the document will be monitored

All of these elements are incorporated into the document which is structured as follows:

Part 1 - Introduction
Part 1 (above) contains an overview and the structure of the document.

Part 2 - Implementation and Procedure
Part 2 explains how to use the document's various statutory procedures and outlines procedural and information requirements when applying for a resource consent.

Part 3 - Significant Resource Management Issues
Part 3 identifies the significant resource management issues for the Chatham Islands which require some kind of action or intervention.

Part 4 - Territory Wide Objectives and Policies
Part 4 contains the objectives and policies intended to address the issues raised in Part 3 and apply throughout the territory. An explanation/reason for adopting these objectives and policies is also given. Methods of implementing the objectives and policies are identified and include rules contained in the document and non-regulatory methods such as advocacy, incentives and works and services. Anticipated environmental outcomes are stated at the end, setting out what is expected from implementing the document's objectives, policies and methods.

Part 4A- National Direction
This section of the Resource Management Document contains provisions that have been incorporated into the Resource Management Document in accordance with directions in a national policy statement, national planning standard or other national direction.

Part 5 - Zones
Part 5 contains five Zones on the islands as follows:

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

Each of the Zones generally contain similar natural and physical resources which make them distinct from one another. Each Zone contains objectives and policies specific to that area (as opposed to territory wide). However the document's purpose should be considered as a whole.

The Zones also contain the rules referred to in the methods. The methods and rules implement the objectives and policies, both territory-wide and in the Zone.

Part 6 - Definitions
Part 6 defines key terms and phrases used in the document.

Part 7 - Appendices
Part 7 contains schedules of designations, heritage items and significant natural values.

Part 8 - Planning Maps
Part 8 of the document includes a series of planning maps which cover the whole territory. The maps show:

- The five Zones
- Natural Hazard areas
- Designations
- Significant Natural Values

1.2.1 Heritage Sites

Appendix 3 provides a schedule of heritage buildings and sites to which specific rules of the CIRMD apply.

1.3 Context of Resource Management on the Islands

There has been an operative resource management document in place on the island since January 2001. Prior to that there was minimal history of resource management. The document has provided a framework for the administration of natural and physical resources on the islands. Since that time approximately 100 resource consents have been processed, mostly subdivision applications, with only three publicly notified applications in the first decade since the document became operative. Accordingly the level of development on the islands remains relatively low. Since 2001 there have been a number of developments on the islands that have affected the management of natural and physical resources including

- In 2004 Council obtained funding from central government to assist in the administration of the Chatham Islands. This funding included monies to address resource management issues on the islands, including upgrading of infrastructure including the Waitangi Waste Water Treatment Plant (WWTP) and waste management disposal.

- A new Waitangi WWTP was commissioned in 2006 at a site in Hospital Road. The previous plant was located adjacent to the beach at Waitangi. The relocation affects a number of the CIRMD outcomes particularly as it relates to water quality, coastal and air quality issues.

- Council adopted a Waste Management Plan in 2005 which provides for the progressive closure of the existing landfills at Kaingaroa, Owenga and Te One; the establishment of a transfer station system and a new landfill designed and operated accordance with MfE guidelines. A new landfill has been established and the other existing landfills will be progressively closed. The strategy affects a number of the CIRMD outcomes particularly as it relates to water quality, coastal, waste management and air quality issues.

- As part of the funding arrangement with the government, Council entered into a contract with Environment Canterbury in 2005 for the latter to provide the administration and implementation of regional council resource management functions under the Resource Management Act.

- Council prepared a Pest Management Strategy in 2001. The document was subsequently reviewed and made operative in 2008. The 2008 document is more comprehensive than the 2001 document reflecting the additional resources available from Environment Canterbury. The implementation of this document affects the CIRMD in areas such as the protection of significant indigenous vegetation and fauna.

The degree of regulatory control was identified as an issue during the preparation of the first CIRMD and this remains an issue given the relatively low level of development on the islands. It is considered an appropriate balance is maintained in the document between development and the management of natural and physical resources.

Part 2

Implementation and Procedure

Part 2 - Implementation and Procedure

2.1 The Council's Functions and Responsibilities

As stated in Part 1.1, Council is required to have a single resource management document that contains information specified by the Resource Management Act. While the Council is responsible for preparing the document the Minister of Conservation has the function of approving that part of the document relating to a Regional Coastal Plan, i.e. seaward of Mean High Water Springs.

In preparing the document under the Act, the principles of the Act in Part 2 (Sections 5 - 8) are to be given effect to. The document recognises and addresses these matters through its provisions.

2.2 Involvement of Imi/iwi

Moriori and Ngāti Mutunga are the recognised imi/iwi with the Hokotehi Moriori Trust and Ngāti Mutunga o Wharekauri imi/iwi Trust the respective mandated bodies representing imi/iwi. Council will consult and work with these groups in respect of resource management issues that affect the islands including resource consents.

2.3 Methods

A variety of methods are available to implement the objectives and policies of Council. As indicated in Part 1.4, there has been a general absence of regulatory methods on the Chathams. There are also difficulties in monitoring regulations. In light of this, Council will continue to rely on non-regulatory methods. These methods can include:

(i) Promotion of Guidelines, Standards and Good Management Practices.
There are a number of guidelines and codes of practice available, such as New Zealand Forest Code of Practice, Growsafe programmes for the use of sprays and poisons and the Code of Practice for the Safe Use of Timber Preservatives and Antisapstain and Chemicals. Council encourages their use by practitioners. Council will also work with groups such as imi/iwi, Federated Farmers, community organisations, and environmental and landholder groups to develop codes of practice for activities such as water margin management, burning and track development that are applicable to the Chatham Islands.

(ii) Encouraging Use of Covenants
The Chathams already has a very high rate of covenanted land, particularly as it relates to indigenous areas of vegetation. Council believes methods such as these should be encouraged given the acceptance and commitment of landowners. Due to the economic situation at the time of preparing this document, Council was not in a position to offer rates relief on covenanted land. However, should the economic situation significantly improve, the Council will consider the matter and will give consideration to it as part of the annual plan process.

(iii) Co-operation with Other Parties
Favourable outcomes can be achieved by co-operation with other groups and agencies. For example, co-operation with parties such as imi/iwi and the Department

of Conservation in respect of strategies and works and programmes can give practical effect to achieving sustainable management.

(iv) Consultation/Information
As referred to in Part 1.4 the Chathams Community is a relatively small one with strong networks. Potential problems arising from resource management can be solved within the community by consultation and ultimately agreement. Dissemination of information and education (e.g. location of bird nesting sites and rare plants) is part of this process.

(v) Land Purchase
This particularly refers to areas of flora and fauna that are threatened, areas that will be of benefit to the public, and heritage sites.

(vi) Monitoring
See Part 2.7

In some instances, regulatory methods are necessary to achieve the objectives and policies of the document. These are likely to relate to "bottom line" matters and are primarily related to:

(i) Use of Rules in the Document
Rules may allow, restrict and regulate activities. Refer to Parts 2.4 and 2.5.

(ii) Designations in the Document
These generally provide for existing or future public works. Refer to Part 2.6.

(iii) Conditions of Resource Consents
Council can impose conditions on resource consents, including financial contributions, to avoid, remedy or mitigate adverse effects.

(iv) Enforcement and Abatement Notices
Council and in some cases, other parties, can initiate an enforcement or abatement notice if the Act or a rule is contravened or if an activity is likely to have an adverse effect on the environment.

While all of the above methods will be utilised, specific methods are set out under Part 4 of the document. Council may well use a variety of methods to achieve an objective and/or carry out a policy.

2.4 Types of Resource Consent

The type of resource consent will depend on the type of activity they relate to. The types of resource consents that are applicable under this document are:

Consent Type	Activity Type
Land Use Consent	Use of land and beds of lakes and rivers
Subdivision Consent	Subdivision of land
Coastal Permit	Use or occupation of the coastal marine area
Water Permit	Taking, using, damming or diverting water
Discharge Permit	Discharge of contaminants into land, water and air

2.5 Scheduled Activities

Some activities are located in management areas where they do not comply with the ordinary zone standards. These activities are provided for by scheduling and regulating them specifically on their identified site. Effectively they become permitted activities subject to any relevant restriction. For instance, this applies to quarries in the Rural Zone. The intention of this is to ensure the continuation of a service to the community and to protect the investment. Opportunity to expand on site may be provided for such activities, which is a more liberal regime than existing use rights provided for under Section 10 of the Act.

2.6 Designations

Designations are provisions made in the document for public works or for projects or works of requiring authorities. A requiring authority is a Minister of the Crown, a local authority or an approved network utility operator and includes the Chatham Islands Council. The requiring authority must serve a notice of requirement on the Council with the appropriate information. The Council then publicly notifies the proposal and, after considering the proposal, makes a recommendation to the requiring authority that the requirement is either confirmed or withdrawn. The recommendation can be either accepted or rejected, subject to rights of appeal by the requiring authority, Council or submitters. Once confirmed, the Council must identify the land to be designated and state the purpose for which the land is to be used without further formality. The process for Council designating its own sites is similar, although no recommendation is made.

Where a designation is included in the document, then, notwithstanding anything contrary in the Plan and regardless of any resource consent (but subject to Sections 9(3) and 11 to 15 of the Act):

(i) The requiring authority responsible for the designation may do anything that is in accordance with the designation; and

(ii) No person may, without the prior written consent of that requiring authority, do anything in relation to the land that is the subject of the designation that would prevent or hinder the work.

The designated sites are listed in Appendix 2 and shown on the Planning Maps.

2.7 Monitoring

The Act requires the document to state the procedures to be used to review the matters contained in the document and to monitor the effectiveness of the document as a means of achieving its objectives and policies. Monitoring may lead to a change to the document if necessary.

Council will carry out its responsibilities to administer the plan and any consents, although Council itself has limited resources to carry out extensive monitoring. However as part of the contract with ECan (see Section 1.4) additional monitoring, such as an analysis of surface water has been undertaken and it is anticipated this will continue.

A valuable tool in review and monitoring is likely to be the community itself, which is relatively small with extensive networks, as well as key groups such as Chatham Islands Enterprise

Trust, imi/iwi groups, Fisheries Association, Federated Farmers, Department of Conservation and Conservation Board and the Ministry of Fisheries.

This kind of informal contact and feedback is likely to give Council an indication of the necessity to review matters in the document and its effectiveness. Other procedures used to indicate performance include:

- Documentation of complaints received by Council.
- Site inspections.
- Enforcement action and abatement notices undertaken by Council and/or other parties.
- Areas covenanted and protected.
- Record of the number and type of resource consents.
- Monitoring of and compliance with resource consent conditions.
- Records from other organisations such as the Department of Conservation, Ministry of Primary Industries etc.

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Part 3

Significant Resource Management Issues

Part 3 - Significant Resource Management Issues

3.1 Introduction

This section states the significant resource management issues for the Chatham Islands and its people. Background information is introduced and the issues then summarised. The issues are addressed in the objectives, policies and methods in the sections that follow.

Issues may have be relevant to more than one section and this is noted where appropriate.

3.2 Sustainable Management and Chatham Community Values

3.2.1 Background

The Chatham Islands are a small isolated group of islands whose economic and social welfare is inextricably linked to the sustainable management of the natural and physical resource base, which provides, directly or indirectly, for the livelihood of the vast majority of islanders.

The very fact that the Chathams are an island group with a small population and hence "small voice" in a global sense, means they are particularly susceptible to external pressures. The effects of those external influences are more obvious than in a non-island situation and makes the resource base vulnerable. Inadequate input to the management of resources by islanders could lead to mismanagement and ultimately a depletion of resources, resulting in a cessation or a severe reduction of the viability of the community.

The residents also have a unique lifestyle. Important elements include the open space, sense of freedom, safety, lack of time constraints and easy access to hunting activities and the outdoors.

Resource management issues do not exist at present in many areas. For instance, water quality is high and the landscape is not cluttered with unsightly buildings. The Act however directs that effects include any future effect and any potential effects of high probability or low probability with a high potential impact. A balance must be sought between controlling existing effects and future perceived ones without imposing unnecessary regulations on a community, used to operating without substantial controls.

3.2.2 Issues

(i) Ensuring a sustainable resource base which enables Chatham islanders to provide for their social, economic and cultural well-being.

(ii) Retaining those elements of the Chatham Islands way of life which are special, and need to be protected.

(iii) The level of control necessary to reduce adverse effects, particularly those of existing low probability but high potential impact.

(iv) Threats to the natural environment of the Islands from invasive macrophytes.

See also Part 3.3 - 3.13.

3.3 Moriori, Ngāti Mutunga o Wharekauri and the Chatham Island Council

3.3.1 Background

Moriori and Ngāti Mutunga are both regarded as Treaty partners by the Council and their relationship with these islands is a matter of national importance to be recognised and provided for through the Council planning processes. They have a special status in local government planning and resource management activities. The Council acknowledges that these two groups have distinct cultures and practices.

The Resource Management Act gives the Council specific obligations regarding kaitiakitanga and the relationship that Moriori and Ngāti Mutunga have with ancestral lands, water, sites, wāhi tapu and other taonga through their own culture and traditions as matters of national importance.

To give effect to the obligations in these two Acts the Chatham Island Council must continue to develop its relationships with Moriori and Ngāti Mutunga o Wharekauri in order to achieve the sustainable management of the natural and cultural resources of the islands.

3.3.2 Issues

(i) Damage to cultural landscapes and wāhi tapu from a range of activities, including natural and man-made processes.

(ii) Lack of opportunities to contribute to the decision-making process and absence of capacity building for this engagement.

(iii) Management of ancestral and customary lands and resources.

(iv) Pollution of water resources.

(v) Adverse effects on tradition food gathering areas and resources.

(vi) Access to coastline and freshwater resources for kaitiaki management and protection of resources.

See also Part 3.2 and 3.4 - 3.13

3.4 Water Resources

3.4.1 Background

This section addresses freshwater water resources only. Salt water resources are dealt with under the coastal section of the document. Te Whanga, which is a mixture of freshwater and salt water, is addressed in this section as the lagoon is not in the Coastal Marine Area.

The water resources which include rivers, lakes, wetlands, lagoons and ground water play a critical role in the social, economic, ecological and landscape fabric of the islands.

Chatham Island is characterised by a large number of freshwater lakes and brackish lagoons which vary in size according to the influence of the local topography. There are relatively few waterways draining the island and most streams are small and slow flowing. Much of the peat table lands create extensive wetlands. The two largest rivers, the Nairn and Te Awainanga,

both drain the southern tablelands on Chatham Island. Significant waterways on Pitt Island include Waipaua Stream and Tupangi Wetlands.

One of the major water resources on the Chatham Islands is Te Whanga. The lagoon is a mixture of freshwater and salt water, and is the largest water body, occupying about 20% of the island. The lagoon is of major significance to imi/iwi and is generally viewed as a valuable community resource due to food gathering and historical associations. It contains significant ecosystem values, including remnants of broad leaved forests, wetland rush species and a rich and diverse fish and bird life. The lagoon has not been commercially exploited in any significant manner up to the present, although it is seen to have potential for such activities as aquaculture in the future. Water quality in the lagoon is generally of a high standard although it is likely to be sensitive to increased inputs of nutrients from the adjoining land due to limited natural flushing between the sea and the lagoon. ECan Report No. R08/3 confirms that Te Whanga is a unique system, but susceptible to contamination from grazing animals.

A combination of onshore north-easterly winds and lower lagoon water discharges results in the build-up of offshore sand bars at the mouth, and finally the natural closing of the mouth. The lagoon levels then rise and the mouth either opens naturally or is opened artificially by the Council. The latter action is taken when the high levels threaten the adjoining roads. The managed lagoon levels are on average lower than in a natural state and this has had an unknown effect on lagoon ecology, although the available evidence indicates that water quality and ecosystems are not adversely affected. Parts of the document dealing with significant indigenous vegetation and habitats of fauna, natural features, public access and imi/iwi are also relevant to Te Whanga.

The water resources are assessed below in terms of water quality, water quantity, activities in the beds and margins of water bodies and activities on the surface of water.

The natural quality of surface water and groundwater in Chatham Islands is heavily influenced by the geology of the island, with the problems of iron content and water hardness appearing to be wide spread. The extensive peat and peat soils of the southern tablelands causes a strong brown colouration, high humic acid content and low pH of surface waters draining this area. ECan Report No. R08/3 indicates that generally current water quality is good and capable of sustaining aquatic ecosystems, with fish life generally abundant. Most lakes are in a steady state.

Water quality can be adversely affected by contamination from both point and “non-point source” discharges. Point source discharges occur at a definable place, such as a pipe or drain, while non-point source discharges enter a water body from a diffuse source such as land runoff or infiltration. Due to the absence of major industrial enterprises (except for the fish factories which discharge into coastal waters) there are only a relatively small number of point source discharges. Stormwater discharges from roofs, driveways and other paved surfaces have not created any apparent adverse effect.

The major sources of non-point discharge on the Chathams are land and soil runoff and faecal contamination from stock. The effects of non-point discharge are exacerbated by the removal of riparian vegetation. This is particularly evident on northern Chatham Island. However, there is little evidence of serious contamination of waterways, given the relatively light stock densities, type of stock (sheep as opposed to cattle) and the absence of widespread fertiliser use.

Specific discharges from septic tanks and rubbish tip leachate and other areas of waste may have localised effects on surface and ground water resources. There is currently little evidence

of serious contamination of natural water from these sources. However, any contamination is culturally offensive to imi/iwi.

In respect of water quantity, adverse effects can arise from the non-sustainable extraction of ground and surface water. Currently there is no complete record of water abstractions. However, major uses include the Waitangi water supply sourced from a bore, the Kaingaroa water supply sourced from Lake Rangitai, the fish factories which rely on bores and springs, stock water sourced from water bodies and bores, and dwellings which utilise bores as well as rainwater. Given the small population and development, relatively high rainfall and recharge capacity of ground water resources and limited extraction rates, taking of water has not created a problem to date. This could change should there be a need to meet the requirements of a major industrial use. Maintenance of the availability of water resources ensures the sustainability of ecosystems and human activities.

Activities in the beds and margins of lakes, rivers and wetlands, such as the erection of structures, excavation and deposition of material, the removal of vegetation and drainage, can result in a number of adverse effects on ecological and amenity values. Examples of activities include drain and culvert construction for roading and farming, quarry operations, construction of hydro-dams and aquaculture operations in Te Whanga. Adverse effects could include the reduction of fish passage, bank stability of water courses, amenity and recreation values, imi/iwi values, the stability of existing structures and public access.

Adverse effects arising from activities on the surface of water are currently minimal on the Chathams.

3.4.2 Issues

(i) Threats to the role of Te Whanga as a community resource from activities which can adversely affect water quality, ecosystems, access and imi/iwi values.

(ii) The discharge of contaminants, which can result in the lowering of water quality adversely affecting human, cultural and natural values and compromising future potential activities.

(iii) The excess taking of water adversely affecting human and natural values, and compromising future potential activities.

(iv) Activities on the beds or margins of lakes, wetlands or rivers adversely affecting the natural character, habitats of indigenous fauna and flora, lwilmi/iwi values, bed and bank stability, and amenity and recreation values.

(v) Threats to the natural environment of the Islands from invasive macrophytes

See also Part 3.2, 3.3 and 3.6.

3.5 Coastal Environment

3.5.1 Background

The Resource Management Act requires the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision use and development. The, term “coastal environment” is not defined in the Act, but the New Zealand Coastal Policy Statement (NZCPS) does set out what features make up the coastal environment. The Chatham’s coastline includes a number of these features, so that significant part of the Chathams is a coastal environment.

The Chathams has a very rich and diverse coastal environment. The coastline includes some 40 different islands comprised in 360 kilometres. The coastline contains long sandy beaches, stretches of rugged cliffs and headlands, and indented bays and inlets.

The coastal environment and associated fisheries form a vital local resource and provide important economic lifeblood to the Chathams. This is borne out by the fact that four of the five main settlements are located directly on the coast, with associated jetties, ship and boat maintenance facilities and safe mooring areas.

The coastal environment around the Chatham Islands is constantly subject to high energy wave and wind action and contains a great diversity of dramatic landscapes and physical features. Rocky shorelines and coastal cliffs form a major backdrop to many sections of coastline along parts of the islands. Rocky platforms are often found at the base of the coastal cliffs and are home to a rich diversity of marine fish, shell fish and seaweed species. Interspersed between prominent rocky coasts are sandy shorelines, many of a very dynamic nature due to strong wind, wave and tide action. Pioneer species such as the native pingao (*Ficinia spiralus*) and the introduced marram grass (*Ammophila grenaria*) dominate the foreshore and are backed by dune scrubland and scrub of toroheke (sand daphne/*Pimela vilosa*) and mingimingi (*Leucopogon parviflorus/Coprosma propinqua*) and in certain areas, coastal forests of akeake (*Olearia traversiorum*) and matipo (*Myrsine chathamica*). Uncontrolled grazing of stock has had a significant adverse effect on the coastal vegetation such as pingao and endemic herbs, which has allowed marram grass to dominate and thereby reduce the natural habitat of the endangered Chatham Island oystercatcher (*Haematopus chathamicus*).

Many of the smaller off-shore islands still contain original coastal vegetation and ecosystems and are of major conservation significance because of their largely unspoilt environment. These islands have traditionally had little Council involvement, with Imi/iwi families and the Crown as owners controlling the resources. The Department of Conservation, for example, manages Rangatira and Mangere Islands as Nature Reserves with public access restricted. Much of the coastal environment is of importance to Imi/iwi with a number of spiritual sites located in proximity to the coast.

Generally, the existing coastal water quality is very high. There is some evidence of adverse effects arising from activities such as diesel fuel discharges, boat maintenance, stormwater discharges, and fish factory discharges of wash water and screened solid waste to coastal waters in the immediate harbour areas. Other sources include non-point discharges such as effluent disposal and farm runoff. There is however no evidence of serious contamination of coastal water quality, due to the limited discharges of these contaminants and flushing from the strong wave and currents which tend to disperse the contaminants. The maintenance of high water quality is vital to local intertidal ecosystems and fish resources. The coastal environment of the islands faces threats from aggressive exotic macrophytes.

Mooring space is generally regarded to be adequate on the Chatham Islands, except at Owenga harbour which has limited space and is exposed to the north east swell and wave action.

Natural hazards are an issue along some areas of the coast where natural processes have affected human property and other aspects of the environment.

Much of the land adjacent to the Coastal Marine Area is in private ownership, which can result in restricted public access to the coast. Occupation of the Coastal Marine Area by structures and reclamations to the exclusion of others can also restrict public access to and along this area.

As indicated above, in the use, development and subdivision of the coastal environment the Act requires consideration to be given to the natural character of the coast. The Act does not define “natural character” but the NZCPS suggests some important elements which contribute to the natural character and include:

(i) Natural elements, processes and patterns.
(ii) Biophysical, ecological, geological and geomorphological aspects.
(iii) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks.
(iv) The natural movement of water and sediment.
(v) The natural darkness of the night sky.
(vi) Places or areas that are wild or scenic.
(vii) A range of natural character from pristine to modified; and experiential attributes, including the sounds and smell of the sea; and their context or setting.

In the Chathams, the natural character of the coastal environment comprises all of the above elements which are present to a greater degree in some areas than others. For example, the natural character in the vicinity of the townships has lost much of its natural character with the obvious influence of man-made structures and activities. On the other hand the southern cliffs of Chatham Island are unmodified, are a significant seascape and contain significant indigenous fauna.

The critical matter is the impact (if any) that use, development and subdivision will have on that natural character of the coast.

3.5.2 The Issues

(i) Potential adverse effects from activities which could detrimentally affect the existing high quality of the coastal water.

(ii) Subdivision, use and development, including structures in the coastal environment possibly:
  (a) compromising the natural character of the coast line,
  (b) interfering with natural sediment processes such as at Petre Bay, Kaingaroa and Flower Pot,
  (c) increasing the risk of natural hazards,
  (d) adversely affecting indigenous vegetation and habitats (e.g. the grazing of dunes),
  (e) restricting public access including exclusive occupation of space in the Coastal Marine Area such as the wharves at Kaingaroa and Port Hutt,
  (f) creating an adverse visual impact,
  (g) impacting on sites of significance to imi/iwi (e.g. sites of wāhi tapu and kai moana),
  (h) affecting safety and navigation of boats in the boat harbours of the Chathams.

(iii) Threats to the natural environment of the Islands from invasive macrophytes.

See also Part 3.2 - 3.12.

3.6 Natural Features

3.6.1 Background

The Chatham Islands' geology, isolation, topography, climate and soils has given rise to unique natural environments which are typically represented by landforms such as cliffs and volcanic cones and rivers, wetlands and indigenous vegetation and habitats. Many of the animal and plant species are endemic to the Chathams.

Prior to human habitation the Chatham's vegetation and associated ecosystems was highly distinctive. The landscape was significantly transformed following the arrival of humans. Expanses of kopi (*Corynocarpus laevigatus*) and broadleaf forest were cleared for cultivated plots and pastoral farming led to increasingly widespread forest clearance and drainage of wetlands. Much of the land has since reverted to bracken and umbrella ferns.

Forest cover is now rare in northern and central Chatham Islands and the north of Pitt Island. Some of the remaining areas, particularly many small forest remnants are under pressure from the effects of stock and wind. Wetlands are affected by grazing, occasional burning and activities such as sphagnum moss harvesting. Pests such as possums continue to cause damage while indigenous species such as akeake have been used for firewood purposes. As a consequence, habitats of much of the indigenous fauna have been severely affected by reduction in area and fragmentation and are also vulnerable to predators such as cats and rats.

However, while fencing protects indigenous vegetation from stock grazing and subsequent exposure to the elements, the high costs associated with fencing makes this prohibitive without some assistance for farmers. Similarly, there is limited funding for pest control, ecological monitoring and other conservation activities.

Areas such as those managed by the Department of Conservation and covenanted areas do however contain a number of threatened species. The islands have one of the highest numbers of covenants in New Zealand for its size through Forest Heritage and Nga Whenua Rahui funds. Thirty of forty five rural landowners having entered into conservation commitments. Covenanted areas, many on private title, are managed by or with the support of the landowner. In addition, there are areas which owners have fenced off for protection but are not under any formal covenant. Many of the smaller offshore islands and isolated areas of the main islands also contain areas of significance but are not formally protected. However, they are not under any major threat at present.

Landscapes have been modified primarily by the removal of vegetation rather than the removal or displacement of material or intensive development in the form of structures. The disturbance of these features by activities such as peat mining and residential housing is not considered great at present, given the lack of development pressures.

The Act focuses on the natural environment by requiring the safeguarding of the life supporting capacity of ecosystems and the provision and protection of features set out in Sections 6 and 7 of the Act.

Retention of natural resources has benefits for the community in terms of the character of the islands, amenity values, visual appreciation, conservation, economic and social development and as an attraction for visitors.

3.6.2 Issues

(i) Damage to some areas of indigenous vegetation and habitats of fauna which are fragile e.g. from:
   (a) stock grazing and wind
   (b) fragmentation
   (c) pests and predators
   (d) burning

(ii) Some natural features and landscapes being adversely affected by development pressures.

See also Part 3.2 - 3.5, 3.8 and 3.9.

3.7 Historic Heritage

3.7.1 Background

Historic heritage include archaeological sites, historic buildings and places and wāhi tapu. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under Section 6(f) of the Act and Council is required to recognise and provide for it.

Examples of historic heritage items include tree and rock carvings of the Moriori; occupation sites such as middens, quarries, and burials and other wāhi tapu. European examples include houses, churches, farm buildings and shipwrecks. All of the Chatham Islands are rich in archaeology and many of the imi/iwi sites are concentrated on the coast, including many urupā in the sand dunes.

The Heritage New Zealand Pouhere Taonga Historic Places Act 1993 2014 (HNZPTA) requires Heritage New Zealand Historic Places Trust to establish and maintain a register list of historic places, historic areas, wāhi tapu, wāhi tupuna and wāhi tapu areas. This list is called the New Zealand Heritage List/Rarangi Korero and it includes eight buildings and one statue on Chatham Island and one building on Pit Island. One of the purposes of the List is to provide information about historic heritage for the purpose of the Resource Management Act 1991. Inclusion on the List While these buildings are registered under the Act, this does not of itself protect against prevent demolition or damage. However, the resource management document provides an opportunity to protect these places by including them on a heritage schedule and establishing appropriate rules to protect historic heritage items from inappropriate subdivision use and development.

Archaeological sites are defined in the Heritage New Zealand Pouhere Taonga Act 2014 as:

(a) Any place in New Zealand, including any building or structure (or part of a building or structure) that –
   (i) Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where that wreck occurred before 1900; and
   (ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand.

The New Zealand Archaeological Association (NZAA) Site Recording Scheme has recorded over 700 archaeological sites on the Chathams. The modification or destruction of these sites and other unrecorded sites requires the obtaining of an authority from Heritage New Zealand.

There are also a number of other sites which are only known to the imi/iwi who maintain a silent file and who do not wish to make the sites public. These sites are also covered by the provisions of the HNZPTA.

Sites of historic heritage assists to preserve the identity of the islands for future generations significance have been lost or destroyed in the past on the Chathams by development or land use and such activities as fossicking. For example removal of vegetation has led to the exposure and subsequent loss of the dendroglyphs. Retention of such items assists to preserve the identity of the islands for future generations. Historic heritage is also of interest to visitors to the Chatham Islands. However, it is important that physical adaptations are provided for to enable the heritage buildings to serve a useful purpose, especially those used for residential purposes.

3.7.2 Issues

(i) Inappropriate subdivision, use and development of historic heritage, possibly leading to a loss of historic heritage for future generations.

(ii) Damage to places and sites of value to the imi/iwi, but not publicly identified, from subdivision, use and development.

(iii) Internal alterations to heritage buildings, especially houses, are often needed to make them fit for purpose and ensure the ongoing sustainable use of heritage buildings.

See also Part 3.2, 3.3 and 3.5.

3.8 Public Access To and Along the Coastal Marine Area, Lakes and Rivers

3.8.1 Background

Public access is both a legal and physical issue. The RMA provides for public access to the coastal marine area as a matter of national importance, and it is also provided for in the NZCPS.

On the Chathams legal access to the Coastal Marine Area, lakes and rivers takes the form of marginal strips, roads and reserves (Chatham Island and Pitt Island only). Generally legal access is considerably less than in New Zealand, which probably reflects the lack of original Crown purchase and the opportunities to implement the “Queens Chain”. In the Chathams, the major demand for public access is to the coastline, particularly in the centre and north of Chatham Island, and Te Whanga.

Much of the land adjacent to the coastal marine area, lakes and rivers is in private ownership, which restricts legal access for people and visitors to many parts of the coastline and water bodies. Occupation of the coastal marine area by structures can also inhibit public access, such as has occurred with the jetties at Kaingaroa and Port Hutt.

However, access over private land is generally permitted, provided the landowner has been informed and consent given. While there does not appear to be any significant problem for local people with this system at present, difficulties could arise in the future if land ownership changes and there is more intensive subdivision or visitor numbers increase. On the other hand restricting access assists in protection of wildlife habitats and fisheries and cultural sites, a matter which is recognised in the NZCPS.

While legal access is available in a number of locations, the difficulty often lies in physical access which is either substandard or non-existent, particularly for vehicles. With this being the case, it is a matter of expenditure of funds to create the physical access.

Many landowners on the Chathams indicate that they value their private property riparian rights and do not wish to give them up, which in turn can inhibit potential subdivision. There is also concern that public access could affect landowner amenities such as security, rubbish disposal, privacy, and dog and firearm control.

3.8.2 Issues

(i) Restriction to legal and physical public access by land ownership, exclusive occupation, use and physical works.

(ii) Conflict between provision of public access and the need to protect wildlife habitats, cultural and fisheries values, and landowner amenities.

(iii) Potential subdivision being inhibited by the assumption that there will be a loss of riparian rights by subdividing owners.

See also Part 3.2 - 3.5.

3.9 Risk from Natural Hazards

3.9.1 Background

The Act defines a "natural hazard" as:

> *"any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may affect human life, property or other aspects of the environment."*

Hazards are analysed in terms of probability of occurrence and the level of effects. Some hazards have a low probability but a high impact, such as volcanic and earthquake activity. Others have a high probability and high impact, such as gale force winds and storm surges. The focus in this document is on the more frequently occurring high probability hazards.

Some natural hazards have a high probability to place persons and property at risk and consequences need to be considered. The Act and the NZCPS require local authorities to consider natural hazards where they exist. Council therefore has the function of avoiding or mitigating natural hazards in respect of human life, property and also other aspects of the environment on the islands.

A number of natural hazards are identified as having the potential to occur on the islands. These include:

(i) Tsunamis

Tsunamis are sea-surface waves which are generated by submarine earthquakes and volcanic activity. Tsunamis have occurred in the last 200 years, causing damage to wharf structures, buildings and fishing boats.

(ii) Storms and Storm surges

High wind speeds and large waves are generated in cyclonic storms off the coast of the islands which can result in significant short term effects. Inshore sea level rise due to low atmospheric pressures, wave build up and coincidence with spring tides, can result in substantial damage to coastal structures.

(iii) Sea Level Rise

Sea level rise predictions estimate a rise in the order of 40 - 60 cm by the year 2050. While this time frame is outside the life of the plan, buildings and structures are expected to have at least a 50 to 100 year existence and thus this long term hazard needs to be considered.

(iv) Coastal Erosion

Coastal erosion is a natural process, particularly in respect of those coasts with a south west orientation which are subject to intense wind and wave actions. In certain areas, human related activities have resulted in these processes being altered or magnified. Uncontrolled stock grazing resulting in loss of native vegetation has led to significant dune blowouts along Petre Bay and along parts of the northern shore of Chatham Island, resulting in potential hazards for coastal assets. On the western side of the Kaingaroa headland, erosion of oversteepened dune ridges has resulted in significant hazards for local houses on the ridge crest. Changes in sediment patterns in Kaingaroa Harbour have also threatened foundations of the fish factory and club.

(v) Flooding

The most frequent source of flooding is that of Te Whanga. The natural cycle of rising and falling of water levels in the lagoon results at times in the flooding of the North Road. A combination of spring tide, storm surges and sea-level rise could in the future lead to potential flooding of structures and services in the vicinity of the Nairn River mouth.

(vi) Fires

The extensive areas of peat form the main fire risk hazards. Once alight, peat fires can spread underground and be extremely difficult to extinguish.

(vii) Earthquakes

The islands are not particularly susceptible to earthquakes and share the same risk as many other parts of New Zealand.

3.9.2 Issues

(i) The risk to human life and property and natural features in some areas of the islands from natural hazards.

See also Part 3.5.

3.10 Hazardous Substances

3.10.1 Overview

Hazardous substances typically include explosives, gases, flammable solids and substances, and oxidising, toxic, radioactive, corrosive and infectious substances. They can include substances used in industrial plants as well as domestic products, including household cleaners, paint and batteries.

Hazardous substances are not used on the Chatham Islands in any large quantities. The adverse effects resulting from their use are at present minimal, although potential problems could be significant. Hazardous substances that are regularly used include; paints, solvents and other cleaning substances, batteries, diesel, CNG, chlorine, oils, aviation fuel, anti-foulants and agricultural pesticides.

The major danger posed by the use of a hazardous substance is the potential for an oil/diesel spill in the Coastal Marine Area and the consequent adverse effects on the fisheries, bird life, beaches etc. An approved Oil Spill Contingency Plan is in place. Other issues include the appropriate disposal of hazardous substances and the implementation of good practices.

3.10.2 Issues

(i) Significant and long term effects on human life and water, soil and wildlife from hazardous substances if they are not adequately stored, used, disposed, or transported.

See also Part 3.3 - 3.6.

3.11 Air Quality

3.11.1 Background

The air quality of the Chathams is generally very high, due to windy maritime conditions which disperse the discharges of contaminants from the few sources.

In some localised situations, there is some degraded air quality, such as odour from the disposal of fish offal, landfills, and the sewerage system at Waitangi. Other discharges include suspended and deposited particulate emissions from the boat maintenance activities, vehicle movement on roads, landfills and from home and peat fires. Small amounts of sulphur dioxide are likely to come from home fires, diesel generators and some vehicles. To date there are no significant adverse effects from discharges of contaminants to air on the island. However potential adverse effects could arise from *a* major industrial operation or process particularly if it is in proximity to a sensitive land use such as a residential area.

3.11.2 Issues

(i) Adverse effects on the existing air quality of the Chathams from a localised nuisance or a major industry or process, particularly in proximity to sensitive land uses.

See also Part 3.5 and 3.12 - 3.13.

3.12 Amenity Values

3.12.1 Background

Amenity values are those natural or physical qualities and characteristics which contribute to people's appreciation or enjoyment of the local environment. Components of amenity may include privacy, sunlight admission, openness, public health, absence of nuisance elements, the working environment, and recreational, aesthetic, and coherence attributes. Elements of amenity values have already been referred to in Part 3.2 in terms of lifestyle. Amenity values differ between environments. For example, in the townships, closer settlement leads to

different expectations as opposed to the rural area, in which openness and quietness are valued attributes.

3.12.2 Issues

(i) Loss of use and enjoyment of individual properties as a consequence of adverse effects of neighbouring activities.

(ii) Loss of environmental pleasantness and coherency of an area as a result of effects of activities, such as noise, visual impact and traffic.

See also Part 3.2 - 3.11.

3.13 Utilities and Services

3.13.1 Background

Utilities and services provide the infrastructure which enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic well-being, health and safety. Utilities and services on the Chathams include:

- the roading network including support facilities such as signage and quarries
- the airport and airstrips
- port and jetty facilities
- waste disposal sites
- pipes for sewerage, water etc.
- power lines and structures, telecommunication facilities, radio communication and telecommunication lines
- navigational aids
- electricity generating station and wind turbines
- meteorological activities.

The main providers of utilities on the Chatham Islands are the Council, the Crown, the Chatham Islands Trust and organisations such as Telecom.

Roading networks on Chatham Island and Pitt Island provide vital transport links. A network maintenance strategy operated by Council is designed to protect the roading asset, in which all roads are graded depending on their use. Adverse effects associated with the roading resource include the effects of activities carried out on roads and the effects of activities on the safe and efficient functioning of the network.

The airport and airstrip and the port facilities at Waitangi, Port Hutt, Kaingaroa, Owenga and Pitt Island are vital facilities providing economic and social links to New Zealand.

Council has implemented a Waste Management Strategy which provides for the closure of landfills at Kaingaroa, Owenga and Te One and their replacement by transfer stations and the establishment of a new environmentally acceptable landfill at Owenga to take the island's waste.

There is some disposal of waste on private land such as sludge from septic tanks and fish factory waste.

Other utilities such as connections for water, drainage and sewerage, power and telecommunication lines and structures and navigational aids promote the health and safety and well-being of the community.

Development can result in a necessity to create or upgrade infrastructure (eg roads, reticulation systems) and other facilities such as reserves. The Act empowers Council to recover a financial contribution to offset the adverse effect created by that development.

3.13.2 Issues

(i) The adverse effects of inappropriate location and operation of infrastructure and services.

(ii) Effects of activities adversely impacting on the safe and efficient operation of infrastructure.

(iii) The requirement generated by new development to expand or upgrade existing infrastructure and services.

See also Part 3.2, 3.5, 3.10, 3.11 and 3.12.

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Part 4

Territory Wide Objectives and Policies

Part 4 - Territory Wide Objectives and Policies

The issues identified in Part 3 are now addressed by the objectives and policies listed below.

4.1 The Imi/iwi

The issues in regard to the imi/iwi are discussed in Part 3 and in particular Part 3.3. This Part also applies to the other Parts 4.2 - 4.13.

4.1.1 Objective – Management of Resources

(i) The management of natural and physical resources that takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi and that recognises the relationship, culture and traditions of imi/iwi with their ancestral lands, water, sites, wāhi tapu and other taonga.

Reasons

This objective reflects the requirements of the Act in respect of matters of national importance and recognises that imi/iwi values are an integral part of the Chatham Islands community.

(i) 4.1.2 Policies

(ii) To have regard to Kaitiakitanga in managing the natural and physical resources.

(iii) Imi/iwi have opportunities to manage their ancestral land and customary land in a sustainable manner.

(iv) To protect sites of cultural significance, such as wāhi tapu and other taonga from the adverse effects of subdivision, use and development.

(v) Human and other wastes should not be discharged in a manner that is culturally inappropriate to imi/iwi.

(vi) To protect natural habitats which are important sources of traditional food supplies to imi/iwi such as kaimoana.

(vii) To take into account, in the use and development of resources, the appropriate level of access to those resources by imi/iwi for either protection or accessibility purposes.

4.1.3 Methods

(i) Development of protocols (which can change over time by agreement of the parties) to guide the nature of Council's consultation with imi/iwi.

(ii) Consideration of Kaitiakitanga and the principles of the Treaty of Waitangi/Te Tiriti o Waitangi when resource management decisions are made.

(iii) Provision for management plans which allow the off-shore islands and other ancestral lands to be managed by their owners.

(iv) Provision for access and protection agreements when the use and development of resources is being undertaken.

Reasons and Explanation

The Act requires the principles of the Treaty of Waitangi/Te Tiriti o Waitangi be taken into account (Section 8). Principles include the partnership principle, which requires that imi/iwi and the Council interact with reason and respect; the principle of tribal self-regulation (Rangatiratanga) of the resources of imi/iwi; and the principle of active protection of resources of importance to Maori, in accordance with Maori cultural and spiritual values.

The Act defines kaitiakitanga as the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself. The policies of this document are intended to support imi/iwi in exercising their role as kaitiaki or guardians of their resources.

The above provides a framework for consultation between Council and imi/iwi.

The opportunity exists for imi/iwi to manage their own lands and, in particular, the offshore islands; by a management plan provided that Council is satisfied the plan achieves the principles and purpose of the Act.

Disposal of waste to water is considered culturally offensive and this should be avoided where possible. Similarly sites of cultural significance and traditional sources of mahinga kai should also be protected from the adverse effects of activities. Use and development of resources, particularly those on the coast and adjacent to waterways, can either leave the resources, such as mahinga kai and cultural sites, exposed to exploitation or deprive imi/iwi of access. In such cases, the views of imi/iwi need to be taken into account.

4.1.4 Anticipated Environmental Results

(i) Resource management that includes an imi/iwi perspective.

(ii) Cultural values protected by management by imi/iwi of their own resources.

(iii) Cultural sites are undisturbed and mahinga kai available with appropriate access to such resources.

4.2 Water Resources

The issues in relation to water resources are discussed in Part 3 and in particular Part 3.4.

4.2.1 Objectives – Water Quantity

(i) To retain flows and levels in water bodies and groundwater sufficient to support their life supporting capacity, while providing for human requirements.

(ii) To develop measures in cooperation with all agencies to prevent the establishment of aggressive exotic macrophytes.

(iii) To develop a programme, appropriate to the issues facing the Chatham Islands, that implements the National Policy on Freshwater Management. This programme will be implemented in a staged manner and Policies and Methods

will be included through plan changes to the Chatham Islands Resource Management Act.

Reasons

The territory's ground and surface water resources support human activities and the functioning of ecosystems. The maintenance of such resources will sustain the resource for future generations and safeguard the life supporting capacity of ecosystems. Council is also required to give effect to the NPS on Freshwater and will progressively address this matter.

4.2.1.1 Policies

(i) To maintain sufficient water in water bodies to:

- **(a) safeguard life supporting capacity of aquatic ecosystems, including the significant habits of indigenous fauna and areas of significant indigenous vegetation,**
- **(b) protect existing value of the water bodies as sources of mahinga kai for imi/iwi and as food gathering sites for the community,**
- **(c) protect wāhi tapu and other wāhi taonga of value to imi/iwi,**
- **(d) preserve natural character of lakes and rivers and protect outstanding natural features and landscapes,**
- **(e) provide for human consumption and stock drinking water.**

(ii) To record the location and volume of all water takes for information purposes.

(iii) When considering any application the consent authority must have regard to the following matters:

- **(a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and**
- **(b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.**

(iv) This policy applies to:

- **(a) any new activity and**
- **(b) any change in the character, intensity or scale of any established activity–**

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

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

4.2.1.2 Methods

(i) Rules requiring resource consent for use of water for activities other than domestic, stock and fire fighting purposes, existing takes and small takes.

(ii) Rules that protect natural values of water bodies.

(iii) Encouraging landowners to protect natural values by private agreements, conservation covenants, fencing and planting of margins and use of guidelines and education.

(iv) Requiring all persons taking groundwater and surface water to notify Council on the location and amount of water.

Reasons and Explanation

The taking of water does not have any significant adverse effects at present because of existing resources and limited demand. However, the effects of a large take of water; particularly from ground sources are unknown, particularly given the absence of detailed records and information. Accordingly, Council has adopted a precautionary approach and resource consent will be required for these activities that could potentially have a significant demand on resources or effect ecosystems. Non-regulatory methods are also important. To rectify the absence of information, the location and quantity of any water takes shall be notified to Council for recording purposes to allow a sounder basis for water management. This record will provide details of existing and potential sources for supply purposes and enable an assessment of effects of any new activity on the source, including its capacity.

Current national policy requires the Council to set a timeframe and methodology to address over allocation of water bodies. The Council considers it impractical to develop and implement such an approach by the end of December 2014 (the time stipulated in the NES), given that at present there are no over-allocation issues on the islands. The Council will develop a policy and in the interim will consider the water body's Mean Annual Low Flow (MALF) when assessing applications to take water to ensure that over allocation does not occur, and ensure that a surface water flow of 50% of the 7 day mean annual low flow is maintained.

4.2.1.3 Anticipated Environmental Results

(i) Sufficient water is available to meet the requirements of people and communities including future generations.

(ii) The life supporting capacity of ecosystems is protected.

(iii) Effects on water quantity better controlled through increased knowledge of the location and quantity of water takes.

4.2.2 Objective – Natural Character of Lakes, Rivers and Wetlands and their Margins

(i) The control of inappropriate use, development and subdivision where it may adversely affect the natural character of lakes, rivers and wetlands and their margins.

Reasons

Council is required to recognise and provide for the above items in terms of Section 6(a) of the Act as a matter of national importance.

4.2.2.1 Policies

(i) The adverse effects of activities on natural character should be avoided, remedied or mitigated in terms of:

- **(a) natural flows and levels,**
- **(b) water quality,**
- **(c) ecosystem functioning and health,**
- **(d) indigenous vegetation and habitats,**
- **(e) historic heritage, cultural and recreational values.**

(ii) Any new structure on the bed of any lake or river, should, where necessary, provide for fish passage through or past it.

(iii) Structures that do not have a functional need to locate in rivers, lakes or wetlands or their margins should be avoided, particularly in unmodified areas.

(iv) The disturbance of any bed or margin of river, lake or wetland by excavation, dredging, drilling, tunnelling, deposition or reclamation should not have more than a temporary effect on the life supporting capacity of ecosystems, amenity values and downstream users.

(v) Vegetation on the margins of lakes, rivers and wetlands should be sustainably managed where it will:

- **(a) enhance or maintain water quality, through the interception of non-point source contamination from adjacent land,**
- **(b) enhance existing ecosystems,**
- **(c) maintain or enhance the natural character of lakes, wetlands, rivers and their margins,**
- **(d) maintain or enhance amenity values.**

4.2.2.2 Methods

(i) Encouraging landowners to protect natural values by private agreements, conservation covenants, fencing and planting of margins.

(ii) Using of guidelines, Codes of Practice and education workshops.

(iii) Use of Rules which regulate activities which have the potential to have an adverse effect on the natural character of beds and margins of lakes, and rivers and wetlands.

(iv) Esplanade reserves/strips to be set aside as conditions of subdivision consents where appropriate or otherwise negotiated with the landowner.

(v) Purchase/designate land.

Reasons and Explanation

The policies are intended to avoid, remedy or mitigate any adverse effects on a number of attributes which comprise the natural character of water bodies and their margins. It is important that fish passage is retained given that nearly all fish species on the islands require

access to the sea to complete their life cycle. Providing for the passage of native fish is a legal requirement which DOC administer. Structures such as bridges and culverts may have a functional need to locate in or near water bodies. Other structures which do not have that requirement should not be located in those areas, particularly where there are significant natural values such as the presence of indigenous vegetation and wildlife. The retention of vegetation assists in preserving the natural character of water bodies, by maintaining and enhancing water quality, habitats and amenity values.

4.2.2.3 Anticipated Environmental Results

(i) The existing natural character is not adversely affected by use, development and subdivision.

(ii) Passage of fish is not adversely affected by subdivision, use and development.

(iii) No structures are located in proximity to water bodies and their margins, particularly in unmodified areas, unless there is a functional need to locate them there.

(iv) Existing areas of riparian vegetation are retained or enhanced and areas of new vegetation are created where they provide environmental benefit.

4.2.3 Objective – Water Quality

(i) The maintenance and enhancement of the islands' water quality at a level which sustains its life supporting capacity for natural, economic, recreational and cultural reasons.

Reasons

The continued maintenance and where possible enhancement of water quality is essential to the well-being of the residents and natural values of ecosystems.

4.2.3.1 Policies

(i) Discharges or dumping of contaminants to water or land should not have a more than minor adverse effect on the standard of water and the discharge should not give rise to any adverse effects on natural ecosystems and biodiversity values.

(ii) Discharges of stormwater should not include levels of contaminants that would adversely affect the receiving environment.

(iii) To create, retain and enhance vegetation on the margins of lakes and rivers where it will maintain and enhance water quality.

(iv) To manage, as far as practicable, land uses so that contaminants from non-point discharges do not adversely affect water bodies and biodiversity values, including the following actions:

- **(a) controlling stock access to water bodies,**
- **(b) avoiding excessive nutrient runoff,**
- **(c) planting of margins,**
- **(d) stipulating minimum distance between water bodies and effluent disposal fields, waste disposal sites etc.**

(v) Esplanade reserves/strips may be set aside where it can be established that they will contribute to the maintenance and enhancement of water quality.

(vi) When considering any application for a discharge the consent authority must have regard to the following matters:

(a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and

(b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

(vii) When considering any application for a discharge the consent authority must have regard to the following matters:

(a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and

(b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.

(viii) This policy applies to the following discharges (including a diffuse discharge by any person or animal):

(a) a new discharge; or

(b) a change or increase in any discharge –

of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

(ix) Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

NOTE: Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.

4.2.3.2 Methods

(i) To encourage practices which minimise land use runoff.

(ii) To encourage use of programmes, such as “Growsafe” for the application of sprays.

(iii) Esplanade strips/reserves to be set aside as conditions of subdivision consents where appropriate or otherwise negotiated with the landowner.

(iv) Rules to ensure that discharge of contaminants and stormwater from residential, industrial or commercial developments do not adversely affect water quality.

Reasons and Explanation

Appropriate policies should be put in place to ensure that the existing water quality is retained and enhanced. This can be ensured by controlling the contaminant itself or by implementing other measures, particularly as they relate to non-point discharges. While some of these policies can be implemented by rules, other non-regulatory practices are far more practicable, such as farm management practices and codes of practice. In particular, activities such as non-point discharges from animal effluent and fertilisers do not lend themselves to regulation at this stage given the naturally low nitrogen concentrations and lack of nitrogen based fertiliser on the islands.

4.2.3.3 Anticipated Environmental Results

(i) A water quality that is able to support the residents' economic, recreational and cultural needs and which safeguards the life supporting capacity of ecosystems.

4.2.4 Objective – Te Whanga

(i) The maintenance and enhancement of Te Whanga as a significant natural ecosystem and community resource in respect of:
- **(a) food gathering and recreation,**
- **(b) the functioning of ecosystems,**
- **(c) imi/iwi values and relationships.**

(ii) The protection of the adjoining road network from rising lagoon levels.

Reasons

Te Whanga is regarded as a valuable resource by all residents and its maintenance and enhancement will ensure it remains an integral part of their lives. The lagoon is a non-commercial fishing area established under Fisheries Act Regulations. The level of the lagoon can from time to time threaten the North Road which is a vital link on Chatham Island.

4.2.4.1 Policies

(i) To retain Te Whanga for community purposes, such as food gathering and recreation, unless it can be established that non-community activities will not adversely affect community values.

(ii) Activities in or adjacent to Te Whanga should not adversely affect:
- **(a) imi/iwi values and relationships,**
- **(b) community access,**
- **(c) water quality,**
- **(d) ecosystem values.**

(iii) To enable the opening of Te Whanga to protect the existing roading network, provided the imi/iwi and other affected parties have been consulted and the opening does not affect the life supporting capacity of the lagoon.

4.2.4.2 Methods

(i) Advise imi/iwi and other affected parties on the management of the lagoon levels as it relates to artificial opening and carry out works as necessary.

(ii) Rules to regulate activities in the lagoon.

(iii) Undertake studies on the functioning of the lagoon and the effects of natural and artificial opening.

Reasons and Explanation

Given the status of Te Whanga as a major community resource and a significant wildlife habitat, activities, such as those which are commercial in nature, should only be allowed if they do not affect the community perception or use of the lagoon. In addition, given the inherent values of the lagoon relating to imi/iwi values, water quality etc. the adverse effects of activities should be avoided, remedied or mitigated.

While there is little research on the effects of changes in the water levels of the lagoon present evidence indicates that ecosystems are not adversely affected. However, prior to any artificial opening of the lagoon, which is most likely to occur when the North Road is threatened, Council will consult with imi/iwi and other affected parties, such as landowners, the fishing industry, and the Department of Conservation. Studies of the lagoon are encouraged to further assist in the understanding of its functioning in order that its existing community role is not undermined.

Other provisions of this part of the document are also applicable to Te Whanga including 4.2 Water Resources, 4.4 Indigenous Vegetation and Habitats of Fauna, 4.7 Public Access and 4.8 Natural Hazards.

4.2.4.3 Anticipated Environmental Results

(i) The lagoon is retained as a community resource without activities impacting on this status.

(ii) Lagoon levels which do not adversely affect the roading network or the functioning of ecosystems of the lagoon.

(iii) A better understanding of the functioning of the ecosystems of the lagoon.

4.3 Coastal Environment

The issues in regard to the coastal environment are discussed in Part 3 and, in particular, Part 3.5 and 3.6.

More specific objectives and policies relating to the area below MHWS are found in Part 5.6 - Coastal Marine Area. In considering a development or proposal in the coastal environment, the objectives and policies of both Part 4.3 and Part 5.6 as well as the other relevant parts may need to be considered.

4.3.1 Objective - Natural Character

(i) Preserve the natural character of the Chatham Island's through the control of inappropriate use, development and subdivision where it may adversely affect the natural character of the coastal environment.

(ii) To develop measures in cooperation with all agencies to prevent the establishment of aggressive exotic macrophytes.

(iii) To develop a programme, appropriate to the issues facing the Chatham islands, that implements the New Zealand Coastal Policy Statement (NZCPS). This programme will be implemented in a staged manner and Policies and Methods will be included through plan changes to the Chatham Islands Resource Management Document.

Reasons

Council is required to recognise and provide for the preservation of the coastal environment. Council in cooperation with other agencies is also committed to taking steps to stop the spread of pests. Council is also required to give effect to the NZCPS and will progressively address this matter.

4.3.1.1 Policies

(i) To avoid, remedy or mitigate, in accordance with any relevant national policy statement, the adverse effects of activities on the natural character of the coastal environment, including:

(a) coastal processes,
(b) natural landforms such as landscapes, seascapes and features,
(c) ecosystem functioning and health,
(d) significant areas of indigenous vegetation and habitats of fauna,
(e) historic heritage, cultural and recreational values,
(f) water quality.

(ii) To locate, design and manage subdivision, use and development of land in a way that protects areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural character and outstanding natural features and landscapes.

(iii) To ensure intensive residential, commercial and industrial development takes place in or in proximity to areas which are already developed in preference to unmodified coastal areas.

(iv) To restore and rehabilitate the natural character of the coastline where practicable.

4.3.1.2 Methods

(i) Encourage landowners to continue to protect significant areas of indigenous vegetation and habitats by conservation covenants, fencing and adoption of good practices.

(ii) Use of guidelines and education.

(iii) Rules which regulate activities which have the potential to have an adverse effect on the coastal environment.

(iv) Controlling the amount of development permitted in the coastal environment by the delineation of land use zones.

Reasons and Explanation

The policies seek to preserve the natural character of coastal environment, particularly as it relates to inappropriate subdivision, use and development. Council considers that most of the coast of the Chatham Islands has some natural character, notwithstanding that substantial parts of it are modified. Rules are put in place to provide the degree of protection required while non-regulatory methods are also important.

4.3.1.3 Anticipated Environmental Results

(i) Natural features such as significant indigenous vegetation, habitats and landscapes along the coast are retained and where practicable enhanced.

(ii) The openness of the coastal environment in terms of building development outside of the settlements is retained.

(iii) The values of the coastal environment are protected.

4.3.2 Objective - Coastal Water Quality

(i) The maintenance and enhancement of the coastal water quality of the Chathams at a standard which safeguards its life supporting capacity.

Reasons

Coastal water quality is generally of a very high standard. The continued maintenance and in some isolated areas the possible enhancement of water quality is essential. It is integral to the well-being of the residents and natural values of ecosystems for economic, conservation, recreational and cultural reasons. This objective primarily relates to the effects of activities above MHWS.

4.3.2.1 Policies

(i) That discharges or dumping of contaminants to water or land within the land above mean high water springs should not adversely affect the standard of coastal water and the discharges should not give rise to any adverse effects on habitats, feeding grounds or ecosystems in the coastal environment.

(ii) That all vessel construction, maintenance and servicing sites should possess facilities for the containment and collecting and treatment or disposal of wastes or contaminants arising from activities on the site.

(iii) To manage, as far as practicable, land uses so that contaminants from non-point discharges do not adversely affect coastal water.

4.3.2.2 Methods

(i) Rules to ensure that discharges of contaminants from rural, residential, industrial, utility, community or commercial developments do not adversely affect coastal water quality.

(ii) Encouragement of practices which minimise land use runoff, such as the maintenance and protection of coastal vegetation.

Reasons and Explanation

Appropriate policies should be put in place to ensure that contaminants generated by land based activities do not adversely affect coastal water. Currently there does not appear to be any major problem, although certain effects of activities such as septic tank disposal, stormwater disposal and boat maintenance activities should be controlled in order that potential effects are not realised. Other activities such as non-point discharges from animal effluent and fertilisers do not lend themselves to regulation at this stage given the naturally low nitrogen concentrations and lack of nitrogen based fertiliser on the islands. These matters are better addressed through education, guidelines and advocacy.

4.3.2.3 Anticipated Environmental Result

(i) Coastal water quality is not adversely affected by land based activities.

4.4 Indigenous Vegetation and Habitats of Fauna

The issues in regard to indigenous vegetation and fauna are discussed in Part 3 and in particular Part 3.4, 3.5 and 3.6.

4.4.1 Objective - Significant Areas of Indigenous Vegetation and Habitats

(i) To protect, and where possible, enhance the remaining significant areas of indigenous vegetation and habitats of indigenous fauna.

Reasons

Past development has resulted in the depletion of significant areas of ecosystems, particularly on Chatham Island and Pitt Island. Many of the ecosystems are endemic to the Chathams. Remaining significant areas should be protected where possible given their value in contributing to the natural character of the Chathams, the requirements of Section 6(c) and 7(d) of the Act and the policies of NZCPS. In particular, there are some significant ecosystems which are not well represented in protected areas and warrant protection. These include:

- bamboo rush (*Sporadanthus traversii*) dominated wetland systems;
- salt sea rush and jointed rush (*Juncus* sp. and *Apodasmia similis*) wetland systems;
- *Dracophyllum* sp. (swamp heath/*Drocophyllum scaparium*); and
- areas with an association of umbrella fern (*Gliechenia dicarpa*) and square sedge (*Lepidosperma australe)*.

In addition, there are significant areas of vegetation which are not protected that contain species that are endangered or close to extinction. These include:

- *Crystalwort (Atiplex billardierei);* and
- *Pterostylis micromega* (swamp head orchid).

4.4.1.1 Policies

(i) To recognise areas of significant vegetation and habitats of fauna in accordance with one or more of the following criteria:

(a) the area is one of the best examples of an association of species which is typical of the Chathams,

(b) the area is important for the future viability of a threatened species,

(c) the area is connected to one or more significant areas in a way that makes a major contribution to the overall functioning of those areas,

(d) the area is greater than 10 hectares with a high degree of non-modification,

(e) the area is protected by statute or covenant.

(ii) To avoid, remedy, or mitigate, in accordance with any relevant national policy statement, adverse effects on the ecological integrity, functioning, habitat values and natural character of areas of indigenous vegetation and habitats.

(iii) To encourage forestry plantings for among other purposes, firewood.

(iv) That burnoffs should avoid areas of significant indigenous vegetation and habitats of fauna.

4.4.1.2 Methods

(i) To encourage landowners to consider informal/formal protection options such as conservation covenants/kawenata such programmes as Nature Heritage Fund, Nga Whenua Rahui and Queen Elizabeth II Covenants, imi/iwi silent files and private management agreements.

(ii) Encourage landowners to fence off areas of significance.

(iii) Consult and liaise with island owners in the management of off-shore islands that contain significant areas.

(iv) Co-operate with Department of Conservation in the implementation of its species recovery, research, surveying and habitat and protection programmes.

(v) Identify areas of significance on planning maps as “Areas of Significant Natural Value” in consultation with landowners and other appropriate agencies.

(vi) Implement the Chatham Islands Pest Management Strategy to prevent damage to significant areas.

(vii) Allow forestry as a permitted activity subject to compliance with conditions in rural areas.

(viii) To encourage ‘good burning practices’ by developing burning guidelines with Federated Farmers and other parties.

(ix) Regulate by rules in certain circumstances.

Reasons and Explanation

A variety of policies and methods are available to protect significant areas. To assist in meeting the Objective and Policies the Department of Conservation has published "Endemic Plants of the Chatham Islands" 2000. The criteria which make an area significant are set out in order to provide certainty in respect of meeting obligations under the Act. The criteria will be influenced by such matters as existing land use, degree of modification and the level of pests and weeds.

In the absence of regulation, the Chathams have relied on a non-statutory approach in the past to protect worthy areas, e.g. a high number of covenants are in place, and these have increased significantly in recent years. It is important that these methods continue, particularly as the greatest threats are pests and a lack of fencing, which cannot be overcome by statutory methods. The adoption of good farming practices, such as those relating to burning, and the planting of exotic species to take the pressure off indigenous vegetation as a source of firewood will assist in achieving the objective of protection.

Where areas of significance are identifiable, particularly by way of cadastral survey and the landowner has consented, they are shown on the planning maps for information and regulatory purposes. Council will continue to liaise with landowners in respect of identifying further areas. Methods of implementation include rules in certain circumstances such as activities in proximity to the coast and margins of water bodies.

4.4.1.3 Anticipated Environmental Results

The anticipated environmental results anticipated from the implementation of these methods and results are as follows:

(i) Areas of significant indigenous vegetation and habitats are identified and protected

(ii) Areas of significant existing vegetation and habitats are retained and enhanced

(iii) Increased knowledge by public and property owners as to the natural values of such areas.

4.5 Landscapes and Natural Features

The issues in regard to Landscapes and Natural Features are discussed in Part 3 and in particular Part 3.4, 3.5 and 3.6.

4.5.1 Objective - Outstanding Landscapes and Natural Features

(i) The protection of outstanding landscapes and natural features which are integral to the character of the Chatham Islands.

Reasons

Outstanding landscape and natural features are integral in defining the character of the Chatham Islands and any development should take this into account in order that adverse effects are avoided on landscape values.

4.5.1.1 Policies

(i) To recognise areas of outstanding landscapes and natural features in accordance with one or more of the criteria listed below:

(a) the landscape/natural feature is intact and largely unmodified by human activity,

(b) the landscape/natural feature is an example of a national or international geological landform,

(c) the landscape/natural feature is one which people travel to view,

(d) the landscape/natural feature is high in visual sensitivity to change,

(e) the area is protected by statute or covenant.

(ii) To protect the identified characteristics of the outstanding landscapes or natural features from adverse effects of development.

4.5.1.2 Methods

(i) Encourage landowners to consider informal/formal protection options such as covenants and reserves.

(ii) Consult and liaise with island owners in the management of offshore islands that contain outstanding areas.

(iii) Identify outstanding areas on planning maps in consultation with landowners as "Areas of Significant Natural Value".

(iv) Regulate by rules as required by the provisions of this plan.

Reasons and Explanation

A variety of policies and methods are available to protect outstanding areas. The criteria which make an area significant are set out in order to provide certainty in respect of meeting obligations under the Act.

Where areas of significance are identifiable, particularly by way of cadastral survey and the landowners have consented, they are shown in the planning maps for information and regulatory purposes. Council will continue to liaise with landowners in respect of identifying further areas. Rules are implemented in certain circumstances including those relating to activities in proximity to the coast and margins of water bodies.

4.5.1.3 Anticipated Environmental Results

(i) Outstanding landscapes/natural features protected so that are not compromised by development.

4.6 Historic Heritage

The issues in regard to historic heritage are discussed in Part 3 and in particular Part 3.8.

4.6.1 Objective - Historic Heritage

(i) The recognition of historic heritage in the Chatham Islands and its protection from inappropriate subdivision, use and development.

Reasons

Council is required recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. Retention of historic heritage is an integral part of retaining the character and values of the islands.

4.6.1.1 Policies

(i) To identify and include historic heritage in the Document's heritage schedule (Appendix 3) for information and regulatory purposes.

(ii) To enable internal alterations to scheduled heritage buildings in order to provide for adaptive re-use.

(iii) Demolition, exterior additions and alterations or removal of scheduled heritage items should not be allowed unless it can be demonstrated that:

- **(a) any external addition or alteration will not detract from the heritage value of the scheduled heritage item,**
- **(b) relocation of the scheduled heritage item is able to be accommodated without having a significant adverse effect on its heritage value,**
- **(c) practical utilisation of a scheduled heritage item is not possible.**

(iv) To recognise Heritage New Zealand as a consenting authority for all archaeological sites and, where relevant, to assess the effects of subdivision, use and development on these sites ,including those of cultural significance when considering resource consent applications.

(v) To consult with imi/iwi where there is the possibility of discovering urupā remains, or wāhi tapu and nohoanga kai sites.

4.6.1.2 Methods

(i) Use of guidelines and education.

(ii) Identification on the planning maps of heritage and their inclusion in the historic heritage schedule (in Appendix 3).

(iii) Require resource consent for activities that could have major adverse effects on scheduled historic heritage.

(iv) Compliance with the Heritage New Zealand Pouhere Taonga 2014 in respect of archaeological sites.

(v) Encourage dissemination of information on the process and protocol for disturbance of imi/iwi archaeological and cultural sites, including the use of advice notes on resource and building consents where there is a possibility of encountering such sites.

(vi) The purchase of historic heritage by heritage authorities and consideration by Council to purchase such items.

Explanation and Reasons

The identification and scheduling of historic heritage has the purpose of educating and informing people by making them more aware of historic heritage. Rules requiring a resource consent for external changes, demolition and relocation enable Council to assess any major change proposal that may affect a scheduled heritage item. Rules enabling internal alterations will provide for adaptive use of historic heritage. The items identified in the heritage schedule are on the Heritage New Zealand List/Rarangi Korero in accordance with specific criteria. This does not preclude other items being added to the schedule by a change to the document.

Purchase of items by heritage authorities (e.g. Heritage New Zealand) and the consideration of such items for purchase by Council are other methods.

Council encourages liaison with imi/iwi prior to development in order that sites of cultural value can be identified. If an archaeological site is disturbed then imi/iwi must be contacted in order that appropriate action can be undertaken. In addition, the modification or destruction of an archaeological site is likely to require an authority from Heritage New Zealand.

4.6.1.3 Anticipated Environmental Results

(i) Increased recognition of historic heritage.

(ii) Retention of historic items including archaeological and cultural sites.

(iii) The protocol of imi/iwi is respected if cultural sites are disturbed.

4.7 Public Access to and Along the Coastal Marine Area, Rivers and Lakes

The issues in regard to public access to the Coastal Marine Area, Rivers and Lakes are discussed in Part 3 and in particular Part 3.8.

The matter of public access along the Coastal Marine Area is dealt with more specifically in Section 5.6.

4.7.1 Objective - Maintenance and Enhancement of Public Access

(i) The maintenance and enhancement of appropriate public access to and along the coastal marine area, rivers and lakes.

Reasons

While public access is a matter of national importance, different types and levels of access are appropriate in the circumstances of the Chathams. Generally, access is across private land and is at landowner's discretion and permission should be sought.

4.7.1.1 Policies

(i) In considering the maintenance and enhancement of public access, the Council will have regard to:

(a) The availability of access across private land and existing legal access;

(b) Trends in demand for access; and

(c) The necessity to:

- **(i) protect threatened indigenous species,**
- **(ii) protect dunes, estuaries and other sensitive natural areas or habitats,**
- **(iii) protect cultural values and historic heritage,**
- **(iv) protect fisheries resources,**
- **(v) protect public health or safety,**
- **(vi) avoid or reduce conflict between public uses of the coastal marine area and its margins,**
- **(vii) provide for temporary activities or special events,**
- **(viii) provide for defence purposes in accordance with the Defence Act 1990,**
- **(ix) ensure a level of security consistent with the purpose of a resource consent.**

(ii) To enhance public access to the following areas as the opportunity arises;

(a) The western side of Te Whanga (legal and physical access),

(b) The coast in general and in particular at:

- **(i) Matarakau (physical access)**
- **(ii) Mairangi (physical access)**
- **(iii) Waitangi West Beach east of Cape Pattison (physical access)**
- **(iv) South Coast (physical access)**

(iii) To consider:

(a) The creation of esplanade reserves/strips for public access on subdivisions which result in the creation of allotments that are less than 4 ha in area subject to the matters set out in Policy 4.7.2(i) and (ii),

(b) The use of access strips.

(Refer also to Objective 4.12.4).

(iv) Structures should be designed and located to avoid, remedy or mitigate adverse effects on public access to and along the coastal marine area, rivers and lakes.

4.7.1.2 Methods

(i) Encouraging landowners to continue to facilitate public access.

(ii) Creation of physical access such as roads and boat ramps.

(iii) Creation of esplanade reserves/strips, access strips or private agreements.

(iv) Monitor visitor numbers to assess the necessity for public access.

Reasons and Explanation

While there is an assumption under the Act that public access will be maintained and enhanced, there are some circumstances as set out in Policy 4.7.2 (i) that preclude this. Access is presently available across private land and there may not be any necessity to create formal public access. Visitor numbers should however be monitored to see if this situation

needs changing, although most visitors are on organised tours in which access is normally prearranged. The remaining matters under Policy 4.7.2 (i) recognise that public access should not be at the expense of the identified values.

While the current situation in respect of access is not critical, more intense subdivision could result in a loss of access by the alienation of land and therefore esplanade reserves/strips, access strips or private agreements may be created having regard to the particular circumstances of any one situation. This may include agreements on subdivisions greater than four hectares.

Council has identified the coast and Te Whanga as areas where access is desirable, including some areas where physical access will be enhanced.

Structures located in water bodies and coastal margins should not generally impede public access.

4.7.1.3 Anticipated Environmental Results

(i) Public access to and along the coast, lakes and rivers without impacting on natural and cultural values and health and safety matters.

4.8 Natural Hazards

The issues in regard to natural hazards are discussed in Part 3 and in particular Part 3.9.

4.8.1 Objective - Adverse effects of Natural Hazards

(i) To avoid or mitigate the adverse effects of natural hazards on human life and property, and other aspects of the environment, where feasible.

Reasons

The Act requires the Council to avoid or mitigate the effects of natural hazards. The NZCPS also contains policies on coastal hazards. The Chathams have a potential number of natural hazards that require steps to be taken in order to protect life, property and the environment.

4.8.1.1 Policies

(i) Use, development and subdivision should not occur in areas that are prone to erosion, sea-level rise and flooding, where these hazards are likely to endanger human life and property, and other aspects of the environment, unless the hazard can be mitigated.

(ii) To ensure that any mitigation measures in relation to natural hazards do not lead to unnecessary adverse effects.

(iii) Natural features that provide buffers to coastal hazards should be protected.

4.8.1.2 Methods

(i) Where appropriate regulate by rules.

(ii) Place conditions on resource consents and/or use provisions of the Building Act.

(iii) Encourage landowners to fence off erosion prone areas from stock where practicable and plant trees where appropriate.

(iv) Monitor information on coastal hazards and sea level rise as to the likely effects on human life and property and if necessary regulate subdivision and development to avoid or mitigate the effects.

Reasons and Explanation

To avoid or mitigate the effects of natural hazards, activities likely to be affected should, where possible, be restricted. Currently there are no specific hazard areas identified on the planning maps. However, as indicated in 3.9.1 (iv) there are problems of coastal erosion at Kaingaroa and any development will be required to satisfy Council that the adverse effects of the hazard can be remedied or mitigated. Other areas are susceptible to natural hazards, such as the coastal sand dunes at Petre Bay, although they are not subject to any development pressure. Therefore, in susceptible areas, such as those in proximity to the coast, resource consent applications should provide an assessment of natural hazards. The Building Act enables conditions to also be imposed on buildings in respect of matters including floor levels. However, any mitigation measure should not in itself give rise to further adverse effects. Landowners are encouraged to fence off erosion prone areas and plant trees although it is acknowledged there are costs associated with such activities. Other effects, such as sea level rise are not known with any certainty at this stage and therefore the situation will be continued to be monitored. If necessary restrictions can be put in place by way of a plan change.

4.8.1.3 Anticipated Environmental Results

(i) Use, development and subdivision that is not exposed to erosion, flooding, and other hazards.

(ii) Mitigation of natural hazards where such mitigation measures are acceptable.

(iii) Natural features that provide buffers to coastal hazards are protected.

4.9 Air Quality

The issues in regard to Air Quality are discussed in Part 3 and in particular Part 3.11.

4.9.1 Objective - Retain Standard of Air Quality

(i) To retain the high standard of air quality in the Chathams.

Reasons

Generally the existing air quality in the Chathams is very high and this should be maintained for the benefit of the community.

4.9.1.1 Policy

(i) Discharges of contaminants to air should not have an adverse effect on people's health and amenities, on flora and fauna and on other natural and physical resources.

4.9.1.2 Methods

(i) Rules to stop any nuisance arising from a discharge.

(ii) Encouragement of good practices in the operation of activities with potential adverse air discharges.

Reasons and Explanation

While existing air quality is generally high Council wishes to ensure that any adverse effects of discharges such as odour or particulates are able to be remedied or mitigated having regard to the level of amenities prevalent in an area.

4.9.1.3 Anticipated Environmental Results

(i) Retention of the existing air quality.

4.10 Hazardous Substances

The issues in regard to hazardous substances are discussed in Part 3 and in particular Part 3.10.

4.10.1 Objective - Prevention and Mitigation of Effects of Hazardous Substances

(i) To prevent or mitigate the actual and potential effects arising from the storage, use, disposal and transportation of hazardous substances.

Reasons

The escape of hazardous substances can have potentially adverse effects on human life and the natural resources of the islands. Council is required under the Act to prevent or mitigate these adverse effects.

4.10.1.1 Policies

(i) Hazardous substances should be securely contained during their use, storage, and transport so as to minimise the risk of escape.

(ii) Hazardous substances should be disposed of in an environmentally acceptable manner, avoiding disposal in the Coastal Marine Area, water bodies and wildlife habitats.

4.10.1.2 Methods

(i) Compliance with all legislation dealing with hazardous substances.

(ii) Compliance with industry guidelines, (e.g. the Code of Practice for the Safe Use of Timber Preservatives and Antisapstain and Chemicals and Growsafe programmes).

(iii) Investigate methods of disposal including an environmentally managed landfill or transportation of hazardous substances off the islands.

(iv) Education and advice on the storage of hazardous substances.

(v) Abatement notices/enforcement orders where management of hazardous substances are not adhered to.

(vi) Rules regulating the location, storage and disposal of hazardous substances.

Explanation and Reasons

Secure containment and disposal in an environmentally acceptable manner are critical in achieving the objective. Given the type and quantity of hazardous substances on the Chatham Islands, it is generally considered the existing legislation and guidelines are sufficient for the storage, use and transport of goods in most instances. In other cases, depending on sensitivity and quantity, rules will be required. There is no formal structure in place for the disposal of such substances and Council will investigate the appropriate methods including the establishment of a facility at a landfill or transport off the island. Residents are becoming more aware of the potential effects of hazardous substances and Council encourages dissemination of information on this topic. Council will also use its enforcement and abatement notice procedures where management of hazardous substances is being undertaken without due care.

4.10.1.3 Anticipated Environmental Results

(i) No incidents in the Chathams from the use, storage transport or disposal of hazardous substances.

(ii) The establishment of a method to dispose of hazardous substances in an environmentally acceptable manner.

4.11 Waste Management

The issues in regard to waste are discussed in Part 3 and in particular Part 3.4, 3.12 and 3.13.

4.11.1 Objective - Waste Disposal

(i) To ensure that waste is disposed of in a manner that avoids, remedies or mitigates adverse effects, having regard to the community's and Council's resources.

Reasons

Waste disposal is a critical function on the islands and has the capacity to cause adverse effects. Any response must take into account the resources available for managing waste.

4.11.1.1 Policies

(i) To appropriately locate and maintain a new public landfill and transfer stations to ensure that waste can be disposed of in an environmentally acceptable manner.

(ii) To close the existing Kaingaroa, Owenga and Te One landfills once an appropriate location for a replacement landfill is operating.

(iii) To manage the closure of landfills to ensure that there are no ongoing adverse effects.

4.11.1.2 Methods

(i) Education and advice on good waste management disposal practices.

(ii) Ensure that good management practices are in place at transfer stations and the landfill.

(iii) Implement Waste Management Strategy, including sorting and recycling.

(iv) Rules to regulate the disposal of waste.

(v) Develop rehabilitation plans for the existing landfills and new landfills

Reasons and Explanation

Council has implemented a Waste Management Strategy which provides for the closure of landfills at Kaingaroa, Owenga and Te One and their replacement by transfer stations and the establishment of a new environmentally acceptable landfill to take the island's waste. There is some disposal of waste such as effluent sludge, fish waste and offal on private land. This should be carried out in a manner that does not have any adverse effect on amenities and the environment by the establishment of appropriate guidelines agreed by the various operators. Rules are appropriate in some instances.

4.11.1.3 Anticipated Environmental Results

(i) Acceptable standards and sites for the disposal of waste having regard to the Chathams' resources and likely effects.

4.12 Subdivision and Development

The issues in regard to subdivision are discussed in Part 3 and in particular Part 3.12 and 3.13.

4.12.1 Objective – Subsequent Uses

(i) To ensure that sites which are created by subdivision do not subsequently result in adverse effects on the environment that cannot be avoided, remedied or mitigated.

Reasons

Subdivision is a legal method for defining cadastral boundaries and therefore does not have a direct effect on the environment. Given the expectations that are raised by subdivision, allotments should be able to accommodate subsequent uses without creating an adverse effect.

4.12.1.1 Policies

(i) To ensure that sites created are capable of being put to reasonable use having regard to the objectives and policies for the management area in which it is located.

(ii) Any subdivision should avoid the possible adverse effects of development on significant indigenous vegetation and habitats, outstanding landscape

features, historic heritage, and the natural character of water bodies and the coastal environment.

(iii) Any subdivision should avoid or be able to mitigate any site identified with a natural hazard, or be able to mitigate that natural hazard.

4.12.1.2 Methods

(i) Advice concerning appropriate subdivision and subsequent development.

(ii) Requiring identification of the site values of proposed subdivisions.

Reasons and Explanation

Sites created by subdivision should be of sufficient dimensions and size to accommodate subsequent activities. Any adverse effect in terms of natural values and natural hazards should be identified at the initial subdivision stage given that it is the first step in development.

4.12.1.3 Anticipated Environmental Results

(i) Development that results from subdivision protects any identified values of the site.

4.12.2 Objective - Provision of Services

(i) The adequate provision of services, infrastructure and access for sites created by subdivision and development in a manner that avoids, remedies or mitigates adverse effects.

Reasons

It is appropriate that servicing requirements are addressed at the time of subdivision and development as it ensures that efficient and adequate servicing can be put in place at the initial stage of development rather than the costs falling on the community at a later date. The provision of services should not result in an adverse effect on the environment.

4.12.2.1 Policies

(i) Subdivision and development should provide for:

(a) Disposal of sewage in a manner which maintains public health and avoids, remedies or mitigates effects on the environment,

(b) Adequate water supplies for drinking and fire fighting,

(c) Disposal of stormwater in a manner which does not affect water quality and avoids inundation,

(d) Connections into reticulated systems where they are available,

(e) Supply of electricity, street lighting and telecommunications using a method that is appropriate to the circumstances of the subdivision/development and to the amenity values of the area,

(f) Safe and efficient vehicular and pedestrian access,

(g) In the Settlement Zones, the following:
- **(i) roads and rights of way to a sealed standard,**
- **(ii) underground reticulation of services,**
- **(iii) kerb and channelling and footpaths,**

(h) Where practicable, the development and use of renewable electricity generation.

(ii) The costs of additional new or upgraded services and infrastructure shall be paid for by the developer/subdivider (refer Section 4.13).

4.12.2.2 Methods

(i) Conditions of resource consents

(ii) Management plans for forestry

Reasons and Explanation

Services such as water supply, sewage disposal, electricity and telecommunications are generally important for the well-being of people and communities and their health and safety. The way in which these services are provided will vary because of differences on the islands. Many of these services are not reticulated because of the sparseness of the population and lack of resources and often are not provided for by Council. For example, reticulated water supplies are only available at Kaingaroa and Waitangi and a reticulated sewerage system only available at Waitangi. Electricity is supplied by the Chatham Islands Enterprise Trust. In other circumstances people depend on generators for power, septic tanks for effluent disposal and bores and rainwater for water supply. Notwithstanding the type of sources, services should be provided without creating an adverse effect. Generally reticulated systems are preferred because they are more reliable and have less effect than say individual septic tanks etc. In the more intensively settled areas, the undergrounding of systems will avoid adverse visual effects while sealed roads with kerb and channelling and footpaths are also appropriate.

National policy requires Councils to have regard to renewable electricity generation. Given the isolation of the Chathams and the high costs to import diesel for electricity generation the benefits of renewable electricity is recognised. Wind turbines are established on Chatham Island and there have been proposals for hydro electricity generation and wave generators to produce electricity. Where practicable these types of development are encouraged.

Methods include conditions of resource consent and submission of management plans for forestry which assist Council in determining roading priorities.

4.12.2.3 Anticipated Environmental Result

Subdivision and development that has provided for the essential services appropriate to the location and zone.

4.12.3 Objective- Esplanade Reserves and Strips

(i) To contribute to the protection of conservation values and enable public access and recreational use of rivers, lakes and the coastal environment by the creation of esplanade reserves and strips in appropriate locations.

Reasons

Under the Act conditions of subdivision consent include the provision of an esplanade reserve or strip along the edges of rivers or lakes or the coastal environment. The purpose of the esplanade reserve is to contribute to the protection of conservation values and to enable public access and recreational use. All of these elements are present on the Chatham Islands in varying degrees, but the creation of esplanade reserves and strips may not be appropriate in all cases.

4.12.3.1 Policies

(i) To generally require esplanade reserves or strips to be set aside for allotments of four hectares or less in accordance with the criteria set out in Table 4.12.1.

(Refer also to Policy 4.7.2.)

4.12.3.2 Methods

(i) Creation of esplanade reserves and strips as a condition of resource consents.

Reasons and Explanation

Under the Resource Management Act, all subdivisions which create allotments under 4 ha are required to have esplanade reserves of 20 metres in width created along the edges of rivers and lakes or the coast which the allotment includes or adjoins, except as provided by any rule in a District Plan or a resource consent.

While Council will generally set aside reserves, particularly as it relates to the coast, it does not believe that all of the circumstances set out in the RMA will necessarily apply to all areas. It therefore wishes to retain discretion as to whether the reserve should be set aside in accordance with the specified criteria in Table 4.12.1. Esplanade strips provide an option to esplanade reserves by enabling the subdivider to retain ownership with Council having an easement over the land.

Council does not believe there is a general need to require esplanade reserves to be set aside on allotments greater than four hectares given the density of subdivision, the expense that it would involve Council in, and the disincentive to subdivide by landowners. However, as indicated in Part 4.7.3, this does not preclude agreements being reached with the landowner in respect of allotments greater than four hectares.

4.12.3.3 Anticipated Environmental Result

Esplanade reserves/strips created in appropriate locations.

Table 4.12.1

(i) Esplanade reserves and strips may be set aside if:

(a) Ecological, or natural values would be protected or enhanced; or
(b) Public access would be enhanced having regard to the existing level of access available; or
(c) Recreational use would be protected or enhanced; or
(d) Water quality or aquatic habitat value would be protected or enhanced; or

(e) The land is within a natural hazard area or where there is an identified risk from one or more natural hazards (such as coastal erosion); or
(f) The creation of an esplanade reserve would complete or promote the marginal protection of a river, lake or coastline.

(ii) The width of an esplanade reserve and strip may be varied from 20 metres if:

(a) The natural values warrant a wider or narrower esplanade strip or esplanade reserve; or
(b) Topography, or the siting of any building or other feature, renders the 20 metre width inadequate or excessive; or
(c) The protection of wāhi tapu, mahinga kai and other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or
(d) The protection of enhancement of water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or
(e) The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion); or
(f) The costs of the provision and maintenance of a 20 metre wide esplanade reserve or esplanade strip are more than the potential public benefits of the purposes of esplanade reserves or strips; or
(g) Where the creation of a 20 metre wide esplanade reserve or esplanade strip would create economic hardship or risks to public safety or the security of property.

(iii) Council may waive the requirement for an esplanade reserve or strip if there is:

(a) adequate alternative public access; or
(b) adequate means of protecting water quality and conservation values; or
(c) adequate provision for public recreational use of the area of coast, river or lake in question.

4.13 Development Contributions

The issues in regard to Development Contributions are discussed in Part 3 and in particular in Part 3.13.

4.13.1 Background

The Act empowers the Council to require a development contribution as a condition of a resource consent. Development contributions provide the opportunity to avoid, remedy, mitigate or offset any adverse effects relating to activities. Development contributions include "financial contributions" which may be in the form of money or land or a combination of them. The provision of works and services can also be required. A contribution may be required on all types of consents.

4.13.2 Objective

(i) To ensure that the costs of adverse effects arising from subdivision and development is included in the cost to the developer in a fair and equitable manner.

Reasons

Any costs associated with development should lie with the developer rather than the community.

4.13.2.1 Policies

(i) Developers shall meet the costs of avoiding, remedying and mitigating or off-setting the adverse effects of any activity on the environment including the provision or upgrading of services and infrastructure.

(ii) Development contributions shall be used to meet increased demand for services and infrastructure arising from the activity and to avoid, mitigate or remedy any adverse effects from new activities.

Reasons

New development may generate use of existing services and infrastructure provided by Council which requires them to be upgraded or extended. This includes such infrastructure as roading, water supply, stormwater and the provision of development of reserves and community services.

Contributions from developers can be directed to the maintenance and expansion of services where this is attributable to the new development, rather than the ratepayers' subsidising development. Contributions will also be utilised to avoid, mitigate or remedy the adverse effects of activities off-site.

4.13.2.2 Methods

(i) Implementation of development contribution rules.

(ii) Conditions of resource consents**.**

4.13.2.3 Anticipated Environmental Outcomes

(i) Adverse effects are avoided, remedied, mitigated or off-set by the payment and implementation of development contributions.

4.13.2.4 Development Contribution Purposes

A development contribution may be imposed as a condition of resource consent for the following purposes:

In general:

(i) To avoid, remedy, or mitigate any identified adverse effects on the environment.

(ii) To ensure a positive effect on the environment to offset any adverse effect.

Particular purposes and the required level of contribution are set out below.

(a) Upgrading of Roads:

Purpose

(i) To meet the needs of extra traffic likely to be generated by the land use or subdivision, where existing roads are of inadequate width, formation or construction to cater for the increased usage caused by the land use or subdivision. Upgrading of roads adjacent to the land use or subdivision may be required.

Required Level of Contribution

(i) The full cost of the upgrading works required to meet the required standard to make roading suitable for increased traffic including, where appropriate, the cost of forming the road and acquiring and vesting any land as road for widening purposes.

(ii) The full cost of the work required for kerb and channel, berms, footpaths, crossings and street lighting.

(b) Access and New Roads

Purpose

(i) To provide suitable formed access to the site from a formed road or proposed formed road. Where access cannot be achieved from existing formed roads, new roads may be required.

Required Level of Contribution

(i) The full cost of providing suitable formed access to the site. Access to the roads is to be formed in accordance with New Zealand Standard 4404. Where one or more new roads are required, the full actual cost of constructing the new road, including the cost of the vesting in the Council of the necessary land for the road. Access rights of way in the Settlement Management Areas are to be sealed.

(c) Sewerage

Purpose

(i) To maintain the health and amenity of inhabitants or occupants and to protect the natural environment from indiscriminate and harmful disposal of sewage where new allotments, sites and buildings are intended for human habitation or occupation.

Required Level of Contribution

(i) Where a sewerage system is available and has adequate capacity for meeting the proposed additional sewage, the full actual cost of connecting the allotments or buildings to that sewerage system. When the design capacity of the system is likely to need to be upgraded as a result of the subdivision or development a contribution towards the upgrading of the system may be required.

(ii) Where a sewerage system is not available, the full actual cost of disposal, including design and investigation, acquiring sufficient land for on-site disposal and treatment of effluent likely from activities on the site, and the

cost of increasing the capacity if necessary, together with the full actual cost of providing sewerage within the subdivision or buildings.

(iii) Council may require that a septic tank be installed on a site in the Waitangi Settlement Management Area and the overflow from the tank connected to the existing reticulated sewer line.

(d) Drainage

Purpose

(i) To prevent damage and loss of property and amenity from the indiscriminate and uncontrolled run-off of stormwater where new allotments, roads and/or other impervious surfaces are created by subdivision or land use and create a need for extra stormwater disposal.

Required Level of Contribution

(i) Where a piped outfall is available, the full actual cost of reticulation control structures within the subdivision or land use. Where a piped outfall is not available or the capacity of an existing system is inadequate, the full actual cost of providing for the disposal of stormwater and increasing the capacity if necessary, together with the full actual cost of reticulation and control structures within the subdivision or building.

(e) Earthworks

Purpose

(i) To provide safe and adequate building areas and road access, sewerage disposal and treatment stormwater control, land stability; to enable better utilisation of land, where the subdivision or land use involves recontouring land to create roading services, site design and building areas; and to ensure that earthworks do not adversely affect significant natural habitats, indigenous vegetation, ecosystems, historic heritage, landscapes and natural features.

Required Level of Contribution

(i) The full actual cost of carrying out the earthworks to the appropriate standard, retaining significant areas where required. The full actual cost of clearing, cleaning, filling or compacting land in order to mitigate the effects of former activities and make the site suitable for its proposed activity.

(f) Contribution Towards Recreation Facilities

Purpose

(i) To upgrade public recreational facilities and reserves for public recreation. Council has sufficient open space and will therefore take a monetary contribution rather than land for the upgrading of facilities and in particular the Norman Kirk Recreation Reserve which is used by all of the community.

Required Level of Contribution

(i) Up to 5% of the value of each newly created allotment which will have a dwelling erected on it. Allotments has the meaning in Section 218 of the Act and includes those created by cross lease.

(g) Esplanade Reserves and Esplanade Strips

Purpose

(i) Refer Part 4.12.4.

Required Level of Contribution

(i) The full actual costs of vesting or contributing a reserve or strip of not greater than 20 metre width including the value of the land or interest in land and the costs of survey and conveyancing.

(h) Landscaping, Fencing and Screening

Purpose

(i) To reduce the adverse effects of land clearance and/or recontouring, enhance amenities and improve land stability where earthworks and/or land clearance or development have removed existing vegetation, or where replanting and landscaping will enhance existing amenities and reduce adverse impacts.

(ii) To minimise any adverse effects where a subdivision or land use may impact on heritage features, conservation areas or on important landscapes or public vistas/views or for screening between adjoining sites.

Required Level of Contribution

(i) The full actual cost of carrying out the landscaping, fencing or screening.

Part 4A

National Direction

This section of the Resource Management Document contains provisions that have been incorporated into the Resource Management Document in accordance with directions in a national policy statement, national planning standard or other national direction.

National Policy Statement for Freshwater Management 2020

Objectives

Objective 4A.1 - Fish Passage

The passage of fish is maintained, or improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages or their habitats. [1]

Policies

Note: In addition to the definitions contained within this Resource Management Document, the definitions contained within cl. 3.21(1) of the NPSFM 2020 apply to policies 4A.1- 4A.4

Policy 4A.1- Natural Inland Wetlands

The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

(a) the loss of extent or values arises from any of the following:

(i) the customary harvest of food or resources undertaken in accordance with Moriori practices and/or tikanga Māori

(ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)

(iii) scientific research

(iv) the sustainable harvest of sphagnum moss

(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)

(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or

(b) the council is satisfied that:

[1] NPSFM 2020

(i) the activity is necessary for the construction or upgrade of specified infrastructure; and

(ii) the specified infrastructure will provide significant national or regional benefits; and

(iii) there is a functional need for the specified infrastructure in that location; and

(iv) the effects of the activity are managed through applying the effects management hierarchy." [2]or

(c) the council is satisfied that:

(i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development); and

(ii) the urban development will provide significant national, regional or district benefits; and

(iii) the activity occurs on land identified for urban development in operative provisions of the Resource Management document; and

(iv) the activity does not occur on land that is zoned in the Resource Management document as general rural, rural production, or rural lifestyle; and

(v) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(vi) the effects of the activity will be managed through applying the effects management hierarchy; or

(d) the council is satisfied that:

(i) the activity is necessary for the purpose of quarrying activities; and

(ii) the extraction of the aggregate will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy; or

(e) the council is satisfied that:

(i) the activity is necessary for the purpose of:

[2] NPSFM 2020

(A) the extraction of minerals (other than coal) and ancillary activities; or

(B) the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and

(ii) the extraction of the mineral will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy; or

(f) the council is satisfied that:

(i) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and

(ii) the landfill or cleanfill area:

(A) will provide significant national or regional benefits; or

(B) is required to support urban development as referred to in paragraph (c); or

(C) is required to support the extraction of aggregates as referred to in paragraph (d); or

(D) is required to support the extraction of minerals as referred to in paragraph (e); and

(iii) there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy[3].”

Policy 4A.1A- Natural inland wetlands

Resource consent for activities set out in Policy 4A.1 subclauses (a)- (f), that would result in the loss or extent of values of a natural inland wetland will not be granted unless:

(a) the council is satisfied that:

(i) the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous

[3] NPS-FW 2020 (amended 2022)

biodiversity, hydrological functioning, Moriori and Māori and freshwater values, and amenity values; and

(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and

(iii) there are methods or measures that will ensure that the offsetting or compensation will be and managed over time to achieve the conservation outcomes; and

(b) any consent granted is subject to:

(i) conditions that apply the effects management hierarchy; and

(ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and

(iii) conditions that specify how the requirements in (a)(iii) will be achieved[4]

Policy 4A.3- River values

The loss of river extent and values is avoided, unless the council is satisfied:

(a) that there is a functional need for the activity in that location; and

(b) the effects of the activity are managed by applying the effects management hierarchy[5].”

Policy 4A.3A- River values

Resource consent for activities set out in Policy 4A.3 subclauses (a)- (b) that would result in the loss or extent of values of a river will not be granted unless:

(a) The council is satisfied that:

(i) the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of ecosystem health, indigenous biodiversity, hydrological functioning, Moriori and Māori freshwater values, and amenity values; and

(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and

(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and

[4] NPS-FW 2020 (amended 2022)
[5] NPSFM 2020

(b) any consent granted is subject to:

(i) conditions that apply the effects management hierarchy; and

(ii) conditions that specify how the requirements in (a)(iii) will be achieved[6]

National Policy Statement for Greenhouse Gas Emissions from Industrial Process 2023

Policies

4A.4- Cumulative Effects

Before granting a resource consent for the discharge of greenhouse gases to air from heat devices on a site, the council must:

(a) consider the total discharges of greenhouse gases from all heat devices on the site that the application relates to; and
(b) recognise that, cumulatively, all discharges of greenhouse gases resulting from the production of industrial process heat, regardless of volume, contribute to climate change, and any reduction in greenhouse gas emissions contributes to mitigating climate change.

4A.5- Updating Emissions Plans

When considering an emissions plan as part of an application for a resource consent for a restricted discretionary activity relating to discharges to air of greenhouse gases from heat devices, the consent authority must consider:

(a) the timing and content of updates of the emissions plan to be made by the holder of the consent; and
(b) how those updates will reflect changes in technology and best practices[7].

Terms used in the policies 4A.4 and 4A.5 and defined in the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 have the meaning in those regulations.

[6] NPSFM 2020 (amended 2022)
[7] NPS IPH 2023

Part 5

Zones

Part 5 - Zones

5.1 Introduction

This Part contains the following five Zones:

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

The zones are generally based on the common natural and physical resources within each zone. By adopting a zoning approach, Council recognises that different environments exist and that community expectations for these environments are also different. The zoning approach seeks to manage the actual and potential effects of activities within those zones on common amenity and environmental values.

The zones each include specific objectives and policies 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

Each zone includes rules to implement the objectives and policies. To assist in the integration of the management of resources, the rules address land use, subdivision, diversion and damming of water and discharges to land, water and air within each zone.

The rules for each zone follow the objectives and policies. They are generally divided into columns as follows:

Item
This describes the item or activity that is subject to control. In every zone, 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 for a discretionary activity. Each item should be assessed to ensure that all potential effects are addressed in an integrated manner.

Permitted Activities
If the item or activity complies with all of the conditions or standards specified then it is a permitted activity which does not require resource consent.

Controlled Activities
A resource consent is required for this activity. Provided the activity complies with the standards the Council must grant consent subject to the imposition of conditions. The matters that Council will exercise control over are listed.

Restricted Discretionary Activities
In a restricted discretionary activity Council will restrict its discretion to the matters listed.

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.

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.

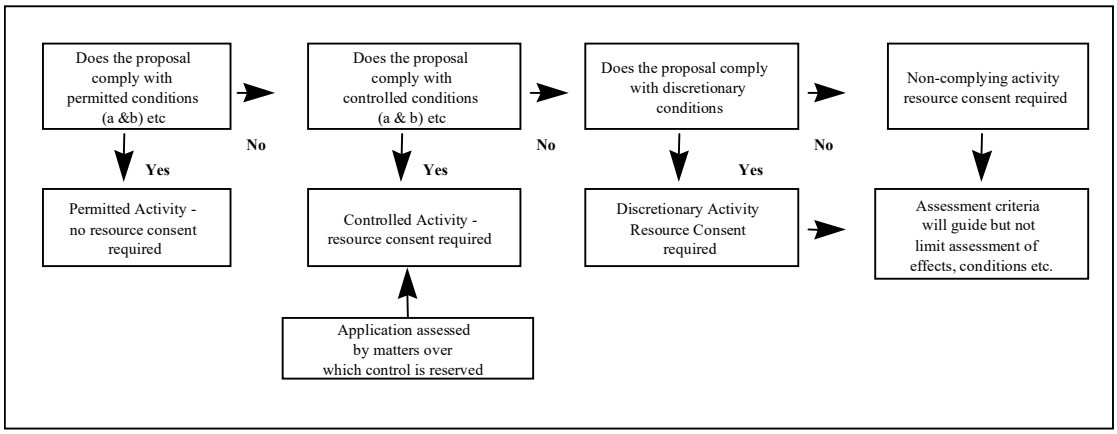
Assessment Criteria
Assessment criteria do not form part of the rules but are matters for consideration by Council when assessing a resource consent. While they provide some guidance Council will not necessarily be limited to the matters stated and will have regard to all of the matters set out under Section 104 of the Act, which itself is subject to Part 2 of the Act.

Explanation
This provides an explanation of the rules.

The following items are also found in the rules:

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 Zone

5.3.1 Description

The Rural Zone comprises all of Chatham Island and Pitt Island (except for the Settlement and Industrial Zones) above MHWS.

The Rural Zone is an extremely important resource. It contains the Chatham's productive land resources which facilitate activities such as farming, forestry, and quarrying, all of which are critical to the well-being of the islanders. The zone 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 urupā, wāhi tapu and sites of Moriori and Maori history.

5.3.2 Objective – Management of Resources

(i) The management of resources in the rural zone 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 Zone is important to the economic, cultural, social and recreational well-being of the islands and thus the lifestyle of the community. The life supporting capacity of resources in the Rural Zone should therefore be safeguarded 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 Zone contains finite resources, including soil, water, gravel, rock, vegetation, historic heritage and wildlife habitats. 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 amenity values of the rural area.

Reasons

The Rural Zone is characterised by 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 consistent 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 Zone is retained and the adverse effects on natural features are avoided, remedied or mitigated.

(ii) The bulk and location of structures should not affect the character of the Rural Zone or affect the amenity values of adjoining properties.

(iii) Activities should not adversely affect the amenity values of the Rural Zone 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 matters such as subdivision, bulk and location of structures, noise, traffic, odour, taking of water, and the discharge of contaminants.

The above policies seek to protect the amenity values of the Rural Zone 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. 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 Zone.

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5.3.4 Rules - Rural Zone

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
1. Permitted Activities General	(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Zone.	-	-	-	-	Not applicable.	Any activity is allowed in the Rural Zone provided the rules are not contravened.
2. Industrial and Commercial Activities	(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) Activities that contravene a condition of permitted activity Rule 5.3.4.2(i) 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) Assessment criteria (a) - (f) of Rule 5.3.4.3.	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 amenity values of the rural zone. This rule allows a case by case assessment.
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) Activities that contravene a condition of permitted activity Rule 5.3.4.3(i) are a discretionary activity.	-	(a) The effect of the activity on the amenity values 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 imi/iwi. (e) The presence of natural hazards. (f) The extent to which public access is affected.	Setbacks from internal boundaries enable a reasonable separation distance to be retained for amenity reasons and allow good visibility on roads. The rule limiting height is designed to allow a reasonable dimension for building without detracting from 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 imi/iwi sites and natural hazard areas which are also prevalent in the coastal zone.
4. Residential Units	(i) Residential units are a permitted activity provided there is: (a) a maximum of four residential units per site; and (b) a minimum separation distance of 50 metres from residential units on adjoining sites.	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.4(i) 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 will retain the general openness of the rural zone while accommodating the reasonable needs for those residing in the rural area.
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: (a) 55 dBa L10 7am-7pm daily, (b) 45 dBa L10 7pm - 7am daily,	-	-	(v) Activities that contravene a condition of permitted activity Rule 5.3.4.5(i) 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 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	(c) 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.						
6. Heritage Sites and Buildings	(i) Internal alteration to any heritage site or building scheduled in Appendix 3 is a permitted activity. (ii) External repairs or maintenance to a scheduled heritage item (including redecoration and/or restoration) is a permitted activity provided that: (a) the work is carried out with materials similar to, or having the same appearance to those originally used.	-	-	(iii) Any activity that is not provided for as a permitted activity including external additions and alterations, demolition and removal is a discretionary activity. (vii) Activities that contravene a condition of permitted activity Rule 5.3.4.6(ii) including demolition and removal are a discretionary activity.	-	(a) The extent to which the heritage value of the scheduled item will be compromised by the proposed work. (b) Whether the proposed work will assist in retaining the scheduled heritage item. (c) The comments of Heritage New Zealand.. (d) The financial implications of allowing/not allowing the proposed work. (e) The extent to which the proposed work is integrated with the original scheduled heritage item. (f) The extent to which the historical integrity of the building will be compromised. (g) Whether the alteration will assist in retaining the item. (h) The comments of the New Zealand Historic Places Trust. (i) The financial implications of allowing/not allowing the alteration, demolition and removal. (j) The integration of the alteration with the original item.	The rule provides protection of scheduled historic heritage sites. Consent is required for anything other than internal alterations or minor external repairs or maintenance. This rule provides protection for heritage sites and buildings. Consent is required for works other than minor alterations.
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) Activities that contravene permitted activity Rule 5.3.4.7(1) 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.
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	-	-	(v) Activities that contravene a condition of permitted activity Rule 5.3.4.8(i) are a discretionary 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 accommodation and ecological sites.	Hazardous substances should be used, stored, disposed of 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.

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	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.						
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) Activities that contravene a condition of permitted activity Rule 5.3.4.9(i) are a discretionary activity.	-	(a) The effect any signage will have on traffic safety and the general amenity 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.
10. Earthworks	(i) Earthworks are a permitted activity if: (a) within 100 metres of MHWS the amount does not exceed $50m^3$ (volume) in any 12 month period per hectare; and (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 (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. (d) Condition (a) shall not apply to access tracks, fence lines, utility service lines, firebreaks and maintenance of drains.	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.10(i) are a discretionary activity.	-	(a) The effect on landscape values, water quality, significant indigenous vegetation and habitats (b) Rehabilitation of the site (c) The visual effect.	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.
11. Roads	(i) Road construction, maintenance and modification, including stockpiling of roading materials, is a permitted activity if (a) it is within any existing road reserve; or	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.11(i) are a discretionary activity.	-	(a) The efficiency of the road network. (b) The effect on landscape values, water quality, significant indigenous vegetation and habitats. (c) The visual effect.	This rule allows for the continued operation of the existing roading network. Beyond this area resource consent may be required.

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	(b) within 10 metres of the existing road formation.						
12. Subdivision	-	-	(i) Any subdivision is a restricted discretionary activity 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, a network utility, conservation covenant or the number of titles remain the same as prior to the subdivision and; (b) any allotment or part of the allotment of the subdivision is located more than 100m from MHWS. Matters over which the Council has restricted its discretion: (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 rural amenity, outstanding landscapes, heritage items, significant indigenous vegetation and habitats and imi/iwi 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, power supply, telephone, stormwater and sewage disposal, The New Zealand Fire Service Firefighting water supplies Code of Practice SNZ PAS 4509:2008 must be used as a guide regarding	(ii) Any subdivision that contravenes a standard of restricted discretionary Rule 5.3.4.12(i) is a discretionary activity.	-	(a) Whether the size and shape of the allotments are adequate for the proposed use. (b) Whether the size of the proposed allotments will maintain the amenity of the rural zone (c) Whether the size, shape and soil permeability is sufficiently adequate to dispose of sewage. (d) 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 including outstanding landscapes, significant indigenous vegetation and habitats and imi/iwi values. (h) The matter set out in Table 4.12.1 in respect of creation of an esplanade/strip. (i) The effect on the demand for services. (j) Compliance with New Zealand Standard 4404.	Subdivision requires resource consent 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 restricted discretionary activity, it becomes a discretionary activity.

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
			firefighting water supply and access (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 and rivers (Section 237A of the Act).				
13. Forestry and Shelterbelts Separation	(i) Forestry and shelter belts are permitted if: (a) they do not shade a formed public road or a dwelling on an adjoining site which was existing prior to planting; and (b) forestry is set back a minimum of 10 metres from adjoining neighbouring boundaries; and (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.	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.13(i) are a discretionary activity.	-	(a) The effects on adjoining sites, dwellings and roads in terms of: (i) shading (ii) fire protection (iii) amenity.	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.
14. Network Utilities	(i) Network utilities are permitted activities if they do not exceed 12 metres in height.	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.14(i) are a discretionary activity.	-	(a) Function of the network utility. (b) The visual effect of the network utility.	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.
15. Quarries - Scheduled Activity (SQ)	(i) Quarry activities are permitted at the following sites: (a) Waitaha (SQ.1) (b) Matarakau (SQ.2) (c) C. Preeces (SQ.3) (d) Stony Creek (SQ.4) (e) Paritu (SQ.5) (f) Waihatu Bay (SQ.6) (g) Kaiwhata (SQ.7) (h) Rongamaiponga (Lime Pit) (SQ.8) (i) Existing farm quarries provided the material is for non-commercial purposes Provided: (a) the activity does not result in any change to the colour or visual clarity of water, including coastal water,	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.15(i) or its conditions are a discretionary activity.	-	(a) The effect the quarry operations have on the water quality and fish passage.	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.

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	other than of a temporary nature; and (b) fish passage is not impeded as a result of the quarry operations.						
16. Activities In or Near Waterbodies	(i) Activities (a) within 5 metres of a bank of a river or lake; or (b) in a wetland or within 5 metres of a wetland are permitted if: (a) they do not involve the erection of structures; and (b) they do not involve the clearance of indigenous vegetation; and (c) the activity does not result in any change in the colour or visual clarity of water other than of a temporary nature. (d) provided this rule does not apply to: (i) fences, (ii) access tracks, (iii) structures specified in Rule 5.3.4.22 in respect of the bank of a river or lake, (iv) wetlands less than one hectare in area, (v) rivers with an average bed width of 1.5 metres or less. For the purposes of this rule the measurement of the width of the river shall be taken at the point adjacent to the activity.	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.16(i) or its conditions are a discretionary activity.	-	(a) The necessity to undertake the activity in proximity to the waterbody. (b) Effects on water quality, public access, ecosystems, cultural and community values.	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.
17. Discharge of Effluent	(i) The discharge of sewage tank or pit privy effluent to land is permitted if: (a) there is sufficient soakage into the subsoil to dispose 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) 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.	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.17(i) 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 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.
18. Discharge of Contaminants into Air	(i) Discharges of contaminants including odour particulates into air	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.18(i)	-	(a) The proximity of sensitive land uses including dwellings.	This provision provides protection from unreasonable levels of contaminants such

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	are permitted provided they do not give rise to a nuisance that would not reasonably be expected in a normal working rural environment. Live burns conducted and controlled by the New Zealand Fire Service for training purposes are exempt from this rule.			are a discretionary activity.		(b) The frequency and duration of emissions. (c) The need to generate the contaminants.	as odour and particulates in the rural environment.
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	(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; and (b) the discharge after reasonable mixing shall not give rise to any of the following effects: (i) the production of any conspicuous scums or foams on floatable or suspended materials; (ii) any conspicuous change in colour or visual clarity; (iii) any emission of objectionable odour; (iv) the rendering of freshwater unsuitable for consumption by farm animals; (v) any significant adverse effects on aquatic life.	-	-	(ii) Activities that contravene a permitted activity Rule 5.3.4.19(i) or its conditions are a discretionary activity.	-	(a) The effects of items in 5.3.4.19(i)(b) - (e) will have on amenity values and cultural values and ecosystems. (b) The rate of discharge. (c) The criteria in Rule 5.6.11.13 for discharges from aquaculture.	This rule prescribes the circumstances under which the discharge of contaminants is allowed.
20. Taking of Water	(i) Taking of water from the ground, a river or lake, 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; or (c) it is for stock water, an individual's domestic needs, school, or fire fighting purposes and; (d) 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) Activities that contravene a condition if permitted activity Rule 5.3.4.20(i) 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.	This rule controls the taking of water. Reasonable taking of water is allowed provided adverse effects are avoided, remedied or mitigated. Council shall 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.

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
21. Damming and Diversion of Water	(i) Damming or diversion of water from the ground, a river, or a lake, is permitted provided: (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 (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 the passage of fish is not impeded; and (d) it is for the purposes specified in Rule 5.3.4.20.	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.21(i) 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.
22. Structures - Beds of Lakes and Rivers ***Includes to use, place, erect, alter, reconstruct, remove, demolish, or 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 which are part of an existing road or track system; or (d) they are for a structure for the purposes specified in Rule 5.3.4.20 & 21(a); or (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 (f) the permitted structures do not impede the passage of fish.	-	-	(ii) Activities that contravene a condition of permitted activity Rule 5.3.4.23(i)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 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.
23. Disturbance of Beds of Lakes and Rivers. **Disturbance means "excavate, drill,**	(i) Disturbance of the bed of a river or a lake is permitted if it is:	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.23(i) or its conditions are a discretionary activity.	-	(a) The effect on public access. (b) The effect on water flows and quality.	This rule provides the circumstances in which disturbance of beds of lakes and rivers can take place. There are a number of small

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
tunnel, deposit a substance, introduce a plant, or reclaim in on or under a bed."	(a) for the purpose of a fence or utility service line; or (b) a structure for the purposes specified in Rule 5.3.4.20-22; or; (c) for the purpose of artificially opening the outlet of Te Whanga provided that imi/iwi are consulted and the community advised; or (d) for an activity which complies with Rule 5.3.4.10(i) provided the amount of material evacuated does not exceed 50m^3 (volume) in any 12 month period per hectare. Provided that: (a) deposition of material is not permitted in Te Whanga; and (b) the stability of the shoreline of Te Whanga is not affected; and (c) indigenous vegetation or nesting sites of indigenous fauna in Te Whanga are not displaced; and (d) exotic species of plants are not introduced in Te Whanga. The extent of Te Whanga shall be determined by the level of the lagoon which exists immediately prior to its opening.					(c) The effect on ecosystems. (d) The effect on cultural values. (e) The effects of erosion, scouring and deposition.	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.
24. Discharge of Contaminants onto Land	(i) Discharge of contaminants into or onto land is permitted if: (a) they are not from an industrial or trade premises, (except for fish factory wastes and septic tank sludge effluent which are permitted); and (b) they are not dumped within 30 metres of a waterbody or water supply or MHWS; and (c) they are not dumped within 50 metres of a dwelling.	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.24(i) or its conditions are a discretionary activity.	-	(a) The type of contaminant to be discharged. (b) The effect on ecosystems and rural 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. The rule recognises that the disposal of fish factory wastes and septic sludge and effluent are existing activities which generally operate without significant adverse effect.
25. 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	-	-	(ii) Activities that contravene permitted activity Rule 5.3.4.25(i) or its conditions are a discretionary activity.	-	(a) The frequency, intensity and duration of activity proposed (b) The effect on natural values in terms of viability of species, visual impact, water quality 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. The rule will also not apply to

5.3.4 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	covenant, a conservation management strategy, or a management plan; or (b) if there is no agreement, conservation management strategy, covenant, or management plan in place the rules of this Document shall apply.						Department of Conservation managed land where the requirements of Section 4 of the Act are met.

Advice Note: HNZ
The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand, irrespective of whether the works are permitted under the plan or a consent has been issued under the Resource Management Act. An authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed.
Section 2 of the HNZPTA defines an archaeological site as:

(a) Any place in New Zealand, including any building or structure (or part of a building or structure), that –

(i) Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900: and

(ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand;

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials and modified garden soils.
It is important that the planning for any building or development (including earthworks, fencing or landscaping) takes this issue into account and an archaeological assessment maybe required. By careful project design, it is frequently possible to avoid the modification or destruction of an archaeological site. However, where this is not possible, an archaeological authority will be required from Heritage New Zealand. Heritage New Zealand should be contacted if any activity such as may modify or destroy any archaeological site.

5.4 Settlement Zone

5.4.1 Description

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

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

The industrial/port areas of each settlement (excluding Te One) are dealt with under the Industrial Zone. The delineation of settlement areas generally reflects 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. This Zone 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 zone in a manner that provides for the wellbeing of the people and communities of Chatham Islands without creating adverse effects.

Reasons

The islands' settlements are integral to the wellbeing 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.

5.4.2.1 Policies

(i) To permit a variety of activities in the Settlement Zones provided that the adverse effects, particularly on residential areas are avoided, remedied or mitigated.

(ii) Encourage higher density development in the Settlement Zone rather than along the coast or in the rural areas.

(iii) Activities should not adversely affect the amenity values 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 zone or affect the amenity values of the adjoining properties.

5.4.2.2 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, particularly on the amenity values of adjoining residential activities. By allowing higher density in the settlements their existing roles are reinforced and areas such as the coastal environments are better protected.

5.4.2.3 Anticipated Environmental Results

(i) The opportunity for a wide range of compatible activities to locate in the settlements.

(ii) Adverse effects are controlled to a level commensurate with the existing amenity of the Settlement Zone.

(iii) Concentration of higher density development in the settlements.

(iv) 5.4.3 Rules - Settlement Zone

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
1. Permitted Activities General	(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Zone.	-	-	-	-	Not applicable.	Any activity is allowed in the Settlement Zone provided the rules are not contravened.
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) Activities that contravene permitted activity Rule 5.4.3.2(i) are 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.
3. Site Coverage	(i) The maximum site coverage shall be 45%.	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.3(i) are a discretionary activity.	-	(a) The effect on adjoining properties (b) The bulk of the building in relation to the site. (c) Whether 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.
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) Activities that contravene permitted activity Rule 5.4.3.4(i) are 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.
5. Height	(i) The maximum height of buildings shall be 10 m.	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.5(i) are 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.
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.	-	-	(v) Activities that contravene permitted activity Rule 5.4.3.6(i) are 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.
7. Noise	(i) Noise generated by an activity shall not exceed the following limits measured at the boundary of the site: (a) 55 dBa L10 7am-7pm daily, (b) 45 dBa L10 7pm - 7am daily, (c) 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) Activities that contravene permitted activity Rule 5.4.3.7(i) 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, particularly from non-residential activities.
8. Heritage Sites and Buildings	(i) Internal alteration to any heritage site or building	-	-	(iii) Any activity that is not provided for as a permitted activity (by	-	(a) The extent to which the heritage value of the scheduled item will be	The rule provides protection of scheduled historic heritage sites. Consent is required for

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	scheduled in Appendix 3 is a permitted activity. (ii) External repairs or maintenance to a scheduled heritage item (including redecoration and/or restoration) is a permitted activity provided that (a) the work is carried out with materials similar to, or having the same appearance to those originally used.			Rules 5.4.3.8(i) and 5.4.3.8(ii)) including external additions and alterations, demolition and removal is a discretionary activity. (iv) Activities that contravene a condition of permitted activity 5.4.3.8(ii) including demolition and removal are a discretionary activity.		compromised by the proposed work. (b) Whether the proposed work will assist in retaining the scheduled heritage item. (c) The comments of Heritage New Zealand. (d) The financial implications of allowing/not allowing the proposed work. (e) The extent to which the proposed work is integrated with the original scheduled heritage item. (f) The extent to which the historical integrity of the building will be compromised. (g) Whether the alteration will assist in retaining the item. (h) The comments of the New Zealand Historic Places Trust. (i) The financial implications of allowing/not allowing the alteration, demolition and removal. (j) The integration of the alteration with the original item.	anything other than internal alterations or minor external repairs or maintenance. This rule provides protection for heritage sites and buildings. Consent is required for works other than minor alterations.
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) Activities that contravene permitted activity Rule 5.4.3.9(i) or its conditions 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.
10. Hazardous Substances	(i) 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	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.10(i) or its conditions are a discretionary 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 accommodation.	Hazardous substances should be used, stored and transported in circumstances that minimises spillages. Limits on the maximum amount of diesel to be stored recognise 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.

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	water course or stormwater system or dumped on land.						
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) Activities that contravene permitted activity Rule 5.4.3.9(i) or its conditions 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.
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) Activities that contravene permitted activity rule 5.4.3.12(i) or its conditions are 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.
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) Activities that contravene permitted activity Rule 5.4.3.13(i) are 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.
14. Subdivision	-	(i) 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	-	(ii) Any subdivision that contravenes a standard of controlled activity Rule 5.4.3.14(i) 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 imi/iwi values. (h) The matters set out in Table 4.12.1 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.

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
		habitats and imi/iwi 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).					
15. Earthworks	(i) 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) Activities that contravene permitted activity Rule 5.4.3.15(i) or its conditions 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 Zone.
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;	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.16(i) or its conditions 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.

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	(b) no other rules are applicable to this activity.						
17. Discharge of Effluent	(i) The discharge of sewage tank effluent to land is permitted if: (a) there is sufficient soakage into the subsoil to dispose of effluent in a sanitary manner; and (b) new effluent fields are located no closer than (i) 20 metres from the bank of any waterbody or MHWS, and (ii) 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) Activities that contravene a permitted activity Rule 5.4.3.17(i) or its conditions 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
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. Live burns conducted and controlled by the New Zealand Fire Service for training purposes are exempt from this rule.	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.19(i) or its conditions 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.
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	(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: (i) the production of any conspicuous scums or foams on floatable or suspended materials; (ii) any conspicuous change in colour or visual clarity; (iii) any emission of objectionable odour;	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.20(i) or its conditions are a discretionary activity.	-	(a) The effects of items in 5.4.6.19(i)(a)(i)-(v) 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.

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	(iv) the rendering of freshwater unsuitable for consumption by farm animals; (v) any significant adverse effects on aquatic life.						
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; and (c) it is for stock, individual's domestic needs, school, or fire fighting purposes; and (d) 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) Activities that contravene permitted condition Rule 5.4.3.20(i) or its conditions 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 shall be notified of the location of water takes for monitoring purposes. Large water takes for industrial activities or similar could have potential effects and Council therefore requires a resource consent to assess any effects.
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 (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 purpose specified in Rule 5.4.3.20.	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.21(i) or its conditions 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.
22. Structures - Beds of Lakes and Rivers **Includes to use, place, erect, alter, reconstruct, remove,**	(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	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.22(i) or its conditions 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 authorises structures which are unlikely to have adverse effects because they are existing, small in area and meet certain conditions.

5.4.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
demolish, or extend a structure	(c) they are culverts, bridges and fords which are part of an existing road or track system or; (d) they are for a structure for the purposes specified in Rule 5.4.3.20 & 21(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.					(e) The purpose of the structure.	
23. Disturbance of Beds of Lakes and Rivers **Disturbance means "excavate, drill, tunnel, deposit a substance, or reclaim in on or under a bed."**	(i) Disturbance of the bed of a river or a lake is permitted if it is: (a) for the purpose of a fence or utility service line, or a structure for the purposes specified in Rule 5.4.3.20-22; 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) Activities that contravene permitted activity Rule 5.4.3.23(i) or its conditions are a discretionary activity.	-	(a) Effect on public access. (b) Effect on water flows. (c) The effect on natural ecosystems. (d) The effect on cultural values.	This rule provides the circumstances in which disturbance of beds of lakes and rivers can take place.
24. 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 or disposed of within 30 metres of a waterbody or water supply or MHWS; and (c) they are not dumped within 50 metres of a dwelling.	-	-	(ii) Activities that contravene permitted activity Rule 5.4.3.24(i) or its conditions are a discretionary activity.	-	(a) The type of contaminant to be discharged. (b) The effect on natural 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.

Advice Note: HNZ

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand, irrespective of whether the works are permitted under the plan or a consent has been issued under the Resource Management Act. An authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed.

Section 2 of the HNZPTA defines an archaeological site as:

(a) Any place in New Zealand, including any building or structure (or part of a building or structure), that –

i. Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900: and

ii. Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand;

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials and modified garden soils.

It is important that the planning for any building or development (including earthworks, fencing or landscaping) takes this issue into account and an archaeological assessment maybe required. By careful project design, it is frequently possible to avoid the modification or destruction of an archaeological site. However, where this is not possible, an archaeological authority will be required from Heritage New Zealand. Heritage New Zealand should be contacted if any activity such as may modify or destroy any archaeological site.

5.5 Industrial Zone

5.5.1 Description

The Industrial Zone generally applies to the Chatham Islands Airport and the port facilities, 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 wellbeing 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 wellbeing 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. The recognition of the importance of the ports gives effect to the NZCPS.

5.5.2.1 Policies

(i) Activities that could conflict with the efficient operation of the airport, port and associated activities should not be located in the Industrial Zone.

(ii) Activities should not create adverse effects beyond the boundaries of the Industrial Zone.

5.5.2.2 Methods

(i) Rules that control activities in the Industrial Zone.

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.

5.5.2.3 Anticipated Environmental Results

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

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5.5.3 Rules - Industrial Zone

5.5.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
1. Permitted Activities General	(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Zone.	-	-	-	-	Not applicable.	Any activity is allowed in the Industrial Zone provided the rules are not contravened.
2. Residential Units	(i) Residential units are permitted if they are ancillary to an industrial activity on site.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.2(i) are a discretionary activity.	-	(a) The effect a residential unit will have on the efficient operation of an industrial or port activity. (a) 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.
3. Retail Activities	(i) Retail activities are permitted if they are ancillary to an industrial activity on site.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.3(i) are a discretionary activity.	-	(a) The effect a retail activity will have on the efficient operation of an industrial or port activity. (b) The scale and nature of the activity.	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.
4. Height	(i) The maximum height of buildings shall be 15 metres.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.4(i) condition are a discretionary activity.	-	(a) The effect on views, sunlight and landscapes, particularly as it relates to residential activities in the Settlement Zone.	While reasonably intensive development is allowed in the Industrial Zone in recognition of the activities carried out, some limit on height is necessary to protect amenity.
5. Setbacks	(i) Buildings shall be setback 3 m where they adjoin a Settlement Zone.	-	-	(ii) Activities that contravene permitted activities Rule 5.5.3.5(i) are a discretionary activity.	-	(a) The type of land use in the Settlement Zone (b) The type of activity the building in the Industrial Zone contains and its likely effect.	This rule allows intensive development on the site provided some protection is afforded to land uses in the Settlement Zone which are likely to be more sensitive.
6. Noise	(i) Noise generated by an activity shall not exceed the following limits measured at the boundary of a Settlement Zone: (a) 55 L10 7am-7pm daily, (b) 45 L10 7pm-7am daily, (c) 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 provided that this does not apply to noise generated by aircraft, immediately before and after takeoffs and landings at Chatham Islands Airport.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.6(i) or its conditions 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 the Settlement Zone. 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.)
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) Activities that contravene permitted activity Rule 5.5.3.7(i) or its conditions 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.
8. Hazardous Substances	The use, storage and transportation of hazardous substances is permitted if:	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.8(i) or its conditions	-	(a) The type of hazardous substance having regard to its explosiveness, flammability, toxicity,	Hazardous substances should be used, stored and transported in circumstances that minimises spillages.

5.5.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	(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.			are a discretionary activity.		oxidisation and corrosiveness. (b) The proximity of adjoining land uses, particularly residential.	
9. 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) Activities that contravene permitted activity Rule 5.5.3.9(i) or its conditions are a discretionary activity.	-	(a) The effect any signage will have on traffic safety and the general amenities 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 Zone 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.
10. Light, Spill & Glare	(i) There shall be no spill of light, light flashes or direct glare onto sites located in a Settlement Zone in a manner that creates a nuisance.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.10(i) are a discretionary activity.	-	(a) The extent, frequency and intensity of light, spill and glare.	Lighting and glare can detrimentally impact on properties in the Settlement Zone.
11. Subdivision	-	(i) 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; (c) Protection of features such as outstanding landscapes, heritage items, significant indigenous vegetation and habitats and imi/iwi values;	-	(ii) Any subdivision that contravenes a standard of controlled activity Rule 5.3.3.11(i) 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 imi/iwi values. (h) The matter set out in Table 4.12.1 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.

5.5.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
		(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).					
12. Earthworks	(i) 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) Activities that contravene permitted activity Rule 5.5.3.12(i) or its conditions 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.
13. 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.	-	-	(ii) Activities that contravene permitted activity 5.5.3.13(i) or its 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.
14. Discharge of Contaminants or Water into Water or the Discharge of Contaminants into or onto Land Which May	(i) Discharge of a contaminant or water into water or into or onto land which may result in that contaminant, entering water is permitted if the	-	-	(ii) Activities that contravene permitted activity 5.5.3.14(i) or its condition are a discretionary activity.	-	(a) The effects of items in 5.5.3.14(i)(a) 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.

5.5.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
Result in that Contaminant Entering Water	discharge is for stormwater, water supply or freshwater purposes provided: (a) the discharge after reasonable mixing shall not give rise to any of the following effects: (i) the production of any conspicuous scums or foams on floatable or suspended materials; (ii) any conspicuous change in colour or visual clarity; (iii) any emission of objectionable odour; (iv) the rendering of freshwater unsuitable for consumption by farm animals; or (v) any significant adverse effects on aquatic life.						
15. Discharge of Effluent	(i) The discharge of sewage tank effluent to land is permitted if: (a) there is sufficient soakage into the subsoil to dispose of effluent in a sanitary manner; and (b) new effluent fields are located no closer than (i) 20 metres from the bank of any waterbody or MHWS, and (ii) 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) Activities that contravene permitted activity rule 5.5.3.15(i) or its conditions 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 of effluent in an acceptable manner. Buffer distances help to protect waterbodies. Bores should not be adversely affected by effluent fields
16. Taking of Water	(i) Taking of water is permitted provided: (a) it is existing and does not increased beyond its current take; or (b) the take does not exceed 3 cubic metres per day; or (c) it is for stock, an individual's domestic needs, school, or fire fighting purposes; and (d) Council is notified of the location of new water takes; and (e) Flows and levels of water are sustained to	-	-	(ii) Activities that contravene permitted activity rule 5.5.3.16(i) or its conditions 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.	This rule controls the taking of water. Reasonable taking of water is allowed provided adverse effects are avoided remedied or mitigated. Council shall be notified of the location of water takes for monitoring purposes. 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.

5.5.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	an extent that the passage of fish is not impeded.						
17. 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 5.5.3.16.	-	-	(ii) Activities that contravene a permitted activity Rule 5.5.3.17(i) or its 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.	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.
18. 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 5.5.3.16 & 17; 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.	-	-	(v) Activities that contravene permitted activity Rule 5.5.3.18(i) or its conditions 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.
19. Disturbance of Beds of Lakes and Rivers. **Disturbance means "excavate, drill, tunnel, deposit a substance, or reclaim in on 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 5.5.3.16 – 18; or (b) for an activity which complies with Rule	-	-	(ii) Activities that contravene permitted activity rule 5.5.3.19(i) or its conditions 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.

5.5.3 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	5.3.9.9(i) provided the amount does not exceed 50m^3 (volume) in any 12 month period per hectare.						
20. 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) Activities that contravene permitted activity Rule 5.5.3.20(i) or its conditions 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.
21. Discharge of Contaminants into Air	(i) Discharges of contaminants into air are permitted provided they: (a) do not give rise to a nuisance that would not reasonably be expected in an industrial environment; or (b) do not give rise to a nuisance in an adjoining zone. Live burns conducted and controlled by the New Zealand Fire Service for training purposes are exempt from this rule.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.21(i) or is conditions 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.
22. Network Utilities	(i) Network utilities are permitted activities if: (a) they do not exceed 15 metres in height.	-	-	(ii) Activities that contravene permitted activity Rule 5.5.3.22(i) or its conditions are a discretionary activity.	-	(a) The function of the network utility. (b) The visual effect of the network utility.	Network utilities perform an important function and are generally permitted subject to a maximum height.

Advice Note: HNZ

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand, irrespective of whether the works are permitted under the plan or a consent has been issued under the Resource Management Act. An authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed.

Section 2 of the HNZPTA defines an archaeological site as:

(a) Any place in New Zealand, including any building or structure (or part of a building or structure), that –

(i) Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900: and

(ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand;

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials and modified garden soils.

It is important that the planning for any building or development (including earthworks, fencing or landscaping) takes this issue into account and an archaeological assessment maybe required. By careful project design, it is frequently possible to avoid the modification or destruction of an archaeological site. However, where this is not possible, an archaeological authority will be required from Heritage New Zealand. Heritage New Zealand should be contacted if any activity such as may modify or destroy any archaeological site.

5.6 Coastal Marine Area

5.6.1 Description

The Coastal Marine Area is all that area between Mean High Water Spring (MHWS) 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 and jetties.

Those parts 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 Zone provisions insofar as they relate to activities carried out on the structures. Any new facilities will also be subject to these provisions.

The provisions of the Coastal Marine Area will still apply to other matters such as disturbance of the seabed and reclamation.

5.6.2 Fisheries Management

The waters within the Chathams Coastal Marine Area support highly valued commercial, recreational and customary fisheries. Management of these fisheries is outside the scope of this document and the Resource Management Act.

Commercial, recreational and customary fishing, whether marine or freshwater, as well as aspects of aquaculture are controlled by the Fisheries Acts of 1996 and 1983. This legislation is administered by the Ministry for Primary Industries (MPI).

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 imi/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. 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.

(iv) Where activities seaward of the Coastal Marine Area require resource consent under the Exclusive Economic Zone and Continental Shelf (Environmental effects) Act 2012, the Council shall consider any threat to the life supporting capacity of the Coastal Marine Area.

5.6.3.2 Methods

(i) Rules 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 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.

Leaks or spills of hazardous substances have the potential to significantly affect the life supporting capacity of ecosystems. Correct handling and operation is therefore essential. The disposal of hazardous substances into the coastal marine area is to be avoided. Policy (iii) is consistent with policy 14 of the NZCPS which promotes the restoration or rehabilitation of the natural character of the coastal environment.

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 reflects the Policies 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 in accordance with any relevant national policy statement, to protect areas of significant indigenous vegetation, significant habitats of indigenous fauna, and outstanding natural features and landscapes.

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 are consistent with the NZCPS. All of the coast retains a degree of natural character, and it should be protected from inappropriate use and subdivision.

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.

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 when the purpose for which they were erected is no longer relevant, whichever comes first, 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 given 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, and seawalls 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 reflects the policies 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 of "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 needs to be aware of structures, dredging, reclamation and similar activities 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 or adversely affect the natural coastal processes acting on the area, such as 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 with potentially affected parties including the fishing industry 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 wellbeing 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) Maintain or enhance coastal water quality standards to reflect imi/iwi 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 MPI when setting monitoring requirements for aquaculture discharges or suchlike so that both Council and MPI 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, and their management should reflect the community's aspirations for coastal water standards. For example high water quality is essential for the fishing industry, and discharges to water containing human waste are generally not favoured by imi/iwi in terms of their cultural beliefs (Policy (i)). Policy (ii) reflects the NZCPS 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 consideration when assessing applications to discharge contaminants into the coastal waters.

Sewage on the Chathams is generally disposed of by individual septic tanks although Waitangi has a reticulated scheme which disposes of its effluent to land. The liquid effluent from septic tanks could enter coastal waters after passing through the disposal fields. However, this method of discharging to land is preferable over direct discharges to coastal waters given the effect on ecosystems and imi/iwi values. The discharges should however be such that the water quality is not affected (Policy (v)). The maintenance and efficient operation of facilities such as the Waitangi system and septic tanks 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 and the like 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)).

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. Regard should also be had to matters such as property security and stock safety (Policy (i)(b)).

Occupation of space in the coastal marine area 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 so 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. This is in accordance with the precautionary approach advocated in the NZCPS.

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 are sought.

5.6.10 Objective - Aquaculture

(i) To recognise the potential contribution that aquaculture can make to the social, economic and cultural well-being of the Chatham Islands.

Reasons

The NZCPS requires recognition to be made of the potential benefits of aquaculture to communities.

5.6.10.1 Policies

(i) To provide for aquaculture in appropriate places having regard to the following;

- **The need for high water quality**
- **The need for associated land based facilities**
- **The objectives and policies of the CIRMD and in particular 5.6.3-5.6.9**
- **Expressed demand for aquaculture development**

5.6.10.2 Methods

(i) Provide for aquaculture as a discretionary activity
(ii) Identify appropriate areas on planning maps

Reasons and Explanation

The policy in part gives effect to the NZCPS. The Chatham Islands provide substantial opportunities for aquaculture particularly given the availability of high water quality and the benefits of the industry are recognised. At the same time potential adverse effects, which are generally addressed in other objectives and policies of the document, should be avoided, remedied or mitigated.

5.6.10.3 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.

(vii) Provision of aquaculture in appropriate areas.

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5.6.11 Rules - Coastal Marine Area

5.6.11 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
1. Occupation	(i) Occupation of the Coastal Marine Area is a permitted activity if the occupation is solely by a structure which is permitted under a rule in this Section or a resource consent.	-	-	(ii) Occupation of the Coastal Marine Area that contravenes a permitted activity rule or condition is a discretionary activity.	-	(a) The availability of alternatives and the justification for the occupation. (b) Effects on public access and other activities.	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.
2. Structures General	(i) Erection or placement of structures in the Coastal Marine Area is permitted if: (a) the structure is one of the following: (i) outfall/intake structures, (ii) mooring anchor blocks, (iii) navigation structures, (iv) mobile slips, (v) fences, (vi) utility service lines. (vii) Provided that: (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 (c) the maximum internal diameter of the outfall/intake structure is 1 metre; and (d) the maximum distance the outfall/intake structure extends into the coastal marine area shall not be more than 10 metres; and (e) the placement or use of outfall/intake structures does not result in erosion, scour, or deposition.	-	-	(ii) Erection or placement of structures that: (a) are not dealt with specifically in other rules; or (b) contravene permitted activity Rule 5.6.11.2(i) or its conditions in this rule are discretionary activities.	-	(a) The need for the structure. (b) The suitability of the site in terms of prevailing wave, tide and wind conditions, particularly during storm events. (c) The extent of the area potentially affected and likely effects on conservation values. (d) The potential for structures to cause erosion or deposition or any effect on ecological processes. (e) Effects on public access, amenity and recreation values. (f) The manner in which access, dinghy storage and parking would be dealt with on land. (g) The proximity of the existing launching or mooring structures. (h) Effects on navigational safety. (i) Effects on water quality. (j) Effects on fisheries resources and fishing activity.	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 (i.e. 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.
3. Maintenance, Removal or Demolition of Permanent Structures; Placement of Temporary Structures	(i) Maintenance around and removal or demolition of existing structures and placement of temporary structures is permitted if: (a) any alteration, reconstruction or replacement of an	(ii) Maintenance around and removal or demolition of existing structures that contravene a permitted condition are controlled if: (a) less than 100 cubic metres of sand,	-	(iii) Activities that contravene permitted activity Rule 5.6.11.3(i) or its conditions or a standard of controlled activity Rule 5.6.11.3(ii) are discretionary.	-	(a) The potential effects on erosion, scour, deposition in the immediate vicinity or over the wider area. (b) The duration of any adverse effects, i.e. whether restricted to	Subject to specified standards, maintenance, removal, demolition and temporary structures can be allowed given their low impact.

5.6.11 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	existing structure is contained within the envelope of the existing structure; and (b) the activity disturbs less than 3 cubic metres of sand, shingle, shell or other natural foreshore or seabed material; and (c) no waste is placed, or any contaminant released into the Coastal Marine Area; and (d) removal or demolition of the structure will not significantly affect sediment movement or lead to increased erosion or scour; and (e) all temporary structures will be in place for less than 31 days, inclusive of days of erection or placement and removal; and (f) it does not result in loss of existing lawful public access to the Coastal Marine Area; and (g) it does not compromise navigational safety.	shingle, shell or other natural foreshore or seabed material is disturbed, (b) no waste is placed, or any contaminant released into the Coastal Marine Area. Control reserved over: (a) the extent and nature of the disturbance to the foreshore or seabed, (b) design matters that relate to visual amenity, (c) the duration of the consent, (d) information and monitoring requirements.				maintenance phase or longer term. (c) The water quality/ecological effects. (d) The effects on conservation values. (e) The potential for effects on fisheries resources and interference with fishing activities. (f) The potential effects on navigational safety. (g) The effects on public access, amenity and recreational values. (h) The effects on visual amenity values. (i) The effects of noise and glare.	
4. Disturbance (includes excavate, drill, move and tunnel) of foreshore and seabed	(i) Disturbance of foreshore or seabed is a permitted activity if: (a) the volume of sediment disturbed does not exceed $50m^3$ in any 12 month period per hectare; or (b) the disturbance is for the marine rescue and disposal of marine mammals. Provided that: (a) the stability of the foreshore is not affected, (b) natural coastal processes are not affected, (c) natural hazard risk is not exacerbated, (d) conditions (b) and (c) of Rule 5.3.4.10(i) are complied with, (e) nesting sites and indigenous vegetation are not displaced. This rule does not apply to Rule 5.6.11.7	-	-	(ii) Activities that contravene permitted activity Rule 5.6.11.4(i) or its conditions are a discretionary 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 removal methods are designed to minimise adverse effects. (f) Effects of noise and glare. (g) Effects on fishing activity.	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
5. Deposition of Material	-	-	-	(i) Deposit of material on the foreshore of seabed is a discretionary 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	Depositing 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.

5.6.11 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
						(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. (g) Effects on fishing activity	
6. 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) Activities that contravene permitted activity Rule 5.6.11.6(i) or its conditions 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.
7. Reclamation	-	-	-	(i) Reclamation and associated draining of foreshore or seabed is a discretionary activity.	-	(a) Ecological effects . (b) Effects on water quality. (c) Effect on sedimentation transport and deposition. (d) Effects on conservation values. (e) Effects on amenity and recreational values. (f) Effects on public access. (g) 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.
8. Discharge of Contaminants - General	-	-	-	(i) Discharges of contaminants to coastal water not authorised by Rules 5.6.11.11–5.6.11.13 are discretionary activities.	-	(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 including habitats ,feeding grounds and ecosystems. (d) The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge. (e) Quantitative specifications contained in relevant ANZEC or New Zealand Government (eg Ministry for the Environment, Department of Health) publications. (f) The need to undertake works in stages to ensure that the discharge will meet the standards at all times. Whether:	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. Section 107 of the Resource Management Act contains provisions affecting discharge permits, which are reflected in the assessment criteria.

5.6.11 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
						(g) exceptional circumstances justify the granting of consent; or (h) the discharge is of a temporary nature; or (i) the discharge is associated with necessary maintenance work.	
9. Discharge of Stormwater	(i) The discharge of stormwater is permitted if: (a) the discharge, after reasonable mixing, does not cause: (i) the production of any conspicuous oil or grease films, scums, or foam, or floatable or suspended material; and (ii) any conspicuous change in colour or visual clarity; and (iii) any emission of objectionable odour.	-	-	(ii) Activities that contravene permitted activity Rule 5.6.11.9(i) or its conditions are a discretionary activity.	-	(a) The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the stormwater. (b) The assessment criteria in Rule 5.6.28.10.	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.
10. Discharge of Human Sewage	-	-	-	(i) The discharge of human sewage to coastal water is a discretionary activity if: (a) prior consultation with Imi/iwi, potentially affected parties including the fishing industry, and the public has been carried out, (b) in the case of untreated sewage, one of the following applies: (i) the discharge is temporary; or (ii) the discharge is associated with necessary maintenance work; (iii) The discharge, has passed through soil or a wetland.	(ii) The discharge of human sewage to coastal water that does not comply with discretionary activity 5.6.11.10(i) or its conditions is a no-complying activity.	(a) Whether or not the discharge better meets the purpose of the Act than disposal onto the land. (b) The assessment criteria in Rule 5.6.28.10.	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. Further, the rule allows for occasional discharges of untreated sewage to the Coastal Marine Area subject to the above requirements.
11. Discharges from Aquaculture	-	-	-	(i) 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	Aquaculture has the potential to have significant impact on water quality, particularly in semi-enclosed areas with limited circulation. Potential discharges include: • defecation from fish/shellfish stock involved • introduction of palletised food for cage-reared fish • addition of chemicals to the water e.g. disinfectants,

5.6.11 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
						(f) The assessment criteria in Rule 5.6.28.10.	antibiotics, anti-foulants • solid wastes, including ropes, bags, nets, dead stock and offal. It is appropriate that such proposals be subject to Council and public scrutiny.
12. 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) Activities that contravene permitted activity Rule 5.6.11.12(i) or its conditions are a discretionary 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.
13. 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 all structures associated with the activity comply with other rules.	-	-	(ii) Activities that contravene permitted activity Rule 5.6.11.13(i) are a discretionary activity.	-	(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.
14. Exotic Plants	-	-	-	(i) The introduction of an exotic plant species to the Coastal Marine Area, whether or not that plant is already present in an area, is a discretionary activity.	-	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.
15. 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,	-	-	(ii) 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, visual impact, water quality etc (c) Effects on fisheries resources and fishing activity.	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 Item	Permitted	Controlled	Restricted Discretionary	Discretionary	Non-Complying	Assessment Criteria	Explanation
	covenant or management plan in place.						
16. Coastal Marine Area within the Industrial Zone.	(i) Any activity in the portion of the Industrial Zone within the Coastal Marine Area as it relates to existing jetty and wharf structures is permitted if: (a) the activity is specified in an Industrial Zone rule as a permitted activity; and (b) any conditions specified in the Industrial Zone rule are complied with.	(ii) Any activity in the portion of the Industrial Zone within the Coastal Marine Area is controlled if: (a) the activity is specified in an Industrial Zone rule as a controlled activity (b) any standards and terms specified in the Industrial Zone rule are complied with. Control is reserved over: (a) the matters that control is reserved over in the Industrial Zone (b) life supporting capacity of Coastal Marine Area (c) conservation values (d) amenity and heritage values (e) public access and recreational values.	-	(iii) Activities in the portion of the Industrial Zone within the Coastal Marine Area are discretionary if: (a) the activity contravenes a permitted activity, rule or a condition, or controlled activity rule or standard. (b) the activity is stated in an Industrial Zone rule to be discretionary	(iv) Activities are non-complying if: (b) the activity is stated in an Industrial Zone rule to be non-complying	(a) Assessment criteria set out for the Industrial Zone rule for the relevant activity (b) Effects on life-supporting capacity of Coastal Marine Area (c) Effects on conservation values (d) Effects on amenity and heritage values (e) Effects on public access and recreational values (f) Occupation charges.	This rule applies to the portion of the Industrial Zone that overlaps with the Coastal Marine Area, as shown on the Planning Maps. In the area of overlap, rules for the Industrial Zone 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 Zone. Activities in the area of overlap that are not specifically dealt with in the Industrial Zone rules will be governed by the Coastal Marine Area rules. For example, the Industrial Zone rules say nothing about reclamation of the seabed, so reclamation is governed by the Coastal Marine Area rules. Additional matters of control and assessment criteria are introduced to recognise the sensitivity of the Coastal Marine Area.
17. Other Activities	(i) Activities not referred to in Section 12(1) and (2) of the Act and not affected by a rule in this part of the Plan are permitted activities.	-	-	(ii) Activities that contravene permitted activity Rule 5.6.11.17(i) or Section 12(1) and (2) of the Act and not otherwise specifically referred to in this part of the Document are a discretionary activity.	-	(a) Effects on life-supporting capacity of Coastal Marine Area (b) Effects on conservation values (c) Effects on amenity and heritage values (d) Effects on public access and recreational values (e) Effect on water quality (f) Effects on fisheries resources and fishing activity.	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.

Advice Note: HNZ (27)

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand, irrespective of whether the works are permitted under the plan or a consent has been issued under the Resource Management Act. An authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed.

Section 2 of the HNZPTA defines an archaeological site as:

(a) Any place in New Zealand, including any building or structure (or part of a building or structure), that –

(i) Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900: and

(ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand;

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials and modified garden soils.

It is important that the planning for any building or development (including earthworks, fencing or landscaping) takes this issue into account and an archaeological assessment maybe required. By careful project design, it is frequently possible to avoid the modification or destruction of an archaeological site. However, where this is not possible, an archaeological authority will be required from Heritage New Zealand. Heritage New Zealand should be contacted if any activity such as may modify or destroy any archaeological site.

5.7 Off Shore Islands Zone

5.7.1 Description

The Off Shore Islands Zone applies to the following islands:

- Rangatira (South East)
- Mangere
- Tapuaenuku (Little Mangere)
- Rangiwheau (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 imi/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 imi/iwi. The retention of these values is in accordance with the requirements of the Act and the New Zealand Coastal Policy Statement.

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 the 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 such plans 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 this 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 a management plan or strategy is not in place the rules of the Rural Zone 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 are 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 Zone, except that any such rules will not apply where:

(a) a management plan has been prepared by the imi/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 2 of the Act (see Section 2.1 of this Plan) by way of a plan change to this Plan (refer to First Schedule to the Act). This rule shall be subject to Section 4(3) of the Resource Management Act.

Part 6

DEFINITIONS

Part 6 - Definitions

This section defines the meaning of words used in this document and the Resource Management Act 1991. Those words which are in *itallics* have the definition that is provided in the Act.

Unless otherwise specified, the following meanings shall prevail.

Accessory Building on any site means a building, the use of which is incidental to that of any other building or buildings on the site. In relation to a site on which no building has been erected the building must be incidental to any permitted activity.

Access means a practical permanent vehicular and pedestrian access from a formed road onto a site, either directly, or over another site subject to a registered easement of right of way appurtenant to the site.

Access Strip *has the same meaning as in Part 1 of the Act.*

*The **Act** means the Resource Management Act 1991 and includes any amendments thereto.*

Aerial means an antenna or similar communication device formed by a rod, wire, dish or other structure by which radio, telephone or electromagnetic signals are transmitted or received. It includes any support structure and guy wires. An aerial may include a single mast or pole supporting several antennae. Where a wire or other antenna is supported between two or more poles, each pole is considered to be an aerial.

Allotment *has the meaning in the Act and includes the balance of any land from which any allotment is being, or has been subdivided.*

Amenity Values *means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

Antenna means any telecommunication apparatus used for transmission or reception including the antenna dish mounting but not any supporting mast or similar structure. This definition includes any satellite dish.

Aquaculture activities

(a) means the breeding, hatching, cultivating, rearing or on growing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or on growing involves the occupation of a coastal marine area; and

(b) involves the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but

(c) does not include an activity specified in paragraph (a) if the fish, aquatic life, or seaweed –

(i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or

(ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life or seaweed.

Archaeological Site means any place in New Zealand, including any building or structure (or part of a building or structure), that was associated with human activity that occurred before 1900

or is the site of the wreck of any vessel where the wreck occurred before 1900; and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand.

Background Noise Level is the mean minimum sound level in the absence of any nuisance noise at the relevant place and time of measurement. When statistical analysis methods are used, the background noise level should be taken as that level which is equalled or exceeded for 95 per cent of the observation time (expressed as L_{95}).

Boundary means every property boundary line around a site including front, side and rear boundaries.

Building, in addition to its ordinary and usual meaning, means any building, structure or part structure, whether temporary or permanent, moveable or immoveable except for the following:

- any scaffolding, buildings, or falsework erected temporarily for maintenance of construction purposes
- any mast, pole, or aerial less than 6 metres in height
- any fence, stock yard, boundary wall or retaining wall less than 1.8 metres in height
- any construction or erection not exceeding 5 square metres in a horizontal plane and that does not exceed 2 metres in height
- any tent or marquee
- any temporary storage stack of goods and materials
- any sign
- any network utility or utility service line
- any bridge.

Coastal Marine Area includes the foreshore, seabed, coastal water, and the air space above the water seaward of mean high water springs and out to the 12 nautical mile limit if the Territorial Sea, as defined in the Act.

Coastal Water *means seawater within the other limits of the territorial sea and includes:*

(a) *seawater with a substantial fresh water component*
(b) *seawater in estuaries, fiords, inlets, harbours or embayments*

Coastal Hazard Protection Works means the structure and/or programmes designed to protect and rebuild the coastline and/or enhance coastal amenity and use.

Commercial Activity means any use of land or buildings for the purposes of the sale or hire of food, services and other commodities and merchandise.

Conditions *in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.*

Contaminant *includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:*

(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or

(b) when discharged on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.

***Discharge** includes emit, deposit, and allow to escape.*

Document means the Chatham Islands Resource Management Document.

***Dumping** means, –*

(a) in relation to waste or other matter, its deliberate disposal; and
(b) in relation to a ship, an aircraft, or an offshore installation, its deliberate disposal or abandonment;—

*but does not include the disposal of waste or other matter incidental to, or derived from, the normal operations of a ship, aircraft, or offshore installation, if those operations are prescribed as the normal operations of a ship, aircraft, or offshore installation, or if the purpose of those operations does not include the disposal, or the treatment or transportation for disposal, of that waste or other matter; and **to dump** and **dumped** have corresponding meanings.*

Earthworks means modification of the shape of the land surface for development purposes and includes:

- the disturbance of land surfaces by moving, removing, placing or replacing soil or earth; or by excavation, cutting or filling operations
- contouring, road, driveway and access construction

but does not include “cultivation”.

Emergency Services means those services or authorities responsible for the safety and welfare of people and property in the community, and includes fire stations, ambulance stations, and police stations, and vehicles and facilities associated with such services.

Esplanade Strip means an area of land alongside a water body and/or the bed of a water body that is created for the purposes set out in Section 229 of the Act and is subject to restrictions on the use of that land which are binding on future landowners. Esplanade strips can be created at any time subject to landowner and local authority agreement.

Esplanade Reserve means a reserve defined by Section 229 of the Act which is surveyed off alongside water bodies with reserve status under the Reserves Act 1977.

Farming Activity means the use of land, buildings or water for the primary purpose of the production of vegetative matter and/or commercial livestock but excludes forestry.

Fisheries resources means any 1 or more stocks or species of fish, aquatic life, or seaweed.

Fishing means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and includes;
(a) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life or seaweed; and
(b) any operation in support of or in preparation for any activities described in this definition.

Forestry means the establishment, tending or harvesting of forest (whether native or exotic) for wood production.

Frontage means that portion of land which secures legal access to a lot from an existing road or road to be vested or otherwise legalised and includes any right of way.

Gross Floor Area means the total area of all floors contained within the exterior walls of any building.

Habitat means the natural home in which a particular species or group of species lives. It includes the physical and biotic characteristics that are relevant to the species concerned.

Hazardous Substances has the same meaning as that provided in the Hazardous Substances and New Organisms Act 1996.

Height in relation to a building or network utility means the vertical distance between ground level at any point and the highest part of the building immediately above the point (see Figure 6.1). For the purpose of calculating height, account shall not be taken of:

- domestic radio or television aerials or antennas; or
- chimneys (provided they do not exceed 1 metre in width or the maximum height for the Zone by more than 2 metres); or
- aerials and antennas that have a horizontal dimension of less than 55mm or do not exceed 1 square metre in area on any one side; or
- lightning arrestors; or
- mounting arms and structures for aerials and antennas that have a vertical dimension of less than 150m.

FIGURE 6.1: MAXIMUM HEIGHT

Historic Heritage means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

archaeological;

architectural;

cultural;

historic;

scientific

technological; and –

and includes-

historic sites, structures, places and areas, and –

archaeological sites; and –

sites of significance to Maori, including wāhi tapu; and –

surroundings associated with the natural and physical resources.

Indigenous Vegetation means any vegetation comprised of species indigenous to the Chatham Islands.

Industrial Activity means any activity involving the manufacturing, processing, assembly, servicing, repair and/or storage, and warehousing of any goods excluding those activities associated with farming and for the purposes of the Industrial Zone includes any activities associated with the port areas and the Chatham Islands airport.

Industrial or Trade Premises *means:*

(a) Any premises used for any industrial or trade purposes; or
(b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
(c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process –
but does not include any production land.

Lake *means a body of fresh water which is entirely or nearly surrounded by land and for the purposes of this document includes Te Whanga.*

Meteorological Activities means facilities and installation or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

MHWS is Mean High Water Springs which is the line of the average of the highest tides (known as spring tides).

Navigation aid means:

(a) any lightship and any floating or other light exhibited for the guidance of ships
(b) any type of fog signal not carried on a ship
(c) all marks and signs in aid of marine navigation
(d) any electronic, radio, or other aid to marine navigation not carried on board any ship

Network Utility means:

- household, commercial and industrial connections to gas, water, drainage and sewer reticulation systems including necessary incidental equipment:
- telecommunication and radio communication facilities and telecommunication lines.
- transformers, lines and associated equipment for conveying electricity at a voltage up to and including 110 KVA with a capacity up to and including 100MVA.
- irrigation systems, open drains and channels for the conveyance of water
- navigation aids and beacons and ancillary structures
- meteorological activities

Noise: For the purposes of assessing compliance with rules in this document the term “noise” shall not be applied to:

- Sounds associated with response to emergency callouts, or training activities associated with emergency services provided this training takes place between the hours of 7am to 10pm.

- Sounds generated by aircraft (including helicopters) in flight, or immediately before or after flight.
- Impulse noise associated with small arms fire, providing that the firearm activity is temporary in nature and does not form part of the on-going activity for any site.
- Noise generated by equipment associated with farming.

Occupy means to occupy land or any part of the coastal marine area necessary for the activity:

(a) to the exclusion of other persons who do not have a right of occupation to the space by a resource consent or under a rule in the documents and

(b) for a period of time and in a way that, but for the rule in the document or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary.

(c) and "occupation" has a corresponding meaning.

Public Place means any place owned by, or used by the public and includes a road, footpath, and park.

Radiocommunication Facility means an transmitting/receiving devices such as aerials, dishes, antenna, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and pole, and ancillary buildings, and as defined in the Telecommunication Act 1987 and its amendments

Repairs and Maintenance means repair of a scheduled heritage item means the restoration to good or sound condition of any building or object (or any part of) for the purpose of its maintenance. Maintenance of a scheduled heritage item means the protective care of a place.

Residential Activity means any use of land where the sole purpose of the resident(s) is permanent accommodation in a residential unit not more than 5 extra people are boarding with the residents, and no persons are employed other than for the purposes of caring for residents or boarders.

Residential Unit means a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on site, there shall deemed to be more than one residential unit.

Retail Activities means any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.

River *means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race canal for the supply of water for electricity power generation, and farm drainage canal).*

Road shall have the same meaning as set out in Section 315 of the Local Government Act 1974.

Setback means the distance between a structure and the boundary of the site, or other feature specified in the document and means a part of a site which is required by this document to be unoccupied and unobstructed by buildings from the ground upwards, except accessory buildings, eaves, balconies, bay windows, steps, porches and as otherwise provided by this document.

Shelterbelt means trees planted to provide shelter limited to a width of 6 rows of trees.

Sign means any advertising, business, regulatory, directional or safety device of whatever nature whether painted, written or printed, carved, inscribed, endorsed, projected onto or otherwise fixed to or upon any building, wall, pole, structure or erection of any kind, or onto rock, stone, tree or other object, if such advertising or business device is visible from any public place.

Site means any area of land:

- comprised in a single certificate of title; or
- contained in a single lot as an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council;
- an area of land which is composed of two or more contiguous lots held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or
- an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:
  - subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or
  - held together in such a way that they cannot be dealt with separately without the prior consent of the Council
- in the case of land subdivided under the cross lease or company lease systems, site shall mean an area of land containing:

  (i) a building or buildings for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of that building, or

  (ii) a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes

  - in the case of land subdivided under the Unit Titles Act 1972, site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units

Site Area means the area occupied by an activity including buildings, car spaces, storage area, landscaping etc.

Site Coverage means that portion of the net area of a site which is covered by buildings and:

- Shall include overhanging or cantilevered parts of buildings.
- Shall include any part of the eaves and/or spouting projecting more than 750 mm measured horizontally from the exterior wall of the building; and
- Shall not include pergolas, slated open decks or similar structures of an open nature.

Stormwater means runoff water (excluding water in a river) that is diverted through channels or pipes for discharge into the Coastal Marine Area or into a water body.

Street includes a road, avenue, cul-de-sac, parade, and lane and means a prepared surface or route for the movement of motor vehicles and people.

Structure, in addition to its ordinary meaning, includes any buildings, scaffolding, mast, pole, aerial, fence, wall or sign.

Subdivision has the meaning given in the Act.

Telecommunication Facility means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication, and as defined in the Telecommunication Act 1987 and its amendments.

Telecommunication Line means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication and includes any pole, insulator, casing, minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor; and also includes any part of a line and as defined in the Telecommunication Act 1987 and its amendments.

Temporary activity means any land use or structure of a short-term duration and includes sporting events, shows, galas and uses of a similar character provided that they do not occur more than 5 days per year.

Utility Service Lane means any pipe, cable, overhead wire, drain or channel for the purposes of a network utility.

Vegetation Clearance means any activity which results in the removal or reduction in vegetation cover from an area of land other than that caused by grazing animals, maintenance of existing drains and domestic gardening and “clearance of vegetation” has the same meaning.

Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area and for the purposes of this document includes Te Whanga.

Wetland is an area of shallow water and land water margins which contain predominantly indigenous vegetation and/or habitat for indigenous fauna. A wetland does not include areas of exotic pasture where water ponds after rain and does not include areas predominantly covered in bracken fern.

Part 7

APPENDICES

Part 7 – Appendices

Appendix 1

Areas of Significant Natural Values

Areas of significant natural values include:

- areas of significant indigenous vegetation and habitats of fauna
- outstanding natural features and landscapes

The areas generally consist of land managed by the Department of Conservation and Council, private lands protected by conservation covenants/kawenta and Nga Whenua Rahui and areas in the coastal marine area and areas on private land which the landowner has agreed to. Some areas do not have public access and enquiries should be made with the landowners.

All of the areas meet the criteria specified in Part 4.4.2 and 4.5.2 of the Document.

The numbers correspond to those shown on the planning maps

Key			
CA	Conservation Area	NHR	National Historic Reserve
ER	Esplanade Reserve	PR	Proposed Reserve
HR	Historic Reserve	RR	Recreation Reserve
MS	Marginal Strip (20m wide)	SR	Scenic Reserve
NR	Nature Reserve		

(a) Land Managed by Department of Conservation

No. (#)	Map	Item
N1	1	Tangepu CA
N2	1	Chudleigh CA
N3	1	Nikau Bush CA
N4	2	Pt J.M. Barker (Hapupu) NHR
N5	3	Henga SR
N6	3	Taia Bush HR
N7	2	Ocean Mail Sr
N8	1	Wharekauri (Green Swamp) CA
N9	3	Te Awatea SR
N10	2	Lake Kaingarahu MS
N11	2	Lake Makuku MS
N12	2	Lake Kairae MS
N13	2 & 3	Te Whanga MS
N14	3	Lake Taia MS
N15	3	Hanson Bay MS
N16	3	Te Whanga MS
N17	3	Waikawa Island MS

No. (#)	Map	Item
N18	3	Te Whanga MS
N19	3	Te Awainanga River MS
N20	3 & 4	Hanson Bay MS
N21	4	Pacific Ocean MS
N22	1	Wharekauri MS
N23	1	Cannon-Peirce SR
N24	1	Harold Peirce SR
N25	2	Kairae HR
N26	1	Lake Rotokawau CA
N27	4	Thomas Mohi Tuuta (Rangaika) SR
N28	5	Mangere NR
N29	5	Rangiauria Pitt Is SR
N30	5	Glory & Canister Cove; Pitt Is SR
N31	5	Rangatira NR
N32	4	Tuku NR
N33	5	Waipaua CA
N34	5	Waipaua; Pitt Is SR
N35	4	Pitt Strait MS

(b) Covenants actioned through Nature Heritage Fund

No. (#)	Map	Item	Status
N37	2	J Muirson Point Munning Convenant	Being actioned
N40	3	Te One School Convenant	Proposed
N41	2	Barkers Kaingaroa Station Convenant	Finalised
N42	2	J Muirson Point Munning Convenant Extension	Being actioned
N43	4	G & R Horler Franks Bush Covenant	Being actioned
N44	1	Te Toto Convenant	Proposed
N45	3	R Tuuta Big Bush Covenant	Being actioned
N47	1	Mairangi Covenant	Being actioned
N48	4	A & R Preece (Gillespie Creek) Covenant	Finalised
N49	4	B & E Tuanui Tuku/Awatotara Convenant	Finalised
N70	To be finalised	P Smith (Te Matarae) Covenant	Being actioned
N71	To be finalised	D Prendeville & D Whittaker (Makatakau Creek) Convenant	Being actioned
N73	To be finalised .	Holmes, Seymour & Day: South Chathams Covenant	Proposed
N74	To be finalised	B & E Tuanui Kiringe/Waterfall Creek Covenant	Proposed

(c) Covenants actioned through Nga Whenua Rahui

No. (#)	Map	Item	Status
N51	To be finalised	The Maori Trustee (Tennants Lake) Lessee Erik Dix	Proposed
N52	To be finalised	A & R Preece (Te Awapatiki and Wairoa Bush) Kawenata	Being actioned
N53	To be finalised	Daymond (Otonga) Kawenata	Being actioned
N54	To be finalised	Goomes (Rapanui, including Plum Tree, Pear Tree and The Falling) Kawenata.	Being actioned
N55	To be finalised	T Lauze (Nuhaka) Kawenata	Being actioned

(d) Others (Conservation Covenants)

No. (#)	Map	Item	Status
N38	1 & 2	Wharekauri Covenant	Finalised
N46	3	P Smith (Lake Huro) Conservation Covenants	Being actioned
N50	5	Ellen Elizabeth Preece (Pitt Island) Conservation Covenants	Being actioned
N72	To be finalised	E R Seymour (Otaawe Point) Convenant	Being actioned
N36	To be finalised	Frederick & Mary Hunt, Memorial Conservation Covenant	Being actioned

(e) Council Managed Land

No. (#)	Map	Item
N56	1	Chudleigh RR
N57	5	Waihere Bay ER
N58	4	South West Coast RR
N59	4	Otonga ER
N60	1	Lake Rotoeka ER

(f) Other Areas

No.	Item	Map	Significant Habitats of Fauna	Significant Indigenous Vegetation	Outstanding Natural Feature/Landscape
N61	Rangitatahi (The Sisters)	6	Northern Royal Albatross Furseal Mollyhawk	Coastal herbfield	✓
N62	Motuhara (Fourty Fours)	6	Northern Royal Albatross Northern Giant Petrel CI Snipe	Coastal herbfield	✓
N63	Motuhopi (Star keys)	6	CI Shag Fur Seal Petrel Snipe	Coastal herbfield	✓

No.	Item	Map	Significant Habitats of Fauna	Significant Indigenous Vegetation	Outstanding Natural Feature/Landscape
N64	Tapuaenuku (Little Mangere)	5	Forbes Parakeet CI Robin Petrels CI Snipe	Akeake, matipo and coastal herbs	✓
N65	Tarakoikoia (The Pyramid)	6	C I Mollyhawk Chatham fulmer Fur Seal	Coastal herbs	✓
N66	Te Whanga	2	Migratory Waders Godwit Black Swan CI Shag	Saltmarsh Sedges Rushes Tuff species	✓
N67	Rabbit Island	6	CI Shag Petrels	Akeake Coastal vegetation	
N68	Rangiwheau (The Castle)	6	Southern diving petrel	Coastal herbs	✓
N69	Muru Muru Island	6	Petrels PI shags Terns & Gulls	Coastal vegetation	

Appendix 2

Designations

The Schedule below sets out:

- The number of the designation which corresponds to that shown on the planning maps
- The requiring authority responsible for the designation
- The purpose of the designation
- Site and legal description
- The underlying zone which indicates the zone that applies if the site is used for a purpose other than the designated purpose.

No. & Map No.	Requiring Authority	Purpose	Site/Legal Description	Underlying Zone
D1 & 4	Chatham Islands Council	Solid Waste Management Purposes	Waitangi Wharf-Owenga Road, Section 12 Owenga Settlement	Rural
D2 & 7	Telecom New Zealand Ltd	Tele-Communication and Radio-Communication and Ancillary Purposes	Waitangi-Tuku Road, Lot 1 DP 75960	Rural
D3 & 7	Department for Courts	Court House	Waitangi-Tuku Road, Section 1 SO 37012	Settlement
D4 & 7	NZ Police	Police Station and Residence	Waitangi-Tuku Road, Part Kekerione No. 65A Block II Oropuke Survey District Section 1, SO 37012	Settlement
D5 & 8	Ministry of Education	School and Residence	North Road, Te One, Kekerione 41 1gaz 1978 P 1573 Part Kekerione IR, Section 3, Block III, Oropuke Survey District, Part Lot 1 DP 17267	Settlement

D7 & 10	Ministry of Education	School and Residence	Kaingaroa Part Wharekauri No. 1, Block II, Rekohu Survey District SO 31658, GAZ 1979 p2280	Settlement
D8 & 5	Ministry of Education	School and Residence	Flower Pot, Pitt Island, Part Lot 4 DP 933, Block III, Rangiauia Survey District, SO 25933 GAZ 1966 p160	Rural
D9 & 7	Chatham Islands Council	Administration Purposes	Waitangi – Tuku Road, Waitangi	Settlement
D10 & 7	Chatham Islands Council	Water Source and Reservoir	Tikitiki Hill, Waitangi part 1J Kekerione	Rural
D11 & 7	Chatham Islands Council	Water Storage and Treatment	Waitangi – Tuku Road, Waitangi, Lot 8 DP 53968 Block II Oropuke Survey District	Settlement
D12 & 7	Chatham Islands Council	Water Storage	Waitangi – Tuku Road, Waitangi, Pt 1, DP 14936	Rural
D13 & 7	Chatham Islands Council	Sewage Treatment Plant and Treated Waste Water Disposal System	Waitangi – Hospital Road, Kekerione 60 Block, including accessway.	Rural

Appendix 3

Heritage Buildings and Sites

The heritage building and sites below are subject to Rules 5.3.4.6 and 5.4.6.8.

No. & Map No.	Item	Site/Legal Description	
H7 & 3	Whangamarino Woolshed	Waitangi Wharf-Owenga Road CHATHAM ISLAND	
H8 & 8	St Augustines Church (Anglican)	Waitangi-Big Bush Road	Kekerione Pt 1 R – 1E Te One Township
H9 & 1	Ponga Whare	Wharekauri Station Kaingaroa Road CHATHAM ISLAND	Sec 2 SO 36548, Sec 1 SO 36546, Sec 1 SO 36545
H11 & 5	Glory Cottage	Flower Pot – Glory Road Glory Bay PITT ISLAND	

Part 8

PLANNING MAPS

Part 8 – Planning Maps

Map 6 - Off Shore Islands (0I)

See also Map 5 for Rangatira and Mangere
Base Map Produced by Courtesy of Department of Conservation

Chatham Islands
Resource Management Document

Planning Maps

LEGEND

ZONES

R **RURAL**

S **SETTLEMENT**

I **INDUSTRIAL**

OI **OFF SHORE ISLANDS**

CM **COASTAL MARINE AREA**

NOTATIONS

N1 **AREAS OF SIGNIFICANT NATURAL VALUE (APPENDIX 1)**

D1 **DESIGNATED SITE (APPENDIX 2)**

H1 **HERITAGE ITEMS (APPENDIX 3)**

SQ **SCHEDULED QUARRIES (RULE 5.3.4.15)**

NOTES TO LEGEND:

1. **Coastal Marine Area (CMA) is unless otherwise shown, all areas below assumed MHWS. MHWS is indicative only and may be required to be fixed by survey.**
2. **The existing wharves and jetties at Waitangi, Kaingaroa, Port Hutt, Owenga and Flower Pot are classified as Industrial Zones.**
3. **The "Hydrological Areas" and "Areas of Significant Natural Value" are zoned Rural**

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Report Number R20/4