



**CENTRAL  
HAWKE'S BAY**  
DISTRICT COUNCIL

**REPORT OF HEARING  
PANEL**

**Independent Hearing Commissioners:**

Robert Schofield (Chair)  
Loretta Lovell  
Roger Maaka  
Tim Aitken  
Kate Taylor  
Pip Burne

**TOPIC 1A**

**Natural Environment – Natural Features and Landscapes**

**REPORT DATED:**

**4 May 2023**

**DATE OF HEARING:**

**14 to 15 March 2022**

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## List of Submitters and Further Submitters addressed in this Report

Submitter Name	Submission Number(s)
Chorus New Zealand Limited (Chorus)	S117
Clint Deckard	S115
Curt & Tricia Zant (C & T Zant)	S99
David Bishop	S54
Department of Conservation (DOC)	S64
Federated Farmers of New Zealand (Federated Farmers)	S121
George Harper	S4
Gerard Pain	S28
Hawke's Bay Regional Council (HBRC)	S11
Heretaunga Tamatea Settlement Trust (HTST)	S120
Horticulture New Zealand (Hort NZ)	S81
Kathryn Bayliss	S39
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129
Lance de Malmanche	S40
N. M. Riddell Family Trust Farm (Riddell Family Trust)	S51
Ngā hapū me ngā marae o Tamatea (NHMT)	S125
Ngāti Kere Hapū Authority	S134
Robert Eagles	S88
Royal Forest and Bird Protection Society NZ (Forest & Bird)	S75
Spark New Zealand Trading Limited (Spark)	S118
Transpower New Zealand Ltd (Transpower)	S79
Trevor Le Lievre	S112
Vodafone New Zealand Limited (Vodafone)	S119
Will Foley	S109

Further Submitter Name	Further Submission Number(s)
Federated Farmers of New Zealand (Fed Farmers)	FS25
Heretaunga Tamatea Settlement Trust (HTST)	FS13
Horticulture New Zealand (Hort NZ)	FS17
Kāinga Ora - Homes and Communities (Kāinga Ora)	FS23
Liz Munroe	FS28

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Further Submitter Name	Further Submission Number(s)
Ngā hapū me ngā marae o Tamatea (NHMT)	FS5
Penny Nelson, Director-General of Conservation	FS19
Royal Forest and Bird Protection Society NZ (Forest & Bird)	FS9
Tukituki Water Security Project	FS1
Water Holdings Hawke's Bay	FS29

# PART A – PRELIMINARY MATTERS

## 1 Introduction

### 1.1 Scope of this Report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed Central Hawke's Bay District Plan Hearings Panel on the submissions and evidence considered at the Natural Environment topic hearing, held on 14 March 2022, and reconvened on 15 March 2022, both held at the Central Hawke's Bay District Council Chambers, Waipawa.
- 1.1.2 The recommendations in this report, together with all of the other recommendations of the Hearing Panel ("the Panel") on submissions on the Proposed District Plan, will all go before the full Council following the end of the hearings, who will make the formal decisions.
- 1.1.3 Our report focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the s42A report's recommendations and the underlying evaluation behind such changes.

### 1.2 Statutory Considerations

- 1.2.1 The Panel's Report on Preliminary Matters and Statutory Requirements sets out the statutory framework and requirements for preparing a District Plan, as well as case law guidance for our consideration and recommendations. This framework is not repeated in this report. This report should be read in conjunction with the Report on Preliminary Matters and Statutory Requirements.
- 1.2.2 This report will refer to the s42A report 'Officer's Report: Natural Environment – Natural Features and Landscapes' prepared by Rowena Macdonald.
- 1.2.3 Natural Features and Landscapes is covered in the 'Natural Features and Landscapes Section 32 Topic Report'.
- 1.2.4 As submissions on particular aspects of the PDP are considered through hearing reports, officers are required to consider any alternative provisions put forward in the context of what s32 requires, and when changes are recommended, a further assessment under s32AA will be provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to recommend changes as a result of submissions which materially depart from the notified version.
- 1.2.5 Through Minute #5, the Panel urged submitters to provide the hearings with a further assessment under s32AA for any changes to the PDP they were seeking. No s32A assessments were provided with evidence on the topic the subject of this report.
- 1.2.6 Where the Panel has made amendments to the Plan that are consistent with the recommendations contained within Council Officers' s42A and / or rights-of-reply (and where there are relevant joint witness statements) we have adopted the s32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the CHBDC website.

- 1.2.7 Where the Panel has made amendments to the Plan that are not contained within the reporting planner's recommendations, we have undertaken the required s32AA analysis and have incorporated it into the body of our report, with the required assessment forming part of our evaluation. We are satisfied that the required substantive assessment has been undertaken.

### 1.3 Submissions

- 1.3.1 There were 24 submitters and 10 further submitters across the 'Natural Features and Landscapes' topic. From these, 62 original submission points, and 61 further submission points were received on the provisions relating to this topic. Of the 62 original submission points, 23 submission points are in support.
- 1.3.2 The submission points in opposition encapsulated the following issues:
- Alignment and consistency with the New Zealand Coastal Policy Statement (NZCPS);
  - Provision for development on Māori land within identified ONL/ONFs;
  - Recognition of existing farming land uses within identified ONL/ONFs;
  - Deletion of 'Significant Amenity Features';
  - Deletion of Policy NFL-P5;
  - Application of rules limiting buildings and structures within identified ONL/ONFs; and
  - Identification and inclusion of specific ONL/ONFs and SAFs in NFL-SCHED6 and on the Planning Maps.

### 1.4 Procedural Matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, undertaken on the submissions relating to the natural features and landscape provisions prior to the finalization of this section 42A report.
- 1.4.2 No further consultation with any parties regarding the coastal environment provisions has been undertaken since notification of the provisions.
- 1.4.3 No procedural matters were raised.
- 1.4.4 No matters of trade competition were raised.

### 1.5 Hearings

- 1.5.1 The hearings were held on 14 March 2022, and reconvened on 15 March 2022, at the CHBDC Chambers, Waipawa. The hearing was adjourned at the end of 15 March 2022.
- 1.5.2 Submitters who appeared at the hearing, in relation to the Natural Features and Landscape topic, and the key issues under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the PDP Hearing Schedule webpage under the relevant Hearing Stream 1, [here](#).

**Table 1. Submitters who appeared at Hearing Stream 1: Natural and Coastal Environment in relation to Natural Landscapes and Features**

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Key Issue under which evidence is discussed
Clint Deckard (S115)	Clint Deckard	Attended Hearing Presentation Notes	Key Issue 3
Curt & Tricia Zant (C & T Zant) (S99)	Curt Zant	Attended Hearing Presentation Notes	Key Issue 7
Federated Farmers of New Zealand (Federated Farmers) (S121, FS25)	Rhea Dasent (Senior Policy Advisor)	Attended Hearing Submitter Evidence Presentation Notes	Key Issue 3, 4, 5, 6 and 7.
Hawke's Bay Regional Council (HBRC) (S11)	Gavin Ide (Principal Advisor Strategic Planning)	Attended Hearing Submitter Statement Supplementary Hearing Statement	Key Issue 1 and 3
Liz Munroe (FS28)	Liz Munroe	Attended Hearing Presentation Notes	Key Issue 3
Ngāti Kere Hapū Authority (S134)	David Tipene-Leach	Attended Hearing	Key Issue 2
Royal Forest and Bird Protection Society NZ (Forest & Bird) (S75)	Tom Kay (Forest & Bird) May Downing (Legal Representation)	Attended Hearing Submitter Presentation notes Legal Submission	Key Issue 3, 4, 5, 6, and 7
Trevor Le Lievre (S112)	Trevor Le Lievre	Attended Hearing	Key Issue 3
Tukituki Water Security Project (FS1)	Mike Petersen	Attended Hearing	Key Issue 3
Water Holdings Hawke's Bay (FS29)	Hugh Ritchie	Attended Hearing	Key Issue 3
Will Foley (S109)	Will Foley	Attended Hearing	Key Issue 7

#### 1.5.3 Appearances for the Central Hawke's Bay District Council were:

- Rowena Macdonald, Reporting Officer;
- John Hudson, Consultant Landscape Architect to Central Hawke's Bay District Council; and
- Asher Davidson, Legal Counsel.

#### 1.5.4 Evidence provided by Ms Macdonald included:



- a. Officer's Report: Natural Environment: Natural Features and Landscapes ("the s42A report"), including appended evidence from John Hudson of Hudson Associates Landscape Architects; and
- b. Opening statement (tabled and verbal).

1.5.5 Evidence provided by Mr Hudson included:

- Statement as Appendix D to section 42A report on Natural Environment: Natural Features and Landscapes; and
- Attendance at hearing for questioning.

1.5.6 The sixth memorandum and direction of the Hearings Panel following hearing 1 was issued on 18 March 2022. In relation to this report the Panel requested the following:

- Council's Legal Counsel provide legal submissions with regard to Policy NFL-P5 that concerns water storage in the Mākāroro Gorge. Counsel was to consider in their submission what if any affect this policy, once operative, would have on the RWSS consents and their implementation;
- The section 42A reporting officer was provided an opportunity to provide a written right-of-reply to respond to matters arising during the hearing. With regard to this topic the reporting planner was specifically requested to address proposed Policy NFL-P5 and include whether this policy or a broader district-wide policy on water resources would be better placed in the Strategic Vision of the PDP; and
- Landscape Architect, Mr Hudson, was asked to verify the recommended boundaries of the Proposed ONF-5, 'Northern end of Nga Kaihinaki-a-whata and Te Whata Kokako'.

1.5.7 The seventh memorandum and direction of the Hearings Panel following hearing 2 was issued on 12 April 2022. In relation to this report, the Panel requested that:

- Mr Hudson visit proposed SAF-6, Tangarewai Stream, and advise whether the attributes of this section of the Tangarewai Stream, upstream of the Ashley-Clinton Road Bridge, warrant being an SAF, given the mix of exotic and indigenous vegetation and the weedy nature of much of the existing vegetation in this section.

1.5.8 The eighteenth memorandum and direction of the Hearings Panel following the final hearing for Hearing Stream 4 on Tangata Whenua matters was issued on 21 November 2022. It directed the reporting planner (Ms Morgan) to provide a written right of reply with respect to providing a response to all submission points regarding tangata whenua matters.

1.5.9 The written right-of-reply from Council's reporting planner was received and circulated on 9 December 2022.

## **1.6 Structure of this Report**

1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this report according to the key issues identified in the s42A report, rather than present a submission point by submission point evaluation. There are 7 key issues addressed in this report

- Key Issue 1: General Landscape Submissions;
- Key Issue 2: Landscape Provisions and Tangata Whenua;

- Key Issue 3: Policy NFL-P5 (Mākāroro Gorge);
  - Key Issue 4: Significant Amenity Features (SAF);
  - Key Issue 5: Remaining Landscape Objectives and Policies;
  - Key Issue 6: Landscape Rules; and
  - Key Issue 7: Schedule of Outstanding Natural Features and Landscapes (ONFL), and Significant Amenity Features (SAF)(NFL-SCHED6).
- 1.6.2 We have structured our evaluation and recommendations on a hierarchical basis, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions. This includes definitions.
- 1.6.3 We then turn our evaluation to the higher-level provisions of the PDP relating to the topic: the objectives and policies and associated matters.
- 1.6.4 We then turn to considering the associated rules and standards, and, if relevant, methods and anticipated environmental results.
- 1.6.5 Finally, we consider whether there were any minor errors that should be rectified or consequential amendments that may be needed as a result of our recommendations.
- 1.6.6 The Panel's recommendations for each submission point are listed in the table in Appendix B.

## PART B – EVALUATION

### 2 Overview

- 2.1.1 There are currently no outstanding natural features or landscapes identified in the ODP, although there are some 'Areas of Outstanding Landscape Views' identified, which are described as major viewing points to outstanding landscapes in the District, with an accompanying policy and regulatory framework (Objective 4.4.1 and Policy 4.4.2(6), along with Rule 4.8.2(c) controlling building development and tree planting where it would obstruct views from a public road).
- 2.1.2 As part of the development of the PDP, coastal and rural landscape assessments of the district were carried out in 2013 and 2016 by Terraforme Landscape Architecture. However, following the 'Initial Section 32 Scoping Report' prepared in 2017, and during the process of reviewing the ODP provisions around landscape issues in more detail during 2018, Council resolved to commission John Hudson of Hudson Associates Landscape Architects to carry out an updated assessment of the Central Hawke's Bay landscape. As part of that, Mr Hudson also provided guidance with respect to methods for meeting Council's section 6 (specifically section 6(b)) and section 7 (specifically section 7(c)) responsibilities under the RMA in this respect.
- 2.1.3 Mr Hudson's assessment, and resulting report ('Central Hawke's Bay District Outstanding Natural Landscape Assessment', Hudson Associates Landscape Architects, January 2019), was accepted and formally adopted by the Council, and subsequently informed the development of natural features and landscape provisions in the PDP.

- 2.1.4 The report identified 1 natural landscape (the Ruahine Range) and 11 natural features as being 'outstanding'. ONFLs were described in the report as being generally of high value in terms of natural science and perceptual criteria, with less human modification and greater aesthetic appeal. They may also rank highly in terms of associational values, such as historic or cultural values from past uses or events.
- 2.1.5 There were a further 11 natural features that ranked highly in terms of the assessment factors, but did not qualify as 'outstanding'. This was typically due to the level of modification which provided clear evidence of human intervention such as ongoing grazing, or reduced values in terms of natural science or perceptual values. These areas were identified as 'Significant Amenity Features (SAFs)'; worthy of recognition for their significant amenity values but not reaching the level required to be assessed as 'outstanding'.

### 3 Key Issue 1 – General Landscape Submissions

#### 3.1 Proposed Plan Provisions

- 3.1.1 This key issue addresses the submissions made in relation to the PDP natural features and landscapes provisions. This included support for the NFL – Natural Features and Landscapes chapter to be retained as notified in its entirety, requests for the integrity of the skyline to be protected, for the rules applying to ONLFs to be changed to allow for normal farming practices to continue, for such areas to be subject to rates relief, and to add new definitions and criteria for outstanding natural features and landscapes, and significant amenity features.

#### 3.2 Submissions

- 3.2.1 There were 7 original submission points on this Key Issue.
- 3.2.2 HBRC (S11.020) supported the provisions of the NFL – Natural Features and Landscapes chapter, with no changes.
- 3.2.3 George Harper (S4.001) submitted that 'with the present building boom there seems to be nothing to stop people building on the highest point, and so compromising the general character of all surrounds', and sought that the integrity of the skyline be protected through controls over where buildings are sited.
- 3.2.4 Robert Eagles (S88.001 & S88.002) submitted that the ONFL classification on his farming land was unnecessary. The submitter sought that the rules be amended to allow for normal farming practices to continue without undue regulation.
- 3.2.5 Gerard Pain (S28.004) submitted in favour of significant natural areas and natural amenity features having some restrictions put on them to protect what is left of our indigenous flora and fauna, but proposed that, as a 'sweetener' to the rural landowners who are affected, areas identified as natural amenity features should be designated 'rates free'. Mr Pain stated that "such areas are of benefit to the whole community so everyone should share the burden of rates not being levied on such areas".
- 3.2.6 Kāinga Ora (S129.005) sought the addition of a new definition and criteria for ONFLs. This was supported by the Director-General of Conservation (FS19.2).
- 3.2.7 Kāinga Ora (S129.063) opposed in part the NFL – Natural Features and Landscapes chapter, and considered that in its current form amendments were required to clarify the direction of the chapter. It submitted that Issue NFL-I1 did not clearly articulate the implications and potential adverse effects resulting from loss of landscape values, it opposed reference to terms 'high natural character areas' and 'SAFs', it was also of the opinion that there is a disconnect between the objectives and policies, rules and standards, and assessment matters in relation to certain activities such as earthworks.

#### 3.3 Reporting Planners' Recommendations

##### Identification and Inclusion of Natural Features and Landscapes in the PDP

- 3.3.1 The reporting planner, Ms Macdonald, recommended rejecting George Harper's submission (S4.001) to protect the integrity of the skyline as a whole as Ms Macdonald was satisfied that the proper steps had been taken to appropriately assess the Central Hawke's Bay landscape. Ms Macdonald highlighted

that the Council employed an expert-based, best practice assessment methodology in the identification of outstanding natural features and landscapes (and significant amenity features) present in the district. In that sense, 'the integrity of the skyline' was not identified as being either 'outstanding' or of 'significant amenity value' in its entirety.

- 3.3.2 The reporting planner did not support the submission of Kāinga Ora (and further submission of the Director-General of Conservation) to include definitions and criteria with regard to ONFLs. Ms Macdonald considered the definition and criteria for 'outstanding natural features and landscapes' were inherent in the reference contained in section 6(b) of the RMA and in the methodology and results of the expert landscape assessment, and did not need to be further articulated within the PDP itself. The reporting planner also considered Schedule NFL-SCHED6 sufficiently summarised the landscape values of each of the identified outstanding natural features and landscapes (and significant amenity features).

#### Implications for Farming Practices

- 3.3.3 The reporting planner recommended accepting Mr Eagle's submission (S88.001 & S88.002) in part insofar as that the submitter's request was already partially addressed in the PDP because legally established farming activities occurring on ONL / ONFs and SAFs can continue to be undertaken. Ms Macdonald, however, was of the view that the landscape rules did not require change to allow for normal practices to continue within identified ONL/ONFs or SAFs without undue regulation, as the landscape provisions in the PDP did not regulate existing farming practices, and any regulation of future activities is limited to the specific activities that pose a threat to the landscape values present.

#### Rates Relief

- 3.3.4 The reporting planner rejected Mr Pain's submission as rates relief cannot be determined and actioned through the PDP. However, Ms Macdonald did note that rates relief "is a tangible incentive available to Council under its rating powers<sup>1</sup>" and that this relief may be a matter which could be considered by Council in the future.

#### Issues Explanation, Definitions and Criteria

- 3.3.5 The reporting planner agreed with Kāinga Ora that Issue NFL-I1 could be improved to better articulate the implications and potential adverse effects resulting from the land use activities identified, on landscape values. Drawing on 'Potential Issues' commentary contained in the Landscape Assessment Report<sup>2</sup>, Ms Macdonald recommended the following additional wording:

NFL-I1	Loss of Landscape Values
	The loss of those values that contribute to the unique characteristics of the District's landscape as a result of inappropriate subdivision, land use or development.
	Explanation
	The District's landscape generally reflects a 'working' rural or coastal landscape, where human activity, including subdivision and development, has significantly shaped its present-day character. The character of the District's landscape is also generally open and free of urbanisation.

<sup>1</sup> Section 42A report on Natural Features and Landscapes, paragraph 4.3.20,  
<https://www.chbdc.govt.nz/assets/Document-Library/District-Plan-Proposed/Hearing-Documents/1-s42A-Natural-Features-Landscapes-Report-10-Feb-22.pdf>

<sup>2</sup> pgs 13-16 of the Landscape Assessment Report, and pertaining to the individual natural features throughout the report

Over time, many of the District's natural features and landscapes have been modified and, in particular, much of its indigenous vegetation and natural habitats have been lost to agricultural and other land use activities, including urban development.

The following outlines some of the land use activities that can adversely affect landscape values and how they can lead to the loss of landscape values:

1. Buildings and structures  
Buildings and structures can have an adverse effect on landscape character by introducing a constructed element into an area that is recognised for its naturalness, with some natural features having different tolerances for the effects of buildings than others;
2. Earthworks  
Earthworks undertaken within outstanding natural features and landscapes can have an adverse effect on landscape values by modifying the underlying landform, with some natural features being more sensitive to such effects than others;
3. Loss of indigenous vegetation cover  
Significant indigenous vegetation makes an important contribution to the landscape values of some natural features and landscapes e.g. a number of small incised river valleys identified as outstanding in the District, and loss of this cover can have an adverse effect on the undeveloped ecological and naturalness factors of such features; and
4. Exotic plantation forestry  
The dark colour and uniform planting of plantation forestry can hide the underlying landform and also reduce perceived naturalness values, often contrasting in colour and form with adjacent land use.

Subdivision and the above land use activities need to be managed in a way that recognises and protects values that contribute to those natural features and landscapes that are outstanding in the District or have significant amenity.

- 3.3.6 With regard to Kāinga Ora's opposition to the terms 'high natural character areas' and 'significant amenity features', the reporting planner was unclear as to what relief was being sought. She noted that 'areas of high natural character' were clearly referenced in Policy 13(1)(c) of the NZCPS in relation to preserving the natural character of the coastal environment and were part of Council's response to section 6(a) of the RMA. Ms Macdonald also noted that both terms were identified in the expert assessments by Hudson Associates underpinning the development of NFL-SCHED6 and CE-SCHED7, and that 'significant amenity features' were specifically referenced in the 'Introduction' to the NFL – Natural Features & Landscapes chapter as part of Council's response to section 7(c) of the RMA. In her view, both terms have an RMA context, and therefore appropriately used in the PDP.
- 3.3.7 The reporting planner was also unclear as to the form of relief sought by Kāinga Ora with respect to its submission that there was a disconnect between the objectives, policies and rules including those related to earthworks, when located within areas of outstanding natural features and landscapes. It was submitted that these could not be appropriately managed by Council unless non-compliances to other standards occurred. The reporting planner noted that the rules in the EW – Earthworks chapter apply district-wide. This includes Permitted Activity standards with specific constraints applying to earthworks in the identified ONL/ONFs, e.g. Standard EW-S2 (Extent of Earthworks) and Standard EW-S3 (Vertical Extent of Excavation). Ms Macdonald did not agree with Kāinga Ora that there was any disconnect.

### 3.4 Evidence to the Hearing

- 3.4.1 In regard to this key issue two written statements were submitted to the hearings panel for consideration. No presentations by submitters in relation to this issue were heard.
- 3.4.2 Gerard Pain tabled a written statement for the Hearing reiterating his original submission. In relation to this key issue, he stated that "if the district plan was drafted to allow for the land involved in

Significant Natural Areas (SNAs) and SAFs to be rates free, however, then I am sure the farming community would suddenly have a change in attitude and would see that there is merit in some restrictions being imposed on their private property rights, after all”.

- 3.4.3 Kāinga Ora tabled a statement in which they accepted the recommendations of the reporting planner and supported the additional wording changes to NFL-1 in relation to submission point S129.063. They did not comment on submission point S129.005.

### 3.5 Post-Hearing Information

- 3.5.1 The sixth memorandum and direction of the hearings panel following Hearing 1 was issued on 18 March 2022. No directions regarding this issue were given.
- 3.5.2 No additional comments regarding this issue were noted in the reporting planner's written right-of-reply dated April 8 2022.

### 3.6 Evaluation and Findings

#### Identification and Inclusion of Natural Features and Landscapes in the PDP

- 3.6.1 George Harper (S4.001) sought that the integrity of the skyline be protected through controls over where buildings are sited, which was rejected by the reporting planner.
- 3.6.2 While the Panel does not consider that another layer of landscape recognition or protection is warranted, based on the expert evidence before us, we disagree with the reporting planner's recommendation to fully reject Mr Harper's submission as we agree with him to the point that buildings and structures located on or near the skyline of hills and ridges can be unduly obtrusive due to their scale, design or colour. While the Panel considers it unlikely to be a common issue, if it does occur, then the effect on the skyline would be a valid consideration to take into account.
- 3.6.3 As a result of the reasons above, we believe that the following amendment should be made to NFL-AM2(1):

#### *Buildings*

- a. *The location, layout, design, and materials of the development to ensure that it does not have adverse visual or landscape effects. This will include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development.*

#### *In particular, the location, layout and design of buildings should:*

- i. *Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs and should not dominate the landscape, **while protecting the skyline....***

- 3.6.4 In regard to Kāinga Ora's submission regarding the clarity of the issue explanation, we accept the reporting planner's recommendation to add further detail as she proposed. We also concur with her that there is sufficient clarity around the interrelationship between the issue, objectives and policies for landscape, and that there are no further changes required.

**Implications for Farming Practices**

- 3.6.5 In regard to the submission from Robert Eagle (S88.001 & S88.002), we concur with the reporting planner that legally established farming activities occurring within ONL/ONFs and SAFs can continue as at present as the landscape rules allow for normal farming practices to continue without undue regulation (we address the issue of earthworks in a separate Panel Report). Any regulation of future activities is limited to those specific activities that pose a threat to the landscape values present.

**Rates Relief**

- 3.6.6 Gerard Pain suggests identified landscape features should be subject to rates rebates. Rates relief is not determined and actioned through the District Plan and therefore to provide such a provision is outside of our scope as the District Plan Hearing Panel. It is an 'other method' that can be employed by Council under other legislative processes. In the PDP, this method has not been identified for this particular purpose, but that does not prevent such a method being considered in the future. The Panel will make the recommendation for Council to consider whether it would be appropriate to introduce some form of rates relief for properties containing ONL/Fs and SNAs.

**Kāinga Ora**

- 3.6.7 We agree with the reporting planner to partially accept Kāinga Ora's (S129.063) submission in that the reporting planner's amendments to NFL-I1 better articulate the implications and potential adverse effects resulting from the land use activities identified, on landscape values.



## 4 Key Issue 2 – Landscape Provisions and Tangata Whenua

### 4.1 Proposed Plan Provisions

- 4.1.1 This issue addresses the natural features and landscapes provisions, and matters relating to the impact of the PDP landscape overlays on lands owned by Māori lands

### 4.2 Submissions

- 4.2.1 There were 3 tangata whenua submitters, with no related further submission points arising.
- 4.2.2 HTST (S120.019) supported the entire 'NFL – Natural Features and Landscapes' chapter in the PDP.
- 4.2.3 NHMT (S125.062) supported the Introduction to this chapter, as notified.
- 4.2.4 NHMT (S125.063, S125.064), however, sought amendments to this section of the PDP (with reference to Policies NFL-P1 and NFL-P3) to reflect mana whenua aspirations, including a more detailed description of the role of mana whenua in preventing the loss of landscape values.
- 4.2.5 Ngāti Kere Hapū Authority (S134.008) submitted they are generally supportive of protecting sensitive environmental areas but are concerned that residual lands owned by Māori that are labelled sensitive under the provisions of the PDP may impede development by Māori, and seek that Council launch intensive communication with mana whenua around land and housing development.

### 4.3 Reporting Planners' Recommendations

#### Heretaunga Tamatea Settlement Trust (HTST)

- 4.3.1 The reporting planner accepted HTST submission (S120.019) in part because whilst there are no further submissions directly relating to this submission point, amendments are recommended in response to other submissions on specific provisions within this chapter.

#### Ngā hapū me ngā marae o Tamatea (NHMT)

- 4.3.2 The reporting planner recommended accepting NHMT's submission (S125.062) on the Introduction to the NFL – Natural Features and Landscapes chapter because it was in support and there were no other submissions relating to this specific section of the PDP.
- 4.3.3 The reporting planner recommended that NHMT's submissions (S125.063 and S125.064) on Policies NFL-P1 and NFL-P2 be rejected. NHMT submitted that there should be a clear connection provided between the NFL – Natural Features & Landscapes chapter and the strategic TW – Tangata Whenua chapter and clear guidance provided on mana whenua involvement. However, the reporting planner noted that the introduction to the NFL – Natural Features & Landscapes chapter already includes a cross-reference to the TW – Tangata Whenua chapter. The reporting planner, Ms Macdonald, considered the existing cross-reference in the Introduction did provide the connection sought.

#### Ngāti Kere Hapū Authority

- 4.3.4 The reporting planner recommended accepting in part Ngāti Kere Hapū Authority's submission (S134.008). Ms Macdonald was of the view that there was clear anticipation of, and now an appropriate pathway for, proposals to develop housing for Māori land owners within the PDP, whilst

also encompassing measures for the protection of areas that have been identified as environmentally sensitive.

- 4.3.5 However, in terms of Ngāti Kere Hapū Authority's request that Council launch an intensive communication with mana whenua of Tamatea around land and housing development, Ms MacDonald considered this submission point to be outside the scope of the PDP.

#### 4.4 Evidence to the Hearing

- 4.4.1 In respect of this issue no evidence or statements were provided to the Hearing's Panel. Ngāti Kere Hapū Authority representative, David Tipene-Leach, presented to the Panel during the Hearing on behalf of the Authority. Mr Tipene-Leach reiterated that the Authority was concerned that the PDP would prevent the Authority and Māori land owners from utilising their land situated in the coastal areas because of mapped overlays such as SNAs. He also noted the range of barriers Māori face to development on their land for housing purposes, including the Council. Mr Tipene-Leach was of the view that a commitment should be made by Council to support the development of Māori housing.
- 4.4.2 During questioning it was observed that submissions relating to this topic overlapped with subsequent hearings (including the Tangata Whenua hearing topic). It was acknowledged by the Panel that Tangata Whenua submitters would be given the opportunity to present holistically on all relevant topics at the Tangata Whenua hearings.

#### 4.5 Post-Hearing Information

- 4.5.1 The Hearing Panel's sixth memorandum and direction following hearing 1 was issued on 18 March 2022. No directions regarding this issue were given.
- 4.5.2 No additional comments regarding this issue were noted in the reporting planner's written right-of-reply dated April 8 2022.
- 4.5.3 The Hearing Panel's eleventh memorandum and direction – Directions Regarding Process for the Hearing of Submissions on Tangata Whenua Matters acknowledged that the Tangata Whenua hearing would include topics relating to:
- a. Tangata Whenua/Mana Whenua, Nga Tangata Whenua o Tamatea;
  - b. Sites and areas of significance to Māori; and
  - c. Papakāinga and Kaumatua housing and associated marae-based development.
- 4.5.4 The Panel also noted that during Hearing Stream 1 that matters raised in the s42A reports relating to submissions by Tangata Whenua were broader than a single section of the PDP, and that their concerns were interrelated, making the hearing of all Tangata Whenua matters across the PDP complex. Given this and following engagement a bespoke process was accepted by the Panel. This process involves matters raised in Hearing 1.
- 4.5.5 The eighteenth memorandum and direction of the Hearings Panel following the final hearing for Hearing Stream 4 on Tangata Whenua matters was issued on 21 November 2022. It directed the reporting planner (Ms Morgan) to provide a written right of reply with respect to providing a response to all submission points regarding tangata whenua matters.
- 4.5.6 Ms Morgan made the following comments in her right of reply:

- In response to NHMT S125.063 and S125.064 she states, “whilst no specific changes have been recommended to this Policy, when applying for resource consent under these provisions the objectives and policies of the Strategic Direction, Tangata Whenua chapter would also apply. In that sense Objectives TW-O1, TW-O2 and Policies TW-P1 and TW-P2 would have particular relevance.... No change to recommendation necessary”.
- In response to NHMT S125.063 she also notes that “NFL-P1 specifically recognizes the need to have regard to associational factors, including historical association, and value to tangata whenua”.
- In response to NHMT S125.064 she also notes that “NFL-P3 specifically provides for the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association”.
- In response to Ngāti Kere Hapū Authority S134.008 she states “This matter was addressed in the Natural Features and Landscapes S42A Report, (Key Issue 2) which concluded an appropriate district plan pathway is present that reflects the requirements of RMA S6(b), The provisions in the NFL chapter respond to Councils obligations under RMA S6(b). The additional policy recommended for inclusion in the ECO chapter (refer above) responds to direction indicated in the NPS-IB Exposure, and a similar approach is not recommended here”.

## 4.6 Evaluation and Findings

- 4.6.1 The Panel are comfortable with the recommendations made on the submissions above and we agree with Ms Morgan’s comments in her right of reply dated 9 December 2022.

## 5 Key Issue 3 – Policy NFL-P5 (Mākāroro Gorge)

### 5.1 Proposed Plan Provisions

- 5.1.1 Key issue 3 relates to the inclusion of Policy NFL-P5 in the Natural Features and Landscapes section of the PDP which was:

**NFL-P5** To recognise the regional social and economic significance of water storage within [ONF-4 \(Mākāroro Gorge\)](#).

- 5.1.2 The Mākāroro Gorge is one of 12 areas in the Central Hawke's Bay District that have been identified as an ONF following an assessment of the District's landscape by Hudson Associates Landscape Architects. An oblique aerial photo of the Mākāroro Gorge (taken from the Hudson report) is shown below.



- 5.1.3 The upstream end of the Mākāroro Gorge identified as an ONF overlaps with the site of a consented but not implemented water storage scheme, the Ruataniwha Water Storage Scheme (RSWS), as shown in the Figure below, taken from the Hudson report.



*RWSS Dam location within Mākāroro Gorge.*

*Yellow = outline of ONF boundary*

*Blue = water storage area behind the dam*

*Red = dam location across the Gorge*

*Grey = dam area and spillways*

## 5.2 Submissions

- 5.2.1 11 submitters and further submitters submitted on Policy NFL-P5 (and associated text in the Principal Reasons) in the PDP.
- 5.2.2 The submitters sought either the retention of the policy or its deletion.
- 5.2.3 Federated Farmers (S121.041) supported retention of Policy NFL-P5 on the basis that it recognised the importance of water storage within CHB. The Federated Farmers submission was supported by further submissions by Tukituki Water Security (FS1.3) and Water Holdings (FS29.3) but opposed by Forest & Bird (FS9.41).
- 5.2.4 DOC (S64.074) also supported the appropriateness and retention of Policy NFL-P5, supported by further submissions from Water Holdings (FS29.2), Tukituki Water Security Project (FS1.2), HTST (FS13.036), and opposed by Forest & Bird (FS9.357).
- 5.2.5 The Tukituki Water Security Project and Water Holdings Hawke's Bay both sought retention of the policy in full.
- 5.2.6 HTST supported the inclusion of all policies recognising the natural features and landscapes of the district, including Policy NFL-P5.
- 5.2.7 Liz Munroe (FS28.001) also supported retention of the policy citing that 'Tamatea are currently planning their post-settlement economic, social and cultural aspirations, informed by their historical association with prospective development on the Mākāroro site'.



- 5.2.8 Liz Munroe's further submission in response to Forest & Bird's submission in this regard, indicated that NHMT had advised they wished to withdraw their further submission in support of Forest & Bird's submission (FS5.082), and that they would speak to the issue when making oral submissions to the Hearings Panel on behalf of the Tamatea marae and hapū, if required. Council has not received formal notice confirming withdrawal of this submission.
- 5.2.9 Kathryn Bayliss (S39.001), Trevor Le Lievre (S112.001), Clint Deckard (S115.001) and Forest & Bird (S75.064) submitted in opposition to the policy and sought its deletion. Kathryn Bayliss (S39.002) also sought deletion of associated text in the Principal Reasons of the NFL – Natural Features & Landscapes chapter of the PDP. Forest & Bird's submission is currently supported by NHMT (FS5.082), but their submission is opposed by Liz Munroe (FS28.001), Water Holdings (FS29.4), Tukituki Water Security Project (FS1.4) and Federated Farmers (FS25.69) in this regard.
- 5.2.10 Trevor Le Lievre requested that Council 'desist from any further involvement, promotion, or pecuniary support for water storage' as it is a private sector concern for local agri-business to address and not core Council business. He questioned the basis for the policy in terms of quantification of regional and economic significance assigned to water storage within this catchment.
- 5.2.11 Kathryn Bayliss sought deletion of both the policy and associated text in the Principal Reasons around water storage in the Mākāroro catchment, stating that the Board of Inquiry on the RWSS found that there was conjecture about whether the predicted social effects arising from the scheme would occur and that the economic outcomes might not be assured.
- 5.2.12 Forest & Bird advised that this policy was of 'particular concern' and sought that it be deleted on the basis that an ONFL policy for water storage would not be consistent with 'protection' as per the RMA and other national direction, including the NPS-FM (2020).
- 5.2.13 Clint Deckard considered the policy an anomaly, and found it difficult to understand why it had been proposed as there was "no evidence provided around the 'social and economic significance' of water storage in these particular areas as opposed to any other area".

### 5.3 Reporting Planner's Recommendations

- 5.3.1 The reporting planner recommended that the submissions by Kathryn Bayliss (S39.001 & S39.002), Forest & Bird (S75.064), Trevor Le Lievre (S112.001) and Clint Deckard (S115.001), that sought to delete Policy NFL-P5, be rejected.
- 5.3.2 The reporting planner recommended that the submissions by DOC (S64.074), and Federated Farmers (S121.041), that sought to retain Policy NFL-P5, be accepted.
- 5.3.3 The reporting planner considered that the policy acknowledged the significant public consultation and body of work that was completed in relation to this site for the RWSS. Ms Macdonald was of the view that when balancing all the factors relevant to ONF-4, it is appropriate to also consider the overarching purpose of the RMA in section 5, which includes managing resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, while sustaining the potential of resources to meet the reasonably foreseeable needs of future generations, safeguarding life-supporting capacity of air, water, soil, and ecosystems, and while avoiding, remedying, or mitigating any adverse effects on the environment. Furthermore, Policy NFL-P5 is one of a suite of objectives and policies that would be considered when assessing any such consent applications. A single policy does not, of itself, determine the outcome of a resource consent.

## 5.4 Evidence to the Hearing

- 5.4.1 Federated Farmers submitted no further evidence with regard to this key issue despite submitting evidence, presenting to the hearings panel and tabling presentation notes.
- 5.4.2 Mike Petersen representing the Tukituki Water Security Project presented to the Panel. He expanded on the Tukituki Water Security Project Steering Group. He stated that they are a group of residents that were concerned about communities running out of water, with a specific focus on the Tukituki River. The purpose of the steering group is to address water, environment and health issues in the Hawke's Bay, in particular to adapting to Climate Change. Mr Petersen spoke of a report released by Mr Lewis Tucker in December (2021) that found that the preferred option providing of the most benefits as a water storage site was the Mākāroro Dam site. The group seeks to ensure that the option to store water at that site is retained. He stated that there is shortfall of water in the Tukituki River just to meet the minimum flows at the Red Bridge in Havelock North of about 20 million cubic metres. If they could store water at the Mākāroro site then environmental flows could be met which would be an improved environmental effect compared to the current situation.
- 5.4.3 The Panel asked Mr Petersen if the submitter would be concerned if Policy NFL-P5 were to be moved to another part of the Plan. He was uncertain about the implications of that and would need to seek advice.
- 5.4.4 Mr Petersen also noted that there may be concerns about farming intensification because of increased water availability, however, he observed that as a farmer operating in the Tukituki catchment that under Plan Change 6 and other changes in legislation that it makes it incredibly difficult to intensify farming practices or change land use.
- 5.4.5 Hugh Ritchie, representing Water Holdings Hawke's Bay, also presented to the Panel. Mr Ritchie was of the view that Policy NFL-P5 would allow for the continued potential for water storage in the Mākāroro Catchment and considered this to be a significant and essential policy to have in place. He supported Council initiatives to explore and address water security issues in the Tukituki catchment. He noted the last one carried out by the District Council through PGF funding that identified 10 new water storage sites in the CHB District and looked at the original 19 sites covered by the RWSS scheme. He stated that the Mākāroro site was identified as best meeting community values compared to the other sites, and thus reinforced the strategic importance of this site.
- 5.4.6 To reiterate the statements of Mr Petersen, Mr Ritchie stated that the work of Water Holdings Hawke's Bay has shown a deficit of 20 million cubic meters of water in the Tukituki River to meet minimum flow levels. He believes that being able to supply water to aid this is of critical value. They recognised that the gorge is a significant area as identified by the RWSS scheme. Water Holdings Hawke's Bay supported Policy NFL-P5 to enable this infrastructure to be planned and built.
- 5.4.7 Mr Ritchie supplied the Panel with the Lewis Tucker report that had been prepared for the Tukituki Water Security Project. The report states that Mākāroro Storage Scheme is the most compelling option to those analysed in the report.
- 5.4.8 The Panel also asked Mr Ritchie if he had any concerns regarding moving this policy or another similar policy into the Strategic chapters of the PDP. Mr Ritchie responded that he couldn't give a response at present but thought that a District Plan allowing and catering for strategic analysis and thinking about storing water would be a very sensible policy to have in place.
- 5.4.9 May Downing, representing Forest and Bird, lodged a legal submission regarding Policy NFL-P5. Forest and Bird were concerned with the approach of including a policy that is specific to one activity

rather than developing policy based on higher order RMA documents, and as a result it submitted that removal of NFL-P5 was required.

- 5.4.10 The submission provided comment on the application of the NPS-FM and Part 2 of the RMA, and interpretation with reference to the *King Salmon* case. The submission identified the necessity for both regional and territorial authorities to give effect to Te Mana o Te Wai. In recognising the interconnectedness of the whole environment, Ms Downing presented that water storage is a 'third order priority' under the NPS-FM with the health and well-being of waterbodies and freshwater ecosystems being of higher importance.
- 5.4.11 When asked by the Panel about the importance placed in the NPS-FM of Iwi Māori determining the context of Te Mana o Te Wai in their rohe, Ms Downing and Forest and Bird representative Tom Kay acknowledged the role of Iwi Māori. However, following further questioning, it was noted by the submitters that notwithstanding that support for the Forest and Bird submission point on NFL-P5 had potentially been withdrawn by NHMT as a mana whenua group, they were not the only Tangata Whenua participating or within the region and that there could be other viewpoints. It was suggested that an alternative view could be contextualised on the basis that Iwi entity Ngāti Kahungunu Iwi Incorporated were parties to the appeal of HBRC's Plan Change 7 relating to the regional council's classification and management of outstanding waterbodies including the Mākāroro river.
- 5.4.12 With regard to Part 2 of the RMA, Ms Downing's submission outlined that section 6(a) of the Act directs that Councils are to recognise and provide for the protection of rivers and their margins from inappropriate subdivision, use, and development. She was of the view that recognising the benefits of water storage in Policy NFL-P5 undermined the directive to protect these areas, as well as creating the presumption that water storage should occur and is appropriate within the Mākāroro Gorge.
- 5.4.13 The submission also reviewed the PDP's objectives. Ms Downing was satisfied with Objective NFL-O1 that ensures that ONFLs are retained and protected from inappropriate subdivision, use and development. Based on the *King Salmon* case Ms Downing stated that the word 'inappropriate' should be interpreted as any subdivision, use or development that would adversely affect an ONFL, and as such she was of the view that providing for water storage in the Mākāroro Gorge would adversely affect the attributes and values of the ONFL which would in her view be inconsistent with Objective NFL-O1, and also Objective ECO-O1.
- 5.4.14 Ms Downing also commented that consents for the RWSS were considered under a different planning framework and given that they had been unexercised to date, undue weight had been given to them through the inclusion of this policy.
- 5.4.15 Specifically, the granting of these consents should not be entrenched in the new framework going forward when there were new instruments such as the NPS-FM that provided better guidance to councils as to the management of such environments. When asked, they did not consider that they could provide comment at that time regarding moving the policy or a similar policy to the Strategic Chapters of the PDP.
- 5.4.16 While Kathryn Bayliss did not present in person, she did provide a statement to the Panel that sought the deletion of Policy NFL-P5 and the associated text in the Principal Reasons. Ms Bayliss referred to the Board of Inquiry's decision on the RWSS and noted that the Board did not confirm the value of water storage for the district in terms of regional and socio-economic benefits. She was also of the opinion that Policy NFL-P5 was inconsistent with the NPS-FM and that including such a policy based on a third order obligation and not first or second order obligations was illogical.



- 5.4.17 Clint Deckard, like Ms Bayliss, provided excerpts from the Board of Inquiry's report around the social impacts of the RWSS in his presentation notes. He questioned why a policy related to a failed infrastructure project was included in the PDP.
- 5.4.18 Mr Deckard raised questions with respect to the economics of the RWSS. He suggested that rate payers would be expected to pay 30 cents per cubic metre of water for the health of the river but that dairy operations would be able to take the water at no cost.
- 5.4.19 Mr Deckard also spoke to a connection between water irrigation and the decline of children at rural schools. The Panel questioned Mr Deckard further on the evidence and reasons for this decline. He responded there could be many reasons. He believed that with the amalgamations of farms there are fewer families and more migrant workers and that this diminished local communities.
- 5.4.20 Dr Trevor Le Lievre presented to the Hearings Panel. Dr Le Lievre had several concerns with Policy NFL-P5. He believed that there would be financial implications to the rate payer for Council supporting this policy. Further he considered that water storage at the site had the potential to lead to the intensification of farming and therefore the further degradation of waterways. Dr Le Lievre's presentation summarised his original submission on the matter.
- 5.4.21 The Panel asked Dr Le Lievre about his view about moving policy NFL-P5 or one similar to another part of the PDP. Without context, he thought that it would be very difficult to answer this question. He noted that there was a big difference between water storage for potable water supply versus storage for private agri-business.
- 5.4.22 Liz Munroe presented her further submission to the Panel. Ms Munroe clarified that having discussed their support for the Forest and Bird submission point on NFL-P5 in the first instance with the members of NHMT she had been asked to confirm to the Panel that this was not the case. Rather Ms Munroe spoke to the support of mana whenua for the water storage project and considered that Policy NFL-P5 was future proofing for the project. The Panel noted that the submission by NHMT was not formally withdrawn.
- 5.4.23 Ms Munroe stated that Tamatea supported water storage and the RWSS, and that it had access to investment in it. She noted that the scheme did not fail for environmental concerns but rather the decision relating to crown owned land. She believed that decision was a major setback for the economic development of Māori. She was of the view that planning and policy needed to consider and facilitate post-settlement economic development of Māori and thought that Policy NFL-P5 helped to achieve this.
- 5.4.24 Ms Munroe responded to Forest and Bird's submission and believed that it did not outline why water storage was inconsistent with Te Mana o te Wai. She stated that Te Mana o te Wai was a matter for local definition, defined by local hapū. Furthermore, she was concerned at the prospect that environmental groups might be given more weight than hapū and their role as kaitiaki.
- 5.4.25 HBRC Principal Advisor Strategic Planner, Gavin Ide, presented planning evidence to the Panel. Mr Ide had heard the presentation of earlier submitters, including Forest and Bird's presentation. He was asked by the Panel about the Mākāroro River and its inclusion as an Outstanding Waterbody within Plan Change 7 of the Regional Resource Management Plan (RRMP). Mr Ide noted that the Mākāroro was not one of the waterbodies accepted under that plan change. He stated that 38 waterbodies were identified as outstanding but this had been reduced to 15. He agreed to provide further information to the Panel on this matter.

## 5.5 Post-Hearing Information

- 5.5.1 Forest & Bird provided a memorandum after the adjournment of Hearing Stream 1 that provided a written statement in response to the questions asked by the Panel. This memo was not at the direction of Minute 06. It responded to the question posed by the Panel around moving Policy NFL-P5. The memo stated that this would not address Forest and Birds submission. It also cautioned that the amendment of Policy of NFL-P5 to have broader application would go beyond the scope of any of the submissions on the PDP.
- 5.5.2 It also responded to the Panels question about specific provisions in the HBRP that the PDP must not be inconsistent with. The memo outlined provisions found in Chapter 5.9 "Tukituki River Catchment". It also noted the provisions that had been inserted into the HBRMP as a result of the NPS-FM that concern fish passage and the loss of river extent and values.
- 5.5.3 As requested, HBRC planner Gavin Ide provided supplementary information to the Panel. It provided information as to how the Mākāroro River is presented in the HBRMP. Of relevance are the following references:

RRMP section reference	Weblink & PDF page#	Additional notes
Policy LW2, Table 1(RPS)	RRMP Ch3, page 11 of 76	References high natural character values of the Waipawa River above confluence of the Mākāroro River, including the Mākāroro River.
Policy LW2, Table 1 (RPS)	(RPS) RRMP Ch 3, page 11 of 76	References water use for renewable electricity generation in the Tukituki (mainstem) and the Waipawa River above SH50 including the Mākāroro River

- 5.5.4 However, Mr Ide noted that the Mākāroro River was not identified by HBRC as an outstanding water body in the notified version of Plan Change 7. It is, however, the subject of an appeal by four iwi groups, including NKI.
- 5.5.5 In response to the sixth memorandum and direction of the hearings panel (dated 18 March 2022) Council's legal counsel, Asher Davidson, advised that, if the RWSS consents were to be exercised without amendment before their lapse date, then the PDP and Policy NFL-P5 would have no effect as no further decision-making would be required. However, Ms Davidson advised that, were some future decisions required, then Policy NFL-P5 could be applied in the following scenarios:

Type of amendment	Application of NFL-P5	RMA section relevant
To amend the conditions of the CHB land use consent	'Had regard to'	S104 and 127
Extension of the lapse period of the CHB land use consent	'Taken into account'	S125
More than minor alteration to the CHB designation	'Particular regard to'	S181 and potentially 168A
Extension of the lapse period of the CHB designation	N/A	S184 doesn't require consideration of plan provisions
New land use consent as at least a discretionary activity	'had regard to'	S104

- 5.5.6 Ms Davidson also noted that Policy NFL-P5 did not direct a particular outcome and that it would be one factor among all other relevant objectives and policies of the PDP, and other matters referenced in s 104 and s 168A for a decision maker to take into account.
- 5.5.7 Council's Legal Counsel also considered Forest and Birds legal submission and evidence presented to the Panel. Ms Davidson summarised this portion of her legal submission as follows: "In short, Royal Forest & Bird overplays the relevance of the NPS-FM in the context of the NFL chapter, and the extent to which NFL-P5 contradicts outcomes directed by that policy statement".
- 5.5.8 In her written right-of-reply, the reporting planner responded to the Panel's question regarding moving Policy NFL-P5 to the strategic vision of the PDP. Ms Macdonald was of the opinion that in doing so this would elevate its purpose and significance and that it would indicate that it was responding to a significant resource management issue for the district, which was not the intent of the Policy.
- 5.5.9 She also reiterated Forest and Bird's position that there was limited scope to move or broaden the policy given the submissions on Policy NFL-P5 either sought to retain the policy as notified or to delete it in its entirety.
- 5.5.10 Ms Macdonald concluded that Policy NFL-P5 in her view and based on the evidence presented to the Panel, should be retained as notified.

## 5.6 Evaluation and Findings

- 5.6.1 The Panel carefully considered the evidence and opinions provided through the hearing itself and subsequently in determining whether Policy NFL-P5 should be deleted or retained, with or without amendment. The Panel concludes that it recommends the deletion of the Policy (and consequentially deletion of the third to last sentence in the NFL – Principal Reasons) for the following reasons:
- a. The Panel considers that the Policy appears somewhat incongruous among the other policies relating to natural features and landscape, given:
    - its relative specificity, both in terms of its reference to 'water storage' and its reference to the Mākāroro Gorge; and
    - none of the other policies refer to social and economic significance of actual or potential land uses within identified ONFs.
  - b. It is unusual for a District Plan policy to reference to the regional significance of a particular land use.
  - c. The Panel considers that water storage is more appropriately addressed through regional level policies, particularly given it involves a range of resource consents required from the regional council.
  - d. Given there is a consented water storage scheme for the Mākāroro Gorge, the Panel questioned the necessity for this policy and placement in this section of the PDP.
  - e. There appeared to be an inherent contradiction in identifying the Gorge as an ONF while having a policy that recognised the Gorge's significance for water storage, a use that would necessitate a significant change to a large part of the Gorge. Again, this suggests that the specificity of the policy and its placement in this section may not be fitting.

5.6.2 The Panel does however, recognise that water storage, in general, is a significant resource management issue for the CHBD, and will be increasingly important due to the effects of climate change<sup>3</sup>. The Panel therefore considered whether the issue should more appropriately be addressed at a strategic district-wide level, with the Policy relocated to the Strategic Direction section of the PDP. However, the Panel accepted the advice of the Council's legal counsel and reporting planner that there was no scope to recommend such an amendment.

5.6.3 To this end, though, the Panel had regard to a submission from the HTST (S120.010, supported by further submissions from the Tukituki Water Security Project (FS1.1) and Water Holdings (FS29.1)) which sought to include a new Policy into the Rural Environment section of the Strategic Direction part of the PDP, as follows:

RLR-PX - Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.

5.6.4 As part of the Hearing on the Rural Environment (May 202), Stephen Daysh presented planning evidence on behalf of the Trust, in which he contended that this policy should be widened so that it applied more generally to the rural environment, given the importance of water to safeguarding the highly productive land capacity of the District. Mr Daysh recommended the wording of this new policy be amended to read:

RLR-PX - To provide for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.

5.6.5 As set out in the Panel Report on the hearing on the Rural Environment provisions of the PDP (Report 3A Key Issue 2), the Panel determined that it would be appropriate to include this policy into the Strategic Direction part of the PDP. In the opinion of the Panel, this Policy is the more effective means of ensuring the importance of water to maintaining the capacity of the District's highly productive land is appropriately taken into consideration if a resource consent application is made that affects the Mākārōro Gorge.

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<sup>3</sup> Refer to the planning evidence of Stephen Daysh for the Heretaunga Tamatea Settlement Trust, dated 31 May 2022, submitted to the hearing on the Rural Environment provisions of the PDP.

## 6 Key Issue 4 – Significant Amenity Features

### 6.1 Proposed Plan Provisions

6.1.1 This issue addresses the provisions relating to Significant Amenity Features in the PDP.

### 6.2 Submissions

- 6.2.1 In summary, DOC, Forest & Bird, HTST, and NHMT sought retention of objectives and policies relating to 'SAFs in the NFL Natural Features & Landscapes chapter of the PDP (Objective NFL-O2 and Policies NFL-P6, NFL-P7 & NFL-P8).
- 6.2.2 Conversely, Federated Farmers and Hort NZ sought deletion of any provisions identified and applied to 'SAFs in the PDP, altogether.
- 6.2.3 DOC (S64.069, S64.075, S64.076, S64.077) supported retention of Objective NFL-O2 and Policies NFL-P6, NFL-P7 & NFL-P8 as being appropriate policies with reference to section 6(a), (b) and (c) of the RMA and Policy 15 of the NZCPS, and Forest & Bird (FS9.352, FS9.358, FS9.359, FS9.360) had further submitted in support of all DOC submissions to the PDP.
- 6.2.4 HTST (FS13.037, FS13.038, FS13.039) and NHMT (FS5.083, FS5.084, FS5.085) further submitted in support of DOC submissions seeking retention of Policies NFL-P6, NFL-P7 and NFL-P8, as these policies were seen as recognising the natural features and landscapes of the district.
- 6.2.5 However, Federated Farmers (S121.036, S121.042, S121.043, S121.044) sought deletion of the above objectives and policies because it was of the view that SAFs were unnecessary to meet RMA obligations, in particular that they were not needed to meet section 6(c) nor section 7(c) of the Act. Federated Farmers was also concerned that SAFs as identified in the PDP occurred exclusively over farmland which could curtail rural activities.
- 6.2.6 Hort NZ (FS17.49) further submitted in support of Federated Farmers in relation to Objective NFL-O2 as they also did not support inclusion of SAFs and sought their deletion within the PDP. Forest & Bird (FS9.36, FS9.42, FS9.43, FS9.44) further submitted in opposition to all Federated Farmers submissions to the PDP.
- 6.2.7 Hort NZ (S81.074, S81.075, S81.076) also sought the deletion of Objective NFL-O2, Policy NFL-P6 and Policy NFL-P7, as 'Hort NZ did not support the inclusion of Significant Amenity Landscapes (SALs) within the Plan which don't meet the threshold of s6 ONFLs. The identified SALs cover significant areas of rural production and could prevent economic opportunities in the district, particularly if the classification impeded the development of water storage.
- 6.2.8 In response to their concern relating to water storage, Hort NZ submit that, if not deleted, Policy NFL-P7 should be amended to provide for water storage, as follows:

NFL-P7	To avoid, remedy or mitigate potential adverse effects of subdivision, use and development on the District's significant amenity features, including having regard to the following matters:
	1. any specified values and/or management issues identified for the particular amenity feature;
	2. the character or degree of modification, damage, loss or destruction that will result from the activity;
	3. the duration and frequency of the effect of the activity (for example long-term or recurring effects);
	4. the magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context);
	5. the cumulative effects (for example the loss of multiple features or values); and
	6. the need for, or purpose of, the works having regard to the underlying zoning, noting that many significant amenity features comprise working farms.
	<b>7. the importance of water storage to regional and district social and economic development.</b>

### 6.3 Reporting Planners' Recommendations

- 6.3.1 The reporting planner recommended that the submissions by DOC (S64.069, S64.075, S64.076 & S64.077) and Forest & Bird (S75.065) that sought that provisions NFL-O2, NFL-P6, NFL-P7, and NFL-P8 be retained, are accepted.
- 6.3.2 The reporting planner recommended that the submissions by Federated Farmers (S121.036, S121.042, S121.043 & S121.044) and Hort NZ (S81.074, S81.075, S81.076) that opposed the inclusion of SAFs be rejected.
- 6.3.3 The reporting planner considered that landscapes which contribute to amenity and the quality of the environment were given recognition under sections 7(c) and (f) of the RMA which required particular regard to 'the maintenance and enhancement of amenity values' and 'the maintenance and enhancement of the quality of the environment'. The reporting planner, Ms Macdonald, stated that such landscapes contributed both to the pleasantness, aesthetic coherence and cultural or recreational attributes of an area, as well as those which contribute to the function of ecosystems. Landscapes may also relate to specific values or associations for example sites of historic events or cultural meaning, or areas associated with particular recreational activities within rural areas. They may therefore include sites or locations that are important for local communities, but which are too modified to qualify for protection under section 6(b) of the Act.
- 6.3.4 Ms Macdonald also considered that if particular landscapes were sensitive to landscape change, under higher pressure, or of higher value to the local community, they should be identified in the PDP and spatially identified on the Planning Maps to provide a high level of certainty about their location and extent.
- 6.3.5 With regard to Hort NZ (S81.076) submission to amend policy NFL-P7 the reporting planner noted that SAF-1 Mākāraro River (being the stretch of river from the gorge down to the junction with the Waipawa River) is downstream of the dam and storage lake associated with the RWSS. However, despite the inclusion of similar Policy NFL-P5 in relation to ONF-4 Mākāraro Gorge (refer Key Issue 3), any future resource consents for water storage within SAF-1 would already require the considerations proposed by Hort NZ as part of the broader assessment of effects on the environment. This would include consideration under Policy NFL-P7(6) which required that regard be had to the need for, or purpose of, the proposed works. For this reason, she did not consider it necessary or appropriate to amend Policy NFL-P7 as sought by the submitter.

### 6.4 Evidence to the Hearing

- 6.4.1 Forest and Bird presented to the Hearings Panel and provided a tabled statement but neither of these addressed this particular issue.
- 6.4.2 Hort NZ provided written evidence to the hearings panel but did not address this issue.
- 6.4.3 Federated Farmers provided written evidence to the hearings panel. It did not agree with the section 42A report with regard to the reporting planner's statement that SAFs were distinguishable from other rural landscapes. Federated Farmers was of the opinion that the risks to the SAFs were no more than for the rest of the Rural Zone, and already managed according to the zone provisions.
- 6.4.4 In its evidence Federated Farmers also stated that a number of other Councils had removed SAFs or other similar landscape overlays from their District Plans. Federated Farmers submitted that the Councils considered that the inclusion of SAFs and overlays would be an unnecessary burden and cost to landowners.

- 6.4.5 Federated Farmers representative; Rhea Dasent presented to the Panel and summarised Federated Farmers submission and statement of evidence. Ms Dasent was of the view that, given SAFs had been assessed against the ONFL criteria and had not met that criteria, those SAFs should be deleted. Ms Dasent considered that there should not be a landscape category for almost meeting ONFL criteria.
- 6.4.6 Ms Dasent also considered that the regulatory burden on landowners with these overlays on their properties was unfair. Ms Dasent considered that compared to a rural landowner without a SAF on their property those landowners with such overlays would have a 'heavier' emphasis on amenity, and that Federated Farmers were particularly concerned with the enhancement provisions of Policy NFL-P8.

## 6.5 Post-Hearing Information

- 6.5.1 The sixth memorandum and direction of the hearings panel following hearing 1 was issued on 18 March 2022. No specific directions were instructed for this specific issue.
- 6.5.2 The reporting officer provided a written right-of-reply that addressed SAFs on 8 April 2022.
- 6.5.3 Ms Macdonald's right-of-reply stated that she has not changed her position on SAFs. She stated that Hastings District Plan identified eight SALs and that these had associated rules.
- 6.5.4 The reporting planner also expanded on the district plans identified in Federated Farmer's evidence that removed SAFs or other similar overlays. Ms Macdonald noted that Kaipara District Council's decision to remove 'visual amenity landscapes' was not a recent one. Furthermore, while the independent commissioners for the Proposed Waikato District Plan did also decide to remove 'significant amenity landscapes' in their entirety from that PDP, that Plan decision was now subject to appeals.
- 6.5.5 Finally, Ms Macdonald noted that the PDP was unlike the Proposed Waikato District Plan, in that there were no rules applying to the SAFs in Central Hawke's Bay. Given there were no rules associated with the SAFs, she was of the opinion that the potential costs to landowners would only eventuate when a resource consent was required, and so disagreed that this level of planning response imposed a level of cost on landowners that outweighed any benefit.

## 6.6 Evaluation and Decisions

- 6.6.1 We agree with the reporting planner to retain SAFs in the PDP.
- 6.6.2 As stated in Mr Hudson's<sup>4</sup> report
- 'Eleven significant amenity features have been identified throughout Central Hawke's Bay District. Of these eleven, eight relate to river or stream corridors which flow away from the Ruahine Range in the western extent of the district'.
- 6.6.3 In the evidence provided at the Hearing, Mr Hudson noted that there were limited constraints on land-use in a regulatory sense that is proposed to be imposed on SAFs, and that the SAFs are there to recognise that these areas do exhibit a characteristic unique to the district and that contribute to its character.

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<sup>4</sup> Central Hawke's Bay District Landscape Assessment, John Hudson, 2019

- 6.6.4 The Panel agrees with Mr Hudson's evidence and note that there are no additional regulatory controls associated with SAFs. SAFs only become a relevant assessment matter that will be triggered with a resource consent, and the effect on these landscapes becomes a relevant consideration.
- 6.6.5 In terms of Policy NFL-P7 we agree with the reporting planner that it is not necessary or appropriate to amend it as sought by Hort NZ. We are of the view that reference to water storage is out of context with policies that address the District's landscape values on a broad basis. We therefore recommend rejecting the relief sought by Hort NZ for the same reasons as for our recommendation to delete NFL-P5 (see paragraphs 5.6.1 – 5.6.5).



## 7 Key Issue 5 – Remaining Landscape Objectives and Policies

### 7.1 Proposed Plan Provisions

- 7.1.1 This key issue addresses the remainder of objectives and policies from the Natural Landscapes and Features chapter of the PDP that have not been previously addressed.

### 7.2 Submissions

- 7.2.1 Forest & Bird and Federated Farmers submitted submissions seeking amendments under this Key Issue 5. Forest & Bird sought amendments to Objective NFL-O1, Policy NFL-P2, and Policy NFL-P4. Federated Farmers sought amendments to Policies NFL-P1, NFL-P2, NFL-P3 & NFL-P4, to incorporate references to existing land uses and farming.
- 7.2.2 The remaining submissions supported retention of provisions as notified.

#### Objective NFL-O1

- 7.2.3 Transpower (S79.068) supported the retention of the term inappropriate within Objective NFL-O1 as “consistent with Section 6(b) of the RMA and recognises that not all development is to be avoided, rather the emphasis is on that which is inappropriate”. Forest & Bird further submitted in opposition to all Transpower submissions on the ‘Natural Environment Values’ section of the PDP (FS9.423).
- 7.2.4 Similarly, DOC (S64.068) and Federated Farmers (S121.035) also supported retention of Objective NFL-O1 as being consistent with section 6(b). Forest & Bird further submitted in support of all DOC submissions to the PDP (FS9.351), but in opposition to all Federated Farmers submissions to the PDP (FS9.35).
- 7.2.5 Forest & Bird (S75.060) sought the following amendment ‘to ensure all outstanding features are protected, not just those deemed ‘important’’:

NFL-O1 Outstanding natural features and landscapes ~~that are important to the identity of the District~~ are retained and protected from inappropriate subdivision, use and development.

#### Policies in General

- 7.2.6 Transpower (S79.069) sought to retain the policies in the NFL – Natural Features & Landscapes chapter of the PDP, subject to the granting of relief sought in the Network Utilities chapter.
- 7.2.7 Forest & Bird (FS9.424) further submitted in opposition to all Transpower submissions on the ‘Natural Environment Values’ section of the PDP, concerned that ‘a number of amendments sought go beyond the NPS-ET and would result in the loss and degradation of indigenous biodiversity, and fail to give effect to the NZCPS AND NPS-FM’.

#### Policy NFL-P1

- 7.2.8 Federated Farmers (S121.037) supported Policy NFL-P1 with respect to the identification of ONFs and ONLs, using criteria, but sought amendment to also refer to the mapping and schedule.
- 7.2.9 Federated Farmers sought the following amendment in this regard:

NFL-P1 To identify the District's outstanding natural features and landscapes having regard to the following criteria:  
1. natural science factors such as geology, biology, ecology and hydrology, including its rarity and variability;

2. perceptual factors, including legibility/expressiveness (such as how obviously the landscape demonstrates the formative processes leading to it), transient values (including the occasional presence of wildlife or other values at certain times of the day or year) and aesthetic values (including memorability and naturalness); and
3. associational factors, including historical associations, value to tangata whenua, and whether the values are shared and recognised.

**ONFLs will be mapped and listed in Schedule 6, along with their identified values.**

- 7.2.10 Forest & Bird (FS9.37) opposed the amendment sought on the basis that 'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA'.
- 7.2.11 DOC (S64.070) supported retention of Policy NFL-P1 as notified, on the basis that the policy is consistent with section 6 of the RMA and the NZCPS. HTST (FS13.032) and Forest & Bird (FS9.353) also further submitted in support of DOC.

#### Policy NFL-P2

- 7.2.12 Federated Farmers (S121.038) supported Policy NFL-P2 as an enabling policy in that 'people and communities must be enabled to carry out activities that provide for their health and safety, economic, social and cultural wellbeing's'. However, Federated Farmers considered that the PDP should also recognise that existing farming and rural land uses are appropriate and consistent with ONFL values, and that their continuation should be provided for without undue restriction.
- 7.2.13 Federated Farmers therefore sought the following amendment in this regard:

NFL-P2 To allow activities within the District's outstanding natural features and landscapes where they are for existing land uses **such as farming**, for conservation purposes and customary activities.

- 7.2.14 Forest & Bird (S75.061, FS9.37) submitted that Policy NFL-P2 should provide clarity as to what constitutes an 'existing land use', and further submitted opposing the amendment sought by Federated Farmers on the basis that 'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA'.
- 7.2.15 DOC (S64.071) supported retention of Policy NFL-P2 as notified, on the basis that the policy is consistent with section 6 of the RMA and the NZCPS. HTST (FS13.032) and Forest & Bird (FS9.353) also further submitted in support of DOC.

#### Policy NFL-P3

- 7.2.16 Federated Farmers (S121.039) noted that the Ruahine Range is the only ONL within the district and it is not near the coast. The submitter considered the policy should be amended 'to recognise and provide for some appropriate activities to be consistent with Policy NFL-P2'.
- 7.2.17 Federated Farmers sought the following amendments in this regard:

NFL-P3 To protect the District's outstanding natural features and landscapes by:

1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural landscape in the coastal environment;
2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of **all other** outstanding natural landscapes or features, **having regard to existing land uses and underlying zoning**;
3. **recognising and providing for ensuring the erection of** structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes **will be appropriate and will, do** not compromise the values present; and recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.

4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.

- 7.2.18 Forest & Bird (S75.062, FS9.39) supported 'the explicit avoid policy in (1) as consistent with NZCPS [Policy]P11. The submitter was neutral with respect to the remainder of the policy', and opposed the amendment sought by Federated Farmers on the basis that 'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA'.
- 7.2.19 NHMT (FS5.070) also opposed the amendment sought by Federated Farmers on the basis that the proposed changes did not give effect to the NZCPS. The submitter considered that these areas and landscapes have high values and require careful management not supported by the Federated Farmers amendment.
- 7.2.20 DOC (S64.072) supported retention of Policy NFL-P3 as notified, on the basis that the policy is consistent with section 6 of the RMA and the NZCPS. Forest & Bird (FS9.355) and HTST (FS13.034) also further submitted in support of DOC.

#### Policy NFL-P4

- 7.2.21 Federated Farmers (S121.040) considered Policy NFL-P4 needed to include existing land uses when considering whether buildings were appropriate in an ONF or ONL location. The submitter did so on the basis that agricultural land uses contribute positively to their amenity and that farmers must be able to continue building farm structures and buildings where farmland is overlain with an ONFL.
- 7.2.22 Federated Farmers sought the following amendments in this regard:

NFL-P4	To require that buildings, structures or earthworks locating within the District's outstanding natural landscapes or features <del>avoid adverse visual effects in the coastal environment, and</del> avoid, remedy or mitigate adverse visual effects in <del>all other</del> outstanding natural landscapes or features by: <ol style="list-style-type: none"> <li>1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location <u>and consistent with existing land uses such as farming</u>;</li> <li>2. integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials;</li> <li>3. limiting the prominence or visibility of built form, including by integrating it into the outstanding natural landscape or feature; and</li> <li>4. restoring or reinstating the site following earthworks.</li> </ol>
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- 7.2.23 Forest & Bird (S75.063, FS9.40) also sought amendment to Policy NFL-P4 to clarify that it should be read in conjunction with other policies which may prevent the construction of a building in the coastal environment e.g. to meet the requirements of Policy 11 of the NZCPS, as 'it is not clear when buildings will or will not be allowed in the coastal environment or in an ONFL', and opposed the amendment sought by Federated Farmers on the basis that 'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA'.
- 7.2.24 DOC (S64.073) supported retention of Policy NFL-P4 as notified, on the basis that the policy is consistent with section 6 of the RMA and the NZCPS. Forest & Bird (FS9.356) and HTST (FS13.035) also further submitted in support of DOC.

### 7.3 Reporting Planners' Recommendations

#### Objective NFL-O1

- 7.3.1 The reporting planner recommended accepting Forest & Bird's submission (\$75.060) on the basis that that all outstanding features are to be protected and not just those deemed important. However, she considered that part of the objective to be unnecessary in any case, as the importance of the ONL/ONF had already been established by virtue of being deemed 'outstanding', and therefore considered that part could be deleted without altering the intent or effect of the objective.
- 7.3.2 The reporting planner recommended that the following amendment to Objective NFL-O1 be made:

NFL-O1 Outstanding natural features and landscapes ~~that are important to the identity of the District~~ are retained and protected from inappropriate subdivision, use and development.

- 7.3.3 The reporting planner recommended accepting in part the submissions made by Transpower (\$79.068), DOC (\$64.068), and Federated Farmers (\$121.035). These submitters sought that Objective NFL-O1 be retained however as a result of Forest and Bird's submission above, it was recommended to be amended.

#### Policies in General

- 7.3.4 The reporting planner recommended that the Transpower submission (\$79.069) while supportive of the policies in the NFL – Natural Features & Landscapes chapter as notified (subject to the granting of relief sought elsewhere in their submission) is accepted only in part. Whilst there were no further submissions directly relating to this submission point, amendments were recommended in response to other submissions on specific provisions within this chapter.

#### Policy NFL-P1

- 7.3.5 The reporting planner recommended accepting Federated Farmers submission (\$121.037) to include a reference to the ONFs and ONLs being mapped and listed in the PDP, as including this text would clarify that the PDP approach is to map and list such features and landscapes.
- 7.3.6 The reporting officer recommended the following amendment:

NFL-P1 To identify the District's outstanding natural features and landscapes having regard to the following criteria:

1. natural science factors such as geology, biology, ecology and hydrology, including its rarity and variability;
2. perceptual factors, including legibility/expressiveness (such as how obviously the landscape demonstrates the formative processes leading to it), transient values (including the occasional presence of wildlife or other values at certain times of the day or year) and aesthetic values (including memorability and naturalness); and
3. associational factors, including historical associations, value to tangata whenua, and whether the values are shared and recognised.

**ONFs and ONLs are mapped and are listed in NFL-SCHED6, along with a summary of their identified values.**

- 7.3.7 As a result, the reporting planner recommended that DOC's submission (64.070) that sought to retain Policy NFL-P1 be accepted in part as a result of the recommended amendment above.

#### Policy NFL-P2

- 7.3.8 The reporting planner recommended accepting in part Federated Farmers submission (\$121.038) to reference farming as an existing land use as this would reflect the underlying existing land use in most cases for the identified ONFs in the District. However, in Ms Macdonald's view, was this should

be limited to only those existing land uses where the identified characteristics and values contained in the schedule in the PDP (NFL-SCHED6) are maintained.

- 7.3.9 The reporting planner recommended the following amendment to Policy NFL-P2:

NFL-P2 To allow activities within the District's outstanding natural features and landscapes where they are for existing land uses **such as farming, where they maintain the identified characteristics and values in NFL-SCHED6, and** for conservation purposes and customary activities.

- 7.3.10 This amendment would partially address Forest and Bird's submission (\$75.061) in relation to clarifying what is an existing land use. This submission was therefore recommended to be accepted in part by the reporting planner.
- 7.3.11 The reporting planner also recommended accepting DOC's submission (\$64.071) in part as the submission sought to retain the policy as is but due to the other submissions amendments were recommended.

#### Policy NFL-P3

- 7.3.12 The reporting planner recommended that Federated Farmers submission (\$121.039) that sought amendments and/or deletions to clauses 1, 2, and 3 of the policy be rejected.
- 7.3.13 Clause 1 of the policy is largely responding to Policy 15(a) of the NZCPS, which Forest & Bird supports. As there are no ONLs in the coastal environment in the District, Federated Farmers submitted that this clause should be deleted. NHMT and Forest & Bird both disagreed. The reporting planner agreed with the further submitters that these areas and landscapes within the coastal environment have high values and require careful management.
- 7.3.14 In respect of Clause 2 of the policy, the requirement in section 6(b) of the RMA is to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development which, in Ms Macdonald's view, indicated a presumption that such features and landscapes would be retained largely in their current state. However, the reporting planner considered their 'current state' as occurring within the context of existing land uses and underlying zoning. In Ms Macdonald's view, having regard to existing land use and underlying zoning is part of considering what is 'inappropriate', and underlying zoning might in fact enable buildings that would be inappropriate.
- 7.3.15 In respect of Clause 3 of the policy, the reporting planner did not consider that the amendment sought by Federated Farmers was appropriate as it places the emphasis from protecting the ONFs and ONLs from structures, earthworks etc that could compromise the values present, to broadly assuming that all such activities within ONFs and ONLS will be appropriate and will not compromise the values present.
- 7.3.16 The reporting planner, as a result, recommended accepting the submissions by DOC (\$64.072) and Forest and Bird (\$75.062) that sought to retain the whole policy and Clause 1, respectively. However, she did recommend the following correction in recognition that there are no ONL's in the coastal environment:

NFL-P3 To protect the District's outstanding natural features and landscapes by:

1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural **features-landscape** in the coastal environment;
2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of all other outstanding natural landscapes or features;
3. ensuring the erection of structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes do not compromise

- the values present; and recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.
4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.

#### Policy NFL-P4

- 7.3.17 The reporting planner recommended accepting DOC's submission (\$64.073) to retain Policy NFL-P4 and recommended that Federated Farmers (\$121.040) and Forest and Birds (\$75.063) submissions that sought amendment be rejected.
- 7.3.18 With regard to Federated Farmers submission, the reporting planner, Ms Macdonald, stated that the 'avoid' versus 'avoid, remedy, or mitigate' aspects of the policy reflected the different emphasis on outstanding natural features and landscapes in the coastal environment evident in Policy 15 of the NZCPS, and considered that this differentiation should remain.
- 7.3.19 The reporting officer did not support Federated Farmers proposed additional wording for clause 1, stating the policy does not currently apply an 'appropriateness' lens to the land use activity, rather it considers the 'appropriateness' of the scale, design and materials in the location concerned.
- 7.3.20 The reporting planner recommended that Forest and Bird's submission be rejected due to uncertainty as to the specific amendments sought. Ms Macdonald noted that this policy should be read in conjunction with other policies which may prevent construction of a building in the coastal environment. It is standard practice for any single policy in the PDP to be read in conjunction with other relevant policies.

## 7.4 Evidence to the Hearing

- 7.4.1 Three submitters provided written statements or evidence to the Hearings Panel. Of those three, two presented at the Hearings.

#### Objective NFL-O1

- 7.4.2 Transpower provided a written statement to the Hearings Panel. It accepted the section 42A recommendation provided that it did not undermine Objective NFL-O1 as notified.

#### Policies

- 7.4.3 Transpower provided a written statement to the Panel. It reserved its position on the recommendation provided the submission point \$79.069 will be addressed at subsequent hearings.

#### Policy NFL-P2

- 7.4.4 Forest & Bird tabled a written statement to the Panel. It was not opposed to the suggested wording in the section 42A report but still sought clarification with respect to the criteria for "existing" land use; including when the assessment would be applied i.e., whether that is the operative date of the Plan whether or a lawfully established activity.
- 7.4.5 Federated Farmers submitted written evidence to the Panel. It supported the reporting planners recommended amendment to Policy NFL-P2.

## 7.5 Post-Hearing Information

- 7.5.1 Forest & Bird provided a memorandum after the adjournment of hearing stream 1 that provided a written statement in response to the questions asked by the Panel. This memo was not at the direction of Minute 06. It clarified Forest & Bird's opposition to Transpower and Federated Farmers. Forest and Birds broad submission in opposition to Federated Farmers was intended to enable Forest and Bird to continue to participate in the plan development process should provisions change as its interests often overlapped with and contradicted Federated Farmers.
- 7.5.2 The sixth memorandum and direction of the hearings panel following hearing 1 was issued on 18 March 2022. No specific directions were given for this specific issue.
- 7.5.3 The reporting planner provided a written right of reply that addressed Policy NFL-P2 on 8 April 2022.
- 7.5.4 The reporting planner did not consider that there was further benefit in qualifying the word 'existing' and stated that in her view the word 'existing' in this context would be taken to have its ordinary meaning as being in place at the time the provision comes to be applied.
- 7.5.5 Ms Macdonald however did agree with the alternative structure of Policy NFL-P2 suggested in Forest and Birds tabled statement to the Hearings Panel, and recommended Policy NFL-P2 be amended as follows:

NFL-P2 To allow activities within the District's outstanding natural features and landscapes where they are for:

(1) existing land uses **such as farming**,

(2) ~~for~~ conservation purposes, and

(3) customary activities; **and**

**provided the activities maintain or enhance the identified characteristics and values in NFLSCHED6.**

- 7.5.6 As a result, Federated Farmers submission S121.038 continued to be accepted in part, and the submissions of Forest & Bird (S75.061, FS9.38) also remain accepted in part, on this basis.

## 7.6 Evaluation and Decisions

### Objective NFL-O1

- 7.6.1 The Panel agrees with the reporting planner's recommendation to accept Forest & Bird's proposed amendment to Objective NFL-O1 to delete that part of the objective that states 'that are important to the identity of the District' on the basis that all outstanding features are to be protected, not just those deemed 'important'.
- 7.6.2 The Panel agrees that the importance of the ONL/ONF has already been established by virtue of being deemed 'outstanding', and therefore considers that part can be deleted without altering the intent or effect of the objective.

### Policies

- 7.6.3 The Panel notes for completeness that some but not all of Transpower's submissions in the Network Utility hearing were accepted. The Panel therefore agrees with the reporting planner that Transpower's submission should be accepted in part.



## Policy NFL-P1

- 7.6.4 The Panel disagrees with the reporting planner's recommendation to accept Federated Farmers proposed amendment to include a reference to the ONFs and ONLs being mapped and listed in the PDP. The Panel is of the view that this is too specific for a policy and would be more appropriate as a method and is addressed by NFL-M1.

## Policy NFL-P2

- 7.6.5 The Panel accepts the reporting planner's recommendation from her right of reply dated 8 April 2022<sup>5</sup>, in part. However, the Panel does not agree with Federated Farmers S121.038 that existing farming land uses need to be recognised as part of this policy as existing farming land uses will already be covered by 'existing land uses'. The Panel agrees with the reporting planner's recommendation to include the reference to schedule NFL-SCHED6.
- 7.6.6 The Panel recommends that NFL-P2 be amended as follows (with a minor amendment to clause 2):

'NFL-P2 To allow activities within the District's outstanding natural features and landscapes where they are for:

- (1) existing land uses,
- (2) for conservation purposes, and
- (3) customary activities; **and**

**provided the activities maintain or enhance the identified characteristics and values in NFLSCHED6.**

## Policy NFL-P3

- 7.6.7 The Panel agrees with the reporting planner to correct Policy NFL-P3 and that the policy should refer to 'outstanding natural features' given that several ONFs (but no ONLs) have been identified in the coastal environment within the Central Hawke's Bay District.

## Policy NFL-P4

- 7.6.8 The Panel agrees with the reporting planner's recommendation to reject Federated Farmers submission (S121.040) that sought to remove the word avoid in relation to the coastal environment because that would make the Policy inconsistent with the NZCPS.
- 7.6.9 The Panel accepts in part Federated Farmers submission (S121.040) that sought to acknowledge existing land-uses; however, the Panel accepts only in part as it rejects including the words 'such as farming' which the Panel considers too specific a reference to utilise.
- 7.6.10 The Panel recommends the following amendments to Policy NFL-P4, that includes deleting reference to landscapes in relation to the coastal environment given there are no ONL in the coastal environment:

NFL-P4 To require that buildings, structures or earthworks locating within the District's outstanding natural landscapes or features avoid adverse visual effects in the coastal environment, and avoid, remedy or mitigate adverse visual effects in all other outstanding natural landscapes or features by:

1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location **and consistent with existing land uses**;
2. integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials;
3. limiting the prominence or visibility of built form, including by integrating it into the outstanding natural landscape or feature; and

<sup>5</sup> Council Reply on 'Natural Features and Landscapes' and 'Coastal Environment' Topics – Hearing Stream 1 – Rowena Clare Macdonald



4. restoring or reinstating the site following earthworks.

- 7.6.11 Given the above amendment of NFL-P4 DOC's submission S64.073 to retain Policy NFL-P4 becomes accepted in part and the reporting planner's recommendation to reject Forest and Birds submission S75.063 remains unchanged.

## 8 Key Issue 6 – Landscape Rules

### 8.1 Proposed Plan Provisions

- 8.1.1 This key issue addresses Rule NFL-R1 and the general support of the NFL-Rules section by network utility operators.

### 8.2 Submissions

- 8.2.1 In summary, a number of network utility operators support retention of the NFL-Rules section in the NFL – Natural Features and Landscapes chapter of the PDP as notified, particularly the note stating that the rules in this chapter do not apply to network utilities.
- 8.2.2 The remaining submissions (and associated further submissions) in this Key Issue relate to the one rule contained within this chapter: Rule NFL-R1. Federated Farmers sought to amend Rule NFL-R1 to be more permissive, in permitting all farm buildings. Conversely, DOC and Forest & Bird sought to make the rule more restrictive – DOC sought to alter the activity status from 'Permitted' to 'Restricted Discretionary' in the first instance, and Forest & Bird requested that the rule be amended to only provide for alterations to existing buildings as 'Permitted'.

#### Network Utilities and NFL-Rules

- 8.2.3 Chorus (S117.057), Spark (S118.057) and Vodafone (S119.057) all supported the rules section, including notes, in the NFL – Natural Features & Landscapes chapter of the PDP as notified – stating that the notes were appropriate and should be retained. Similarly, Transpower (S79.070) supported the clarification provided the note that the rules in this chapter did not apply to network utilities, on the basis that 'such clarification assists with plan interpretation and application'.
- 8.2.4 Forest & Bird (FS9.425, FS9.485) opposed Transpower and Chorus submissions because 'some of the amendments sought go beyond the NPSET', 'would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA'.

#### Rule NFL-R1

- 8.2.5 Federated Farmers (S121.045 & S121.046) sought amendments to Rule NFL-R1 to provide for buildings associated with an existing farm land use on all ONL/ONFs as a 'Permitted Activity' with no conditions (i.e. no floor area or height limits applying beyond limits in the underlying zone).

## 8.2.6 The amendments sought are as follows:

NFL-R1 New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6		
All ONL/ONFs (except ONF-5, ONF-7, ONF-9 & ONF-10)	<b>1. Activity Status: PER:</b>  Where the following conditions are met: a. <del>Gross floor area of the building or alteration is less than 25m<sup>2</sup></del> <u>The building is for an existing farm landuse, or,</u> b. <del>Gross floor area of the building or alteration is less than 25m<sup>2</sup> and maximum</del> height of any building is less than 3m.	<b>2. Activity status where compliance with condition NFL-R1(1)(a) is not achieved and where the gross floor area of the building or alteration is less than 50m<sup>2</sup>: RDIS</b>  <b>Matters over which discretion is restricted:</b> a. NFL-AM1. b. NFL-AM2.
		<b>3. Activity status where compliance with condition NFL-R1(1)(b) is not achieved or the gross floor area of the building or alteration exceeds 50m<sup>2</sup>: NC</b>
ONF-5 (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)  ONF-7 (Kairakau)  ONF-9 (Parimahu)  ONF-10 (Porangahau Foredune)	<b>4. Activity Status: PER:</b>  Where the following conditions are met: a. <del>Gross floor area of the building or alteration is less than 25m<sup>2</sup></del> <u>The building is for an existing farm landuse, or,</u> b. <del>Gross floor area of the building or alteration is less than 25m<sup>2</sup> and maximum</del> height of any building is less than 3m.	<b>5. Activity status where compliance not achieved: NC</b>

- 8.2.7 Forest & Bird (FS9.45 & FS9.46) and Kāinga Ora (FS23.36) both opposed Federated Farmers submission to amend the rule. Forest & Bird opposed all Federated Farmers submissions to the PDP on the basis that 'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA'. Kāinga Ora opposed the proposed amendment 'to the extent it is inconsistent with its primary submission'.
- 8.2.8 DOC (S64.078) submitted that the activity status in Rule NFL-R1 should be amended from 'Permitted' to 'Restricted Discretionary' on the basis that a '25 square metre building with a height of three metres may potentially have a significant impact upon ONFL'. Forest & Bird (FS9.361) supported amendments sought by DOC to the PDP 'other than where the decision sought is inconsistent with Forest & Birds original submission as they would improve protection and maintenance of indigenous biodiversity'. Kāinga Ora (FS23.32) opposed the proposed amendment in part 'to the extent it is inconsistent with its primary submission'.
- 8.2.9 Federated Farmers (FS25.71) opposed the proposed amendment to 'Restricted Discretionary' activity status '...because permitted status is appropriate. There will be buildings that are consistent with the scheduled landscape and do not adversely affect identified values, such as farm buildings on primary production land. It is overly onerous to require farmers to obtain Restricted Discretionary consent for a farm building on land that is actively used for farming'.
- 8.2.10 Forest & Bird (S75.066) considered these rules to be extremely permissive and suggested it would be more appropriate to allow only alteration to existing buildings within ONFLs as a permitted

activity, provided there was no change in floor area or height' and therefore sought the following amendments to Rule NFL-R1:

NFL-R1 New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6		
All ONL/ONFs (except ONF-5, ONF-7, ONF-9 & ONF-10)	<b>1. Activity Status: PER:</b>  <u>The activity is an alteration to an existing building, where the following conditions are met:</u> a. Gross floor area of the building <u>including any</u> alteration / <u>extension</u> is less than 25m <sup>2</sup> . b. Maximum height of <u>any</u> building, <u>including any alteration/extension</u> , is less than 3m.	<b>2. Activity status where compliance with condition NFL-R1(1)(a) is not achieved and where the gross floor area of the building or alteration is less than 50m<sup>2</sup>: RDIS</b>  <b>Matters over which discretion is restricted:</b> a. NFL-AM1. b. NFL-AM2.
		<b>3. Activity status where compliance with condition NFL-R1(1)(b) is not achieved or the gross floor area of the building or alteration exceeds 50m<sup>2</sup>: NC</b>
ONF-5 (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)  ONF-7 (Kairakau)  ONF-9 (Parimahu)  ONF-10 (Porangahau Foredune)	<b>4. Activity Status: PER:</b>  <u>The activity is an alteration to an existing building, where the following conditions are met:</u> a. Gross floor area of the building <u>including any</u> alteration / <u>extension</u> is less than 25m <sup>2</sup> . b. Maximum height of <u>any</u> building, <u>including any alteration/extension</u> , is less than 3m.	<b>5. Activity status where compliance not achieved: NC</b>

8.2.11 The amendments were opposed by Federated Farmers (FS25.72) because 'there will be new buildings where permitted status is appropriate, where the building is consistent with the scheduled landscape and does not adversely affect identified values, such as farm buildings on primary production land'.

### 8.3 Reporting Planners' Recommendations

#### Network Utilities and NFL-Rules

8.3.1 The reporting planner recommended accepting the submissions of Chorus (\$117.057), Spark (\$118.057), Vodafone (\$119.057), and Transpower (\$79.070). Ms Macdonald stated that she considered the clarification in the note at the start of the rules section that the rules in this chapter did not apply to network utilities was appropriate and assisted plan interpretation, and therefore should remain as sought by these submissions.

#### Rule NFL-R1

8.3.2 The reporting planner did not support the submissions of Federated Farmers (\$121.045 and \$121.046), in which it sought that Rule NFL-R1 be amended to permit any building within an ONL/ONF where it is for an existing farm land use as a 'Permitted Activity'.

8.3.3 The reporting planner considered the amendments sought by Federated Farmers would effectively give a 'green light' to any and all buildings associated with an existing farm land use, on any and all

ONL/ONFs, and without any limitations applying, other than would apply under the underlying zone rules. The reporting officer therefore considered that this would not protect such features from inappropriate development, and would not meet the obligations of section 6(b) of the RMA.

- 8.3.4 The reporting planner also recommended that the submissions of DOC (\$64.078) and Forest and Bird (\$75.066) be rejected. The building size and height thresholds in Rule NFL-R1 have been developed in consultation with Council's landscape expert. The thresholds applied were set to ensure capture of buildings and structures at a scale below which the effects of the structure were able to be tolerated within the landscape (i.e., up to 25m<sup>2</sup> and up to 3m in height), and above which scrutiny through a resource consenting process was warranted. In Ms Macdonald's view, it was appropriate to apply these thresholds to all buildings and structures, new and existing, not just to alterations to existing ones. For these reasons, the reporting planner did not support the amendments sought by DOC or Forest & Bird.

## 8.4 Evidence to the Hearing

### Network Utilities and NFL-Rules

- 8.4.1 Chorus, Spark and Vodafone submitted a written statement to the Panel. They stated that the retention of the notes to the NFL rules and the provided reasoning is accepted.
- 8.4.2 Transpower also provided a written statement to the Hearings Panel. They stated that they support the recommendation to retain the note to the NFL rules.

## 8.5 Post-Hearing Information

- 8.5.1 The sixth memorandum and direction of the hearings panel following hearing 1 was issued on 18 March 2022. No specific directions were instructed for this specific issue.
- 8.5.2 The reporting officer provided a written right of reply on 8 April 2022. This issue was not addressed.

## 8.6 Evaluation and Decisions

### Network Utilities and NFL-Rules

- 8.6.1 Given the recommendations of the reporting planner have been accepted by the submitters, the Panel supports the recommendation to provide clarification about network utilities.

### Rule NFL-R1

- 8.6.2 The Panel agrees with the reporting planner to retain rule NFL-R1 without any amendment.
- 8.6.3 The Panel agrees that the thresholds in Rule NFL-R1 have been set at a reasonable and appropriate level informed by Council's landscape expert, which also applies a differential between ONL/ONFs depending on their sensitivity to constructed elements. The Panel notes no contrary expert evidence was provided on this matter.
- 8.6.4 The Panel also notes that the rule does not capture multiple buildings over one site or one landscape /feature. However, the Panel considers at this point in time this is a low risk and due to insufficient evidence supplied does not have scope to provide any recommendations on the matter.

## 9 Key Issue 7 – Schedule of Outstanding Natural Features and Landscapes, and Significant Amenity Features (NFL-SCHED6)

### 9.1 Proposed Plan Provisions

9.1.1 This key issue addresses the schedule of ONFLs, and SAFs (NFL-SCHED6).

### 9.2 Submissions

9.2.1 In summary, Forest & Bird (with further submission in support from NHMT) sought retention of all the natural features and landscapes listed in Schedule NFL-SCHED6 in the PDP.

9.2.2 The remaining five submissions sought changes to or removal of various ONFs or SAFs and associated mapping overlays applying to specific properties. Federated Farmers supported any adjustments in response to landowner submissions in this regard, and also sought that NFL-SCHED6 incorporate information with respect to the existing land uses occurring on each ONL/ONF, and that mapping of ONF-4 and ONL-1 be restricted to Crown land only.

#### NFL-SCHED6

9.2.3 The submission of Forest & Bird (S75.067) and further submission in support from NHMT (FS5.086) to retain all the natural features and landscapes listed in NFL-SCHED6 is in support – no further analysis is required.

9.2.4 Federated Farmers (S121.047) submitted that the Council should carefully consider the submissions of individual landowners regarding ONFLs identified on their properties given the knowledge of their land.

9.2.5 Federated Farmers also submitted that the descriptions within NFL-SCHED6 should state what land uses are currently occurring within each individual ONF/ONL to determine whether or not a proposed activity is appropriate and consistent with existing land uses and ONFL values.

9.2.6 Federated Farmers also considered the mapping of ONF-4 Mākārora Gorge and ONL-1 Ruahine Ranges “need to be restricted to Crown land and not take in any private property”.

9.2.7 Forest & Bird (FS9.47) opposed all Federated Farmers submissions to the PDP on the basis that ‘the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPS-FM or would not achieve the purpose of the RMA’.

#### ONF-5 (Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako)

9.2.8 Mr Will Foley (S109.001) sought that the area identified on the Planning Maps as ONF-5 Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako, be reduced to just that area known as ‘The Three Sisters’.

9.2.9 NHMT (FS5.096) further submitted in opposition to this, and submitted that the areas should be retained as currently mapped.

**ONF-7 (Kairakau Coastline)**

- 9.2.10 Mr & Mrs C & T Zant (\$99.002) sought removal of ONF-7 Kairakau Coastline over their freehold land. In brief, their concern appeared to be the impact of District Plan overlays would have on their private property rights, with implications for the ability of landowners to personally manage and develop their land. Mr & Mrs Zant were also concerned about subsequent and incremental removal of further property rights over time.

**ONF-8 (Pourērere, Aramoana and Blackhead Coastline)**

- 9.2.11 David Bishop (\$54.002) sought an amendment to correct the description for ONF-8 Pourērere, Aramoana and Blackhead Coastline. The submitter noted that the mapping of ONF-8 commences from roughly mid-way between Mangakuri Beach and Paoanui Point rather than the description currently within the PDP which reads 'from approximately Paoanui Point to Blackhead point'.

**SAF-6 (Tangarewai Stream)**

- 9.2.12 Lance de Malmanche (\$40.002) sought deletion of SAF's 'because they are unnecessary to meet RMA obligations'. Mr de Malmanche believed that his farming activities would be constantly tested against SAFs which are not required under the RMA. The submitter also stated that the fences identified were also not in the right place.

**SAF-9 (Te Aute Limestone Crest)**

- 9.2.13 Riddell Family Trust Farm (\$51.002) noted that SAF-9 Te Aute Limestone Crest lies over the part of its property where it carries out most of their stock management, with yards, sheds and buildings. The Trust considered the cliffs would always be there and its farming practices were in this area. The submitter also appeared to query where the boundaries of this SAF were.

### 9.3 Reporting Planners' Recommendations

**NFL-SCHED6**

- 9.3.1 The reporting planner recommended accepting Forest & Bird's submission (\$75.067) to retain all of the natural features and landscapes listed in NFL-SCHED6. Ms Macdonald noted that the PDP has adopted the results of the landscape assessment carried out by Council's landscape expert, including the incorporation of those areas identified as ONFs, ONL's, and SAF's on the planning maps, and development of an accompanying 'Schedule of ONFLs, and SAFs (Schedule NFL-SCHED6).
- 9.3.2 The reporting planner recommended that the Federated Farmers' submission (\$121.047) be rejected. Ms Macdonald did not agree that the descriptions within Schedule NFL-SCHED6 need to state what land uses were currently occurring within each individual ONF/ONL, as she considered the purpose of the schedule was to describe the features and identify and summarised their landscape values, and was formatted in keeping with the National Planning Standards (clauses 14 & 15 of the NPS#10 'Format Standard') in this regard.
- 9.3.3 The reporting officer was also of the view that ONF-4 Mākāroro Gorge and ONL-1 Ruahine Ranges should remain on the Planning Maps in their entirety, as defined in the Landscape Assessment Report prepared by Council's landscape expert, irrespective of land ownership (i.e., both Crown land and land in private ownership).

## ONF-5 (Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako)

- 9.3.4 The reporting planner recommended that Mr Foley's submission (S109.001) to limit the land mapped as ONF-5 be rejected. Council's Landscape Architect stated that it was considered for recognition as one continuous ONF due to its cultural associations and geological continuity and that ONF-5 should be retained as it is currently mapped in the PDP.

## ONF-7 (Kairakau Coastline)

- 9.3.5 The reporting planner recommended that Mr & Mrs Zant's submission (S99.002) to remove ONF-7 from their land be rejected. Council's Landscape Architect Mr Hudson stated that he considered that ONF-7 was appropriately reflected in the PDP as an ONF for protection in accordance with s 6(b) RMA.
- 9.3.6 Mr. Hudson elaborated that its coastal edge has very high values in terms of abiotic geology, aesthetics and cultural significance from earlier Māori importance. All three combined contribute to the reasons for the area being considered an ONF. The common factor affecting the coastal length of the ONF is the Limestone rock-type, which is unique for Coastal Central Hawke's Bay and gives a unifying character to the 5km length of ONF.
- 9.3.7 The reporting planner also noted the ONF notation does not impact on the continuation of existing lawfully-established activities (certain existing use rights are protected in section 10 of the RMA), and any potential future changes to the rules in the PDP can only be imposed via a formal publicly-notified plan change process

## ONF-8 (Pourērere, Aramoana and Blackhead Coastline)

- 9.3.8 The reporting planner recommended accepting Mr Bishop's submission (S54.002) to amend the description of ONF-8. Council's Landscape Architect acknowledged that the submitter is correct and that the description of the extent of ONF-8 should recognise that it starts north of Paoanui Point. The extent of ONF-8 starts approximately 2km north of Paoanui Point, mid-way between Paoanui Point and Mangakuri Beach. It then extends approximately 18km south to Blackhead Point, giving ONF-8 a total length of approximately 20km.
- 9.3.9 The reporting planner recommended the following amendment is made to NFL-SCHED6:

ONF-8	Pourērere, Aramoana and Blackhead Coastline	The Pourērere, Aramoana and Blackhead Coastline ONF comprises the coastal cliffs from approximately mid-way between Mangakuri Beach and Paoanui Point down to Blackhead Point.	<ul style="list-style-type: none"> <li>Very high landscape values derived from the memorable steeply eroded coastal escarpments which are visually striking.</li> <li>There is a very high level of expressiveness and aesthetic values, which is coupled with very high cultural values which feature frequently along this stretch of coastline.</li> </ul>	33 & 74
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## SAF-6 (Tangarewai Stream)

- 9.3.10 The reporting planner recommended that Mr de Malmanche's submission (S40.002) to delete SAFs be rejected. Council's Landscape Architect stated that SAF's are identified as a means of satisfying RMA(c) and that while for this SAF native vegetation is not continuous and that grazing and exotic plants exist, the overall perception is of a continuous feature that stands out from the ordinary but is too modified to be rated as outstanding. This is the reason the area had been given an SAF rating,



rather than an ONF, and as such Mr. Hudson was satisfied that SAF-6 was appropriately recorded in the PDP.

- 9.3.11 The reporting planner confirmed that there are no specific rules applying to SAFs in the PDP, and that ability to control plant pests (old man's beard, broom, blackberry, gorse, and pine trees) within the SAF area of their property is not regulated by the landscape provisions in the PDP.

**SAF-9 (Te Aute Limestone Crest)**

- 9.3.12 The reporting planner recommended that Riddell Family Trust's submission (S51.002) to remove SAF-9 from its property be rejected.
- 9.3.13 Council's Landscape Architect stated that he did not support its removal due to its legibility of the limestone cuesta, its representativeness, and its aesthetic appeal. There is also an extensive area of native planting on the submitter's property which appears to be fenced and either deliberately planted or enhanced adding to the ecological values at that location. Furthermore, Mr. Hudson added that the current stockyard and operations did not adversely affect the values of the SAF.
- 9.3.14 The reporting planner noted that the SAF notation did not impact on the continuation of existing lawfully-established farming activities (certain existing use rights are protected in section 10 of the RMA). In most other cases, the underlying General Rural Zone provisions would apply to the submitter's land (unless there were other PDP notations present).

## **9.1 Evidence to the Hearing**

**Schedule NFL-SCHED6**

- 9.1.1 Federated Farmers submitted written evidence to the Panel. It stated that while it agreed that the purpose of the schedule is to describe the features and identify and summarise their landscape values, the values column of each ONFL can note if land use such as farming is present, without detracting from the natural values. It considered that this would alleviate farmers concerns about the ONFL classification interfering with their farming.
- 9.1.2 Rhea Dasent, for Federated Farmers, presented to the Panel. Ms Dasent's tabled presentation notes show concern around ONFLs extending onto private land and that the rules intended to protect the ONFL would end up curtailing existing farming activities. But also, that ONFL mapping would not enable members to plant production forestry on that land as a means of retiring the land from pastoral farming.

**ONF-5 (Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako)**

- 9.1.3 Will Foley presented to the Hearings Panel. He disputed the descriptions of the landscape values of ONF-5 in the schedule, particularly around the mention of the lack of pastoral cover, lack of trees or buildings, or earthworks. He noted that the mapping of this ONF already excluded some quarrying and a house but not the other earthworks associated with constructing water races in the 1970s. Mr Foley still sought that the mapping be adjusted to only the hill with Horehore Pa, and the two either side of it.
- 9.1.4 The Panel asked if Mr Foley would be agreeable to allowing the Council's expert to do some ground-truthing before they make their final recommendations. Mr Foley agreed to this.

## ONF-7 (Kairakau Coastline)

- 9.1.5 Curt Zant presented to the Hearings Panel and tabled his presentation notes. His main concern is that the ONFL overlay infringed on this private property rights and the associated loss of value should be compensated.

**9.2 Post-Hearing Information**

- 9.2.1 The sixth memorandum and direction of the hearings panel following Hearing 1 was issued on 18 March 2022. In relation to this issue the Panel requested that Council's Landscape Planning Advisor verify the boundaries of the Proposed ONF-5, 'Three Sisters and Te Whata Kokako'.
- 9.2.2 The seventh memorandum and direction of the Hearing Panel following Hearing 2 was issued on 12 April 2022. In relation to this issue the Panel requested that Council's Landscape Planning Advisor visit proposed SAF-6, Tangarewai Stream, and determine whether the attributes of this section of the Tangarewai Stream, upstream of the Ashley-Clinton Road Bridge, warranted being an SAF.
- 9.2.3 Council's consultant Landscape Architect provided his written statement 5 May 2022 after conducting ground truthing to both sites on 21 April 2022. He concluded that after his review that the mapping of ONF-5 and SAF-6 were appropriate to identify the extent of the Outstanding or Significant landscape applicable to each.
- 9.2.4 The reporting planner provided a written right of reply on 8 April 2022. Ms Macdonald remains of the view that referencing land use within NFL-SCHED6 would not provide any assistance to Plan users and her recommendation still stood.

**9.3 Evaluation and Decisions**

## Schedule NFL-SCHED6

- 9.3.1 The Panel agrees with the reporting planner and does not support the inclusion of the additional information sought in the schedule regarding describing existing land uses. The Panel also agrees that ONF-4 Mākārora Gorge and ONL-1 Ruahine Ranges should remain on the Planning Maps in their entirety, as defined in the Landscape Assessment Report prepared by Council's landscape expert, irrespective of land ownership (i.e. both Crown land and land in private ownership). Landscape values should not be defined by property ownership.
- 9.3.2 The Panel also agrees that the independent assessment by a suitably qualified expert, and subsequent inclusion of the ONF's, ONL's and SAF's identified in that assessment within the PDP (maps and Schedule NFL-SCHED6) responds to section 6(b) of the RMA. The Panel therefore recommend that Schedule NFL-SCHED6 and associated mapping should be retained as notified.

**ONF-5 (Northern end of Nga Kaihinaki-a-Whata)**

- 9.3.3 Based on the information provided by Mr Foley, the Panel accepts that there are modifications to the landform that may not appropriately be placed in the ONF. Those modifications are clearly both manmade and detract from natural extent of the landscape. The Panel recommends that the quarry and water race is excluded from the ONF as shown in Figure 1 below.

Figure 1 Recommended change to boundary for ONF-5



- 9.3.4 The Panel also considers that, in relation to ONF-5, given the distance between the mapped areas of the 'Northern end of Nga Kaihinaki-a-Whata' and 'Te Whata Kokako' that Te Whata Kokako become its own slightly separated ONF. We consider that because Te Whata Kokako is part of this range that as a minor correction it becomes ONF-5A.
- 9.3.5 As a result of this recommendation consequential changes in the PDP will need to refer to ONF5 and ONF5A. This will result in changes to the text of Rule NFL-R1, and Standard EW-S3

**ONF-7 (Kairakau Coastline)**

- 9.3.6 The Panel agrees with Council's landscape expert, Mr Hudson that ONF-7 is appropriately reflected in the PDP as an ONF for protection in accordance with s 6(b) RMA. The Panel notes no contrary expert evidence was provided on this matter.
- 9.3.7 The Panel agrees that reducing the extent of ONF-7 as sought, is not supported, and no changes to Schedule NFL-SCHED6 or the respective overlay on the Planning Maps is recommended.

**ONF-8 (Pourērere, Aramoana and Blackhead Coastline)**

- 9.3.8 The Panel agrees to amend the entry for ONF-8 in Schedule NFL-SCHED6 in accordance with Mr Hudson's response.

**SAF-6 (Tangarewai Stream)**

- 9.3.9 The Panel accepts Mr Hudson's recommendation to retain SAF-6 as proposed. It is acknowledged that Mr Malmanche identified that the SAF contained several exotic weed species, however the Panel notes that Mr Hudson stated in his report that many factors contribute to an area recognised for its landscape character, beyond its vegetation. The Panel can also reassure the submitter that he will be able to continue pest control within the area and that the SAF will only impact on farming activities where a resource consent is required to consider the SAF.

**SAF-9 (Te Aute Limestone Crest)**

- 9.3.10 The Panel agrees with the reporting planner and Mr Hudson to maintain SAF-9 as it currently scheduled and mapped. The Panel notes the submitter's concern that SAF-9 lies over the part of their property where they carry out most of their stock management, with yards, sheds and buildings. The reporting planner has confirmed that the SAF notation does not impact on the continuation of existing lawfully-established farming activities. We consider that excluding their property from this SAF would create a nonsensical gap in this linear SAF.
- 9.3.11 The Panel emphasises that there are deliberately no rules specific to SAF areas in the PDP. An SAF notation only comes into play at the time a resource consent is otherwise triggered (e.g. subdivision or non-compliant development), by way of being one of the assessment matters that require specific consideration of adverse effects on landscape values where the activity takes place within an SAF area as part of that process. The Panel considers that an appropriate method.

# PART C – SUMMARY OF RECOMMENDATIONS

## 10 Summary of recommendations

- 10.1.1 A summary table of recommended decisions against each submission point is included as Appendix B.
- 10.1.2 A tracked changes version of recommended amendments is included as Appendix A.

## 11 Consequential amendments and minor errors

- 11.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan.

### 11.2 Consequential Amendments

- 11.2.1 As outlined in Key Issue 7 (paragraph 9.3.4 – 9.3.5) consequential changes are required in the PDP to update reference of ONF5 to 'ONF5 and ONF5A'. This requires changes to Rule NFL-R1, and Standard EW-S3.

### 11.3 Minor Errors

- 11.3.1 As outlined in Key Issue 5 (paragraph 7.6.6) a minor amendment is recommended to Policy NFL-P2(2). The amendment deletes an unnecessary 'and'.
- 11.3.2 As outlined in Key Issue 5 (paragraph 7.6.10) a minor amendment is recommended to Policy NFL-P4. The amendment recognises that there are no ONL's in the coastal environment (rather ONF's) and so seeks to delete the words 'landscapes or' following 'the District's outstanding natural...'. This maintains consistency with the amendments recommended to Policy NFL-P3.
- 11.3.3 As outlined in Key Issue 7 (paragraph 9.3.4) a minor amendment is recommended to NFL-SCHED6, ONF-5. The amendment recognises the Te Whata Kokako is its own ONF while still recognising that it is part of the larger range that extends north to Nga Kaihinaki-a-Whata.

## **Appendix A – Chapter NFL – Natural Features and Landscapes, and NFL-SCHED6 as amended**

Tracked changes

## NFL – Natural Features and Landscapes

### Introduction

Central Hawke's Bay District comprises diverse terrain and varied landscapes extending from the Ruahine Range and foothills in the west, through to the rolling hills and plains formed by the Waipawa, Tukituki, and Makaretu Rivers, and the geologically young coastal ranges and vast sandy beaches of the coastal margin, in the east. Together these provide a distinct natural identity and amenity unique to Central Hawke's Bay District that is valued by the community.

In achieving the sustainable management purpose of the RMA, the protection of outstanding natural features and landscapes is specifically identified as a 'matter of national importance' (section 6(b)).

One outstanding natural landscape (ONL), being the Ruahine Range, and the following outstanding natural features (ONF) have been identified within Central Hawke's Bay District:

- W(h)akarara Range
- Mangamauku Stream and Upokororo Stream
- Mangaoho Stream (and tributaries)
- Mākāroro Gorge
- Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako
- Silver Range
- Kairakau Coastline
- Pourērere, Aramoana and Blackhead Coastline
- Parimahu
- Porangahau Foredune and Estuary
- Whangaehu Coastal Cliffs

The RMA also requires particular regard to be given to 'other matters', including maintenance and enhancement of amenity values (section 7(c)) amongst other things. The following Significant Amenity Features (SAF) have been identified within Central Hawke's Bay District:

- Mākāroro River
- Mangataura Stream
- Waipawa River – Upper
- Tukituki River – Upper
- Tukipo River
- Tangarewai Stream
- Mangatewai River
- Makāretu River
- Te Aute Limestone Crest
- Lake Whatuma
- Pōrangahau Inland Dunes



Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant. However, certain natural features and landscapes can be more sensitive to the effects of development than others. Many of these features and landscapes are also of special spiritual, historical or cultural significance to tangata whenua, hence District Plan provisions relating to tangata whenua values must also be taken into account (refer TW – Tangata Whenua chapter).

## Issues

### NFL-I1 Loss of Landscape Values

**The loss of those values that contribute to the unique characteristics of the District's landscape as a result of inappropriate subdivision, land use or development.**

#### Explanation

The District's landscape generally reflects a 'working' rural or coastal landscape, where human activity, including subdivision and development, has significantly shaped its present-day character. The character of the District's landscape is also generally open and free of urbanisation.

Over time, many of the District's natural features and landscapes have been modified and, in particular, much of its indigenous vegetation and natural habitats have been lost to agricultural and other land use activities, including urban development.

The following outlines some of the land use activities that can adversely affect landscape values and how they can lead to the loss of landscape values:

1. Buildings and structures;  
Buildings and structures can have an adverse effect on landscape character by introducing a constructed element into an area that is recognised for its naturalness, with some natural features having different tolerances for the effects of buildings than others;
2. Earthworks;  
Large-scale earthworks undertaken within outstanding natural features and landscapes can have an adverse effect on landscape values by modifying the underlying landform, with some natural features being more sensitive to such effects than others;
3. Loss of indigenous vegetation cover; and  
Significant indigenous vegetation makes an important contribution to the landscape values of some natural features and landscapes e.g. a number of small incised river valleys identified as outstanding in the District, and loss of this cover can have an adverse effect on the undeveloped ecological and naturalness factors of such features; and
4. Exotic plantation forestry;  
The dark colour and uniform planting of plantation forestry can hide the underlying landform and also reduce perceived naturalness values, often contrasting in colour and form with adjacent land use.

**Commented [A1]:** S129.063 Kāinga Ora – Report 1A  
Natural Features and Landscapes, Key Issue 1



Subdivision and the above land use activities need to be managed in a way that recognises and protects values that contribute to those natural features and landscapes that are outstanding in the District or have significant amenity.

## Objectives

**NFL-O1** Outstanding natural features and landscapes **that are important to the identity of the District** are retained and protected from inappropriate subdivision, use and development.

**Commented [A2]:** S75.060 Forest & Bird – Report 1A Natural Features and Landscapes, Key Issue 5

**NFL-O2** The qualities and values of significant amenity features identified within the District are recognised and provided for, and considered when undertaking new subdivision, use and development.

## Policies

**NFL-P1** To identify the District's outstanding natural features and landscapes having regard to the following criteria:

1. natural science factors such as geology, biology, ecology and hydrology, including its rarity and variability;
2. perceptual factors, including legibility/expressiveness (such as how obviously the landscape demonstrates the formative processes leading to it), transient values (including the occasional presence of wildlife or other values at certain times of the day or year) and aesthetic values (including memorability and naturalness); and
3. associational factors, including historical associations, value to tangata whenua, and whether the values are shared and recognised.

**NFL-P2** To allow activities within the District's outstanding natural features and landscapes where they are for:

1. existing land uses,
2. for conservation purposes, and
3. customary activities; and

**provided the activities maintain or enhance the identified characteristics and values in NFL-SCHED6.**

**Commented [A3]:** S121.038 Federated Farmers' - Report 1A Natural Features and Landscapes, Key Issue 5

**NFL-P3** To protect the District's outstanding natural features and landscapes by:

1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural **landscape features** in the coastal environment;

**Commented [A4]:** S121.039 Federated Farmers – Report 1A Natural Features and Landscape, Key Issue 5

2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of all other outstanding natural landscapes or features;
3. ensuring the erection of structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes, do not compromise the values present; and
4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.

NFL-P4

To require that buildings, structures or earthworks locating within the District's outstanding natural ~~landscapes or~~ features avoid adverse visual effects in the coastal environment, and avoid, remedy or mitigate adverse visual effects in all other outstanding natural landscapes or features by:

**Commented [A5]:** Correcting error under Clause 16(2) of the First Schedule of the RMA – Report 1A Natural Features and Landscape, Key Issue 5

1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location and consistent with existing land uses;
2. integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials;
3. limiting the prominence or visibility of built form, including by integrating it into the outstanding natural landscape or feature; and
4. restoring or reinstating the site following earthworks.

**Commented [A6]:** S121.040 Federated Farmers – Report 1A Natural Features and Landscapes, Key Issue 5

NFL-P5

~~To recognise the regional social and economic significance of water storage within ONE 4 (Mākāroro Gorge).~~

**Commented [A7]:** S39.001 Kathryn Bayliss, S75.064 Forest & Bird, S112.001 Trevor Le Lievre and S115.001 Clint Deckard – Report 1A Natural Features and Landscapes, Key Issue 3

NFL-P6

To identify the District's significant amenity features, being features where the landscape characteristics or values are significant but do not meet the threshold for outstanding natural features.

NFL-P7

To avoid, remedy or mitigate potential adverse effects of subdivision, use and development on the District's significant amenity features, including having regard to the following matters:

1. any specified values and/or management issues identified for the particular amenity feature;
2. the character or degree of modification, damage, loss or destruction that will result from the activity;
3. the duration and frequency of the effect of the activity (for example long-term or recurring effects);

4. the magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context);
5. the cumulative effects (for example the loss of multiple features or values); and
6. the need for, or purpose of, the works having regard to the underlying zoning, noting that many significant amenity features comprise working farms.

**NFL-P8** To identify opportunities to enhance natural values associated with significant amenity features, and to recognise the positive effects where enhancement is offered.

### Rule Overview Table

Use/activity	Rule Number
Any new building, relocated building, or alteration to an existing building associated with any activity within an ONL or ONF identified in NFL-SCHED6	NFL-R1

### Rules

#### Notes:

*Rules relating to subdivision and land development involving the identified landscapes in NFL-SCHED6 are contained in the SUB – Subdivision chapter of the District Plan.*

*Rules relating to earthworks in the identified ONL and ONFs are contained in the EW – Earthworks chapter of the District Plan.*

*Rules relating to network utilities within the identified ONL and ONFs are contained in the NU – Network Utilities chapter of the District Plan. The rules in this chapter do not apply to network utilities.*

*Afforestation (new plantation forestry) within an identified ONL or ONF is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*

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 on land within or containing identified ONL, ONFs and SAFs.

NFL-R1 New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6		
	1. Activity Status: PER	2. Activity status where compliance with condition NFL-R1(1)(a) is

All ONL/ONFs (except ONF-5, <b>ONF-5A</b> , ONF-7, ONF-9 & ONF-10)	<b>Where the following conditions are met:</b> <ol style="list-style-type: none"> <li>Gross floor area of the building or alteration is less than 25m<sup>2</sup>.</li> <li>Maximum height of any building is less than 3m.</li> </ol>	<b>not achieved <u>and</u> where the gross floor area of the building or alteration is less than 50m<sup>2</sup>: RDIS</b>  <b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>NFL-AM1</li> <li>NFL-AM2.</li> </ol>
<b>ONF-5 &amp; ONF-5A</b> (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)  <b>ONF-7 (Kairakau)</b>  <b>ONF-9 (Parimahu)</b>  <b>ONF-10 (Porangahau Foredune)</b>	<b>4. Activity Status: PER</b>  <b>Where the following conditions are met:</b> <ol style="list-style-type: none"> <li>Gross floor area of the building or alteration is less than 25m<sup>2</sup>.</li> <li>Maximum height of any building is less than 3m.</li> </ol>	<b>3. Activity status where compliance with condition NFL-R1(1)(b) is not achieved <u>or</u> the gross floor area of the building or alteration exceeds 50m<sup>2</sup>: NC</b>  <b>5. Activity status where compliance not achieved: NC</b>

**Commented [A8]:** Correction under Schedule 1, cl16(2) of the RMA

**Commented [A9]:** Correction under Schedule 1, cl16(2) of the RMA

## Assessment Matters

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

### NFL-AM1 Identified Landscape Values

- Effects on the particular landscape values and characteristics contained in NFL-SCHED6 and relevant section(s) of the following assessment report:  
*'Central Hawke's Bay District Outstanding Natural Landscape Assessment'*, Hudson Associates Landscape Architects, January 2019.

### NFL-AM2 Additional Specific Assessment Matters for Activities on Land within or containing ONLs, ONFs or SAFs

- Buildings

- (a) The location, layout, design, and materials of the development to ensure that it does not have adverse visual or landscape effects. This will include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development.

In particular, the location, layout and design of buildings should:

- i. Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs and should not dominate the landscape while protecting the skyline.
- ii. Avoid large-scale earthworks on prominent rural ridgelines, hill faces and spurs.
- iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- iv. Be designed to minimise cuttings across hill faces and through spurs.
- v. Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- vi. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- vii. Avoid disturbance of archaeological sites.

**Commented [A10]:** S4.001 George Harper – Report 1A Natural Features and Landscapes, Key Issue 1

2. Earthworks

- i. Assessment Matters contained in EW-AM7.

3. General

- (a) The natural science, perceptual and associational values (including the cultural relationship with the land for tangata whenua) associated with the natural landscape or feature.
- (b) Place-specific management issues identified for the particular natural landscape or feature.
- (c) The character and degree of modification, damage, loss, or destruction that will result from the activity.
- (d) The duration and frequency of effect (for example, long-term or recurring effects).
- (e) The magnitude or scale of effect (for example, the number of sites affected, spatial distribution, landscape context).
- (f) The irreversibility of the effect (for example loss of unique or rare features, limited opportunity for remediation, the technical feasibility of remediation or mitigation).
- (g) The resilience of heritage value or place to change (for example, the ability to assimilate change, vulnerability to external effects).
- (h) The opportunities to remedy or mitigate pre-existing or potential adverse effects (for example restoration or enhancement), where avoidance is not practicable.
- (i) The probability of the effect (for example the likelihood of unforeseen effects, ability to take a precautionary approach).
- (j) Cumulative effects (for example, the modification to the existing natural landscape or feature and its sensitivity or vulnerability to further change).

- (k) Need for, or purpose of, the works.
- (l) Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure.

## Methods

Methods for implementing the policies:

### **NFL-M1 Identification and Mapping of Outstanding Natural Features and Landscapes**

Identifying and describing the values associated with Outstanding Natural Features (ONFs) and Landscapes (ONLs) and Significant Amenity Features (SAFs) in NFL-SCHED6 in the District Plan and showing them on the relevant Planning Maps.

### **NFL-M2 District Plan Rules**

1. District Plan rules make subdivision of land containing an ONL or ONF a discretionary activity in the first instance.
2. Specific District Plan rules and performance standards controlling earthworks and built form in the District's ONL/ONFs (including network utilities locating within ONL/ONFs).
3. District Plan rules and performance standards relating to Significant Natural Areas (SNAs) and the clearance of significant indigenous vegetation or significant habitats of indigenous fauna, which can also act to protect against loss of indigenous vegetation cover where located within significant and outstanding landscapes containing such vegetation.
4. District Plan rules and performance standards protecting wāhi tapu, wāhi taonga and sites of significance, which can also assist with protecting those associational values attributed to significant and outstanding landscapes by tangata whenua, where located within identified significant and outstanding landscapes.

### **NFL-M3 Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017**

Afforestation (new plantation forestry) within an outstanding natural feature or landscape is a Restricted Discretionary Activity pursuant to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

**NFL-M4                    Hawke’s Bay Regional Resource Management Plan and Hawke’s Bay Regional Coastal Environment Plan**

Hawke’s Bay Regional Resource Management Plan and Regional Coastal Environment Plan rules and performance standards controlling drainage of wetlands and inundation/damming of rivers.

**NFL-M5                    Hawke’s Bay Regional Pest Management Plan and Biosecurity Act 1993**

Control of animal and plant pests affecting indigenous vegetation cover across the District, where located within identified significant and outstanding landscapes, through rules and implementation methods in the Hawke’s Bay Regional Council’s ‘Regional Pest Management Plan’ and through enforcement of the Biosecurity Act 1993.

**NFL-M6                    Other Protection Mechanisms**

Other protection mechanisms, such as the protection of public reserve land under the Conservation Act 1987 and Reserves Act 1977, retiring land under QEII covenant, and protection through Ngā Whenua Rāhui kawenata (covenants) on Māori-owned land, where located within identified significant and outstanding landscapes.

**NFL-M7                    Education, Advocacy, and Information Sharing**

Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District’s important natural features and landscapes including their contribution to community identity, and the need to have regard to them when undertaking subdivision, use and development activities.

**NFL-M8                    Liaison and Collaboration**

Liaising and collaborating with landowners, interest groups and agencies with an interest in protecting, maintaining, or enhancing the District’s identified significant and outstanding landscapes.

**Principal Reasons**

The principal reasons for adopting the policies and methods:

In responding to its duties regarding the protection of outstanding landscapes and natural features under the RMA (s6(b)), Council commissioned a landscape assessment of the District, which identified one Outstanding Natural Landscape (ONL) and eleven Outstanding Natural Features (ONF), and a further twelve Significant Amenity Features (SAF) that were considered important landscapes although not meeting the threshold of outstanding. A schedule of these ONL, ONFs and SAFs is provided in NFL-SCHED6 in the District Plan and are shown on the Planning Maps.

Subdivision and subsequent buildings and structures can have an adverse effect on landscape character by introducing a constructed element into sensitive visual environments. Different areas have different tolerances for the effect of buildings. Enabling consideration of scale, design, and materials, integrating landform and context into the design, and limiting prominence or visibility of built form will help protect the outstanding landscape values of the District's ONL & ONFs.

Large scale earthworks can adversely affect the underlying landform which contributes to the fundamental character of the District's landscapes. Again, some areas are more sensitive to such effects than others. For example, wetlands or dune systems are more sensitive to earthworks than larger landscape elements that can absorb a degree of modification. The ability to control the scale and visual prominence of earthworks, as well as ensuring restoration and reinstatement of the site following earthworks, is important in minimising adverse visual effects of earthworks on the District's ONL & ONFs.

Loss of indigenous vegetation cover could adversely affect a key characteristic contributing to an area's outstanding value. It is noted that most of the District's ONL/ONFs are recognised for their significant indigenous vegetation cover, which either already have some form of protection, such as Department of Conservation reserve status, QEII Trust covenants etc, or fall within the District Plan provisions relating to identified Significant Natural Areas and/or the clearance or modification of significant indigenous vegetation in the ECO – Ecosystems and Indigenous Biodiversity chapter.

The landscape assessment for the District also identified exotic plantation forestry as having a potential adverse effect on landscape values. The National Environmental Standard for Plantation Forestry (NES-PF) controls much of how forestry activity is regulated, although the NES-PF does provide for imposition of greater restrictions on plantation forestry in District Plans where occurring within 'outstanding' natural features and landscapes, if deemed a threat to those values.

The District's outstanding landscapes also have significant cultural association for tangata whenua and the role of tangata whenua as kaitiaki is therefore specifically recognised. While pastoral farming has caused significant modification of the District's landscape over time, where it already occurs within identified landscapes of value, it can generally continue to be accommodated without adversely affecting the key characteristics of those areas. In some cases, pastoral land cover has had a positive effect where it acts to reveal the underlying landform. Similarly, conservation or customary activities have positive outcomes for natural features and landscapes and should be enabled.

The Mākāroro Gorge (ONF-4) includes the site of a water storage proposal that has been through a Board of Inquiry process. That process confirmed the value of water storage for the District in terms of regional social and economic benefits prior to identification of the area as an outstanding natural feature in the District Plan. Future land use activities in this location will be subject to the outstanding natural landscape provisions associated with ONF-4 now contained in the District Plan.

**Commented [A11]:** S39.001 Kathryn Bayliss – Report 1A Natural Features and Landscapes, Key Issue 3



For those landscapes that have been identified as SAFs, the District Plan provides for any adverse effects on those amenity and landscape values to be assessed only where the need for a resource consent is triggered. Assessment will consider the landscape and amenity values identified for that SAF, the magnitude of adverse effects on those, and whether there are opportunities to enhance those values. There is also a recognition that many SAFs comprise working farms and, as such, it is intended that existing and anticipated rural activities should be able to continue.

It should be noted that many of the landscapes that have been identified for reasons outlined are on private land and any public access to these remains at the discretion of the landowner.

**Anticipated Environmental Results**

The environmental results anticipated from the policies and methods:

- NFL-AER1      The values of important natural features and landscapes are not compromised by inappropriate subdivision, or visually intrusive building development or large-scale earthworks.**
- NFL-AER2      A range of contrasting landscape types continues to provide a rich mixture of landscape amenity throughout the District.**
- NFL-AER3      There is a greater public awareness of the different landscape areas throughout the District, and the activities that could have an adverse effect on the key elements, patterns and character that contribute to the significance of those landscape areas.**

## NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features

*Note: refer 'Central Hawke's Bay District – Outstanding Natural Landscape Assessment', January 2019 (Hudson Associates) for the full comprehensive assessment and evaluation supporting the identification of these outstanding natural landscapes and features and significant amenity features.*

### Schedule of Outstanding Natural Landscapes

Unique Identifier	Site Identifier	Description of Landscape	Site Type (Summary Description of Landscape Values)	Map Reference
ONL-1	Ruahine Range	<p>The Ruahine Range ONL contains a significant area of unmodified indigenous vegetation and is comprised primarily of the Ruahine Forest Park. It includes the upper reaches of the district's major watercourses, such as the Tukituki and Waipawa Rivers.</p> <p>The Central Hawke's Bay District boundary runs along the ridgeline separating the eastern side of the range and Manawatū District and Rangitīkei District on the western side. It stretches 35km from the Makāretu River in the south to Mākāroto River in the north. Much of the skyline lies within both districts.</p>	<ul style="list-style-type: none"> <li>– 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.</li> <li>– 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.</li> </ul>	1, 4, 9, 14 & 20

## Schedule of Outstanding Natural Features

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
ONF-1	W(h)akarara Range	The W(h)akarara Range ONF comprises the southern extension of the Whakarara Range and south of the Gwavas Conservation Area, most of which lies in Hastings District to the north. It is characterised by rolling to steep hills with regenerating native vegetation.	<ul style="list-style-type: none"> <li>– High landscape and visual values derived from the regenerating indigenous vegetation cover over the eroded landform pattern.</li> <li>– Contrast with the surrounding areas of pasture and pine forest increases the value of such remnant areas of regeneration.</li> </ul>	5
ONF-2	Mangamauku Stream & Upokororo Stream	<p>The Mangamauku Stream &amp; Upokororo Stream ONF comprises a 7km long section of the Mangamauku Stream plus the Upokororo Stream and several unnamed tributaries.</p> <p>The Mangamauku Stream flows through a pastoral setting in a small valley system parallel to and north of Smedley Road and south of Matheson Road. It rises in the Whakarara Range, with many smaller tributaries feeding into larger streams that in turn combine to form the main channel of the Mangamauku Stream.</p> <p>A significant tributary is Upokororo Stream, which runs along the southern side of Matheson Road before joining</p>	<ul style="list-style-type: none"> <li>– The distinguishing characteristics of the named streams and unnamed tributaries that cause them to form the ONF are the density of podocarp and Beech forest, which potentially includes original trees that survived the burning and clearance over the last hundred years, as well as its undeveloped character and containment within a defined landscape setting.</li> <li>– The presence of such dense native vegetation contributes to fulfilment of the 'ecological' and 'naturalness' factors in the landscape assessment process, while the containment within the incised main valley system and more rolling lower tributaries contributes to the 'expressiveness' and 'coherence' of the aesthetic factors.</li> </ul>	5

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
		the Mangamauku Stream 4.5km west of SH50.	<ul style="list-style-type: none"> <li>– Rarity and associational cultural values are also contributing factors.</li> </ul>	
ONF-3	<b>Mangaoho Stream (&amp; tributaries)</b> [One of three Incised River Valleys off the Ruahine Range]	<p>The Mangaoho Stream (&amp; tributaries) ONF flows through a pastoral setting in a small valley system parallel to and north of Mākāroro Road. It rises in the Whakarara Range, with many smaller tributaries feeding into larger streams that in turn combine to form the main channel of the Mangaoho Stream.</p> <p>Bounded by west-east running ridgelines to the north and south, these separate the Mangaoho Stream valley from Mākāroro Road to the south and Smedley Road to the north. Both of these ridgelines run parallel to the stream and contain the catchment.</p>	<ul style="list-style-type: none"> <li>– A section of the Mangaoho Stream itself, plus two named and two unnamed tributaries, are identified as forming the Outstanding Natural Feature (ONF).</li> <li>– The Mangaoho Stream flows through a pastoral setting in a small valley system parallel to and north of Mākāroro Road. It rises in the Whakarara Range, with many smaller tributaries feeding into larger streams that in turn combine to form the main channel of the Mangaoho Stream.</li> <li>– Bounded by west-east running ridgelines to the north and south, these separate the Mangaoho Stream valley from Mākāroro Road to the south and Smedley Road to the north. Both of these ridgelines run parallel to the stream and contain the catchment.</li> </ul>	5
ONF-4	<b>Mākāroro Gorge</b> [One of three Incised River Valleys off the Ruahine Range]	<p>The Mākāroro River Gorge ONF flows from Whakarara downstream for approximately 1.5km (2.5km river length) through a deeply incised gorge generally enclosed by native vegetation.</p>	<ul style="list-style-type: none"> <li>– Very high landscape values contributed to by the remnant and regenerating indigenous vegetation cover in combination with the eroded valley landform pattern.</li> </ul>	5

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
			<ul style="list-style-type: none"> <li>– Contrast with the surrounding areas of pastoral land increases the value of such remnant areas of vegetation and meandering valleys.</li> <li>– Historic and cultural values, with the Mākāroro River forming the walking route for Colenso and Māori travellers passing through Motu o Puka Pa.</li> <li>– Cultural values of the river's Mauri and as a tributary to the Tukituki River and those associated Deed of Settlement responsibilities.</li> </ul>	
ONF-5	Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako	The northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako ONF comprises a group of seven uplifted tilted limestone cuesta hills with classic exposed limestone crust.	<ul style="list-style-type: none"> <li>– 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.</li> </ul>	21, 26, 30, 70 & 71
	ONF-5A Te Whata Kokako		<ul style="list-style-type: none"> <li>– The extremely high cultural values related to Horehore Pa and association with this area for 500 years by Māori.</li> <li>– The highly legible tilted landforms and cuesta formations with their limestone edges and rockfield are clearly expressive of past uplift and geological processes.</li> </ul>	
ONF-6	Silver Range	The Silver Range ONF comprises the tilted uplifted mudstone ridgeline	<ul style="list-style-type: none"> <li>– Aesthetic values of expressiveness and legibility of geological processes.</li> </ul>	13 & 18

**Commented [A1]:** Correcting error under Clause 16(2) of the First Schedule of the RMA – Report 1A Natural Features and Landscape, Key Issue 7

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
		extending 10km from south of Elsthorpe up to the CHB district boundary.	<ul style="list-style-type: none"> <li>High geological natural science values due to the expressiveness of its formative process of fault movement and tilted uplift. The ridge has significance as a geological feature, for educational purposes and aesthetic interest.</li> </ul>	
ONF-7	Kairakau Coastline	The Kairakau Coastline Coastal escarpment ONF comprises the hills behind Kairakau beach and the Manawarakau Gorge.	<ul style="list-style-type: none"> <li>Very high landscape values derived from the memorable geological formations which exhibit a visually striking landform. This results in very high expressiveness and aesthetic values, which is coupled with very high cultural values and the ecological significance of parts of these cliffs.</li> <li>Very high cultural significance of the Manawarakau Gorge including eight nearby Pa sites, urupā and one of the most extensive concentration of pits along the Central Hawke's Bay coastline. It is also located along the trans-peninsular route stretching from Cape Kidnappers to Cape Turnagain which is plentiful in Māori archaeological sites.</li> </ul>	18 & 57
ONF-8	Pourērere, Aramoana and Blackhead Coastline	The Pourērere, Aramoana and Blackhead Coastline ONF comprises the coastal cliffs from approximately mid-way between Mangakuri Beach and Paoanui Point down to Blackhead Point.	<ul style="list-style-type: none"> <li>Very high landscape values derived from the memorable steeply eroded coastal escarpments which are visually striking.</li> <li>There is a very high level of expressiveness and aesthetic values, which is coupled with very high cultural values which feature frequently along this stretch of coastline.</li> </ul>	33 & 74

**Commented [A2]:** S54.002 David Bishop – Report 1A Natural Features and Landscapes, Key Issue 7

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
ONF-9	Parimahu	The Parimahu ONF comprises the south facing coastal wetland basin enclosed by rolling hills near the northern headland of the Pōrangahau beach system.	<ul style="list-style-type: none"> <li>– Very high landscape values due to the landform containment created by the basin, in conjunction with the naturalness exhibited by this contained coastal wetland which holds significant ecological values.</li> <li>– Parimahu is highly valued by tangata whenua with two recorded pa sites and evidence of considerable occupation. This area is also located along the transpeninsular route stretching from Cape Kidnappers to Cape Turnagain which is plentiful in Māori archaeological sites.</li> </ul>	36 & 37
ONF-10	Porangahau Foredune and Estuary	The Porangahau Foredune and Estuary ONF comprises a 13km long beach system bound between the headlands of Blackhead Point and Te Paerahi Point.	<ul style="list-style-type: none"> <li>– Very high landscape values derived from the geomorphological process resulting in an extensive longshore sand bar and the resulting ecological values (flora and fauna) of the dune system/estuary.</li> <li>– This is a dramatic coastline which has a very high level of expressiveness and aesthetic values, along with very high cultural values associated with this stretch of coastline.</li> </ul>	36, 40 & 76
ONF-11	Whangaehu Coastal Cliffs	The Whangaehu Coastal Cliffs ONF comprises the coastal cliffs south of Pōrangahau to the District's southern boundary.	<ul style="list-style-type: none"> <li>– Very high landscape values derived from expressive coastal processes, along with the legibility of the mudstone characteristics which are visually striking.</li> </ul>	43 & 46

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
			<ul style="list-style-type: none"><li>– Due to the majority of development being concentrated around the settlements, the remaining areas retain a high degree of perceived naturalness for the coastal processes that are underway.</li><li>– There are also high cultural values associated with this stretch of coastline.</li></ul>	



## Schedule of Significant Amenity Features

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
SAF-1	Mākāroro River	The Mākāroro River SAF includes the length of river from the gorge down to the junction with the Waipawa River. This is a 5km stretch of river (5km direct or 9.5km as the river flows), with the upper end of the gorge being east of the Whakarara Settlement intersection and the lower end of the SAF being Mākāroro Road bridge (Burnt Bridge) just upstream of the confluence with the Waipawa River.	<ul style="list-style-type: none"> <li>– The combination of distinctive incised landform, and perceived and ecological naturalness due to the presence of remnant and regenerating native forest, historic and cultural associations.</li> <li>– Current pastoral activities within the river channel potentially reduce the ecological naturalness.</li> </ul>	5
SAF-2	Mangataura Stream	The Mangataura Stream SAF extends almost 10km from the eastern edge of the Ruahine Range down to the confluence with the Waipawa River. It has an area of approximately 380ha, which includes the upper portion which is made up of a number of smaller tributaries. These all originate in the Ruahine Range and join together at Whakarara settlement before combining to form the larger Mangataura Stream that joins the Waipawa River 5km downstream from the settlement.	<ul style="list-style-type: none"> <li>– Density of native vegetation, which may include original trees that survived the burning and clearance over the last hundred plus years, plus its containment within a defined landscape setting.</li> <li>– Presence of such dense native vegetation also contributes to fulfilment of the 'ecological' and 'naturalness' factors in the landscape assessment process, while the containment within the incised main valley system and more rolling lower tributaries contributes to the 'expressiveness' and 'coherence' aesthetic factors.</li> </ul>	1, 4 & 5

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
		The tributaries and the stream flow through incised channels enclosed by rolling hills in the upper portions and abutting flatter terraces in the lower portions. Each channel is filled with a mixture of regenerating native vegetation and pasture.	<ul style="list-style-type: none"> <li>– Rarity and associational cultural values are also contributing factors.</li> </ul>	
SAF-3	Waipawa River – Upper	The Waipawa River - Upper SAF extends 4.5km from the eastern edge of the Ruahine Range down to the confluence with Middle Stream, then a further 1km downstream of that. The tributaries and the river flow through deeply incised valleys enclosed by rolling hills in the upper portions and abutting flatter terraces in the lower portion. Each channel is filled with a mixture of regenerating native vegetation and pasture.	<ul style="list-style-type: none"> <li>– Density of native vegetation, which may include original trees that survived the burning and clearance over the last hundred plus years, plus its containment within a defined landscape setting.</li> <li>– Presence of such dense native vegetation also contributes to fulfilment of the 'ecological' and 'naturalness' factors in the landscape assessment process, while the containment within the incised main valley system and more rolling lower tributaries contributes to the 'expressiveness' and 'coherence' aesthetic factors.</li> <li>– Rarity and associational cultural values are also contributing factors.</li> </ul>	4
SAF-4	Tukituki River - Upper	The Tukituki River - Upper SAF extends 7.5km direct (11.5km as the river flows) from the eastern edge of the Ruahine Range. The tributaries and the river flow	<ul style="list-style-type: none"> <li>– River gorge geomorphology, with the extensively incised valley that has carved its way through the rolling foothills of the Ruahine Range.</li> </ul>	9 & 10

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
		through deeply incised valleys enclosed by rolling hills in the upper portions and abutting flatter terraces in the lower portion. The river channel is filled with a mixture of regenerating native vegetation and pasture.	<ul style="list-style-type: none"> <li>– Areas of regenerating native vegetation, particularly on the south facing escarpments and valleys that remain wetter during the year, reinforce the naturalness and meandering presence of the gorge and incised valley system.</li> </ul>	
SAF-5	Tukipo River	The Tukipo River SAF extends almost 3.5km from the lower foothills of the Ruahine Range down to the flats of the river terraces. It has an area of approximately 113ha, which includes the upper portion which is made up of a number of smaller tributaries. These all originate in the lower foothills and join together at the Clinton Makāretu Road before flowing east towards SH50. The tributaries and the river flow through incised channels enclosed by rolling hills in the upper portions and abutting flatter terraces in the lower portions. Each channel is filled with a predominance of regenerating native vegetation and some pasture.	<ul style="list-style-type: none"> <li>– Density of native vegetation, which may include original trees that survived the burning and clearance over the last hundred plus years.</li> <li>– Containment within a defined landscape setting.</li> </ul>	14
SAF-6	Tangarewai Stream	The Tangarewai Stream SAF extends almost 5km from its western end in the lower foothills of the Ruahine Range to its eastern end on the flats of the river	<ul style="list-style-type: none"> <li>– Density of native vegetation, which includes (perhaps deliberately) original trees that survived the milling, burning and clearance over the last hundred plus years.</li> </ul>	14 & 15

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
		terraces. It has an area of approximately 190ha, which includes the upper portion which is made up of a number of smaller tributaries. These all originate in the lower foothills and join together southwest of Ashley Clinton before flowing east towards SH50. The tributaries and the river flow through incised channels enclosed by rolling hills in the upper portions and abutting flatter terraces in the lower portions. Each channel is filled with a predominance of regenerating native vegetation and some pasture.	<ul style="list-style-type: none"> <li>– Containment within a defined landscape setting.</li> <li>– The presence of such dense native vegetation contributes to fulfilment of the 'ecological' and 'naturalness' factors in the landscape assessment process, while the containment within the incised main valley system and more rolling lower tributaries contributes to the 'expressiveness' and 'coherence' aesthetic factors.</li> <li>– Rarity and associational cultural values are also contributing factors.</li> </ul>	
SAF-7	Mangatewai River	<p>The Mangatewai Stream SAF extends almost 10km from the eastern edge of the Ruahine Range down to SH50. It has an area of approximately 530ha, which includes the upper portion which is made up of a number of smaller tributaries. These all originate in the Ruahine Range and join together just south of Te Wai Station at the end of Crump Road and Boyle Road.</p> <p>The tributaries and river flow through incised channels enclosed by rolling hills in the upper portions and abutting</p>	<ul style="list-style-type: none"> <li>– Density of native vegetation, which includes regeneration and may include original trees that survived the burning and clearance over the last hundred plus years.</li> <li>– Containment within a defined landscape setting.</li> <li>– The presence of such dense native vegetation contributes to fulfilment of the 'ecological' and 'naturalness' factors in the landscape assessment process, while the containment within the incised main valley system and more rolling lower tributaries contributes to the</li> </ul>	20 & 21

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
		flatter terraces in the lower portions. Each channel is filled with a mixture of regenerating native vegetation and pasture.	<ul style="list-style-type: none"> <li>– 'expressiveness' and 'coherence' aesthetic factors.</li> <li>– Rarity and associational cultural values are also contributing factors.</li> </ul>	
SAF-8	Makāretu River	The Makāretu Stream SAF extends 7.5km from the lower foothills of the Ruahine Range down to the flats of the river terraces. It has an area of approximately 250ha. Its upper tributaries all originate in the upper hills of the Ruahine Range, with the North Branch starting near Moorcock Saddle and the southern tributaries starting near Apiti Track, a long-used access across the Range from Norsewood to Makiekie Creek and then on to Apiti in Manawatū District. The river flows through incised channels enclosed by rolling hills in the upper portions and abutting flatter terraces in the lower portions before crossing the flat terraces of the Ruataniwha Plains as it approaches SH50. The channel is filled with a mixture of regenerating native vegetation and pasture.	<ul style="list-style-type: none"> <li>– Density of native vegetation, which includes regeneration and may include original trees that survived the burning and clearance over the last hundred plus years.</li> <li>– Containment within a defined landscape setting.</li> <li>– The presence of such dense native vegetation contributes to fulfilment of the 'ecological' and 'naturalness' factors in the landscape assessment process, while the containment within the incised main valley system and more rolling lower tributaries contributes to the 'expressiveness' and 'coherence' aesthetic factors.</li> <li>– Rarity and associational cultural values are also contributing factors.</li> </ul>	20

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
SAF-9	Te Aute Limestone Crest	The Te Aute Limestone Crest SAF comprises a length of tilted limestone ridge with exposed limestone edges (cuesta's) on the eastern edge. The ridge runs for 27km, starting at Pakipaki in Hastings District to the north and finishing west of Otane in CHB. 7km of the ridge lies within CHB district.	<ul style="list-style-type: none"> <li>– High aesthetic values of visibility and legibility of exposed limestone unbuilt landform that is clearly expressive of its geological origins.</li> <li>– Visibility is assisted by lack of pine plantations, which have been planted on other limestone ridges in the area.</li> <li>– Ecological values of Highfield native vegetation, recognised as high significance in PNA assessment.</li> </ul>	7, 11 & 12
SAF-10	Lake Whatuma	The Lake Whatuma SAF comprises the shallow lake south of Waipukurau township.	<ul style="list-style-type: none"> <li>– Whatuma has strong historic cultural associations for Māori and with the original establishment of the town. Its physical qualities have been greatly diminished over time and would benefit from enhanced water quality, fish life and increased endemic riparian vegetation.</li> <li>– High cultural values exemplified by the presence of white basket fungus (Ileodictyon cibarium) a local Māori delicacy.</li> <li>– It has high aesthetic values which are contributed to by the unbuilt nature of periphery and openness of the western backdrop.</li> </ul>	22
SAF-11	Pōrangahau Inland Dunes	The Pōrangahau Inland Dunes SAF comprise the dune system (Sand Plain) located behind the Pōrangahau foredune.	<ul style="list-style-type: none"> <li>– The high landscape values of this location relate to the geomorphology which is exhibited through both remnant and active coastal processes. This is a highly expressive dune system.</li> </ul>	36 & 40

Unique Identifier	Site Identifier	Description of Feature	Site Type (Summary Description of Landscape Values)	Map Reference
			<ul style="list-style-type: none"><li>– The uniqueness of the seaward parabolic dune movement and rich cultural components (particularly Rangitoto Pā) elevated the value of this area, however the extent of modifications reduce the status down to SAF from a potential ONF. The SAF is focused on the northern end of the Sand Plain, as this appears to have undergone less landform modification.</li></ul>	

## **Appendix B – Summary of Recommendations on Submissions**



**Table: Summary of recommended decisions on submissions and further submissions**

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S4.001	George Harper	[General]	Protecting the integrity if the skyline.	Reject	Accept in part	Yes
.						
S11.020'Hawke's Bay Regional Council	NFL - Natural Features and Landscapes	No changes.	Accept in part	Accept	No	
.						
S28.004	Gerard Pain	NFL - Natural Features and Landscapes	'Natural Amenity Features' should be 'rates free' (like what is available for QEII blocks).	Reject	Reject	No
.						
S39.001	Kathryn Bayliss	NFL-P5	Delete the policy.	Reject	Accept	Yes
FS25.68	Federated Farmers of New Zealand		Disallow	Accept	Reject	
S39.002	Kathryn Bayliss	NFL - Principal Reasons	Delete the principal reasons given for the water storage within ONF-4 (Mākāro Gorge) - being the third to last paragraph under Principal Reasons.	Reject	Accept	Yes
.						
S40.002	Lance de Malmanche	NFL-SCHED6	Delete Significant Amenity Features.	Reject	Reject	No
.						
S51.002	N. M. Riddell Family Trust Farm	MAPS	Remove SAF-9 from our property.	Reject	Reject	No
.						
S54.002	David Bishop	NFL-SCHED6	Amend the description for ONF-8 in NFL-SCHED6 to align with it commencing 'mid-way between Mangakuri Beach and Paoanui Point'.	Accept	Accept	Yes
.						
S64.068	Department of Conservation	NFL-O1	Retain NFL-O1.	Accept in part	Accept in part	No
FS9.351	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	Accept in part	
S64.069	Department of Conservation	NFL-O2	Retain NFL-O2.	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
FS9.352	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
<b>S64.070</b>	<b>Department of Conservation</b>	NFL-P1	Retain NFL-P1.	Accept in part	Accept	No
FS13.032	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	Accept	
FS9.353	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	Accept	
<b>S64.071</b>	<b>Department of Conservation</b>	NFL-P2	Retain NFL-P2.	Accept in part	Accept in part	No
FS9.354	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	Accept in part	
FS13.033	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	Accept in part	
<b>S64.072</b>	<b>Department of Conservation</b>	NFL-P3	Retain NFL-P3.	Accept	Accept	No
FS9.355	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
FS13.034	Heretaunga Tamatea Settlement Trust		Allow	Accept	Accept	
<b>S64.073</b>	<b>Department of Conservation</b>	NFL-P4	Retain NFL-P4.	Accept	Accept in part	No
FS13.035	Heretaunga Tamatea Settlement Trust		Allow	Accept	Accept in part	
FS9.356	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept in part	
<b>S64.074</b>	<b>Department of Conservation</b>	NFL-P5	Retain NFL-P5.	Accept	Reject	Yes
FS29.2	Water Holdings Hawke's Bay		Allow	Accept	Reject	
FS9.357	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Allow	
FS1.2	Tukituki Water Security Project		Allow	Accept	Reject	
FS13.036	Heretaunga Tamatea Settlement Trust		Allow	Accept	Reject	
<b>S64.075</b>	<b>Department of Conservation</b>	NFL-P6	Retain NFL-P6.	Accept	Accept	No
FS9.358	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
FS5.083	Nga hapu me nga marae o Tamatea		Allow	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
FS13.037	Heretaunga Tamatea Settlement Trust		Allow	Accept	Accept	
<b>S64.076</b>	<b>Department of Conservation</b>	NFL-P7	Retain NFL-P7.	Accept	Accept	No
FS9.359	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
FS5.084	Nga'hapu me nga marae o Tamatea		Allow	Accept	Accept	
FS13.038	Heretaunga Tamatea Settlement Trust		Allow	Accept	Accept	
<b>S64.077</b>	<b>Department of Conservation</b>	NFL-P8	Retain NFL-P8.	Accept	Accept	No
FS13.039	Heretaunga Tamatea Settlement Trust		Allow	Accept	Accept	
FS5.085	Nga'hapu me nga marae o Tamatea		Allow	Accept	Accept	
FS9.360	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
<b>S64.078</b>	<b>Department of Conservation</b>	NFL-R1	Amend NFL-R1 to 'Restricted Discretionary' activity status.	Reject	Reject	No
FS9.361	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Reject	Reject	
FS25.71	Federated Farmers of New Zealand		Disallow	Accept	Accept	
FS23.32	Kāinga Ora - Homes and Communities		Disallow	Accept in part	Accept in part	
<b>S75.060</b>	<b>Royal Forest and Bird Protection Society NZ</b>	NFL-O1	Amend NFL-O1 as follows: 'Outstanding natural features and landscapes that are important to the identity of the District are retained and protected from inappropriate subdivision, use and development.'	Accept	Accept	Yes
.						
<b>S75.061</b>	<b>Royal Forest and Bird Protection Society NZ</b>	NFL-P2	Amend NFL-P2 to clarify what constitutes an 'existing land use'.	Accept in part	Accept in part	No
.						
<b>S75.062</b>	<b>Royal Forest and Bird Protection Society NZ</b>	NFL-P3	Retain NFL-P3(1) as proposed.	Accept	Accept	No
.						

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S75.063	Royal Forest and Bird Protection Society NZ	NFL-P4	Amend NFL-P4 to clarify that this policy should be read in conjunction with other policies which may prevent the construction of a building in the coastal environment.	Reject	Reject	No
FS25.67	Federated Farmers of New Zealand		Disallow	Accept	Accept	
S75.064	Royal Forest and Bird Protection Society NZ	NFL-P5	Delete NFL-P5.	Reject	Accept	Yes
FS29.4	Water Holdings Hawke's Bay		Disallow	Accept	Reject	
FS28.001	Liz Munroe		Disallow	Accept	Reject	
FS1.4	Tukituki Water Security Project		Disallow	Accept	Reject	
FS25.69	Federated Farmers of New Zealand		Disallow	Accept	Reject	
FS5.082	Nga'hapu me nga marae o Tamatea		Allow	Reject (potentially withdrawn)	Accept	
S75.065	Royal Forest and Bird Protection Society NZ	NFL-P8	Retain NFL-P8 as proposed.	Accept	Accept	No
S75.066	Royal Forest and Bird Protection Society NZ	NFL-R1	Amend NFL-R1 as follows: <b>'The activity is an alteration to an existing building, where the following conditions are met:</b> a. Gross floor area of the building, <b>including any alteration/extension</b> , is less than 25m2. b. Maximum height of <del>any</del> building, <b>including any alteration/extension</b> , is less than 3m.'	Reject	Reject	No
FS25.72	Federated Farmers of New Zealand		Disallow	Accept	Accept	
S75.067	Royal Forest and Bird Protection Society NZ	NFL-SCHED6	Retain all the natural features and landscapes listed in NFL-SCHED6.	Accept	Accept	No
FS5.086	Nga'hapu me nga marae o Tamatea		Allow	Accept	Accept	
S79.068	Transpower New Zealand Ltd	NFL-O1	Retain NFL-O1.	Accept in part	Accept in part	No
FS9.423	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S79.069	Transpower New Zealand Ltd-	NFL - Policies	Retain policies in 'NFL - Natural Features and Landscapes' chapter. However, should a new 'Network Utilities' policy (as sought in another submission point) not be provided, Transpower seeks relief consistent with that sought in its earlier submission point seeking the new policy.	Accept in part	Accept in part	No
FS9.424	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part		
S79.070	Transpower New Zealand Ltd	NFL - Rules	Retain 'Note' at start of 'NFL - Rules' stating 'Rules relating to network utilities within the identified ONL and ONFs are contained in the NU - Network Utilities chapter of the District Plan. The rules in this chapter do not apply to network utilities.	Accept	Accept	No
FS9.425	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Reject	
S81.074	Horticulture New Zealand	NFL-O2	Delete NFL-O2.	Reject	Reject	No
.						
S81.075	Horticulture New Zealand	NFL-P6	Delete NFL-P6.	Reject	Reject	No
.						
S81.076	Horticulture New Zealand	NFL-P7	Delete NFL-P7. If not deleted, add to NFL-P7 as follows: 'To avoid, remedy or mitigate potential adverse effects of subdivision, use and development on the District's significant amenity features, including having regard to the following matters: 1. ... ... <b>7. the importance of water storage to regional and district social and economic development.'</b>	Reject	Reject	No
.						

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S88.001	Robert Eagles	EW-S2	The rules applying to ONFLs need to be changed to allow for normal farming practices to continue without undue regulation.	Accept in part	Accept in part	No
.						
S88.002	Robert Eagles	NFL - Natural Features and Landscapes	These rules need to be changed to allow for the normal farming practices to continue without undue regulation.	Accept in part	Accept in part	No
.						
S99.002	Curt & Tricia Zant	NFL-SCHED6	Remove ONF [ONF-7] from my freehold land.	Reject	Reject	No
.						
S109.001	Will Foley	MAPS	Limit the area of land mapped as 'ONF-5 Three Sisters' on the Planning Maps [identified as 'ONF-5 Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako' in NFL-SCHED6] to just encompass 'The Three Sisters'.	Reject	Accept in part	Yes
FS5.096	Nga hapu me nga marae o Tamatea		Disallow	Accept	Accept in part	
S112.001	Trevor Le Lievre	NFL-P5	Delete NFL-P5. That Council desist from any further involvement, promotion, or pecuniary support for water storage.	Reject	Accept	Yes
FS25.70	Federated Farmers of New Zealand		Disallow	Accept	Reject	
S115.001	Clint Deckard	NFL-P5	Delete NFL-P5.	Reject	Accept	Yes
.						
S117.057	Chorus New Zealand Limited	NFL - Rules	Retain 'NFL-Rules' section, including notes, as notified.	Accept	Accept	No
FS9.485	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Reject	
S118.057	Spark New Zealand Trading Limited	NFL - Rules	Retain 'NFL-Rules' section, including notes, as notified.	Accept	Accept	No
.						
S119.057	Vodafone New Zealand Limited	NFL - Rules	Retain 'NFL-Rules' section, including notes, as notified.	Accept	Accept	No
.						

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S120.019	Heretaunga Tamatea Settlement Trust	NFL - Natural Features and Landscapes	No relief sought.	Accept in part	Accept in part	No
S121.035	Federated Farmers of New Zealand	NFL-O1	Retain NFL-O1 as proposed.	Accept in part	Accept in part	No
FS9.35	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	Accept in part	
S121.036	Federated Farmers of New Zealand	NFL-O2	Delete NFL-O2 [and all provisions relating to 'Significant Amenity Features'].	Reject	Reject	No
FS17.49	Horticulture New Zealand		Allow	Reject	Reject	
FS9.36	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.037	Federated Farmers of New Zealand	NFL-P1	Amend NFL-P1 as follows: 'To identify the District's outstanding natural features and landscapes having regard to the following criteria: 1. ... 2. ... 3. ... <b>ONFLs will be mapped and listed in Schedule 6, along with their identified values.'</b>	Accept	Reject	No
FS9.37	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Accept	
S121.038	Federated Farmers of New Zealand	NFL-P2	Amend NFL-P2 as follows: 'To allow activities within the District's outstanding natural features and landscapes where they are for existing land uses <b>such as farming</b> , for conservation purposes and customary activities.'	Accept in part	Accept in part	Yes
FS9.38	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	Accept in part	
S121.039	Federated Farmers of New Zealand	NFL-P3	Amend NFL-P3 as follows: 'To protect the District's outstanding natural features and landscapes by:	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation (As per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
			<p>1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural landscape in the coastal environment;</p> <p>2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of <del>all other</del> outstanding natural landscapes or features, <b>having regard to existing land uses and underlying zoning</b>;</p> <p>3. recognising and providing for some ensuring the erection of structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes <b>will be appropriate</b> and <del>will</del> not compromise the values present; and</p> <p>4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.'</p>			
FS9.39	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
FS5.070	Nga'hapu me nga marae o Tamatea		Disallow	Accept	Accept	
<b>S121.040</b>	<b>Federated Farmers of New Zealand</b>	NFL-P4	<p>Amend NFL-P4 as follows:            'To require that buildings, structures or earthworks locating within the District's outstanding natural landscapes or features <del>avoid adverse visual effects in the coastal environment, and avoid,</del> remedy or mitigate adverse visual effects in <del>all other</del> outstanding natural landscapes or features by:</p> <p>1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location <b>and consistent with existing land uses such as farming</b>;</p>	Reject	Accept in part	Yes



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			2. ... 3. ... 4. ...'			
FS9.40	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept in part	
<b>S121.041</b>	<b>Federated Farmers of New Zealand</b>	NFL-P5	Retain NFL-P5 as proposed.	Accept	Reject	Yes
FS1.3	Tukituki Water Security Project		Allow	Accept	Reject	
FS9.41	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Accept	
FS29.3	Water Holdings Hawke's Bay		Allow	Accept	Reject	
<b>S121.042</b>	<b>Federated Farmers of New Zealand</b>	NFL-P6	Delete NFL-P6.	Reject	Reject	No
FS9.42	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.043</b>	<b>Federated Farmers of New Zealand</b>	NFL-P7	Delete NFL-P7.	Reject	Reject	No
FS9.43	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.044</b>	<b>Federated Farmers of New Zealand</b>	NFL-P8	Delete NFL-P8.	Reject	Reject	No
FS9.44	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.045</b>	<b>Federated Farmers of New Zealand</b>	NFL-R1	Amend Rule NFL-R1(1) as follows: 'All ONFLs (except ONE-5, ONE-7, ONE-9 & ONE-10) 1. Activity Status: PER Where the following conditions are met: a. Gross floor area of the building or alteration is less than 25m <sup>2</sup> . <b>The building is for an existing farm landuse, or</b> b. <b>Gross floor area of the building or alteration is less than 25m<sup>2</sup> and</b> Maximum height of any building is less than 3m.'	Reject	Reject	No
FS23.36	Kāinga Ora - Homes and Communities		Disallow	Accept	Accept	

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FS9.45	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.046</b>	<b>Federated Farmers of New Zealand</b>	NFL-R1	Amend NFL-R1(4) to apply only to specific sensitive ONFLs that do not have farming land uses (in conjunction with relief sought in relation to NFL-R1(1)). Or amend NFL-R1(4) as follows: 'ONF-5 (Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako / ONF-7 (Kairakau) / ONF-9 (Parimahu) / ONF-10 (Porangahau Foredune) 4. Activity Status: PER Where the following conditions are met: a. <del>Gross floor area of the building or alteration is less than 25m2.</del> <b>The building is for an existing farm landuse, or</b> b. <b>Gross floor area of the building or alteration is less than 25m2 and</b> Maximum height of any building is less than 3m.'	Reject	Reject	No
FS9.46	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.047</b>	<b>Federated Farmers of New Zealand</b>	NFL-SCHED6	Adjust ONFL boundaries and information according to landowner submissions. And amend NFL-SCHED6, column 2 and 3, to state what existing land uses that are occurring on each ONFL.	Reject	Reject	No
FS9.47	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S125.062</b>	<b>Ngā hapū me ngā marae o Tamatea</b>	NFL - Introduction	Retain 'NFL - Introduction' as notified.	Accept	Accept	No
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<b>S125.063</b>	<b>Ngā hapū me ngā marae o Tamatea</b>	NFL-P1	Amend NFL-P1 so that it meets mana whenua aspirations including a more detailed description of the role of mana whenua in preventing the loss of landscape values.	Reject	Reject	No
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S125.064	Ngā hapū me ngā marae o Tamatea	NFL-P3	Amend NFL-P3 so that it meets mana whenua aspirations including a more detailed description of the role of mana whenua in preventing the loss of landscape values.	Reject	Reject	No
S129.005	Kāinga Ora - Homes and Communities	Definitions	Add a new definition and criteria for 'Outstanding Natural Features and Landscape'.	Reject	Reject	No
FS19.2	Penny Nelson, Director-General of Conservation		Allow in part	Reject	Reject	
S129.063	Kāinga Ora - Homes and Communities	NFL - Natural Features and Landscapes	<p>Kāinga Ora seeks amendments to address the below matters:</p> <ol style="list-style-type: none"> <li>1. Kāinga Ora considers that in its current form, NFL-I1 does not clearly articulate the implications and potential adverse effects resulting from loss of landscape values. This needs to be properly stated and documented in SASM-I1[NFL-I1?], as the potential adverse effects will determine the type of response and degree of management required through subsequent provisions.</li> <li>2. Kāinga Ora opposes reference to terms 'high natural character areas' and 'significant amenity features' in that these terms are not defined within the plan, and it is presumed that these areas do not meet the threshold for consideration as 'outstanding natural landscapes and features.' Given the lack of clarity around what constitutes a 'high natural character area' or a 'significant amenity feature,' it is unclear to what degree the plan should have regard to these matters within an RMA context</li> <li>3. In relation to certain activities, such as earthworks, it is Kāinga Ora's view that there is a disconnect between the objectives and policies, rules and standards, and assessment matters, such that the majority of earthworks even when</li> </ol>	Accept in part	Accept in part	Yes

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			located within areas of outstanding natural features and landscapes cannot be appropriately managed by Council unless non-compliances to other standards occur.			
FS17.48	Horticulture New Zealand		Allow	Accept in part	Accept in part	
<b>S134.008</b>	<b>Ngāti Kere Hapū Authority</b>	NFL - Natural Features and Landscapes	[Ensure provision for papakainga - kaumatua housing in the Proposed Plan is not impeded by 'Outstanding Natural Feature' and 'Significant Amenity Feature' provisions where such features overlay residual lands owned by Māori.] We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development.	Accept in part	Accept in part	No
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