

**Before the Hearings Panel**  
**At Central Hawke's Bay District Council**

**Under**                      Schedule 1 of the Resource Management Act 1991

**In the matter of**        the Proposed Central Hawke's Bay District Plan

**Between**                 **Various**

**Submitters**

**And**                        **Central Hawke's Bay District Council**

**Respondent**

**Council Reply on 'SNA Mapping' Topic – Hearing 6 – Tiffany Faye Gray**  
**On behalf of Central Hawke's Bay District Council**

**Date: 9 December 2022**

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## Introduction

1. My full name is Tiffany Faye Gray. I am the District Plan Officer for Central Hawke's Bay District Council.
2. I have read the evidence and statements provided by submitters relevant to the Section 42 Report on the 'SNA Mapping' topic. I also attended the hearing on Tuesday, 15 November 2022 when relevant matters were discussed.
3. I have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of matters raised through Hearing 6.
4. I am authorised to provide this evidence on behalf of the Council.

## Qualifications, Experience and Code of Conduct

5. My qualifications and experience are as set out in Section 1.1 of the SNA Mapping Topic Section 42A Report.
6. I can confirm that I am continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

## Scope of Reply

7. Section 42A report authors have been asked to submit a written reply by close-of-business on Friday, 9 December 2022.
8. The topics addressed in this reply include:
  - Recommended new policy ECO-P10 (specifically whether use of the word 'minimise' proposed in the policy is appropriate), in light of evidence presented to the Hearing on SNA mapping by Stella August for Kairakau Lands Trust (S84)
  - The question whether the evidence of Annabel Beattie for M & L Lowry was authorised and undertaken on behalf of the Hawke's Bay Regional Council
  - Provision of a map of Māori land affected by SNAs
  - Whether Mr Robottom's query regarding the ONL on his property can be appropriately addressed through the Hearing on SNA Mapping and/or whether removal of the ONL is within scope of his submission.
  - Mr Kessels' response to Lowry, Hardy, Robottom, Pairatahi Holdings Ltd evidence in respect of SNA Mapping on these submitters' properties (noting that site inspections are yet to be completed).
9. If I have not addressed a matter in this Reply that was raised by a submitter throughout the hearings process, I have nothing further to add to what I have set out in the Section 42A Report or evidence given at the Hearing.
10. **Appendix 1** contains a list of materials provided by submitters including expert evidence and submitter statements for Hearing Stream 6. This information is all available on the Proposed District Plan (PDP) Hearings Portal on the Council website<sup>1</sup>.

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<sup>1</sup> <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>

11. **Appendix 2** contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the SNA Mapping Section 42A Report.
12. **Appendix 3** contains a map showing SNAs and Maori land.
13. **Appendix 4** contains Gerry Kessels responses to the submitters from the Hearing.

### **Policy ECO-P10**

14. New Policy ECO-P10 as recommended in my section 42A report on SNA Mapping in response to S59.002 Karl Tipene's submission reads as follows:

ECO-P10 To enable the use and development of Māori land containing areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, that supports the social, cultural and economic wellbeing of tangata whenua, where such activities minimise adverse effects on any significant values of the vegetation or fauna habitat.

15. Reflecting on the appropriateness of the word 'minimise' as directed by the Hearings Panel, and after hearing Ms August's response to questioning by the Panel on this matter, I consider that it may be ambiguous when used in this context. To give better direction to plan users I recommend the following amendment:

ECO-P10 To enable the use and development of Māori land containing areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, that supports the social, cultural and economic wellbeing of tangata whenua, ~~where such activities~~ **and takes into account** ~~minimise adverse effects on any~~ **the** significant values of the vegetation or fauna habitat.

16. This change in wording will allow plan users to take a more balanced approach when considering development of Māori Land containing SNAs that gives better direction and allows for proposals that avoid, remedy, mitigate or offset to be more fully considered. Furthermore, this policy should be read in conjunction with the other policies of the chapter that provide for that the effects on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna be avoided, remedied, mitigated or offset under certain circumstances.

### **The evidence of Annabel Beattie for M & L Lowry**

17. In my opening statement at the hearing on the topic of SNA Mapping I made the following comments regarding the evidence provided by Annabel Beattie as follows:

*"I note that the evidence written by Annabel Beattie of Hawke's Bay Regional Council does not comply with the usual requirements for expert evidence such as fully outlining her qualifications nor confirming whether it has been prepared in accordance with the code of conduct for expert witnesses. I also understand she is not attending the hearing and will not be available to answer questions about it from the Panel. While the requirements for presenting expert evidence do not strictly apply in Council hearings, I understand it can be relevant to the Panel's consideration as to the weight that can be afforded to Ms Beattie's evidence, particularly where it is contested by properly qualified expert evidence."*

18. This query was directed to Gavin Ide of HBRC who provided the following response by way of email dated 9 December 2022:

Annabel Beattie is employed by the Hawke's Bay Regional Council (HBRC) as a Terrestrial Ecologist. HBRC made submissions on the proposed district plan. Some of HBRC's submission points were covered in Hearing Stream Six. Having reviewed the Reporting Officers' s42A report and recommendations, HBRC chose not to appear at the Stream Six hearing. Consequently, HBRC did not call (or present) any expert evidence for Hearing Stream Six in support of its own submission points. While Annabel is indeed an expert in terrestrial ecology matters, she did not appear in person at the hearing for HBRC.

In October, Mr & Mrs Lowry (another submitter on the PDP) contacted HBRC's Catchment Services Team about ecological areas on their property. As HBRC's Terrestrial Ecologist, Annabel visited their property on Friday 28<sup>th</sup> October 2022. This visit was done under the auspices of Annabel's role as HBRC Terrestrial Ecologist (i.e. her visit was not merely done in Annabel's personal capacity). This is not uncommon because, as part of her job, Annabel (and HBRC's other Terrestrial Ecologists) often visit and assess ecologically important sites elsewhere in the region that have been identified for prioritised ecosystem management. Annabel's memo to the Lowrys describes what Annabel assessed during her visit. Annabel understood that the Lowrys might refer to her memo at the PDP hearing, but Annabel did not appear in person at the hearing for the Lowrys. If the Lowrys mentioned that Annabel's report was expert **evidence for HBRC's submission**, then that is **incorrect**.

### **Provision of a map of Māori land affected by SNAs**

19. Attached in Appendix 3 is a map that shows SNAs as mapped in the PDP (without the amendments recommended in the section 42A report) and Māori Land Parcels as they have been identified in CHBDC's ratings database. By my calculations, based on data from CHBDC's rating database there is approximately 10,780ha's of Māori owned land in Central Hawke's Bay, of which approximately 1,104ha's is affected by SNAs. Much of this land is clustered around Porangahou, Waipawa, Te Hauke and along the coast.

### **Mr Robottom's query regarding the ONL on his property**

20. In my section 42A report on 'SNA Mapping' I made the following statements:

*5.3.44 The submitter also comments on the ONL on their land submitting that it is 'steep pasture grassland'. It is unclear from the submission what Mr Robottom is seeking, however it would appear to imply that he is opposed to the ONL but gives no further explanation as to why.*

*5.3.45 Without any further explanation I cannot fully address this statement other than explaining that within the independent report provided by Hudson Associates<sup>22</sup> is the twelve (12) factors that are considered when assessing a landscape. The ecology and/or naturalness of a landscape are only two factors amongst several others in determining whether a landscape is outstanding.*

*5.3.46 This point of the submission was not addressed in the section 42A report on Natural Features and Landscapes, possibly due to a slight error in how the submission was summarized, and so it is being addressed here. Mr Robottom is welcome to provide further evidence or written statement concerning the ONL on his property and the outcome that he is seeking.*

21. To clarify a few statements from above, upon reflection, I no longer think that the submission point was summarised in error. As per my closing statements made at the Hearing, the submitter only made a statement regarding the ONL in passing and the decision that he was seeking from Council was "*I want the CHB council to not proceed with any SNA on private farm land like Northland and West Coast councils have done.*" As such, on reflection, I do not consider the removal of the ONL to be within the scope of his submission.

22. Below is a map showing Mr Robottom's property boundaries and ONL-1:



23. Mr Robottom states in his submission that “we have ONL/F on our farm land which is steep pasture grassland”. In Mr Robottom’s presentation notes from the hearing he states “I would also like the ONF removed from my property that continues over the Forest Park Boundary. This is just a grass gully that is grazing land cannot be seen by anyone.” This provides more clarity around what he is seeking but it is not sufficient evidence to justify its removal if the Panel were to consider it, nor does it explain his concerns with the ONL other than an in principle concern regarding infringement of private property rights.
24. An independent Outstanding Natural Landscape Assessment<sup>2</sup> was undertaken by John Hudson on behalf of Council. Mr Hudson outlines 12 factors that should be considered when assessing landscape, the ecology and naturalness of the landscape being only two factors to consider.
25. Mr Hudson summarises the key values of this ONL as follows:
- “Very high landscape and visual values and naturalness derived from the endemic vegetation and expressiveness of the formative processes of the ranges which form part of the backbone of the lower North Island’s geology. The dynamic qualities demonstrated by the legibility of the hills, the dramatic appearance of the defining landform and the natural simplicity of the extensive unbuilt character and endemic vegetation cover result in a highly memorable landscape.”*

<sup>2</sup> John Hudson (2019) Central Hawke’s Bay District Outstanding Natural Landscape Assessment, <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/review-documents/>

26. I consider the matter to be outside the scope of the submission such that it cannot be further considered by the Panel. Should the Panel consider there is scope, I consider the relief sought should be declined, based on a lack of substantive evidence to contradict the expert opinion of Mr Hudson.

**Mr Kessels' responses to submitters at the SNA Mapping Hearing and Site Inspections**

27. Mr Kessels has provided a response to submitters from the Hearing that is contained within Appendix 4.

28. His responses to the submitters are summarised as follows:

- Mr Kessels accepts the SNA delineation in the evidence provided by Annabel Beattie for M & L Lowry but recommends that a site visit will assist in determining if there is ecological justification to refine the boundaries of the wetland areas where they conflict with current cultivation practices.
- Mr Kessels cannot recommend further amendments to the SNA boundaries for C&H Hardy Family Trust and Lime Terrace Farm without a site visit as insufficient ecological evidence has been presented.
- Mr Kessels cannot recommend further amendments to the SNA boundaries for Paul Robottom without a site visit as insufficient ecological evidence has been presented.
- Mr Kessels has not recommended any amendments to the SNA boundaries for Kairakau Lands Trust but considers *“that a site visit could be beneficial to look at the boundaries of the SNA, reassess the sites against the SNA determination criteria and assist in providing further information to the panel in relation to Te Rito o te Harakeke matters. I note that the Exposure Draft of the National Policy Statement – Indigenous Biodiversity, while not government policy at present, does require assessments of potentially significant indigenous vegetation and significant habitats of indigenous fauna to consider mātauranga Māori and Te Rito o te Harakeke (s3.2). I have no expertise in these matters from a cultural perspective, but I will be able to provide a broad commentary to the hearings panel on two of the Te Rito o te Harakeke matters from a scientific perspective if I am able to visit the SNAs on this land; specifically, te hauora o te koiora (the health of indigenous biodiversity) and te hauora o te taiao (the health of the wider environment).”*
- Mr Kessels agrees with the evidence provided by Pairatahi Holdings Ltd from Dr Adam Forbes and recommends that they are amended as outlined in his report.

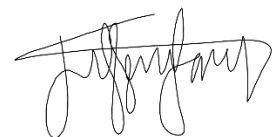
29. Mr Kessels has indicated that a site visit could be beneficial in further refining SNA boundaries on all of the submitters properties above with the exception of Pairatahi Holdings. Due to the availability of Mr Kessels no site visits have been able to be undertaken within the timeframe for this right of reply. Mr Kessels is available to undertake this site visit between 1pm Monday 19 December and 12pm Wednesday 21 December, and this has been communicated to the submitters. Should any submitter be agreeable to a site visit by Mr Kessels a further memo can be provided in the new year which will outline any further recommendations.

30. None of the recommendations above have changed my overall recommendation to the submission points shown in the table below.

Submission Point	Submitter/ Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S35.001	Mark and Lucy Lowry	ECO-SCHED5	Revise SNA-434 on our property [1376 Blackhead Road].	Accept in part	Yes
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Submission Point	Submitter/ Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
<b>S52.001</b>	The C&H Hardy Family Trust and Lime Terrace Farm	MAPS	Remove SNAs on my land [SNA-138, SNA-141, SNA-191 & SNA-199 on land at 73 Tukituki-Makaretu Road].	Accept in part	Yes
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<b>S59.002</b>	Karl Tipene	ECO- SCHED5	Oppose SNA-533. Oppose all SNA on Maori land.	Accept in part	Yes
<b>FS5.065</b>	Ngā hapū me ngā marae o Tamatea		Oppose	Allow	No
<b>S68.001</b>	Paul Robottom	ECO- SCHED5	Strongly oppose the SNA that is proposed for my property [SNA-1, SNA-27, SNA-34 & SNA-36 on land at Hinerua Road]. Do not proceed with any SNA on private farm land.	Accept in part	Yes
.					
<b>S84.016</b>	Kairakau Lands Trust	MAPS	Remove ONFs [ONF-7], SNAs [SNA-214, SNA-217, SNA-220, SNA-223 & SNA-229], and HNCAs [HNC-2] on Kairakau Lands Trust land.	Reject	No
.					
<b>S92.001</b>	Pairatahi Holdings Ltd	MAPS	Remove the overlay on the effected property	Accept in part	Yes
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**Date: 9 December 2022**



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## APPENDIX 1

### List of Materials Provided by Submitters

#### Submitter Evidence

- Annabel Beattie for M & L Lowry [S35]
- Ellen Robotham for Pairatahi Holdings Limited [S92], Paul Robottom [S68], & C & H Hardy Family Trust and Lime Terrace Farm [S52]
- Jonathan Bhana-Thomson for House Movers Section of New Zealand Heavy Haulage Association Inc [S106]
- Elwyn Fryer for House Movers Section of New Zealand Heavy Haulage Association Inc [S106]

#### Submitter Tabled Statements

- Jane & Matt Tylee for Tylee Land Co [S7]
- Jane Davidson [S16]
- Danielle Rogers for the Ministry of Education [S73, FS11]
- Trudi Burney for Transpower New Zealand Limited [S79, FS18]
- Jordan Landers for Horticulture New Zealand [S81, FS17]

#### Submitter Presentations

- Presentation – L MacGillivray for M & L Lowry [S35]
- Speaking Notes – Chris Hardy for C & H Hardy Family Trust and Lime Terrace Farm [S52]
- Speaking Notes – Paul Robottom [S68]
- Speaking Notes – Gary Leslie for Pairatahi Holdings Limited [S92]
- Presentation (joint) – Ellen Robottom for Pairatahi Holdings Limited [S92], Paul Robottom [S68], and the C & H Hardy Family Trust and Lime Terrace Farm [S52]
- Speaking Notes – Stella August for Kairakau Lands Trust [S84]



## **APPENDIX 2**

### **Updated Recommended Amendments to Plan Provisions**

## NATURAL ENVIRONMENT VALUES

### ECO – Ecosystems and Indigenous Biodiversity

#### Introduction

In achieving the sustainable management purpose of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, is specifically identified as a 'matter of national importance' (section 6(c)).

The RMA also requires particular regard to be given to 'other matters', including kaitiakitanga (s7(a)), and the intrinsic values of ecosystems (s7(d)), amongst other things.

Section 31 of the RMA also requires territorial authorities to control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity (s31(1)(b)(iii)).

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant, however it is important that an opportunity to consider the impact of these activities on the District's remaining significant indigenous vegetation and significant habitats of indigenous fauna is provided for in the District Plan.

At a national level, a National Policy Statement for Indigenous Biodiversity (NPS-IB) is anticipated to be gazetted and to take effect mid 2021, which is expected to require district plans to:

- undertake a district-wide assessment to identify and map areas of significant indigenous vegetation and / or significant habitats of indigenous fauna within the District; and
- take steps to ensure the protection, maintenance and restoration of indigenous biodiversity.

It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.

#### Issues

- |               |   |
|---------------|---|
| <b>ECO-11</b> | <b>Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</b>   |
| <b>ECO-12</b> | <b>The desire of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.</b> |

**Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.**

Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that

there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

## Objectives

- ECO-01**      **Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.**
- ECO-02**      **Maintain indigenous biodiversity within Central Hawke's Bay District.**
- ECO-03**      **The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.**

## Policies

- ECO-P1**      **To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their**

location on the Planning Maps (except for areas that meet Criterion 1, where at least one of Criterion 2-7 must also be met).

<i>Ecological Significance Determination Criteria for the Central Hawke's Bay District</i>
<p><b>CRITERION 1 <u>Protection Status:</u></b> It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.</p>
<p><b>CRITERION 2 <u>Representativeness:</u></b></p> <ul style="list-style-type: none"> <li>• It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.</li> </ul>
<p><b>CRITERION 3 <u>Diversity and Pattern:</u></b> It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.</p>
<p><b>CRITERION 4 <u>Rarity – Species:</u></b> It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are:</p> <ul style="list-style-type: none"> <li>• classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or</li> <li>• endemic or uncommon to the Hawke's Bay Region, or</li> <li>• at the limit of their natural range.</li> </ul>
<p><b>CRITERION 5 <u>Rarity - Ecosystems:</u></b> It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.</p>
<p><b>CRITERION 6 <u>Distinctiveness:</u></b></p> <ul style="list-style-type: none"> <li>• It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with: <ul style="list-style-type: none"> <li>○ waste treatment;</li> <li>○ wastewater renovation;</li> <li>○ hydroelectric power lakes;</li> <li>○ water storage for irrigation; or</li> <li>○ water supply storage, including stock water storage.</li> </ul> </li> </ul>
<p><b>CRITERION 7 <u>Ecological Context:</u></b> It is an area of indigenous vegetation or naturally occurring habitat that:</p> <ul style="list-style-type: none"> <li>• is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a</li> </ul>

<p>specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.</p> <p>OR</p> <ul style="list-style-type: none"> <li>is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.</li> </ul>
<p><i>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.</i></p>

- ECO-P2** To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance, whilst providing for limited trimming and clearance opportunities where it is necessary for the economic, social and cultural wellbeing of people or their health and safety.
- ECO-P3** To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.
- ECO-P4** To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:
1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna;
  2. Clearance of indigenous vegetation in and on the margins of Lake Whātuma and other natural wetlands and including braided rivers;
  3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or
  4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.
- ECO-P5** To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.
- ECO-P6.** To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the Districts indigenous biodiversity.
- ECO-P7** To recognise landowners' stewardship and current management practices (including weed management and pest control) associated

with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.

**ECO-P8** To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

**ECO-P9** To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:

1. There is a functional or operational need for the infrastructure to be in that particular location; and
2. The route/site selection process has identified no practicable alternative locations.

Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.

**ECO-P10** To enable the use and development of Māori land containing areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, that supports the social, cultural and economic wellbeing of tangata whenua, ~~where such activities and takes into account minimise adverse effects on any the~~ significant values of the vegetation or fauna habitat.

Commented [TG1]: Hearing Stream 6 – Right of Reply dated 9 December 2022

### Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5): <ol style="list-style-type: none"> <li>1. Areas of domestic or ornamental landscape planting; or</li> <li>2. Planted shelter belts; or</li> <li>3. Plantation forestry undergrowth; or</li> <li>4. Planted indigenous forestry.</li> </ol>	ECO-R1
Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any	ECO-R1A

natural wetland identified as a Significant Natural Area in ECO-SCHED5):	
Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):	ECO-R2
Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)	ECO-R3
Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5	ECO-R4
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6

## Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

*Note 1: Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the NES-PF apply instead of the rule. This specifically applies to afforestation, and vegetation clearance that occurs during or after afforestation outside of a significant natural area and 'incidental damage' within or outside a significant natural area. Vegetation clearance of indigenous vegetation that occurs before afforestation, or within a significant natural area (other than incidental damage) is not controlled by the NES-PF, and the rules in this Chapter will apply.*

*Note 2: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.*

**ECO-R1 Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

- Areas of domestic or ornamental landscape planting; or
- Planted shelter belts; or
- Plantation forestry undergrowth; or



– Planted indigenous forestry.

All Indigenous Vegetation Species	<b>1. Activity Status: PER</b>  <b>Where the following conditions are met:</b> N/A	<b>2. Activity status where compliance not achieved: N/A</b>
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**ECO-R1A Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

All Indigenous Vegetation Species	<b>1. Activity Status: PER</b>  <b>Where the following conditions are met:</b> <ol style="list-style-type: none"> <li>a. Limited to trimming or clearance that is required for any of the following purposes:                     <ol style="list-style-type: none"> <li>i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</li> <li>ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</li> <li>iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or</li> <li>iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, or by landowners and</li> </ol> </li> </ol>	<b>2. Activity status where compliance not achieved:</b> ECO-R2 to ECO-R4 apply
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personnel working with these organisations for this purpose; or removal of material infected by an unwanted organism under the Biosecurity Act 1993; or

- v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
- vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
- vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or
- viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
- ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
- x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

*Note (1): The Council recommends that trimming or clearance of indigenous*

	<p>vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.</p> <p><i>Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.</i></p>	
<p><b>ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):</b></p>		
<p><b>Manuka and Kanuka Species Only</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. ECO-AM1.</p>
<p><b>All Other Indigenous Vegetation Species</b></p>	<p><b>3. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p><b>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</b></p>
<p><b>ECO-R3 Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)</b></p>		

<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to (whichever is the lesser): <ul style="list-style-type: none"> <li>i. clearance of no more than 500m<sup>2</sup> of indigenous vegetation per site per calendar year; or</li> <li>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.</li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved: DIS</b></p>
<p><b>ECO-R4 Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5</b></p>		
<p><b>Manuka and Kanuka Species Only</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to: <ul style="list-style-type: none"> <li>i. clearance of no more than 0.5 hectare per site per calendar year.</li> <li>ii. Trees to be cleared must have: <ul style="list-style-type: none"> <li>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</li> <li>b. an average canopy height of less than 6 metres.</li> </ul> </li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. ECO-AM1.</li> </ul>
<p><b>All Other Indigenous Vegetation Species</b></p>	<p><b>3. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to: <ul style="list-style-type: none"> <li>i. clearance of no more than 0.5 hectare per site per calendar year.</li> <li>ii. Trees to be cleared must have: <ul style="list-style-type: none"> <li>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</li> <li>b. an average canopy height of less than 6 metres.</li> </ul> </li> </ul> </li> </ul>	<p><b>4. Activity status where compliance not achieved: DIS</b></p>

ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5		
<b>All Indigenous Vegetation Species</b>	<p><b>1. Activity Status: NC</b></p> <p><b>Where the following conditions are met: N/A</b></p> <p><i>Note (1): Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</i></p> <p><i>Note (2): This rule does not apply to vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to the (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 &amp; 47).</i></p>	<p><b>2. Activity status where compliance not achieved: N/A</b></p>

### Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

#### ECO-AM1 Removal of Manuka or Kanuka

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.

3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
6. Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at risk species and the impact that the clearance may have on these areas.
7. Location and dimensions of areas to be cleared and vegetation type.
8. Effects on archaeological, cultural, or historic sites.
9. Effects on waterbodies and riparian margins.
10. Clearance methods.
11. Where biodiversity off-setting is proposed, the application of the principles contained in ECO-APP2 will be considered.
12. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
13. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
14. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

#### **ECO-AM2      Trimming and Clearance of Indigenous Vegetation**

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district in which it is located.
5. Whether any affected area contains a vegetation type of species of flora or fauna that is regionally rare or threatened.
6. Location and dimensions of areas to be cleared and vegetation type.

7. Effects on archaeological, cultural or historic sites.
8. Effects on waterbodies and riparian margins.
9. Clearance methods.
10. Where biodiversity off-setting is proposed, the application of the principles in ECO-APP2 will be considered.
11. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
12. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

## Methods

Methods, other than the above rules, for implementing the policies:

### **ECO-M1 Identification and Mapping of Significant Natural Areas**

Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.

### **ECO-M2 Other Provisions in the District Plan**

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. TW – Ngā Tangata Whenua o Tamatea
2. SASM – Sites and Areas of Significance to Māori
3. NFL – Natural Landscapes and Features
4. SUB – Subdivision
5. CE – Coastal Environment
6. EW – Earthworks – rules limit the amount of earthworks in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

### **ECO-M3 Biodiversity Offsetting**

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed, to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied, or mitigated. This includes reference to '*Guidance of Good Practice Biodiversity Offsetting in New Zealand*', (Department of Conservation, (2014))' and '*Biodiversity Offsetting Under the Resource Management Act, A Guidance Document*' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)), and the principles outlined in ECO-APP2.

#### **ECO-M4 Promotion of Ecological Corridors / Networks**

Promoting the protection and maintenance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those that contribute to achieving an ecological corridor or network, through for example:

1. taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;
2. providing for additional development rights through the subdivision of Conservation Lots where sites in ECO-SCHED5 or other areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including wetlands) are protected in perpetuity; and
3. providing partial rates relief or other financial assistance for landowners.

#### **ECO-M5 Advocacy, Education and Information Sharing**

1. Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and the need to have regard to these values when considering applications for subdivision use and development activities.
2. Encouraging, guiding and assisting landowners in the voluntary protection of natural areas, including making the community more aware of the opportunities provided by the Queen Elizabeth II National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua Rāhui kawenata), particularly landowners of areas identified in ECO-SCHED5 of the District Plan; and through consideration of other mechanisms such as a rates rebates in accordance with the provisions of the Local Government Act 1974.

#### **ECO-M6 Hawke's Bay Biodiversity Accord**

Council's role in the Hawke's Bay Biodiversity Accord. This will be a key method for enhancing biodiversity in the District and will include maintaining, developing, and enhancing partnerships with landowners who have large and significant ecological areas, Landcare and other community groups and non-governmental organisations', tangata whenua, Hawke's Bay Regional Council, Department of Conservation and other agencies and stakeholders to provide focused and efficient assistance to worthy protection and enhancement projects.

### **Principal Reasons**

The principal reasons for adopting the policies and methods:

Key threats to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna include inappropriate subdivision, use and development, intensification in land use practices, as well as animal and plant pests and diseases. Control and management of these activities, via rules for earthworks and vegetation clearance, in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is therefore appropriate.



There is considerable ecological benefit in restoring and linking SNAs where they can contribute to restoring the biodiversity values of a site, achieving an ecological corridor or network, or controlling animal and plant pests. Methods to encourage and assist ecological management, restoration and protection measures by landowners is therefore appropriate. Council recognises that many landowners are already being proactive in the protection of areas of significant indigenous habitat including SNAs, and seeks to continue working together with the community, to encourage protection of sites on private land through consideration of other mechanisms such as QEII covenants and rates rebates in accordance with the provisions of the Local Government Act 1974.

Council, through its commitment to the Hawkes's Bay Biodiversity Accord will also continue to work with community groups and other organisations to raise awareness about the importance of protecting and enhancing the District's biodiversity and remaining threatened indigenous habitats and fauna.

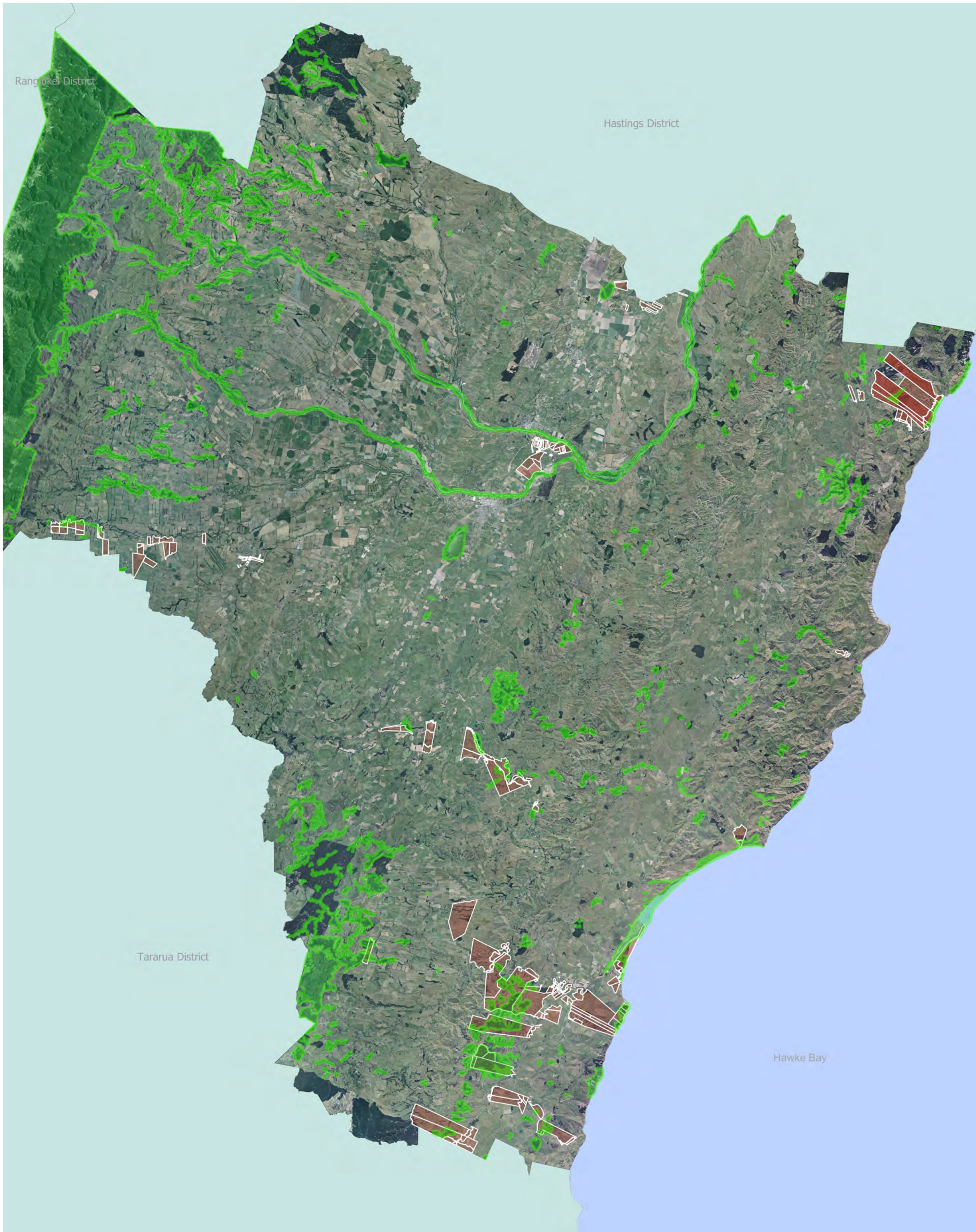
### **Anticipated Environmental Results**

The environmental results anticipated from the policies and methods:

- ECO-AER1**      **Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas.**
  
- ECO-AER2**      **Improved integrated management of the District's significant areas of indigenous vegetation and/or significant habitats of indigenous fauna and biodiversity within Central Hawke's Bay District.**
  
- ECO-AER3**      **Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay.**
  
- ECO-AER4**      **Increase in the number of registered sites of QE II Covenants to protect areas of significant indigenous vegetation and/or significant indigenous habitats of flora and fauna in perpetuity.**
  
- ECO-AER6**      **Maintenance of the natural amenity and intrinsic values of waterbodies.**



**APPENDIX 3**  
**SNAs and Māori land.**

# Māori owned land (as registered in the CHBDC rates database) and Significant Natural Areas from the Proposed District Plan

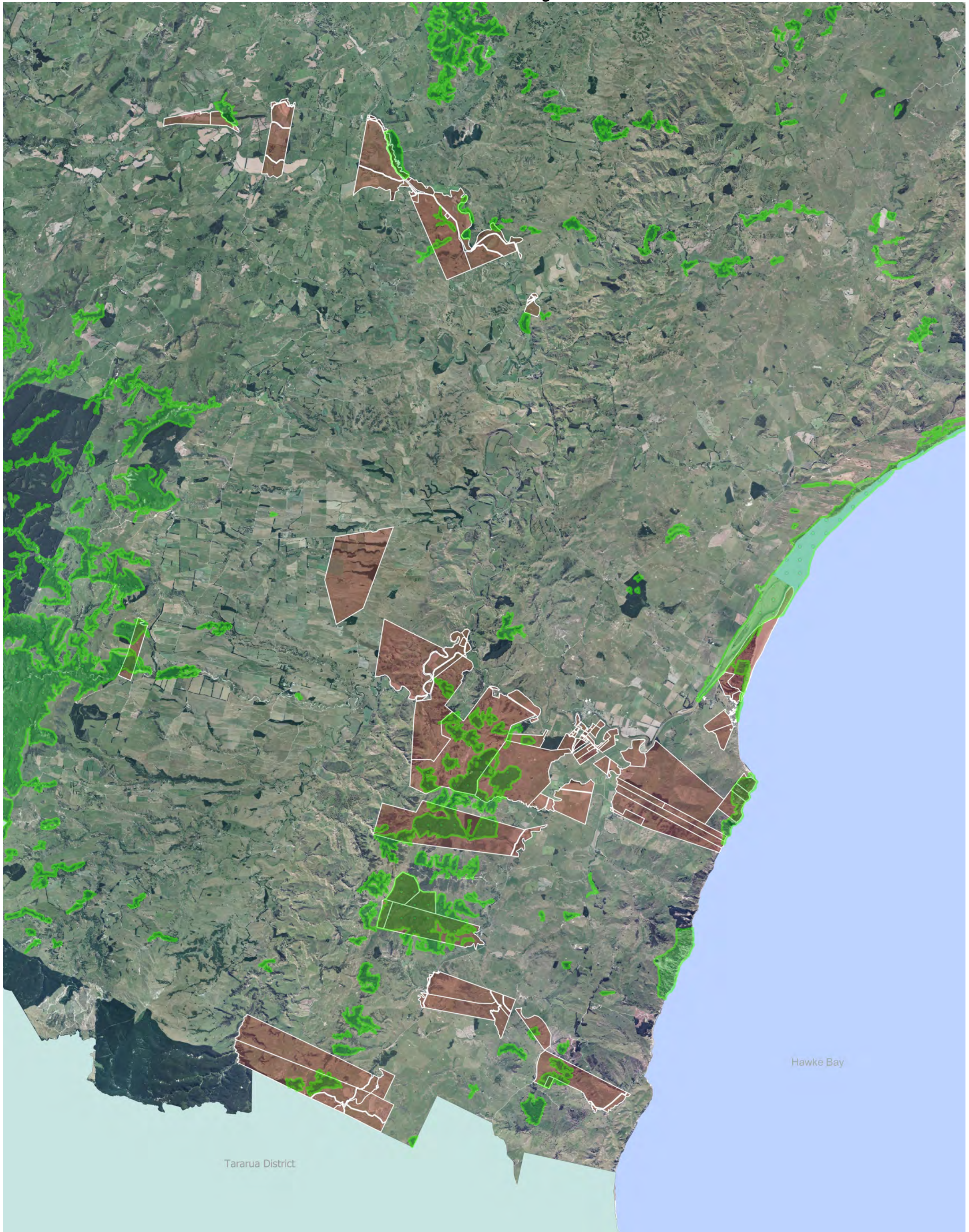


**DISCLAIMER**  
CHB District Council has made information available under Section 10 to 18 (inclusive) of the Local Government Official Information and Meetings Act 1987 ONLY. This plan may contain errors or omissions or may not have the spatial accuracy required for some purposes. Council accepts no responsibility for the precise location of services (including land information) shown on this plan. There may be other information relating to the area shown on this map which is unknown to the Council. Please consult COUNCIL if you have any queries. No person should rely on any information without seeking appropriate independent and professional advice. The information provided does not constitute a Land Information Memorandum or any similar document. Care must be taken when reading this plan as any location of boundaries may not coincide with aerial photography. For exact spatial location of legal boundaries consult a Registered Surveyor.

**Legend**

-  Significant Natural Areas (SNA)
-  Parcels from CHBDC rates database that are registered as in Māori ownership



# Māori owned land (as registered in the CHBDC rates database) and Significant Natural Areas from the Proposed District Plan - Porangahau



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## Legend



-  Significant Natural Areas (SNA)
-  Parcels from CHBDC rates database that are registered as in Māori ownership

Māori owned land (as registered in the CHBDC rates database) and Significant Natural Areas from the Proposed District Plan - Waipawa / Te Aute

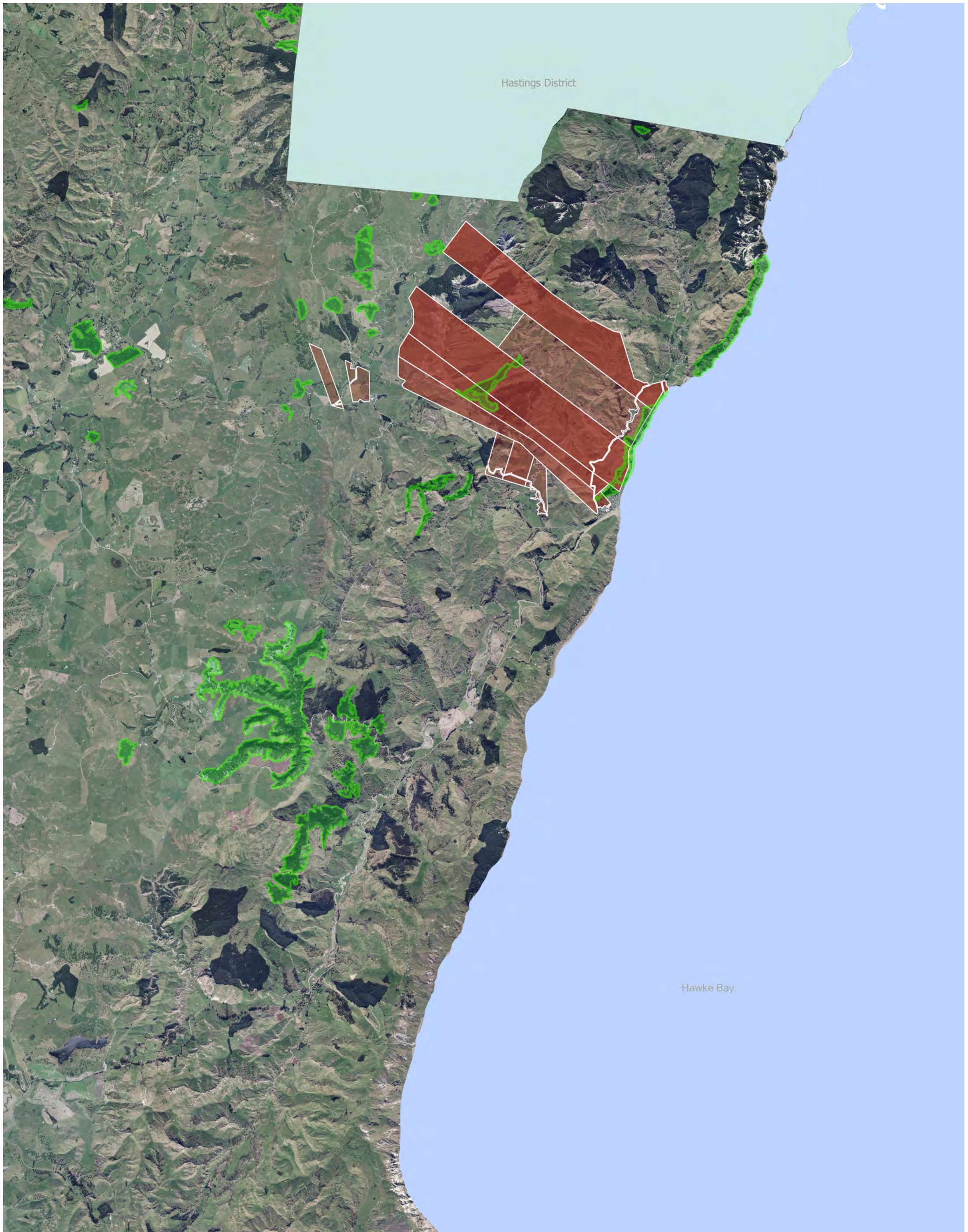


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**Legend**

-  Significant Natural Areas (SNA)
-  Parcels from CHBDC rates database that are registered as in Māori ownership



# Māori owned land (as registered in the CHBDC rates database) and Significant Natural Areas from the Proposed District Plan - Kairakau



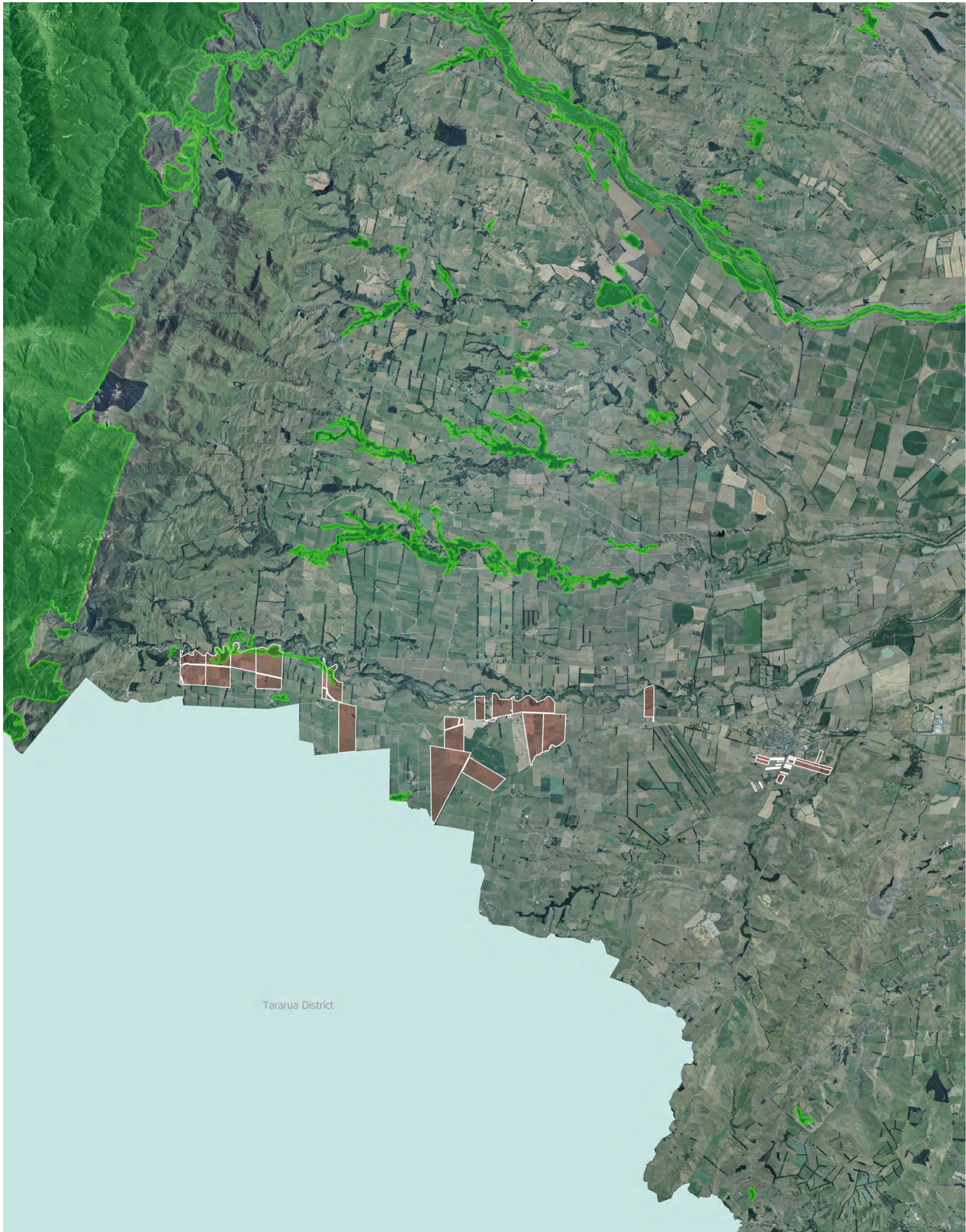
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## Legend

-  Significant Natural Areas (SNA)
-  Parcels from CHBDC rates database that are registered as in Māori ownership



# Māori owned land (as registered in the CHBDC rates database) and Significant Natural Areas from the Proposed District Plan - Ashley Clinton



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## Legend

-  Significant Natural Areas (SNA)
-  Parcels from CHBDC rates database that are registered as in Māori ownership

Māori owned land (as registered in the CHBDC rates database) and Significant Natural Areas from the Proposed District Plan - Porangahau - Pourerere





Hawke Bay

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**Legend**

-  Significant Natural Areas (SNA)
-  Parcels from CHBDC rates database that are registered as in Māori ownership



## **APPENDIX 4**

### **Gerry Kessels responses to the submitters from the Hearing**

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# Interim Memo

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**To:** Tiffany Gray, District Plan Officer, Central Hawke's Bay District Council

**From:** Gerry Kessels, Bluewattle Ecology (Consultant Ecologist to Central Hawke's Bay District Council)

**Date:** 6 December 2022

**Re:** **Natural Environment Topic: Ecosystems & Indigenous Biodiversity- Comments on Individual Submissions**

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## Scope

I have been asked to comment on submissions as presented to the hearings panel points on significant natural areas (SNAs) on 15 November 2022, specifically whether site visits to view the SNAs on these properties would be of assistance in confirming whether a SNA is present and if so, its extent. The specific submissions are:

- M & L Lowry – SNA-434 and SNA-424;
- C&H Hardy Family Trust and Lime Terrace Farm – SNA-138, SNA-191, and SNA-199;
- P Robottom – SNA-1, SNA-27, SNA-34 and SNA-36;
- Kairakau Lands Trust – SNA-229, SNA-214, SNA-217, SNA-223; and
- Pairatahi Holdings.

My comments as to whether a site visit is recommended are set out below.

### **M & L Lowry – SNA-434 and SNA-424**

I accept the findings and SNA delineation in the evidence presented by Annabel Beattie. However, another site inspection would be beneficial, subject to landowner approval, with a view to determine if there is ecological justification to refine the boundaries of the wetland areas where they conflict with current cultivation practices as presented by the submitter's representative.

### **C&H Hardy Family Trust and Lime Terrace Farm – SNA-138, SNA-191, and SNA-199**

The submitter has presented additional information on SNAs at the hearing that he would like removed without any ecological evidence to support the request. I consider that a site visit to view and undertake a ground truthing assessment is required before I would be able to recommend any realignment of the SNA boundaries identified in my original advice to Council.

### **P Robottom – SNA-1, SNA-27, SNA-34 and SNA-36**

The submitter has presented additional information on SNAs at the hearing that he would like removed without ecological evidence to support the request. I consider that a site visit is required before I would be able to recommend any realignment of the SNA boundaries identified in my original advice to Council.

## Kairakau Lands Trust – SNA-229, SNA-214, SNA-217, SNA-223

At the hearing I advised the hearing panel that no further site visit by an ecologist would be necessary, and the boundaries stay the same as per the mapping in the Proposed District Plan, as no ecological evidence has been provided to the contrary. However, on further reflection I consider that a site visit could be beneficial to look at the boundaries of the SNA, reassess the sites against the SNA determination criteria and assist in providing further information to the panel in relation to Te Rito o te Harakeke matters. I note that the Exposure Draft of the National Policy Statement – Indigenous Biodiversity, while not government policy at present, does require assessments of potentially significant indigenous vegetation and significant habitats of indigenous fauna to consider mātauranga Māori and Te Rito o te Harakeke (s3.2). I have no expertise in these matters from a cultural perspective, but I will be able to provide a broad commentary to the hearings panel on two of the Te Rito o te Harakeke matters from a scientific perspective if I am able to visit the SNAs on this land; specifically, te hauora o te koiora (the health of indigenous biodiversity) and te hauora o te taiao (the health of the wider environment).

### Pairatahi Holdings

Dr Adam Forbes' report, attached to the submitters statement for the hearing, provides ecological evidence for amendments of the SNAs on this property. I accept the findings of Dr Forbes' report. I note that Dr Forbes recommendations are nearly identical to those I recommended to Council planners in the section 42A report, aside from the amendment to SNA-119, which I understand from the submitter's statement was recently acquired recommend that the SNAs are amended as outlined in in the map shown in **Attachment 1**. No site visit is required.

### Limitations of the ground truthing site visits

Ecological surveys, especially when limited by time and resource constraints, have a level of uncertainty in their outcomes. Ecosystems, particularly wetland, coastal and river systems, are inherently complex, dynamic and subject to intertwined variables, such as habitat usage by cryptic and/or migratory and seasonally dependent fauna species. However, for the purpose of determining SNA significance, the criteria can be determined by an experienced ecologist with a reasonable degree of certainty. As for the previous SNA ground truthing site visits Mr Cheyne and I have undertaken, the site visits to these properties will be a walkover 'rapid assessment' only. In the time available I will not be able to undertake detailed wetland, fauna or flora surveys. However, I will likely be able to determine whether a particular site meets the relevant SNA criteria and check boundaries, supported by a review of existing literature and supporting evidence provided in previous assessments/technical reports or by the submitters. If there is a situation where the level of uncertainty is such that I cannot provide a defensible recommendation on a SNA, I will outline this in my reporting back to the hearings panel with further recommendations.



G Kessels, Ecologist

Bluewattle Ecology

3 December 2022

**ATTACHMENT 1: Suggested new SNA mapping for Pairatahi Holdings**

