

Notes on Plan Appeal Annotations

This version (Version 2.1) of the Proposed Hawke's Bay Regional Coastal Environment Plan incorporates alterations arising from decisions issued by the Hawke's Bay Regional Council on 19 July 2008.

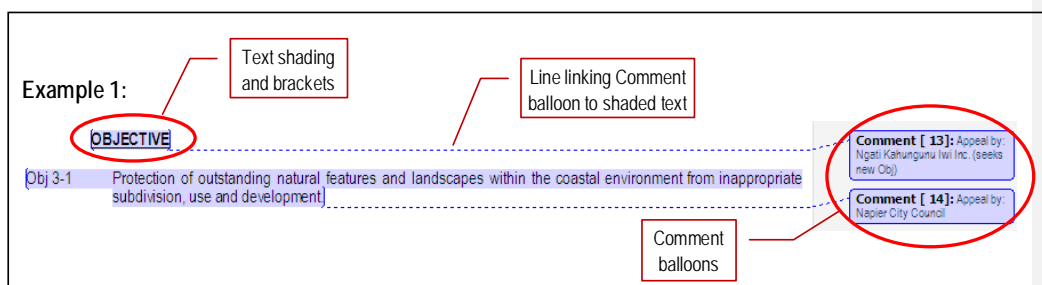
Version 2.1 of the Plan has been annotated to show provisions that are the subject of one or more appeals lodged with the Environment Court. Every attempt has been made to illustrate all points of appeal, but given the wording of some appeals, Council staff have encountered difficulties in identifying specific plan provisions to which those appeals relate.

The Plan has been annotated using the 'Comment' feature built into MSWord2007. Where a provision (or part of a provision) is the subject of an appeal, a 'Comment' balloon appears in the right hand margin. Each balloon contains a list of appellants who have appealed all or part of a decision relating to that plan provision. In some instances, the Comment balloon provides a very basic indication of additional provisions requested by the appellant(s).

The provision or part of a provision that the Comment balloon relates to is indicated with text shading and is contained within brackets like [Appeal].

The provision or part of a provision that the subject to an appeal are indicated in the following ways:

1. Appeals that relate to the **whole chapter** appear at the beginning of the relevant chapter.
2. Appeals that relate to a **plan provision** (eg: an objective or policy) or **part of a provision** (eg: policy guideline or explanation sentence) appear as a Comment balloon attached to the relevant provision (or part thereof). Refer Example 1 (Comment 14) below.
3. Appeals that relate to the **whole rule** or **many parts** of the same rule appear as a Comment balloon attached to the relevant Rule heading. Refer Example 2 (Comment 38) below.
4. Appeals that relate to **part of a rule** appear as a Comment balloon attached to the relevant part of the rule. Refer Example 2 (Comment 37) below.
5. Appeals that relate to **new provisions** requested may appear as a Comment balloon attached to the relevant chapter heading or subheading. Refer Example 1 (Comment 13) below.
6. Appeals that relate to the **entire Plan** appear with a footnote in the table below. There are no corresponding Comment balloons for appeals of this type.
7. Appeals that relate to the **whole planning maps** appear at the beginning of the maps. There are no corresponding Comment balloons for appeals of this type.
8. Appeals that relate to **parts of the planning maps** appear in a table at the beginning of the maps. The table identifies the appellant(s); the relevant map number(s); and features of those map(s) which are the subject of appeal(s). There are no corresponding Comment balloons for appeals of this type.



Example 2:

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Notification Requirements
Rule 34	Except as provided for in Rule 35, Rule 36 or Rule 37, the take and use of surface water or ground water in the Coastal Margin.	Discretionary			Refer to notification requirements in s85C-85D of RMA.
Rule 35	Except as provided for in Rule 36, the take and use of ground water in the Coastal Margin, including the take and use of groundwater from the Groundwater Management Zone identified in Schedule L of this Plan. ¹	Permitted	<p>a) The total volume of water taken from any property shall not exceed 20 m³/d.</p> <p>b) The rate of take shall not exceed 10 l/s.</p> <p>c) The take shall not adversely affect any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected persons.</p> <p>d) The take shall not adversely affect any wetland, lake or surface water body.</p> <p>e) In circumstances where there is the risk of contaminants flowing into a bore used for taking ground water, a backflow prevention device shall be installed.</p>		

Annotations in the image:

- Comment balloon for part of rule:** Points to the 'Notification Requirements' column for Rule 34.
- Line linking Comment balloon to shaded text:** A red line connects a comment balloon to the 'Classification' column for Rule 35.
- Text shading and brackets for whole rule:** A red circle highlights the 'Activity' column for Rule 35, with a bracket extending to the 'Classification' column.
- Comment balloon for whole rule or many parts of rule:** Points to the 'Conditions/Standards/Terms' column for Rule 35.
- Comment [37]:** Appeal by Ngati Kahungunu Iwi Inc. (linked to Rule 34).
- Comment [38]:** Appeal by Ngati Kahungunu Iwi Inc. (appeals new condition) (linked to Rule 35).

The following appeals remain unresolved have been lodged against the Proposed Regional Coastal Environment Plan:

Environment Court Ref	Appellant Name and Address for Service
ENV-2008-WLG-000174	Federated Farmers of New Zealand Incorporated C/- Hilary Gubb, Federated Farmers of NZ Inc. PO Box 447, Hamilton
ENV-2008-WLG-000167	Fenwicke, Peter and others (L Williams, S Stuart, S Kingsford, R Turner, R Robbie, N MacDonald, A Stuart) C/- Alison McEwan, Langley Twigg, PO Box 446, Napier
ENV-2008-WLG-000165	Hill Country Corporation Limited C/- Magnus Macfarlane, Sainsbury Logan & Williams, PO Box 41, Napier
ENV-2008-WLG-000173	Minister of Conservation C/- Kevin Smith, Conservancy Solicitor, Department of Conservation, East Coast Hawke's Bay Conservancy, PO Box 644, Napier
ENV-2008-WLG-000162	Napier City Council C/- Matthew Lawson, Willis Toomey Robinson, Private Bag 6018, Napier
ENV-2008-WLG-000157 (Plan Change 1)	Ngati Kahungunu Iwi Incorporated C/- Kim Hamilton, General Manager, Ngati Kahungunu Iwi Inc. PO Box 2406, Hastings
ENV-2008-WLG-000158 (RCEP)	
ENV-2008-WLG-000175	Ocean View Estate Limited C/- Mark Mahoney, PO Box 1089, Napier
ENV-2008-WLG-000166	Port of Napier Limited C/- John Matthews, Langley Twigg, PO Box 446, Napier
ENV-2008-WLG-000168	Ravensdown Fertiliser Co-operative Limited C/- Sarah Barnes, Anderson Lloyd Christchurch, PO Box 13-831, Christchurch
ENV-2008-WLG-000161	Shoal Beach Limited C/- Todd Hansen, Hansen and Bate Solicitors, PO Box 235, Hastings
ENV-2008-WLG-000171	Te Awanga Society Incorporated C/- Lara Blomfield, Sainsbury Logan & Williams, PO Box 41, Napier
ENV-2008-WLG-000164 ¹	Winstone Aggregates, a Division of Fletcher Concrete and Infrastructure Limited C/- Kevin Bligh, Winstone Aggregates, PO Box 17195, Greenlane, Auckland

Comment [G11]: Appeal settled by Environment Court Consent Order 12/10/2009

Comment [G12]: Appeal Struck Out in entirety by Environment Court 2/10/2009

¹ The appeal by Winstone Aggregates challenges the entire Plan and requests that the entire RCEP be withdrawn. Winstone Aggregates' appeal also states alternative relief if the Plan is not withdrawn.

Notes on Planning Map Appeal Annotations

This version (Version 2.1) of the Proposed Hawke's Bay Regional Coastal Environment Planning maps incorporates alterations arising from decisions issued by the Hawke's Bay Regional Council on 19 July 2008.

Version 2.1 of the Plan's text has been annotated to show provisions that are the subject of one or more appeals lodged with the Environment Court. It is not possible to simply and clearly annotate the maps to indicate those features which are the subject of appeals. Instead of annotating individual maps, the tables below sets out the map(s) and their respective features that are the subject of one or more appeals.

Appeals that relate to particular features on **all planning maps** appear in Table 1.

Appeals that relate to **parts of the planning maps** appear in Table 2. The table identifies the appellant(s); the relevant map number(s); and features of those map(s) which are the subject of appeal(s).

TABLE 1

Mapping Feature(s) Appealed	Appellant(s)	Environment Court Ref
Aquaculture Management Areas	Napier City Council	ENV-2008-WLG-000162
Class CR(HB) Coastal Water	Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000158
Coastal Environment Inland Boundary	Napier City Council Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000162 ENV-2008-WLG-000158
Coastal Hazard Zones 1 - 3	Napier City Council Te Awanga Society Inc. Winstone Aggregates ²	ENV-2008-WLG-000162 ENV-2008-WLG-000171 ENV-2008-WLG-000164
Transition Hazard Zones (CHZ1 and CHZ2)	Napier City Council Te Awanga Society Inc. Winstone Aggregates ³	ENV-2008-WLG-000162 ENV-2008-WLG-000171 ENV-2008-WLG-000164
Historic Heritage Areas	Napier City Council Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000162 ENV-2008-WLG-000158
Maintenance Dredge Sites	Napier City Council	ENV-2008-WLG-000162
Parade Gravel Extraction Site	Napier City Council	ENV-2008-WLG-000162
Significant Conservation Areas	Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000158
Territorial Authority boundaries	Napier City Council	ENV-2008-WLG-000162
Vegetation Clearance Management Area	Napier City Council	ENV-2008-WLG-000162
Westshore Renourishment Area	Napier City Council	ENV-2008-WLG-000162

Comment [G13]: Appeal Struck Out in entirety by Environment Court 2/10/2009

Comment [G14]: Appeal Struck Out in entirety by Environment Court 2/10/2009

² The appeal by Winstone Aggregates challenges the entire Plan and requests that the entire RCEP be withdrawn. Winstone Aggregates' appeal also states alternative relief if the Plan is not withdrawn.

³ The appeal by Winstone Aggregates challenges the entire Plan and requests that the entire RCEP be withdrawn. Winstone Aggregates' appeal also states alternative relief if the Plan is not withdrawn.

TABLE 2

Mapping Feature(s) Appealed (by Map Number)	Appellant(s)	Environment Court Ref
1, 2, 3 Coastal Hazard Zones	Fenwicke and others Ocean View Estate Limited	ENV-2008-WLG-000167 ENV-2008-WLG-000175
45 – 67 Coastal Environment Inland Boundary	Napier City Council	ENV-2008-WLG-000162
55 CR(HB) Coastal Water Class Port Management Area boundary (Breakwater Road)	Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000158
56 Port Management Area boundary (‘south groyne’)	Port of Napier Limited	ENV-2008-WLG-000166
59 Harbour Management Area boundary (Scapa Flow)	Napier City Council	ENV-2008-WLG-000162
59 – 66 Coastal Hazard Zones	Napier City Council	ENV-2008-WLG-000162
60 Port Management Area boundary (‘south groyne’)	Port of Napier Limited	ENV-2008-WLG-000166
65 - 66 Coastal Hazard Zones	Ravensdown Fertiliser Co-op Winstone Aggregates	ENV-2008-WLG-000168 ENV-2008-WLG-000164
75 – 77 Coastal Hazard Zones	Te Awanga Society Inc.	ENV-2008-WLG-000171
80 – 82 Coastal Hazard Zones	Hill Country Corp. Limited	ENV-2008-WLG-000165
96 Coastal Hazard Zones	Shoal Beach Limited	ENV-2008-WLG-000161
101 Coastal Hazard Zones	Fenwicke and others Ocean View Estate Limited	ENV-2008-WLG-000167 ENV-2008-WLG-000175
116 Coastal Environment Inland Boundary	Napier City Council	ENV-2008-WLG-000162
116 Port Management Area boundary (‘Breakwater Road’)	Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000158
117 Port Management Area boundary (‘south groyne’)	Port of Napier Limited	ENV-2008-WLG-000166
117 Coastal Environment Inland Boundary Harbour Management Area boundary (Scapa Flow)	Napier City Council	ENV-2008-WLG-000162
117 Port Management Area boundary (Breakwater Road)	Ngati Kahungunu Iwi Inc.	ENV-2008-WLG-000158
118 Coastal Environment Inland Boundary	Napier City Council	ENV-2008-WLG-000162
118 Coastal Hazard Zones	Te Awanga Society Inc. Ravensdown Fertiliser Co-op Winstone Aggregates	ENV-2008-WLG-000171 ENV-2008-WLG-000168 ENV-2008-WLG-000164
120 Coastal Hazard Zones	Hill Country Corp. Limited	ENV-2008-WLG-000165
122 Coastal Hazard Zones	Shoal Beach Limited	ENV-2008-WLG-000161

Comment [G15]: Appeal Struck Out in entirety by Environment Court 2/10/2009

Comment [G16]: Appeal settled by Environment Court Consent Order 12/10/2009

Comment [G17]: Appeal Struck Out in entirety by Environment Court 2/10/2009

Comment [G18]: Appeal settled by Environment Court Consent Order 12/10/2009