

IN THE MATTER OF

**THE RESOURCE MANAGEMENT
ACT, 1991**

AND IN THE MATTER OF

**THE PROPOSED HAWKE'S BAY
COASTAL ENVIRONMENT PLAN,
AUGUST 2006**

**AN APPEAL UNDER CLAUSE 14 OF
THE FIRST SCHEDULE TO THE ACT**

**FROM NGATI KAHUNGUNU IWI
INCORPORATED**

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TO:

The Registrar
The Environment Court
P O Box 5027
WELLINGTON
6040

1. APPELLANT:

Ngati Kahungunu Iwi Incorporated

2. AUTHORITY WHICH MADE THE DECISION SUBJECT TO APPEAL:

Hawke's Bay Regional Council
Private Bag 6006
Napier
4142

3. STATEMENT:

We made submissions to the proposed Hawke's Bay Regional Coastal Environment Plan and presented and spoke to our submissions at the relevant hearings.

4. DATE OF RECEIPT OF THE DECISIONS:

The decisions were publicly notified July 22 2008. We received hard copies of the decisions on 23 July 2008.

5. RESOURCES AFFECTED BY THE DECISIONS:

The resources affected by the decisions are the natural and physical resources of the Hawke's Bay coastal environment, including the coastal marine area, the coastal margin, people and communities.

6. DESCRIPTION OF THE SUBJECT MATTER:

The subject matter consists of the decisions reached by the regional council in relation to the statements and relief sought within our written and oral submissions.

8. REASONS FOR THE APPEAL:

- a. The whakapapa and ethos of Ngati Kahungunu links us with the natural and physical resources of the coastal environment. These linkages and relationships establish our cultural identity, and support our cultural well-being. They are the basis for how we interact within the context of the coastal environment and underpin our kaitiakitanga and our relationships within Te Ao Maori. The Resource Management Act requires decision-makers to recognise and provide for these relationships;
- b. The lack of weighting given to our submissions in the decision-making process in regard to relevant provisions in the Resource Management Act, 1991;
- c. The lack of appropriate consideration shown for the principles of the Treaty of Waitangi;
- d. The methodology and procedure used to review the operative coastal plan, the section 32 analysis, and the drafting of the proposed plan;
- e. The diminished priority given to matters of significance to Maori within the context of the proposed Regional Coastal Environment Plan (August, 2006) in comparison with the operative Regional Coastal Plan (June. 1999);
- f. The leniency shown towards the subdivision, use and development of natural and physical resources within the coastal margin;
- g. Failure to give appropriate consideration to the existing degraded state of parts of the coastal environment, and to the cumulative adverse effects of activities that impact on them, including land use effects;
- h. Lack of consistency between some of the decisions reached and the requirement to give effect to the operative Regional Policy Statement, the New Zealand Coastal Policy Statement;
- i. Matters in section 66 particularly section 66 (2) (c) and (d) relating to the requirement to take into account other regulations and provisions relating to customary use of resources;
- j. Within some of the decisions, there is inadequate recognition of, and provision for, all relevant matters that contribute to adverse effects of activities on the coastal environment and its constituent parts;

- k. Practice and procedural issues in some instances whereby decisions have been made that we consider to be ultra vires;
- l. The failure to acknowledge and protect significant coastal features and values within the coastal environment of Hawke's Bay;
- m. Insufficient use of the precautionary principle.

SIGNED: _____

General Manager

DATE: _____

SIGNED: _____

Resource Management Advisor

DATE: _____

9. ATTACHMENTS:

- A: Original submissions lodged by the appellant
- B: Original submissions summary
- C: Further submissions lodged by the appellant
- D: Further submissions summary
- E: Submissions presented at the relevant hearings
- F: Decisions of the Hawke's Bay Regional Council
- G: Application for waivers and directions
- H: List of parties to be served
- I: Filing fee of \$55.00
- J: Four copies of our appeal

7. RELIEF SOUGHT BY NGATI KAHUNGUNU IWI INCOPORATED:

Topic 2 – Coastal Environment Definition: Decision Numbers: 15, 16, 18 F17 - 12

Sub 110	Sub F17	
7, 8,		7: 'Coastal Environment' - Amend subclause (c) of definition by adding: "ix) marine ecosystems and habitats;" and "x) tangata whenua" 8: Amend Volume 2 Maps to clarify the position of the Coastal Environment Inland Boundary so as to include land up to the nearest ridgeline and cadastral boundaries where relevant.
	29	Amend Chapter 1.1.3 so that the 'coastal environment' is an environment in which the coast is usually a significant element or part and that the Environment Court has accepted that the coastal environment usually extends to the crest of the nearest skyline.

Topic 1 – Structure, General content and approach: Decision Numbers: 82

Sub F17	
23	F17 - 23. Amend Plan so the shingle spit along the foreshore from Tangoio to Westshore and from immediately south of the Port of Napier to Te Awanga be: - recognised in the Plan as part of the Hawke's Bay coastal environment's natural character and an outstanding natural feature; and - given priority for protection and enhancement.
Reasons	The shingle banks from Tangoio to Westshore and extending from the Port Area to Haumoana and Te Awanga is an outstanding natural feature, is formed by dynamic coastal processes, and contributes to the protection of a wide area of Napier which is only around 0.3 of a metre above sea-level. Decision-makers are required to take into account the effects of climate change which is predicted to result in warmer temperatures and a rise in sea-level. The suburbs of Napier are part of the built environment and require protection from inundation, which the shingle banks provide. Waahi tapu and waahi tupuna are also scattered along the foreshore, particularly around the Waiohinganga (Esk) Rivermouth, Tangoio, Awatoto, and Waitangi. These sites and areas warrant protection for cultural reasons.

Topic 1 – Objectives and AER's: Decision Numbers: 93, 94

Sub 110	
16, 23	16: Ch 2 Obj: Add new Objective 2-2 to read: "The protection and enhancement of natural features and landscapes, areas of significant indigenous vegetation, significant habitats of indigenous flora and fauna and historic heritage features and values from the adverse effects of inappropriate subdivision, use or development." 23: Ch 2 AERs: Add new AER in Chapter 2 to read: "The protection of natural character sites, areas, and values of significance to coastal hapu."

Topic 2 – Policies and associated explanation: Decision Numbers: 111, 112, 113, 114, 115

Sub 110	
17, 19, 20, 21, 22	17: Delete proposed Policy 2-2. 19: Amend Policy 2-5 to read: "To enable the use and development of port facilities as part of the coastal environment's physical resources in order to meet the needs of the regional community and future generations while avoiding, remedying or mitigating adverse effects of port activities or development on natural character and processes." 20: Amend Policy 2-8 to read: "To recognise and provide for the maintenance or enhancement of the coastal environment's existing natural character components including dynamic coastal processes, public amenity and cultural values." 21: Add new Policy 2-9 to read: "To recognise and provide for tangata whenua and their values and relationships with the coastal environment as part of the region's natural character." 22: Add new Policy 2-10 to read: "The recognition of Hawke Bay's coastal shingle formations as being part of the region's natural character, and to promote their protection."

Topic 1 – Objectives and AER's: Decision Numbers: 124

Sub 110	
24	24: Add new Objective 3-2 to read: "The protection of the physical, cultural, public amenity and ecological values of wetlands, lagoons, estuaries and rivers in the coastal environment."

Topic 1 – Vehicles on beaches: Decision Numbers: 174

Sub 110	
202	202: Amend Rule 122 (a) by adding a new subclause to read: "vi) approved fishery enhancement or management purposes"

Topic 3 Policies and explanations: Decision Numbers: 196

Sub 110	
28	28: Delete and replace Policy 5-6 to read: "To enable tangata whenua access to their traditional fishing grounds and other sites of cultural significance within the coastal environment in accordance with tikanga Maori."

Topic 1 – Objectives: Decision Numbers: 222, 223, 224, 225, 226; F17 - 227

Sub 110	Sub F17	
32, 33, 34, 251		<p>32: Amend Objective 6-1 to read: "The recognition of and provision for the relationship of Maori with the characteristics of the coastal environment of spiritual, heritage, historical and cultural significance to tangata whenua in accordance with tikanga Maori."</p> <p>33: Add new Objective to Chapter 6 to read: "The recognition and protection of sites and areas within the coastal environment of spiritual, historical heritage, or cultural significance to coastal hapu as identified in accordance with tikanga Maori."</p> <p>34: Add new objective to Chapter 6 to read: "To have particular regard to the tangata whenua role as Kaitiaki, and provide for the practical expression of kaitiakitanga by tangata whenua in the coastal environment."</p> <p>35: 35: Add new objective to Chapter 6 to read: "The development of mutual understanding between tangata whenua and HBRC on the application of the principles of the Treaty of Waitangi contained in the Regional Policy Statement and their application within the coastal environment."</p> <p>251: Add new definition of 'Customary Activity' to mean "An activity carried out by tangata whenua in accordance with tikanga Maori and tradition."</p>
	75	75: Amend AER 6.1 to read: either "Mauri, the life sustaining force of natural and physical resources... " or, [adverse effects on] Mauri, the life sustaining force of natural and physical resources of the coastal environment [are avoided, remedied or mitigated]."

Topic 2 - Policies and explanations: Decision Numbers: 237, 238, 243, 244, 245, 246, 240

Sub 110	
6, 31, 36, 38, 39, 41 137	<p>6. Amend Volume 2 Maps by adding a 'cultural overlay' or similar titled "Sites of Cultural Historic Heritage Value to tangata whenua" and the overlay include reefs, shellfish gathering areas, traditional fishing grounds, and other sites of cultural historic heritage value to coastal hapu including:- Waahi tapu sites and areas;</p> <p>Tauranga waka; Tauranga ika; Taonga raranga; Mahinga kai; Mahinga maataitai; Urupa; Taiapure; Pa tawhito; Ara tawhito; Wananga sites; Kainga nohoanga.</p> <p>31: Amend Chapter 6 by adding additional provisions (as set out on pages 18-19 of the submission) to provide more in-depth explanation of coastal hapu relationships and values within the coastal environment.</p> <p>36: Amend Policy 6-1 to read: "To recognise and provide for the role of tangata whenua of Hawke's Bay as kaitiaki of the region's natural resources within the coastal environment."</p> <p>38: Amend Policy 6-4 to read: "To actively involve tangata whenua in the management, monitoring and protection and enhancement of the coastal environment."</p> <p>39: Amend Chapter 6 by adding the following as new policies:</p> <ol style="list-style-type: none">1. To require Cultural Impact Assessments where there is potential for taonga to be affected by a coastal permit, or by subdivision, use or development within the coastal environment, and where additional information is required to ascertain the nature and extent of those effects on tangata whenua.2. To work with tangata whenua to protect those sites in the coastal environment which have been identified as having cultural and spiritual significance, including ancestral lands, water, sites, waahi tapu and other taonga.3. To ensure that tangata whenua are informed where Treaty claims or customary rights may be affected by applications to use, develop or protect the coastal environment. <p>41: Amend Chapter 6 Policy Explanation by adding the following:</p> <p>"6.5 Only Maori can identify their taonga (and other cultural and traditional values). The Plan must provide for this identification (where appropriate) in full consultation and participation with tangata whenua. HBRC has a role in protecting these sites as part of the active protection principle of the Treaty of Waitangi.</p> <p>6.6 There is a statutory requirement for HBRC to have particular regard to kaitiakitanga. Tangata whenua hold the knowledge of their cultural and spiritual values, and have the right and responsibility to articulate these values.</p> <p>6.7 Local authorities must take into account the principles of the Treaty of Waitangi when exercising their functions and powers. There is, therefore, a need for Hawke's Bay Regional Council and tangata whenua to develop a mutual understanding as to how the principles of the Treaty should apply to the management of natural and physical resources in the Coastal Environment."</p> <p>137: Amend Chapter 26.4(b) and Chapter 26.4(c) by adding the following clauses:</p>

<p>"xi) The avoidance, remediation, or mitigation of adverse effects of the activity on the relationships and values of tangata whenua within the coastal environment" and</p> <p>"(xii) Within the coastal environment, the protection or enhancement of sites, areas and resources of historical heritage, cultural, spiritual and physical significance to coastal hapu."</p>
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Topic 1 Identification and mapping of historic heritage: Decision Numbers: 260, 256

Sub 110	
245, 247	<p>245: Amend Schedule I heading to read: "Historic Heritage Features and Values within the Hawke's Bay Coastal Environment."</p> <p>247: Amend Schedule I by adding a new table for the following as 'Sites of Cultural Historic Heritage Value to tangata whenua': Whangaehu; Whangaehu paua beds; Porangahau paua beds; Takapau Rock; Parikoau; Pariwhakaruru; Waipapa; Pukepuketauhinu; Taikura Rocks; Bird Island; Rangitoto; Parimahu; Parimahu / Pohatupapa tidal platform, reefs and habitat to 200m offshore; Pa tawhito above this platform; Aramoana rock platform, reefs and habitat to 200m offshore; Te Ikatere Pa; Te Aramoana; Ouepoto stream and estuary; Puke O Heke pa; Hinemahanga rocks; Taupata; Sites on Motu o Kura; Dunes at Ocean Beach; Rangaiika and surrounds; Te Ihu o te rei; Whakapu Bluff; Black Reef; Kareara Maharuhue; Pa sites at Clifton; Pa site at Te Awanga; Waihua; Mohaka river; Waikari; Nuhaka river mouth; Arapaonui; Ngamotu lagoon; Ohuia lagoon; Wairau lagoon; Te Paeroa; Whakamahi; Whakaki; Mahanga; Te Awanga Reef and Rabbit Reef; Te Matau a Maui and surrounds; Ana tawhito at Black Reef; Pa tawhito adjacent to Black Reef; Tukituki river mouth area; Waipureku; Pa tawhito at Matahiwi; Waitangi estuary; Awatoto pa and kainga sites; Te Kauhanga; Ahuriri Estuary; Tapu te ranga; Te Ihu o te rei; Pakake; Tuteranuku; Poroporo; Rangatira Banks; Town Reef; Pania Reef and surrounds; Roro o Kuri; Keteketerau; Otaia; Heipipi; Wharerangi; Pa Poto; Te Mihi o te Rangi; Te Mahia coastline margin and reefs; Shoreline and reefs of Waikawa (Portland Island); Moemoto Head; Long Point; Pakuratahi estuary; Hikerangi; Black Reef; Ahuriri Point; Kahutara south to Portland Island; Hawini Rocks; Auroa Point; Whangawehi; Oraka; Maungawhio; Pukenui; Ridgemount; Wairoa river and estuary.</p>

Topic 3 – Policies, explanations and Rule 130: Decision Numbers: 281, 282, 283

Sub 110	
43, 45, 205	43: Amend Policies 7-1, 7-2 and 7-3 by replacing references to 'coastal marine area' with references to 'coastal environment'. 45: Amend Chapter 7 AERs by replacing references to 'coastal marine area' with references to 'coastal environment'. 205: Amend Rule 130 so that: 1. Rule description reads: "Disturbance of the foreshore or seabed affecting historic heritage [features or values]" 2. Disturbances are a Discretionary Activity, rather than a RDA. 3. Matter (a) reads: "Location of the historic heritage feature [and values] within the general area of disturbance." 4. Matter (b) reads: "The type, heritage value and significance of the historic heritage feature [and values]." 5. Matter (g) reads: "Consideration of alternative locations that may avoid historic heritage features [and values]." 6. Notification requirements column reads: "Notification of affected persons will be required."

Topic 1 – General requests: Decision Numbers: 288

Sub 110	
47	47: Amend Policies in Chapters 8 to 15 to read: "...in accordance with the environmental guidelines set out in Table X below [and the criteria in the relevant rules]."

Topic 1 – Chapter 8 – Land resources: Decision Numbers: 289, 293, 294, 295

Sub 110	
46, 48, 49, 50	<p>46: Add new Objective to Chapter 8 to read: "Obj 8-2 The protection of outstanding natural features, significant natural areas, and sites and areas of significance to coastal hapu, from inappropriate subdivision, use or development." and consequentially amending Chapter 8 Policy Explanation by adding the following:</p> <p>"Objective 8-2 will assist HBRC and territorial authorities in recognising and providing for the relationships of Maori and their culture and traditions with their taonga."</p> <p>48: Amend Policy 8-1 by adding new Guideline to read: "Effects on land use activities on sites and resources of significance to tangata whenua - Where land use activities are within close proximity to sites of cultural significance to coastal hapu and are likely to have adverse effects on those sites - To require a Cultural Impact Assessment to be carried out by a person or persons nominated by tangata whenua".</p> <p>49: Amend Policy 8-2 by adding new subclause to read: "d) To regulate activities which may have adverse effects on sites and areas of cultural significance to tangata whenua in order to avoid remedy or mitigate adverse effects."</p> <p>50: Amend Chapter 8 AERs by adding the following:</p> <p>AER: Improved sediment quality Indicator: Reduction in sediment contaminants Data Source: SOE Monitoring</p>

Topic 2 – Bores, feedlots and feedpads: Decision Numbers: 302, 307, 308, 309

Sub 110	
140, 141 142, 145	<p>140: Amend Rule 2 so:</p> <ol style="list-style-type: none">1. New conditions are added as follows: "b) no significant adverse effects on surface water bodies; and (c) no adverse effects on Maori cultural relationships with the environment or on waahi tapu and/or waahi taonga." <p>142, 145</p> <ol style="list-style-type: none">2. Notification requirements column reads: "Notification of affected parties will be required." <p>141: Amend Rule 5 so that:</p> <ol style="list-style-type: none">1. Feedlots and feedpads are a Controlled Activity, rather than permitted activity.2. Condition (b) requires 50m setbacks from the CMA and any surface water body.3. New conditions are added as follows: "d) bunding and drainage design to prevent contamination of land and water resources" and "e) Total effluent and water discharged from the feed pad will be less than 1000m³ per week"4. Add the following as matters for control: "a) bunding design; b) effluent management; c) proximity to sites of cultural significance to tangata whenua; d) irrigation over adjacent land; e) leaching properties of soils."5. Notification requirements column reads: "Notification of affected parties will be required." <p>142: Amend Rule 6 so that:</p> <ol style="list-style-type: none">1. Non-compliant feedlots and feedpads are Discretionary Activities, rather than RDAs.2. Notification requirements column reads: "Public notification will be required." <p>145: Amend Rule 9 so that:</p> <ol style="list-style-type: none">1. Activity description reads: "...water into water in the Coastal Environment that..."2. Non-compliant discharges of contaminants is a "Discretionary Activity and a Restricted Coastal Activity" rather than a discretionary activity.3. Amend notification requirements column to read: "Applications will be publicly notified as required by s117(3) of the RMA."

Topic 4 – Agrichemicals, fertiliser, compost and solid waste: Decision Numbers: 349, 350, 351

Sub 110	
146, 148, 149	<p>146: Amend Rule 11 so that:</p> <ol style="list-style-type: none">1. Widespread application of agrichemicals is a Restricted Discretionary Activity, rather than a permitted activity.2. The following are added as matters for discretion: "a) effects of the activity on neighbouring land use; b) effects on cultural harvest of aquatic and terrestrial flora and fauna by tangata whenua; c) effects on aquatic organisms; d) the need for a Cultural Impact Assessment; e) the need for a buffer zone." 3. Notification requirements column reads: "Notification of affected parties will be required." <p>148: Amend Rule 13 so that:</p> <ol style="list-style-type: none">1. Use of fertiliser etc is a Controlled Activity, rather than a permitted activity.2. Condition (g) (i) reads: "100kg/ha of nitrogen in any 12 month period."3. Condition (g)(ii) reads: "8kg/ha in any 28 day period..."4. Add the following as matters for control: "a) Effects on adjacent land use; b) Odour containment within the property boundary; c) Soil type and characteristics; e) Effects on hapu values." <p>149: Amend Rule 14 so that:</p> <ol style="list-style-type: none">1. Storage of fertiliser etc is a Controlled Activity, rather than permitted activity.2. Conditions (f), (g) and (h) are deleted.3. Add the following as matters for control: "a) Effects of any discharges from the activity; b) The volume of the stored substances and the need for bunds and/or collection points for leachate; c) The need for a management plan to avoid, remedy or mitigate the adverse effects of the activity."

Topic 2 – Chapter 9 – Surface water quality policies: Decision Numbers: 380, 381, 382; 384; F17 – 387, 388, 390, 391

Sub 110	Sub F17	
56, 57, 58, 60		<p>56: Amend Policy 9-2(e) (i) to read: "Where activities that are regulated by way of resource consents ...are contributing to the cause of poor water quality..." and "Where activities that are regulated by way of resource consent are not contributing to the cause of degraded water quality..."</p> <p>57: Amend Policy 9-2(e) (ii) to read: "Where activities that are unregulated are contributing to the cause of poor water quality..."</p> <p>58: Amend Policy 9-2(e) (i) by adding two new bullet points to read: "The cumulative effects of all discharges and contaminant loadings within the same catchment" and "The existing state of the habitat on ecosystem function and integrity."</p> <p>60: Add new Policy to Chapter 9 to read: "The use of end of pipe standards for measuring and quantifying levels of contaminants and their effects on the receiving environment, and for assisting in avoiding, remedying or mitigating adverse effects."</p>
93, 94, 95, 96		<p>93: Amend Policy 9-2(a) so that mixing zones be prohibited for bio accumulative chemicals of concern.</p> <p>94: Amend Table 2 Policy 9-1 to include the following BOD guideline: "The discharge shall not cause the BOD to increase by more than 2g/m3 in any receiving water body after reasonable mixing."</p> <p>95: Amend Policy 9-1 Guideline 4 to read: "The concentration of soluble reactive phosphorus should not exceed 1mg/m3."</p> <p>96: Amend Policy 9-12 by adding the following new guideline for Soluble Inorganic Nitrogen: "The concentration of soluble inorganic nitrogen should not exceed 10mg/m3."</p>

Topic 4 – Water quality indicators: Decision Numbers: 407, 408, 409, 410, 411

Sub 110	
54, 238, 239, 240, 241	<p>54: Amend Policy 9-1 so Table 2 includes guidelines for the following contaminants, and those guidelines are corresponding values from ANZECC 2000 water quality guidelines for fresh and marine water quality: Lead; Copper; Zinc; Chromium; Nitrogen; BOD5; Faecal coliforms; Suspended solids; Polychlorinated hydrocarbons; Algae</p> <p>238: Amend Schedule C(2) by adding new guidelines as follows:</p> <ol style="list-style-type: none">1. Weed growth: The growth of algae should not be exacerbated by nutrients to the extent that it becomes a nuisance and detracts from public amenity values.2. Aquatic Ecosystem Standards (AE): The receiving water should not be rendered unsuitable for aquatic ecosystem purposes where applicable.3. Contact Recreation Standard (CR): The receiving waters should not be rendered unsuitable for contact recreation purposes where applicable.4. Cultural Harvest: Where tangata whenua utilise surface water bodies for cultural harvesting of kai and rongoa species, the water shall not be made unsuitable for these purposes due to the nature, volume or frequency of discharges. <p>239: Amend Schedule C by:</p> <ol style="list-style-type: none">1. Adding the following surface water bodies to the table in Part II: Ahuriri Estuary; Waitangi Estuary; Ngamotu lagoon; Ohuia lagoon; Wairau lagoon; Te Paeroa lagoon; Whakamahi lagoon; and Whakaki lagoon.2. Adding appropriate ANZECC 2000 limits for faecal coliforms and suspended solids for the surface water bodies identified above. <p>240: Amend Schedule C by adding two new columns to the table in Part II for soluble reactive phosphorus and nitrogen with appropriate guideline levels specified from ANZECC 2000 guidelines.</p> <p>241: Amend Schedule C by adding a new section to read: "9.0 Water Abstractions - Water abstractions during the Summer Q95 period can lead to increased concentrations of contaminants in waterways during periods of low to medium flows and increased radiation effects. Care needs to be taken to ensure that the cumulative effects of all discharges in specific catchments and the effects of increased abstractions do not result in deterioration of surface water to the extent that aquatic ecosystems, contact recreation and cultural harvest are adversely impacted on, and the likelihood of salt water intrusion is increased."</p>

Topic 1 – Chapter 10 – Surface water quantity: Decision Numbers: 430, 431, 432, 433

Sub 110	
63, 64, 65, 66, 248	<p>63: Amend Objective 10-1 to read: "The maintenance of the water quantity of rivers, lakes, wetlands, and coastal waters so that aquatic and marine ecosystems are sustained."</p> <p>64: Add new Objective to Chapter 10 to read: "Where water quality is degraded due to concentrations of contaminants – to promote improvement by increasing water quantity within specific catchments, lakes and wetlands via restrictions on water abstraction."</p> <p>65: Add new Objective to Chapter 10 to read: "The maintenance of sufficient water quantity in specific rivers to promote and support the relationships of tangata whenua with aquatic resources."</p> <p>66: Add new Policies to Chapter 10 to read:</p> <ol style="list-style-type: none">1. "To include the supply of water for domestic use and stock water within the allocatable volumes for specific rivers." and2. "To ensure that tangata whenua uses for taonga species of flora and fauna are not diminished or adversely impacted on as a result of water allocation and use." <p>248: 'Allocatable Volume' - delete and replace definition to read: "means the volume of water flow available for out-of-stream use (eg. Irrigation, domestic and stock water). It is the volume of the total river flow available over a set period (as prescribed by the summer seven day Q95) that may be abstracted from a river or stream without breaching the minimum flow so as to cause a significant adverse change in the nature of the aquatic ecosystem."</p>

Topic 2 – Chapter 12 - Ground water quantity: Decision Numbers: 437;

Sub 110	
73	73: Amend Policy 12-6 Guideline 2 description to read: "Effects of takes [and uses] on water quality."

Topic 3 – Chapter 27.3 – Take, diversion and transfer of water in coastal margin:

Decision Numbers: 444, 449, 445, 450, 451, 452, 453, 446; F17 - 458

Sub 110	Sub F17	
162, 262, 165, 166, 167, 168, 169, 170		<p>162: Amend Rule 34 so that notification requirements read: "Public notification shall be required."</p> <p>262: Amend Rule 35 by adding the following as a new condition: "e) The cumulative take of all ground water from the same aquifer shall not lead to the aquifer recharge rate being exceeded."</p> <p>165: Amend Rule 38 so that notification requirements column reads: "Public notification shall be required."</p> <p>166: Amend Rule 39 by adding the following as a new condition: "h) Prevention of adverse impacts on tangata whenua values and relationships with the water body."</p> <p>167: Amend Rule 40 so that:</p> <ol style="list-style-type: none"> 1. The following are added as new conditions: "e) The effects of the activity will be reviewed upon the expiry of the consent; f) The scale and intensity of the activity shall form part of the review process; g) mitigation of adverse effects shall form part of the review process." 2. The following is added as a matter for control/discretion: "Implementation of National Environmental Standards." <p>168: Amend Rule 42 so that:</p> <ol style="list-style-type: none"> 1. Transfer of consents to take and use water is a Controlled Activity, rather than a permitted activity. 2. The following are added as new conditions: "b) A Cultural Impact assessment will be required to assess the effects of the transfer on Tikanga Maori values; c) The taking and using must be of the same scale and intensity as previous." 3. The following are added as matters for control: "a) Effects of the transfer on existing users of the resource; b) Matters in Chapter 26.4; c) Effects on ground water recharge and downstream water quantity and quality; d) The water is used for the same purpose." 4. Notification requirements column reads: "Notification of affected persons shall be required." <p>169: Amend Rule 43 so that:</p> <ol style="list-style-type: none"> 1. Transfer of consents to take/use water from a river is a Restricted Discretionary Activity, rather than a controlled activity. 2. The following are added as new conditions: "d) The transfer must not increase the scale or intensity of effects; e) A Cultural Impact assessment shall be required to assess the effects of the transfer on Tikanga Maori values." 3. The following are added as matters for discretion: "e) Any adverse effects on lawfully established takes including takes for domestic and stock use; f) Any adverse effects on the cultural values of tangata whenua." 4. Notification requirements column reads: "Notification of affected persons shall be required." <p>170: Amend Rule 44 so that:</p>

		<p>1. Transfer of consents to take/use groundwater is a Restricted Discretionary Activity, rather than a controlled activity.</p> <p>2. The following are added as matters for discretion: "d) Effects of total amount of water allocated from aquifer; e) magnitude of ground water level fluctuations; f) Cumulative effects of all water takes from the same aquifer; g) Effects on springs, wetlands and ground water recharge."</p> <p>3. Notification requirements column reads: "Notification of affected persons shall be required."</p>
	242	242: Amend Rule 35 by adding the following as a new condition: "All groundwater takes shall be managed to ensure the sustainability of the resource through limiting takes to the recharge capacity of the aquifer."

Topic 1 – Chapter 13 – (Beds of rivers and lakes): Decision Numbers: 471, 466, 472, 473

Sub 110	
75, 76, 77, 171	<p>75: Amend Chapter 13 heading to read: "Beds of Rivers, Lakes and Wetlands" and any necessary consequential amendments elsewhere to Chapter 13.</p> <p>76: Amend Policy 13-1 by adding a new Guideline as follows: Issue: Damage to Historic Heritage sites and values Guideline: There should be no significant adverse effects on historic heritage features, values and characteristics from the use or development of beds of rivers, lakes, wetlands or estuaries.</p> <p>77: Amend Policy 13-2 to read: "To implement the environmental guidelines for river beds, lake beds, [wetlands and estuaries] set out in..."</p> <p>171: Amend heading of Chapter 27.4 to read: "Rivers, [wetlands] and lake beds in Coastal Margin"</p>

Topic 2 – Chapter 27.4 – (Rivers and Lake beds in coastal margin): Decision Numbers: 501, 502, 503, 504, 505, 506, 485; F17 - 492

Sub 110	Sub F17	
172, 173, 174, 175, 176, 177, 178		<p>172: Amend Rule 45 so that:</p> <p>1. Provisions read: "...river, [wetland] and lake beds..." wherever relevant. 2. Notification requirements column reads: "Public notification shall be required."</p> <p>173: Amend Rule 48 by adding a new condition to read: "m) The scale and intensity of the activity shall remain the same."</p> <p>174: Amend Rule 49 so that:</p> <p>1. Replacement and maintenance of utility structures is a Controlled Activity, rather than a permitted activity.</p> <p>2. The following are added as matters for control: "a) Measures taken to avoid, remedy or mitigate the adverse effects of the activity; b) The taking into account of the relationship of tangata whenua with the coastal environment; c) Effects on</p>

	<p>public amenity and natural character values; d) Matters in Chapter 26.4."</p> <p>3. Notification requirements column reads: "Public notification of affected persons shall be required."</p> <p>175: Amend Rule 51 so that:</p> <ol style="list-style-type: none"> 1. Dams, weirs and other structures are Restricted Discretionary Activities, rather than permitted activities. 2. The following are added as conditions: "a) The effects of climate change and water level fluctuations on aquatic life and ecosystems; b) The relationship of coastal hapu with the natural water resource; c) The effects on water temperature and natural water flow and recharge of ground water and springs; d) The design of an appropriate fish ladder or similar structure; e) Matters in Chapter 26.4." 3. Notification requirements column reads: "Notification of affected persons shall be required." <p>176: Amend Rule 53 by adding a new condition to read: "f) the activity shall not adversely affect, ancestral lands, water, sites, waahi tapu, and other taonga."</p> <p>177: Amend Rule 56 so that:</p> <ol style="list-style-type: none"> 1. Disturbance of river and lake beds by livestock is a Controlled Activity, rather than a permitted activity. 2. The following are added as matters for control: "a) Adverse effects from frequency of access and stock numbers; b) Potential for river bank damage and any mitigation measures; c) Effects of damage to riparian growth; e) Matters in Chapter 26.4." <p>178: Amend Rule 59 so that:</p> <ol style="list-style-type: none"> 1. The following are added as matters for discretion: "h) Effects of the activity on sites of special significance to coastal hapu; i) The preparation of an Accidental Discovery Protocol." 2. Notification requirements column reads: "Notification of affected persons shall be required."
249	<p>249: Amend Rule 46 so that the disturbance of river and lake beds not regulated by other rules is Support a Controlled Activity, rather than a permitted activity, with a requirement for notice of the application to be served on affected persons (including tangata whenua).</p>

Topic 1 – Chapter 14 – Objectives and policies: Decision Numbers: 535

Sub 110	
80	80: Amend Policy 14-1 by adding a new Guideline to read: Issue: Collection of rainwater for human consumption Guideline: Where rainwater is collected for human consumption the adverse effects of discharges to air within the area should not render the water unfit for that purpose.
Reasons	

Topic 2 – Rules for discharges to air: Decision Numbers: 559, 541, 560, 561; F17 - 563

Sub 110	Sub F17	
180, 181, 182, 183		180: Amend Rule 69 so that: 1. Rule description reads: "Flaring of hydrocarbons from petroleum exploration or mining in the Coastal Environment" 2. Activity description reads: "The discharge of contaminants to air in the coastal environment arising from..." 3. Add the following as a new condition: "d) The activity shall not occur within 500 metres of a site of significance to coastal hapu." 181: Amend Rule 73 so that: 1. Wet abrasive blasting is a Controlled Activity, rather than a permitted activity. 2. The following are added as new conditions: "b) Material from the activity shall be collected at a central collection point; c) No contaminant from the activity shall be discharged to the coastal waters." 3. The following are added as new matters for control: "a) Effects of non-compliance; b) Design and construction of bunding and drainage sumps; c) Frequency of sump cleaning; d) Proximity to and effects on sites of cultural significance to tangata whenua." 182: Amend Rule 75 Notification Requirements to read: "Public notification shall be required." 183: Amend Rule 76 Notification Requirements to read: "Public notification shall be required."
	278	278: Amend Rule 63 so that burning of specified fuels from fixed sources under this rule is a Restricted Discretionary Activity, rather than a permitted activity.

Topic 1 – Wastewater discharges: Decision Numbers: 597, 598

Sub 110	
159, 160	<p>159: Amend Rule 28 so that:</p> <ol style="list-style-type: none"> 1. Activity description reads: "The discharge of contaminants onto or into land [or water] in the [Coastal Environment] from any domestic wastewater disposal system..." 2. Wastewater discharges under this rule are a Discretionary Activity, rather than a RDA 3. The following are added as conditions: "e) The consent shall be reviewed at 5 yearly intervals; f) Purpose of review (i) to assess and remedy any significant adverse effects on the receiving environment, or on tangata whenua values from the operation of the consent (ii) to comply with any national environmental standards (iii) to avoid remedy or mitigate any adverse effects on the land or water." 4. The following are added as matters for discretion: "g) effects on the relationships of tangata whenua with resources in the receiving environment; h) the porosity of soils and the environmental fate of contaminants; i) down stream effects of the discharge activity." 5. Notification requirements column to read: "Notification of affected persons shall be required." <p>160: Amend Rule 29 so that:</p> <ol style="list-style-type: none"> 1. Activity description reads: "The discharge of septage onto or into land in the Coastal Environment." 2. Discharge of septage is a Discretionary Activity and RCA, rather than a discretionary activity. 3. Notification requirements column reads: "Applications will be publicly notified as required by s117(3) of the RMA.)"

Topic 2 – Stormwater and drainage water: Decision Numbers: 612, 613, 614, 615; F17 – 611, 604, 607, 617, 610, 605, 609, 619

Sub 110	Sub F17	
155, 156, 157, 158		<p>155: Amend Rule 22 so that:</p> <ol style="list-style-type: none"> 1. Discharge of drainage water from gravity flow systems is a Controlled Activity, rather than a permitted activity. 2. The following area added as matters for control: "a) avoidance of adverse effects on the relationships of tangata whenua with the receiving environment; b) the use of filters to reduce suspended solids concentrations." 3. Notification requirements column reads: "Notification of affected parties may be required." <p>156: Amend Rule 23 so that:</p> <ol style="list-style-type: none"> 1. Discharge of drainage water from pumped systems is a Restricted Discretionary Activity, rather than a controlled activity. 2. The following are added as matters for discretion: "f) adequate filters, sediment traps or devices to reduce contaminant levels/concentrations; g) avoidance of adverse effects on the relationships of tangata whenua with the receiving environment; h) measures to avoid remedy or mitigate significant adverse effects."

	<p>3. Notification requirements column reads: "Notification of affected parties will be required." 157: Amend Rule 24 so that:</p> <ol style="list-style-type: none"> 1. Diversion and discharge of stormwater under this rule is a Controlled Activity, rather than a permitted activity. 2. The following is added as a new condition: "c) monitoring of the receiving environment to evaluate the effects of the activity." 3. The following area added as matters for control: "the effects of the activity on the aquatic health of the receiving environment; b) avoidance, remediation or mitigation of adverse impacts on the relationships of tangata whenua with the receiving environment." 4. Notification requirements column reads: "Notification of affected parties will be required." <p>158: Amend Rule 25 so that:</p> <ol style="list-style-type: none"> 1. Diversion and discharge of stormwater under this rule is a Restricted Discretionary Activity, rather than a controlled activity. 2. The following are added as conditions: "b) monitoring will be required to assess affects on water quality; c) the avoidance, remediation or mitigation of adverse effects on the receiving environment and health of aquatic species." 3. The following are added as matters for discretion: "h) prevention of adverse effects of the activity on the relationships of tangata whenua with the receiving environment; i) the need for maintenance or enhancement measures within the receiving environment where appropriate." 4. Notification requirements column reads: "Notification of affected parties shall be required."
<p>201, 218, 219, 222, 223, 224, 225, 226</p>	<p>201: Amend Chapter 27.2 by adding a new rule that classifies conveyance and discharge of stormwater into any of the following as a Discretionary Activity, rather than a permitted activity: any SCA; Maungawhio Lagoon; Happy Jacks Harbour; Waikokopu Harbour; Opoutama Beach; Mahia Beach; Mahanga Beach; coastal marine area from Paritu to Nuhaka River mouth.</p> <p>218: Retain Rule 22 as a permitted activity. (Oppose)</p> <p>219: Amend Rule 23 so that the discharge of drainage water is a Restricted Discretionary Activity, rather than a controlled activity.</p> <p>222: Amend Rule 23 so that:</p> <ol style="list-style-type: none"> 1. The discharge of drainage water (pumped systems) within the Coastal Margin is a Restricted Discretionary Activity, rather than a permitted activity. <p>223. Amend Rule 24 so that it does not apply to conveyance and discharge of stormwater into any of the following: any SCA; Maungawhio Lagoon; Happy Jacks Harbour; Waikokopu Harbour; Opoutama Beach; Mahia Beach; Mahanga Beach; coastal marine area from Paritu to Nuhaka River mouth.</p> <p>224: Retain Rule 24 as a permitted activity. (Oppose)</p> <p>225: Amend Rule 25 so that diversion and discharge of stormwater in the Coastal Margin (other than from roofs of buildings) is a Restricted Discretionary Activity.</p>

	226: Amend Rule 25 so that the discharge of stormwater (other than from the roofs of buildings) within the Coastal Margin is a Restricted Discretionary Activity, rather than a controlled activity.
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Topic 3 – Discharges of contaminants: Decision Numbers: 634, 624, 635, 636, 638; F17 – 646, 648

Sub 110	Sub F17	
150, 151, 152, 153, 161		<p>150: Amend Rule 16 so that:</p> <ol style="list-style-type: none"> 1. Condition (g) reads: "The discharge shall not cause any conspicuous change in the colour or visual clarity of any receiving water." 2. Condition (j) reads: "The discharge shall not cause the concentration of dissolved oxygen in any river or lake to drop below 80% ." 3. Condition (k) reads: "The discharge shall not cause the concentration of ammoniacal nitrogen (NH4+) in any river or lake to exceed 0.1 mg/l." 4. Condition (l) reads: "The discharge shall not cause the concentration of soluble reactive phosphorus in any river or lake to exceed 0.015 mg/l." 5. The following is added as a new condition: "the cumulative effects of the activity shall not cause significant adverse effects on receiving water bodies used for contact recreation, shellfish gathering, or cultural purposes." <p>151: Amend Rule 18 so that:</p> <ol style="list-style-type: none"> 1. Discharge of contaminants that may enter water is a Controlled Activity, rather than a permitted activity. 2. Condition (g) reads: "There shall be no discharge within 100m of the coastal marine area or within 30m of any surface water body, except for material extracted from a surface water body associated with the maintenance of lawfully established structures. 3. Condition (l) reads: "The discharge shall not cause any degradation of existing ground water quality in confined aquifers in the Heretaunga Plains and coastal aquifer systems." 4. Add the following as a new condition: "there shall be no adverse effects on taonga species of flora and fauna or on their habitats." 5. Add the following as matters for control: "a) Nature and characteristics of the discharge; b) The volume of the discharge; c) The relationship of tangata whenua with the receiving water body." 6. Notification requirements column reads: "Notification of affected parties shall be required." <p>152: Amend Rule 19 so that:</p> <ol style="list-style-type: none"> 1. Discharges of animal effluent is a Restricted Discretionary Activity, rather than a controlled activity. 2. Condition (g) reads: "...shall not exceed 100 kg/ha/y of nitrogen." 3. Add the following as a matter for discretion: "The effects of the activity on tangata whenua relationships with the coastal

		<p>environment and its resources."</p> <p>4. Notification requirements column reads: "Notification of affected parties shall be required."</p> <p>153: Amend Rule 20 so that:</p> <ol style="list-style-type: none"> 1. Specified catchments include: Ahuriri, Waitangi, Tukituki and Porangahau estuaries. 2. Discharge of animal effluent in sensitive catchments is a Discretionary Activity and RCA, rather than a discretionary activity. 3. Notification requirements column reads: "Applications will be publicly notified as required by s117(3) of the RMA." <p>161: Amend Rule 33 so discharge of waste oil is a Prohibited Activity, rather than non-complying activity.</p>
	217, 240	<p>217: Amend Rule 21 so that:</p> <ol style="list-style-type: none"> 1. The discharge of water into water within the Coastal Margin is a Restricted Discretionary Activity, rather than a permitted activity. 2. Notice of the application is required to be served on affected parties. <p>240: Amend Rule 31 so discharges from closed landfills within the Coastal Margin are a Restricted Discretionary Activity, rather than a controlled activity.</p>

Topic 1 Part D – General: Decision Numbers: 664, 665; F17 - 661

Sub 110	Sub F17	Plan part	
89.			89: Amend Part D Heading to read: "Part D Use and Development - Coastal Environment"
90			90: Amend Policies in Chapters 16 to 25 to read: "...in accordance with the environmental guidelines set out in Table X below [and the criteria in the relevant rules]."
	108		108: Amend Plan to include AERs from the Draft RCEP in Part D of the Proposed RCEP, with amendments as appropriate.

Topic 1 – Chapter 16: Issue and objectives: Decision Numbers: 670, 668, 671, 672; F17 - 669

Sub 110	Sub F17	
91, 92, 93, 94		<p>91: Amend title of Chapter 16 to read: "Discharge of Contaminants into the Coastal Environment"</p> <p>92: Amend Issue 16-1 to read: "The coastal marine area, [rivers], estuaries and wetlands, their ecosystems and their Mauri..."</p> <p>93: Amend Objective 16-1 to read: "Maintenance or enhancement of water quality within the coastal environment in order that it is suitable for sustaining or improving aquatic ecosystems, for maintaining the health of shellfish and other valued species, and for contact recreation purposes where appropriate."</p> <p>94: Amend Objective 16-3 to read: "The avoidance, remediation or mitigation of adverse effects on the environment associated with the discharge or dumping of contaminants to the coastal environment including adverse effects on flora and fauna."</p>
	112	112: Amend Issue 16-1 to read: "The coastal marine area, [dune systems], estuaries and in wetlands, their ecosystems and their mauri are being affected by the dumping and discharging of contaminants directly or indirectly into coastal waters."

Topic 2 – Chapter 16 – Policies: Decision Numbers: 693, 694, 695, 680

Sub 110	
95, 96, 97, 99	<p>95: Amend Policy 16-1 Guideline 1 by adding a new subclause to read: "c) Contaminants from sand blasting and painting of buildings, infrastructure and the maintenance or repair of vessels should not enter coastal waters."</p> <p>96: Amend Policy 16-1 Guideline 2 by deleting and replacing guideline to read: "The discharge of contaminants should not result in the receiving water being unsuitable for its classification purpose."</p> <p>97: Amend Policy 16-1 Guideline 3 to read:</p> <p>"a) The discharge of sewage from land which does not pass through land, directly into water in the coastal marine area is inappropriate.</p> <p>b) The disposal of untreated sewage directly into the coastal marine area will be permitted for emergency purposes only.</p> <p>c) The location and extent of any mixing zone for discharge of [treated] sewage shall ensure that there are no significant adverse effects on:</p> <p>i) any Significant Conservation Area or</p> <p>ii) the use of receiving waters for recreation or</p> <p>iii) the use of receiving waters for collection of seafood for human consumption or</p> <p>[iv) [the use of receiving waters for cultural purposes as identified by tangata whenua.]</p> <p>d) The adverse effects of [treated] sewage discharges on the present and reasonably foreseeable use of the receiving waters have</p>

been avoided where practicable, remedied or mitigated, particularly in:

- i) areas where there is high recreational use or
- ii) areas of maintenance dredging or
- iii) areas adjacent to commercial or residential development or
- [iv) areas and sites of cultural significance to tangata whenua].

[e) Where existing sewage discharges do not meet the guidelines, appropriate time will be given to comply at the renewal or review stage of the coastal discharge permit taking into account:

- i) The sewage treatment system and any improvements in treatment technology
- ii) Compliance with the conditions of the existing consent and current system performance
- iii) Effects of the activity on the state of the receiving waters and marine environment adjacent to the discharge
- iv) Any relevant national environment standards and guidelines
- v) [The results of a Cultural Impact Assessment by tangata whenua.]

99: Add new Policies to Chapter 16 as follows:

"16-3 When considering new or existing resource consents for discharge activities, to take into account:

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

"16-4 To ensure consent holders for discharges to the coastal environment are liable for significant adverse effects of their activities."

And consequentially amend Chapter 16 Policy Explanations by adding: "Policies 16-3 and 16-4 recognise the current degraded state of parts of the coastal environment, the need for a precautionary approach where all adverse effects cannot be quantified, and the necessity for costs to be recovered where discharges have caused significant adverse effects."

Topic 3 – Rules for discharge of contaminants to CMA: Decision Numbers: 718

Sub 110	
218	218: Delete and replace Rule 158 so that the discharge of sewage from a ship or offshore installation within 5000m of the Hawke's Bay coastline is a Prohibited Activity.

Topic 1 – Chapter 17 (General) and general rules for disturbances: Decision Numbers: 728, 729, 730, 731, 732

Sub 110	
100, 112, 188, 228, 231	100: Amend title of Chapter 17 to read: "Disturbances, Depositions and Extractions in the Coastal Environment" 112: Amend title of Chapter 19 to read: "Reclamation and Drainage in CMA and the Coastal Environment" 188: Amend Chapter 27.7 heading to read: "Reclamations and drainage in the CMA [and Coastal Margin]" 228: Add new rule to RCEP applicable to the enhancement or rejuvenation of existing shellfish reefs and reseeded of natural shellfish beds. Classification would be a Permitted Activity with conditions reading: "a) Activities must occur within the same location as existing shellfish beds; b) Activities shall not adversely affect customary fishing; c) Shellfish spat used must be of the same species as naturally resides within the immediate area." 231: Add new rule to RCEP applicable to declamation of land within the coastal environment. Classification would be Discretionary and RCA, with notification requirements column stating that applications will be publicly notified as required by s117 (3) of the RMA.

Topic 2 – Chapter 17 – Issue and objectives: Decision Numbers: 737, 738

Sub 110	
101, 102	101: Amend Objective 17-3 to read: "Adverse effects on the environment associated with the deposition of substances within the coastal marine area, [wetlands and estuaries] are avoided, remedied or mitigated." 102: Add new Objective to Chapter 17 to read: "To allow for Cultural Impact Assessments as appropriate where adverse effects are likely on the cultural or historic heritage values of tangata whenua as a result of disturbances, depositions or extractions within the coastal environment."

Topic 4 – Chapter 17 – Policies and Explanations: Decision Numbers: 754, 768, 756, 769

Sub 110	
103, 105, 106, 107	103: Amend Policy 17-1 Guideline 1(a) to read: "Deposition of substances on the foreshore or seabed within a Significant Conservation Area [or sites of significance to coastal hapu] is inappropriate and should be avoided." 105: Amend Policy 17-1 Guideline 1(c)(ii) so last bullet point reads: "tikanga Maori and social values." 106: Amend Policy 17-1 Guideline 2(a) to read: "...within a Significant Conservation Area [or areas of cultural significance or historic heritage value to tangata whenua], are avoided." 107: Amend Policy 17-1 Guideline 6 to read: "...maintenance of safe access for marine vessels. [Where such disturbance occurs, adverse effects on waahi tapu, mahinga kai, mahinga maataitai, tauranga waka and other taonga and sites of historic heritage value to tangata whenua will be avoided remedied or mitigated]."

Topic 6 – Chapter 19 Policies – Reclamations and drainage in CMA: Decision Numbers: 784, 785

Sub F17	
151 152	151: Add new AERs into Chapter 19 as requested elsewhere in submission and Amend AER 8.13 (from Draft RCEP) to read: "Avoidance of adverse effects on wetlands, the foreshore or seabed arising from reclamation and drainage." 152: Add new AERs into Chapter 19 as requested elsewhere in submission and Amend AER 8.14 (from Draft RCEP) to read: "Avoidance of drainage of the coastal marine area unless it is essential and an alternative location for the activity for which the drainage is required is not available outside the coastal environment."

Topic 7 – Rules 93 – 99 Reclamations and drainage in CMA: Decision Numbers: 798, 799, 800, 801

Sub 110	
189, 190, 191, 192	189: Amend Rule 94 so that: 1. Small reclamations are a Discretionary and RCA, rather than discretionary activity. 2. Condition (a) reads: "The reclamation shall be less than 0.5 hectares in area." 3. Condition (b) reads: "The reclamation must not extend more than 50m in any direction." 4. Condition (c) is deleted. 5. Notification requirements column reads: "Applications will be publicly notified as required by s117(3) of the RMA." 190: Amend Rule 95 so that: 1. Reclamations within the Port Management Area are a Discretionary and RCA, rather than a discretionary activity.

	<p>2. Condition (a) reads: "The reclamation shall be less than 0.5 hectares in area." 3. Condition (b) reads: "The reclamation must not extend more than 50m in any direction." 4. Condition (c) is deleted. 5. Notification requirements column reads: "Applications will be publicly notified as required by s117 (3) of the RMA." 191: Amend Rule 96 so that: 1. Reclamations within specified SCAs are Discretionary and RCAs, rather than non-complying activities. 2. Notification requirements column reads: "Applications will be publicly notified as required by s117 (3) of the RMA." 192: Amend Rule 99 Notification Requirements column to read: "Public notification shall be required."</p>
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Topic 8 – Rules for disturbances, depositions and extractions in CMA:

Decision Numbers: 832, 834, 835, 836, 837, 816, 838

Sub 110	
203, 206, 207, 208, 209, 210, 211	<p>203: Amend Rule 123 by adding the following as new conditions: "e) Tangata whenua will be informed of work programmes and likely impacts on their values; f) Adverse effects on sites of cultural significance will be avoided, remedied or mitigated." 206: Amend Rule 138 so that rule applies to large scale removal of sand, shell or gravel: 1. In Volumes greater than 10,000m³ 2. Extracted from areas 1 hectare or more 3. Extending 200m or more over the foreshore or seabed. 4. Notification requirements column reads: "Applications will be publicly notified as required by s117(3) of the RMA." 207: Amend Rule 139 so that: 1. Rule applies to non-compliant depositions of 10,000m³ or less. 2. Notification requirements column to read: "Notification of affected persons shall be required." 208: Amend Rule 140(c) to read: "The substance must not be deposited on [or within 200m of] any of the following..." 209: Amend Rule 141(c) to read: "The substance must not be deposited on [or within 500m of] any of the following..." 210: Amend Rule 142 so that: 1. Maintenance dredging deposits are a Restricted Discretionary Activity, rather than a controlled activity. 2. A new matter for discretion is added to read: "e) Cumulative effects on coastal processes." 211: Amend Rule 143 so that this rule applies to depositions of more than 10,000m³ per year.</p>

Topic 1 – Chapter 18 Issue and Objectives: Decision Numbers: 859

Sub 110	
109	109: Amend title of Chapter 18 to read: "Structures and Occupation of Space in the Coastal Environment"

Topic 3 – Rules – Structures in the CMA: Decision Numbers: 912, 913, 914, 918, 919, 920, 921;

Sub 110	
193,	193: Amend Rule 101 so that:
194,	1. Non-compliant structures in CMA are a Discretionary and RCA, rather than a discretionary activity.
195,	2. Notification requirements column reads: "Applications will be publicly notified as required by s117(3) of the RMA."
199,	194: Amend Rule 102 so that:
225,	1. Maintenance and repair of structures in a Controlled Activity, rather than a permitted activity.
226,	2. The following is added as a new condition: "g) adverse effects of the activity on cultural harvest of marine species will be
227	avoided, remedied or mitigated."
	3. The following are added as new matters for discretion: "a) Proximity to shellfish gathering areas; b) Proximity to sites of cultural significance to tangata whenua; c) Matters in Chapter 26.4."
	4. Notification requirements column to read: "Notification of affected persons will be required."
	195: Amend Rule 104 so that:
	1. Utility lines, cables etc are a Restricted Discretionary Activity, rather than a permitted activity.
	2. The following are added as new matter for discretion: "a) Matters in Chapter 26.4; b) Effects on public amenity, natural character and cultural values; c) Adverse effects on the relationships of tangata whenua with the coastal environment; d) Avoidance, remediation or mitigation of adverse effects."
	3. Notification requirements column reads: "Notification of affected persons shall be required."
	199: Amend Rule 113 so it applies to structures containing or impounding 0.4 hectares, rather than 4 ha.
	225: Add new rule to RCEP applicable to the construction and operation of marinas and slipways within the coastal environment. Classification would be Discretionary and RCA, with notification requirements column stating that applications will be publicly notified as required by s117(3) of the RMA
	226: Add new rule to RCEP applicable to the location, operation and maintenance of electricity generation structures and turbines within the coastal environment. Classification would be Discretionary and RCA, with notification requirements column stating that applications will be publicly notified as required by s117(3) of the RMA.
	227: Add new rule to RCEP applicable to structures and activities associated with seabed mining. Classification would be Discretionary and RCA, with notification requirements column stating that applications will be publicly notified as required by s117(3) of the RMA.

Topic 1 – Rules 171-177 (Occupation of CMA): Decision Numbers: 940, 941

Sub 110	
222, 224	222: Amend Rule 173 so that: 1. Occupation of coastal space associated with authorised structures is a Controlled Activity, rather than a permitted activity. 2. The following are added as new conditions: "c) Review of adverse effects of activity at expiry of existing consent and at 5-year intervals thereafter; d) Scale and intensity of activity to remain the same." 3. The following are added as new matters for control: "a) Effects of the activity on the coastal environment; b) The need to impose more stringent controls to avoid, remedy or mitigate adverse effects; c) Matters in Chapter 26.4." 224: Amend Rule 176 so activity description reads: "...from areas over 0.4 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security) or - would exclude or effectively exclude the public from more than 50 metres along the length of the foreshore or - would involve or use areas greater than 0.4 hectares of the coastal marine area and such occupation or use would restrict public access through such areas."

Topic 1 – Chapter 20 Issue and objective: Decision Numbers: 947

Sub 110	
117	117: Amend Objective 20-1 to read: "Adverse effects on the environment arising from taking, using, damming and diverting water in the coastal marine area [and coastal environment] are avoided, remedied or mitigated."

Topic 3 – Chapter 27.11 – Rules 147 – 152: Decision Numbers: 967; F17 - 964

Sub 110	Sub F17	
214,		214: Amend Rule 152 so that: 1. The following are added as new conditions: "e) shall not have significant adverse effects on marine species or habitats; f) Adverse effects of the activity on customary harvest activities of tangata whenua will be avoided, remedied or mitigated." 2. The following are added as matters for control/discretion: "a) Effects of the activity on the coastal environment; b) Degree of adverse effects and compliance with National Environmental Standards."
	346	346: Amend Chapter 27.11 by adding a new rule that permit the taking and use of open coastal water, conditional upon the taking and use having no significant adverse effect on marine fauna, ecosystems or water quality.

Topic 1 – Chapter 22 and associated rules: Decision Numbers: 981

Sub 110	
219	219: Amend Rule 161 so rule applies to use of hovercraft: 1. Within 1000m of Black Reef 2. Within a 1000m radius of an area immediately south of Cape Kidnappers

Topic 1 – Aquaculture activities: Decision Numbers: 998, 999, 1001; F17 – 984, 991

Sub 110	Sub F17	
223, 229, 249		223: Amend Rule 175 Notification Requirements column to read: "Notification of affected persons will be required." 229: Add new rule to RCEP applicable to aquaculture activities within 1500m of Hawke's Bay coastline or within 1000m of customary fishing grounds. Classification would be a Prohibited Activity, with notification requirements column stating that applications will be publicly notified as required by s117(3) of the RMA. 249: 'Aquaculture Activities' - Amend definition by adding the following: "...it does not include enhancement or rejuvenation measures undertaken in accordance with tikanga Maori."
	360, 21	360: Amend Rule 174 by deleting Condition (a). 21: Amend Plan to include provisions that will ensure that good water quality is achieved throughout the entire coast on all but an exceptional basis.

Topic 2 – Chapter 23 – Policies: Decision Numbers: 1023, 1024

Sub 110	
124, 125	124: Amend Policy 23-1 Guideline 1 by adding new subclauses as follows: "iv) customary harvest areas of coastal hapu." and "v) sites that are of cultural significance or historic heritage value to tangata whenua." 125: Amend Policy 23-1 Guideline 2(b)(ii) to read: "taking into account the need to maintain water quality in the coastal marine area for aquaculture in Aquaculture Management Areas."

Topic 1 – Chapter 24 and rules 164 - 167; Decision Numbers: 1027, 1028, 1029, 1030

Sub 110	
128, 129, 130, 131	<p>128: Amend title of Chapter 24 to read: "Hazardous Substances in the Coastal Environment"</p> <p>129: Amend Policy 24-1 Guideline 1 (c) to read: "Storage of hazardous substances within a Significant Conservation Area [or sites of significance to tangata whenua] shall be prohibited."</p> <p>130: Amend Policy 24-1 Guideline 1 by adding a new subclause to read: "d) The use of hazardous substances in the coastal environment will be regulated."</p> <p>131: Amend Policy 24-1 by adding a new Guideline to read: Issue: Coastal Hapu Relationships Guideline: Where appropriate a co-management approach with tangata whenua will be initiated for the use and management of hazardous substances in the coastal environment.</p>

Topic 1 – Chapter 25 Issue and objective: Decision Numbers: 1037, 1038; F17 – 1036, 1033

Sub 110	Sub F17	
132, 136		<p>132: Amend title of Chapter 25 to read: "Noise in the Coastal Environment"</p> <p>136: No specific amendment requested, but states that Council continue to be the regulator of noise within the coastal environment.</p>
	174,	174: Amend Objective 25-1 to read: "Adverse effects on amenity values [wildlife and recreational values] arising from the emission of noise from within the coastal marine area are avoided, remedied or mitigated."

Topic 2 – Chapter 25 Policies: Decision Numbers: 1043

Sub 110	
135	135: Amend Policy 25-1 Guideline 2 by adding a new subclause to read: "b) Safe and reasonable noise level parameters will be set at the Port Management Area boundary."

Topic 3 – Rules 168 – 170: Decision Numbers: 1050

Sub 110	
220,	<p>220: Amend Rule 170 so that:</p> <ol style="list-style-type: none"> 1. Emission of noise from within the Port Management Area is a Controlled Activity, rather than a permitted activity. 2. Amend Condition (a) to read: "Sound levels outside the Port Management Area must not exceed..." 3. Amend Condition (a)(i) to read: "55dBA Ldn over any..." 4. Delete Condition (a)(iv). 5. Amend Condition (a)(v) to read: "65dBA Lmax on any night..." 6. Add the following as new matters for control: "a) Adverse effects of noise on people's health and safety; b) Nuisance effects; c) Duration of excessive noise levels between 10:00pm and 7:00am." 7. Notification requirements column to read: "Notification of affected persons will be required."

Topic 1 – Schedule D – Coastal water classifications: Decision Numbers: F17 - 1059, 1060, 1061, 1063

Sub F17	
374,	374: Amend Schedule D (where relevant) to include ANZECC 2000 water quality criteria.
375,	375: Amend Schedule D to include Aquaculture 9.4 (ANZECC 2000) guideline and values for surface water quality in CMA with
376,	the addition of temperature, suspended solids, BOD, algae, viruses and heavy metal figures.
377	<p>376: Amend Schedule D to include: "Discharges shall not exceed the following standards the guidelines for the protection of fresh and marine ecosystems contained in the Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000)."</p> <p>377: Amend Schedule D as appropriate to include controls on contaminants which are causing algal blooms in coastal waters. Limit on Total Nitrogen should be <10mg/L.</p>

Topic 2 – Port and harbour – Coastal water quality classifications: Decision Numbers: 1066, 1069

Sub F17	
398,	398: Amend Volume 2 Maps so coastal water between Westshore and Tangoio is classified as CR (HB) extending 300m offshore
416	with an additional 500m buffer.
	416: Amend Map 26 by extending the area of Class CR (HB) Water into the area of the beaches adjacent to Breakwater Road.
Reasons	The port and harbour are both in the CMA and on the land. The effects of their activities are complex issues to manage given that they affect both environments

Topic 3 – SG and other new coastal water classes: Decision Numbers: 1074, 1075, 1076; F17 – 1072, 1073

Sub 110	Sub F17	
243, 244, 259		243: Amend Schedule D by adding SG (Shellfish Gathering) water quality class, with appropriate descriptions in accordance with RMA Third Schedule. 244: Amend Schedule D by adding C (Cultural) water quality class, with appropriate descriptions in accordance with RMA 259: Amend Volume 2 Maps to identify SG (Shellfish Gathering) Classified waters around all hapu paua beds, mussel reefs, pipi and cockle beds within the region from Paritu to the region's southern boundary and extending for 200 metres around the perimeter of each bed proper.
	373, 397	373: Amend Schedule D by adding a new Clause D relating to SG(HB) Waters (ie: waters to be managed for shellfish gathering purposes where water quality standards will apply to existing naturally occurring shellfish beds within Hawke's Bay's CMA). 397: Amend Volume 2 Maps so naturally occurring shellfish beds within the CMA are identified and water quality in those areas is managed for 'Shellfish Gathering' purposes so classified as SG(HB) Water.
Reasons	The reasons given for the decision to decline our submissions are inconsistent, and fail to recognise and provide for the Kaitiaki status of coastal hapu in accordance with the RMA and provisions under other legislation	

Topic 1 – New definitions and amendments to meanings: Decision Numbers: F17 – 1090, 1093, 1094

Sub F17	
383, 384, 385	383: Add new definition of 'Significant.' 384: Add definition to Glossary for meaning of 'Significant' 385: Add definition to Glossary for meaning of 'Undesirable'

Topic 1 – Non-specific requests: Decision Numbers: 1102, 1115, 1116, 1117, 1103, 1118; F17 – 1120, 1113

Sub 110	Sub F17	
10, 11, 12, 13, 15, 258		<p>10: No specific amendments requested, but states that Plan needs to amended as necessary to define measurable limits placed on contaminants at the demarcation line between the RRMP and RCEP (ie: Coastal environment boundary) for management of water quality, species, resource consent and ecosystem monitoring.</p> <p>11: No specific amendment provided, but states that Plan should apply 'end of pipe' standards for point source discharges within the coastal environment, rather than measurements applying 'after reasonable mixing'.</p> <p>12: No specific decision requested, but states that more stringent controls are required to address cumulative effects on estuaries and coastal wetlands arising from land use intensification.</p> <p>13: No specific decision requested, but states that more emphasis needs to be given to measures to enhance water quality, rather than easing requirements for discharge activities.</p> <p>15: Add new provisions (as set out on pages 11-14 of submission) inserted before Part B of RCEP that outlines HBRC's general approach to coastal resource management and contains a set of objectives and policies to provide direction for all activities within the coastal environment, a proactive approach to coastal resource management and a default level of protection for the region's coastal resources.</p> <p>258: Amend Plan as necessary to identify and protect Outstanding Natural Features and Significant Natural Areas already identified in district plans and areas of land of cultural significance to coastal hapu.</p>
	10, 14	<p>10: Amend Plan as necessary to establish a more restrictive planning approach for activities with potentially significant impacts on the Coastal Environment.</p> <p>14: Amend Plan as necessary to ensure horticultural activities located in the Coastal Environment can continue without additional compliance requirements. (Oppose in part) Include a statement in the Plan that horticultural activities are an acceptable activity within the land area of the Coastal Environment. (Oppose in part)</p>

Topic 2 – Ports and harbours: Decision Numbers: 1144; F17 – 1143, 1145

Sub 110	Sub F17	
261,		261: Amend Map 29 by repositioning the western boundary of the Port Management Area approximately 200m east so that the area known as 'Breakwater Beach' is not within the Port Management Area.
	417, 415	417: Amend Map 29 to exclude the area known as "Breakwater Beach" from the Port Management Area. 415: Amend Map 26 by removing the area of the small beach adjacent to Breakwater Road from the proposed Port Management Area.
Reasons		This beach has been a valued public amenity and a social and cultural asset for the population of Napier for generations. Inclusion within the PMA could detract from public amenity values and prevent access for recreational and social activities. It is one of the few safe beaches within close proximity to Napier city

Topic 3 – New map features: Decision Numbers: 1147; F17 - 1146

Sub 110	Sub F17	
257		257: Amend Volume 2 Maps by adding a new map to identify 'Areas of Hawke's Bay coastline to be retained in their present natural state'
	404	404: Amend Volume 2 Maps to identify sub-surface features of the mari-scape (eg: reefs, isolated rocks etc).

Topic 1 – Chapter 28: Decision Numbers: 1162

Sub 110	
232	232: Amend Chapter 28.2.4(b) by adding the following: "Erosion and sediment transport and deposition into the coastal environment can cause adverse effects from:- Unnatural sediment build-up; Smothering of the benthic community and shellfish; Alterations to tidal characteristics; and Contamination of marine organisms."

Topic 1 – Chapter 29 and rule interpretation: Decision Numbers; F17 - 1179

Sub F17	
180	180: Amend Chapter 26.4(d) so that resource consent applications for discretionary activities will be publicly notified.

**Topic 1 – Significant Conservation Area objectives, policies, AER’s etc:
Decision Numbers: 1190; F17 – 1189, 1188**

Sub 110	Sub F17	
5		5: Amend Plan by adding all SCA text provisions from the Operative RCP (ie: all, but the maps).
	16, 58	16: Amend Plan as appropriate to include objectives for each specific SCA and that the Plan contain policies where appropriate requiring particular regard to be had to achieving those objectives. 58: Add site specific AERs for each of the 20 Significant Conservation Areas (as stated in the 2004 Draft RCEP).

**Topic 2 – Identification of Significant Conservation Areas (SCA’s):
Decision Numbers: F17 – 1198, 1199, 1193, 1194, 1197**

Sub F17	
24, 26, 399, 400, 413	<p>24: Add the following areas as new Significant Conservation Areas in Volume II (Planning Maps):</p> <ul style="list-style-type: none"> - all tidal estuarine areas and coastal wetlands gazetted by Department of Conservation; - all submerged reefs, points, and traditional surf breaks used by the surfing community; - all traditional seafood gathering seabeds, reefs, and fishing areas; - all historic whale hauling sites/lagoons; - all whale breeding grounds and migratory paths; - all historic waka landing sites; - all historic sailing ship roadstead due to be known de-ballasting sites pre 1900; - all historic wharfs and shipwreck sites including areas where limited or no physical evidence would remain; - all traditional foreshore and seabed trial study areas used by educational groups, Hardinge road, Ahuriri in particular; and - any other areas that come out of national and community consultation processes. <p>26: Add new SCAs to Plan as follows: Te Awanga Reef; Rabbit Reef; Clive flatfish spawning ground; Reef/rocks south of Pakuratahi Stream; and mussel/flatfish/snapper/blue-red moki/hapuka/warehouse areas.</p> <p>399: Amend Volume 2 Maps so the following locations are identified as SCAs:</p>

	<p>Porangahau Estuary; Blackhead Point - Pohatupapa Point Intertidal Platform; Aramoana - Blackhead Beach; Ouepoto- Paoanui Point; Mangakuri Intertidal Platform; Kairakau Intertidal Platform; Hinemahanga Rocks; Waimarama; Cape Kidnappers; Tukituki River Mouth; Waitangi Estuary; Ahuriri Estuary; Pania Reef; Esk River Estuary; Wairoa Hard; Wairoa Estuary and Coastal Wetlands; Long Point; Portland Island; Bull Rock; Table Cape; Maungawhio Lagoon; Pukenui Beach; Waipatiki Lagoon; Arapaoanui Lagoon; Waihua Lagoon; Mohaka Lagoon; Waikari Lagoon; Pakuratahi Lagoon; Nuhaka Lagoon; Tahaenui Lagoon; Waikokopu Inlet; and Whangawehi Inlet.</p> <p>400: Amend Volume 2 Maps so that areas known as Te Ngutuawa o Coastal Hapu Collection and the adjacent bluffs, dune lands and lower river reaches are classified as being SCAs and also being 'Historic Heritage Areas.'</p> <p>413: Amend Map 26 (Napier) to identify the upper Ahuriri Estuary to Onehunga Road and the northern pond and southern marsh as an SCA.</p>
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Topic 2 – Policies and explanations: Decision Numbers: 1488, 1489, 1490, 1491, 1492, 1493, 1494

Sub 110	
81, 82, 83, 84, 86, 87, 88	<p>81: Add new Policy to Chapter 15 to read: "The allowance for development within these areas where appropriate mitigation measures can be included in the design to substantially reduce risk without detracting from significant cultural, heritage or public amenity values."</p> <p>82: Add new policy to Chapter 15 to read: "the avoidance of situating new infrastructure or upgrading existing infrastructure in Coastal Hazard Zones unless the risks of inundation or damage from coastal processes and the effects of climate change can be avoided, remedied or mitigated."</p> <p>83: Amend Policy 15-1 Guideline 6(a) to read: "...use and development within those existing developed areas should be avoided, [remedied or mitigated.]"</p> <p>84: Amend Policy 15-1 Guideline 7 by adding a new subclause to read: "iv) can be managed sustainably via appropriate mitigation measures."</p> <p>86: Amend Policy 15-1 Guideline 10(iii) to read: "...particularly effects on coastal processes, landscape values, the existing natural character of the coastline, and [sites of cultural significance to tangata whenua]."</p> <p>87: Amend Policy 15-1 Guideline 11 by adding a new subclause to read: "c) effects of new infrastructure or the upgrading of existing infrastructure will ensure adequate protection of sites of cultural significance to tangata whenua."</p> <p>88: Amend Policy 15-1 by adding a new Guideline as follows:</p> <p>Issue: All activities within the Coastal Hazard Zones which risk disturbing or adversely impacting on sites of historic heritage value to tangata whenua.</p>

	<p>Guideline 13: A Cultural Impact Assessment by appropriate tangata whenua representative(s) will guide and assist in the avoidance, remediation or mitigation of adverse effects.</p> <p>And as a consequence, add the following to Chapter 15 Policy Explanations/Reasons: "Guideline 13 recognises that there are many sites of cultural significance to coastal hapu within the coastal hazard zone of the coastal environment. These include waahi tapu, mahinga kai, mahinga maataitai and other sites of historic heritage value and significance. A Cultural Impact Assessment may be required where use and development encroaches upon or affects these areas and sites."</p>
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Topic 8 – Rule 83 (Network utility structures): Decision Numbers: 1578

Sub 110	
184	<p>184: Amend Rule 83 by adding the following as new conditions: "a) Adverse effects on natural character shall be avoided, remedied or mitigated;</p> <p>b) A Cultural Impact Assessment may be required where the activity is near a waahi tapu or waahi taonga;</p> <p>c) The applicant may be required to prepare an Accidental Discovery Protocol."</p>

Topic 13: Deposition of sediment in CHZ 1: Decision Numbers: 1624

Sub 110	
185	<p>Amend Rule 88 so that:</p> <ol style="list-style-type: none"> 1. Westshore Renourishment Scheme depositions are a Restricted Discretionary Activity, rather than a controlled activity. 2. The following is added as a new condition: "e) The consent will be reviewed at 5-yearly intervals to assess whether this option is the most appropriate." 3. The following are added as new matters for discretion: "h) Adverse effects from climate change; i) Adverse effects on coastal processes from coastal development j) Advent of new technology and better understanding of coastal processes." 4. Notification requirements column reads: "Public notification shall be required."

Topic 13: Deposition of sediment in CHZ 1: Decision Numbers: 1631

Sub 110	
186	186: Amend rule 89 so that: 1. The following is added as a new condition: "b) Adverse effects on ancestral lands, water, waahi tapu sites and other taonga will be avoided, remedied or mitigated." 2. Notification requirements column reads: "Notification of affected persons shall be required."

Topic 14 – Removal of sediment and other earthworks in CHZ 1: Decision Numbers: 1640

Sub 110	
187	187: Amend Rule 91 so that: 1. Removal of sediment and other earthworks in CHZ1 is a Restricted Discretionary Activity, rather than a non-complying activity. 2. Notification requirements column reads: "Public notification shall be required."

We seek the relief as outlined in the above tables and any other such relief that the Court considers appropriate.