



SECTION 42A REPORT

Hearing Stream 2 – Part 3 – Coastal Environment: Report on submissions and further submissions on the Proposed Napier City District Plan

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Document Information

Report for:

Hearings Panel:

Robert Schofield
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Subject:

Proposed Napier City District Plan

Hearing Stream 2, *Coastal Environment*

Executive Summary

- i. This report considers submissions received by Napier City Council in relation to the relevant objectives, policies, rules, standards, definitions, and appendices of the Proposed Napier City District Plan as they apply to the Coastal Environment chapter in the Proposed District Plan.
- ii. There were a number of submissions and further submissions received in relation to these parts of the Proposed District Plan. The submissions received were varied and sought a range of outcomes. The purpose of this report is to provide the Hearings Panel with a summary and an analysis of the submissions received on the relevant chapters and to recommend possible amendments to the Proposed Plan in response to those submissions.
- iii. The following are considered to be the key issues in contention with respect to the relevant chapters:
 - Alignment with the New Zealand Coastal Policy Statement 2010 (NZCPS 2010)
 - Significant Infrastructure
 - Minor Amendments
 - Out of Scope
 - Rules
 - Planning Maps
 - Miscellaneous
 - Areas of High Natural Character.
- iv. This report addresses these key issues, as well as any other relevant issues raised in the submissions. There are a number of matters not in contention or needing further consideration, for example where no submissions were received in relation to an objective, policy, rule or standard. It is recommended that these matters are adopted as notified and no further consideration of them is required, with the exception of any consequential changes that need to be made as a result of submissions.
- v. **Appendix A** of this report sets out the recommended drafting amendments ('track changes') to the various relevant chapters in a consolidated manner. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents. References to a submitter number, submission point and abbreviation for their title provide the scope for each recommended change (including consequential changes in response to recommended relief on primary submission points). Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not referenced.
- vi. **Appendix B** of this report sets out the recommended responses to submissions by way of a summary table of submissions for each of the particular relevant chapters.
- vii. This report is to be read in conjunction with the Section 42A Report Part 1 – Strategic Direction¹ and with the Section 42A – Overview Report.

These reports provide background information including the review process undertaken, consultation carried out, statutory context, procedural, and administrative matters relating to the plan review to inform the Hearings Panel, submitters and general public of the steps taken to reach the hearings stage and to inform the strategic direction of the Proposed District Plan.

¹ [Section-42A-Report-Strategic-Direction.pdf](#)

- viii. Where Proposed District Plan provisions are recommended for amendment as a result of submissions, the reasoning for the amendments is given in the hearing report, including the reasons outlined under Section 32AA to consider the appropriateness of the proposed provisions and the benefits and costs of any policies, rules or other methods.

Interpretation

Abbreviations used throughout this s42 reports and supporting documents are as set out in *Tables 1 and 2* below.

Table 1: Abbreviations

Abbreviation	Means
FDS	Hastings & Napier Future Development Strategy
GRZ	PDP General Residential Zone
HBRC	Hawkes Bay Regional Council
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
HPUDS	The Heretaunga Plains Urban Development Strategy
HRZ	PDP High Density Residential Zone
MDRS	Medium Density Residential Standards
MFE	Ministry for the Environment
MRZ	PDP Medium Density Residential Zone
NES	National Environmental Standard
NES-FW	National Environmental Standards for Freshwater 2020
NPS	National Policy Statement or else National Planning Standards, MFE 2019 depending upon context
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NPS-UD	National Policy Statement on Urban Development 2020
RCEP	Regional Coastal Environment Plan 2014 (RCEP) Mahere Taiao Taha Moana ā-Rohe
RPS	Hawkes Bay Regional Policy Statement (contained in the RRMP)
RRMP	Hawkes Bay Regional Council Regional Resource Management Plan (2006)
SOSM	Site of Significance to Māori
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
the Act / the	Resource Management Act 1991

RMA	
the Building Act / BA	Building Act 2004
the Council / NCC	Napier City Council
the Operative Plan/ODP	Operative Napier City District Plan
the Proposed Plan/PDP	Proposed Napier City District Plan

Table 2: Abbreviations of Submitters and Further Submitters Names addressed in this report

Abbreviation	Means
DOC	Department of Conservation Te Papa Atawhai
Forest and Bird	Royal Forest and Bird Protection Society
HBRC	Hawkes Bay Regional Council
Heritage NZ	Heritage New Zealand Pouhere Taonga
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Fuel companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, VodafoneNew Zealand Limited
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

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APPENDIX B - *Summary of Recommended Responses to Submissions and Further Submissions*

1. Introduction

1.1 Purpose of the Section 42A Report

1. This report has been prepared under section 42A of the Resource Management Act 1991 (“RMA”). It discusses the various issues raised by submissions and makes recommendations on either retaining the Proposed District Plan (“PDP”) provisions without amendment or making amendments to the PDP in response to those submissions in order to assist the Hearings Panel in drafting the Council’s decisions on the Coastal Environment Chapter.
2. It considers submissions received by Napier City Council in relation to the relevant strategic directions, objectives, policies, rules, definitions, and appendices as they apply to the relevant chapters in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
3. This report discusses general issues or topics arising, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions based on the preceding assessment and evaluation contained in the report. Where necessary, other parts of the PDP have been addressed in this report.
4. The conclusions reached and recommendations made in this report are not binding on the Hearings Panel. It should not be assumed that the Hearings Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

1.2 Author, Code of Conduct and Supporting Evidence

5. My name is Brooke Hemmings. I am employed by the Council as a Graduate Policy Planner. My qualifications include a Bachelor of Social Science from the University of Waikato.
6. I have over 8 months’ experience working as a resource management planner. I am familiar with, summarising the public submissions, drafting policy recommendations and the resource management act 1991 (‘RMA’)
7. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
8. The scope of my evidence relates to the Coastal Environment. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. I was not involved in the drafting of Coastal Environment.

9. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given the reasons for those opinions.
10. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
11. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report include the following:
 - NZCPS 2010
 - HBRCEP

1.3 Procedural Matters

12. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Coastal Environment chapter.

2. Statutory Considerations and Planning Framework

2.1 Overview

13. As set out in the Section 42A Report Part 1 Strategic Direction, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP, including in relation to this topic. This report details all relevant consultation and includes a comprehensive assessment of the statutory considerations considered prior to public notification of the PDP, as well as changes to the planning framework in the intervening period. For efficiencies in reporting, this has not been repeated within this topic specific report. Where higher order documents are specifically relevant to the analysis on submissions, this has been addressed in the assessment of submissions by issue/theme in this report.
14. In addition to the Part 1 Strategic Direction report, the following Section 32 Evaluations Reports are relevant to the relevant provisions that will be addressed in this S42A report:

- [Section-32-Report-Part-2-Coastal-Environment.pdf \(napier.govt.nz\)](#)

2.2 Section 32AA

15. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules, standards or other methods) of the proposal are to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural, historic heritage matters and the environment needs to be clearly identified and assessed as part of this examination.
16. Where changes are proposed to the as-notified provisions, a further assessment needs to be undertaken to confirm that the new provisions are appropriate at a level of detail that corresponds to the scale and significance of the changes.
17. Where there is a significant departure from the notified PDP provisions, I have undertaken a S32AA evaluation in respect to the recommended amendments in my assessment on a topic basis within the analysis of submissions.

2.3 Strategic Objectives

18. The strategic objectives of the Proposed District Plan provide a framework for ensuring a consistent policy direction for all chapters. The strategic objectives particularly relevant to this topic are:
- Objective SD-HH-O1: Character, culture, heritage and landscapes Napier's distinctive character, culture, heritage, and landscapes are recognised, celebrated, maintained, protected and enhanced.
 - Objective SD -SRCC-O1: Risk and vulnerability: Risk and vulnerability of people and property from natural hazards is minimised
 - Objective SD -SRCC-O3: Natural systems: The functions of natural systems are protected from inappropriate subdivision, use and development.
 - Objective SD -SRCC-O4: Ecology: Significant indigenous vegetation, significant habitats of indigenous fauna, biodiversity and waterways are maintained and enhanced.
 - Objective SD -SRCC -O5: Coastal environment: Napier's coastal environment is protected from inappropriate subdivision, use and development.
19. The above strategic objectives have been considered alongside the higher order planning documents and legislation when informing the analysis of submissions in this report, including the s32AA assessments.

2.4 Trade Competition

20. There are no known trade competition issues raised within the submissions.

3. Consideration of Submissions and Further Submissions

3.1 Overview

21. In total, there were 74 submission points in relation to Coastal Environment and 20 further submission points.
22. Submissions on the provisions relevant to this topic raised a number of issues which have been grouped into sub-themes within the applicable parts of this S42A report. Some of the submissions are addressed under a number of headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
23. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with common themes that appear on the coastal environment chapters in the PDP as notified.
24. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. Specific recommendations on each submission / further submission are contained in **Appendix B**.

25. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves, the applicable S32 Reports, and the overlays and maps on the ePlan. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission / s, the evaluation and recommendation are set out in the body of this report. I have provided a marked-up version of the Coastal Environment chapter with recommended amendments in response to submissions as **Appendix A**.
26. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission. In general, further submissions may not be specifically mentioned.
27. This report only addresses definitions that are specific to the Coastal Environment provisions in the PDP. Where Definitions relate to more than one topic they have been addressed in a wrap up hearing and the associated S42A Report.
28. For each identified topic, the consideration of submissions has been undertaken in the following format:
- Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations and consequential amendments in Appendix A.

3.2 Late submissions

29. One submission on this topic were received after the close of submissions date of 15 December 2023. These are listed in the table below.

Submitter Number	Submitter name	Date submission received
289	Royal New Zealand Forest and Bird	19 December 2023

30. I recommend these late submissions be accepted as they were received sufficiently in advance of preparing this report so as to not impact on the analysis undertaken.

4. Submissions on Coastal Environment

4.1 Issue #1 – Alignment with New Zealand Coastal Policy Statement 2010 (NZCPS 2010)

4.1.1 General policy direction

Matters raised by submitters

31. A number of submitters raised points in relation to the relationship between the Coastal Environment chapter and the NZCPS 2010. As noted below, the Department of Conservation and Forest and Bird have submitted that the Coastal Environment chapter does not appropriately give effect to a number of policies in the NZCPS 2010 and that several changes are required.

32. The Port of Napier (202.15) supports the Issues section in general but seek that the Issues adequately address Policy 13 of the NZCPS as it relates to enabling the Port. Golden Bay (FS 35.202.15) supports the submission and seeks to insert cross reference to zone chapters including the port zone.
33. The Port of Napier (202.16) supports the Objectives section in general but seek that the Objectives adequately address Policy 13 of the NZCPS which enables ports as this then cascades to CE-P1. Golden Bay (FS 35.202.16) supports the submission and seeks to insert a cross reference to zone chapters including the port zone. KiwiRail (FS 235.202.16) agrees that it is important to mention the port within the objectives.
34. The Department of Conservation (253.61) considers that the Coastal Environment chapter in its entirety requires amendments to appropriately give effect to the NZCPS 2010, and considers that the language reflects an earlier version (1994) of the NZCPS. Submission 253.62 also considers the same points as above, also noting that it was written to give effect to the Hawke's Bay Regional Coastal Plan and seeks that the introduction wording is amended in accordance with the NZCPS 2010 terminology. They seek the following changes to the introduction:

The use, development and protection of the coastal environment must be managed in accordance with the RMA and requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS). They include requirements for preserving, restoring, and enhancing the natural character of the coastal environment and protecting it from inappropriate subdivision, use, and development. It further provides requirements to avoid adverse and significant adverse effects on indigenous biodiversity. The Plan identifies the extent of the coastal environment mapped as the Coastal Environment overlay recognising the characteristics and features where coastal processes, influences and qualities are significant.

35. The Department of Conservation (253.63) considers that CE-O1 attempts to give effect to policies 11, 13, and 15 of the NZCPS 2010 but fails to properly reflect the requirements, and therefore seeks to amend the objective to give effect to these policies. Transpower New Zealand (99.76) supports CE-O1 in particular the reference to significant adverse effects and reference to 'inappropriate' subdivision use and development.
36. The Department of Conservation (253.66) and Forest and Bird (289.147) supports CE-O4 and seeks that it be retained as it gives effect to NZCPS 2010.
37. The Department of Conservation (253.68) considers that CE-P1 is not a policy. They seek to delete the policy in its current form and include a statement of what the coastal environment is in the introduction, and insert the following:
- Identify and protect the natural features, natural landscapes, natural character and indigenous biodiversity of the coastal environment.
38. The Department of Conservation (253.64) seeks to amend CE-O2 as follows, so public access can be retained and improved whilst restoration and protection of indigenous biodiversity is undertaken and improve amenity values.

CE-O2: Retain public access

A high level of public access continues to be provided on public land to and along coastal and estuarine areas and waterbodies, unless there is an ecological protection, conservation, security, or public health and safety reasons for restricting that access. The existing areas of undeveloped open space are protected for public recreation and education, protection and restoration of indigenous and migratory biodiversity, access to the water for water-related activities, and water-related recreational clubs.

39. The Department of Conservation (253.69) considers that CE-P2 gives effect to the NZCPS 2010 in part and seeks to amend to add in additional criteria such as indigenous biodiversity, coastal hazards, natural features and landscapes that are explicitly stated in the NZCPS 2010. They seek to amend CE-P2 as follows:

CE-P2: Determine whether an activity is inappropriate in the coastal environment (...)

b. the degree to which the natural character, existing indigenous biodiversity, coastal hazards, natural features and landscapes will be modified, damaged, or destroyed including, but not limited, to:

- i. the duration and frequency of any effect;
- ii. the magnitude or scale of any effect;
- iii. the irreversibility of adverse effects on indigenous biodiversity values, and/or
- iv. whether the activity will lead to cumulative adverse effects on the indigenous biodiversity of the site/area

40. The Department of Conservation (253.70) considers that CE-P3 should be expanded to include migratory species and the word 'significant' should be removed to give effect to the NZCPS 2010. Changes requested as follows:

CE-P3: Minimise disturbance of natural features and coastal values

The character of the coastal environment is retained by ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous and migratory coastal species, and any ~~significant~~ heritage, cultural, and ecological features.

KiwiRail (FS 266.253.70) opposes this submission as they believe the removal of the word 'significant' may result in an unduly narrow interpretation of the policy, which prevents changes to such features needed to allow for the continued safe and efficient operation of the rail network.

41. The Department of Conservation (253.72) considers that CE-P5 doesn't implement Policy 14 of the NZCPS 2010 and seeks to amend the policy as follows:

CE-P5: Improve the natural character of the coastal environment

Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment ~~where it has been degraded~~. The use, development, and protection of natural and physical resources in the coastal environment is compatible with:

- a. providing, maintaining, and improving ecological corridors;
- b. public access, open space, recreation, and amenity values;
- c. maintenance, restoration, and enhancement of indigenous biodiversity;
- d. bank stability and areas for the treatment of stormwater;
- e. reinstatement of natural hydrological systems, and
- f. retaining and restoring natural coastal features, ecosystems, and habitats.

42. Forest and Bird (289.152) considers the wording in CE-P5 needs amending to give direction and seeks amending as follows:

Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment where it has been degraded. The use, development, and protection of natural and physical resources in the coastal environment ~~must be is~~ compatible with:

- a. providing maintaining, and improving ecological corridors;
- b. ~~public access, open space, recreation, and amenity values;~~
- c. maintenance of indigenous biodiversity;
- d. ~~bank stability and areas for the treatment of stormwater;~~
- e. reinstatement of natural hydrological systems, and
- f. retaining and restoring natural coastal features, ecosystems, and habitats.

43. The Department of Conservation (253.73); (253.74); (253.75); (253.76); (253.77); and (253.78) DOC support policies 7-12 as they implement the NZCPS and seeks that these are retained as notified.

44. Forest and Bird (289.3) considers that the Proposed Napier District Plan is not consistent with NZCPS 2010 and seeks to amend the Coastal Environment chapter to give effect to section 6(a) to 6(d) of the RMA and to Policies 3, 11, 13, 14 and 15 of the NZCPS, and should be consistent with the Hawke's Bay Regional Coastal Environment Plan.

45. Forest and Bird (289.144) supports CE-O1 however seeks amendment to require avoidance of adverse effects on any areas of outstanding natural character in the coastal environment. They also seek that the objective also require that other effects (ie on non-outstanding areas of Napier City) are remedied or mitigated.

46. Forest and Bird (289.146) consider that CE-O3 isn't clear in terms of whether the management of adverse effects will be avoided, remedied, or mitigated is consistent with the NZCPS 2010. They seek to make the following changes:

Provide for activities and development in the coastal environment that protect and/or restore the following values and functions ~~where adverse effects can be appropriately avoided, remedied or mitigated:...~~

47. Forest and Bird (289.150) considers that policies 11 and 13 of the NZCPS 2010 require protection of biodiversity and natural character. They also state that it is unclear what 'minimal' disturbance will mean. The submission seeks to amend CE-P3 to give effect to this, as shown below:

Protect ~~Minimise~~ natural features and coastal values ~~by minimising and managing~~ disturbance

The character of the coastal environment is retained by ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous coastal species, and any significant heritage, cultural, and ecological features. ~~In some circumstances, even minimal disturbance will need to be avoided to ensure values are protected.~~

This submission is opposed by KiwiRail (FS 236.289.150) and by Transpower (FS 415.289.150) as the relief sought fails to recognise the functional and operational need to provide for transport and network utility infrastructure in this location.

48. Forest and Bird (289.160) and (289.161) considers that there is no policy giving effect to policy 13 and 15 of the NZCPS 2010 and seeks that a new policy(s) is added to give effect to these.

49. Forest and Bird (289.162) considers the assessment criteria does not refer to the requirement to avoid adverse effects, and in other cases avoid significant effects, and remedy and mitigate other effects. This needs to be included to give effect to policies 11, 13 and 15 of the NZCPS and seeks that the criteria are amended accordingly. They consider that the assessment criteria need to appropriately refer to landscape values, and that the assessment criteria for indigenous biodiversity is far too narrow and includes irrelevant matters. KiwiRail (FS236.289.162) oppose this submission and the Department of Conservation (FS 399.289.162) support the submission.
50. The Department of Conservation (253.3) considers the proposed plan has not been updated sufficiently to give effect to the NZCPS 2010. The submission seeks the plan be reviewed and updated to implement the NZCPS 2010.

Assessment

51. There are a number of submissions that either reference specific provisions that they consider do not give effect to the NZCPS 2010 or make an overall statement to this effect. The Hawke's Bay Regional Coastal Plan was made operative in November 2014, however the majority of decisions were released in July 2008, prior to the most recent version of the NZCPS coming into effect. This meant that the Hawke's Bay Regional Coastal Plan gives effect to the previous version of the NZCPS. The Proposed District Plan was prepared to give effect to this Hawke's Bay Regional Coastal Plan. Section 74(1)(ea) states that a territorial authority must prepare and change its district plan in accordance with the NZCPS, and section 75(3)(b) states that the district plan must give effect to the NZCPS. Section 75(4) also states that the district plan must not be inconsistent with a regional plan for matters outlined in section 30.
52. Submission 202.15 seeks that the issues adequately address policy 13 of the NZCPS as this policy relates to enabling the Port. CE-I1 recognises and provides for important infrastructure which includes the Napier Port (in both (7) and (8)), therefore no change is considered necessary. I therefore recommend rejecting the submission. FS 35.202.15 supports this submission and seeks to insert cross reference to zone chapters including the Port Zone. As stated above, CE-I1 provides for the Napier Port (and therefore provides for policy 13). In response to the further submitters request to include cross referencing between the Coastal Environment chapter and the Port Zone chapter, the Introduction notes that other chapters are relevant to the Coastal Environment. This wording will be amended to take in a broader statement stating that this chapter should be read alongside other relevant spatial and District-Wide chapters of the District Plan. This change is in response to submission 289.9 (Royal Forest and Bird) and is noted in Appendix A of this report. I therefore recommend accepting FS 35.202.15 in part.
53. Submission 202.16 seeks that the objectives are amended to adequately address policy 13 of the NZCPS 2010. Upon assessment, the Port and other infrastructure is not adequately provided for in the objectives. I recommend that CE-O3 be amended to include a new bullet point referencing the modified nature of existing infrastructure such as the Port that have a functional and operational need to locate within the coastal environment. I recommend accepting the submission and amending as suggested below to give effect to the NZCPS 2010 (other recommended changes also shown).

CE-O3: Values and functions of the coastal environment

Provide for activities and development in the coastal environment that protect and/or restore the following values and functions, and where adverse effects can be appropriately avoided, remedied or mitigated:

- views along the foreshore and to and from the ocean;
- recreational activities and educational values;

- habitats of migratory species;
- safeguarding riparian and marine ecosystems;
- preserving the natural character and amenity values of the coast and its margins;
- providing for flood management and stormwater management;
- historic heritage and cultural values;
- public access;
- modified elements of the coast including the Port, transportation networks and other network utilities and infrastructure with a functional and operational requirement to locate within the coastal environment;
- customary practices including fishing and the gathering of mahinga kai, and
- maintaining the beach, foreshore, and riparian margins.

Relates to CE-11 to CE-19

Golden Bay (FS 35.202.16) supports the submission and seeks to insert cross reference to zone chapters including the port zone. I recommend accepting this submission in part due to the amendment above specifically mentioning ports. As noted above, the section on cross-referencing to other chapters of the Plan is to be amended in response to submission 289.9, with a broader statement being inserted.

KiwiRail (235.202.16) agrees that it is important to mention the port within the objectives. I recommend accepting this submission and the amendment above be made to reference ports within the objectives.

54. Submissions 253.61 and 253.62 from the Department of Conservation considers the chapter needs amendments in its entirety to give effect to the NZCPS 2010 and states that the language reflects the NZCPS 1994. Submission 253.62 notes that the chapter was written to give effect to Hawke's Bay Regional Coastal Plan (HBRCP) and seeks that the introduction be amended. Upon assessment the coastal environment chapter was written to give effect to the HBRCP which at the time gave effect to the NZCPS 1994. The inclusion of reference to indigenous biodiversity outside of the Ecosystems and Indigenous Biodiversity variation is not problematic as this is a direct reference to the policies of the NZCPS 2010. I recommend accepting these submissions and making the appropriate amendments to the introduction give effect to NZCPS 2010 adequately as shown below:

The use, development and protection of the coastal environment must be managed in accordance with the RMA and requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS). They include requirements for preserving, restoring, and enhancing the natural character of the coastal environment and protecting it from inappropriate subdivision, use, and development. It further provides requirements to avoid adverse and significant adverse effects on indigenous biodiversity. The Plan identifies the extent of the coastal environment mapped as the Coastal Environment overlay recognising the characteristics and features where coastal processes, influences and qualities are significant.

55. Submission 253.63 considers CE-O1 attempts to give effect to Policies 11, 13 and 15 of the NZCPS but fails to properly reflect the requirements. In considering the objective I consider that this objective does, to a large degree, give effect to these policies, however a change could be made from the term 'ecological values' to 'indigenous biodiversity' to better align with policy 11. I recommend additional amendments to give effect to policy 14 by adding to the objective that natural character restoration is promoted. I recommend accepting the amendments shown below in order to better give effect to the NZCPS 2010

CE-O1: Significant adverse effects on natural character, landscapes and features and indigenous biodiversity are avoided

The natural character, landscapes and features, cultural, and ~~ecological-indigenous~~ biodiversity values of coastal, estuarine, and river margins are preserved, protected, and promoted. Significant adverse effects from inappropriate subdivision, use, and development in the coastal environment are avoided, and all other adverse effects are either avoided, mitigated or remedied.

Submission 99.76 supports the reference to significant adverse effects and reference to inappropriate subdivision in CE-O1. I recommend accepting the submission as it supports parts of the objective that are not being amended.

56. The Department of Conservation (253.64) seeks to amend CE-O2 to ensure biodiversity values are protected and restored in open areas not subject to existing biodiversity values. I recommend rejecting the submission. The objective seeks to protect indigenous biodiversity values along parts of the coast where these exist to such an extent that public access is restricted in these areas. However within areas where indigenous biodiversity values don't exist, such as the highly modified parts of the coastal environment, public access is provided. This objective recognises that there are parts of the coastal environment that require protection from the disturbance that can be caused though public access, and parts of the coast where public access is appropriate.
57. Submission 253.66 and submission 289.147 from Forest and Bird supports CE-O4 and seeks it is retained, I recommend accepting these submissions as the objective adequacy gives effect to NZCPS2010, and retaining CE-O4 as notified.
58. A number of submissions were received that relate to CE-P3. I have considered each submission in turn and then provided my recommended amendments to CE-P3 at the conclusion of these submissions.
59. Submission 253.68 considers that CE-P1 is not a policy and seek that it be better located within the Introduction of the chapter. They seek that CE-P1 be deleted in its current form and replaced with the following: "Identify and protect the natural features, natural landscapes, natural character and indigenous biodiversity of the coastal environment." I agree, in part, with this submission - the values and character of the coastal environment are better described in the introduction rather than within a policy. The HBRCP defines the Coastal Environment, however CE-P1, as currently crafted, expands on this definition and puts it within a Napier context. I therefore recommend relocating the text in CE-P1 to the Introduction as requested. With regards to the replacement of CE-P1 with the new wording provided, I consider the relief sought is more appropriately provided for by amending CE-P3. I also note that the policies that align with CE-O1 and the new Objectives also need to clearly delineate the two-tiered management approach – avoid all adverse effects where the values are outstanding or significant, and avoid, remedy or mitigate significant adverse effects for all other values.

60. Submission 253.70 considers that CE-P3 should be expanded to include migratory species and the word 'significant' should be removed to give effect to the NZCPS 2010. Changes requested are as follows:

CE-P3: Minimise disturbance of natural features and coastal values

The character of the coastal environment is retained by ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous and migratory coastal species, and any ~~significant~~ heritage, cultural, and ecological features.

FS 266.253.70 opposes this submission as they believe the removal of the word 'significant' may result in an unduly narrow interpretation of the policy. I recommend accepting the submission in part, noting that further recommended changes to this policy below present a more acceptable solution. Policies 11, 13 and 15 of the NZCPS introduce a two-tiered approach to managing indigenous biodiversity, natural character, and natural features and landscapes within the coastal environment – with an avoid *all adverse effects* on identified significant indigenous biodiversity, areas of outstanding natural character and outstanding natural features and landscapes, and an avoid, remedy or mitigate *significant adverse effects* for all other values that aren't significant, outstanding or specifically identified.

61. Submission 289.150 from Forest and Bird considers that policies 11 and 13 of the NZCPS 2010 require the protection of biodiversity and natural character. They state that it is unclear what minimal disturbance will mean. They seek to amend CE-P3 as follows:

Protect ~~Minimise~~ natural features and coastal values by minimising and managing disturbance

The character of the coastal environment is retained by ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous coastal species, and any significant heritage, cultural, and ecological features. In some circumstances, even minimal disturbance will need to be avoided to ensure values are protected.

Further submissions FS 415.289.150 and FS 236.289.150 oppose the submission on the basis that it fails to recognise the functional and operational need to provide for transport and network utilities in the location.

I recommend accepting the submission from Forest and Bird in part, to the extent that alignment with the NZCPS is sought, and noting the relief sought is impacted by that sought by other submissions, and a more comprehensive change to this policy is recommended to address the concerns raised. I recommend rejecting FS415.289.150 and FS 236.289.150.

62. Taking into account the assessment outlined above, I recommend CE-P3 be amended as follows:

CE-P3: ~~Minimise disturbance of~~Identify, protect and preserve natural features, and landscapes, natural character, indigenous biodiversity and coastal values

Identify, protect and preserve The character of outstanding natural features and landscapes, outstanding natural character, and significant indigenous biodiversity of the coastal environment is retained by avoiding adverse effects of subdivision, use and development on ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous and migratory coastal species, coastal habitats, ecological corridors and coastal landscapes, and by avoiding, remedying or mitigating significant adverse effects on all other coastal species, landscapes and character. –and any significant heritage, cultural, and ecological features. In some circumstances, even minimal disturbance will need to be avoided to ensure values are protected.

Relates to CE-O~~x~~ and CE-O4

63. Submission 253.69 considers that CE-P2 gives effect to the NZCPS 2010 in part and seeks to amend CE-P2 to add additional criteria such as indigenous biodiversity, coastal hazards, natural features and landscapes that are explicitly referenced in the NZCPS 2010. They seek to amend CE-P2 as follows:

b. the degree to which the natural character, existing indigenous biodiversity, coastal hazards, natural features and landscapes will be modified, damaged, or destroyed including, but not limited, to:

I agree with this submission in that the policy requires amendment to give effect to the NZCPS 2010. I recommend accepting the submission and adding in reference to indigenous biodiversity, coastal hazards, natural features and landscapes as requested.

64. Submission 253.72 considers that CE-P5 doesn't implement policy 14 of the NZCPS 2010 and seeks amendment as follows:

CE-P5: Improve the natural character of the coastal environment

Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment ~~where it has been degraded~~. The use, development, and protection of natural and physical resources in the coastal environment is compatible with:

- a. providing, maintaining, and improving ecological corridors;
- b. public access, open space, recreation, and amenity values;
- c. maintenance, restoration, and enhancement of indigenous biodiversity;
- d. bank stability and areas for the treatment of stormwater;
- e. reinstatement of natural hydrological systems, and
- f. retaining and restoring natural coastal features, ecosystems, and habitats.

I recommend accepting in part the changes requested above. Policy 14 does not reference the restoration of natural character only where it has been degraded, so I accept deleting this part of CE-P5. In relation to clause c of CE-P5, Policy 5 directs the restoration of habitats and ecosystems, as opposed to indigenous biodiversity, so I consider it appropriate to retain the wording provided in c given that f provides for the restoration of habitats and ecosystems.

65. Forest and Bird (289.152) considers the wording in CE-P5 needs amending to give direction and seeks amending as follows:

Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment where it has been degraded. The use, development, and protection of natural and physical resources in the coastal environment ~~must be is~~ compatible with:

- a. providing maintaining, and improving ecological corridors;
- b. ~~public access, open space, recreation, and amenity values;~~
- c. maintenance of indigenous biodiversity;
- d. ~~bank stability and areas for the treatment of stormwater;~~
- e. reinstatement of natural hydrological systems, and
- f. retaining and restoring natural coastal features, ecosystems, and habitats.

CE-P5 is intended to give effect to Policy 14 of the NZCPS while recognising the modified nature of many parts of Napier's coastal environment and the operational needs of flood and stormwater management in this low-lying city. I therefore accept in part this submission, in that the change to insert new words 'must be' is accepted, while the deletion of (b) and (d) is rejected.

66. Considering my assessment above, I recommend the following changes to CE-P5: Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment ~~where it has been degraded~~. The use, development, and protection of natural and physical resources in the coastal environment ~~must be~~ is compatible with:
- a. providing maintaining, and improving ecological corridors;
 - b. public access, open space, recreation, and amenity values;
 - c. maintenance of indigenous biodiversity;
 - d. bank stability and areas for the treatment of stormwater;
 - e. reinstatement of natural hydrological systems, and
 - f. retaining and restoring natural coastal features, ecosystems, and habitats.
67. The Department of Conservation (253.73); (253.74); (253.75); (253.76); (253.77); and (253.78) DOC support policies CE-P7- P12 as they implement the NZCPS and seeks that these are retained as notified. I recommend accepting these submissions in part, due to a minor change within CE-P8.
68. Submission 289.3 considers that the Proposed Napier District Plan is not consistent with NZCPS 2010 and seeks to amend the Coastal Environment chapter to give effect to section 6(a) to 6(d) of the RMA and to Policies 3, 11, 13, 14 and 15 of the NZCPS, and should be consistent with the Hawkes Bay Regional Coastal Environment Plan. I recommend accepting the submission to the extent that recommendations to give effect to the NZCPS 2010 and HBRCP are made throughout the Coastal Environment chapter through separate submission points.
69. Submission 289.146 considers that CE-O3 isn't clear in terms of whether the management of adverse will be avoided, remedied, or mitigated is consistent with the NZCPS 2010 they seek the following change;
Provide for activities and development in the coastal environment that protect and/or restore the following values and functions, and where adverse effects can be appropriately avoided, remedied or mitigated:
- I recommend accepting the change to ensure the chapter is consistent with the NZCPS 2010.
70. Submissions 289.160 and 289.161 consider there is no policy giving effect to policy 13 and 15 of the NZCPS 2010 and seeks that new policies are added to give effect to these. I recommend accepting these submissions and adding in a new policy that gives effect to these. Refer to Appendix A. Several amendments recommended throughout this issue are to also give effect to policy 13 and 15.
71. Submission 289.162 considers the assessment criteria does not refer to the requirement to avoid adverse effects, and in other cases avoid significant effects, and remedy and mitigate other effects. This needs to be included to give effect to policies 11, 13 and 15 of the NZCPS. I recommend accepting the submission in part. CE-AC1 (b) notes that the objectives and policies are to be considered in addition to the AC below. With the re-crafting of existing objectives and policies to give effect to the NZCPS, this, in part, addresses the relief sought by Forest and Bird. In addition, I recommend amending AC-1 to be expanded by adding in natural landscapes and adding in the words "The extent to which the proposal avoids adverse effects on areas of outstanding natural coastal landscapes, or avoids significant adverse effects on other coastal landscapes.", as set out in Appendix A. I recommend rejecting FS 236.289.162 and accepting in part 399.289.162.

72. Submission 253.3 seeks that plan be reviewed to implement the NZCPS 2010. I recommend accepting this submission in part. A review is unnecessary however the chapter does need to be amended to give effect to the NZCPS 2010. The amendments recommended above, ensure that the chapter gives effect to the NZCPS 2010, therefore I recommend the submission is accepted in part.

Summary of recommendations

73. Hearing Stream 2 Coastal Environment Recommendation 1: that submission 202.15 is rejected and FS 35.202.15 is accepted in part.
74. Hearing Stream 2 Coastal Environment Recommendation 2: that submission 202.16 is accepted, FS35.202.16 is accepted in part, and FS235.202.16 is accepted.
75. Hearing Stream 2 Coastal Environment Recommendation 3: that submissions 253.61 and 253.62 are accepted.
76. Hearing Stream 2 Coastal Environment Recommendation 4: that submission 253.63 is accepted. Submission 99.76 is accepted.
77. Hearing Stream 2 Coastal Environment Recommendation 5: that submission 253.66 and 289.147 are accepted.
78. Hearing Stream 2 Coastal Environment Recommendation 6: that submission 253.68 is accepted in part.
79. Hearing Stream 2 Coastal Environment Recommendation 7: that submission 253.64 is rejected.
80. Hearing Stream 2 Coastal Environment Recommendation 8: that submission 253.69 is accepted.
81. Hearing Stream 2 Coastal Environment Recommendation 9: that submission 289.70 is accepted and that FS266.253.70 is accepted in part.
82. Hearing Stream 2 Coastal Environment Recommendation 10: that submission 253.72 is accepted in part.
83. Hearing Stream 2 Coastal Environment Recommendation 11: that submission 289.152 is accepted in part.
84. Hearing Stream 2 Coastal Environment Recommendation 12: that submissions 253.73, 253.74, 253.75, 253.76, 253.77, and 253.78 are accepted in part.
85. Hearing Stream 2 Coastal Environment Recommendation 13: that submission 289.3 is accepted.
86. Hearing Stream 2 Coastal Environment Recommendation 14: that submission 289.146 is accepted.
87. Hearing Stream 2 Coastal Environment Recommendation 15: that submission 289.150 is accepted in part and FS415.289.150 and FS236.289.150 are rejected.

88. Hearing Stream 2 Coastal Environment Recommendation 16: that submissions 289.160 and 289.161 are accepted.
89. Hearing Stream 2 Coastal Environment Recommendation 17: that submission 289.162 is accepted in part. That FS 236.289.162 is rejected 399.289.162 is accepted in part.
90. Hearing Stream 2 Coastal Environment Recommendation 18: that submission 253.3 is accepted in part.

S32AA Evaluation

S32AA – changes to adequately reference and give effect to the NZCPS 2010 within the Objectives and Policies located in the Coastal Environment Chapter.

The recommendations I have made on proposed amendments to the Coastal Environment chapter of the Proposed District Plan (PDP) seeks to align its objectives and policies with specific policies of the New Zealand Coastal Policy Statement 2010 (NZCPS). A range of changes have been recommended throughout Appendix A of the Section 42A report to ensure that the chapter fully gives effect to the NZCPS 2010, with particular emphasis on Policies 11, 13, 14, and 15.

Upon review, it is evident that the notified version of the chapter gives effect primarily to the Hawke’s Bay Regional Coastal Environment Plan (HBRCEP), which was publicly notified in 2006 and largely reflects the earlier NZCPS 1994. This has resulted in a gap within the PDP, where the chapter fails to adequately reference and give effect to the NZCPS 2010.

Key amendments include:

- Wording changes to Policies CE-P1, CE-P2, and CE-P3.
- The removal of Policy CE-P1 from the policy framework and its relocation to the introduction of the chapter.
- Wording revisions to Objectives CE-O1 and CE-O3.
- The addition of a new objective to ensure alignment with Policy 11 of the NZCPS 2010.

Submissions on the PDP have highlighted that the Coastal Environment chapter does not currently give full effect to the NZCPS 2010. I consider the proposed amendments to the objectives and policies necessary to achieve compliance with the NZCPS 2010 and to fulfill the intended purpose of the Coastal Environment chapter.

The introduction to the Coastal Environment chapter acknowledges that the use, development, and protection of the coastal environment must be managed in accordance with the Resource Management Act 1991 (RMA) and the NZCPS 2010. Therefore, to achieve the objectives of the chapter, it is essential that it correctly references and implements the policies of the NZCPS 2010. The submissions received reinforce that this alignment has not been fully realised in the notified version of the PDP.

By ensuring the chapter gives effect to the NZCPS 2010, the proposed amendments align Napier’s Coastal Environment provisions with current central government direction. While these changes do not alter the fundamental purpose or scope of the chapter, they enhance its clarity and usability for plan users and administrators, ensuring consistency with national direction. The NZCPS is very clear about how effects on natural character, natural features and landscapes, and indigenous biodiversity within the coastal environment should be managed. With the Coastal Environment chapter not containing any rules to manage activities, it is essential that

<p>the wording of the objectives and policies appropriately aligns with the policies of the NZCPS so that any effects on these matters can be appropriately considered throughout the Plan.</p>	
Benefits	Costs
<p>Environmental:</p> <ul style="list-style-type: none"> • Ensuring that Napier's coastal environment chapter gives effect to the NZCPS 2010 provides a more comprehensive and detailed framework, with stronger protections for biodiversity, cultural values, and coastal hazards, as well as a clearer focus on adapting to climate change and enhancing integrated coastal management. • Clarity on when effects should be avoided, and when effects can be mitigated provide direction to the Plan User on to appropriately consider a proposed activity within the coastal environment that might impact on natural character, natural features and landscapes, and indigenous biodiversity. 	<p>Environmental:</p> <ul style="list-style-type: none"> • There will be little to no environmental cost as the provisions are focused on the holistic management of the coastal environment.
<p>Economic:</p> <ul style="list-style-type: none"> • The NZCPS 2010 acknowledges the use of infrastructure such as ports and recognises the balance of interests that need to be considered with the use and development of the coastal environment for infrastructure purposes. It specifically provides for Ports (Policy 9) and recognises that natural character includes modified elements of the coast. This acknowledgement ensures the functional operation of the port will continue. The port and its function is very important to Napier's economy. Passengers 	<p>Economic:</p> <ul style="list-style-type: none"> • The NZCPS provides clear direction on which effects should be avoided and which should be mitigated. Greater clarity in a policy framework that influences whether a proposed activity is considered appropriate or not reduces uncertainty and risk, which helps when making capital investment decisions. • Network utility providers may consider that the amendments to the objectives and policies of the Coastal Environment chapter to better align with the NZCPS introduces complexity and introduces additional

<p>on cruise ships bring in large retail footfall.</p> <p>Exports that go out of the port are one of the biggest contributors to the economy. Although there are no specific NZCPS policies relating to other infrastructure such as roads, rail or other network utilities, the NZCPS provides direction on an appropriate pathway for enabling such activities where effects can be appropriately avoided, remedied or mitigated.</p>	<p>matters that need to be considered when applying for a resource consent or Outline Plan.</p>
<p>Social:</p> <ul style="list-style-type: none"> Aligning this chapter with the NZCPS 2010 provides clear direction on the protection of natural landscapes and features, natural character, and indigenous biodiversity, which in turn enhances recreational use, tourism, and other social values within coastal areas. Having well preserved and protected coasts strengthens community identity, benefiting people socially. 	<p>Social:</p> <ul style="list-style-type: none"> There is the potential for conflicts of interest within this space. The NZCPS has a strong focus on protecting the natural character of the coast, and any desire for coast development can conflict with the desire for protection. Infrastructure that provides a high level of public access to the coast are required to consider the impact on natural character, natural features and landscapes, and indigenous biodiversity.
<p>Cultural:</p> <ul style="list-style-type: none"> Implementing the NZCPS and referencing to it ensures the preservation and restoration of the coast which is culturally significant taonga for local iwi and hapū The NZCPS allows for incorporation of Tikanaga Māori which is present within chapter. 	<p>Cultural:</p> <ul style="list-style-type: none"> Limits in place to protect the coast may affect the customary practices of iwi or hapū.

Risk of acting or not acting if there is insufficient information. – s 32(2)(c)	
The information available is considered sufficient to inform this aspect of the review.	
Efficiency – s 32(1)(b)(ii)	
The changes to the provisions are efficient at achieving the objectives as the benefits generally outweigh the costs, is the least cost to members of society, effectively implements the NZCPS2010 and achieves the greatest net benefit.	
Effectiveness – s 32(1)(b)(ii)	
<p>The proposed amendments are the most effective means of achieving the objectives as together they will:</p> <ul style="list-style-type: none"> • Give effect to the relevant strategic objectives of the Proposed District Plan. • Recognise and provide for the relevant matters of national importance under s 6 of the RMA. • Have regard to relevant matters under s 7 of the RMA. • The provisions give effect to the NZCPS 2010, the RPS and the HBRCEP. 	
Alternative Options – s32(1)(b)(i)	
Option 1: Status Quo, the Coastal Environment chapter gives effect to the HBRCEP that implements the NZCPS 1994.	<p>This option is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> • It is outlined in the RMA that District Plans must give effect to the NZCPS 2010. The submissions on the PDP highlighted that the PDP did not effectively do this. If Status Quo was kept the District Plan would not be adhering to the RMA as it should. • The NZCPS has a stronger focus on climate change, enhanced protection of biodiversity, has a firmer stance on subdivision, improved public access, an expansion on Māori partnerships, and has specific guidance on how to protect the natural landscape and character of the coast. Keeping Status Quo would mean that the District Plan would not give effect to these enhancements that would be beneficial for Napier's coastline.

Overall evaluation

In summary, the proposed amendments provide a clear and efficient pathway to ensure Napier's Coastal Environment chapter is aligned with the NZCPS 2010. The changes enhance environmental protection, social and cultural values, and ensure economic activities such as port operations are not adversely affected.

4.2 Issue #2 – Significant Infrastructure

4.2.1 General policy direction

Matters raised by submitters

91. Transpower (99.77) supports the reference to functional or operational need within CE-P2.
92. KiwiRail (168.78) supports the consideration of the functional or operational needs to locate within the coastal environment, opportunity to mitigate anticipated effects, and the existing land uses on the site within CE-P2.
93. Transpower (99.79) seeks to amend the introduction to provide clarity that the policy and rule and framework for the operation, maintenance, upgrade and development of network utilities is contained within the network utilities chapter. They seek to amend the text as follows:

This chapter contains the overarching objectives and policy framework to protect and manage the natural character and values of the coastal environment as well as provisions to manage activities within it. However, the associated rules are contained in the underlying zone chapters, such as the Open Space Zone, the Rural Production Zone, Subdivision, and other relevant district-wide chapters of the District Plan. The policy and rule framework for the operation, maintenance, upgrade and development of Network Utilities are managed in the Network Utilities Chapter.

HBAL (FS 351.99.79) seeks amendment of this submission as it does not align with HBAL's original submission that the rules in the NU chapter should not apply to Airport Activities in the Airport Zone.

94. KiwiRail (168.77) submits that the coastal environment overlay extends over large sections of the rail corridor and considers that a new policy is required to reflect how the rail corridor interacts with the coastal environment and provide for rail activities. The relief sought is to add an objective that considers adverse effects of network utilities that also recognises the functional need for such activities as follows:

CE-O7: Adverse effects of network utilities

The adverse effects of network utilities on the natural character of the coastal environment are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and operational needs of network utilities (including those associated with their scale, design, and locational requirements).

Department of Conservation (FS 400.168.77) opposes the submission noting that it is unclear whether this proposed policy is sought to address Policy 13 of the NZCPS 2010 as the proposed policy covers natural character and not outstanding natural character. They seek to disallow this submission or remove the words 'as far as practicable'. Sera Chambers (FS 214.168.77) also opposes the submission. Transpower (FS 409.168.77) supports the submission.

95. Golden Bay (180.6) and (180.25) opposes the entire chapter, noting that while a number of policies recognise the operational and functional needs to locate the Port in the coastal environment, and the need to account for existing built character in the assessment criteria, they submit that the objectives do not appropriately give effect to Policy 9 of the NZCPS 2010 and are weighted too heavily to the preservation and protection of natural coastal values. They seek to amend the objectives to acknowledge the importance of and modified nature of the Port, and the impact of existing land uses on natural character. They also seek to amend the CE chapter under the heading 'Other relevant District Plan provisions' to include a cross reference to Part 3 of the PORTZ zone. KiwiRail (FS 268.180.25) supports submission 180.25.
96. The Port of Napier (202.17) supports CE-P1 but would like infrastructure to be described as significant rather than important. Golden Bay (FS 35.202.17) supports the submission.
97. Submission 215.94 from The Fuel Companies (215.94); (215.95); (215.96); and (215.97) support and seek the retention of CE-I1, CE-P1, CE-P2, and CE-P10.

Assessment

98. Submission 99.77 supports reference to the functional or operational needs provided for within CE-P2. I recommend accepting the submission, noting my recommendations on other amendments being suggested for the policy below. Submission 168.78 supports the consideration of the functional or operational need to locate within the coastal environment, opportunity to mitigate anticipated effects, and the existing land uses on the site within CE-P2. I recommend accepting the submission, noting my recommendations below are to amend CE-P2, however the specific parts in which Ravensdown is supporting are recommended to be retained in the policy.
99. Submission 99.79 seeks to amend the introduction to provide clarity that the policy and rule framework for the operation, maintenance, upgrade and development of network utilities is contained within the network utilities chapter. FS 351.99.79 from HBAL on the basis that rules in the NU chapter should not apply to Airport Activities. I recommend rejecting the submission. The Coastal Environment Chapter already includes within its introduction that the chapter must be considered alongside other district wide matters: This chapter contains the overarching objectives and policy framework to protect and manage the natural character and values of the coastal environment as well as provisions to manage activities within it. However, the associated rules are contained in the underlying zone chapters, such as the Open Space Zone, the Rural Production Zone, Subdivision, and other relevant district-wide chapters of the District Plan.

District-wide matters include Network utilities therefore I think it is unnecessary to recommend that this be stated explicitly within the Coastal Environment chapter. I also note that the section titled 'Other relevant District Plan provisions' is recommended to be amended to include a broader statement noting that other spatial and district-wide chapters may be relevant to this chapter, in response to submission 189.9. Where appropriate, activities triggering resource consent within the Network Utilities chapter often include matters of discretion that enable the consideration of effects on matters such as biodiversity and the ecosystem, and natural character, landscape values – all matters that are relevant where these network utilities are located within the coastal environment, In this situation, the objectives and policies of the Coastal Environment would also be relevant and considered as part of considering the appropriateness of an activity.

I recommend accepting in part FS351.99.79 from HBAL as the network utility chapter is not being referenced specifically within the introduction of the Coastal Environment chapter. This further submission is otherwise not relevant to the Coastal Environment chapter as the relief sought is related to the Network Utilities chapter.

100. Submission 168.77 from KiwiRail seeks that a new objective is added as follows, and that a new policy stemming from this amended objective:

CE-Ox: Adverse effects of network utilities

The adverse effects of network utilities on the natural character of the coastal environment are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and operational needs of network utilities (including those associated with their scale, design, and locational requirements).

FS 400.168.77 and FS 214.168.77 oppose this submission. Further submission 409.168.77 supports the submission.

The coastal environment overlay within the Proposed Napier District Plan mirror the area mapped within the Hawkes Bay Regional Coastal Environment Plan. CE-O6 addresses the interface of existing activities and development within the coastal environment with the natural environment. This is further addressed by CE-P1, which identifies important infrastructure as a part of the character of the coast, and CE-P2 which provides direction on whether an activity may be appropriate within the coastal environment (including whether there is an operational or functional need to locate there). My recommendation on submission 202.16 to amend CE-O3 to recognise the importance of infrastructure including transportation networks further addresses the relief sought. I am therefore recommending accepting in part submission 168.77 and FS 409.168.77 due to the relief sought and recommendation made by others above. I recommend accepting in part FS 400.168.77 and FS 214.168.77 in opposition of the submission insofar as new objective has not been recommended.

101. Two submissions from Golden Bay (180.6); (180.25) oppose the whole chapter noting that the objectives do not appropriately give effect to Policy 9 of the NZCPS 2010 and are weighted too heavily to the preservation and protection of natural coastal values, they also seek a cross reference within the chapter to reference the Port zone chapter. FS 268.180.25 supports submission 180.25. I recommend accepting the submissions in part. My recommendation on submission 202.16 seeks to amend Objective 3 by adding in reference to the port. Recommending this change supports the amendment sought by Golden Bay. However, cross-referencing other zones within the plan is unnecessary. It is made clear in the coastal environment chapter that the underlying zone rule applies, therefore specific reference is unnecessary. Although Golden Bay's submission explicitly mentioned the objectives not giving effect to policy 9 of the NZCPS, it did also state that the whole chapter didn't give effects to policy 9 and that this needed to be rectified. Having considered the policies of this chapter and the recommended relocation of Policy 1 to the Introduction, I consider there is a gap in the policies to give effect to Policy 9. Should the Panel be satisfied that the inclusion of an additional policy to give effect to Policy 9 of the NZCPS be within scope of this submission, I recommend the following new policy:

CE-Px: Ports

Recognise and provide for ports and their connections with other transport modes by ensuring development in the coastal environment does not adversely affect their safe and efficient operation.

Relates to CE-O3 and CE-O6

102. Submission 202.17 seeks that in CE-P1 infrastructure is described as significant rather than important. FS 35.202.17 supports the submission. CE-P1 is being relocated to the introduction as recommended above, however I recommend accepting in part and making the suggested wording changes to the introduction.

103. The Fuel Companies (215.94); (215.95); (215.96); and (215.97) support and seek the retention of CE-I1, CE-P1, CE-P2, and CE-P10. I recommend that submission 215.95 that seeks the retention of CE-P1 is accepted in part due to the recommendation to move the content of the policy to the introduction. I recommend that submission 215.96 is accepted in part due to amendments being recommended within CE-P2 and I recommend accepting 215.94 and 215.97.

Summary of recommendations

104. Hearing Stream 2 Coastal Environment Recommendation 19: that submissions 99.77 and 168.78 are accepted.
105. Hearing Stream 2 Coastal Environment Recommendation 20: that submission 99.79 is rejected and FS351.99.79 is accepted in part.
106. Hearing Stream 2 Coastal Environment Recommendation 21: that submission 168.77 and FS 409.168.77, FS214.168.77 and 400.168.77 are accepted in part.
107. Hearing Stream 2 Coastal Environment Recommendation 22: That submissions 180.6, 180.25 and FS 268.180.25 are accepted in part.
108. Hearing Stream 2 Coastal Environment Recommendation 23: that submission 202.17 is accepted in part and FS 35.202.17 is accepted in part.
109. 105. Hearing Stream 2 Coastal Environment Recommendation 24: that submission 215.95 is accepted, 215.96 is accepted in part and submissions 215.94 and 215.97 are accepted.

4.3 Issue #3 – Minor amendments

4.3.1 General policy direction

Matters raised by submitters

110. Alan Petersen (271.2) seeks to amend CE-I6 by referencing that the coastal environment along Napier’s coastline (and nearby land & the seabed) was uplifted by 1.6m to 2m by the 1931 Earthquake.
111. The Department of Conservation (253.65) considers that CE-O3 provides a strong list of activities that protect and restore the values and functions of the coastal environment but to ensure that the objective gives effect to its intended extent, seeks the following amendments:
- CE-O3: Values and functions of the coastal environment**
Provide for activities and development in the coastal environment that protect and/or restore the following values and functions:
- views along the foreshore and to and from the ocean;
 - recreational activities and educational values;
 - habitats of **indigenous and migratory** species;
 - safeguarding riparian, **coastal** and marine ecosystems;
112. The Department of Conservation (253.67) seeks amendment of CE-06 to be CE-O6.
113. The Department of Conservation (253.71) seeks amendment to the policy name in CE-P4 of to reflect the intention of the policy.

114. The Department of Conservation (253.79) considers there is significant overlap between the assessment criteria listed and considers that the assessment criteria should be refined to prevent confusion. DOC states that indigenous biodiversity should be expanded to include the potential adverse effects for indigenous biodiversity. They seek to insert under 'effects on indigenous biodiversity' whether the proposal prevents or contributes to the adverse effects on indigenous biodiversity such as, but not limited to, destruction of habitat.

115. Alan Petersen (271.1) seeks that in the introduction is amended to remove the slash from the word plan/s.

116. Alan Petersen (271.3) seeks that CE-P1 is amended to describe Napier's coastline in a more geomorphically-accurate matter by replacing 'an exposed gravel foreshore' with 'raised gravel barrier'.

117. HNZPT (273.157) opposes CE-P1 and considers that the heritage values expressed in CE-I1 and CE-O3 have not been brought into the policy framework. They seek the following changes to be made to CE-P1:

Identify and protect the natural features and natural character of the coastal environment:

An urban waterfront character with historic heritage values

118. Forest and Bird (289.148) considers CE-O6 needs amending to be applied as a tool to guide decision making. They seek the following changes to be made to CE-O6:

The Plan acknowledges the coastal environment as a significant part of the city which affects and relates to numerous parts of land use activities. The Council is collaborating with the Hawke's Bay Regional Council as well as the Department of Conservation, including. The Plan's objectives for the coastal environment include:

119. Forest and Bird (289.155) seeks amendment of CE-P8 as the submission considers that the word 'reinstate' is unclear and states 'restoration' is a better word.

120. Forest and Bird (289.157) considers undue risk in CE-P10 needs clarification.

Assessment

121. Adding into the chapter that Napier's coastline was uplifted by the 1931 earthquake as sought in submission 271.2 from Alan Peterson, would provide additional context on the nature of Napier's coastline. I therefore recommend to accept this submission in part and add the statement to the introduction. CE-I6 is about the effects of climate change not earthquakes and therefore doesn't need this context.

122. Submission 253.65 considers that CE-O3 provides a strong list of activities that protect and restore the values and functions of the coastal environment, but seek that for the objective to serve its intended purpose some minor wording changes are to be made, such as adding in the words indigenous and migratory in front of species and for coastal ecosystems to be included within safeguarding. I recommend accepting the wording changes as they provide greater clarity as to what the objective is achieving.

123. Submission 253.67 seeks amendment of CE-O6 to change the objective from reading CE-O6 to CE-O6. I recommend accepting the submission as it allows to the correction of an error within the chapter. I also recommend making the same change to objective 5.

124. Submission 253.71 seeks that name of CE-P4 is amended to reflect the intention policy. CE-P4 is about controlling effects of use to prevent incremental loss of biodiversity. The title of the policy is control activities to prevent the incremental loss of biodiversity and natural values. I recommend rejecting the submission as the title of the policy does not reflect its intent.
125. Submission 253.79 considers there is significant overlap between the assessment criteria and seeks this is refined by interesting under effects on indigenous biodiversity whether the proposal prevents or contributes to the adverse effects on indigenous biodiversity to prevent confusion. I recommend accepting the submission. There is a change proposed from submission 289.162 which addresses such concerns. These changes have been recommended, and if accepted the request within this submission will also be accepted.
126. Submission 271.1 seeks to remove from the slash within the word plan in their introduction. I recommend rejecting the submission as the slash – Plan/s allows for more than one plan to be referenced within the chapter. This part of the chapter is referring to reserve management plans, in which there is more than one of, having the slash means that these are all correctly accounted for.
127. Submission 271.3 seeks that CE-P1 is amended to reflect Napier's coastline by replacing the words 'an exposed gravel foreshore' with 'raised gravel barrier'. I recommend accepting the submission..
128. Submission 273.157 opposes CE-P1 and considers that the heritage values expressed in CE-I1 and CE-O3 have not been brought into the policy framework. They seek that 'An urban waterfront character with historic heritage values' is added to the policy. It has been recommended that the policy is deleted and get added to the introduction of the chapter. Even so, the content within this section doesn't recognise the heritage value of Napier's coast. I recommend accepting the submission in part by adding in reference to the heritage values of the coast within the introduction where such content is being moved.
129. Submission 289.148 considers that CE-O6 needs amending to be applied as a tool guide decision making. They suggest it be amended by adding in: 'The Plan's objectives for the coastal environment include' I recommend accepting the submission as it provides greater clarity as to what the objective is trying to achieve.
130. Submission 289.155 seeks amendment of CE-P8, as the work reinstate would be better than restoration. I recommend accepting the submission as reinstate provides the policy with greater clarity.
131. Submission 289.157 considers that 'undue risk' in policy 10 needs clarification. I recommend rejecting the submission as undue risk means unwarranted or unnecessary risk which I think is self-explanatory.

Summary of recommendations

132. Hearing Stream 2 Coastal Environment Recommendation 25: that submission 271.2 is accepted.
133. Hearing Stream 2 Coastal Environment Recommendation 26: that submission 253.65 is accepted.
134. Hearing Stream 2 Coastal Environment Recommendation 27: that submission 253.67 is accepted.
135. Hearing Stream 2 Coastal Environment Recommendation 28: that submission 253.71 is rejected.
136. Hearing Stream 2 Coastal Environment Recommendation 29: that submission 253.79 is accepted.

- 137. Hearing Stream 2 Coastal Environment Recommendation 30: that submission 271.1 is rejected.
- 138. Hearing Stream 2 Coastal Environment Recommendation 31: that submission 271.3 is accepted.
- 139. Hearing Stream 2 Coastal Environment Recommendation 32: that submission 273.157 is accepted in part.
- 140. Hearing Stream 2 Coastal Environment Recommendation 33: that submission 289.148 is accepted.
- 141. Hearing Stream 2 Coastal Environment Recommendation 34: that submission 289.155 is accepted.
- 142. Hearing Stream 2 Coastal Environment Recommendation 35: that submission 289.157 is rejected.

4.4 Issue #4 Out of Scope

4.4.1 General policy direction

Matters raised by submitters

- 143. Forest and Bird (289.6) seeks that the council enacts regulations to reduce the use of vehicles and restrict dog access to areas of the beach that are known as critical breeding and resting grounds for marine wildlife and by supporting efforts to change legislation in New Zealand so that beaches are no longer considered roads. Biodiversity Hawke’s Bay (FS 39.289.6) supports this submission.
- 144. Forest and Bird (289.139) seeks to ensure that the ecosystems and indigenous biodiversity chapter, contains specific Coastal Environment provisions. Forest and Bird (289.163) opposes the entire chapter due to the late notification of the ECO chapter and seeks to add:

“The Ecosystems and Indigenous Biodiversity chapter includes provisions which relate to activities in the coastal environment. Where there is a conflict between the Coastal Environment chapter and the Ecosystems and Indigenous Biodiversity chapter, the provisions that place greater or additional restrictions on activities with adverse effects on the natural environment will apply”.
- 145. Forest and Bird (289.143) considers amending the whole chapter and states it is not yet clear whether the ecosystems and indigenous biodiversity chapter will address indigenous biodiversity in the coastal environment.
- 146. Forest and Bird (289.154) seeks to amend CE-P7 as follows, and to consider including a non-exhaustive list of the types of activities to be restricted/avoided, including new rules for activities such as private vehicle use on beaches, access of dogs and the establishment of buffer/setback from estuary of at least 20m:

To restrict the location and timing of activities, or require the complete avoidance of activities, ...

KiwiRail (FS 236.289.154) opposes the submission as they are concerned that the proposed changes fail to recognise the functional and operational need to provide for rail activities within the established rail corridor. They seek that any changes relating to indigenous biodiversity be deferred to the Ecosystems and Indigenous Biodiversity variation.

147. Forest and Bird (289.158) considers that CE-P11 does not consider dogs and seeks amendments that dog access should be restricted in areas where indigenous biodiversity is present.

Assessment

148. Submissions 289.6, FS 39.289.6 and 289.158 both seek to control dogs and vehicles on the coast for the benefit on indigenous biodiversity and habitats. The control of dogs is managed through the Dog Control Bylaw. The use of vehicles on the beach would also be controlled through a Bylaw, and not through the District Plan. I therefore recommend to reject these submissions.
149. Submission 289.154 seeks to amend CE-P7 to include the avoidance of activities and also seeks the consideration of including a list of activities that should be avoided, as well as new rules for vehicles on beaches, dogs and buffer/setback for the estuary of at least 20m. FS 236.289.154 opposes the submission due to operation need. As stated above the control of dogs is managed through the Dog Control Bylaw. The use of vehicles on the beach would also be controlled through a Bylaw. CE-P9 is about maintaining natural buffer areas and setbacks around significant indigenous biodiversity. There are no specific rules, within the coastal environment chapter, which means that other chapters, including zone provisions and district-wide provisions, must provide the opportunity to consider the Coastal Environment chapter when resource consent is required. Therefore, I am recommending rejecting the submission and accept FS 236.289.154.
150. Submissions 289.139, 289.134 and 289.143 seek to ensure that the Ecosystems and Indigenous Biodiversity Chapter contains specific Coastal Environment provisions and that it addresses indigenous biodiversity in the coastal environment. I recommend rejecting these submissions as the ECO chapter will be notified as a variation to PDP.

Summary of Recommendations

151. Hearing Stream 2 Coastal Environment Recommendation 36: that submissions 289.6, FS 39.289.6 and 289.158 are rejected.
152. Hearing Stream 2 Coastal Environment Recommendation 37: that submission 289.154 is rejected and FS 236.289.154 is accepted.
153. Hearing Stream 2 Coastal Environment Recommendation 38: that submissions 289.139, 289.163 and 289.143 are rejected.

4.5 Issue #5 Rules

4.5.1 General policy direction

Matters raised by submitters

154. Transpower (99.78) supports that there are no specific Coastal Environment rules.
155. The Port of Napier (202.18) seeks to amend the rules table to ensure appropriate cross references are in the underlying zone chapters so that the coastal environment Objectives (CE-O1 to CE-O6), Policies (CE-P1 to CE-P12) and Assessment Criteria (CE-AC-1) are assessed in any resource consent application. FS35.202.18 supports the submission.
156. Forest and Bird (289.138) considers the entire plan needs amending to include specific rules to manage the coastal environment. The submitter states that alternatively they seek the CE chapter is amended to contain rules. Department of Conservation (FS399.289.138) supports this submission.
157. Forest and Bird (289.178) notes that the objectives and policies of the Coastal Environment chapter are intended to be implemented through rules located within other chapters, and that it is unclear whether this has occurred in a comprehensive manner. They wish to amend each chapter of the Plan to include specific rules relating to activities within the coastal environment.
158. Forest and Bird (289.156) seeks to amend CE-P9 to ensure that rules give effect to this policy and seeks to ensure that rules apply adequate buffers/setbacks (of at least 20m) to be applied to Ahuriri Estuary to protect indigenous biodiversity and other natural environment values.

Assessment

159. There are no specific rules, within the coastal environment chapter, which means that other chapters, including zone provisions and district-wide provisions, must provide the opportunity to consider the Coastal Environment chapter when resource consent is required. This is typically achieved through matters of discretion and assessment criteria. A comprehensive review of relevant chapters across the District Plan is required to ensure the Coastal Environment chapter is effectively integrated across the Plan. Where changes are required to other chapters, this submission will be addressed within those s42A reports, and the appropriate changes recommended. I therefore recommended accepting submissions 202.18, FS 35.2020.18 and 289.178 in part, insofar as these submission points will also be addressed in the relevant chapters where changes are recommended. I do not consider that rules within the Coastal Environment chapter are necessary and therefore I recommend accepting submission 99.78 and rejecting submissions 289.138 and FS 399.289.138.
160. In response to submission 289.156, provisions that address setbacks from the Estuary are considered in the Ecosystems and Indigenous Biodiversity variation and so will not be addressed here.

Summary of Recommendations

161. Hearing Stream 2 Coastal Environment Recommendation 39: that submissions 202.18, FS 35.202.18 and 289.178 are accepted in part, submission 99.78 is accepted and submissions 289.138, FS 399.289.138, and 289.156 are rejected.

4.6 Issue #6 Mapping

4.6.1 General policy direction

Matters raised by submitters

162. Hawkes Bay Airport Limited (198.164) considers the area defined as coastal environment appears to follow Historic Boundary lines, rather than accurately reflecting a defined area of the coastal environment, which has otherwise been mapped as special character feature 9. HBAL seek the relevant planning maps need to be amended to ensure the boundary reflects the HBAL property boundary and the proposed character overlay.
163. Ravensdown (246.124) opposes the extent of the coastal environment overlay that is mapped in the planning maps, as part of the overlay traverses into the General Industrial Zone, the submitter considers this is not consistent with the resource management intent for the Coastal Environment chapter or the General Industrial Zone chapter and seek this part of the planning maps is deleted.
164. Transpower (99.75) supports the mapping of the coastal environment and seeks it is retained. HBAL (FS 351.99.75) opposes the submission as they are seeking minor amendments to the planning maps.

Assessment

165. Submissions 198.164, 246.124 and FS 351.99.75 oppose the mapping of the coastal environment. The Coastal Environment Overlay has been mapped in accordance with the HBRCEP, and the mapping provided in the PDP Planning Maps aligns with this. Therefore, I recommend rejecting the submissions and accepting submission 99.75 that supports the mapping of the Coastal Environment.

Summary of Recommendations:

166. Hearing Stream 2 Coastal Environment recommendation 40: that submissions 198.164, 246.124 and FS 351.99.75 are rejected, and submission 99.75 is accepted.

4.7 Issue #7 Miscellaneous

4.7.1 General policy direction

Matters raised by submitters

167. Forest and Bird (289.145) considers that CE-O2 should be amended to specify what public access looks like eg. Recreationists going for a walk staying on designated paths have limited impacts on a protected environment, while vehicle use or dogs off-lead are considered inappropriate.
168. Heritage New Zealand Pouhere Taonga (HNZPT) (273.155) supports CE-I1 The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects as notified.
169. Heritage New Zealand Pouhere Taonga (HNZPT) (273.156) Supports CE-O3 and seeks the values and functions of the coastal environment is retained as notified.
170. NZ Transport Agency Waka Kotahi (277.73) Supports CE-I6 as it recognises climate change can threaten public land and infrastructure and ensuring activities don't compromise the coastal processes to provide some degree of protection for existing activities and seeks the issue is retained as notified.

171. Forest and Bird (289.142) Supports CE-I7 and seeks it is retained.
172. Forest and Bird (289.149) Opposes CE-P1 as it considers that the policy should refer to the requirement to protect natural character and biodiversity, and manage effects in certain ways. They seek amendment as follows:
- In determining whether an activity may reduce the natural character in the coastal environment, and is inappropriate, particular regard must be given to:
- ~~a. the requirement to avoid, remedy or mitigate effects in accordance with policies 11, 13 and 15 NZCPS;~~
- ~~b. the nature and intensity of the proposed activity including:~~
- ~~i. the functional need or operational requirement to locate within the coastal environment, and~~
- ~~ii. the opportunity to mitigate anticipated adverse effects of the activity.~~
- c. the degree to which the natural character will be modified, damaged or destroyed including: ...
- FS 415.289.149 opposes the submission.
173. Forest and Bird (289.151) supports CE-P4 and seeks it is retained as notified.
174. Forest and Bird (289.153) supports CE-P6 and seeks it is retained as notified.
175. Forest and Bird (289.159) supports CE-P12 and seeks it is retained as notified.
176. Hawkes Bay Airport Limited (198.45) supports the chapter in general and seeks it is retained as notified.
177. Port of Napier (202.14) supports CE-I1 in particular the values associated with the natural character of the coastal environment are identified and protected from significant adverse effects and reference to the “highly modified port”
178. DoC (253.20) considers that the term ‘coastal environment should be defined using policy 1 of the NZCPS:
- Coastal environment
means an environment in which the coast is a significant element or part, and includes:
(a) the coastal marine area;
(b) islands within the coastal marine area;
(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
(d) areas at risk from coastal hazards;
(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
(g) items of cultural and historic heritage in the coastal marine and terrestrial systems, including the intertidal zone; and
(h) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Assessment

179. Submission 289.145 considers that CE-O2 should be amended to specify what public access looks like. I recommend rejecting the submission, CE-O2 adequately provides for the concern raised by stating that a high level of public access to the coast will be provided unless there are ecological protection reasons for restricting this access. The use of vehicles on the beach and the control of dogs are managed through other means, including Bylaws.
180. Submission 273.155 and 202.14 support CE-I1 and seeks it is retained as notified. There have been no changes recommended to the issue; I recommend accepting the submissions.
181. Submission 273.156 supports CE-O3 and seeks it is retained as notified. I recommend accepting the submission in part pursuant to the recommended wording changes within the objective.
182. Submission 277.73 supports CE-I6 and seeks it is retained as notified. I recommend accepting the submission.
183. Submission 289.142 supports CE-I7 and seeks it is retained as notified. I recommend accepting the submission.
184. Submission 289.149 opposes CE-P1 and considers the policy should refer to the requirement to protect natural character and biodiversity. They seek parts of the policy be deleted and reference to natural character be added. FS 415.289.149 opposes the submission. I recommend rejecting the submission as the policy is being recommended to be removed as a policy and instead being placed in the introduction, and accepting submission 415.289.149
185. Submissions 289.151, 289.53 and 289.159 support policies 4, 6 and 12. I recommend these submissions are accepted.
186. Submission 198.45 supports the chapter in general and seeks it is retained. I recommend that the submission is accepted in part.
187. Submission 253.20 seeks to define coastal environment as per policy 1 of the NZCPS 2010. I recommend accepting this submission, as it gives effect to the policy and provides context to plan users

Summary of Recommendations:

188. Hearing Stream 2 Coastal Environment Recommendation 41: that submission 289.145 is rejected.
189. Hearing Stream 2 Coastal Environment Recommendation 42: that submissions 273.155 and 202.14 are accepted.
190. Hearing Stream 2 Coastal Environment Recommendation 43: that submission 273.156 is accepted in part.
191. Hearing Stream 2 Coastal Environment Recommendation 44: that submission 277.73 is accepted

- 192. Hearing Stream 2 Coastal Environment Recommendation 45: that submission 289.142 is accepted
- 193. Hearing Stream 2 Coastal Environment Recommendation 46: that submission 289.149 is rejected and submission FS 415.289.149 is accepted
- 194. Hearing Stream 2 Coastal Environment Recommendation 47: that submissions 289.151, 289.53 and 289.159 are accepted.
- 195. Hearing Stream 2 Coastal Environment Recommendation 48: that submission 198.45 is accepted in part.
- 196. Hearing Stream 1 Coastal Environment Recommendation 49: that submission 253.20 is accepted.

4.8 Issue #8 Areas of Natural Character

4.8.1 General policy direction

Matters raised by submitters

- 197. Forest and Bird (289.140) (289.141)

Considers the s32 report states that:

“Nevertheless, there are residual areas, natural features, ecosystems, and ecological values that have retained original elements and processes of the environment, along with significant habitats of migratory species providing opportunities to restore the natural character and ecology of the coastal environment.”

Forest & Bird questions the statement that there are no high or significant areas of natural character have been identified in the coastal environment. They submit that it is unclear how Council arrived at that conclusion, and submit that Council should undertake a review to ensure that no areas have been missed. Te Whanga, for example, is surely a site of outstanding natural character, and should be identified and protected as such. The submission seeks to amend the issue to the effect that, to date, the Council has not yet identified areas of significant or high or outstanding natural character in the coastal environment, but that it will undertake a review to assess this. The submitter seeks to include areas, such as Te Whanga, that have high natural character in the coastal environment in the plan. The submitter seeks that Council include objectives, policies and rules to ensure any areas of natural character are appropriately protected.

- 198. Submission 289.144 Supports CE-O1 however questions, whether there are any areas of outstanding natural character that have not been included in the plan. If there are such areas, such as Te Whanga, this objective will need to be amended to give effect to NZCPS policy 13(a). The objective should also require that other effects (ie on non-outstanding areas of NC) are remedied or mitigated.

Assessment

199. In response to the submissions above I note that areas of high natural character have not been mapped within the Coastal Environment by Napier City Council. The HBRCP includes a section on the preservation of natural character and the protection of it from inappropriate subdivision, use and development, however this Plan does not map natural character. The identification and mapping of areas of outstanding natural character has also not been carried out as part of the District Plan Review, and as such the statement included in CE-I1 is correct. Instead, natural character (including outstanding natural character) is recognised through objectives and policies, and its protection is realised through the assessment of effects on a case-by-case basis when considering applications for resource consent within the coastal environment. I do consider it appropriate to add a new Objective to align with the relevant policies of the NZCPS and to identify the two tiers of management – areas of outstanding or significant values, and those other values.

Summary of Recommendations

200. Hearing Stream 2 Coastal Environment Recommendation 50: that submissions 289.140, 289.141, and 289.144 are accepted in part.

5. Minor and Inconsequential Amendments

201. Pursuant to Schedule 1, Clause 16(2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
202. I recommend that CE-I1 is amended to reflect the changes recommended in the Introduction where Napier's coastal environment is described.
203. The recommended amendments are set out in the 'track changes' versions of the applicable chapters, which are provided at **Appendix A**.

6. Conclusion

204. As discussed further within Parts 2 to 5 of this S42A Report, a wide range of submissions and further submissions have been received with respect to the residential provisions within the PDP. Submissions have been analysed, with my recommendations set out at **Appendix A** and **B**.
205. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
206. For the reasons set out in the S32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 (“RMA”) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - Achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

207. I recommend that:
- The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
 - The PDP is amended in accordance with the changes recommended in **Appendix A** of this report.

APPENDIX A – Recommended Amendments to Plan Provisions

CE - Coastal Environment

Introduction

The Napier coastline extends approximately 27 km from Waiohinanga (Esk River) in the north, to the Tūtaekurī River in the south. The coastline was uplifted between 1.6m and 2m in the 1931 Earthquake and it includes the port, the inlet to Te Whanganui-a-Orotū (Ahuriri Estuary) and a small area zoned rural. As such, Napier's coastal environment comprises a dynamic mix of natural processes and modified built features as well as significant ecological, cultural, heritage, recreational and commercial values that need to be sustainably managed in an integrated manner for the community.

Commented [BH1]: Alan Peterson (271.2)

Most of the coastline is a foreshore reserve, zoned open space and subject to the Reserves Act and reserve management plan/s. The foreshore reserve extends almost the full length of Napier's coastline from Waiohinanga (Esk River) in the north to Tūtaekurī River in the south. Part of this area is identified as the Marine Parade Recreation Control Area south of the port.

The Hawke's Bay Regional Council's Regional Coastal Environment Plan defines and identifies the 'coastal environment'. The character of the coastal environment in Napier includes:

- the vast outlook over the coastal marine area with landscape vistas;
- a predominance of open space and recreational assets;
- natural character modified by exotic vegetation as well as remnants of indigenous vegetation and habitats of migratory and indigenous species;
- high levels of public access, aesthetic values, landscape, and amenity values, and historic heritage in a coastal environment set in the context of a developed urban landscape;
- areas and features of cultural and spiritual values of mana whenua;
- important infrastructure, such as the port, the wastewater and stormwater infrastructure, and the National Aquarium amongst others;
- highly modified port;
- a sheltered inner harbour;
- an exposed gravel foreshore raised gravel barrier with a shingle beach;
- a beach front with a vulnerability to the effects of natural hazards such as coastal erosion and tsunami as well as sea level rise, and
- a coastal urban character with a vibrant mix of recreational, commercial, and residential activities at the waterfront.

Commented [BH2]: HNZPT (273.157)

Commented [BH3]: Port of Napier Limited (202.17)

Commented [FL4]: Alan Petersen (271.3)

Commented [FL5]: DoC (253.63)

The management of this coastline is a collaboration between Napier City Council and Hawke's Bay Regional Council. Napier City Council manages activities landward of the mean high-water spring while the Hawke's Bay Regional Council is responsible for activities seaward of the mean high-water spring.

This chapter contains the overarching objectives and policy framework to protect and manage the natural character and values of the coastal environment as well as provisions to manage activities within it. However, the associated rules are contained in the underlying zone chapters, such as the Open Space Zone, the Rural Production Zone, Subdivision, and other relevant district-wide chapters of the District Plan.

The use, development and protection of the coastal environment must be managed in accordance with the RMA and requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS). They include requirements for preserving, restoring, and enhancing the natural character of the coastal environment and protecting it from inappropriate subdivision, use, and development. It further provides requirements to avoid adverse and significant adverse effects on indigenous biodiversity.

The Plan identifies the extent of the coastal environment mapped as the Coastal Environment

Commented [FL6]: DoC (253.61)

Commented [BH7R6]: DoC (253.62)

APPENDIX A – Recommended Amendments to Plan Provisions

overlay recognising the characteristics and features where coastal processes, influences and qualities are significant.

A risk management approach applies to existing development and infrastructure while a risk reduction (including avoidance where appropriate) approach applies to new development. The Plan also encourages an adaptive management approach to manage coastal hazards and potential accelerated sea level rise which are addressed in the Natural Hazards chapter.

Statutory acknowledgements within the coastal environment

The cultural importance of the coastal environment to mana whenua includes water and traditional food sources. Access to mahinga kai and other areas of significance to mana whenua is of fundamental importance to the exercise of kaitiakitanga.

The Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 includes Waiohinanga (Esk River) and its tributaries (as shown on OTS-201-34), and the Heretaunga Tamatea Claims Settlement Act 2018 includes Tūtaekurī River and its tributaries within the Heretaunga Tamatea area of interest (as shown on OTS-110-25).

Other relevant District Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2 district-wide chapters and underlying spatial layers (eg zones) also contain provisions that may be relevant for your activity. including: It is recommended you check all District-Wide and spatial layer chapters when considering the provisions that relate to your activity.

- Ecosystems and Indigenous Biodiversity: Provisions relating to significant natural areas in the coastal environment are located in the Ecosystems and Indigenous Biodiversity chapter;
- Natural Features and Landscapes: Provisions relating to outstanding natural features and landscapes and special amenity landscapes in the coastal environment are located in the Natural Features and Landscapes chapter;
- Natural Hazards: Provisions relating to natural hazards affecting the coastal environment are located in the Natural Hazards chapter;
- Subdivision: Provisions relating to subdivision in the coastal environment are located in the Subdivision chapter, and
- Earthworks: Provisions relating to earthworks in the coastal environment are located in the Earthworks chapter.

Resource consent may therefore be required under the rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Commented [FL8]: Forest and Bird (289.9)

APPENDIX A – Recommended Amendments to Plan Provisions

Issues

CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects

The landward portion of the coastal environment has been identified as a narrow margin along the foreshore generally comprising the gravel/sand beach barrier. Policy 13 of the New Zealand Coastal Policy Statement identifies matters that are included in natural character, and that natural character is not the same as natural features, landscapes, or amenity values. While natural areas remain in Napier, no high or significant areas have been identified in the coastal environment. Nevertheless, the landscape and associated values of the coastal environment contribute to the district's distinctive and unique character and should be protected.

The character of Napier's coastal environment includes:

1. the vast outlook over the coastal marine area with landscape vistas;
2. a predominance of open space and recreational assets;
3. natural character modified by exotic vegetation as well as remnants of indigenous vegetation and habitats of migratory and indigenous species;
4. high levels of public access, aesthetic values, landscape, and amenity values **and historic heritage** in a coastal environment set in the context of a developed urban landscape;
5. an urban waterfront character with a historical heritage feel;
6. areas and features of cultural and spiritual values of mana whenua;
7. **important-significant** infrastructure, such as the port, the wastewater and stormwater infrastructure, and the National Aquarium amongst others;
8. highly modified port;
9. a sheltered inner harbour, and
10. **an exposed gravel foreshore raised gravel barrier** with a shingle beach.

Commented [FL9]: Cl. 16A minor amendment

Commented [FL10]: Cl. 16A minor amendment

Commented [FL11]: Cl. 16A minor amendment

CE-I2: Water quality of the inner harbour and Te Whanganui-a-Orotū (Ahuriri Estuary)

All land use activities generate contaminants, which are readily transportable by hydraulic action. Stormwater enters Te Whanganui-a-Orotū (Ahuriri Estuary) directly from rural catchments via a network of drains, which discharge the majority of Napier's untreated stormwater catchments.

The water quality discharging to Te Whanganui-a-Orotū (Ahuriri Estuary) is poor and the receiving waterbodies can accumulate these contaminants at levels creating adverse effects on aquatic life, as well as compromising opportunities for recreational uses such as swimming, kayaking, fishing, and gathering seafood.

In certain locations, industrial activities are located immediately adjacent to the coast and its margins, and these have further resulted in legacy issues of poor water quality and adverse effects due to discharges from high-contaminant-generating industrial uses.

CE-I3: There has been an incremental loss of indigenous ecosystems, natural character, landscape, and scenic values along extensive areas of the coast

Modified landscapes and exotic species are a feature of the natural character of the coastal environment in Napier. There has been a loss of natural character, landscape values, and wild or scenic areas along extensive areas of the coast. Nevertheless, there are residual areas, natural features, ecosystems, and ecological values that have retained original elements and processes of the environment, along with significant habitats of migratory species, providing opportunities to restore the natural character and ecology of the coastal environment.

APPENDIX A – Recommended Amendments to Plan Provisions

CE-I4: Public access

There is a high level of existing accessible public access along the coastal edge, and the management of the foreshore reserve ensures that the open space and recreational values are retained.

There is a mix of values associated with access to, and use of, recreational and educational spaces, freedom camping facilities, natural open spaces, and modified open spaces. The local and wider community value accessible access to recreational opportunities in the open space coastal environment. Changes in land use, commercial use, and mitigation of natural hazards can remove or reduce physically accessible walking and cycling opportunities for the public to and along the coastal marine area, while vehicles on beaches can cause ecological damage and create conflicts with other recreational users of the coastal environment.

CE-I5: The maintenance and enhancement of aesthetic, recreational, and amenity values

The coastal environment contributes to the aesthetic, recreational and amenity values of the city. The Norfolk pine trees along Marine Parade are a distinctive feature of Napier contributing to its identity and the aesthetic and visual amenity of the environment adjacent to the city.

CE-I6: Effects of climate change on the coastal environment

Inundation, flooding, and other natural hazards will be exacerbated by climate change and increasingly threaten public land and open spaces, existing infrastructure, public access, and other coastal values, as well as private property.

The beach and foreshore reserve provide a natural buffer for natural hazards in the strip of open space between the coastal marine area, the road, and areas where private development has occurred.

Ensuring that activities do not compromise the coastal processes operating along the shore provides some degree of protection from storm events. However, serious risks from coastal processes to development remain and, therefore, unless there is a functional need to locate new development within the coastal environment, it should be positioned elsewhere.

CE-I7: The need to protect ecosystems

The coastal environment contains complex ecosystems that provide unique habitats for a wide range of flora and fauna. Protection of the ecosystems is paramount and needs to be considered in all land use decision-making.

The Te Whanganui-a-Orotū (Ahuriri Estuary) is a valuable ecosystem that is partly located in the coastal environment. Te Whanganui-a-Orotū (Ahuriri Estuary) hydrologically connects the marine and freshwater systems and ecology. In some cases, the effects of activities on the values of Te Whanganui-a-Orotū (Ahuriri Estuary) can reach across administrative boundaries and are managed by other local authorities or are held or managed under other legislation or for conservation purposes. Effective management of the effects of land uses on ecosystems and significant species and their habitats within and adjacent to Te Whanganui-a-Orotū (Ahuriri Estuary) requires an integrated management approach.

APPENDIX A – Recommended Amendments to Plan Provisions

CE-I8: The relationship between mana whenua and the coastal environment

The relationship of mana whenua with the coast is recognised in the RMA and the NZCPS. Common themes in RMA s 6(e) and the NZCPS are:

- Incorporating traditional knowledge;
- Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance, and
- Involving iwi authorities or hapū in the preparation of plans and in decision-making.

Objectives

CE-Ox: Adverse effects on outstanding natural features, landscapes and natural character and significant indigenous biodiversity are avoided

Areas of outstanding natural character, outstanding natural features and landscapes and significant indigenous biodiversity are preserved and protected and adverse effects from inappropriate subdivision, use and development in the coastal environment are avoided.

Commented [FL12]: Forest and Bird (289.140; 289.141; 289.144; 289.3)

CE-O1: Significant adverse effects on natural character, landscapes and features and indigenous biodiversity are avoided

The natural character, landscapes and features, cultural, and indigenous biodiversity values of coastal, estuarine, and river margins are preserved and protected, and significant adverse effects from inappropriate subdivision, use, and development in the coastal environment are avoided, mitigated or remedied.

Relates to CE-11, CE-12, CE-13 CE-14, CE-16, CE-18, and CE-19

Commented [FL13]: Forest and Bird (289.144; 289.3); DoC (253.63); KiwiRail (99.76)

CE-O2: Retain public access

A high level of public access continues to be provided on public land to and along coastal and estuarine areas and waterbodies, unless there is an ecological protection, conservation, security, or public health and safety reasons for restricting that access. The existing areas of undeveloped open space are protected for public recreation and education, access to the water for water-related activities, and water-related recreational clubs.

Relates to CE-14, CE-15, CE-16, and CE-17

APPENDIX A – Recommended Amendments to Plan Provisions

CE-O3: Values and functions of the coastal environment

Provide for activities and development in the coastal environment that protect and/or restore the following values and functions, and where adverse effects can be appropriately avoided, remedied or mitigated:

- views along the foreshore and to and from the ocean;
- recreational activities and educational values;
- habitats of indigenous and migratory species;
- safeguarding riparian, coastal and marine ecosystems;
- preserving the natural character and amenity values of the coast and its margins;
- providing for flood management and stormwater management;
- historic heritage and cultural values;
- public access;
- modified elements of the coast including the Port, transportation networks and other network utilities and infrastructure with a functional and operational requirement to locate within the coastal environment;
- customary practices including fishing and the gathering of mahinga kai, and
- maintaining the beach, foreshore, and riparian margins.

Relates to CE-11 to CE-19

CE-O4: Natural character and mauri

Important natural resources are identified, and natural character, the mauri, and life-supporting capacity of ecosystems and resources are protected and progressively improved.

Relates to CE-12, CE-13, CE-14, CE-17, and CE-19

CE-05: Tangata whenua values, mātauranga, and tikanga are recognised

The coastal environment contains important sites of significance to Māori which need to be recognised and acknowledged. The relationship of mana whenua with the coast is recognised in the RMA and the NZCPS.

Relates to CE-11, CE-13, CE-14, CE-17, and CE-19

CE-06: Integrated management approach

The Plan acknowledges the coastal environment as a significant part of the city which affects and relates to numerous parts of land use activities. The Council is collaborating with the Hawke's Bay Regional Council as well as the Department of Conservation, including: The Plans objectives for the coastal environment include:

- restoring and protecting the remaining natural character of the coastal environment;
- maintaining and enhancing public access;
- managing the interface of existing activities and development with the natural environment, including risk from natural hazards;
- protecting the values of Te Whanganui-ā-Orotū (Ahuriri Estuary) as a habitat of migratory and indigenous species, and
- safeguarding the life-supporting capacity of ecosystems within the coastal environment.

Commented [FL14]: Forest and Bird (289.146)

Commented [FL15]: Department of Conservation (253.65)

Commented [BH16]: Department of Conservation (253.65)

Commented [FL17]: Port of Napier (202.16); KiwiRail (168.77)

Commented [BH18]: Department of Conservation (253.67)

Commented [BH19]: Forest and Bird (289.148)

APPENDIX A – Recommended Amendments to Plan Provisions

Policies

CE-P1: Identify and protect the natural features and natural character of the coastal environment

The Hawke's Bay Regional Council's Regional Coastal Environment Plan defines and identifies the 'coastal environment'. The character of the coastal environment in Napier includes:

- the vast outlook over the coastal marine area with landscape vistas;
- a predominance of open space and recreational assets;
- natural character modified by exotic vegetation as well as remnants of indigenous vegetation and habitats of migratory and indigenous species;
- high levels of public access, aesthetic values, landscape, and amenity values in a coastal environment set in the context of a developed urban landscape;
- areas and features of cultural and spiritual values of mana whenua;
- important infrastructure, such as the port, the wastewater and stormwater infrastructure, and the National Aquarium amongst others;
- highly modified port;
- a sheltered inner harbour;
- an exposed gravel foreshore with a shingle beach;
- a beach front with a vulnerability to the effects of natural hazards such as coastal erosion and tsunami as well as sea level rise, and a coastal urban character with a vibrant mix of recreational, commercial, and residential activities at the waterfront.

Relates to CE-O1, CE-O4, and CE-O5

CE-P2: Determine whether an activity is inappropriate in the coastal environment

In determining whether an activity may ~~reduce the natural character~~ **be inappropriate** in the coastal environment, ~~and is inappropriate~~, particular regard must be given to:

Commented [FL20]: DoC (253.69)

- a. the nature and intensity of the proposed activity including:
 - i. the functional need or operational requirement to locate within the coastal environment, and
 - ii. the opportunity to mitigate anticipated adverse effects of the activity.
- b. the degree to which the natural character, ~~existing indigenous biodiversity and natural features and landscapes~~ will be modified, damaged or destroyed including:
 - i. the duration and frequency of any effect;
 - ii. the magnitude or scale of any effect;
 - iii. the irreversibility of adverse effects on natural character, ~~indigenous biodiversity and natural features~~ and landscape values, and/or
 - iv. whether the activity will lead to cumulative adverse effects on the natural character, ~~indigenous biodiversity and natural features and landscapes~~ of the site/area.
- c. the degree of naturalness and resilience of the site or area to change.
- d. the opportunities to restore, remedy or mitigate previous damage to the natural character.
- e. the existing land uses on the site.

Commented [FL21]: DoC (253.69)

Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5

APPENDIX A – Recommended Amendments to Plan Provisions

CE-P3: Minimise disturbance of Identify protect and preserve natural features, and landscapes, natural character, indigenous biodiversity and coastal values

Identify, protect and preserve The character of outstanding natural features and landscapes, outstanding natural character, and significant indigenous biodiversity of the coastal environment ~~is retained~~ by avoiding adverse effects of subdivision, use and development on ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous and migratory coastal species, coastal habitats, ecological corridors and coastal landscapes, and by avoiding, remedying or mitigating significant adverse effects on all other coastal species, landscapes and character, and any significant heritage, cultural, and ecological features.

Relates to CE-Ox and CE-O4

CE-P4: Control activities to prevent the incremental loss of biodiversity and natural values

Control cumulative effects of use and development to prevent the incremental loss of biodiversity, aquatic ecosystem health, mahinga kai, and public access.

Relates to CE-O1, CE-O3 and CE-O4

CE-P5: Improve the natural character of the coastal environment

Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment ~~where it has been degraded~~. The use, development, and protection of natural and physical resources in the coastal environment ~~must be is~~ compatible with:

- providing, maintaining, and improving ecological corridors;
- public access, open space, recreation, and amenity values;
- maintenance of indigenous biodiversity;
- bank stability and areas for the treatment of stormwater;
- reinstatement of natural hydrological systems, and
- retaining and restoring natural coastal features, ecosystems, and habitats.

Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5

CE-P6: Include Māori within integrated management approach

To ensure that the management of the coastal areas includes local mana whenua in decisions involving cultural sites and sites of significance to Māori.

Relates to CE-O1, CE-O4, and CE-O6.

CE-P7: Restrict activities within and close to sensitive coastal areas

To restrict the location and timing of activities in or near habitats in the coastal environment that are used by migratory and indigenous species to ensure breeding, roosting, or feeding areas are not disturbed.

Relates to CE-O4

Commented [FL22]: Department of Conservation (253.68); (253.70); KiwiRail (FS 266.253.70); Forest and Bird (289.150; 289.3)

Commented [FL23]: DoC (253.72)

Commented [BH24]: Forest and Bird (289.152)

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CE-P8: Retain and reinstate natural values in the coastal environment

To retain and encourage the ~~reinstatement~~ reinstate of indigenous vegetation, natural character, natural features and landscapes, ecological corridors, biodiversity, ecosystem health, and mahinga kai in the coastal environment.

Commented [BH25]: Forest and Bird (289.155)

Relates to CE-O1 and CE-O6

CE-P9: Maintain natural buffer areas and setbacks around significant indigenous biodiversity

To limit use and development in the coastal environment to activities that do not compromise opportunities for reinstatement, restoration, or enhancement of geological features that buffer development from natural hazards.

Adequate space is provided between any development and the habitats of indigenous species to allow ecological corridors to develop and natural areas to expand and to prevent the incremental loss of the values of these remaining ecosystems and habitats.

Relates to CE-O1 and CE-O4

CE-P10: Avoid activities in coastal and riparian margins

Activities are not located within riparian and coastal margins that may result in erosion, sediment discharges, or the undue risk of contamination of water.

Relates to CE-O1, CE-O4, and CE-O5

CE-P11: Manage pedestrian access to the coast and riparian margins

To maintain a high level of pedestrian access to the coast, estuary, rivers and their margins and require any use and development to enhance public access unless there may be:

- potential effects on nesting, breeding or feeding habitats of indigenous species or on natural coastal features, or
- security or public health and safety reasons for restricting that access.

Relates to CE-O1, CE-O2, and CE-O3

CE-P12: Restrict vehicle access

To restrict the public use of vehicle access adjacent to Te Whanganui-a-Orotū (Ahuriri Estuary) and at the two river mouths and their margins to boat launching ramps and formed car park areas to remove conflicts with other users and avoid adverse effects on ecology and habitats of migratory or indigenous species.

Relates to CE-O1, CE-O2, CE-O4, and CE-O5

CE-Px: Ports

Recognise and provide for ports and their connections with other transport modes by ensuring development in the coastal environment does not adversely affect their safe and efficient operation.

Relates to CE-O3 and CE-O6

Commented [FL26]: Golden Bay (180.6; 180.25);
KiwiRail (FS268.180. 25)

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CE - Coastal Environment - Rules Table

There are no specific rules in the Coastal Environment chapter. In addition to those in the Coastal Environment chapter, the objectives, policies, rules and standards in the Underlying Zone chapter also apply.

Assessment criteria

When considering an application, the Council will have regard to the relevant objectives and policies of the plan, the purpose of the rules and standards, and the relevant assessment criteria set out below.

CE-AC1: All activities in the coastal environment

- a. The relevant assessment criteria for the activity (i.e. in the relevant district-wide and/or area-specific chapter(s)) apply in addition to the assessment criteria below.
- b. The objectives and policies of this chapter will be considered in addition to the criteria below.

Esplanade reserves and esplanade strips

- c. Whether public access is retained.
- d. Whether an esplanade reserve or esplanade strip is needed to protect riparian and coastal margins for any of the following reasons:
 - i. to contribute to the protection of conservation values, including the natural functioning of the sea, river, lake, water quality, aquatic habitats, and other natural values;
 - ii. to mitigate risk from natural hazards;
 - iii. to enable public access to any sea, river, or lake, or
 - iv. to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake (where compatible with conservation values).

Stormwater management

- e. Whether the activity may result in untreated contaminated stormwater entering public spaces, habitats, or coastal or estuarine water.
- f. Whether the activity will result in improvements to natural coastal processes, will involve restoration or enhance habitats, or improve the water quality of discharges to the coast.
- g. Whether the volume of water, or rate and composition of discharges may have adverse effects on:
 - i. an open drain, freshwater or coastal water quality;
 - ii. the health of any habitats of indigenous species, or
 - iii. the Council's reticulated tradewaste, wastewater, and stormwater network infrastructure.

Effects on natural character, natural processes, and natural features and natural landscapes

- h. Whether the proposal is consistent with preserving the natural character values and qualities of the coastal environment.
 - i. Whether the proposal recognises the degree and nature of natural character and is consistent with preserving the natural character qualities of the coastal environment.
 - j. Whether any restoration or rehabilitation of the natural character of the coastal environment is proposed.

Commented [FL27]: Forest and Bird (289.162)

APPENDIX A – Recommended Amendments to Plan Provisions

- k. Within areas of outstanding natural character in the coastal environment, whether adverse effects are avoided and the proposal does not damage, diminish, or compromise natural character.
- l. Within areas of at least high natural character, whether development can be practically located outside the area of high natural character.
- m. The extent to which the proposal avoids adverse effects on areas of outstanding natural coastal landscapes, or avoids significant adverse effects on other coastal landscapes.
- n. The location, scale, and intensity of the activity and/or buildings and the extent to which the proposal will adversely affect the values of the coastal environment, including:
 - i. indigenous biodiversity and ecosystems;
 - ii. natural character, natural landscapes and features, visual qualities, and amenity values;
 - iii. historic heritage, and
 - iv. the cultural and traditional associations of mana whenua or statutory acknowledgement area, and sites of significance to mana whenua.

Commented [FL28]: Forest and Bird (289.162)

Risk from natural hazards

- n. Whether the proposal is susceptible to the effects of coastal hazards.
- o. Whether the activity may exacerbate flooding or reduce holding capacity of the stormwater network.
- p. Whether the subject land use has the potential to increase the risk or vulnerability of people and property to natural hazards.

Effects on public access

- q. Whether the proposal has effects on continued public access or the ease of accessibility to or along the foreshore.
- r. The extent to which the proposal will maintain or enhance public access to and along the coast or whether a restriction is necessary:
 - i. to protect threatened indigenous species, or damage to the habitats of fisheries resources;
 - ii. to protect dunes, geological systems, estuaries and other sensitive natural areas or habitats;
 - iii. to protect sites and activities of cultural value to Māori;
 - iv. to protect historic heritage;
 - v. to protect the health or safety of other beach users, and their peaceful enjoyment of the beach environment;
 - vi. to avoid or reduce conflict between public uses of the coastal marine area and its margins;
 - vii. for temporary activities, special events, or defence purposes;
 - viii. to ensure a level of security consistent with the purpose of a resource consent, or
 - ix. in other exceptional circumstances sufficient to justify the restriction.
- s. The potential for use and development to reduce or adversely affect existing customary access or public access to and along the coast.
- t. Whether the timing or location of the activity has the potential to have adverse effects on public health and safety, mana whenua values, mahinga kai, riparian vegetation, water quality, and connections between fresh and coastal water resources, amenity values associated with coastal water and its margins.
- u. Whether any mitigation measures are proposed, including planting and restoration of natural character.

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- v. The extent to which the activity is likely to result in adverse cumulative effects on the values of the coastal environment.

Risk to public health and safety and the environment

- w. Whether the use, storage, or method of disposal of any wastewater, trade waste, solid material, and/or liquid leachate controls the risk to public health and safety and the environment.
- x. The area of impervious surface and whether the methods to avoid accidental discharges to ground or water are reliable.

Fire and pest control

- y. The extent to which the activity implements an approved fire or pest management plan.

Effects on indigenous biodiversity

- z. Whether the proposal prevents or contributes to:
 - i. the establishment or extension of an ecological corridor;
 - ii. reinstatement of a habitat for migratory or indigenous species;
 - iii. coastal recreational activities and/or facilities, and
 - iv. public access to the sea or along coastal margins.
- aa. The extent to which the proposal avoids adverse effects on those significant indigenous biodiversity areas or species identified in Policy 11(a) of the New Zealand Coastal Policy Statement 2010.
- bb. The extent to which the proposal avoids significant adverse effects, and avoids, remedies or mitigates all other adverse effects of activities on indigenous vegetation, coastal habitats and ecological corridors.
- cc. The extent to which the views or comments provided by mana whenua, as relevant to a wāhi taonga, wāhi tapu or other taonga and any iwi management plan have been accommodated.

Existing built character

- bb. The extent to which the area is already modified.
- cc. Whether the landscape and views can absorb change.
- dd. The extent to which the opportunity has been taken to cluster-build development in areas with a higher potential to absorb development while retaining areas which are more sensitive to change.
- ee. The extent to which the proposal has technical or operational needs for its location in the coastal environment.

Commented [FL29]: Forest and Bird (289.162)

Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
CE - Coastal Environment /Introduction /	Transpower New Zealand Limited	99.75	Support	Supports the mapping and identification of the Coastal Environment, There are no existing National Grid assets within the Coastal Environment as identified in the PDP.	Retain the mapping of the Coastal Environment.	Open Submission	Accept
CE - Coastal Environment /Introduction /	Hawke's Bay Airport Limited ("HBAL")	FS 351.99.75	Amend	HBAL oppose insofar as the submission does not align with HBAL's original submission seeking minor amendments to the mapping of the Coastal Environment.	Disallowed Disallow in part		Reject
CE - Coastal Environment /Objectives /CE-O1: Avoid adverse effects on natural character.	Transpower New Zealand Limited	99.76	Support	Supports the reference to significant adverse effects and reference to 'inappropriate' subdivision, use and development.	Retain as notified.	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment.	Transpower New Zealand Limited	99.77	Support	Supports the reference to 'functional or operational need'.	Retain as notified.		Accept
CE - Coastal Environment /CE - Coastal Environment - Rules Table.	Transpower New Zealand Limited	99.78	Support	Supports the note (and therefore the clarification) there are no specific Coastal Environment Chapter rules, and instead reliance on other PDP rules.	Retain as notified.	Open Submission	Accept
CE - Coastal Environment /Introduction /	Transpower New Zealand Limited	99.79	Amend	Transpower requests clarification on the relationship between the various district plan chapters. On the basis of the introductory text to the Network Utility Chapter ("To achieve this, the network utility provisions in the District Plan provide for the establishment, As many network utilities are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply across the District.") it is assumed the intent is the Coastal Environment Chapter would not apply to Network Utilities. Transpower requests amended text to clarify the relationship between the plan chapters. Should this not be the intent, appropriate policy recognition is required for Network Utilities within the Coastal Environment Chapter	Amend the text as follows: This chapter contains the overarching objectives and policy framework to protect and manage the natural character and values of the coastal environment as well as provisions to manage activities within it. However, the associated rules are contained in the underlying zone chapters, such as the Open Space Zone, the Rural Production Zone, Subdivision, and other relevant district- wide chapters of the District Plan. <u>The policy and rule framework for the operation, maintenance, upgrade and development of Network Utilities are managed in the Network Utilities Chapter.</u>	Open Submission	Reject
CE - Coastal Environment /Introduction /	Hawke's Bay Airport Limited ("HBAL")	FS 351.99.79	Amend	HBAL oppose the submission insofar as it does not align with HBAL's original submission that the methods (rules) in the NU chapter should not apply to Airport Activities in the Airport Zone, which are better managed by designations HBAL-1 and HBAL-2.	Disallowed Disallow in part		Accept in part
CE - Coastal Environment /Objectives /General	KiwiRail Holdings Limited	168.77	Amend	Notes that the Coastal Environmental Overlay extends over large sections of the rail corridor within Napier City. Acknowledges mapping of the corridor parallel to the coast but requests provisions that accommodate rail activities within the established corridor, recognizing the functional necessity for such activities to be situated there. Considers that a new policy is required to reflect how the rail corridor interacts with the coastal environment and provide for rail activities.	Amend as follows: <u>CE-O7: Adverse effects of network utilities</u> <u>The adverse effects of network utilities on the natural character of the coastal environment are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and operational needs of network utilities (including those associated with their scale, design, and locational requirements).</u>	Open Submission	Accept in part
CE - Coastal Environment /Objectives /General	Department of Conservation	FS 400.168.77	Oppose	It is unclear if this is intended to cover the field on Policy 13 of the NZCPS. The submission point covers natural character and not outstanding natural character.	Disallowed Disallow or amend to remove "as far as practicable."		Accept in part
CE - Coastal Environment /Objectives /General	Transpower New Zealand Limited	FS 409.168.77	Support	Transpower supports the provision of a new objective that recognises network utilities in the Coastal Environment.	Allowed The whole of the submission point be allowed		Accept in part
CE - Coastal Environment /Objectives /General	Sera Chambers	FS 214.168.77	Oppose	Opposes the submitter's submission. Refer full submission 150 from Sera Chambers.	Disallowed		Accept in part

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CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment.	KiwiRail Holdings Limited	168.78	Support	Supports this policy which guides decision makers on whether an activity is appropriate in the coastal environment. Supports consideration of the functional or operational need to locate within the coastal environment, opportunity to mitigate anticipated effects, and the existing land uses on the site. Considers these matters are especially helpful for linear infrastructure such as the rail corridor which cannot be easily relocated.	Retain as proposed.	Open Submission	Accept
CE - Coastal Environment /General /General	Golden Bay	180.6	Oppose	Opposes the entire Chapter. Notes references in CE Chapter policies to the importance and modified nature of the Port, the functional/operational need for a location in the coastal environment, and the impact of existing land uses on natural character in policies and accounting for existing built character in assessment criteria. However considers that these are not reflected in the CE Chapter objectives, and broadly the CE Chapter provisions are strongly oriented towards the preservation and protection of natural character, natural features, coastal values, and indigenous biodiversity. Considers that current CE Chapter provisions do not appropriately give effect to the NZCPS and particularly Policy 9. Greater recognition needs to be given to the highly modified nature of the Port and environs in the CE Chapter objectives. Requests that the CE Chapter objectives are amended to clear that proposals in this location are not to be held to the same values assessment as those in less modified coastal locations. Notes that A cross-reference in the CE Chapter to the provisions of the Port Zone should also be made.	Amend CE Chapter objectives as required to acknowledge the importance and modified nature of the Port, functional/operational need for a location in the coastal environment, and the impact of existing land uses on natural character. Amend the CE Chapter (under the heading 'Other relevant District Plan provisions') to include a cross- reference to the Part 3 PORTZ – Port Zone Chapter provisions.	Open Submission	Accept in part
CE - Coastal Environment /Objectives /General	Golden Bay	180.25	Oppose	Opposes the entire Chapter. Notes references in CE Chapter policies to the importance and modified nature of the Port, the functional/operational need for a location in the coastal environment, and the impact of existing land uses on natural character in policies and accounting for existing built character in assessment criteria. However considers that these are not reflected in the CE Chapter objectives, and broadly the CE Chapter provisions are strongly oriented towards the preservation and protection of natural character, natural features, coastal values, and indigenous biodiversity. Considers that current CE Chapter provisions do not appropriately give effect to the NZCPS and particularly Policy 9. Greater recognition needs to be given to the highly modified nature of the Port and environs in the CE Chapter objectives. Requests that the CE Chapter objectives are amended to clear that proposals in this location are not to be held to the same values assessment as those in less modified coastal locations. Notes that A cross-reference in the CE Chapter to the provisions of the Port Zone should also be made.	Amend CE Chapter objectives as required to acknowledge the importance and modified nature of the Port, functional/operational need for a location in the coastal environment, and the impact of existing land uses on natural character. Amend the CE Chapter (under the heading 'Other relevant District Plan provisions') to include a cross- reference to the Part 3 PORTZ – Port Zone Chapter provisions.	Open Submission	Accept in part
CE - Coastal Environment /Objectives /General	KiwiRail Holdings Limited	FS 268.180.25	Support	KiwiRail agrees that it appropriate to have an objective providing for the Port, as an existing activity within the coastal environment of regional significance.	Allowed Accept submission		Accept in part
CE - Coastal Environment /General /General	Hawke's Bay Airport Limited (HBAL)	198.45	Support	Generally supportive of the Coastal Environment chapter.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Issues /CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects.	Port of Napier Limited	202.14	Support	Supports CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects and reference to the "highly modified port".	Retain CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects in its entirety. (Inferred relief requested)	Open Submission	Accept
CE - Coastal Environment /Issues /General	Port of Napier Limited	202.15	Support	Supports Policy 13 of the NZCPS 2010 mention in CE - Coastal Environment - Issues extending to specific mention of Ports.	Amend CE - Coastal Environment - Issues to specifically mention Ports under Policy 13 of the NZCPS 2010.	Open Submission	Reject

Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
CE - Coastal Environment /Issues /General	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS 35.202.15	Support	Port of Napier seeks amendments to Coastal Environment issues (202.15), objectives (202.16), and policies (202.17) to specifically mention the Port and to the rules table (202.18) to insert cross-references to zone chapters including the PORTZ Zone. These reliefs tend to mirror GB's own.	Allowed To the extent that they are aligned, GB seeks that those reliefs be allowed in conjunction with the amendments sought by GB's original submission.		Accepted in part
CE - Coastal Environment /Objectives /General	Port of Napier Limited	202.16	Amend	Considers Policy 13 of the NZCPS 2010 mention of Ports should be included as an Objective in CE - Coastal Environment.	Amend CE - Coastal Environment - Objectives to specifically mention Ports under Policy 13 of the NZCPS 2010.	Open Submission	Accept
CE - Coastal Environment /Objectives /General	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS35.202.16	Support	Port of Napier seeks amendments to Coastal Environment issues (202.15), objectives (202.16), and policies (202.17) to specifically mention the Port and to the rules table (202.18) to insert cross-references to zone chapters including the PORTZ Zone. These reliefs tend to mirror GB's own.	Allowed To the extent that they are aligned, GB seeks that those reliefs be allowed in conjunction with the amendments sought by GB's original submission.		Accepted in part
CE - Coastal Environment /Objectives /General	KiwiRail Holdings Limited	FS 235.202.16	Support	KiwiRail agrees that it appropriate to have an objective providing for the Port, as an existing activity within the coastal environment of regional significance.	Allowed		Accept
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Port of Napier Limited	202.17	Amend	Supports Policy CE-P1: Identify and protect the natural features and natural character of the coastal environment acknowledgement of the Port as "important infrastructure" and "highly modified" with a proposed "significant" wording amendment.	Amend Policy CE-P1: Identify and protect the natural features and natural character of the coastal environment as follows: important <u>significant</u> infrastructure, such as the port, the wastewater and stormwater infrastructure, and the National Aquarium amongst others;	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS 35.202.17	Support	Port of Napier seeks amendments to Coastal Environment issues (202.15), objectives (202.16), and policies (202.17) to specifically mention the Port and to the rules table (202.18) to insert cross-references to zone chapters including the PORTZ Zone. These reliefs tend to mirror GB's own.	Allowed To the extent that they are aligned, GB seeks that those reliefs be allowed in conjunction with the amendments sought by GB's original submission.		Accept in part
CE - Coastal Environment /CE - Coastal Environment - Rules Table /General	Port of Napier Limited	202.18	Support	Supports CE - Coastal Environment - Rules Table with cross referencing amendment.	Amend CE - Coastal Environment - Rules Table to ensure appropriate cross references are in the underlying zone chapters so that the coastal environment Objectives (CE-O1 to CE-O6), Policies (CE-P1 to CE-P12) and Assessment Criteria (CE-AC-1) are assessed in any resource consent application.	Open Submission	Accept in part
CE - Coastal Environment /CE - Coastal Environment - Rules Table /General	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS 35.202.18	Support	Port of Napier seeks amendments to Coastal Environment issues (202.15), objectives (202.16), and policies (202.17) to specifically mention the Port and to the rules table (202.18) to insert cross-references to zone chapters including the PORTZ Zone. These reliefs tend to mirror GB's own.	Allowed To the extent that they are aligned, GB seeks that those reliefs be allowed in conjunction with the amendments sought by GB's original submission.		Accept in part
CE - Coastal Environment /Issues /CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects.	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies)	215.94	Support	The Fuel Companies support the recognition of important infrastructure such as the port and a highly modified port being part of the character of Napier's coastal environment.	Retain CE-I1 as notified.	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies)	215.95	Support	CE-P1 is supported to the extent it recognises that the character of the coastal environment in Napier includes important infrastructure, such as the port, the wastewater and stormwater infrastructure, and the National Aquarium amongst others.	Retain CE-P1 as notified.	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment.	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies)	215.96	Support	The Fuel Companies support that particular regard must be given to both the functional and operational need of activities to locate within the coastal environment and the existing land uses on the site.	Retain CE-P2 as notified.	Open Submission	Accept in part

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
CE - Coastal Environment /Policies /CE-P10: Avoid activities in coastal and riparian margin.	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies)	215.97	Support	The policy can be supported provided the reference to no 'undue risk' of contamination of water is retained. The Fuel Companies' wharflines and bunkerlines have a functional need to locate within coastal margins.	Retain CE-P10 as notified.	Open Submission	Accept
CE - Coastal Environment /CE - Coastal Environment /General	Department of Conservation	253.61	Amend	Considers that the Coastal Environment chapter has not been updated sufficiently to give effect to the NZCPS 2010. The language used in the chapter reflects the language of the Hawke's Bay Regional Coastal Plan, which was notified in 2008, meaning the Regional Coastal Plan uses the terminology of the NZCPS 1994. Terminology should be updated to reflect the current NZCPS 2010. The section 32 report only mentions policy 13 of the NZCPS 2010. There's no further exploration of how the chapter gives effect to the other 28 policies, and in particular avoidance policies like 11, 15, 16, 23, and 25. The entire chapter should be reviewed in light of the current NZCPS 2010 to ensure that more than policy 13 is implemented and update the language to the current NZCPS.	Seeks that the Coastal Environment chapter be amended to ensure that the chapter gives effect to the entirety of the NZCPS 2010 and not only policy 13.	Open Submission	Accept
CE - Coastal Environment /Introduction /General	Department of Conservation	253.62	Amend	It is understood that the chapter is written to give effect to the HBRCP which was notified before the NZCPS 2010 was gazetted and thus gives effect to the previous NZCPS 1994. While the NZCPS 2010 does include policies that require Councils to preserve natural character of the environment, the term natural character is more narrowly defined in the latest iteration of the NZCPS. To fully give effect to the NZCPS 2010 as a higher order document, the language must be updated to acknowledge more than the natural character of the environment is to be protected. However, the language should be updated to reflect the NZCPS 2010 due to its status as a higher order document.	Amend the introduction to use the NZCPS 2010 terminology and language, for example: The use, development and protection of the coastal environment must be managed in accordance with the RMA and requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS). They include requirements for preserving, restoring, and enhancing the natural character of the coastal environment and protecting it from inappropriate subdivision, use, and development. <u>It further provides requirements to avoid adverse and significant adverse effects on indigenous biodiversity.</u> The Plan identifies the extent of the coastal environment mapped as the Coastal Environment overlay recognising the characteristics and features where coastal processes, influences and qualities are significant.	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-O1: Avoid adverse effects on natural character.	Department of Conservation	253.63	Amend	Considers that CE-O1 tries to give effect to policies 11, 13, 15 but fails to properly reflect the requirements. For example: adverse effects on outstanding natural character, outstanding natural feature and indigenous biodiversity needs to be avoided but this objective only addresses significant adverse effects.	Seeks to amend the objective to properly implement policies 11, 13, and 15. Or Split the objective into three objectives and/or policies to individually cover policies 11, 13, and 15.	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-O2: Retain public access.	Department of Conservation	253.64	Amend	Considers that CE-O2 provides for public access which is in accordance with policy 19 of the NZCPS 2010. Open spaces in the coastal environment should be protected for additional interests of indigenous biodiversity since open space can be necessary breeding, roosting, and foraging sites for indigenous and migratory species. Public access can be retained and improved whilst restoration and protection of indigenous biodiversity is undertaken and improve the amenity value of the sites.	Seeks to amend CE-O2 as follows: CE-O2: Retain public access A high level of public access continues to be provided on public land to and along coastal and estuarine areas and waterbodies, unless there is an ecological protection, conservation, security, or public health and safety reasons for restricting that access. The existing areas of undeveloped open space are protected for public recreation and education, <u>protection and restoration of indigenous and migratory biodiversity</u> , access to the water for water-related activities, and water-related recreational clubs.	Open Submission	Reject

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CE - Coastal Environment /Objectives /CE-03: Values and functions of the coastal.	Department of Conservation	253.65	Amend	considers that CE-03 provides a strong list of activities that protect and restore the values and functions of the coastal environment. To ensure that the Objective gives effect to the extent it is intending to, minor amendments are recommended. There are indigenous species that are located in the coastal environment without being migratory. Inserting indigenous in the third bullet point will help provide clarity that both types of species are looked after. Similarly, inserting coastal into the two stated types of ecosystems improves clarity that all types of ecosystem values that can be found in the coastal environment are protected and restored.	seeks to amend CE-03 as follows: CE-03: Values and functions of the coastal environment Provide for activities and development in the coastal environment that protect and/or restore the following values and functions: <ul style="list-style-type: none"> views along the foreshore and to and from the ocean; recreational activities and educational values; habitats of <u>indigenous and</u> migratory species; safeguarding riparian, <u>coastal</u> and marine ecosystems; preserving the natural character and amenity values of the coast and its margins; providing for flood management and stormwater management; historic heritage and cultural values; public access; customary practices including fishing and the gathering of mahinga kai, and maintaining the beach, foreshore, and riparian margins. 	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-04: Natural character and mauri.	Department of Conservation	253.66	Support	CE-04 gives effect to the NZCPS 2010.	Retain as notified.	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-06: Integrated management approach.	Department of Conservation	253.67	Amend	CE-06 recognises the importance of integrated management between multiple organisations to improve the coastal environment. Amend the title to be O6 instead of 06.	Amend the title for CE-06 as follows: CE-006: Integrated management approach	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Department of Conservation	253.68	Oppose	Considers that CE-P1 is not a policy. A policy provides direction on how the objectives are to be achieved in a chapter. CE-P1 is a statement of what the Hawke's Bay Regional Council defines as the coastal environment and does not direct how the CE objectives are to be achieved. This statement is better suited as part of the introduction. The wording recommended takes the spirit of the proposed policy and alters it to be worded as a policy.	Delete CE-P1 in its current form. Implement the statement of what the coastal environment is (as set out in policy 1 of the NZCPS) in the introduction and insert the following recommended wording: <u>Identify and protect the natural features, natural landscapes, natural character and indigenous biodiversity of the Coastal Environment.</u>	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment.	Department of Conservation	253.69	Amend	Considers that CE-P2 gives effect to the NZCPS 2010 in part. As stated in earlier submission points, the terminology of the Coastal Environment chapter is akin to the NZCPS 1994 where natural character was the umbrella term. Adding additional criteria such as indigenous biodiversity, coastal hazards, natural features and landscapes that are explicitly stated in the NZCPS 2010 will provide.	Seeks to amend CE-P2 by giving regard to coastal hazards and natural features and landscapes and specifically the following on indigenous biodiversity: CE-P2: Determine whether an activity is inappropriate in the coastal environment (...) b. the degree to which the natural character, <u>existing indigenous biodiversity, coastal hazards, natural features and landscapes</u> will be modified, damaged, or destroyed including, but not limited, to: i. the duration and frequency of any effect; ii. the magnitude or scale of any effect; iii. the irreversibility of adverse effects on indigenous biodiversity values, and/or iv. whether the activity will lead to cumulative adverse effects on the indigenous biodiversity of the site/area	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values.	Department of Conservation	253.70	Amend	Considers that coastal species should be expanded to include migratory species and the word "significant" should be removed to give effect to the NZCPS 2010.	Seeks to amend CE-P3 as follows: CE-P3: Minimise disturbance of natural features and coastal values The character of the coastal environment is retained by ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous <u>and migratory</u> coastal species, and any significant heritage, cultural, and ecological features.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values.	KiwiRail Holdings Limited	FS 266.253.70	Oppose	Concern is raised that the deletion of the word 'significant' before 'heritage, cultural and ecological features' may result in an unduly narrow interpretation of the policy, which prevents changes to such features needed to allow for the continued safe and efficient operation of the rail network.	Disallowed Reject submission sought to the extent that it affects the established rail network.		Accept in part

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CE - Coastal Environment /Policies /CE-P4: Control activities to prevent the incremental loss of biodiversity and natural values.	Department of Conservation	253.71	Amend	Considers that the policy name does not match what the policy itself is supposed to accomplish.	Seeks to amend CE-P4's name to match the intention of the policy.	Open Submission	Reject
CE - Coastal Environment /Policies /CE-P5: Improve the natural character of the coastal environment.	Department of Conservation	253.72	Amend	Considers that CE-P5 does not implement NZCPS policy 14. Policy 14 promotes the restoration and rehabilitation of the natural character of the coastal environment regardless of degradation status, and instead provides for approaches on how to restore degraded areas. It is additionally not directive to how it will implement the objectives.	Seeks to amend CE-P5 as follows: CE-P5: Improve the natural character of the coastal environment Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment where it has been degraded. The use, development, and protection of natural and physical resources in the coastal environment is compatible with: a. providing, maintaining, and improving ecological corridors; b. public access, open space, recreation, and amenity values; c. maintenance, <u>restoration, and enhancement</u> of indigenous biodiversity; d. bank stability and areas for the treatment of stormwater; e. reinstatement of natural hydrological systems, and f. retaining and restoring natural coastal features, ecosystems, and habitats.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P7: Restrict activities within and close to sensitive coastal areas.	Department of Conservation	253.73	Support	Supports as CE-P7 implements the NZCPS.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P8: Retain and reinstate natural values in the coastal environment.	Department of Conservation	253.74	Support	Supports as CE-P8 implements the NZCPS.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P9: Maintain natural buffer areas and setbacks around significant indigenous biodiversity.	Department of Conservation	253.75	Support	Supports as CE-P9 implements the NZCPS.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P10: Avoid activities in coastal and riparian margins.	Department of Conservation	253.76	Support	Supports as CE-P10 implements the NZCPS.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P11: Manage pedestrian access to the coast and riparian margins.	Department of Conservation	253.77	Support	Supports as CE-P11 implements the NZCPS.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P12: Restrict vehicle access.	Department of Conservation	253.78	Support	Supports as CE-P12 implements the NZCPS.	Retain as notified.	Open Submission	Accept in part
CE - Coastal Environment /Assessment criteria /CE- AC1: All activities in the coastal environment.	Department of Conservation	253.79	Amend	Considers that there is significant overlap between the assessment criteria listed. The assessment criteria should be refined and cut down by way of amendment to prevent confusion. The assessment criteria for indigenous biodiversity should be expanded to include the potential adverse effects for indigenous biodiversity. Currently it only covers beneficial activities and not both beneficial and negative activities.	Seeks to amend CE-AC1 to refine the assessment criteria to prevent confusion and clarify. Insert under 'effects on indigenous biodiversity' whether the proposal prevents or contributes to the adverse effects on indigenous biodiversity such as, but not limited to, destruction of habitat.	Open Submission	Accept
CE - Coastal Environment /Introduction /General	Alan Petersen	271.1	Amend	Second paragraph – Typo "plan/s" Remove slash.	Seeks that typo in second paragraph be corrected: "plan/s" - remove slash.	Open Submission	Reject

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CE - Coastal Environment /Issues /CE-I6: Effects of climate change on the coastal environment.	Alan Petersen	271.2	Amend	Considers that it should be included that: the coastal environment along Napier's coastline (and nearby land & the seabed) was uplifted by 1.6m to 2m by the 1931 Earthquake. This means the uplifted gravel barrier from Westshore to the north end of Bay View is safe from erosion for at least 100 years provided nourishment at Westshore is continued.	Amend CE-I6 by inserting the following: The coastal environment along Napier's coastline (and nearby land & the seabed) was uplifted by 1.6m to 2m by the 1931 Earthquake.	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Alan Petersen	271.3	Amend	Considers that CE – P1 Bullet point - "An exposed gravel foreshore with a shingle beach" should be amended to reflect the definition of the Napier coastline, the technical term used by a geomorphologist (Jim Dahm), as a "raised gravel barrier".	Amend CE-P1 character of the coastal environment in Napier as follows: An exposed gravel foreshore <u>raised gravel barrier</u> with a shingle beach; (Inferred relief requested)	Open Submission	Accept
CE - Coastal Environment /Issues /CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects.	Heritage New Zealand Pouhere Taonga	273.155	Support	HNZPT supports CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects as there is recognition of cultural and historic values in the coastal environment, along with other significant characteristics.	Retain CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects as notified.	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-O3: Values and functions of the coastal environment.	Heritage New Zealand Pouhere Taonga	273.156	Support	Supports Objective CE-O3: Values and functions of the coastal environment as it includes the protection of cultural and historic values in this Objective.	Retain Objective CE-O3: Values and functions of the coastal environment as notified.	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Heritage New Zealand Pouhere Taonga	273.157	Oppose	Opposes Policy CE-P1: Identify and protect the natural features and natural character of the coastal environment as currently drafted as the recognition and protection of heritage values expressed in CE-I1 and CE-O3 have not been brought down into the policy framework.	Seeks to add the following to Policy CE-P1: Identify and protect the natural features and natural character of the coastal environment: <u>An urban waterfront character with historic heritage values</u>	Open Submission	Accept in part
CE - Coastal Environment /Issues /CE-I6: Effects of climate change on the coastal environment.	NZ Transport Agency Waka Kotahi (NZTA)	277.73	Support	Supports I6 as it recognises climate change can threaten public land and infrastructure and ensuring activities don't compromise the coastal processes to provide some degree of protection for existing activities.	Retain as notified.	Open Submission	Accept
CE - Coastal Environment /CE - Coastal Environment /Introduction	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.3 (Late Submission)	Amend	Considers that the proposed plan is not consistent with guiding legislation and policy, in particular s 6(a) to 6(d) of the Act and the NZCPS. Considers it is essential that the plan gives full effect to the protection for the coastal environment contained in the NZCPS as our native wildlife is facing unprecedented pressure from beach users, and addressing these challenges requires stricter control.	Seeks that the Coastal Environment chapter of the plan should give effect to s 6(a) to 6(d) of the Act, and to the provisions of the NZCPS, particularly Policies 3, 11, 13, 14 and 15, and should be consistent with the Hawkes Bay Regional Coastal Environment Plan. The remaining chapters in the Plan must also give effect to the NZCPS.	Open Submission	Accept
CE - Coastal Environment /CE - Coastal Environment - Rules Table /	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.6 (Late Submission)	Amend	The coastal environment is a key habitat for many of our native species and particularly vulnerable to disturbance caused by high-impact human activity such as private vehicle use on our local beaches. An overwhelmingly proportion of Aotearoa New Zealand's councils have inadequate bylaws, monitoring, and compliance for vehicles on beaches. This means coastal species and their habitats are left vulnerable and unprotected eg Banded Dotterels.	Seeks that NCC enact regulations to significantly reduce the use of beaches by vehicles and restrict dog access to areas known as critical breeding and resting grounds for marine wildlife by amending the objective so while public access is maintained it is controlled in areas that constitute key habitats for indigenous biodiversity. Seeks that Napier should support efforts to change legislation in New Zealand so that beaches are no longer considered roads and only vehicular use specifically permitted by district councils is allowed.	Open Submission	Reject

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CE - Coastal Environment /CE - Coastal Environment - Rules Table /	Biodiversity Hawke's Bay	FS 39.289.6	Support	<p>Comments in the submission we want to support relate to biodiversity and the importance of protecting and enhancing biodiversity in the region</p> <p>289.6 Human activity is a leading cause of biodiversity loss and where measures can be easily taken to minimise any impact then it is desirable they are taken. We support the relief sought around regulations to control activities in areas that constitute key habitats for indigenous biodiversity</p> <p>We need to ensure that Council policies in the area consider protecting and enhancing biodiversity in the region. The importance of biodiversity conservation cannot be overstated. The depletion of indigenous vegetation, loss of wetlands, and extinction of numerous species underscore the urgent need for action. Biodiversity is essential for the health of our ecosystems and supports key economic sectors such as agriculture and tourism. Restoring biodiversity is crucial to recover from recent disasters like Cyclone Gabrielle and for mitigating the long-term effects of climate change.</p>	<p>Allowed</p> <p>Sections as noted above are supported and should be allowed</p> <p>Agree generally with comments relating to the protection, restoration and enhancement of indigenous biodiversity and that these are taken into account across appropriate chapters of the PDP even though there is a specific ECO Chapter that is yet to be formally consulted</p>		Reject
CE - Coastal Environment /Introduction /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.138 (Late Submission)	Oppose	<p>Considers the CE Introduction notes that the chapter does not contain rules to give effect to the CE objectives and policies, rather, rules are found in various other chapters in the plan. Forest & Bird submits that if this approach is going to work, all other relevant chapters need to include CE-specific rules. Only some chapters appear to do this. The Earthworks chapter for example, includes various rules that do not apply any differently within or outside of the coastal environment. The NFL similarly appears to make no distinction. The Subdivision chapter also does not appear to treat subdivision within our outside of the coastal environment any differently, other than for one rule in the Coastal Hazard Zone. The matters of control for many rules are silent on coastal values. The Open Space Zone chapter does contain CE-specific rules, but the Rural Production Zone doesn't. Council needs to undertake a comprehensive review of all chapters to ensure this approach works.</p>	<p>Seeks to amend each chapter to include specific rules managing activities in the coastal environment. These will usually need to be much more stringent than for activities outside the coastal environment, because of the sensitivity of coastal values, and also because of the different higher order policy direction. Most activities will not be appropriate as permitted activities in the coastal environment.</p> <p>Alternatively, include rules in the CE chapter to achieve the appropriate effects management approach.</p>	Open Submission	Reject
CE - Coastal Environment /Introduction /General	Department of Conservation	FS 399.289.138	Support	<p>The submission point gives effect to the NZCPS. There are activities that would not be appropriate in the coastal environment</p>	Allowed		Reject
CE - Coastal Environment /Introduction /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.139 (Late Submission)	Amend	<p>Considers Under Other relevant District Plan provisions: Ecosystems and Indigenous Biodiversity: Provisions relating to significant natural areas in the coastal environment are located in the Ecosystems and Indigenous Biodiversity chapter.</p> <p>This is still absent from the notified proposed District Plan.</p>	<p>Ensure that when it is notified, the ECO chapter contains CE- specific provisions to give effect to policy 11 NZCPS.</p>	Open Submission	Reject
CE - Coastal Environment /Issues /CE-I1: The values associated with the natural character of the coastal environment are identified and protected from significant adverse effects.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.140 (Late Submission)	Amend	<p>Considers the s32 report states that:</p> <p>"Nevertheless, there are residual areas, natural features, ecosystems, and ecological values that have retained original elements and processes of the environment, along with significant habitats of migratory species providing opportunities to restore the natural character and ecology of the coastal environment."</p> <p>Forest & Bird questions the statement that there are no high or significant areas of natural character have been identified in the coastal environment. It is unclear how Council arrived at that conclusion, and we submit that Council should undertake a review to ensure that no areas have been missed. Te Whanga, for example, is surely a site of outstanding natural character, and should be identified and protected as such.</p>	<p>Seeks to amend the issue to the effect that, to date, the Council has not yet identified areas of significant or high or outstanding natural character in the coastal environment, but that it will undertake a review to assess this.</p> <p>Include areas, such as Te Whanga, that have high natural character in the coastal environment in the plan.</p> <p>Include objectives, policies and rules to ensure any areas of natural character are appropriately protected.</p>	Open Submission	Reject

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CE - Coastal Environment /Issues /CE-13: There has been an incremental loss of indigenous ecosystems, natural character, landscape, and scenic values along extensive areas of the coast.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.141 (Late Submission)	Amend	Considers the s32 report states that: "Nevertheless, there are residual areas, natural features, ecosystems, and ecological values that have retained original elements and processes of the environment, along with significant habitats of migratory species providing opportunities to restore the natural character and ecology of the coastal environment." Forest & Bird questions the statement that there are no high or significant areas of natural character have been identified in the coastal environment. It is unclear how Council arrived at that conclusion, and we submit that Council should undertake a review to ensure that no areas have been missed. Te Whanga, for example, is surely a site of outstanding natural character, and should be identified and protected as such.	Seeks to amend the issue to the effect that, to date, the Council has not yet identified areas of significant or high or outstanding natural character in the coastal environment, but that it will undertake a review to assess this. Include areas, such as Te Whanga, that have high natural character in the coastal environment in the plan. Include objectives, policies and rules to ensure any areas of natural character are appropriately protected.	Open Submission	Reject
CE - Coastal Environment /Issues /CE-17: The need to protect ecosystems	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.142 (Late Submission)	Support	Support	Retain	Open Submission	Accept
CE - Coastal Environment /General /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.143 (Late Submission)	Amend	Considers amending the whole chapter. It is not yet clear whether the ECO chapter will specifically address indigenous biodiversity in the CE. If it does not, this chapter will need specific objectives, policies and rules to give effect to policy 11 NZCPS.	Seeks to include in either this chapter, or the upcoming ECO chapter, objectives and policies and rules to give effect to policy 11 NZCPS.	Open Submission	Reject
CE - Coastal Environment /Objectives /CE-01: Avoid adverse effects on natural character.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.144 (Late Submission)	Amend	Support, however questions, whether there are any areas of outstanding natural character that have not been included in the plan. If there are such areas, such as Te Whanga, this objective will need to be amended to give effect to NZCPS policy 13(a).	Retain, but amend to require avoidance of adverse effects on any areas of outstanding natural character in the CE. The objective should also require that other effects (ie on non- outstanding areas of NC) are remedied or mitigated.	Open Submission	Reject
CE - Coastal Environment /Objectives /CE-02: Retain public access.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.145 (Late Submission)	Amend	Considers It should be determined what public access looks like. While recreationists going for a walk staying on designated paths has limited impacts on a protected environment, vehicle use or access with dogs may be inappropriate, particularly during critical life cycles such as bird breeding periods and should be avoided.	Seeks to specify extent of public access to ensure that policy 11 and 13 NZCPS are given effect to.	Open Submission	Reject
CE - Coastal Environment /Objectives /CE-03: Values and functions of the coastal environment.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.146 (Late Submission)	Amend	Considers it is not clear that adverse effects will be avoided, remedied or mitigated consistent with the NZCPS.	Amend as follows: "Provide for activities and development in the coastal environment that protect and/or restore the following values and functions <u>where adverse effects can be appropriately avoided, remedied or mitigated:...</u> "	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-04: Natural character and mauri	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.147 (Late Submission)	Support	Support	Retain	Open Submission	Accept
CE - Coastal Environment /Objectives /CE-06: Integrated management approach.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.148 (Late Submission)	Amend	Considers this needs amendment to be able to be applied as a tool to guide decision making. It is not clear how this would apply otherwise.	Amend as follows: The Plan acknowledges the coastal environment as a significant part of the city which affects and relates to numerous parts of land use activities. The Council is collaborating with the Hawke's Bay Regional Council as well as the Department of Conservation, including <u>The Plan's objectives for the coastal environment include:</u> ...	Open Submission	Accept

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.149 (Late Submission)	Oppose	Considers as per the King Salmon decision what is inappropriate/appropriate is to be determined with respect to the values that are to be protected. Functional need is not relevant to that inquiry. The policy should also refer to the requirement protect natural character and biodiversity, and manage effects in certain ways.	Amend as follows: In determining whether an activity may reduce the natural character in the coastal environment, and is inappropriate, particular regard must be given to: a. <u>the requirement to avoid, remedy or mitigate effects in accordance with policies 11, 13 and 15 NZCPS;</u> b. the nature and intensity of the proposed activity including: i. the functional need or operational requirement to locate within the coastal environment, and ii. the opportunity to mitigate anticipated adverse effects of the activity. c. the degree to which the natural character will be modified, damaged or destroyed including: ...	Open Submission	Reject
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.	Transpower New Zealand Limited	FS 415.289.149	Oppose	While Transpower accepts the relief sought to insert clause a. in relation to the NZCPS, the deletion of clause b. is opposed as such policy considerations are valid under Policy 6 of the NZCPS and provide context considerations for determining an activity.	Disallowed The whole of the submission point be disallowed.		Accept
CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.150 (Late Submission)	Amend	Considers NZCPS policy 11 and 13 require the protection of biodiversity and natural character in the coastal environment. It is unclear what 'minimal' disturbance will mean. In some cases, even minimal disturbance will produce an adverse effect of concern. Of specific concern is the current extent of private vehicle use threatening natural features and coastal values	Amend as follows: Protect Minimise natural features and coastal values <u>by minimising and managing</u> disturbance The character of the coastal environment is retained by ensuring there is minimal disturbance to the natural contours, coastal vegetation, habitats of indigenous coastal species, and any significant heritage, cultural, and ecological features. <u>In some circumstances, even minimal disturbance will need to be avoided to ensure values are protected.</u>	Open Submission	Accept in part
CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values.	KiwiRail Holdings Limited	FS 236.289.150	Oppose	KiwiRail is concerned that proposed changes fail to recognise there is functional and operational need to provide for rail activities within the established rail corridor. The existing rail corridor is part within and part adjacent the mapped extent of the coastal environment. KiwiRail in its primary submission asked for a new policy to reflect how the rail corridor interacts with the coastal environment.	Disallowed Reject submission		Reject
CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values.	Transpower New Zealand Limited	FS 415.289.150	Oppose	The inserted text is opposed. The RMA is not a no effects statute and an avoidance directive for minimal disturbance is inappropriate.	Disallowed The whole of the submission point be disallowed.		Reject
CE - Coastal Environment /Policies /CE-P4: Control activities to prevent the incremental loss of biodiversity and natural values.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.151 (Late Submission)	Support	Support	Retain	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P5: Improve the natural character of the coastal environment.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.152 (Late Submission)	Amend	Considers the wording in this policy needs amending to give direction. It is not clear how an activity being compatible with these matters would "improve the natural character of the coastal environment". For example, providing for 'Bank stability and areas for the treatment of stormwater' is not appropriate for a policy aimed at the restoration of natural character. Nor is public access etc relevant to natural character restoration	Amend as follows: Policy 14 of the NZCPS promotes the restoration or rehabilitation of the natural character of the coastal environment where it has been degraded. The use, development, and protection of natural and physical resources in the coastal environment <u>must be</u> compatible with: a. providing maintaining, and improving ecological corridors; b. public access, open space, recreation, and amenity values; c. maintenance of indigenous biodiversity; d. bank stability and areas for the treatment of stormwater; e. reinstatement of natural hydrological systems, and f. retaining and restoring natural coastal features, ecosystems, and habitats.	Open Submission	Accept in part

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CE - Coastal Environment /Policies /CE-P6: Include Māori within integrated management approach.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.153 (Late Submission)	Support	Support	Retain	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P7: Restrict activities within and close to sensitive coastal areas.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.154 (Late Submission)	Amend	Considers policy needs to also include that complete avoidance will sometimes be necessary. It would also be helpful to specify here, or in another policy, a non-exhaustive list of the types of activities that will need to be restricted.	Amend as follows: To restrict the location and timing of activities, or require the <u>complete avoidance of activities</u> , ... Consider including a non-exhaustive list of activities to be restricted/avoided. Include rules for these activities, including: private vehicle use on beaches, access of dogs and the establishment of buffer/setback from estuary of at least 20m	Open Submission	Reject
CE - Coastal Environment /Policies /CE-P7: Restrict activities within and close to sensitive coastal areas.	KiwiRail Holdings Limited	FS 236.289.154	Oppose		Disallowed Reject submission sought to the extent that it affects the established rail network.		Accept
CE - Coastal Environment /Policies /CE-P8: Retain and reinstate natural values in the coastal environment.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.155 (Late Submission)	Amend	Considers reinstate is unclear, restoration is a better term.	Amend to provide for restoration.	Open Submission	Accept
CE - Coastal Environment /Policies /CE-P9: Maintain natural buffer areas and setbacks around significant indigenous biodiversity.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.156 (Late Submission)	Amend	Considers policy is supported. However, the policy does not specify buffer/setback in Ahuriri Estuary or the minimum area requirement for those zones. This is acceptable as long as the rules provide that level of detail.	Seeks to ensure that rules give effect to this policy. Ensure that rules apply adequate buffers/setbacks (of at least 20m) to be applied to Ahuriri Estuary to protect indigenous biodiversity and other natural environment values.	Open Submission	Reject
CE - Coastal Environment /Policies /CE-P10: Avoid activities in coastal and riparian margins.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.157 (Late Submission)	Amend	Considers the policy is supported; however, it is unclear what 'undue risk' means.	Clarify what 'undue risk' means.	Open Submission	Reject
CE - Coastal Environment /Policies /CE-P11: Manage pedestrian access to the coast and riparian margins.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.158 (Late Submission)	Amend	Considers the policy does not consider dogs.	Amend as follows: a. To maintain a high level of pedestrian access to the coast, estuary, rivers and their margins and require any use and development to enhance public access unless there may be: - potential effects on nesting, breeding or feeding habitats of indigenous species or on natural coastal features, or - security or public health and safety reasons for restricting that access. b. <u>To recognise that dog access needs to be restricted in areas where vulnerable indigenous biodiversity is present.</u> And ensure that rules in the Plan restricts dog access to areas that have vulnerable biodiversity values.	Open Submission	Reject
CE - Coastal Environment /Policies /CE-P12: Restrict vehicle access.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.159 (Late Submission)	Support	Support	Retain	Open Submission	Accept

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CE - Coastal Environment /Policies /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.160 (Late Submission)	Amend	There is no policy giving effect to Policy 13 of the NZCPS	Add policy to give effect to Policy 13 of the NZCPS	Open Submission	Accept
CE - Coastal Environment /Policies /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.161 (Late Submission)	Amend	Considers there is no policy in the CE chapter to give effect to policy 15 NZCPS. We have made submissions to amend the NFL chapter to incorporate this, but there could also be policy direction in this chapter.	Add policy to give effect to Policy 15 of the NZCPS.	Open Submission	Accept
CE - Coastal Environment /Assessment criteria /CE- AC1: All activities in the coastal environment.	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.162 (Late Submission)	Amend	<p>Considers the assessment criteria do not refer to the requirement to avoid adverse effects, and in other cases avoid significant effects, and remedy and mitigate other effects. This needs to be included in order to give effect to policies 11, 13 and 15 NZCPS.</p> <p>For example, for effects on natural character, l. suggests that if development cannot practically be located elsewhere, then development is acceptable. However, the NZCPS requires that significant adverse effects on NC in the CE are avoided, regardless of whether there is another practicable location. The assessment criteria need to appropriately refer to landscape values, given that the NFL chapter currently doesn't adequately address coastal NFL values. The assessment criteria for indigenous biodiversity are far too narrow on one hand, and on the other, include irrelevant matters.</p> <p>Note that courtship and mating at the beginning and fledging towards the end are critical stages within the bird breeding season. Durations of breeding cycles are likely to be impacted due to climate change and may be different for various shore bird species. Consider restrictions during critical bird breeding periods in coastal key habitats between 1 August and 30 March</p>	<p>Amend to make clear that some adverse effects will need to be avoided – regardless of whether the activity contributes to other desired outcomes (e.g. increasing public access) or has a practicable alternative location. This will give effect to the NZCPS. Changes are needed under the eharings 'Effects on natural character...' and 'Effects on indigenous biodiversity', and a new heading is required for 'Effects on natural landscapes' (or incorporate into natural character heading).</p> <p>The criteria for indigenous biodiversity are far too narrow. They need to be significantly expanded, to ensure that protection in accordance with s6, s30, and policy 11 NZCPS will occur.</p> <p>They also include two matters that are irrelevant to biodiversity: z. iii. and z.iv should be deleted from the 'Effects on indigenous biodiversity' section, and included elsewhere in the assessment criteria.</p>	Open Submission	Accept in part
CE - Coastal Environment /Assessment criteria /CE- AC1: All activities in the coastal environment.	KiwiRail Holdings Limited	FS 236.289.162	Oppose	<p>KiwiRail is concerned that proposed changes fail to recognise there is functional and operational need to provide for rail activities within the established rail corridor. KiwiRail in its primary submission asked for a new policy to reflect how the rail corridor interacts with the coastal environment.</p> <p>It is not possible for KiwiRail to avoid all potential adverse effects within the coastal environment. It also needs to be considered that the management and maintenance of rail tracks is often time critical to the overall performance of the regional rail network.</p> <p>It is appropriate to provide for a management hierarchy to manage the effects of regionally significant infrastructure in sensitive locations. In most cases, the effects of rail related activities can be reasonably anticipated and managed through permitted activity conditions. It is inefficient to trigger resource consent for all work which has some effect on the coastal environment where that achieves, on balance, other benefits.</p> <p>Consideration should be given as to whether policies related to indigenous biodiversity in the coastal environment, should be deferred until the proposed variation for the 'Ecosystems and Biodiversity' Chapter is introduced, so they all relevant matters can be considered collectively.</p>	<p>Disallowed</p> <p>Reject submission</p>		Reject
CE - Coastal Environment /Assessment criteria /CE- AC1: All activities in the coastal environment.	Department of Conservation	FS 399.289.162	Support	The submission point gives effect to the RMA and NZCPS.	Allowed		Accept in part

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CE - Coastal Environment /General /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.163 (Late Submission)	Oppose	Whole chapter, including Introduction, Objectives, Policies and Rules Arising from late notification of the ECO-chapter	Seeks to Add: <u>"The Ecosystems and Indigenous Biodiversity chapter includes provisions which relate to activities in the coastal environment. Where there is a conflict between the Coastal Environment chapter and the Ecosystems and Indigenous Biodiversity chapter, the provisions that place greater or additional restrictions on activities with adverse effects on the natural environment will apply"</u> .	Open Submission	Reject
CE - Coastal Environment /General /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.178 (Late Submission)	Amend	Notes that the CE objectives and policies are meant to be implemented by rules in the other chapters of the plan, including the area specific chapters. It is not clear that this has occurred in a comprehensive manner.	Seeks to amend each chapter to include specific rules managing activities in the coastal environment. These will usually need to be much more stringent than for activities outside the coastal environment, because of the sensitivity of coastal values, and also because of the different higher order policy direction. Most activities will not be appropriate as permitted activities in the coastal environment.	Open Submission	Accept in part
Planning Maps/ General/ General	Hawke's Bay Airport Limited ("HBAL")	198.164 (Renotified Submission)	Amend	The area identified as Coastal Environment appears to follow historic boundary lines, rather than accurately reflecting a defined area of coastal environment which has otherwise been mapped as Special Character Feature 9: Ahuriri Estuary. The relevant planning maps therefore need to be amended to ensure the Coastal Environment boundary accurately reflects the HBAL property boundary and proposed Special Character Feature overlay.	The relevant planning maps need to be amended to ensure the Coastal Environment boundary accurately reflects the HBAL property boundary and proposed Special Character Feature overlay.	Open Submission	Rejected
Planning Maps / General / General	Ravensdown Limited (Ravensdown)	246.124	Oppose	Opposes the extent of the CE - Coastal Environment that is mapped as the 'Coastal Environmental Overlay' in the PDP's Planning Maps / General / General, with the introduction to the CE chapter of the PDP stating that the overlay recognises "the characteristics and features where coastal processes, influences and qualities are significant". Part of the CE - Coastal Environmental Overlay traverses GIZ land in Awatoto, including land which forms part of Ravensdown's Napier Works. It is considered that applying the Coastal Environmental Overlay over industrial zoned land, which is already characterised by industrial activities (i.e., Ravensdown's Napier Works), is not consistent with the resource management intent for the CE or the GIZ (as reflected in relevant objectives and policies for these environments and zones). For these reasons, the CE - Coastal Environmental Overlay should be removed from GIZ - General Industrial Zone land in Awatoto.	Delete the part of the CE - Coastal Environmental Overlay that traverses the General Industrial Zone at Awatoto.	Open Submission	Reject
Definitions /Definitions /General	Department of Conservation	253.20	Amend	Considers that as the term "coastal environment" is used throughout the plan, it should be defined using Policy 1 of the NZCPS.	Seeks to insert an updated definition of Coastal Environment as per Policy 1 of the NZCPS 2010: <u>Coastal environment means an environment in which the coast is a significant element or part, and includes:</u> <u>(a) the coastal marine area;</u> <u>(b) islands within the coastal marine area;</u> <u>(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</u> <u>(d) areas at risk from coastal hazards;</u> <u>(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;</u> <u>(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</u> <u>(g) items of cultural and historic heritage in the coastal marine and terrestrial systems, including the intertidal zone; and</u> <u>(h) physical resources and built facilities, including infrastructure, that have modified the coastal environment.</u>	Open Submission	Accept

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National policy statements and NZCPS /National Policy Statements and NZ Coastal Policy Statement /	Department of Conservation	253.3	Amend	The Proposed Plan has not been updated sufficiently to give effect to the NZCPS 2010. The language used in the Plan reflects the language of the Hawke's Bay Regional Coastal Plan, which was notified in 2008, meaning the Regional Coastal Plan uses the terminology of the NZCPS 1994. Terminology should be updated to reflect the current NZCPS 2010.	Seeks that the plan be reviewed and updated to implement the NZCPS 2010.	Open Submission	Accept in part