

CE - Coastal Environment

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)
CE - Coastal Environment /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).	Rebecca Eng	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
CE - Coastal Environment /Objectives /CE-O1: Avoid adverse effects on natural character. Relates to CE-I1, CE-I2, CE-I3 CE-I4, CE-I6, CE-I8, and CE-I9	Rebecca Eng	99.76	Support	Supports the reference to significant adverse effects and reference to 'inappropriate' subdivision, use and development.	Retain as notified.	Open Submission
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment. Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5	Rebecca Eng	99.77	Support	Supports the reference to 'functional or operational need'.	Retain as notified.	Open Submission
CE - Coastal Environment /CE - Coastal Environment - Rules Table.	Rebecca Eng	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
CE - Coastal Environment /Introduction /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.	Rebecca Eng	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
CE - Coastal Environment /Objectives /General	Sheena McGuire	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
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment. Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5	Sheena McGuire	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
CE - Coastal Environment /General /General	Mark Leggett	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

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CE - Coastal Environment /Objectives /General	Mark Leggett	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
CE - Coastal Environment /General /General	Ellen Robotham	198.45	Support	Generally supportive of the Coastal Environment chapter.	Retain as notified.	Open Submission
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.	Grant Russell	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
CE - Coastal Environment /Issues /General	Grant Russell	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
CE - Coastal Environment /Objectives /General	Grant Russell	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
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment. Relates to CE-O1, CE-O4, and CE-O5	Grant Russell	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
CE - Coastal Environment /CE - Coastal Environment - Rules Table /General	Grant Russell	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
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.	Georgina McPherson	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
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment. Relates to CE-O1, CE-O4, and CE-O5	Georgina McPherson	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
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment. Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5	Georgina McPherson	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
CE - Coastal Environment /Policies /CE-P10: Avoid activities in coastal and riparian margin. Relates to CE-O1, CE-O4, and CE-O5	Georgina McPherson	215.97	Support	The policy can be supported provided the reference to no 'undue risk' of contamination of water is retained. The Fuel Companies' wharfline and bunkerlines have a functional need to locate within coastal margins.	Retain CE-P10 as notified.	Open Submission

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CE - Coastal Environment /CE - Coastal Environment /General	Trevor Ellis	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
CE - Coastal Environment /Introduction /General	Trevor Ellis	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, <u>restoring, and enhancing</u> 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
CE - Coastal Environment /Objectives /CE-O1: Avoid adverse effects on natural character. Relates to CE-11, CE-12, CE-13 CE-14, CE-16, CE-18, and CE-19	Trevor Ellis	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
CE - Coastal Environment /Objectives /CE-O2: Retain public access. Relates to CE-14, CE-15, CE-16, and CE-17	Trevor Ellis	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
CE - Coastal Environment /Objectives /CE-O3: Values and functions of the coastal. Relates to CE-11 to CE-19	Trevor Ellis	253.65	Amend	considers that CE-O3 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-O3 as follows: 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: <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

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CE - Coastal Environment /Objectives /CE-O4: Natural character and mauri. Relates to CE-I2, CE-I3, CE-I4, CE-I7, and CE-I9	Trevor Ellis	253.66	Support	CE-O4 gives effect to the NZCPS 2010.	Retain as notified.	Open Submission
CE - Coastal Environment /Objectives /CE-O6: Integrated management approach.	Trevor Ellis	253.67	Amend	CE-O6 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-O6 as follows: CE-006: Integrated management approach	Open Submission
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment. Relates to CE-O1, CE-O4, and CE-O5	Trevor Ellis	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
CE - Coastal Environment /Policies /CE-P2: Determine whether an activity is inappropriate in the coastal environment. Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5	Trevor Ellis	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
CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values. Relates to CE-O1 and CE-O4	Trevor Ellis	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 and migratory coastal species, and any significant heritage, cultural, and ecological features.	Open Submission
CE - Coastal Environment /Policies /CE-P4: Control activities to prevent the incremental loss of biodiversity and natural values. Relates to CE-O1, CE-O3 and CE-O4	Trevor Ellis	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
CE - Coastal Environment /Policies /CE-P5: Improve the natural character of the coastal environment. Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5	Trevor Ellis	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

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CE - Coastal Environment /Policies /CE-P7: Restrict activities within and close to sensitive coastal areas. Relates to CE-O4	Trevor Ellis	253.73	Support	Supports as CE-P7 implements the NZCPS.	Retain as notified.	Open Submission
CE - Coastal Environment /Policies /CE-P8: Retain and reinstate natural values in the coastal environment. Relates to CE-O1 and CE-O6	Trevor Ellis	253.74	Support	Supports as CE-P8 implements the NZCPS.	Retain as notified.	Open Submission
CE - Coastal Environment /Policies /CE-P9: Maintain natural buffer areas and setbacks around significant indigenous biodiversity. Relates to CE-O1 and CE-O4	Trevor Ellis	253.75	Support	Supports as CE-P9 implements the NZCPS.	Retain as notified.	Open Submission
CE - Coastal Environment /Policies /CE-P10: Avoid activities in coastal and riparian margins. Relates to CE-O1, CE-O4, and CE-O5	Trevor Ellis	253.76	Support	Supports as CE-P10 implements the NZCPS.	Retain as notified.	Open Submission
CE - Coastal Environment /Policies /CE-P11: Manage pedestrian access to the coast and riparian margins. Relates to CE-O1, CE-O2, and CE-O3	Trevor Ellis	253.77	Support	Supports as CE-P11 implements the NZCPS.	Retain as notified.	Open Submission
CE - Coastal Environment /Policies /CE-P12: Restrict vehicle access. Relates to CE-O1, CE-O2, CE-O4, and CE-O5	Trevor Ellis	253.78	Support	Supports as CE-P12 implements the NZCPS.	Retain as notified.	Open Submission
CE - Coastal Environment /Assessment criteria /CE-AC1: All activities in the coastal environment.	Trevor Ellis	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
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
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
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment. Relates to CE-O1, CE-O4, and CE-O5	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
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 - Dean Raymond	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
CE - Coastal Environment /Objectives /CE-O3: Values and functions of the coastal environment. Relates to CE-I1 to CE-I9	Heritage New Zealand Pouhere Taonga - Dean Raymond	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
CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment. Relates to CE-O1, CE-O4, and CE-O5	Heritage New Zealand Pouhere Taonga - Dean Raymond	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

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CE - Coastal Environment /Issues /CE-I6: Effects of climate change on the coastal environment.	NZ Transport Agency Waka Kotahi Kelsey Watson	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
CE - Coastal Environment /CE - Coastal Environment /Introduction	Dr. Chantal Pagel Natasha Sitarz	289.3	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
CE - Coastal Environment /CE - Coastal Environment /Introduction	Dr. Chantal Pagel Natasha Sitarz	289.3	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
CE - Coastal Environment /CE - Coastal Environment - Rules Table /	Dr. Chantal Pagel Natasha Sitarz	289.6	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
CE - Coastal Environment /Introduction /General	Dr. Chantal Pagel Natasha Sitarz	289.138	Oppose	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.	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. Alternatively, include rules in the CE chapter to achieve the appropriate effects management approach.	Open Submission
CE - Coastal Environment /Introduction /General	Dr. Chantal Pagel Natasha Sitarz	289.139	Amend	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 This is still absent from the notified proposed District Plan	Ensure that when it is notified, the ECO chapter contains CE-specific provisions to give effect to policy 11 NZCPS.	Open Submission
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.	Dr. Chantal Pagel Natasha Sitarz	289.140	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

CE - Coastal Environment

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)
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.	Dr. Chantal Pagel Natasha Sitarz	289.141	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
CE - Coastal Environment /Issues /CE-17: The need to protect ecosystems	Dr. Chantal Pagel Natasha Sitarz	289.142	Support	Support	Retain	Open Submission
CE - Coastal Environment /General /General	Dr. Chantal Pagel Natasha Sitarz	289.143	Amend	<p>Considers amending the whole chapter.</p> <p>It is not yet clear whether the ECO chapter will specifically address indigenous biodiversity in the CE. If it does not,</p> <p>this chapter will need specific objectives, policies and rules to give effect to policy 11 NZCPS.</p>	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
CE - Coastal Environment /Objectives /CE-O1: Avoid adverse effects on natural character. Relates to CE-11, CE-12, CE-13 CE-14, CE-16, CE-18, and CE-19	Dr. Chantal Pagel Natasha Sitarz	289.144	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).	<p>Retain, but amend to require avoidance of adverse effects on any areas of outstanding natural character in the CE.</p> <p>The objective should also require that other effects (ie on non-outstanding areas of NC) are remedied or mitigated.</p>	Open Submission
CE - Coastal Environment /Objectives /CE-O2: Retain public access. Relates to CE-14, CE-15, CE-16, and CE-17	Dr. Chantal Pagel Natasha Sitarz	289.145	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
CE - Coastal Environment /Objectives /CE-O3: Values and functions of the coastal environment. Relates to CE-11 to CE-19	Dr. Chantal Pagel Natasha Sitarz	289.146	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 where adverse effects can be appropriately avoided, remedied or mitigated:...”	Open Submission
CE - Coastal Environment /Objectives /CE-O3: Values and functions of the coastal environment. Relates to CE-11 to CE-19	Dr. Chantal Pagel Natasha Sitarz	289.146	Amend	Considers it is not clear that adverse effects will be avoided, remedied or mitigated consistent with the NZCPS.	<p>Amend as follows:</p> <p>“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:...”</p>	Open Submission
CE - Coastal Environment /Objectives /CE-O4: Natural character and mauri Relates to CE-12, CE-13, CE-14, CE-17, and CE-19	Dr. Chantal Pagel Natasha Sitarz	289.147	Support	Support	Retain	Open Submission
CE - Coastal Environment /Objectives /CE-O6: Integrated management approach.	Dr. Chantal Pagel Natasha Sitarz	289.148	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.	<p>Amend as follows:</p> <p>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></p>	Open Submission

CE - Coastal Environment

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)
<p>CE - Coastal Environment /Policies /CE-P1: Identify and protect the natural features and natural character of the coastal environment.</p> <p>Relates to CE-O1, CE-O4, and CE-O5</p>	Dr. Chantal Pagel Natasha Sitarz	289.149	Oppose	<p>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.</p> <p>The policy should also refer to the requirement protect natural character and biodiversity, and manage effects in certain ways.</p>	<p>Amend as follows:</p> <p>In determining whether an activity may reduce the natural character in the coastal environment, and is inappropriate, particular regard must be given to:</p> <p>a. <u>the requirement to avoid, remedy or mitigate effects in accordance with policies 11, 13 and 15 NZCPS;</u></p> <p>b. <u>the nature and intensity of the proposed activity including:</u></p> <p>i. the functional need or operational requirement to locate within the coastal environment, and</p> <p>ii. the opportunity to mitigate anticipated adverse effects of the activity.</p> <p>c. the degree to which the natural character will be modified, damaged or destroyed including:</p> <p>i. the duration and frequency of any <u>effect</u>;</p> <p>ii. the magnitude or scale of any <u>effect</u>;</p> <p>iii. the irreversibility of adverse effects on natural character values, and/or</p> <p>iv. whether the activity will lead to cumulative adverse effects on the natural character of the site/area</p>	Open Submission
<p>CE - Coastal Environment /Policies /CE-P3: Minimise disturbance of natural features and coastal values.</p> <p>Relates to CE-O1 and CE-O4</p>	Dr. Chantal Pagel Natasha Sitarz	289.150	Amend	<p>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.</p> <p>Of specific concern is the current extent of private vehicle use threatening natural features and coastal values</p>	<p>Amend as follows:</p> <p>Protect Minimise natural features and coastal values <u>by minimising and managing</u> disturbance</p> <p>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></p>	Open Submission
<p>CE - Coastal Environment /Policies /CE-P4: Control activities to prevent the incremental loss of biodiversity and natural values.</p> <p>Relates to CE-O1, CE-O3 and CE-O4</p>	Dr. Chantal Pagel Natasha Sitarz	289.151	Support	Support	Retain	Open Submission

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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)
CE - Coastal Environment /Policies /CE-P5: Improve the natural character of the coastal environment. Relates to CE-O1, CE-O2, CE-O3, CE-O4, and CE-O5	Dr. Chantal Pagel Natasha Sitarz	289.152	Amend	<p>Considers the wording in this policy needs amending to give direction.</p> <p>It is not clear how an activity being compatible with these matters would “improve the natural character of the coastal environment”.</p> <p>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</p>	<p>Amend as follows:</p> <p>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 compatible with:</p> <ul style="list-style-type: none"> 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
CE - Coastal Environment /Policies /CE-P6: Include Māori within integrated management approach. Relates to CE-O1, CE-O4, and CE-O6.	Dr. Chantal Pagel Natasha Sitarz	289.153	Support	Support	Retain	Open Submission
CE - Coastal Environment /Policies /CE-P7: Restrict activities within and close to sensitive coastal areas. Relates to CE-O4	Dr. Chantal Pagel Natasha Sitarz	289.154	Amend	<p>Considers policy needs to also include that complete avoidance will sometimes be necessary.</p> <p>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.</p>	<p>Amend as follows:</p> <p>To restrict the location and timing of activities, or require <u>the complete avoidance of activities</u>, ...</p> <p>Consider including a non-exhaustive list of activities to be restricted/avoided.</p> <p>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</p>	Open Submission
CE - Coastal Environment /Policies /CE-P8: Retain and reinstate natural values in the coastal environment. Relates to CE-O1 and CE-O6	Dr. Chantal Pagel Natasha Sitarz	289.155	Amend	Considers reinstate is unclear, restoration is a better term.	Amend to provide for restoration.	Open Submission
CE - Coastal Environment /Policies /CE-P9: Maintain natural buffer areas and setbacks around significant indigenous biodiversity. Relates to CE-O1 and CE-O4	Dr. Chantal Pagel Natasha Sitarz	289.156	Amend	<p>Considers policy is supported.</p> <p>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.</p>	<p>Seels to ensure that rules give effect to this policy.</p> <p>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.</p>	Open Submission
CE - Coastal Environment /Policies /CE-P10: Avoid activities in coastal and riparian margins. Relates to CE-O1, CE-O4, and CE-O5	Dr. Chantal Pagel Natasha Sitarz	289.157	Amend	Considers the policy is supported; however, it is unclear what ‘undue risk’ means.	Clarify what ‘undue risk’ means.	Open Submission

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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)
CE - Coastal Environment /Policies /CE-P11: Manage pedestrian access to the coast and riparian margins. Relates to CE-O1, CE-O2, and CE-O3	Dr. Chantal Pagel Natasha Sitarz	289.158	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. <u>b.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
CE - Coastal Environment /Policies /CE-P12: Restrict vehicle access. Relates to CE-O1, CE-O2, CE-O4, and CE-O5	Dr. Chantal Pagel Natasha Sitarz	289.159	Support	Support	Retain	Open Submission
CE - Coastal Environment /Policies /General	Dr. Chantal Pagel Natasha Sitarz	289.160	Amend			Open Submission
CE - Coastal Environment /Policies /General	Dr. Chantal Pagel Natasha Sitarz	289.161	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
CE - Coastal Environment /Assessment criteria /CE-AC1: All activities in the coastal environment.	Dr. Chantal Pagel Natasha Sitarz	289.162	Amend	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. For example, for effects on natural character, I. 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. 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	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). 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. 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.	Open Submission
CE - Coastal Environment /General /General	Dr. Chantal Pagel Natasha Sitarz	289.163	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

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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)
CE - Coastal Environment /General /General	Dr. Chantal Pagel Natasha Sitarz	289.178	Amend	<p>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.</p> <p>It is not clear that this has occurred in a comprehensive manner.</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>	Open Submission