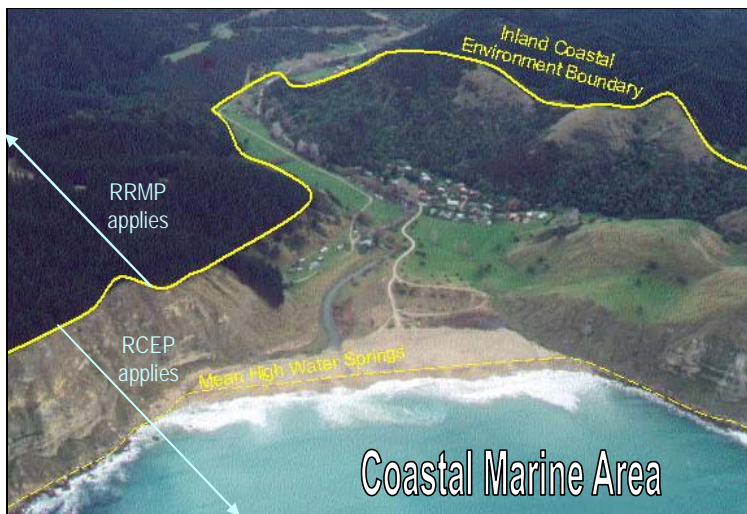


# PART D

## USE AND DEVELOPMENT: COASTAL MARINE AREA

**Comment [ 1 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc. (seeks renaming title  
and inclusion of AERs in Chapters 16-25)



## 16. Discharge of Contaminants into CMA

### ISSUE

Issue 16-1 The coastal marine area, estuaries ~~and~~ wetlands and rivermouths, their ecosystems, ~~and~~ their mauri and their potential recreational use are being affected by the dumping and discharging of contaminants directly or indirectly into coastal waters.

### OBJECTIVES

Obj 16-1 Maintenance or enhancement of water quality of the coastal marine area in order that it is suitable for sustaining or improving aquatic ecosystems, and for contact recreation purposes where appropriate.

Obj 16-2 Promote the avoidance, remediation or mitigation of the adverse effects of activities on mauri in the coastal marine area.

Obj 16-3 Adverse effects on the environment associated with discharge and dumping of contaminants to the coastal marine area are avoided, remedied or mitigated.

Obj 16-4 The life supporting capacity of water in the coastal marine area is safeguarded.

### POLICIES

Policy 16-1 To manage discharges of contaminants in the coastal marine area in accordance with the environmental guidelines set out in Table 10.

Table 10: Environmental Guidelines – Discharge of Contaminants in CMA

Issue	Guideline
1. <u>Control of discharges</u>	<p>a) Discharges of contaminants and the effects of such discharges on water in the coastal marine area shall be managed for aquatic ecosystem purposes (Class AE(HB) Water) and contact recreation purposes (Class CR(HB) Water) where appropriate.</p> <p>b) Discharges of contaminants from boat maintenance operations shall be restricted, and the installation of bunding around boat maintenance <u>areas/facilities</u> shall be required.</p>
2. <u>Reasonable mixing</u>	Discharges of contaminants into classified waters should comply with receiving water quality standards <u>in Schedule D</u> after reasonable mixing.
3. <u>Sewage discharges</u>	<p>a) The discharge of sewage from land which does not pass through <u>landsoil or wetland</u>, directly into water in the coastal marine area is inappropriate, unless:</p> <ol style="list-style-type: none"> <li>the disposal of sewage directly into the coastal marine area is the best practicable option and</li> <li>significant adverse effects on ecosystems, natural character of the coastal environment and on water quality classified for contact recreation purposes are avoided, or remedied or mitigated where avoidance is not practicable.</li> <li>there has been consultation with: <ul style="list-style-type: none"> <li>tangata whenua in accordance with tikanga Maori and due weight has been given to s6, s7 and s8 of the RMA and</li> <li>the affected community in determining the suitability of the treatment and disposal system.</li> </ul> </li> </ol> <p>b) The location and extent of any mixing zone for discharge of sewage shall ensure that there are no significant adverse effects on:</p> <ol style="list-style-type: none"> <li>any Significant Conservation Area or</li> </ol>

**Comment [ 2 ]:** Appeal by: Ngati Kahungunu Iwi Inc. (seeks renaming title)

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

**Comment [ 4 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

**Comment [ 5 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

**Comment [ 6 ]:** Appeal by: Ngati Kahungunu Iwi Inc (seeks new policies)

**Comment [ 7 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

**Comment [ 8 ]:** Appeal by: Ngati Kahungunu Iwi Inc (seeks new subclause)

**Comment [ 9 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

Issue	Guideline
4. Stormwater	<ul style="list-style-type: none"> <li>ii) the use of receiving waters for recreation or</li> <li>iii) the use of receiving waters for collection of seafood for human consumption.</li> </ul> <p>c) the adverse effects of sewage discharges on the present and reasonably foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in:</p> <ul style="list-style-type: none"> <li>i) areas where there is high recreational use or</li> <li>ii) areas of maintenance dredging or</li> <li>iii) areas adjacent to commercial or residential development.</li> </ul> <p>a) Adverse effects on water quality from the discharge of stormwater shall be avoided, remedied or mitigated.</p> <p>b) Adoption of stormwater management systems, structures or facilities shall be promoted for the purposes of:</p> <ul style="list-style-type: none"> <li>i) separating drainage of areas which are at little risk of being contaminated from those which may be contaminated</li> <li>ii) preventing contaminants from reaching stormwater and</li> <li>iii) treating contaminated stormwater at source or before it enters the coastal marine area or surface water body.</li> </ul>
5. Water quality	<p>a) Subject to (b), applications to discharge any contaminant that either on its own or in combination with other lawful discharges will result in the water quality standards set out in Schedule D not being maintained, shall be declined.</p> <p>b) Discharges of any contaminant that either on its own or in combination with other lawful discharges will result in the water quality standards set out in Schedule D not being maintained, may be provided for where:</p> <ul style="list-style-type: none"> <li>i) exceptional circumstances justify the granting of a permit or</li> <li>ii) the discharge is of a temporary nature or</li> <li>iii) the discharge is associated with necessary maintenance work.</li> </ul> <p>c) The use of antifouling paints that are less harmful to the environment than those antifouling paints that contain organotin compounds will be supported and encouraged.</p>
6. Review of consents	<p>a) HBRC will retain discretion to impose conditions requiring consent holders, who rely on the exceptions in Guideline 5(b), to undertake such works in such stages throughout the term of the consent to ensure that upon expiry of the consent (or such earlier date as specified in the conditions) the holder can achieve and maintain the water quality standards set out in Schedule D.</p> <p>b) HBRC will consider whether or not it is appropriate to review the conditions of existing resource consents in order to enable the water quality standards set out in Schedule D to be maintained. Where a discharge needs to be upgraded, consideration will be given to the likely costs that will be imposed on the consent holder by upgrading the discharge and establish reasonable timeframes within which the existing discharge will be upgraded.</p>

**Comment [ 10 ]:** Appeal by: Ngali Kahungunu Iwi Inc.

Issue	Guideline
7. <b>Shellfish gathering</b>	<p><u>Areas commonly used areas</u> will be identified <u>during the life of this Plan</u> where coastal waters should be managed for shellfish gathering purposes. The criteria to be used in assessing the appropriateness of coastal waters being managed for shellfish gathering purposes are:</p> <ul style="list-style-type: none"> <li>i) the extent and location of existing shellfish <u>gathering areas and their utilisation as a food resource for human consumption</u></li> <li>ii) the extent to which known shellfish are able to be safely eaten</li> <li>iii) the existing water quality</li> <li>iv) existing lawful discharges and financial implications for dischargers</li> <li>v) current state of technical knowledge and treatment and disposal options for dischargers</li> <li>vi) <u>the nature and extent of tangata whenua relationships with customary shellfish gathering areas.</u></li> </ul>
8. <b>Dredging Activities</b>	<p><u>Areas will be identified where the disposal of dredge material from specified sources is appropriate. Identification of these areas generally facilitates activities disturbing the foreshore and seabed and does not imply the discharge of contaminants is allowed.</u></p>

Policy 16-2 To implement the environmental guidelines for the discharge of contaminants set out in Policy 16-1 predominantly in the following manner:

- (a) **Resource consents** – The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** – The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** – The environmental guidelines for discharge of contaminants in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/ consultation with resource users and territorial authorities.

Policy 16-3 When considering new applications or applications to renew discharge permits, to take into account:

- (a) The existing state of the receiving environment, its resources and its assimilative capacity, including seasonal fluctuations
- (b) Tangata whenua relationships with, and use of, resources within the receiving environment
- (c) Cumulative effects of all discharge activities within the area on ecosystems and indigenous flora and fauna.

**Explanation and Reasons**

- 16.1 The objectives seek to maintain and where appropriate enhance the quality of the water in the coastal environment and avoid, remedy or mitigate the adverse effects of activities on mauri within the coastal environment. The achievement of these objectives would resolve the issues associated with the discharge of contaminants and help to promote the sustainable management of the coastal environment.
- 16.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objectives and allow people and communities to provide for their social and economic wellbeing whilst sustaining the potential of natural and physical resources to meet the needs of future generations, safeguarding the life supporting capacity of coastal waters and avoiding adverse effects on the environment.
- 16.3 Section 60(3) of the RMA does not allow the HBRC to establish standards in a Plan which result or may result in a reduction in water quality at the time of public notification of the proposed Regional Coastal Plan unless it is consistent with the purpose of the RMA to do so. The HBRC considered that any lowering of the water quality standards in the Transitional Coastal Plan is not consistent with the purpose of the RMA. Those same standards were incorporated into the 1999 Operative Regional Coastal Plan.
- 16.4 The introduction of exotic marine organisms into New Zealand's coastal waters is a nationwide problem and is considered to be a biosecurity issue that is managed by the Ministry of Agriculture and Fisheries (MAF). The Resource Management (Marine Pollution) Regulations 1998 contain rules relating to the discharge and dumping of waste from ships and off-shore installations. In addition to the Regulations, the RMA enables rules in this Plan to be stricter than the Regulations where appropriate. The policies and guidelines assist in implementing these Regulations.

- 16.5 Guidelines 1 and 2 outline the approach that the HBRC will take to managing coastal waters in Hawke's Bay. Guideline 1 also recognises that boat maintenance operations may be a potential source of contamination in the coastal marine area. It also recognises that bunding around boat maintenance areas, particularly slipways, would help to overcome this problem.
- 16.6 Guideline 3 is included as a requirement of the NZCPS and provides resource consent assessment criteria for the discharge of sewage into the coastal marine area. A discharge of sewage that does not meet all of the criteria specified or which does not pass through land will not be allowed by the HBRC. This is consistent with NZCPS Policy 5.1.2.
- 16.7 Guideline 4 provides a management approach to avoid, remedy or mitigate the adverse effects of discharging stormwater. By separating contaminated areas from non-contaminated areas, efficient and effective treatment options are able to be adopted. This system avoids costs that would be incurred from applying treatment unnecessarily to uncontaminated stormwater discharges. This is consistent with NZCPS Policy 5.1.6.
- 16.8 Guideline 5 allows for the consideration of cumulative impacts of more than one discharge in a particular area and indicates that the water quality classes set may only be exceeded by a discharge in the special circumstances outlined. This is consistent with NZCPS Policy 3.2.4. Guideline 5 also indicates that the HBRC supports and encourages the use of antifouling paints that are less harmful to the environment than those which contain organotins. The sale and use of antifouling paints that contain organotins has been banned in New Zealand. However, the use of old stocks of the paint is still a potential water quality problem.
- 16.9 Guideline 6 outlines the process to be followed to review the conditions on existing resource consents in order to enable the water quality classes set to be met. This is consistent with NZCPS Policy 5.1.4 and s128 of the RMA.
- 16.10 Guideline 7 outlines the approach that the HBRC will take to introduce shellfish gathering water quality classes for Hawke's Bay. This is consistent with NZCPS Policy 5.1.1 and complements Guideline 1. The shellfish areas are not classified in this Plan at present because this may falsely lead the public to believe that it is safe to eat shellfish from these areas, when in fact it may not be safe.

## 17. Disturbances, Depositions and Extractions in CMA

**Comment [ 11 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc (seeks renaming title)

### ISSUE

Issue 17-1 The coastal marine area, particularly its habitats, ecosystems, natural coastal processes, amenity values, historic heritage and natural character can be adversely affected by foreshore and seabed disturbance, deposition and extraction. However, in some instances, dredging and spoil disposal is necessary for mitigation of coastal hazards, the maintenance of existing waterway channels, and to enhance ecosystems, natural character and recreational opportunities of some coastal lagoons and estuaries.

**Comment [ 12 ]:** Appeal by:  
Winstone Aggregates

### OBJECTIVES

Obj 17-1 Adverse effects of livestock and the use of motor vehicles on sensitive habitats of flora and fauna and ecological systems within the coastal marine area are avoided, remedied or mitigated.

**Comment [ 13 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc (seeks new Obj)

Obj 17-2 Adverse effects on the environment associated with dredging, drilling, tunnelling, use of explosives, excavation and/or removal of sand, gravel, shell or other natural material in the coastal marine area are avoided, remedied or mitigated.

Obj 17-3 Adverse effects on the environment associated with the deposition of substances within the coastal marine area are avoided, remedied or mitigated.

**Comment [ 14 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

### POLICIES

Policy 17-1 To manage deposition and extraction of material within the coastal marine area and disturbance of the foreshore and seabed in accordance with the environmental guidelines set out in Table 11.

**Comment [ 15 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

Table 11: Environmental Guidelines – Disturbances, Depositions and Extractions in CMA

Issue	Guideline
1. Deposition of material	<p>a) Deposition of substances on the foreshore or seabed within a Significant Conservation Area is inappropriate and should be avoided.</p> <p>b) Deposition of substances on the foreshore or seabed not within a Significant Conservation Area may be appropriate where adverse effects on indigenous flora, fauna, benthic organisms and their habitats, are minimised.</p> <p>c) Deposition of sediment in the coastal marine area should only occur:</p> <ol style="list-style-type: none"> <li>i) where the sediment to be deposited is of the same or similar particle size to the sediment at the proposed deposition site</li> <li>ii) at times, durations or rates to minimise adverse effects on: <ul style="list-style-type: none"> <li>• threatened bird species</li> <li>• migratory patterns of marine life</li> <li>• spawning of marine life</li> <li>• coastal water quality</li> <li>• recreational and commercial activities in the immediate area</li> <li>• benthic communities adjacent to the area to be deposited on and</li> <li>• cultural and social values.</li> </ul> </li> <li>iii) where the sediment to be deposited is not spoil from land-based activities.</li> </ol> <p>d) Deposition of materials containing hazardous substances which contain toxic compounds in quantities which will adversely affect the life supporting capacity of the coastal marine area, shall be restricted/avoided.</p> <p>e) Disturbance and deposition arising from the disposal of spoil from land-based activities should be avoided.</p>

**Comment [ 16 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

**Comment [ 17 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc

Issue	Guideline
2. Removal of material	<p>a) Removal of sand, shell, gravel or other natural material from the coastal marine area should ensure adverse effects on indigenous flora, fauna, benthic organisms and their habitats within a Significant Conservation Area, are avoided.</p> <p>b) Subject to (a) removal of sand, shell, gravel or other natural material from the coastal marine area should ensure adverse effects on the following, are minimised:</p> <ul style="list-style-type: none"> <li>i) threatened bird species</li> <li>ii) migratory patterns of marine life</li> <li>iii) spawning of marine life</li> <li>iv) coastal water quality</li> <li>v) recreational and commercial activities in the immediate area</li> <li>vi) benthic communities adjacent to the area to be deposited on and</li> <li>vii) cultural and social values</li> <li>viii) <u>beaches and dune systems</u></li> <li>ix) <u>historic heritage.</u></li> </ul> <p>c) Regard shall be had to alternative extraction sites and reasons for the proposed location when assessing a coastal permit application or application to change conditions on existing coastal permits to remove sand, gravel, shell or other material for commercial purposes from within the coastal marine area.</p>
3. Coastal hazards	<p>a) Disturbance of the foreshore or seabed (in particular removal of sand, shell, gravel, or other natural material from the coastal marine area) should not occur in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless:</p> <ul style="list-style-type: none"> <li>i) it is for a temporary activity and/or</li> <li>ii) it protects or enhances natural buffers between existing development and the sea and</li> <li>iii) it presents less than a minor risk of exacerbating coastal erosion or inundation.</li> </ul> <p>b) Initiatives to deposit dredged or excavated sediment in designated disposal areas within the coastal marine area shall be provided for where the deposit will help to renourish beaches adjacent to existing developed areas that are at risk from coastal erosion or inundation.</p>
4. Motor vehicles	<p>Motor vehicles and livestock shall be prohibited from sensitive areas, particularly inter-tidal rock platforms and the beds and margins of estuaries and wetlands, unless the vehicle is used for emergency or biosecurity purposes.</p>
5. Seismic surveys	<p>Regard shall be had to adverse effects on marine mammals <u>and other marine life and ecosystems</u> when assessing an application for a resource consent for seismic surveys and activities involving explosives in the coastal marine area.</p>
6. River and harbour works <u>and utility maintenance</u>	<p>a) Disturbance of the foreshore and seabed (including river mouths and harbours) shall be provided for where it is necessary for river control, flood management, drainage scheme works or maintenance of safe access for marine vessels.</p> <p>b) <u>Disturbance of the foreshore and seabed shall be provided for where it is necessary for the maintenance of network utility operations.</u></p>
7. Small-scale <u>and incidental</u> disturbances	<p>Disturbance of the foreshore and seabed associated with small-scale structures that are otherwise permitted in the coastal marine area <u>and the movement of ships and other vessels</u>, shall be provided for.</p>
8. Riparian margins	<p>Retirement of riparian margins shall be promoted in areas adjacent to or within estuaries, wetlands and lagoons where this is necessary to protect or enhance water quality or sensitive habitats of indigenous flora and fauna.</p>
9. Disturbance in SCAs	<p>Disturbance of Significant Conservation Areas will not be provided for, unless the disturbance is for scientific, research, environmental enhancement or similar purposes.</p>

**Comment [ 18 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

**Comment [ 19 ]:** Appeal by: Minister of Conservation

**Comment [ 20 ]:** Appeal by: Winstone Aggregates

**Comment [ 21 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

Issue	Guideline
10. Aquaculture wastes	Adverse effects arising from dumping and discharge of <u>processing-harvesting residues and wastes</u> from aquaculture activities are avoided, remedied or mitigated.
11. <u>Historic heritage</u>	<u>Adverse effects on historic heritage from foreshore and seabed disturbances, and depositions or extractions in the coastal marine area will be avoided, remedied or mitigated.</u>

Policy 17-2 To implement the environmental guidelines for disturbances, extractions and depositions set out in Policy 17-1 predominantly in the following manner:

- (a) **Resource consents** – The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** – The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** – The environmental guidelines for disturbances, extractions and depositions in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/consultation with resource users and territorial authorities.

**Explanation and Reasons**

- 17.1 The objectives seek to avoid, remedy or mitigate the adverse environmental effects of use of motor vehicles on intertidal rock platforms and beaches; excavation, dredging, drilling, tunnelling; use of explosives; deposition of substances; seismic surveys; and the removal of sand, gravel, shell or other natural material. The presence of livestock in sensitive habitats and ecosystems, particularly in the beds and margins of estuaries and wetlands, is also an issue of concern. The achievement of these objectives would resolve the issues associated with the deposition or extraction of material, destruction, damage or disturbance of the foreshore or seabed and help to promote the sustainable management of the coastal marine area.
- 17.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objectives and allow people and communities to provide for their social, and economic wellbeing, whilst sustaining the potential of natural and physical resources to meet the needs of future generations, safeguarding the life supporting capacity of the foreshore and seabed and avoiding adverse effects on the environment.
- 17.3 Guideline 1 provides HBRC with an assessment criterion. This criterion recognises that the deposition of sediment onto sediment of similar particle size will avoid, remedy or mitigate adverse effects on coastal processes, natural substrate composition, water quality and benthic flora and fauna. This is consistent with NZCPS Policy 1.1.4. Guideline 1(d) recognises that it is not always possible to completely eliminate ~~toxic compounds~~ hazardous substances from deposited substances but that it is possible to avoid depositing toxic compounds in quantities which will adversely affect the life supporting capacity of the coastal marine area.
- 17.4 Guidelines 2 and 3 recognise that the removal of sand, shell, gravel and other natural material may increase coastal erosion or affect indigenous animals and plants and their habitats. The guidelines seek to ensure that this activity does not contribute to or exacerbate coastal erosion and adverse effects on indigenous flora, fauna and their habitats are minimised. These guidelines give effect to NZCPS Policies 1.1.1(c), 1.1.2(c), 3.2.2 and 3.4.3. Guideline 3(b) complements policies that seek to prevent coastal erosion and avoid, remedy and mitigate the effects of erosion on development. The deposition of excavated or dredged sediment in areas adjacent (updrift or downdrift) to areas that are at risk from coastal erosion may help to decrease the rate of erosion by increasing sediment supply to the beach. This is consistent with NZCPS Policies 3.4.2, 3.4.5 and 3.4.6.
- 17.5 Guideline 2(c) is included as a requirement of NZCPS Policy 4.1.6 and requires the consent authority to have regard to any alternatives to and reasons for seeking to remove sand, gravel, shell or other material for commercial purposes.
- 17.6 Guideline 4 outlines HBRC's intention to ban motor vehicles and livestock from sensitive areas where they are adversely affecting the environment. It also recognises that the beds and margins of estuaries and wetlands are particularly susceptible to damage from these activities. The cumulative effects of vehicles on intertidal rock platforms significantly affect the communities that live on the rock platforms and are of concern to the tangata whenua particularly with regard to protecting Paringo or Karingo and other kai moana.
- 17.7 Guideline 5 recognises that seismic surveys and the use of explosives may adversely affect marine mammals in the region's coastal waters.
- 17.8 There is a need to ensure some of the region's rivers are maintained for proper management of river systems within the coastal environment. Similarly, while the launching and retrieval of ships in the coastal marine area is not restricted by the RMA or this Plan, disturbance of the

seabed arising from the passage of vessels of all sizes, particularly where powered by propellers, will inevitably occur within the Port Management Area and other frequently used shipping corridors. Harbours and some of these corridors require regular dredging to maintain safe depths. Guideline 6 recognises the need to provide for such disturbances and river maintenance activities. Likewise, Guideline 7 recognises that disturbance of the foreshore and seabed will be associated with the construction, repair, maintenance or removal of small-scale structures that are otherwise permitted activities within the coastal marine area.

17.9 Guideline 8 recognises that the retirement of riparian margins adjacent to or within estuaries, wetlands and lagoons is one method to protect or enhance water quality or sensitive habitats of indigenous flora and fauna. However, the HBRC is limited to promoting this method of management in most circumstances as the area to be retired is usually outside the HBRC's area of jurisdiction and is a territorial authority responsibility.

17.10 [Guideline 11 recognises the importance of historic heritage sites and features within the coastal marine area and the need to protect those from inappropriate activities.](#)

## 18. Structures and Occupation of Space in CMA

**Comment [ 22 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc (seeks renaming title)

### ISSUE

Issue 18-1 Structures in the coastal marine area can affect natural character, public access and amenity values, impact on habitats, marine fauna, historic heritage and natural coastal processes, and conflict with other uses of the coastal marine area. At the same time, structures also assist in providing for the community's social and economic wellbeing by enabling a number of productive activities to operate efficiently.

### OBJECTIVES

Obj 18-1 Adverse effects on the environment arising from the use and development of structures in the coastal marine area are avoided, remedied or mitigated.

Obj 18-2 Adverse effects on the environment arising from the occupation of space in the coastal marine area are avoided, remedied or mitigated.

### POLICIES

Policy 18-1 To manage structures and any associated occupation of space in the coastal marine area in accordance with the environmental guidelines set out in Table 12.

**Comment [ 23 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

**Table 12: Environmental Guidelines – Structures and Occupation of Space in CMA**

**Comment [ 24 ]:** Appeal by:  
Minister of Conservation

Issue	Guideline
1. Removal and demolition of redundant or abandoned structures	<p>The following requirements shall be met in relation to any redundant or abandoned structure, <u>shipwreck or vessel</u> that is fixed in, on, under, or over the foreshore or seabed:</p> <ul style="list-style-type: none"> <li>i) where removal is practicable, such structures should be removed at the expense of the owner or consent holder to enhance <u>public access</u>, navigational safety, people's health and safety and natural character of the coastal marine area.</li> <li>ii) where removal of such structures is not practicable and there are adverse effects caused by the structure remaining in the coastal marine area, those adverse effects should be avoided, remedied or mitigated.</li> </ul>
2. Functional need	<ul style="list-style-type: none"> <li>a) Existing <u>and lawfully established structures</u> and new small-scale structures directly associated with activities that have a functional need to locate in, or adjacent to, the coastal marine area (including aquaculture activities and network utility operations), shall be provided for.</li> <li>b) Structures that have a functional need to locate in the coastal marine area may be appropriate where: <ul style="list-style-type: none"> <li>i) they do not adversely affect navigation and mooring within navigation channels</li> <li>ii) they do not adversely affect coastal hydrological and geomorphic processes</li> <li>iii) they do not contribute to a proliferation of structures in the coastal marine area or do not promote the inefficient use of existing structures, facilities and network utility corridors</li> <li>iv) adverse effects on <u>historic heritage, sites of cultural significance, indigenous flora, fauna, benthic organisms and their habitats, are avoided, or mitigated where avoidance is not practicable.</u></li> </ul> </li> <li>c) Erection, placement, use of, and occupation of space by structures that do not have a functional need to locate in the coastal marine area is inappropriate and shall not be provided for.</li> </ul>

**Comment [ 25 ]:** Appeal by:  
Minister of Conservation

Issue	Guideline
3. Public access and other uses	a) Structures and activities occupying <del>coastal</del> -space <u>in the coastal marine area</u> shall be established and operated in a manner that maximises public use and access, except where public access is inappropriate. b) Structures and activities occupying <del>coastal</del> -space <u>in the coastal marine area</u> should not unnecessarily restrict or prevent other uses of space within the coastal marine area.
4. Aquaculture activities	A precautionary approach shall be adopted to development of aquaculture activities <u>within Aquaculture Management Areas</u> to ensure that the erection, placement, use of, and occupation of space by structures associated with aquaculture activities in the coastal marine area avoid, as far as practicable, any adverse effects (including cumulative effects) on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated.
5. Coastal hazards	a) Structures in the coastal marine area should not be located in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless: <ol style="list-style-type: none"> <li>i) it is for a temporary activity and/or</li> <li>ii) it protects or enhances natural buffers between existing development and the sea and</li> <li>iii) it presents a less than minor risk of exacerbating coastal erosion or inundation.</li> </ol> b) Structures should only be used to mitigate coastal hazards when: <ol style="list-style-type: none"> <li>i) it is the best practicable option and</li> <li>ii) no other non-structural alternative is effective or feasible to reduce coastal hazard risk and</li> <li>iii) the structure is to serve a use with a functional need in the coastal marine area or is to protect existing development and network utility operations from current erosion or inundation risks and</li> <li>iv) the structure is to be located and designed so as to avoid adverse environmental effects to the greatest extent practicable, particularly effects on coastal processes and natural character.</li> </ol>

Policy 18-2 To implement the environmental guidelines for structures and occupation of space in the CMA set out in Policy 18-1 predominantly in the following manner:

- (a) **Resource consents** – The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** – The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** – The environmental guidelines for structures and occupation of space in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/consultation with territorial and tangata whenua authorities.

**Explanation and Reasons**

- 18.1 The objectives seek to avoid, remedy or mitigate the adverse effects of structures on the environment and occupation of space within the coastal marine area. The achievement of these objectives would resolve the issues associated with occupation of ~~coastal~~-space in the CMA and structures, and help to promote the sustainable management of the coastal marine area and wider coastal environment.
- 18.2 The policies and guidelines provide an appropriate framework to support the objectives and allow people and communities to provide for their social, and economic wellbeing whilst sustaining the potential of natural and physical resources to meet the needs of future generations, safeguarding the life supporting capacity of the foreshore and seabed and avoiding adverse effects on the environment.

- 18.3 Guideline 1 is a procedural-type policy outlining some of the requirements that will generally be placed as conditions on a coastal permit to erect, reconstruct, place, alter, extend, remove or demolish a structure. These general conditions are designed to ensure that unused structures are not left in the coastal marine area and that any unforeseen damage to a site or accidents that happen on the site will not cause adverse effects on the environment. This is consistent with Policy 4.1.3 of the NZCPS.
- 18.4 Guideline 2 recognises the importance of providing for new and existing structures and works associated with activities which have an operational necessity to locate in the coastal marine area, including network utility operators, navigational safety aids and associated activities and which comply with the objectives, policies and methods outlined in this Plan. Careful management is necessary to avoid proliferation of structures in the coastal marine area that do not rely on a functional or operational need to locate within the coastal marine area.
- 18.5 Guideline 3 recognises structures and activities occupying space within the CMA should not be undertaken in such a way so as to adversely affect public access opportunities. This applies to both the duration of any such occupation and the spatial extent of the occupation. Similarly where activities or structures do occupy space within the CMA, these should be established and operated in a manner that maximises public use and access, and private use.
- 18.6 A precautionary approach is necessary in Guideline 4 to apply to development of aquaculture where information is limited and where there is a potential threat of significant adverse effect on the coastal environment. This approach could enable an 'adaptive management technique' to be used for staged development of new aquaculture activities in areas where aquaculture does not currently exist and potential effects are not fully understood.
- 18.7 Guideline 5 gives effect to Policies 3.3.1 and 3.4.6 of the NZCPS in that structures (including structural coastal protection works) should only be implemented where they are the best practicable option for the future for dealing with coastal hazard threats to existing subdivisions, use and development. Other options may be available to avoid or mitigate the effects of coastal hazards which may enable a more sustainable use of natural and physical resources (for example, beach renourishment or dune stabilisation).

## 19. Reclamations and Drainage in CMA

**Comment [ 26 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc (seeks renaming title)

### ISSUE

Issue 19-1 Reclamation and drainage of coastal wetlands, foreshore and/or seabed can have adverse and irreversible effects on habitats, ecosystems, natural coastal processes, amenity values, public access, historic heritage and natural character. Reclamation and drainage may also provide for the community's economic and social wellbeing by enhancing access to and along the coast, or increasing areas of useable land.

### OBJECTIVE

Obj 19-1 Adverse effects on the environment arising from reclamation and drainage of estuaries, foreshore or seabed are avoided, remedied or mitigated.

### POLICIES

Policy 19-1 To manage reclamation and drainage of the coastal marine area in accordance with the environmental guidelines set out in Table 13.

**Comment [ 27 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

**Table 13: Environmental Guidelines – Reclamation and Drainage in CMA**

**Comment [ 28 ]:** Appeal by:  
Minister of Conservation

Issue	Guideline
1. Reclamation of CMA <sup>1</sup>	<p>Reclamation of the coastal marine area, particularly in Significant Conservation Areas, is inappropriate in Hawke's Bay, unless:</p> <ul style="list-style-type: none"> <li>i) the reclamation is essential to serve a use having a functional need to locate in the coastal marine area and</li> <li>ii) the activity carried out on the reclaimed land is consistent with existing activities located upon land adjacent to the reclamation and</li> <li>iii) any adverse effects on marine habitats and biota are avoided, remedied or mitigated <u>and</u></li> <li>iv) <u>adverse effects on historic heritage are avoided.</u></li> </ul>
2. Esplanade reserves and esplanade strips	<p>a) Subject to (b) below, an esplanade reserve or esplanade strip will be required on all reclamations in the CMA for the purpose of maintaining or enhancing public access along the coast; or maintaining or enhancing water quality. Consideration will be given to rules in district plans of adjacent territorial authorities regarding taking of esplanade reserves or strips.</p> <p>b) In order to provide for the operational needs of <u>network utility operations and</u> Port of Napier; and to ensure safety and security of mooring facilities, vessels and other infrastructure within the Harbour Management Area and Port Management Area, HBRC will consider:</p> <ul style="list-style-type: none"> <li>i) <u>in the Harbour Management Area, exercising its discretion to waive requirements for esplanade reserves and esplanade strips in the Harbour Management Area</u> and</li> <li>ii) <u>in the Port Management Area, waiving requirements for esplanade reserves and esplanade strips in the Port Management Area</u></li> <li>iii) <u>in the coastal marine area, exercising its discretion to waive requirements for esplanade reserves and esplanade strips on reclamations for purposes of network utility operations.</u></li> </ul>

<sup>1</sup> NOTE: The Foreshore and Seabed Act 2004 prevents private title being obtained from the Crown over areas of future foreshore and seabed reclamations.

Issue	Guideline
3. <b>Reclamation works</b>	The following requirements shall be met when reclaiming the foreshore or seabed: i) consent holders shall remove any abandoned or redundant structure that the consent holder erected or took responsibility for during the construction of the reclamation ii) should any unforeseen damage occur to, or accidents happen on, a site during the construction of the reclamation all care shall be taken to ensure the activity will not cause significant adverse effects on the environment iii) during construction, materials on the site shall be held, managed and contained to ensure they are secure and confined iv) materials used as fill in any reclamation shall not include septic tank sludge, hazardous substances, organic materials, domestic waste or industrial refuse v) adverse effects on marine habitats and biota shall be avoided, remedied or mitigated vi) <u>adverse effects on historic heritage shall be avoided.</u>
4. <b>Water quality</b>	Reclamation shall be designed and constructed so as to avoid, remedy or mitigate adverse effects on water quality arising from any erosion of the reclaimed land's seaward face and runoff of stormwater from the reclamation into the CMA.
5. <b>Drainage of CMA</b>	Drainage of the coastal marine area, particularly in estuaries, lagoons and river mouths, is inappropriate in Hawke's Bay unless: i) the drainage is essential to serve a use having a functional need to locate in the coastal marine area and ii) there is no practicable alternative location for which the drainage activity is required, beyond the coastal marine area and iii) any adverse effects on marine habitats and biota are avoided, remedied or mitigated iv) <u>adverse effects on historic heritage are avoided.</u>

Policy 19-2 To implement the environmental guidelines for reclamation and drainage of the CMA hazards set out in Policy 19-1 predominantly in the following manner:

- (a) **Resource consents** - The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** - The environmental guidelines for reclamations and drainage in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/consultation with territorial authorities.

**Explanation and Reasons**

- 19.1 The objective seeks that adverse effects of reclamations and drainage within the coastal marine area are avoided, remedied or mitigated. The achievement of this objective would resolve the issues associated with reclamations and drainage and assist in promoting the sustainable management of the coastal marine area and wider coastal environment.
- 19.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objective and allow people and communities to provide for their social, and economic wellbeing whilst safeguarding the life supporting capacity of the foreshore and seabed and avoiding adverse effects on the environment.
- 19.3 The policies indicate that reclamation of the foreshore or seabed is generally inappropriate, except where it is able to be undertaken in managed circumstances. If there is a functional need for the reclamation (eg: the reclamation can only be undertaken within the coastal marine area), then the reclamation may be appropriate. These policies are consistent with Policies 3.1.1, 3.2.1 and 4.1.6 of the NZCPS. Similarly, Guideline 5 recognises the need to carefully manage drainage in the coastal marine area.
- 19.4 Guideline 2 outlines the HBRC requirements with respect to esplanade reserves or strips on all reclamations where it will enable public access along the coast or to maintain or enhance water quality. This recognises that the maintenance and enhancement of public access to and along the coastal marine area is an issue of national importance. Sometimes an esplanade reserve or strip may be used to provide a buffer between

activities carried out on the reclamation and the coastal marine area in order to prevent any contaminants discharged (accidental or otherwise) onto the reclamation from reaching coastal waters. This Policy is consistent with NZCPS Policy 3.5.3.

- 19.5 Guideline 2 also specifies that HBRC will waive this requirement on reclamations undertaken in the Port of Napier and may waive this requirement on reclamations in the Iron Pot and Inner Harbour. This recognises the operational needs of these areas and also recognises that restrictions to access may need to be imposed for biosecurity reasons or to ensure security and safety with regard to mooring facilities, other infrastructure or ships. It is also consistent with Objective 9 in the RRMP which refers to appropriate provision being made for economic development within the coastal environment, including the maintenance and enhancement of industry and commerce.
- 19.6 Guideline 3 outlines some of the requirements that will generally apply as conditions on a coastal permit to reclaim the foreshore or seabed. They ensure that unused structures are not left in the coastal marine area and that any unforeseen damage to a site or accidents that happen on the site will not cause adverse effects on the environment.
- 19.7 Guideline 4 recognises that surface runoff from reclamations may be a source of marine pollution and erosion of reclaimed land may result in contamination of coastal waters. Reclamations should be designed to take this into account. This is consistent with NZCPS Policy 5.1.6.

## 20. Taking, Using, Damming and Diverting Water in CMA

### ISSUE

Issue 20-1 Taking and using open coastal waters will generally have minor effects on the environment but taking, using, damming and diverting of water in enclosed coastal waters (such as [embayments](#), estuaries, lagoons and river mouths), can have adverse and irreversible effects on the environment, including habitats and ecosystems, natural coastal processes, water quality, and natural character.

### OBJECTIVE

Obj 20-1 Adverse effects on the environment arising from taking, using, damming and diverting water in the coastal marine area are avoided, remedied or mitigated.

### POLICIES

Policy 20-1 To manage the taking, use, damming and diversion of water in the coastal marine area in accordance with the environmental guidelines set out in Table 14.

**Comment [ 29 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

**Comment [ 30 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

Table 14: Environmental Guidelines – Taking, Using, Damming and Diverting Water in CMA

Issue	Guideline
1. Inlets and estuaries	Existing dilution factors should be maintained and larval supplies to inlets and estuaries should be protected, particularly in relation to the Porangahau Estuary (SCA 1), the Waitangi Estuary (SCA 11), the Ahuriri Estuary (SCA 12), the Wairoa River and Coastal Lagoons (SCA 15), and the Maungawhio Lagoon (SCA 20).
2. Marine <del>fauna</del> , ecosystems & water quality	Coastal water should not be taken or used in quantities or rates that would adversely affect marine <a href="#">flora and fauna</a> , ecosystems, <a href="#">biodiversity</a> or water quality.
3. Dams and diversions	a) Diversion of natural watercourses should only occur to protect human safety or to enhance biodiversity and natural character of the coastal environment.  b) Damming or diversion of coastal water should not adversely affect: i) <a href="#">natural ecosystems or dynamic coastal processes</a> ii) natural character of the coastal environment iii) fish passage and spawning areas or iv) increase the risk of inundation <a href="#">v) historic heritage and sites of cultural significance to tangata whenua.</a>
4. Short-term damming and diversions	Short-term damming and diversion of coastal water for temporary activities including maintenance, repair, removal or demolition of structures; and network utility lines, pipelines and cables in the coastal marine area, shall be provided for.

Policy 20-2 To implement the environmental guidelines for taking, using, damming and diverting coastal water set out in Policy 20-1 predominantly in the following manner:

- (a) **Resource consents** - The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.

- (c) **Non-regulatory methods** - The environmental guidelines for taking, using, damming and diverting water in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/ consultation with ~~resource users~~ and territorial and tangata whenua authorities and resource users.

**Explanation and Reasons**

- 20.1 The objective seeks to avoid, remedy or mitigate adverse effects on the environment arising from taking, using, damming and diverting water in the coastal marine area. The achievement of this objective would resolve the issues associated with these activities and help to promote the sustainable management of the coastal environment.
- 20.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objective and allow people and communities to provide for their social and economic wellbeing while sustaining the potential of natural and physical resources to meet the needs of future generations, safeguarding the life supporting capacity of estuaries, lagoons, the foreshore and seabed and avoiding adverse effects on the environment.
- 20.3 Generally, HBRC considers that any activity involving the taking and using of water in the coastal marine area that does not involve the erection or placement of a structure in the coastal marine area or disturbance of the foreshore or seabed will have minor adverse effects on the environment. However, taking and using of water from estuaries does have the potential to cause adverse effects on larval supply to those estuaries and on dilution factors within the estuaries if the take is prolonged or is large in relation to the size of the inlet. This is recognised in Guidelines 1 and 2 where specified Significant Conservation Areas may be sensitive to water extraction, particularly if the extraction is large scale or prolonged. Particular emphasis will be placed on maintaining dilution factors within and protecting larval supply to the inlets. These are important aspects of the estuarine environment that should be protected.
- 20.4 Guideline 3 highlights that the damming and diverting of water does have the potential to cause adverse effects on the environment. These may include adverse effects on historic heritage, cultural values, marine habitat, benthic communities, shellfish areas, vegetation, fish and fisheries, wildlife and the movement of marine life. Water quality may also be affected due to loss in dilution factors. Damming and diversion may also affect coastal processes through changes in sediment supply to the coast or by altering tidal flushing or currents. There may also be adverse effects on local residents from the noise associated with the activity and loss of public access along the coastal marine area. Damming and diversion of coastal water has the potential to adversely affect the relationship of coastal hapu with coastal taonga if measures are not taken to appropriately avoid, remedy or mitigate those adverse effects.
- 20.5 Guideline 4 recognises that there are circumstances where damming and diversion of water is necessary, but any such activities should only be temporary to ensure adverse effects on marine habitats, benthic communities, shellfish areas, vegetation, fish and fisheries, wildlife and the movement of marine life are minimised.
- 20.6 These policies and guidelines are consistent with NZCPS Policies 1.1.2(b), 1.1.4(a), (b) and (e), and 3.2.8.

## 21. Introduction of Exotic Plants and Animals in CMA

### ISSUE

Issue 21-1 The inappropriate introduction of exotic plants or animals in the coastal marine area can adversely affect the environment, including [indigenous flora and fauna](#), natural coastal processes, loss of habitat and foreshore area, degrading natural character and amenity values.

### OBJECTIVES

Obj 21-1 Adverse effects on the environment of introducing exotic plant and animal species in the coastal marine area are avoided, remedied or mitigated.

Obj 21-2 Prevention of the spread within the coastal marine area of pest plants within the meaning of the Biosecurity Act 1993.

### POLICIES

Policy 21-1 To manage the introduction of exotic plants or animals into the coastal marine area [in accordance with the environmental guidelines set out in Table 15](#).

**Comment [ 31 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

Table 15: Environmental Guidelines – Introduction of Exotic Plants and Animals in CMA

Issue	Guideline
1. Exotic plants	<p>a) The introduction and planting of exotic plant species in the coastal marine area shall be restricted, particularly where the introduction of those plants could have significant adverse effects on:</p> <ul style="list-style-type: none"> <li>i) natural character of the coastal environment</li> <li>ii) the functioning of natural ecosystems, <a href="#">particularly indigenous flora and fauna</a></li> <li>iii) the functioning of geophysical processes which form and maintain estuaries, lagoons, rivermouths and dune systems.</li> </ul> <p>b) A precautionary approach will be adopted towards the assessment and decision-making in relation to the introduction of exotic plant species not already present in the region's coastal marine area.</p>
2. Exotic animals	A precautionary approach will be adopted towards the assessment and decision-making in relation to the introduction of animals not already present in the region's coastal marine area.
3. Plant pests	The spread of plant pests within the meaning of the Biosecurity Act 1993 shall be controlled in accordance with the Regional Plant Pest and Animal Pest Management Strategy.
4. Restoration planting	<p>Indigenous plant species preferably from local genetic stock, should be used where practicable whenever restoration plantings are carried out in, or adjacent to, the coastal marine area for the purposes of:</p> <ul style="list-style-type: none"> <li>i) preventing bank instability</li> <li>ii) avoiding, remedying or mitigating the adverse effects of erosion and/or inundation from storms or sea level rise</li> <li>iii) preserving, restoring and rehabilitating the natural character of the coastal environment where appropriate</li> <li>iv) maintaining and enhancing habitats of indigenous fauna.</li> </ul>

Policy 21-2 To implement the environmental guidelines for the introduction of exotic plants and animals set out in Policy 21-1 predominantly in the following manner:

- (a) **Resource consents** - The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** - The environmental guidelines for the introduction of exotic plants and animals in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/ consultation with resource users and territorial authorities.

**Explanation and Reasons**

- 21.1 The objectives seek to avoid, remedy or mitigate the adverse effects of introducing exotic plants and animals in the coastal marine area. There are a number of potential adverse effects associated with any such introduction. These may include reduction in water quality during planting activities and as a result of organic matter contributions to the water, loss of foreshore or seabed space, loss of habitat of indigenous fauna particularly the nesting and roosting sites of birdlife and conflict with indigenous flora. The introduction or planting of exotic plants may also have adverse effects on public access, natural character, visual aesthetics, natural features and landscapes and cultural, spiritual, historic and amenity values.
- 21.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objective and allow people and communities to provide for their social and economic wellbeing while sustaining the potential of natural and physical resources to meet the needs of future generations, safeguarding the life supporting capacity of the foreshore and seabed and avoiding adverse effects on the environment.
- 21.3 The introduction or planting of exotic plants may adversely affect sediment movement, currents and [tidal areas](#). Some plants may lead to loss of habitat through direct colonisation of tidal flats and the avoidance of tidal areas by wading birds close to stands of the plants because they become possible predator habitats. However, the benefits of planting in terms of stabilising foreshores and sand dunes is recognised. This is recognised in Guideline 1 so rules will restrict planting of exotic plants in the CMA to ensure adverse effects of that planting are avoided, remedied or mitigated.
- 21.4 The RMA does not specifically regulate the introduction of animal species into the coastal marine area. However, this Plan does regulate the erection of structures and other activities that could be associated with the introduction of new animal species (eg: aquaculture activities). Guideline 2 recognises this position while acknowledging that there are potential risks that the introduction of new species (say for aquaculture) will cause adverse effects on other fisheries and the marine environment, if the new species reproduces out of control. S30 of the RMA limits the extent to which HBRC can regulate fisheries (eg: HBRC cannot exercise control to prevent a species being introduced for aquaculture on the grounds that it may have adverse effects on other fisheries).
- 21.5 Guideline 3 states that provisions within the Regional Plant Pest and Animal Pest Management Strategy will be primarily used to control the spread of plant pests in the coastal environment.
- 21.6 Guideline 4 provides HBRC with assessment criteria for applications to introduce plants into the coastal environment. This recognises that the use of indigenous species, preferably from local genetic stock, for restoration planting in the coastal environment will enhance the quality of the environment, particularly in terms of natural character, and will maintain and enhance the habitat of indigenous fauna. This policy is consistent with NZCPS Policy [1.1.5](#) and [3.2.10](#).

## 22. Surface Water Activities in CMA

### ISSUE

Issue 22-1 Some activities on the surface of coastal waters may affect habitats of coastal flora and fauna while others may create conflicts with other users of the coastal marine area and affect people's amenity values.

### OBJECTIVES

Obj 22-1 Adverse effects on the environment resulting from surface water activities in the coastal marine area are avoided, remedied or mitigated.

Obj 22-2 Safe and efficient navigation and the maintenance of navigation channels for shipping activities is recognised.

### POLICIES

Policy 22-1 To manage surface water activities in the coastal marine area in accordance with the environmental guidelines set out in Table 16.

**Comment [ 32 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

Table 16: Environmental Guidelines – Surface Water Activities in CMA

Issue	Guideline
1. Navigation and safety in gazetted harbour area Pilotage Limits	HBRC will manage navigation and safety issues associated with surface water activities in the gazetted harbour area Pilotage Limits in accordance with its responsibilities under the Local Government Act 1974 and any subsequent amendments.
2. Sensitive ecosystems and habitats	Vessels and ships in areas where the use is likely to have an adverse effect on sensitive ecosystems and habitats will be prohibited.

Policy 22-2 To implement the environmental guidelines for surface water activities in the CMA set out in Policy 22-1 predominantly in the following manner:

- Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- Non-regulatory methods** - The environmental guidelines for surface water activities in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, navigational and safety bylaws, and liaison/ consultation with resource users and territorial authorities.

#### Explanation and Reasons

22.1 Under the RMA the HBRC is responsible for controlling activities in relation to the surface of the water in the coastal marine area. However, these controls do not extend to the activities of ships in respect of their navigational safety needs. The adverse effects of surface water activities which are of concern to the HBRC and to the public include the adverse effects of excessive noise on local residents, on wildlife, and on navigation and safety.

22.2 The HBRC, as a Harbour Authority under the Local Government Act 1974, is responsible for navigation and safety inside the gazetted harbour area Pilotage Limits. This area is shown on the planning maps in Volume 2 of this Plan. These functions are carried out by the Harbour Master under the HBRC Navigation and Safety Bylaws 2002. This is recognised in Guideline 1. Outside the pilotage limits, surface water activities are controlled by Maritime Rule Part 91 Navigation Safety. Those regulations refer to the speed of small craft, water skiing, access lanes, surfboards, mooring areas and reserved areas for other activities. The provisions of those regulations can be enforced by:

- maritime safety inspectors;
- honorary safe boating advisors appointed by Maritime New Zealand.

22.3 At present the Navigation and Safety Bylaws and Maritime Rule Part 91 are sufficient to control the navigation and safety issues associated with surface water activities in the coastal marine area and other waters within the region. This is necessary as recreational activities such as swimming and windsurfing can conflict with each other. Therefore, some separation of these uses is required.

22.4 The RMA enables the HBRC to control the adverse effects of ships on the environment, including the adverse effects of noise on local residents and wildlife. Most surface water activities in Hawke's Bay do not have any adverse effects on the environment. However, there are a few sites in the coastal marine area where the use of motorised ships may have adverse effects on wildlife. Consequently, these activities need to be carefully managed by this Plan. This is indicated in Guideline 2.

## 23. Aquaculture

### ISSUE

Issue 23-1 Aquaculture activities are a productive use of coastal resources that may result in many social and economic benefits. However, these activities typically require large areas of coastal space in the coastal marine area. There is a consequent need to ensure aquaculture activities are located, constructed, and managed to minimise potential conflicts between marine farming and other activities in, or values of, the coastal marine area.

### OBJECTIVE

Obj 23-1 AdverseAny adverse effects on the environment associated with aquaculture activities in the coastal marine area are avoided, remedied or mitigatedshould be avoided as far as practicable. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated.

### POLICIES

Policy 23-1 To manage aquaculture activities in the coastal marine area in accordance with the environmental guidelines set out in Table 17.

Comment [ 33]: Appeal by:  
Ngati Kahungunu Iwi Inc.

Table 17: Environmental Guidelines – Aquaculture Activities in CMA

Issue	Guideline
1. Location	<p>a) Establishment or expansion of aquaculture activities through coastal permit applications shall be prohibited in locations that are:</p> <ul style="list-style-type: none"> <li>i) already identified as Aquaculture Management Areas and fully developed by aquaculture activities</li> <li>ii) outside Aquaculture Management Areas identified in the Plan or</li> <li>iii) unsuitable for aquaculture because of potential conflicts with the use, development or protection of adjacent areas and activities.</li> </ul> <p>b) The layout and location of aquaculture activities within Aquaculture Management Areas shall be controlled to ensure they are constructed and maintained in a manner so safe and efficient navigation, recreation activities and navigation channels for shipping activities, habitats of indigenous marine flora and fauna, and cultural values, are maintained. HBRC will identify "Aquaculture Excluded Areas" for the purposes of s165W of the RMA where Invited Private Plan Change Requests for new Aquaculture Management Areas will not be allowed.</p>
2. Space within AMAs	<p>a) The efficient use and development of coastal space within Aquaculture Management Areas shall be promoted by:</p> <ul style="list-style-type: none"> <li>i) HBRC not initiating or adopting any new Aquaculture Management Areas in the region, other than for aquaculture activities that hold a current resource consent for that activity and</li> <li>ii) assessing potential for new Aquaculture Management Area by way of the private plan change request process under the RMA's First Schedule and Invited Private Plan Change process under s165Z of the RMA and</li> <li>iii) using a 'priority in time' method to allocate space within any newly defined Aquaculture Management Areas.</li> </ul> <p>b) Aquaculture activities operating within Aquaculture Management Areas shall be provided for by:</p> <ul style="list-style-type: none"> <li>i) restricting other activities proposing to locate within Aquaculture Management Areas unless the activities are able to co-exist with, and not impede, aquaculture activities and</li> <li>ii) having regard to the need to maintain water quality in the coastal marine area for</li> </ul>

Comment [ 34]: Appeal by:  
Ngati Kahungunu Iwi Inc.

Issue	Guideline
<p>3. <u>Decisions on consent renewals and change of conditions</u></p>	<p style="text-align: center;"><u>aquaculture in Aquaculture Management Areas.</u></p> <p>c) Any privately initiated plan change applications requesting the inclusion of new Aquaculture Management Areas in this Plan may be required to provide information in relation to any or all of the following:</p> <ol style="list-style-type: none"> <li>i) the location of the proposed Aquaculture Management Area</li> <li>ii) an assessment of the present nature of the site, both physical and biological including the nature of the sea floor and species found in the area <ol style="list-style-type: none"> <li>iiA) <u>the type of aquaculture activity likely to be undertaken within the AMA</u></li> <li>iiB) <u>an assessment of the potential economic, social and cultural benefits of the proposed AMA and subsequent aquaculture activities within that AMA</u></li> </ol> </li> <li>iii) consideration of actual or potential effects on marine ecology of feed likely to be added to the environment within the proposed Aquaculture Management Area</li> <li>iv) consideration of navigational matters including adequate clearance from: <ul style="list-style-type: none"> <li>• the shoreline</li> <li>• any adjacent aquaculture activities</li> <li>• jetties, wharves, boat ramps and any other points of access to the shore</li> <li>• headlands</li> <li>• navigational routes</li> <li>• anchorage and mooring areas</li> <li>• access lanes and reserved areas defined in Navigation and Safety Bylaws</li> <li>• sub aqueous cable.</li> </ul> </li> <li>v) consideration of aesthetic and cultural matters including: <ul style="list-style-type: none"> <li>• proximity to dwellings, land zoned for residential use, and land subdivided for residential use</li> <li>• proximity to, and likely effects on, areas of: <ul style="list-style-type: none"> <li>- scenic value</li> <li>- ecological value</li> <li>- recreational value and</li> <li>- historic or traditional importance.</li> </ul> </li> </ul> </li> <li>vi) particular site requirements of different forms of aquaculture</li> <li>vii) whether there is any suitable undeveloped space in existing Aquaculture Management Areas</li> <li>viii) consideration of the degree of exclusive occupation of space <u>in the CMA</u> required in relation to available space within the locality and effects on existing uses of the <del>coastal</del> <u>space in the CMA</u></li> <li>ix) other matters including: <ul style="list-style-type: none"> <li>• likely effect on areas used for commercial, <del>and</del> recreational <u>and customary</u> fishing</li> <li>• the visual effect of aquaculture development and operation in the Aquaculture Management Area</li> <li>• the alienation of public <del>coastal</del> <u>space in the coastal marine area</u></li> <li>• the extent to which an aquaculture activity in the Aquaculture Management Area may require ancillary on-shore facilities and the extent to which those are available or may be developed.</li> </ul> </li> <li>x) an assessment of how the proposed Aquaculture Management Area will give effect to the provisions in this Plan and its consistency with the New Zealand Coastal Policy Statement and Regional Policy Statement.</li> <li>xi) an assessment of how the proposed Aquaculture Management Area is consistent with Part II of the RMA.</li> </ol> <p><u>In relation to an application to renew, or change conditions on, an existing coastal permit to undertake aquaculture activities, HBRC will have regard to:</u></p> <ol style="list-style-type: none"> <li>i) <u>The applicant's demonstration of:</u> <ul style="list-style-type: none"> <li>• <u>compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant; and</u></li> <li>• <u>the use of current industry good practice and technology for any current aquaculture</u></li> </ul> </li> </ol>

**Comment [ 35 ]:** Appeal by:  
Ngati Kahungunu Iwi Inc.

Issue	Guideline
	<p><u>activities, including compliance with relevant Codes of Practice; and</u></p> <ul style="list-style-type: none"> <li>• <u>Any change in site characteristics or adverse environmental effects which may have resulted from the existing or previous activities.</u></li> </ul> <p><u>ii) any disturbance of the foreshore and seabed, and deposition or discharge in the coastal marine area (including feed) required to undertake the aquaculture activity</u></p> <p><u>iii) Effects on water quality, including nutrient enrichment, and the effects of any discharges to the coastal marine area;</u></p> <p><u>iv) Sustainability of the aquaculture activity effects on other existing aquaculture activities</u></p> <p><u>v) Changes to habitats within and inshore of the application area, including the introduction of exotic biota</u></p> <p><u>vi) Effects on other uses and values of the coastal marine area including navigational safety and anchorage, public access to and along the coast, recreational and commercial uses and utilities</u></p> <p><u>vii) Economic benefits to the national economy and the Hawke's Bay region and its communities</u></p> <p><u>viii) Environmental, social and cultural benefits to the Hawke's Bay region and its communities.</u></p>

Policy 23-2 To implement the environmental guidelines for aquaculture activities set out in Policy 23-1 predominantly in the following manner:

- (a) **Resource consents** - The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (aa) Plan changes - the environmental guidelines will be used in the process of making decisions on new AMA proposals through the invited private plan change process under s165Z of the RMA and private plan change process under Schedule 1 of the RMA.
- (b) **Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** - The environmental guidelines for aquaculture activities in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/ consultation with resource users, territorial authorities and other agencies.

**Explanation and Reasons**

- 23.1 Aquaculture requires the occupation of coastal space. Aquaculture is a valid use of the coastal marine resource as it enables people and the Hawke's Bay community to utilise that resource to help provide for their wellbeing and economic benefit. It requires the occupation of space within the coastal marine area. The coastal marine area is a finite resource. There are many other uses of coastal space in the CMA (such as recreational boating and commercial shipping) that may be affected by aquaculture activities. Space needs to be identified where aquaculture is appropriate and would not compromise safe recreation and navigation in the coastal marine area. The RMA empowers regional councils to create Aquaculture Management Areas ("AMAs") which are zones where aquaculture can be undertaken with a coastal permit. Outside AMAs, aquaculture activities are prohibited.
- 23.2 Guideline 1 suggests that sporadic development of aquaculture should be avoided and space within AMAs should be used efficiently. Further development of the Hawke's Bay coastal marine area for aquaculture will be provided through a variation or change to the Plan (Guideline 2(c)). This ensures that any future aquaculture development is the subject of wide public consultation. This procedure will also ensure that costs of establishing a new AMA are shifted to those who stand to benefit, ie: the resource user.
- 23.3 The ~~major main~~ known or potential ~~adverse~~ effects of aquaculture in Hawke's Bay include:
  - physical exclusion of other uses from the marine farm area
  - restriction of public access
  - interference with navigation
  - interference with dynamic coastal processes and natural character
  - visual impacts of structures
  - ~~marine mammal~~ potential displacement and/or entanglement of some marine mammal species
  - nutrient depletion
  - potential siltation and build-up of organic matter and
  - ~~disposal~~ the build-up of shell debris from 'crop' washing and sorting processes on the seafloor under shellfish farms.

- 23.4 Aquaculture can be a sustainable use of the coastal marine area if it is managed appropriately. There are many competing uses and values, such as recreational boating, shipping routes areas of high ecological value and fishing activities in the coastal marine area that need to be considered when providing for aquaculture. The coastal marine area is a finite resource, so it is importance that competing interests be managed effectively. Guideline 2 recognises that space for, and within, AMAs needs to be appropriately allocated to ensure that efficient use is made of these areas and that the balance of the coastal marine area can be sustainably managed for other uses, developments or protection purposes. [The Maori Commercial Aquaculture Claims Settlement Act 2004 requires 20% of all new AMA space identified in the coastal marine area to be transferred to iwi, via the Maori Commercial Aquaculture Settlement Trust. The 20% allocated space should be representative of each farming type covered by the rules in the AMA, and the overall productive capacity of the new space.](#)
- 23.5 In Hawke's Bay, demand for aquaculture space is not great at present and environmental conditions are not thought to be highly suitable for aquaculture activities. The HBRC is responsible for allocating space within AMAs – regardless of whether the AMA was initiated by the Council or by private interests. Coastal tendering is the 'default' method under the RMA of allocating space within AMAs. The RMA allows regional councils to adopt an alternative means of allocating space within AMAs. Tendering can be extremely effective when there is high demand for a resource. However, where there is little demand, as is the case for ~~coastal~~ space for aquaculture in Hawke's Bay, then tendering is not considered the best option. The HBRC has considered other options for allocation, including balloting (a random allocation), fitness/suitability of applicant, priority in time (first in, first served) and apportionment by share (which involves dividing space equally).
- 23.6 The process to establish a new AMA is likely to be expensive and without some certainty to actually occupy the AMA once created. This may be too great a disincentive for private parties to proceed with aquaculture development. This, in addition to the small demand for aquaculture space in the region, has led the HBRC to adopt a "priority in time" process based on a first in first served formula to allocate any new AMA space in the region. This is stated in Guideline 2(a). This may be an interim measure until a more robust and effective alternative allocation method can be developed nationally, perhaps by an individual local authority or a group of councils in the future.
- 23.7 As aquaculture can only occur within AMAs, it is important that these areas can function appropriately for the primary purpose of carrying out aquaculture activities. Guideline 2(b) recognises this as it suggests structures and activities that compromise the use of AMAs for carrying out aquaculture activities are considered inappropriate and generally, consents will not be granted. Land use activities and use of the coastal marine area may affect the quality of coastal water and consequently have an impact on aquaculture activities by degraded water quality. Maintenance of coastal water quality is addressed in more detail elsewhere in this Plan.
- 23.8 Guideline 2(c) identifies a range of information that may be required in support of a plan change request that seeks to include a new AMA in this Plan. By stating these, the Plan provides clear instructions to applicants on what information should support efforts to identify new AMAs in Hawke's Bay.

## 24. Hazardous Substances in CMA

**Comment [ 36 ]:** Appeal by: Ngati Kahungunu Iwi Inc. (seeks renaming title)

### ISSUE

Issue 24-1 There is a risk of adverse effects on the coastal marine area arising from the use, storage, disposal and transportation of hazardous substances within the coastal environment.

### OBJECTIVES

Obj 24-1 Risks to human health and the environment associated with the use, storage and transportation of hazardous substances within the coastal environment, are avoided, remedied or mitigated.

Obj 24-2 Adverse effects on the environment associated with the disposal of hazardous substances to the coastal environment are avoided.

### POLICIES

Policy 24-1 To manage hazardous substances in the coastal marine area in accordance with the environmental guidelines set out in Table 18.

**Comment [ 37 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

**Comment [ 38 ]:** Appeal by: Ngati Kahungunu Iwi Inc. (seeks new guideline)

**Table 18: Environmental Guidelines – Hazardous Substances in CMA**

Issue	Guideline
1. Management approach	<p>a) The safe use, storage and transportation of hazardous substances within the coastal environment will be promoted.</p> <p>b) Disposal of hazardous substances in the coastal marine area shall be prohibited.</p> <p>c) Storage of hazardous substances within a Significant Conservation Area shall be prohibited.</p>
2. Precautionary approach	A precautionary approach will be adopted in the assessment of assessing actual and potential effects arising from the use, storage and transportation of hazardous substances in the coastal marine area.

**Comment [ 39 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

Policy 24-2 To implement the environmental guidelines for hazardous substances set out in Policy 24-1 predominantly in the following manner:

- (a) **Resource consents** - The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** - The environmental guidelines for hazardous substances in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/ consultation with resource users, territorial authorities and other agencies.

#### Explanation and Reasons

- 24.1 The objectives seek to avoid, remedy or mitigate adverse effects on the environment, particularly on human health arising from the use, storage, disposal and transportation of hazardous substances in the coastal environment. The achievement of these objectives would resolve issues associated with these activities and help promote the sustainable management of the coastal environment.
- 24.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objective and allow people and communities to provide for their social and economic wellbeing while sustaining the potential of natural and physical resources to meet the needs of future generations, safeguarding the life supporting capacity of the foreshore and seabed and avoiding adverse effects on the environment.
- 24.3 Under the RMA, HBRC in conjunction with territorial authorities, is responsible for preventing or mitigating any adverse effects of the storage, use, disposal or transportation of hazardous substances in the region (including the coastal marine area). The respective responsibilities of the HBRC and territorial authorities are stated in the Hawke's Bay Regional Resource Management Plan. Specific responsibility for controlling any adverse effects of the storage, use, disposal or transportation of hazardous substances within the coastal marine area remains with the HBRC under s30(d)(v) of the RMA.
- 24.4 Guideline 1 recognises that risks associated with the use, storage and transportation of hazardous substances can be minimised by adoption of safe handling, storage, and transport methods. Guideline 1 also relates to HBRC's function under s30(1)(d)(v) of the RMA. Risks to water quality, ecosystems, coastal processes and people's health can be avoided by disposing hazardous substances at purpose-built disposal facilities rather than by dumping in the coastal marine area.
- 24.5 Hazardous substances have the potential to adversely affect the health and safety of people and communities as well as the environment in general. These substances typically include explosives, flammable solids and substances, oxidising, toxic, radioactive, corrosive, [ecotoxic](#) and infectious substances that may impair human, plant or animal health. The use, storage, disposal and transportation of hazardous substances within the coastal environment may pose significant risk to the health safety and wellbeing of people, communities, water quality, coastal ecological systems and natural coastal processes. The degree of risk posed is generally dependent upon the quantity and the form of the substance and the potential effects of them in the receiving environment. Guideline 2 recognises the relative lack of certainty and understanding of the potential effects of associated with inadequate hazardous substance storage or transportation practices. Therefore, a precautionary approach (consistent with Policy 3.3.1 of the NZCPS) will be adopted by HBRC and also advocated to territorial authorities performing their responsibilities relating to the use, storage, disposal, and transportation of hazardous substances on land (above MHWS).

## 25. Noise in CMA

### ISSUE

Issue 25-1 The emission of noise from activities within the coastal marine area can adversely affect people's health, safety and amenity values associated with the coastal environment.

### OBJECTIVE

Obj 25-1 Adverse effects on amenity values arising from the emission of noise from within the coastal marine area are avoided, remedied or mitigated.

### POLICIES

Policy 25-1 To manage noise emissions in the coastal marine area in accordance with the environmental guidelines set out in Table 19.

Table 19: Environmental Guidelines – Noise Emissions in CMA

Issue	Guideline
1. Management approach	<p>a) Noise emissions within the coastal marine area will be managed in a manner consistent with territorial authorities' controls and other methods that manage noise emissions in areas adjacent to the coastal marine area.</p> <p>b) HBRC will transfer its functions and responsibilities to territorial authorities for the control of noise emissions and mitigation of the effects of noise within the coastal marine area.</p>
2. Port noise	In relation to noise arising from operations at the Port of Napier, the best practicable option shall be adopted to ensure noise levels do not exceed a reasonable level and adverse effects of noise emissions on people's health and wellbeing, and amenity values are minimised/avoided, remedied or mitigated.

Policy 25-2 To implement the environmental guidelines for noise emissions set out in Policy 25-1 predominantly in the following manner:

- (a) **Resource consents** - The environmental guidelines will be used in the process of making decisions on resource consents, in accordance with the RMA.
- (b) **Regional rules** - The environmental guidelines have been incorporated into rules, (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used.
- (c) **Non-regulatory methods** - The environmental guidelines for noise emissions in the CMA may also be implemented through non-regulatory methods where appropriate, including the provision of information, environmental monitoring and reporting; transferral of responsibilities to territorial authorities; and liaison/consultation with resource users, territorial authorities and other agencies.

#### Explanation and Reasons

25.1 The objective seeks to ensure adverse effects on the environment arising from the emission of noise within the coastal marine area are avoided, remedied or mitigated. The achievement of the objective would resolve the issues associated with noise emissions and help to promote the sustainable management of natural and physical resources within the coastal marine area.

25.2 The policies and guidelines are necessary to achieve the purpose of the RMA because they provide the appropriate framework to support the objective and allow people and communities to provide for their social and economic wellbeing while avoiding adverse effects on the

**Comment [ 40 ]:** Appeal by: Ngati Kahungunu Iwi Inc. (seeks renaming title)

**Comment [ 41 ]:** Appeal by: Minister of Conservation

**Comment [ 42 ]:** Appeal by: Minister of Conservation  
Ngati Kahungunu Iwi Inc.

**Comment [ 43 ]:** Appeal by: Ngati Kahungunu Iwi Inc.

**Comment [ 44 ]:** Appeal by: Ngati Kahungunu Iwi Inc. (seeks new subclause)

environment. They also provide certainty to resource users, particularly activities that are subject to management frameworks of HBRC and territorial authorities.

- 25.3 Under s30 of the RMA, HBRC is responsible for controlling the emission of noise and the mitigation of the effects of noise within the coastal marine area. In addition, all persons who undertake activities within the coastal marine area are required to adopt the best practicable option to ensure noise emissions do not exceed a reasonable level (s16 of the RMA). Meanwhile, territorial authorities are responsible for controlling noise emitted by land uses above mean high water springs.
- 25.4 Typically, concerns relating to the emission of noise from within the coastal marine area are associated with powered recreation watercraft, and activities on wharves at the Port of Napier and Napier's Inner Harbour, as well as vessels at berth at those wharves. Noise from these sources may affect other recreational users, wildlife, and people in some residential areas adjacent to the coastal marine area. Some activities (eg: Port of Napier) within the coastal marine area have operational requirements that may generate considerable levels of noise.
- 25.5 Noise emissions should be controlled and managed consistently across mean high water springs. As noise emitted above mean high water springs is controlled and managed by territorial authorities, consideration and co-ordination with territorial authorities is desirable for addressing noise emitted within the coastal marine area. Guideline 1 recognises that noise emissions need to be controlled and managed consistently across mean high water springs. Territorial authorities often control noise emissions by setting limits in district plan rules and similar limits should generally apply to noise emissions from within the coastal marine area to maintain amenity values of the area. Limits on reasonable noise levels in different areas of the coast will depend on the sensitivity of those areas. Guideline 1 also refers to the ability of, and action already taken by, HBRC transferring to TLAs its functions and responsibilities relating to the control of noise emissions and mitigation of the effects of noise within the coastal marine area.
- 25.6 Guideline 2 recognises that a sustainable approach to managing noise emissions arising from port operations is required for many of New Zealand's ports, including Port of Napier. New Zealand Standard NZS6809:1999 'Acoustics – Port Noise Management and Land Use Planning' adopts an approach which integrates management of noise effects from the coastal marine area with those from adjacent port operations on land. The Standard provides a basis for control and management of noise from all port operations, taking into account port operational issues and providing certainty to both resource user and nearby land uses. A similar management framework based on this Standard is incorporated into Napier City's District Plan for the port and surrounding areas not within the coastal marine area.