

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU**

**ENV-2023-AKL-**

**IN THE MATTER**

**of the Resource Management Act 1991**

**A N D**

**IN THE MATTER**

**of an appeal pursuant to clause 14(1) of the First  
Schedule of the Act**

**BETWEEN**

**W FOLEY**

Appellant

**A N D**

**CENTRAL HAWKES BAY DISTRICT COUNCIL**

Respondent

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**NOTICE OF APPEAL**

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Address for service of appellant:

102 Settlement Road, R D 1, Waipukurau 4281

Telephone: 0274996947

Email: [will@foleyfarming.co.nz](mailto:will@foleyfarming.co.nz)

Contact person: Will Foley

## FORM 7 NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISIONS ON THE PROPOSED CENTRAL HAWKES BAY DISTRICT PLAN

To: The Registrar  
Environment Court  
Auckland

1. I, Will Foley, appeal against a decision (or parts of the decision) of Central Hawkes Bay District Council (“**Council**”) on the following plan:

### **Proposed Central Hawkes Bay District Plan (“Proposed Plan”)**

2. I made a submission and presented at the hearing on the Proposed Plan.
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (“**Act**”).
4. I received notice of the decision on 25 May 2023. The appeal period closes 7 July 2023.
5. The decision was made by the Central Hawkes Bay District Council.

### **The decision (or parts of the decision) that I am appealing:**

6. My appeal concerns ONF-5 (Northern end of Nga Kaihinaki-a-Whata) that has been identified on my property. I seek that the boundary of ONF-5 is reduced to only encompass the three prominent hills, being the hill with Horehore Pa and the two either side north Puketotara and south Puera.
7. The Decision was to accept my submission in part. The Decision accepted that there are modifications to the landform that may not appropriately be placed in the ONF. Those modifications are clearly both man-made and detract from natural extent of the landscape. The Panel recommended that the quarry and water race is excluded from ONF-5 and made an adjustment to the map.



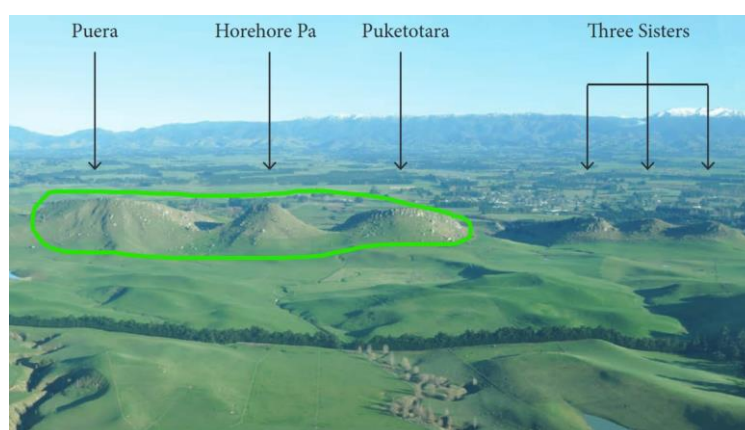
**The reasons for the appeal are as follows:**

8. It is my appeal that the identified values reach outstanding status only on the three hills where Pa Horehore and Puera and Puketotara either side exist, and that the mapping on ONF-5 needs to be reduced further.
9. ONF-5 is listed in the Schedule of Outstanding Natural Features as meeting three of the available criteria, being high aesthetic values; extremely high cultural values; and highly legible landform values. It is my appeal that while the values may be present in the wider formation, they are only of outstanding status on the three hills of Puera, Pa Horehore and Puketotara.

Schedule of Outstanding Natural Features	Reasons for my appeal
High aesthetic values of legibility and naturalness with an unbuilt landform that is clearly expressive of its geological origins, with perception of this being greatly assisted by the pastoral cover, lack of trees or buildings or earthworks.	The high aesthetic values are limited to the 3 prominent hills with Horehore Pa in the middle and Puera & Puketotara either side. Aesthetic values are present in the remaining Nga Kaihinaki-Whata hills, however these are lower values due to the presence of human activity, and the outstanding area is clearly the 3 hills with Horehore Pa in the middle.
The extremely high cultural values related to Horehore Pa and association with this area for 500 years by Māori.	The high cultural values are limited to the 3 hills which is where the Horehore Pa site is located in middle and Puera & Puketotara either side. Although cultural values are present in the wider Nga Kaihinaki-Whata hills, the concentration of values in the three hills mentioned is what makes them outstanding.
The highly legible tilted landforms and cuesta formations with their limestone edges and rockfield are clearly expressive of past uplift and geological processes.	There are similar geology formations in the throughout Takapau meaning that the Nga Kaihinaki-Whata hills are not particularly unique or unusual.

**I seek the following relief:**

10. That the mapping of ONF-5 is reduced to only encompass the three prominent hills, being the hill with Horehore Pa and the two either side.



## Attachments

11. I attach the following documents to this notice:

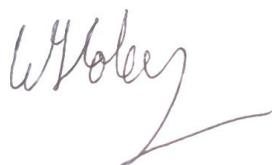
- a) a copy of my submission to the proposed Central Hawkes Bay District Plan;
- b) a copy of the public notice of the decision;
- c) a copy of the decision *Panel Report 1A Natural Features and Landscapes* can be accessed here:

<https://www.chbdc.govt.nz/assets/Document-Library/District-Plan-Decisions-Version/Final-Panel-Report-1A-Natural-Features-and-Landscapes.pdf>

- d) A copy of this appeal has been served on the Respondent and copied to the email addresses of persons who made submissions and further submissions on the Proposed Plan – as sent to the Court.

Dated: 7 July 2023

Signature of the appellant

A handwritten signature in black ink, appearing to read 'Will Foley', with a long horizontal stroke extending to the right.

Address for service of appellant:

102 Settlement Road, R D 1, Waipukurau 4281

Telephone: 0274996947

Email: will@foleyfarming.co.nz

Contact person: Will Foley





## Online submission

This is a submission that was made online via the Council's website.

<b>Submitter No.</b>	S109
<b>Submitter Name</b>	Will Foley
<b>Submitter first name</b>	Will
<b>Submitter middle name</b>	John
<b>Submitter surname</b>	Foley
<b>Submitter is contact</b>	Yes
<b>Email</b>	<a href="mailto:will@foleyfarming.co.nz">will@foleyfarming.co.nz</a>
<b>Wish to be heard</b>	Yes
<b>Joint presentation</b>	No
<b>Trade competition</b>	I could not gain an advantage in trade competition through this submission.
<b>Directly affected</b>	N/A
<b>Withhold contact details?</b>	No

## Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
NATURAL ENVIRONMENT VALUES	NFL – Natural Features and Landscapes	Amend	Protection of the well known landscape feature The Three sisters is fair enough but to include much more begs the question why? If so why not every hill range in Central Hawke's Bay?	As labeled on the map "The Three Sisters". Area zoned as outstanding natural feature is reduced to just "The Three Sisters".
HISTORICAL AND CULTURAL VALUES	HH – Historic Heritage	Amend	Accuracy of maps.	HH-65 is located at correct site

## Documents included with submission

None

CONTACT



# Public notification of the Decisions on Central Hawke's Bay Proposed District Plan

Pursuant to Clauses 10 and 11 of Schedule 1 of the Resource Management Act 1991, Central Hawke's Bay District Council gives notice that it has made a decision on provisions and matters raised in submissions on the Proposed District Plan.

## Inspection and availability of the decisions

The decision documents are available on Central Hawke's Bay District Council's website [www.chbdc.govt.nz/district-plan](http://www.chbdc.govt.nz/district-plan).

Copies of the decision can also be viewed at the Central Hawke's Bay District Council offices in Waipawa (28-32 Ruataniwha Street) and at all public libraries in the District.

Copies of the documents are available on request by emailing [districtplan@chbdc.govt.nz](mailto:districtplan@chbdc.govt.nz) or calling **06 857 8060**.

Those persons who lodged submissions and further submissions will be directly served this public notice.

## Appeals to Environment Court

Any person who made a submission or further submission on the Central Hawke's Bay Proposed District Plan may appeal to the Environment Court in accordance with clause 14 of Schedule 1 of the RMA.

Any appeal must be in the prescribed form and lodged with the Environment Court and served on the Central Hawke's Bay District Council within 30 working days of service of this notice of decision (by 7 July 2023).

Furthermore, within 5 working days of lodging an appeal, you are required to serve a copy of your appeal on every person who made a submission on those provisions or matters to which your appeal relates. A list of submitters' addresses for service can be found on the Central Hawke's Bay District Council website. More information on the appeal process can be found on the Environment Court's website <https://environmentcourt.govt.nz>.

## For more information

See: [www.chbdc.govt.nz/district-plan](http://www.chbdc.govt.nz/district-plan)  
scan the QR code,  
email: [districtplan@chbdc.govt.nz](mailto:districtplan@chbdc.govt.nz)  
or phone: **06 857 8060**.

