



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

Section 42A Report

Coastal Environment

Reply Report for Hearing Stream 2,
2 December 2024

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Date: 20 January 2025

1. Purpose and Scope of Report

- 1.1 The purpose of this Reply Report is to outline where my recommendations on Coastal Environment have altered, as a result of the questions arising from the Hearing Panel, submitter evidence or matters traversed at the hearing. It also addresses other matters arising in submitter evidence or during the course of the hearing where I consider further comment may be of benefit to the Hearing Panel. As such, other than where stated in this Reply Report, my opinions and recommendations remain as set out in the Section 42A Report¹ and in the Response to Panel Questions issued prior to the Hearing. For the avoidance of doubt, where I do not comment further, this is not because I have not carefully considered matters raised in any evidence and in the presentations made by submitters. Rather, I am not persuaded that there is a need to alter my recommendations from that in the Section 42A report, and my reasoning has not changed from what is set out within that report.

2. Format of Report

- 2.1 This report solely considers the Coastal Environment chapter. For the reasons noted above, it does not however traverse all matters/topics discussed at the hearing.
- 2.2 A full set of the changes recommended to provisions are contained in **Appendices 1 to 2** to this Report, incorporating recommendations made in the Section 42A Report, the Response to Panel Questions and in this Reply Report. Changes recommended in the Section 42A Report are shown by way of ~~red~~ ~~strikeout~~ and red underlining. Changes recommended in the Response to Panel Questions and in this Reply Report are shown by way of ~~blue strikeout~~ and blue underlining. Changes previously recommended to be deleted but now recommended to be reinstated are shown in blue without underlining. Changes previously recommended to be added but now recommended not to be included are shown in red strikethrough with black underlining. References to the relevant submitter(s), and where applicable, submitter evidence, identify the scope for each recommended change are provided to the right of the text as comments.

¹ Section 42A Report: Coastal Environment.

3. Coastal Environment – submitter evidence

Hawke's Bay Airport Limited

- 3.1 In Hawkes' Bay Airport Limited's (HBAL) evidence (198.164), they state that there is an error in the planning maps and that while they understand that district plans must not be inconsistent with a regional plan, this requirement does not require errors to be perpetuated. They consider that changing the maps is not a significant departure from the proposed district plan but updates the boundary to reflect the HBAL property boundary and proposed Special Character Feature overlay.
- 3.2 I agree with the evidence from Hawkes Bay Airport Limited and agree the mapping of the coastal environment be changed to correct errors due to the reasons above. The changes are set out in Appendix 1.

Recommendation

- 3.3 I recommend, for the reasons given above, that:
- The mapping of the coastal environment is amended to correct errors and accurately reflect the site.
- 3.4 The recommended amendments are set out in **Appendix 2**.
- 3.5 The scale of changes does not require a s32AA evaluation because it is a minor change to provide clarity for plan users and does not alter the general intent.

Royal Forest and Bird – CE-P5

- 3.6 Commissioner Brosnan sought clarification on whether the policy changes to CE-P5 sought in Royal Forest and Bird's submission would result in a removal of values that would require them to be addressed elsewhere in the chapter.
- 3.7 In considering this question, the changes sought by the submitter to delete parts (b) and (d) of CE-P5 were rejected in my recommendation in the section 42 report. Therefore the values addressed in this policy have not been recommended to be removed.

Royal Forest and Bird and Department of Conservation (DoC) – CE-P3

- 3.8 Royal Forest and Bird and DoC sought changes to CE-P3 to better align it with the NZCPS2010.

3.9 Commissioner Schofield sought clarification from the Officer as to the use of the words 'protect and preserve'.

3.10 While these terms aren't defined by the Resource Management Act, the Conservation Act defines preservation and protection separately as:

preservation, in relation to a resource, means the maintenance, so far as is practicable, of its intrinsic values.

protection, in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes—

(a) its restoration to some former state; and

(b) its augmentation, enhancement, or expansion

The two words have different meanings, and to ensure that both are provided for, both words are used within the policy. The NZCPS2010 uses both terms, and my recommendation is to maintain consistency with the NZCPS by also using both terms.

3.11 The commissioner also suggested the chapter has some cross reference to other chapters in addition to the overarching generic statement.

3.12 I agree with the suggestion. Upon reflection, having a generic statement and specific reference to other important chapters ensures plan users are well informed. This change means the plan is easier to understand for plan users, it doesn't impact the provisions of the chapter so is a minor change that provides clarity.

Recommendation

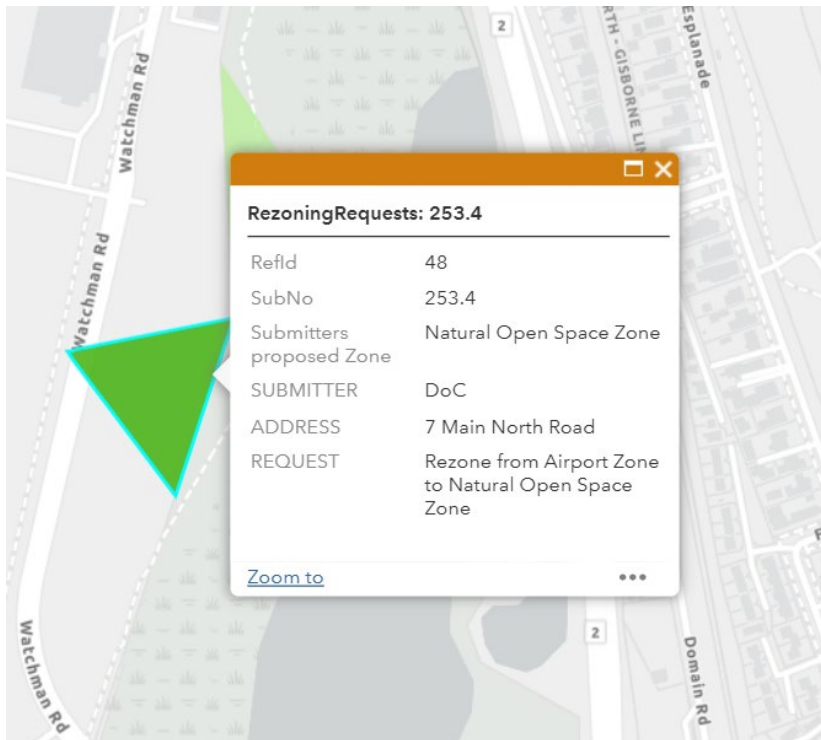
3.13 I recommend, for the reasons given above, that:

3.14 Specific wording that references other chapters be included within the Introduction of the Coastal Environment chapter alongside the general statement to consider other plan chapters.

3.15 The recommended amendments are set out in **Appendix 2**.

3.16 The scale of changes does not require a s32AA evaluation because it is a minor change to provide clarity for plan users and does not alter the general intent.

Appendix 1



Appendix 2

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 effecting 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.

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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.

It is recommended you check all District-Wide and spatial layer chapters when considering the provisions that relate to your activity.