

# Hawke's Bay Regional Coastal Environment Plan

## PROPOSED

August 2006



## Version 2.1

As amended by Council Decisions Issued 19 July 2008

(Includes annotations indicating provisions subject to appeals lodged with the Environment Court)





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## **VOLUME 2 – PLANNING MAPS**



# **PART A**

# **INTRODUCTION**

# 1.1 Title and Purpose of Plan

## 1.1.1 CITATION

1.1.1.1 This Plan is to be known as the Hawke's Bay Regional Coastal Environment Plan. It has been prepared by the Hawke's Bay Regional Council (HBRC) in accordance with the Council's functions under the Resource Management Act 1991 (RMA).

1.1.1.2 This Plan incorporates the regional coastal plan (as required to be prepared by regional councils) as well as issues regarding the landward component of the coastal environment. Chapter 1.1.3.1 defines the coastal environment for the purposes of this Plan. The landward margin of the coastal environment is identified on the planning maps in Volume 2 of this Plan.

## 1.1.2 PURPOSE

1.1.2.1 The purpose of this Plan is to enable the HBRC to promote the sustainable management of the natural and physical resources of Hawke's Bay's coastal environment. Section 5 of the RMA contains a definition of 'sustainable management.' The Plan sets out a framework for managing resource use activities in an integrated manner throughout Hawke's Bay's coastal environment. The Hawke's Bay Regional Resource Management Plan (RRMP) largely addresses management of resource use activities in other parts of the region.

## 1.1.3 GEOGRAPHIC COVERAGE

1.1.3.1 The Hawke's Bay coastline stretches 353km from Mahia Peninsula and Mahanga in the north, to slightly south of Porangahau beach. Along these 353km, the coastline supports a diverse range of habitats underpinned by the unique geological history of the area. Coastline features largely reflect the geomorphology of the region, with large undulating coastal cliffs, sandy beaches, extensive dune systems and rock platforms characterising the coastline between Cape Kidnappers and Cape Turnagain. To the north, gravel beaches and herbfields typify coastal habitats between Tangoio bluff and Te Awanga, with steep cliffs; low-lying dunes, sandy and gravel beaches and rock platforms present north of Tangoio to Mahanga (Stevens and Robertson, 2005). The region is dominated by Hawke Bay itself, which is 94km across its widest point.

1.1.3.2 The Plan extends to include all of the coastal environment<sup>1</sup>. The coastal environment includes the coastal marine area (as defined in s2 of the RMA) and the landward edge to this. The term 'coastal environment' is not specifically defined in the RMA, nor in the New Zealand Coastal Policy Statement, but has been defined in resource management case law. For the purposes of this Regional Coastal Environment Plan, the HBRC has defined the Hawke's Bay coastal environment as including:

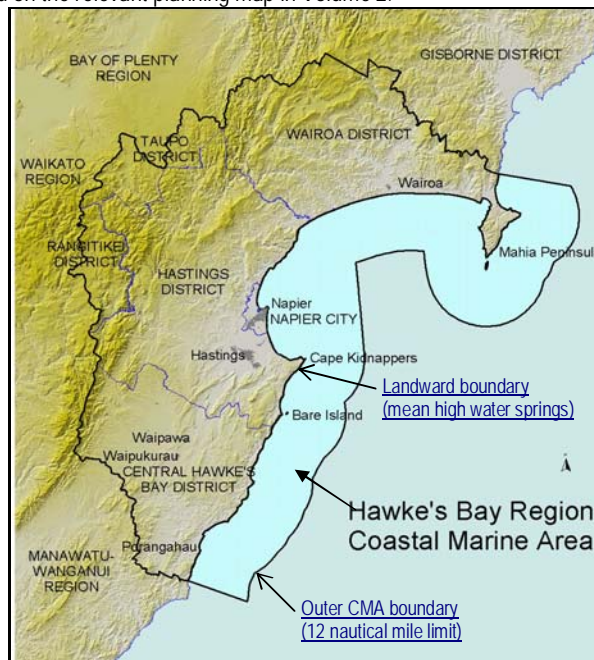
- (a) the coastal marine area
- (b) any areas identified as being affected by, or potentially affected by, coastal flooding or coastal erosion and
- (c) any of the following:
  - i) tidal waters and the foreshore above mean high water springs
  - ii) dunes
  - iii) beaches
  - iv) areas of coastal vegetation and coastal associated fauna
  - v) coastal cliffs
  - vi) salt marshes
  - vii) coastal wetlands, including estuaries and
  - viii) areas where activities occur or may occur which have a direct physical connection with, or impact on, the coast.

**Comment [ 1 ]:** Appeal by:  
Napier City Council  
Ngati Kahungunu Iwi Inc.

<sup>1</sup> The 'Hawke's Bay Regional Resources Management Plan' is applicable to those areas of the Hawke's Bay region that are not within the coastal environment.

- 1.1.3.3 For the purposes of this Plan, the coastal environment comprises all of the coastal marine area of Hawke's Bay and the coastal margin. The inland boundary of the coastal margin and the coastal environment is as shown on the planning maps.
- 1.1.3.4 It should be noted that the term 'coastal environment' is not defined in the RMA, but is used in s6 of the RMA and in the NZCPS. It was defined under the now repealed Town and Country Planning Act 1977 as an environment in which the coast is usually a significant part or element. The Environment Court has held that the coastal environment is usually accepted as extending to the crest of the nearest skyline. In some cases, the coastal environment for the purposes of s6 and/or the NZCPS may extend inland of the coastal environment as shown on the planning maps. However the provisions of this Plan only apply seaward of the 'inland coastal environment boundary' shown on the planning maps.
- 1.1.3.5 The criteria in chapter 1.1.3.2 above form the basis for spatially defining the landward margin of the region's coastal environment, as opposed to undertaking an exhaustive site-by-site assessment of the entire region's coastline. The inland boundary of the coastal environment is identified on the planning maps in Volume 2. The outer seaward boundary of the coastal environment is the 12 nautical mile limit (or approximately 22.2 kilometres from shore). The coastal environment's inland boundary recognises the varying natural and physical characteristics of Hawke's Bay's coast and does not represent a 'one size fits all' approach. The margin largely follows property boundaries, coastal ridgelines and clifftops and other natural or physical features (eg: roads, rail) where appropriate.
- 1.1.3.6 The mean high water springs boundary has not been comprehensively surveyed for the Hawke's Bay region as it has a dynamic and varying location. The coastal marine area of the region is shown in Figure 1. The mean high water spring location is shown as an indicative line only on the planning maps in Volume 2 of this Plan. Where the line crosses a river mouth, the coastal marine area boundary has been defined by agreement between HBRC, Department of Conservation and the appropriate territorial authority. Boundaries of the coastal marine area at river mouths are detailed on the relevant planning map in Volume 2.

**Comment [ 2 ]:** Appeal by:  
Napier City Council  
Ngati Kahungunu Iwi Inc.



## 1.1.4 REVIEW OF REGIONAL COASTAL PLAN

- 1.1.4.1 This Plan is a review of the Hawke's Bay Regional Coastal Plan which became operative in June 1999. Under the RMA, the HBRC was required to prepare a regional coastal plan for the region's coastal marine area. The HBRC is also required to review the regional coastal plan by 2009 (ten years after the regional coastal plan became operative). The HBRC has decided to initiate a review of the Regional Coastal Plan well before this 'deadline.'

Figure 1: Hawke's Bay Region Coastal Marine Area

1.1.4.2 The review of the Regional Coastal Plan combines the Regional Coastal Plan with the HBRC's other regional plans that apply within the coastal environment (in particular, the Hawke's Bay Regional Resource Management Plan prepared by HBRC under the RMA). The process of developing this Plan involved the review and merger of these two principal documents, as well as the preparation of new policy. Figure 3 is a schematic representation of the Regional Coastal Environment Plan's scope and its relationship with the Hawke's Bay Regional Resource Management Plan.

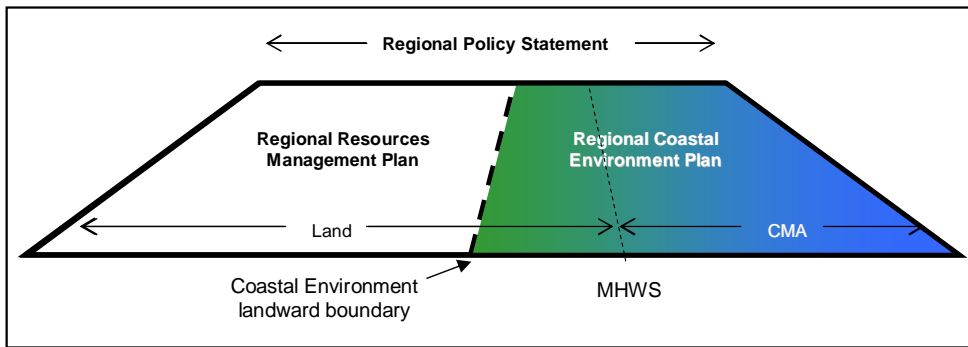


Figure 3: Schematic representation of relationship between the Hawke's Bay Regional Coastal Environment Plan and the Hawke's Bay Regional Resources Management Plan



Figure 4A: Representation of the spatial relationship between the 'Coastal Margin', the 'Coastal Marine Area' and the Hawke's Bay Regional Resources Management Plan

1.1.4.3 The HBRC recognised that restricting its attention to issues solely within the coastal marine area would fail to recognise the integrated nature of the coastal environment. Elements and qualities which comprise the coastal environment are inextricably linked, regardless of where they lie in relation to mean high water springs. Under the current regional coastal plan/regional plan structure, it is difficult in some cases to effectively manage these elements and qualities which exist within the coastal marine area in isolation from those existing above mean high water springs.

1.1.4.4 For this reason, resource management issues within the coastal environment (for example: natural character, natural features and landscapes, public access, natural coastal hazards, and significant areas of flora and fauna) need to be managed in an integrated way. This means managing (i.e. identifying, prioritising and acting on) the use,

development and protection of natural and physical resources as a whole – albeit within the relevant roles of responsibilities of agencies involved. Also non-point (sedimentation, and nutrient and faecal contamination) and point source discharges (such as sewage and stormwater) are activities that occur beyond the coastal marine area which directly affect the CMA and need to be managed in an integrated way. The HBRC has adopted a 'coastal environment' approach in this Plan to achieve better integrated management of the coast's natural and physical resources. In this way, it is possible to review the Regional Coastal Plan and the HBRC's other regional plans to ensure the objectives, policies and methods developed in this Plan are consistent in relation to land and sea areas of the region's coast.

## 1.1.5 EFFECT OF THIS PLAN

- 1.1.5.1 As a 'proposed plan', this Regional Coastal Environment Plan has legal force under the RMA. The regional rules contained within it have the force and effect of a regulation under the RMA. The HBRC must have regard to the provisions of the proposed plan when considering applications for resource consents. In addition, territorial local authorities (TLAs) within Hawke's Bay must ensure that their district plans are not inconsistent with the provisions of the proposed plan. TLAs must also have regard to this Plan's provisions when considering resource consent applications for land use activities and subdivision.
- 1.1.5.2 Nothing in this Plan removes the need for all people to comply with requirements of all other statutes, regulations, plans, bylaws or any other controls relevant to any activities undertaken, or to be undertaken, within the coastal environment.

## 1.2 Statutory Context

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- 1.2.0 This chapter sets out the statutory context for this Plan. It has been included to help explain the context in which this Plan has been developed.

### 1.2.1 THE RESOURCE MANAGEMENT ACT 1991

#### OVERVIEW

- 1.2.1.1 The RMA is the principal statute for managing the use of natural and physical resources. The RMA establishes an integrated framework for the management of activities affecting land, air, water and ecosystems, including the coast. Its overarching purpose (stated in s5) is to promote the sustainable management of natural and physical resources.
- 1.2.1.2 Part II of the RMA sets out the purpose and principles of the Act, which govern decision making and the policy formation functions of regional councils in respect of resource management.
- 1.2.1.3 A hierarchy of principles of the RMA is also contained within Part II. The principles define matters that the HBRC must address in relation to managing the use, development and protection of natural and physical resources. These are: matters of national importance, which the HBRC must recognise and provide for (s6); other matters such as kaitiakitanga, the efficient use and development of natural and physical resources and maintenance and enhancement of the quality of the environment, which the HBRC must have particular regard to (s7); and the principles of the Treaty of Waitangi, which the HBRC must take into account (s8).
- 1.2.1.4 The HBRC has given effect to the purpose of the RMA by establishing policies and methods in this Plan which focus on managing environmental effects and enabling activities to take place. The HBRC believes that, while establishing a policy framework for sustaining natural and physical resources is clearly fundamental, it is also important to provide certainty and minimise costs for the people of the region. Hence, the HBRC has sought to regulate activities only to the degree necessary to meet the purpose of the RMA. A key approach of this Plan is to permit minor activities which have little environmental effect that would otherwise be restricted under the RMA.
- 1.2.1.5 Part III of the RMA sets out duties and restrictions on people carrying out activities which may affect the environment. Most activities affecting 'public' resources – coasts, air, water, rivers and lakes – are restricted under the RMA, (eg:

discharges of contaminants, water abstractions, and structures in the coastal marine area). This means that a resource consent must be obtained before these types of activities can be undertaken, unless there are rules in a plan stating otherwise. By contrast, land use activities are not restricted under the RMA, unless a council writes rules regulating land use activities, as most land is a 'private' resource. Land use activities remain largely unregulated by the HBRC. Reference should be made to the relevant district plan for further requirements in respect of land use.

## 1.2.2 POLICY STATEMENTS AND PLANS

1.2.3.1 Under the RMA, national policy statements can be prepared. The New Zealand Coastal Policy Statement (NZCPS) prepared by the Minister of Conservation is the only national policy statement prepared to date. Regional plans must give effect<sup>2</sup> to the NZCPS. The NZCPS provides a policy framework for resource management issues within the coastal environment. Policies within the NZCPS address:

- (a) national priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development.
- (b) the protection of the characteristics of the coastal environment of special value to the tangata whenua including wahi tapu, tauranga waka, mahinga maataitai, and taonga raranga.
- (c) activities involving the subdivision, use or development of areas of the coastal environment.
- (d) The Crown's interests in land of the Crown in the coastal marine area.
- (e) The matters to be included in any or all regional coastal plans in regard to the preservation of the natural character of the coastal environment, including specific circumstances in which the Minister of Conservation will decide resource consents.
- (f) The implementation of New Zealand's international obligations affecting the coastal environment.
- (g) The procedures and methods to be used to review the policies and to monitor their effectiveness.

1.2.3.2 The Hawke's Bay Regional Policy Statement (RPS) is embodied within the Hawke's Bay Regional Resource Management Plan. The RPS sets out a policy framework for promoting the sustainable management of the region's natural and physical resources. The RPS must give effect to the NZCPS while this Plan must give effect to the NZCPS and the RPS.

## 1.2.3 HBRC FUNCTIONS

1.2.3.1 The Hawke's Bay Regional Coastal Environment Plan has been prepared in accordance with the functions vested in the HBRC under the RMA. The functions relevant to this Plan are summarised below:

- (a) The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region.
  - (aa) The preparation of objectives and policies in relation to effects of the use, development or protection of land which are of regional significance.
- (b) In relation to the coastal marine area, the control (in conjunction with the Minister of Conservation) of: land and associated natural and physical resources; the occupation and allocation of space on land of the Crown or HBRC and the extraction of sand, shell, gravel or other natural material from that land; the taking, use, damming and diversion of water; discharges of contaminants into or onto land, air or water and discharges of water into water; the dumping and incineration of waste or other matter from ships, aircraft and offshore installations; any effects of the use, development or protection of land for avoiding or mitigating natural

<sup>2</sup> 'Give effect' in this context refers to the implementation or actioning of the higher-levelled policy.

hazards, or for preventing or mitigating any adverse effects of the storage, use, disposal or transportation of hazardous substance; the emission of noise; and activities in relation to the surface of water.

- (c) The control of the use of land (including the beds of water bodies) for the purpose of: soil conservation; the maintenance or enhancement of water quality; the maintenance of water quantity; the avoidance or mitigation of natural hazards; or the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.
- (d) The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body.
- (e) The control of discharges of contaminants into or onto land, air, or water and discharges of water into water.
- (f) In relation to the bed of a water body, the control of the introduction or planting of any plant, for the purpose of: soil conservation; the maintenance or enhancement of water quality; the maintenance of water quantity; or the avoidance or mitigation of natural hazards.
- (g) The establishment, implementation and review of objectives, policies and methods to maintain indigenous biological diversity.

1.2.3.2 In addition to its functions under the RMA, the HBRC has related functions and programmes under other statutes. Flood protection works and soil conservation activities are undertaken pursuant to the Soil Conservation and Rivers Control Act 1941; the management of plant and animal pests is carried out under the Biosecurity Act 1993 (including 'environmental' pest control programmes); navigation and marine safety issues are addressed through the HBRC's Navigation and Safety Bylaws and under Maritime Rule Part 91; and land drainage activities are undertaken pursuant to the Land Drainage Act 1908. The HBRC owns significant assets and areas of land in relation to its flood protection and drainage activities. In this respect, the Council has property owner rights equivalent to those of other property owners.

1.2.3.3 Under the Building Act 2004, territorial authorities are responsible for the issuing of building consents for structures and building work located in the coastal marine area adjacent to their district. The HBRC is responsible for consent processing and monitoring compliance in relation to dams. Dams are artificial barriers to water and include flood control dams, significantly modified natural features and canals, but not stopbanks.

## 1.2.4 THE ROLE OF OTHER AGENCIES

1.2.4.1 The HBRC views itself as just one of many agencies involved in resource management. It seeks to develop partnerships with other stakeholders, in order to work together to achieve environmental outcomes. The coastal environment is managed (as a statutory requirement under the RMA) by the Minister of Conservation, regional councils and territorial local authorities. There are other agencies which have responsibilities under the RMA and other legislation, within the coastal environment. The responsibilities of ~~these~~ some of the key agencies are described below. The following sections are not intended as an exhaustive list of all agencies or comprehensive coverage of the roles of identified agencies.

### THE MINISTER AND DEPARTMENT OF CONSERVATION

1.2.4.2 The Minister of Conservation is required to prepare a New Zealand Coastal Policy Statement (NZCPS). The Minister also has the role of approving regional coastal plans for the coastal marine area. Certain activities have been specified as restricted coastal activities in the NZCPS where those activities have or are likely to have significant or irreversible adverse effects on the coastal marine area. These activities are incorporated in the rules section of this Plan (Part E) where applicable. The Minister also has the role of monitoring the effect and implementation of the NZCPS and coastal permits granted by the Minister of Conservation.

1.2.4.3 Most of Hawke's Bay region is within the East Coast Hawke's Bay Conservancy Area. The East Coast Hawke's Bay Conservation Board has the responsibility for shaping conservation management in its Conservancy. This is achieved through the development of a Conservation Management Strategy and Conservation Management Plans

for public conservation lands administered by the Department of Conservation and by the Board acting as an advocate for conservation on lands not administered by the Department of Conservation. The East Coast Hawke's Bay Conservation Board has functions and powers provided by the Conservation Act 1987, the National Parks Act 1980 and the New Zealand Walkways Act 1990.

1.2.4.3A The Minister of Conservation also leads central government's work relating to the New Zealand Biodiversity Strategy. This Strategy sets out a 20 year plan to halt the decline of New Zealand's indigenous biodiversity (New Zealand's native species and the ecosystems that support them). The Strategy contains information and detailed action plans for land, freshwater and marine biodiversity, as well as for biosecurity, and for Maori and community participation.

1.2.4.4 The Department of Conservation (DoC) has identified a number of areas along Hawke's Bay's coastline as having significant conservation values, commonly known as Areas of Significant Conservation Value (ASCVs). These areas have been adopted as 'Significant Conservation Areas' which are identified on the planning maps in Volume 2. DoC also has a management role in the coastal environment under a range of statutes including the Marine Reserves Act 1971, the Marine Mammals Protection Act 1978, the Conservation Act 1987, and the Wildlife Act 1953. DoC is also able to advocate for the conservation of natural and historic resources generally.

### THE MINISTER AND MINISTRY FOR THE ENVIRONMENT

1.2.4.5 Monitoring of the effect and implementation of the RMA is the responsibility of the Minister for the Environment. The Minister also has the ability to 'call-in' projects of national significance and may promulgate the making of Regulations in relation to environmental standards for a range of matters (eg: contaminants and water quality).

### THE MINISTER AND MINISTRY OF FISHERIES

1.2.4.6 The major statutory responsibility of the Ministry of Fisheries in the coastal environment is to manage fisheries and fishery resources. The Ministry of Fisheries was responsible, under the Biosecurity Act 1993, for controlling the deliberate or accidental importation of foreign organisms into New Zealand, including via the ballast water of ocean-going vessels. Since November 2004, this responsibility now lies with Biosecurity New Zealand under the Ministry of Agriculture and Forestry. When undertaking their roles under the Fisheries Act 1996, the Minister and Ministry, shall take into account the following environmental principles:

(a) Associated or dependent species should be maintained above a level that ensures their long-term viability;

(b) Biological diversity of the aquatic environment should be maintained;

(c) Habitat of particular significance for fisheries management should be protected.

### THE MINISTER OF TRANSPORT AND MARITIME NEW ZEALAND

1.2.4.61.2.4.7 Under the Maritime Transport Act 1994, Maritime New Zealand (previously known as the Maritime Safety Authority) is responsible for promoting a safe maritime environment and for providing effective marine pollution prevention and an effective marine pollution response system. This involves responsibilities for navigation, safety and the standards of vessels operating commercially. Maritime New Zealand is also responsible for administering the Maritime Rules on all water other than those covered by harbour bylaws for which the HBRC is responsible).

1.2.4.71.2.4.8 The dumping of waste in New Zealand's marine waters requires a permit under the Maritime Transport Act. Maritime New Zealand is responsible for issuing these permits and enforcing discharge requirements beyond the Territorial Sea (12 nautical mile limit) and within the Exclusive Economic Zone (200 nautical miles).

1.2.4.81.2.4.9 Under s395 of the RMA, the HBRC must forward to the Minister of Transport, a copy of any coastal permit application it receives in respect of any reclamation, the construction of any structure or the undertaking of any harbour works or the removal of any stone, gravel, sand, boulders, silt, mud, shell or other material within the meaning of the Harbours Act 1950 within the coastal marine area. In such cases, the Minister of Transport must report back to the HBRC on any navigation related matters that the Minister considers relevant to the application. The HBRC must then take into account the Minister's report when considering the application.

1.2.4.91.2.4.10 Regional councils are required to prepare Oil Spill Contingency Plans. Maritime New Zealand is required to co-ordinate the preparation and approval of these plans. Maritime New Zealand is also responsible for oil spill

cleanups beyond the coastal marine area and for oil spill cleanups within the coastal marine area that exceed the HBRC's capability to respond.

~~1.2.4.10~~1.2.4.11 Transit New Zealand is a Crown entity with responsibilities under the Land Transport Management Act 2003, to operate the state highway system in a way that contributes to an integrated, safe, responsive and sustainable land transport system. In doing that, Transit New Zealand must exhibit a sense of social and environmental responsibility. In Hawke's Bay, there are a number of state highways that are within, or pass through, the coastal environment.

### NEW ZEALAND HISTORIC PLACES TRUST

~~1.2.4.11~~1.2.4.12 The New Zealand Historic Places Trust (NZHPT) ~~is a charitable trust~~ was established in 1954 ~~as a charitable trust~~ and ~~is now~~ continued by the Historic Places Act 1993. It is currently governed by a Board of Trustees and a Maori Heritage Council. NZHPT's mission is to promote the identification, protection, preservation and conservation of the historical and cultural values of New Zealand. This has significant connections with local authorities. In terms of the coastal environment, the main aspects of this role include:

- a) issuing of archaeological authorities under the Historic Places Act 1993 for activities that may destroy, ~~damage or modify archaeological sites~~
- ~~b) damage or modify archaeological sites~~
- ~~c) registration of historic places, historic areas, wahi tapu and wahi tapu areas~~
- ~~d) provision of advice and information for protection and preservation of historic heritage and~~
- ~~e) advocating for the protection of historic and cultural heritage under the RMA and Building Act.~~

### TERRITORIAL AUTHORITIES

~~1.2.4.12~~1.2.4.13 There are four territorial authorities (or TLAs) in the Hawke's Bay region whose districts are partly within Hawke's Bay's coastal environment. These four TLAs are Wairoa District Council, Napier City Council, Hastings District Council and Central Hawke's Bay District Council. The Taupo and Rangitikei District Councils each have a small area in the Hawke's Bay region but their districts do not extend to the coastal environment.

~~1.2.4.13~~1.2.4.14 TLAs have limited responsibilities within the coastal marine area. They do have some responsibilities associated with the administration of the Local Government Act bylaws that deal with day-to-day management of some foreshore areas such as for animal control, nude bathing, use of vehicles on beaches and litter control. TLAs also have responsibilities for reserve land in their control.

~~1.2.4.14~~1.2.4.15 The major responsibility of TLAs within the coastal environment is the area landward of mean high water springs. TLAs are responsible for managing the use of this land, controlling the emission of noise, and controlling the effects of activities on the surface of water not within the coastal marine area. TLAs are required to prepare a district plan to assist them in carrying out these functions. District plans cannot be inconsistent with the New Zealand Coastal Policy Statement, the Hawke's Bay Regional Policy Statement or any regional plans, including this Plan.

~~1.2.4.15~~1.2.4.16 The functions of territorial authorities and regional councils overlap in relation to land use, and can cause cross-boundary effects in other respects (e.g. land use activities regulated by the territorial authority can affect water quality, which is managed by the HBRC). It is therefore critical that the HBRC and the territorial authorities in the region establish a sound working relationship and compatible environmental policy.

### RESOURCE USERS

~~1.2.4.16~~1.2.4.17 The environmental behaviour of a resource user is influenced by a number of factors. These include: the market demand for clean, safe products; the environmental ethic of the business; the availability of information about sound environmental practices; the degree of public exposure; the need to comply with rules and regulations; and the sanctions for non-compliance. Because regional councils are just one source of influence, it is important to work with resource users to ascertain how the HBRC can be most effective. In particular, recognising the efforts made by resource users to improve their own environmental performance is important.

## TANGATA WHENUA

- 1.2.4.18 Tangata whenua are involved in a range of management frameworks relating to coastal resources. Under the RMA, tangata whenua are to be recognised as kaitiaki of the coast's natural and physical resources. Iwi authorities are to be involved in the preparation of policy statements and plans under the RMA, and may be involved where appropriate in resource consent decision-making processes. Tangata whenua may also exercise Customary Rights Orders for customary activities along the coast. They may be an agent for the transfer of powers and making of joint agreements under the RMA. Tangata whenua have other roles and functions under other legislation including:
- a) territorial customary rights, customary rights orders, and governance of Foreshore and Seabed Reserves under the Foreshore and Seabed Act 2004
  - b) taiapure and customary fisheries management under the Fisheries Act 1996
  - c) formation of conservation strategies and plans under the Conservation Act 1987
  - d) rights and roles under the Maori Commercial Aquaculture Claims Settlement Act 2004
  - e) functions and roles under the Marine Reserves Act 1977.

## 1.2A Management Direction

- 1.2A.1 This chapter introduces some of the key policy issues and principles which have guided preparation of the Plan. Direction on these matters has come from the Resource Management Act 1991, the New Zealand Coastal Policy Statement and the Hawke's Bay Regional Policy Statement.

### SUSTAINABLE MANAGEMENT

- 1.2A.2 In promoting sustainable management, HBRC recognises the intrinsic values of the coastal marine area, Coastal Margin and the importance of the coast to many people. HBRC will provide guidance on adverse effects on the environment to be avoided, remedied or mitigated. In recognition of the national importance of the coast, the NZCPS also requires that regard shall be had to a number of general principles. Those general principles are set out in the NZCPS.

### PRECAUTIONARY APPROACH

- 1.2A.3 HBRC will take a precautionary approach when making decisions about the use, development and protection of coastal resources where effects are uncertain or where potential risks to the environment are considered to be unacceptable. The precautionary approach will ensure that any decision made will err on the side of the environment and that any adverse effects will be avoided, remedied or mitigated. This is not to be interpreted in a way that seeks to avoid, remedy or mitigate all risks. This approach recognises that there is limited information available on the region's coast and possibly incomplete knowledge of effects that activities may have on it now or in the future.

### TREATY OF WAITANGI

- 1.2A.4 HBRC recognises that the tangata whenua of the region have an important relationship with the coast and its resources. In undertaking its management role within the Coastal Environment, HBRC must also take into account the principles of the Treaty of Waitangi (s8, RMA). Matters of special value to tangata whenua need to be protected through provisions in this Plan. HBRC recognises the need for on-going consultation and negotiation with tangata whenua over management of the coast's resources, and will continue to seek their involvement in any further changes to this Plan and its implementation. The RMA provides strong signals that iwi authorities have a special status under Clause 3A of the RMA's First Schedule) in preparation of plans for management of natural and physical resources - they are not to be considered simply another interested party.

### INTEGRATED MANAGEMENT

- 1.2A.5 HBRC recognises that mean high water springs is an arbitrary line in terms of coastal management, but it is the line which demarcates the extent of certain roles, responsibilities, powers and control under the RMA. Because of this, there is a need to ensure that resource management above and below mean high water springs is consistent. Combining regional coastal plan provisions with other regional plan provisions into this Plan is one way of achieving that consistency. Other plans (eg: district plans) which address matters on the landward side of mean high water springs must also consider effects on the coastal marine area.

**Comment [ 3 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

## 1.3 Plan Structure

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### OVERVIEW

- 1.3.1 As noted in Chapter 1.1, this Plan is a combined regional coastal plan and regional plan. The Regional Coastal Environment Plan consists of two volumes. Volume 1 (this document) contains a number of chapters. The following list outlines the various Parts of this Plan and their content:
- Part A: Introduction** - This Chapter introduces the purpose and structure of the Plan and provides an overview of its statutory context.
- Part B: Matters of National Importance** – Chapters 2-7 set out significant resource management issues in relation to matters of national importance stated in s6 of the RMA. These chapters also set out the specific objectives, policies and anticipated environmental results for addressing these matters of national importance in Hawke's Bay's coastal environment context.
- Part C: Use and Development: Coastal Margin** - Chapters 8-15 set out the key objectives sought to be achieved by the Plan by establishing an overall framework for the management of activities and effects in Hawke's Bay's coastal environment that is not within the CMA. This includes coastal hazards as required by s67 of the RMA. These chapters also set out the specific policies for addressing these key objectives.
- Part D: Use and Development: Coastal Marine Area** - Chapters 16-25 set out the key objectives sought to be achieved by the Plan by establishing an overall framework for the management of activities and effects in Hawke's Bay's coastal marine area. Specific policies for addressing these key objectives are also set out in these chapters.
- Part E: Regional Rules: Coastal Margin, Coastal Environment and Coastal Marine Area** - Chapters 26 and 27 are the regulatory parts of the Plan. It contains regional rules that allow, regulate or prohibit resource use activities. Chapter 26 assists with interpretation of the rules, and provides a summary of all the rules contained within the Plan. Chapter 27 sets out rules applicable within the Coastal Margin, the coastal marine area or both.
- Part F: Non-Regulatory Methods** – Chapter 28 sets out the non-regulatory methods to be used by the HBRC in addition to regional rules. Non-regulatory methods include education, co-ordination, liaison with territorial authorities, economic instruments, works and services, monitoring, and research. For some of these methods much of the detail is contained within other documents, (for example, the HBRC Environmental Education Strategy and Coastal Monitoring Strategy).
- Part G: Administrative Matters** – In this Part, Chapter 29 includes guidelines for the HBRC's preferred approach for the use of regional rules, resource consent processes, and enforcement procedures. It describes the circumstances under which the HBRC will seek financial contributions from resource users, the circumstances of imposing coastal occupation charges, the procedures for dealing with cross-boundary issues, and the approaches for monitoring and reviewing this Plan.
- Part H: The Schedules** at the rear of Volume 1 contain area-specific provisions, or other specific details relating to implementation of the policies or rules. The Schedules are cross-referenced within the main body of the Plan.
- Part I: The Glossary** located at the rear of Volume 1 for convenience and easy reference, provides the meanings of some terms used in this document. An asterisk (\*) indicates that a meaning is the same as that set out in s2 of the RMA.
- 1.3.2 Volume 2 contains the planning maps for the Regional Coastal Environment Plan. These maps feature the inland margin of the coastal environment, coastal hazard zones, historic heritage features, coastal water quality

classifications, the location and extent of 'Management Areas' (Significant Conservation Areas; Port Management Area; Harbour Management Area; Aquaculture Management Areas; and the General Management Area); and other mapped features.

## **PLAN MECHANISMS**

1.3.3 This Plan utilises a variety of planning mechanisms to implement provisions of the RMA and NZCPS. These mechanisms include those specifically provided for by the RMA (eg: the use of standards and terms) and also some traditional methods (such as zoning or 'management areas'). The principal mechanisms used in this Plan are described below.

### **Management Areas**

1.3.4 Management areas are a means of recognising and providing for areas with different qualities, values and specific needs within Hawke's Bay's coastal environment. These management areas have specific provisions which apply only within their boundaries. Six management areas have been defined within Hawke's Bay's coastal environment and are marked on the planning maps in Volume 2. These management areas are:

- the Coastal Margin
- the Aquaculture Management Area
- the Significant Conservation Area
- the Port Management Area
- the Harbour Management Area and
- the General Management Area (this area relates to all parts of the coastal marine area not otherwise covered by any other management area).

1.3.4A The SCAs identified in the RCEP are similar to the 'Significant Areas' that were identified in Schedule II of the operative RCP. The SCAs and Significant Areas are derived from work undertaken by Department of Conservation in the early 1990s for input into the first generation regional coastal plans. The DOC report applied criteria to identify 'Areas of Significant Conservation Value.' The criteria used included:

- Maori cultural values of local, regional or national significance
- presence of protected areas
- wetlands, estuaries and coastal lagoons of national or international significance
- habitats, breeding sites, roost sites or feeding sites of marine mammals and birds
- ecosystems, flora and fauna habitats with regionally, nationally or internationally significant or threatened ecosystems or species
- scenic sites of regional, national or international importance
- historic places of outstanding significance
- representative examples of nationally significant or outstanding coastal landforms and associated processes.

### **Overlays**

1.3.5 In addition to the management areas described above, the Plan identifies a number of other elements or features that 'overlay' the management areas. These overlays include:

- coastal hazard zones
- historic heritage features
- Class CR(HB) coastal water
- Class AE(HB) coastal water
- dredge disposal sites
- maintenance dredging areas
- vegetation clearance management exemption areas and
- Parade gravel extraction area, etc.

1.3.6 Specific provisions in the Plan apply within these overlay areas. These provisions are typically in addition to relevant management areas' provisions. These overlays are a planning method which assists the HBRC to address specific resource management issues or needs that may apply across one or more management areas, and therefore overlay the management area boundaries and plan provisions.

#### **Restricted Coastal Activities (RCAs)**

- 1.3.7 The NZCPS lists a series of activities that are deemed to be restricted coastal activities requiring resource consent from the Minister of Conservation. These activities are incorporated in the rules section of this Plan (Part E) where applicable. RCAs are typically the larger, more significant activities within the coastal marine area such as large reclamations or structures, or certain types of sewage discharges.
- 1.3.8 Proposed restricted coastal activities are still considered under the provisions of the RMA but they follow a different procedural path. Restricted coastal activity applications are still received and notified by the HBRC. However, at the hearing of the application, one appointee of the Minister of Conservation joins the HBRC's hearing committee/panel. The panel then makes a recommendation to the Minister who makes a decision on the application.
- 1.3.9 In the case of a restricted coastal activity that would otherwise be a permitted, controlled or discretionary activity, the application will be treated as a discretionary activity and a restricted coastal activity. In the case of a restricted coastal activity that would otherwise be treated as a non-complying activity, the application will be treated as a non-complying activity and a restricted coastal activity. This is indicated in the relevant rules in this Plan.