

# **Hawke's Bay Regional Coastal Environment Plan**

## **Operative**

8 November 2014





## PART B – MATTERS OF NATIONAL IMPORTANCE

### 2 Natural character

#### Issue 2.1

The coastal environment's natural character is being modified and adversely affected through inappropriate subdivision, use and development.

#### Objective 2.1

Preservation of the natural character of the coastal environment, and the protection of the coastal environment from inappropriate subdivision, use and development.

#### Policies

- Policy 2.1 To ensure any adverse effects on the natural character of the coastal environment arising from inappropriate use and development within the coastal marine area are avoided.
- Policy 2.2 To recognise that protecting outstanding natural features and landscapes, areas of significant indigenous vegetation, significant habitats of indigenous fauna and historic heritage features assists in preserving natural character of the coastal environment.
- Policy 2.3 To promote the location of future use and development in areas of the coastal environment which are already significantly modified by similar activities, provided the adverse effects of the new use and development are avoided, remedied or mitigated.
- Policy 2.4 To recognise and provide for appropriate use and development provided any adverse effects on the coastal environment's natural character arising from such use and development are avoided, remedied or mitigated.
- Policy 2.5 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 on natural character and processes where practicable.
- Policy 2.6 To recognise that local authorities have statutory functions on behalf of their communities including provision of services for wastewater, stormwater, water supply, parks and recreation, roads, solid waste disposal.
- Policy 2.7 To have particular regard to the avoidance of adverse effects of the following dynamic coastal processes on the physical environment:
- (a) wave action
  - (b) tidal flow
  - (c) currents and sediment transport
  - (d) natural water quality and
  - (e) natural substrate composition.
- Policy 2.8 To have particular regard to the mitigation of adverse effects of dynamic coastal processes on the physical environment and provision made for remedying those effects where complete avoidance cannot be achieved.
- Policy 2.9 To have particular regard to the maintenance or enhancement of the coastal environment's existing amenity values and cultural values.
- Policy 2.10 To promote the restoration and rehabilitation of the coastal environment's natural character in the following areas, where appropriate and in particular: - dune systems; estuaries, wetlands, habitats important to the continued survival of any indigenous species, waahi tapu, historic heritage, intertidal reef systems, and coastal cliffs and hill faces.
- Policy 2.11 To promote where practicable, the protection and enhancement of natural values and features (including migration of natural features as a result of coastal processes) that provide a natural buffer against coastal erosion and inundation. These features include dunes, gravel barriers, active off-shore sediment reservoirs, inter-tidal rock platforms, reefs and indigenous coastal vegetation.
- Policy 2.12 When assessing applications for land use consents, coastal permits, discharge permits or water permits, HBRC will take into account the values and management objectives identified for the relevant SCA as described in HBRC Plan Number 4203.
- Policy 2.13 To implement the policies set out above predominantly in the following manner:
- (a) resource consents – the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
  - (b) regional rules – the policies 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 policies 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

All of Hawke's Bay's coastal environment possesses natural character to some degree. This exists along a continuum from areas which remain in a largely natural state to areas where few natural attributes exist. The approach under the RMA is to seek to protect the attributes which give an area its natural character from inappropriate use and development. These attributes may include outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and ecological and hydrological systems. The RMA itself does not define what 'natural character' is or is not, but a reasonable number of Environment Court decisions exist that assist in interpreting this term. The coastal environment's natural character is being modified and adversely affected through inappropriate subdivision, use and development.

The natural character of the region's coastal environment is a fragile and finite resource that is vulnerable to irreversible alteration and damage. Protection of the coastal environment from inappropriate subdivision, use and development includes restoration and/or enhancement of any natural character values which may have been adversely affected, to avoid adverse cumulative effects or incremental loss of natural character. Policies in this Chapter or anywhere else in the Plan are not intended as 'de facto' prohibitions on activities and future development. The policies are statements that Plan users will use to guide future resource use decisions, in particular in assessment of resource consent applications.

Further modification of the coast's natural character may be appropriate in some locations (for example, in areas where natural character is already highly modified such as urban areas and harbours or in circumstances for provision of essential infrastructural services). Other parts of the coastal environment having high natural character may include significant conservation areas and natural areas. These tend to be sensitive areas where any development could cause serious or irreversible adverse effects.

Use of the coastal marine area and wider coastal environment has tended to involve cumulative changes which have gradually and eventually adversely changed vegetation, habitats and landforms within the coastal environment. Furthermore, the coastal environment is dynamic and natural processes such as dune formation, longshore drift of sediments, and wind and wave erosion influence the shape as well as the appearance of the coast. These processes also affect the natural movement of flora and fauna. Any proposal for use or development in the coastal environment should therefore take account of the effects of coastal processes and the dynamic nature of the coast.

The importance of protecting all of these elements and features is recognised in the policies of the New Zealand Coastal Policy Statement. The above objective and policies recognise the national directives contained within the NZCPS. Policies elsewhere in this Plan will also relate to specific features that contribute to the natural character of the region's coastal environment. Careful management of these features is required to ensure natural character of the coastal environment is preserved.

A precautionary approach to the management of high natural character areas is proposed to ensure these sensitive areas are protected from inappropriate use and development. Similarly, it may be appropriate that in areas with a lesser natural character (ie: those already developed to a significant degree), further use and development can be permitted. Principles 1 and 2 of the [1994] New Zealand Coastal Policy Statement (NZCPS) recognise that functionally, certain activities can only be located on the coast or in the coastal marine area, and that protection of the coastal environment need not preclude appropriate use and development in appropriate places.

Policy 1.1.5 of the [1994] NZCPS states it is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate. Policy 2.11 identifies areas where such rehabilitation and restoration is most likely to be appropriate.

### Anticipated environmental results

- AER 2.1 Preservation of the natural character of Hawke's Bay's coastal environment and protection of it from inappropriate subdivision, use and development.
- AER 2.2 Dynamic natural and physical coastal processes are maintained and not altered by inappropriate subdivision, use and development in a way to prevent those processes from occurring.
- AER 2.3 Appropriate use and development within the coastal marine area occurring in areas already developed or in use by activities with similar environmental effects.
- AER 2.4 Restoration and rehabilitation of identified areas where the natural character of the coastal environment has been degraded by past activities or may be degraded by proposed activities.
- AER 2.5 Greater public awareness of the need to preserve the coastal environment's natural character and what comprises that natural character in different parts of the region's coastal environment.
- AER 2.6 Maintenance or enhancement of the existing amenity values of the coastal marine area.
- AER 2.7 Protection of the integrity, function and resilience of the coastal environment in terms of dynamic coastal processes such as wave action, tidal flow, currents and sediment transport, natural water and air quality and natural substrate composition.



## 3 Outstanding natural features and landscapes

### Issue 3.1

Inappropriate subdivision, use and development may degrade the physical integrity and aesthetic values of outstanding natural features and landscapes within the coastal environment.

### Objective 3.1

Protection of outstanding natural features and landscapes within the coastal environment from inappropriate subdivision, use and development.

### Policies

- Policy 3.1 To recognise and provide for the protection of the visual coherence of the existing landscape, seascape and outstanding natural features in the coastal environment.
- Policy 3.2 To recognise and provide for the avoidance, remediation or mitigation of adverse effects on significant landforms and significant geological features.
- Policy 3.3 To ensure the visual quality and the physical and ecological integrity of outstanding natural features and landscapes within the coastal environment are maintained and that such areas be restored and rehabilitated where appropriate.
- Policy 3.4 To protect physical and ecological values of existing wetlands, dune systems, lagoons, estuaries and river mouths in the coastal environment.
- Policy 3.5 To ensure estuarine habitats and physical estuarine processes are used or developed in a way that avoids, remedies or mitigates adverse effects on the biological integrity of the estuarine system.
- Policy 3.6 To promote the restoration and rehabilitation of identified areas where outstanding natural features and landscapes within the Coastal Environment have been degraded by past activities or may be degraded by proposed activities.
- Policy 3.7 To implement the policies set out above predominantly in the following manner:
- resource consents – the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
  - regional rules – the policies 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 policies 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

Natural features and landscapes can be damaged or destroyed by a range of activities. Natural features are also constantly subject to change from natural erosion or depositional processes along the coast. Inappropriate subdivision, use and development which occurs above mean high water springs can have adverse effects on natural features and seascapes present in the coastal marine area. Protection of the values of outstanding natural features and landscapes in the coastal environment is a shared responsibility among HBRC and city and district councils. District Plans can manage activities which may have adverse effects on those landscapes and natural features above mean high water springs. Some district plans already identify outstanding natural features and landscapes above MHWS. The Regional Coastal Environment Plan (and other regional planning documents) establish objectives and policies which guide preparation and review of district plans. Inappropriate subdivision, use and development can degrade the physical integrity and aesthetic values of outstanding natural features and landscapes within the coastal environment.

Certain types of activities on landscape or seascape features will have far greater adverse visual and ecological effects than others. Some activities may destroy the natural elements that make up visual and/or ecological character and other activities may obscure or interrupt features with high visual or ecological qualities. There is a need for such activities to be carefully managed according to their likely potential effects.

Wetlands, coastal lagoons, estuaries and river mouths often feature intricate ecosystems which in turn possess high ecological value. The physical and ecological values of these waterways in the coastal environment need to be carefully managed. It should also be recognised that in some cases, development (such as to provide essential infrastructural services) may need to pass through areas with high values as outstanding landscapes or natural features.

Case law has evolved and developed a set of robust criteria that can be used to define outstanding natural features and landscapes for district and regional planning purposes. The 'Pigeon Bay' criteria have been refined and include:

- Natural science factors – the geological, topographical, ecological and dynamic components of the landscape;
- Its aesthetic values (including memorability and naturalness);
- Its expressiveness (legibility); how obviously the landscape demonstrates the formative process leading to it;
- Transient values; occasional presence of wildlife; or its values at certain times of the day or year;
- Whether the values are shared and recognised;
- Its value to tangata whenua;
- Its historic associations.

### Anticipated environmental results

AER 3.1 Protection of outstanding natural features and landscapes from inappropriate subdivision, use and development within Hawke's Bay's coastal environment.



- AER 3.2 Restoration and rehabilitation of identified areas where outstanding natural features and landscapes within the coastal environment have been degraded by past activities.
- AER 3.3 Greater public awareness of the need to protect outstanding natural features and landscapes within the region's coastal environment.
- AER 3.4 Protection of the visual harmony of the existing landscape, seascape and outstanding natural features in the coastal marine area.
- AER 3.5 Avoidance, remediation or mitigation of adverse effects on significant landforms and significant geological features in the coastal marine area.



## 4 Indigenous species and habitats

### Issue 4.1

Significant areas of indigenous vegetation and significant habitats of indigenous fauna can be adversely affected and incrementally lost through inappropriate subdivision, use and development in the coastal environment.

### Objective 4.1

Protection of the following in the Coastal Environment from inappropriate subdivision, use and development:

- (a) regionally and nationally important ecosystems
- (b) areas of regionally or nationally significant indigenous vegetation;
- (c) areas of regionally or nationally significant habitats of indigenous fauna.

### Policies

Policy 4.1 To ensure adverse effects on ecological systems (including natural movement of biota, natural biodiversity, productivity and biotic patterns) are avoided, including adverse effects on:

- (a) fishing grounds
- (b) shell fish areas
- (c) fish spawning and nursery areas
- (d) bird breeding and nursery areas
- (e) fish and bird migration
- (f) feeding patterns
- (g) habitats' importance to the continued survival of any indigenous species
- (h) wildlife and indigenous marine biota
- (i) dune systems
- (j) the intrinsic values of ecosystems.

Policy 4.2 To ensure adverse effects on ecological systems (including Significant Conservation Areas) are remedied or mitigated where complete avoidance is not practicable, except to always ensure:

- (a) Adverse effects on areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types are avoided; and
- (b) The avoidance or remediation of adverse effects on:
  - (i) outstanding or rare indigenous community types within an ecological region or ecological district;
  - (ii) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and
  - (iii) areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries.

Policy 4.3 To protect ecological values of existing wetlands, dune systems, lagoons, estuaries and river mouths in the coastal environment.

Policy 4.4 To ensure adverse effects on cultural, ecological, historic, geological, and scenic values of Significant Conservation Areas are avoided, remedied or mitigated.

Policy 4.5 To promote the restoration and rehabilitation of areas of significant indigenous flora and fauna where appropriate in the coastal environment and in particular wetlands, estuaries, dune systems, lagoons, rivermouths and coastal hill faces.

Policy 4.6 To implement the policies set out above predominantly in the following manner:

- (a) resource consents – the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
- (b) regional rules – the policies 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 policies 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

The RMA requires that areas of significant indigenous vegetation and significant habitats of indigenous fauna should be protected where appropriate. The Regional Coastal Environment Plan would not be consistent with the RMA and the New Zealand Coastal Policy Statement if it failed to do so. New Zealand's marine environment contains a significant portion of the country's biodiversity, much of which is poorly understood. Fishing practices, the effects of activities on land, and biosecurity threats constitute the greatest risks to marine biodiversity and ecosystems. The Department of Conservation has identified through its Protected Natural Areas Programme, recommended areas for protection in terms of their indigenous vegetation and habitat. Some district plans in the region have used these recommended areas for protection in identifying areas of significance. Significant areas of indigenous vegetation and significant habitats of indigenous fauna can be adversely affected and incrementally lost through inappropriate subdivision, use and development in the coastal environment.



The objective and policies give effect to the New Zealand Coastal Policy Statement's provisions in Chapters 1 and 3. In particular, NZCPS Policy 1.1.2 which states that it is a national priority to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment. NZCPS Policy 1.1.2 also emphasises the need to protect ecosystems which are unique to the coastal environment and those that are vulnerable to modification (eg: estuaries, coastal wetlands, mangroves, dunes and their margins).

Protecting the primary areas of vegetation or habitat is not sufficient to ensure their continuation. In order to protect such areas, it is necessary to ensure that the ecosystems which support them are viable. Food sources, breeding grounds and corridors to other populations are essential components of providing protection for these areas. If activities to be undertaken adversely affect any or all of these factors, then the viability of these areas may be threatened and the activity may be considered inappropriate. It should also be recognised that in some cases, development (such as to provide essential infrastructural services) may need to pass through areas with high values for their habitats or indigenous vegetation.

The policies are necessary to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development within the coastal environment. This includes protecting the viability of these areas by ensuring surrounding ecological systems continue to support the integrity of the species present.

#### **Anticipated environmental results**

- AER 4.1 Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment from inappropriate subdivision, use and development.
- AER 4.2 Identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the region's coastal environment.
- AER 4.3 Protection of ecological systems that contribute to the viability and integrity of significant habitats of indigenous fauna and areas of significant indigenous vegetation.
- AER 4.4 Restoration and rehabilitation of identified areas where significant indigenous vegetation and significant habitats of indigenous fauna of the coastal environment which have been degraded by past activities.
- AER 4.5 Greater public awareness of the need to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in the region's coastal environment.
- AER 4.6 Avoidance, remediation or mitigation of adverse effects on ecological systems, including natural movement of biota, natural biodiversity, productivity and biotic patterns.
- AER 4.7 The enhancement of degraded habitats of significant indigenous flora and fauna.
- AER 4.8 The protection of ecosystems within the coastal environment which contribute to the cultural relationships of tangata whenua and which contain taonga species of flora and fauna.



## 5 Public access to and along the coast

### Issue 5.1

Appropriate subdivision, use and development within the coastal environment may enhance public access to the coastal marine area. In other cases, restricting public access to the coast may be necessary to protect ecological or cultural values, or for health, safety and security reasons

### Objective 5.1

Maintenance and enhancement of public access to and along the coastal marine area while recognising the need to protect certain areas for ecological, cultural, historic heritage, health, safety, or security (including biosecurity) reasons.

### Policies

- Policy 5.1 To promote appropriate public access to and along the coastal marine area so that public access is restricted only where necessary.
- Policy 5.2 To identify, where practicable and in the public interest to do so, the location and extent of places where it is desirable that physical access to and along the coastal marine area should be formed or enhanced.
- Policy 5.3 To encourage and support moves by territorial authorities to restrict access to sensitive dune areas and highly sensitive habitats of indigenous species throughout the region.
- Policy 5.4 To encourage and support moves by territorial authorities to restrict vehicular access in coastal areas where the safety of other beach users is threatened by inappropriate use of vehicles on beaches.
- Policy 5.5 To promote the maintenance and protection of sensitive dune areas where this is necessary to protect or enhance sensitive habitats of indigenous flora and fauna or mitigate natural coastal hazards.
- Policy 5.6 To enable appropriate tangata whenua access to their traditional fishing grounds and other sites of cultural significance within the coastal marine area in accordance with tikanga Maori.
- Policy 5.7 To ensure rights to occupy space within the coastal marine area are not granted for a duration longer than is necessary to enable the use or activity to be carried out.
- Policy 5.8 To ensure rights to occupy space within the coastal marine area are not granted for areas greater than is necessary to enable the use or activity to be carried out.
- Policy 5.9 To ensure activities and structures occupying space within the coastal marine area are established and operated in a manner that maximises public use and access, except in the Port Management Area or where ecological values, cultural values, health, safety, security (including biosecurity) or other exceptional circumstances require.
- Policy 5.10 To ensure activities occupying space within the coastal marine area do not unreasonably restrict or prevent other uses of space within the coastal marine area.
- Policy 5.11 To implement the policies set out above predominantly in the following manner:
- resource consents – the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
  - regional rules – the policies 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 policies 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

Appropriate subdivision, use and development within the coastal environment may enhance public access to the coastal marine area. In other cases, restricting public access to the coast may be necessary to protect ecological or cultural values, or for health, safety and security (including biosecurity) reasons. This objective and associated policies recognise the Council's responsibilities under s.6 of the RMA and the priority to be afforded to unrestricted public access to and along the coastal marine area. However, it does not preclude the restriction of access in certain circumstances. Those circumstances when restrictions on access are considered to be appropriate include:

- protection of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna
- protection of Maori cultural values (including the need to enable access to coastal resources for tangata whenua as kaitiaki except where this conflicts with other uses/values)
- protection of public health and/or safety
- protection of historic heritage
- maintaining a level of security (including biosecurity) for lawfully established activities and uses within or adjacent to the coastal marine area or
- other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access. [NZCPS Policy 3.5.1]

There is a long held expectation and inferred right of New Zealanders that all members of the public have free use and enjoyment of, and access to and along, the coastline and sea. The Foreshore and Seabed Act 2004 [repealed] provides for Crown ownership of the public foreshore and seabed on behalf of all New Zealanders. Public access - whether by vehicle, boat or on foot - is an issue that spans the coastal marine area and its landward edge. Addressing the issue of public access to the coast therefore needs a broad approach by all governmental authorities.





NZCPS Policy 3.5.2 urges provision to be made for identifying as far as practicable, places in the coastal environment where it may be possible and desirable to provide or enhance physical access opportunities. These desirable places may be identified on planning maps, structure plans, concept plans etc. and incorporated into conditions of resource consents, works programmes for government and non-government organisations etc. However, in some ecologically or culturally sensitive locations, access may need to be carefully managed (or at least not positively encouraged) as uncontrolled public access in some locations causes irreversible damage to sensitive ecosystems and destabilises dune systems.

Increasing visitor and residential pressures in the coastal environment may lead to conflict over demand for public access to and along the CMA. For reasons of public safety, territorial authorities may, for example, need to restrict vehicular access in the main bathing areas of surf club patrolled beaches. There is also a need to protect areas of the coast by restricting access for safety and security (including biosecurity) purposes (eg: for maintenance and protection of infrastructural services). The Port of Napier is a 'receiving port' under the Biosecurity Act and the Maritime Security Act, and as such, it is an example where public access is restricted for safety, security and also biosecurity reasons. Public access to structures, land and parts of the coastal marine area immediately adjacent to land at the Port of Napier is therefore limited.

It is recognised that some parts of the region's coastal marine area are in private ownership. As such, the owners of these areas have the right to deny public access. This Plan does not restrict the rights of land owners to deny public access to privately owned land, nor does it restrict or impinge on obligations under other legislation.

Activities occupying space within the coastal marine area should not be undertaken in such a way so as to adversely affect public access opportunities, (including access by tangata whenua to traditional fishing grounds, sites of cultural significance and other coastal taonga). This applies to both the duration of any such occupation and the spatial extent of the occupation. Similarly, where activities do occupy space within the coastal marine area, the activity and any associated structures should be established and operated in a manner that maximises public use and access, and private use.

### **Anticipated environmental results**

- AER 5.1 Public access to and along the coastal marine area is maintained and, where it is practicable and in the public interest to do so, enhanced.
- AER 5.2 Public health and safety is protected from inappropriate means of public access to and along the coastal marine area, at the Port of Napier in particular.
- AER 5.3 Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected from inappropriate public access to and along the coastal marine area and dune areas.
- AER 5.4 Maori cultural values are protected from inappropriate public access to and along the coastal marine area.
- AER 5.5 Adverse effects on private property from inappropriate public access to and along the coastal marine area are minimised.
- AER 5.6 Adverse effects on public access, use and enjoyment of the coastal environment arising from activities occupying space within the coastal marine area, are avoided, remedied or mitigated.
- AER 5.7 Access to the coast is maintained where appropriate for tangata whenua to preserve matauranga Maori and enable kaitiakitanga and its practical benefits to people, communities, and the management of coastal resources.



## 6 Relationship of Maori and the coast

### Issue 6.1

The potential for degradation of tangata whenua's relationship with the coast and potential degradation of mauri, the life sustaining force of natural and physical resources in the coastal environment, including waterways, waterbodies and waahi tapu which are of spiritual, heritage, historical and cultural significance to Maori.

### Objective 6.1

The protection of the characteristics of the coastal environment of special spiritual, heritage, historical and cultural significance to tangata whenua.

### Policies

- Policy 6.1 To recognise and support the role of tangata whenua of Hawke's Bay as kaitiaki of the region's coastal resources.
- Policy 6.2 To recognise and provide for the protection of sites within the coastal environment of spiritual, heritage, historical or cultural significance to Maori identified in accordance with tikanga Maori, including waahi tapu, nga toka, tauranga waka, mahinga mataitai, taiapure and taonga raranga.
- Policy 6.3 To promote the protection of sites within the Coastal Margin of spiritual, heritage, historical or cultural significance to Maori identified in accordance with tikanga Maori.
- Policy 6.4 To ensure adverse effects of activities on sites and areas of significant cultural value to tangata whenua are avoided, remedied or mitigated.
- Policy 6.5 To actively involve tangata whenua in management of the coastal environment and in protecting natural and physical resources of the coastal marine area that are of spiritual, heritage, historical and cultural significance.
- Policy 6.6 To assist in identifying any taonga that may be affected by an application for a coastal permit.
- Policy 6.7 To enable customary uses and management practices relating to natural and physical resources of the coastal marine area, including mahinga mataitai, waahi tapu, and taonga raranga, in accordance with tikanga Maori.
- Policy 6.8 To have particular regard to the adequacy of consultation undertaken with tangata whenua where coastal taonga may be affected by an application for a coastal permit, and may require additional information regarding the consultation undertaken and the outcomes of that consultation.
- Policy 6.9 When assessing applications for land use consents, coastal permits, discharge permits or water permits, HBRC will take into account the findings of any cultural impact assessment prepared by a suitably qualified person.
- Policy 6.10 To implement the policies set out above predominantly in the following manner:
- resource consents – the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
  - regional rules – the policies 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 policies 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

Tangata whenua of Hawke's Bay have strong traditional and cultural relationships with the sea. They are the kaitiaki (or guardians) of their coastal resources. As such, they have assumed the responsibility to ensure that the mauri (the indefinable essence described as the life-force) of these resources is safeguarded. This has been recognised in the Foreshore and Seabed Act 2004. That Act now provides for Crown ownership of the public foreshore and seabed on behalf of all New Zealanders as well as recognition and protection of customary rights. The degradation of mauri, the life sustaining force of natural and physical resources in the coastal environment, including waterways, waterbodies and waahi tapu which are of spiritual, heritage, historical and cultural significance to Maori. HBRC has information, available upon request, about which hapu have mana moana over particular parts of the CMA.

The identification and protection of coastal characteristics of special significance to iwi recognises the special relationships that iwi have with coastal resources. The whole of the CMA is of significance to Ngati Kahungunu. The Coastal Margin is also of importance to Ngati Kahungunu. Water in particular has high spiritual, social and cultural values to Maori and the predominant view of Maori in Hawke's Bay is that water is an essential ingredient of life, therefore water and associated resources can form a basis for identification, belonging and mana. As kaitiaki for coastal waters, tangata whenua have concern for protecting its mauri and are particularly disturbed by practices which result in polluted water.

The objective and policies give effect to the New Zealand Coastal Policy Statement's provisions. In particular, NZCPS Policy 1.1.3 which states that it is a national priority to protect characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori and also to protect significant places or areas of historic or cultural significance.

The policies are necessary to ensure the relationship of Maori and coastal resources is recognised and provided for. This may include supporting tangata whenua (for example through provision of information, advice, or other similar resources) in their role as kaitiaki of the region's coastal resources and ensuring opportunities exist for effective participation in decision-making processes associated with the protection, use and development of coastal resources.

Some territorial authorities have already identified areas of significance to Maori in their districts (above MHWS) and included those in their district plans.



The policies are necessary to ensure the relationship of Maori, including spiritual relationships with coastal resources is recognised and provided for. This may include support and exchange of information between HBRC and tangata whenua (for example through provision of information, advice or resources to assist tangata whenua in their role as kaitiaki of the region's coastal resources and ensuring opportunities exist for effective participation in decision-making processes associated with the protection, use and development of coastal resources.

Only Maori can identify their taonga (and other cultural and traditional values). 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 may articulate these values through resource management decision-making processes. 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 HBRC 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.

In terms of Policy 6.9, cultural impact assessments will not be required in every case, but where there is potential for taonga to be affected, such an assessment will help HBRC to ascertain the nature and extent of any effects on taonga. Assessments should at least deal with the following:

- (a) a description of the methodology used, (including consultative processes used) in preparing the report (eg: site visits, hui, tangata whenua presentations, reviews of draft and sign-off);
- (b) a brief description of the proposed activity being assessed;
- (c) recognition of the mana whenua within vicinity of the proposed activity and a description of who the report is being prepared on behalf of;
- (d) a brief overview of the relevant planning framework;
- (e) identification and description of Maori cultural values associated with the site or the resource that is subject to the application;
- (f) identification of impacts and evaluation of effects of a proposed activity on the identified cultural values;
- (g) recommendations to avoid, remedy or mitigate any adverse effects on Maori cultural values;
- (h) recommended conditions of consent should the application be granted;
- (i) iwi/hapu expectations for 'where to from here' (ie: the process following completion and submittal of the impact assessment); and
- (j) where relevant, the assessment may also include an archaeological assessment or survey (perhaps even as a subcontracted separate report that provides tangata whenua with information needed to assess impacts on archaeological values from a cultural perspective).

### **Anticipated environmental results**

- AER 6.1 Protection of mauri, the life sustaining force of natural and physical resources of the coastal environment.
- AER 6.2 Protection of areas of significant value to Maori including waahi tapu, nga toka, tauranga waka, mahinga mataitai, taiapure and taonga raranga.
- AER 6.3 Protection of ancestral lands, water, sites, waahi tapu and other taonga.
- AER 6.4 Ongoing partnership between the Council and tangata whenua in the management of coastal resources.
- AER 6.5 Spiritual, heritage, historical and cultural values of the coastal environment are recognised and provided for.
- AER 6.6 Access to the coast is maintained where appropriate for tangata whenua to preserve matauranga Maori and enable kaitiakitanga and its practical benefits to people, communities, and the management of coastal resources.



## 7 Historic heritage

### Issue 7.1

Both identified and unidentified historic heritage resources within the coastal environment can be adversely affected by inappropriate subdivision, use and development.

### Objective 7.1

Protection of historic heritage within the coastal environment from inappropriate subdivision, use and development.

### Policies

- Policy 7.1 To have particular regard to the avoidance, remediation, or mitigation of adverse effects on historic heritage resources within the coastal marine area.
- Policy 7.2 To identify historic heritage resources within the coastal marine area that require active conservation intervention to ensure those resources are protected for future generations.
- Policy 7.3 To ensure any adverse effects on historic heritage resources within the coastal marine area are avoided, remedied or mitigated.
- Policy 7.4 To ensure that historic heritage of significance to coastal hapu are protected from inappropriate subdivision, use and development.
- Policy 7.5 To implement the policies set out above predominantly in the following manner:
- resource consents – the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
  - regional rules – the policies 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 policies 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

The RMA requires that historic heritage resources should be protected from inappropriate subdivision, use and development. The Regional Coastal Plan would not be consistent with the RMA and the New Zealand Coastal Policy Statement if it failed to do so. In Hawke's Bay, coastal resources have historically attracted settlement near the coast. Those settlements have since contributed to Hawke's Bay's historic heritage which includes archaeological sites, historic places, historic areas, shipwrecks, buildings and structures, as well as natural features and objects of historic and cultural significance. Both identified and unidentified historic heritage resources within the coastal environment can be adversely affected by inappropriate use and development.

Some of the region's historic heritage features are located in the coastal marine area or straddle the mean high water springs mark. Such sites can become under threat of being compromised or lost through increasing pressure for use and development in the coastal marine area. Effects of activities on historic heritage resources above mean high water springs are controlled by city and district councils through district plans, and also the New Zealand Historic Places Trust under the Historic Places Act 1993.

Some territorial authorities have already identified historic heritage features located within their respective districts and included those features in their district plans. District plans are the appropriate planning documents for ensuring the sustainable management of historic heritage resources located above mean high water springs. It is important to note that historic places within the coastal marine area cannot be protected through the RMA's heritage order process as the RMA defines heritage orders as provisions within district plans. Regulatory protection of these resources is reliant upon appropriate rules in the regional coastal plan.

Accordingly, the objective and its associated policies recognise the importance of retaining diverse and representative examples of significant historic heritage resources located within the coastal marine area. The Council will also consider the means necessary to ensure adverse effects on such historic heritage resources are appropriately avoided, remedied or mitigated.

Under the Historic Places Act 1993, all recorded and unrecorded pre-1900 archaeological sites are protected. That degree of protection is in addition to any restrictions imposed by regional and district plans.

All of the coastal environment is of significance to Ngati Kahungunu iwi and constituent hapu. Within the coastal environment are areas and sites of 'special significance' due to the context, depth, nature and extent of coastal hapu relationships with specific characteristics. Historic heritage is a major component of hapu relationships with these sites having helped to define their identity over time. To safeguard these relationships and continued customary access and use requires identification of a number of these sites, notwithstanding the importance of the coastal marine area and coastal environment as a whole. Within the Significant Conservation Areas are other historic heritage sites which coastal hapu have used, and continue to use for their spiritual and physical sustenance.

### Anticipated environmental results

- AER 7.1 Preservation and protection of historic heritage resources in the coastal marine area which have heritage values.
- AER 7.2 Retention of a diverse and representative range of historic heritage resources in the coastal marine area.
- AER 7.3 Avoidance, remediation or mitigation of adverse effects on historic heritage resources within the coastal marine area.