



**CENTRAL  
HAWKE'S BAY**  
DISTRICT COUNCIL

**REPORT OF HEARING PANEL**

**Independent Hearing Commissioners:**

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Roger Maaka  
Tim Aitken  
Kate Taylor  
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**TOPIC 1C**

**Coastal Environment (including Coastal Settlements)**

**REPORT DATED:**

**4 May 2023**

**DATE OF HEARING:**

**14 to 15 March 2022**

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## Contents

<b>PART A – PRELIMINARY MATTERS .....</b>	<b>1</b>
<b>1 Introduction .....</b>	<b>1</b>
1.1 Scope of this report .....	1
1.2 Statutory considerations .....	1
1.3 Submissions .....	2
1.4 Procedural matters.....	2
1.5 Hearing .....	2
1.6 Structure of this report.....	4
<b>PART B – EVALUATION .....</b>	<b>5</b>
<b>2 Overview.....</b>	<b>5</b>
<b>3 Key Issue 1 – The Coastal Environment and Development of Māori Land.....</b>	<b>7</b>
3.1 Proposed Plan Provisions .....	7
3.2 Submissions .....	7
3.3 Reporting Planner's Recommendations.....	7
3.4 Evidence to the Hearing .....	8
3.5 Post- Hearing Information .....	8
3.6 Evaluation and Findings.....	9
<b>4 Key Issue 2 – Rural Character and Existing Farming Land Use in the Coastal Environment .....</b>	<b>10</b>
4.1 Proposed Plan Provisions .....	10
4.2 Submissions .....	10
4.3 Reporting Planner's Recommendations.....	11
4.4 Evidence to the Hearing .....	13
4.5 Post-Hearing Information.....	14
4.6 Evaluation and Findings.....	14
<b>5 Key Issue 3 – Provision for the National Grid in the Coastal Environment .....</b>	<b>15</b>
5.1 Proposed Plan Provisions .....	15
5.2 Submissions .....	15
5.3 Reporting Planner's Recommendations.....	16
5.4 Evidence to the Hearing .....	17
5.5 Post-Hearing Information.....	17
5.6 Evaluation and Decisions .....	17
<b>6 Key Issue 4 – Remaining 'Coastal Environment' (CE) Provisions .....</b>	<b>18</b>

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6.1	Proposed Plan Provisions .....	18
6.2	Submissions .....	18
6.3	Reporting Planner's Recommendations.....	20
6.4	Evidence to the Hearing .....	21
6.5	Post-Hearing Information.....	22
6.6	Evaluation and Decisions.....	22
<b>7</b>	<b>Key Issue 5 – Areas of High Natural Character in the Coastal Environment.....</b>	<b>24</b>
7.1	Proposed Plan Provisions .....	24
7.2	Submissions .....	25
7.3	Reporting Planner's Recommendations.....	26
7.4	Evidence to the Hearing .....	26
7.5	Post-Hearing Information.....	27
7.6	Evaluation and Decisions.....	27
<b>8</b>	<b>Key Issue 6 – Emergency Service Activities and Firefighting Supply Requirements in the Large Lot Residential Zone (Coastal Settlements) .....</b>	<b>31</b>
8.1	Proposed Plan Provisions .....	31
8.2	Submissions .....	31
8.3	Reporting Planner's Recommendations.....	33
8.4	Evidence to the Hearing .....	35
8.5	Post-Hearing Information.....	36
8.6	Evaluation and Findings.....	36
<b>9</b>	<b>Key Issue 7 – Remaining 'Large Lot Residential Zone' (LLRZ) Provisions.....</b>	<b>39</b>
9.1	Proposed Plan Provisions .....	39
9.2	Submissions .....	39
9.3	Reporting Planner's Recommendations.....	41
9.4	Evidence to the Hearing .....	44
9.5	Post-Hearing Information.....	44
9.6	Evaluation and Findings.....	44
<b>PART C – SUMMARY OF RECOMMENDATIONS.....</b>		<b>45</b>
<b>10</b>	<b>Overview.....</b>	<b>45</b>
<b>11</b>	<b>Consequential Amendments and Minor Errors .....</b>	<b>45</b>
11.2	Consequential Amendments .....	46
11.3	Minor errors .....	46

<b>Appendix A – Chapter CE – Coastal Environment and LLRZ – Large Lot Residential Zone (Coastal) as amended .....</b>	<b>1</b>
<b>Appendix B – Summary of Recommendations on Submissions .....</b>	<b>2</b>

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

Submitter Name	Submission Number(s)
Ara Poutama Aotearoa the Department of Corrections (Department of Corrections)	S97
Centralines Limited (Centralines)	S90
Department of Conservation (DOC)	S64
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Hawke's Bay Regional Council (HBRC)	S11
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129
Ministry of Education	S73
New Zealand Motor Caravan Association (NZMCA)	S101
Ngā hapū me ngā marae o Tamatea (NHMT)	S125
Ngāti Kere Hapū Authority	S134
Peggy Scott	S71
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	S75
Sandy Hill Farms Limited (Sandy Hill Farms)	S103
Transpower New Zealand Limited (Transpower)	S79

Further Submitter Name	Further Submission Number(s)
Federated Farmers	FS25
Kāinga Ora	FS23
Forest & Bird	FS9

# PART A – PRELIMINARY MATTERS

## 1 Introduction

### 1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommendations of the Proposed CHBD Plan Hearings Panel on the submissions and evidence relating to Coastal Environment including Coastal Settlements considered at the Natural Environment topic hearing, held on 14 March 2022, and reconvened on 15 March 2022, both held at the CHBDC 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 PDP, 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: Coastal Environment (including Coastal Settlements)', prepared by Rowena Macdonald.
- 1.2.3 The Coastal Environment is addressed in the 'Coastal Environment Section 32 Topic Report' and Coastal Settlements are addressed in both the 'Coastal Environment Section 32 Topic Report' and 'Urban and Settlement Environment 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 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. Where these have been provided, they are noted in the summary of evidence to the hearing sections of this report.
- 1.2.6 Where the Panel has made amendments to the PDP that are consistent with the recommendations contained within the reporting planners' 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 PDP 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 15 submitters and 4 further submitters across the whole 'Coastal Environment/ Coastal Settlements' topic. These submissions contained 77 original submission points, and 34 further submission points. Of the 77 original submission points, 32 submission points were in support.
- 1.3.2 The submission points in opposition can be generally divided into the following main groups:
- Provision for development on Māori land in the coastal environment;
  - Provision for the National Grid in the coastal environment;
  - Recognition of rural character and provision for existing farming land uses in the coastal environment;
  - Alignment and consistency with the New Zealand Coastal Policy Statement (NZCPS);
  - Protection of wetlands within the coastal environment;
  - Identification and inclusion of 'areas of high natural character';
  - Choice of zone to apply to the coastal settlements;
  - Provision for emergency service activities and firefighting supply in the Large Lot Residential Zone;
  - Provision for Electrical Safety Distance requirements in the Large Lot Residential Zone;
  - Provision for Educational Facilities in the Large Lot Residential Zone;
  - Provision for Community Corrections Activities in the Large Lot Residential Zone; and
  - Provision for Camping Grounds in the Large Lot Residential Zone.

### 1.4 Procedural matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with cl8AA of Schedule 1, or undertaken on the submissions relating to the coastal environment provisions prior to the finalization of the s42A report. No further consultation or meetings with any parties regarding the Coastal Environment or Coastal Settlements has been undertaken since circulation of the s42A report.
- 1.4.2 No procedural matters were raised.
- 1.4.3 No matters of trade competition were raised.

### 1.5 Hearing

- 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 Coastal Environment (including Coastal Settlements) 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 the Coastal Environment (including Coastal Settlements)**

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Key Issue under which evidence is discussed
Federated Farmers (S121, FS25)	Rhea Dasent (Senior Policy Advisor)	Attended Hearing Submitter Evidence Submitter Presentation Notes	Key Issues 2, 4, and 5
FENZ (S57)	Paul McGimpsey (Planner, Beca) Nigel Hall (Fire and Emergency) Bob Palmer (Fire and Emergency)	Attended hearing Submitter Evidence	Key Issues 3 and 6
HBRC (S11)	Gavin Ide (Principal Advisor Strategic Planning)	Attended Hearing Submitter Statement Supplementary Hearing Statement	Key Issue 1
NZMCA (S101)	Rayya Ali (Planning and Policy Advisor)	Attended Hearing	Key Issue 7
Ngāti Kere Hapū Authority (S134)	David Tipene-Leach	Attended Hearing	Key Issue 1
Forest & Bird (S75)	Tom Kay (Forest & Bird) May Downing (Legal Representation)	Attended Hearing Submitter Presentation notes Legal Submission	Key Issues 1, 2, 3, 4, and 5

- 1.5.3 Appearances for the CHBDC were:

- Ms. Macdonald, reporting planner

- 1.5.4 Evidence provided by Ms. Macdonald included:

- Officer's Report: Coastal Environment (including Coastal Settlements); and
- Opening statement (tabled and verbal).

- 1.5.5 Following the adjournment of the hearing on 15 March 2022, a written right-of-reply from the Council's reporting planner was received and circulated on Friday 8 April.
- 1.5.6 The sixth memorandum and direction of the hearings panel following hearing 1 was issued on 18 March 2022. There were no further directions relating to the Coastal Environment topic.
- 1.5.7 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 or reply with respect to providing a response to all submission points regarding Tangata Whenua matters.
- 1.5.8 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 decision according to the key issues identified in the section 42A report, rather than present a submission point by submission point evaluation. There were seven key issues addressed in this report.
- Key Issue 1: The Coastal Environment and Development of Māori Land;
  - Key Issue 2: Rural Character and Existing Farming Land Use in the Coastal Environment;
  - Key Issue 3: Provision for the National Grid in the Coastal Environment;
  - Key Issue 4: Remaining 'Coastal Environment' (CE) Provisions;
  - Key Issue 5: Schedule of Areas of High Natural Character in the Coastal Environment (CE-SCHED7);
  - Key Issue 6: Emergency Service Activities and Firefighting Supply Requirements in the Large Lot Residential Zone; and
  - Key Issue 7: Remaining 'Large Lot Residential Zone' (LLRZ) Provisions.
- 1.6.2 We have structured our evaluation and decision 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 Thereafter we consider 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 The CHBD has a rugged coastline that forms its eastern boundary, where the mudstone/sandstone hill country meets the Pacific Ocean, creating a series of eroding cliffs and rocky bluffs. Multiple small coastal settlements are located on the many sandy beaches that are scattered along the coastline, sited at the end of rural roads. The District's coastal environment is largely a rural one, used primarily for extensive pastoral grazing and some forestry plantations: little is left of the original indigenous cover. The most extensive coastal wetlands and dune formations are to be found between Pōrangahau and Parimahu, at the estuary of the Pōrangahau River, that empties into a broad sweeping beach some 15km long.
- 2.1.2 The term 'coastal environment' is not defined in either the RMA or the NZCPS but is generally taken to include the coastal marine area<sup>1</sup>, as well as the area of coast extending inland to the nearest skyline or to that furthest point where there is a direct connection with the coast. The coastal environment in the Central Hawke's Bay District currently falls within the Rural Zone in the ODP, delineated by way of a 'Coastal Margin' line on the Planning Maps, which is drawn from the RCP.
- 2.1.3 There are no comprehensive set of provisions addressing the 'coastal environment' or the 'coastal margin' area in the ODP. Instead, coastal provisions in the ODP are of a general nature and are scattered across various parts of the PDP.
- 2.1.4 To inform the process of reviewing the PDP provisions around coastal issues during 2018, Council commissioned John Hudson of Hudson Associates Landscape Architects to carry out an assessment of the natural character of the District's coastal environment, and to provide guidance on methods for meeting Council's section 6 (specifically section 6(a)) and section 7 responsibilities under the RMA in this respect.
- 2.1.5 This assessment was contained in the report 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', Hudson Associates Landscape Architects, January 2019, which was formally adopted by Council, and consequently informed the development of coastal natural character provisions in the PDP.
- 2.1.6 The report identified 8 Coastal Sectors within the coastal environment that were assessed to have an overall natural character ranking of 'High' or 'Very High'. No areas of 'Outstanding' natural character were identified. The assessment concluded that the amount of landform and land cover modification that has occurred within these areas, including modifications such as flattening of dunes, farming activities, forestry, vegetation clearance and exotic vegetation colonisation, all reduce the natural character level from an outstanding natural state. The remainder of the rural coastal environment of Central Hawke's Bay District was assessed as having an overall natural character ranking of Moderate.

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<sup>1</sup> The coastal marine area is defined in section 2 RMA, and includes the area of sea 12 nautical miles out from Mean High-Water Springs

- 2.1.7 The report also assessed each of the coastal settlements of Kairakau, Mangakuri, Pourerere, Aramoana/ Shoal Bay, Blackhead, Porangahau Beach, and Whangaehu as having overall natural character rankings of Moderate-Low (albeit they have their own 'special character').
- 2.1.8 Given the prevailing rural character and land use, most of the coastal environment was retained within the Rural Zone in the PDP.
- 2.1.9 Within the ODP, the coastal settlements of Kairakau, Mangakuri, Pourerere, Blackhead, and Te Paerahi are contained within the broad 'Township Zone', which also encompasses all the District's rural settlements. The settlements of Aramoana and Whangaehu were established by way of an approved development (Shoal Bay) and by way of limited sites created by subdivision of the underlying Rural-zoned land (Whangaehu) – they both retain their Rural zoning.
- 2.1.10 Following the initial scoping report, an early decision was made to separate the coastal settlements from rural settlements in the Township Zone given their unique coastal residential character as distinct from the mixed-use rural settlements, their location within the identified 'coastal environment', and to better give effect to relevant policies in the NZCPS (which post-dates the ODP). As the National Planning Standards do not provide for a 'coastal settlement' zone, the decision was made to apply the nearest equivalent zoning, 'LLRZ'.

### 3 Key Issue 1 – The Coastal Environment and Development of Māori Land

#### 3.1 Proposed Plan Provisions

- 3.1.1 This key issue addresses the coastal environment generally, as well as matters specifically relating to development of Māori land within the coastal environment.

#### 3.2 Submissions

- 3.2.1 There were 5 original submission points with no related further submission points arising.
- 3.2.2 HBRC (S11.028) supported the entire 'CE – Coastal Environment' chapter in the PDP, as notified, as does NHMT (S125.069).
- 3.2.3 Forest & Bird (S75.003) submitted in support of the definition of 'coastal environment' in the Definitions chapter of the PDP, being:
- 'means (for the purposes of the Central Hawke's Bay District Plan) the area above MHWS to the landward edge of the Coastal Environment Area boundary as identified on the Planning Maps, and excludes the Coastal Marine Area'.
- 3.2.4 Ngāti Kere Hapū Authority (S134.009) submitted that they supported protecting sensitive coastal land, but were concerned that provisions labelling residual lands owned by Māori as sensitive under the provisions of the PDP might impede development by Māori. The submitter sought that Council launch intensive communication with mana whenua around land and housing development.
- 3.2.5 Equally, P Scott (S71.001) opposed the LLRZ, which covered the coastal settlements of the District, concerned that the provisions would hold Māori landowners back, and submitted that there was a need to talk to landowners individually.

#### 3.3 Reporting Planner's Recommendations

- 3.3.1 No evaluation was required for the Forest & Bird submission (S75.003) supporting the definition of 'coastal environment' in the PDP.
- 3.3.2 The submissions of HBRC (S11.028) and NHMT (S125.069) were recommended to be accepted in part because, whilst they are supportive of the CE – Coastal Environment chapter as notified, amendments were recommended in response to other submissions on specific provisions within this chapter.
- 3.3.3 The reporting planner recommended accepting the submission of Ngāti Kere Hapū Authority (S134.009) in part. The reporting planner Ms. Macdonald considered that there was clear anticipation of, and now an appropriate pathway for, proposals to develop housing for Māori on lands owned by Māori within the PDP (not specifically provided for in the current ODP), whilst also encompassing measures for the protection of areas that have been identified as environmentally sensitive. For example, there were provisions in the PDP that had been specifically introduced to enable mana whenua to develop ancestral land, which were new to the CHBD. Papakāinga and kaumatua housing and marae-based development is now provided for as

a 'controlled activity' in the PKH chapter as a district-wide activity (subject to various standards), and supported by strategic objectives and policies contained in the TW chapter.

- 3.3.4 The reporting planner also considered that their request of Council to launch an intensive communication with mana whenua of Tamatea with respect to land and housing development was outside the scope of the PDP to require. She noted that it was her understanding that Council was committed to further building on its relationships with mana whenua in this regard.
- 3.3.5 The reporting planner recommended rejecting the submission of P Scott (S71.001) because it was difficult to determine what aspects of the LLRZ provisions caused concern, and therefore it was difficult to respond meaningfully.

### 3.4 Evidence to the Hearing

- 3.4.1 HBRC's submitter statement stated that it accepted the reporting officer's recommendation on S11.028.
- 3.4.2 David Tipene-Leach addressed the Hearing's Panel on behalf of Ngāti Kere Hapū Authority. No evidence or statements were tabled, but during his presentation he reiterated that they were worried about being unable to utilise some of their coastal areas that had recently been received back through a treaty claim because of mapped overlays such as SNAs. Mr Tipene-Leach also noted the difficulty the Māori had with housing, financing, the difficulties that they had with Council and the Māori Land Court. He was of the view that a commitment should be made by Council to the development of Māori housing.

### 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 specific directions were given with regard to the Coastal Environment topic other than for a right-of-reply to be written by the reporting officer.
- 3.5.2 The right of reply did not address this key issue.
- 3.5.3 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 or reply with respect to providing a response to all submission points regarding Tangata whenua matters.
- 3.5.4 Ms Morgan made the following comments in her right of reply:
- In response to Ngāti Kere Hapū Authority S134.009 she stated "This matter was addressed in the S42A Coastal Environment Report, Issue 1 which concluded an appropriate district plan pathway is present". The provisions in the CE chapter respond to Councils obligations under RMA S6(a) and the provisions of the NZCPS. 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. No change to recommendation necessary.

### **3.6 Evaluation and Findings**

- 3.6.1 Due to the interrelationship of submissions on the development of Māori land within the coastal environment with broader district-wide issues relating to Māori development aspirations and engagement, the Panel decided to defer its deliberations until all submissions on these interrelated issues could be heard collectively on an integrated basis. Our evaluation and recommendations are contained in the Panel report on Hearing Stream 4, Tangata Whenua.
- 3.6.2 In regard to the provisions of the coastal environment in general, the Panel agree with the recommendations of the reporting planner to accept Forest & Bird submission (S75.003), and accept in part HBRC (S11.028) and NHMT (S125.069).

## 4 Key Issue 2 – Rural Character and Existing Farming Land Use in the Coastal Environment

### 4.1 Proposed Plan Provisions

- 4.1.1 This key issue largely addresses Federated Farmers opposition to these provisions, and the amendments they are seeking across various objectives, policies and assessment matters in the CE – Coastal Environment chapter. Federated Farmers sought to specifically reference and acknowledge the existing rural character and farming land uses as positive features of the coastal environment in Central Hawke's Bay, in addition to recognising and providing for the preservation of the natural character of the coastal environment (section 6(a) RMA).
- 4.1.2 Forest & Bird and DOC supported the retention of Objective CE-O1, CE-O2 and Policy CE-P7 as notified. DOC also supported the retention of Policy CE-P3 and Policy CE-P4 as notified. Forest & Bird also further submitted in support of DOC.

### 4.2 Submissions

- 4.2.1 There were 21 original submission points for this key issue and 18 further submission points.
- 4.2.2 Federated Farmers submitted that there should be differentiation between activities that are compatible and consistent with existing rural and coastal character, and those that are not, and that farming activities should not be considered inappropriate where they occur on existing farmland. They considered that for much of the coastal environment, where it is also rural, the General Rural Zone provisions will be sufficient to protect its character, and that rural land uses interspersed with settlements and natural landscape features are a vital aspect that preserves the coastline from more intensive development.
- 4.2.3 Federated Farmers also submitted that some of provisions in the CE – Coastal Environment chapter will inappropriately restrict farm earthworks, buildings and large lot and farm succession subdivision, which should be considered consistent with the coastal environment, underlying rural zoning and existing farming land uses.
- 4.2.4 Forest & Bird blanketly opposed Federated Farmers' submissions (the relevant ones for this issues being FS9.55, FS9.56, FS9.57, FS9.59, FS9.60, FS9.61, FS9.62, FS9.63, FS9.64, FS9.65, FS9.66, FS9.67, FS9.68) 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 NPSFM or would not achieve the purpose of the RMA'.
- 4.2.5 Forest & Bird (S75.068, S75.069 & S75.076) supported retention of Objective CE-O1, Objective CE-O2 and Policy CE-P7, as they consider these provisions are consistent with the NZCPS.
- 4.2.6 DOC (S64.083, S64.084, S64.088, S64.089 & S64.092) supported retention of Objective CE-O1, Objective CE-O2, Policy CE-P3, Policy CE-P4 and Policy CE-P7 as notified, as they considered these provisions are consistent with section 6(a) of the RMA and the NZCPS. Forest & Bird (FS9.366, FS9.367, FS9.371, FS9.372 & FS9.375,) also further submitted in support of DOC.



### 4.3 Reporting Planner's Recommendations

- 4.3.1 The reporting planner recommended rejecting Federated Farmer's submission point (S121.065) that sought to include a new policy to recognise farming land uses and rural character as positive contributors to the character and amenity of the coastal environment. She considered that the objectives and policies in the CE – Coastal Environment chapter did not currently single out farming activities collectively as being either appropriate or inappropriate within the coastal environment and, given that some farming activities had been identified as having an impact on natural character values, any policy recognising farming activities as being inherently appropriate could not be justified.
- 4.3.2 The reporting planner did not support Federated Farmer's inclusion of 'rural character and farming land uses' in the list of 'distinctive landforms' evident in the coastal environment of Central Hawke's Bay in Objective CE-O1 (S121.055), as Ms Macdonald considered that 'rural character and farming land uses' do not constitute 'landforms'.
- 4.3.3 The reporting planner supported Federated Farmers sought expansion of Objective CE-O2 (S121.056) to refer to 'rural character' as well as 'natural character', as this reflected the coastal environment of the District being primarily rural in nature.

CE-O2	Protection of the natural <b>and rural</b> character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.
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- 4.3.4 In regard to Federated Farmers request to amend Objective CE-O3 (S121.057) and Policy CE-P5 (S121.062), the reporting planner stated that she supported expanding this objective only insofar as to provide for activities that were part of an existing farming land use (albeit the appropriate term used in the PDP was 'primary production'), where they did not compromise other significant values in the coastal environment. She did not recommend any changes to this objective and policy, but did recommend amending the Policy (CE-P6) by adding an eighth matter "consistency with underlying zoning and existing land use" to the list of matters for determining whether a proposed activity was appropriately located in the coastal environment.
- 4.3.5 The reporting planner recommended rejecting Federated Farmers submission points S121.059 and S121.064 because farming activities have diminished the natural character of the coastal environment of the District from its natural state, and could further adversely affect natural character. Ms Macdonald considered it inappropriate to suggest that such activities (which include drainage of coastal flats and wetlands, earthworks within dunes and coastal escarpments etc) were necessarily acceptable on the sole basis that they were deemed consistent with existing land use.
- 4.3.6 In response to Federated Farmers submission point S121.060, the reporting planner did not consider that the addition of the words 'urban/residential' when referring to subdivision and development in the coastal environment added any particular benefit in this context. Ms Macdonald considered the words 'sprawling or sporadic' sufficiently explained the type of subdivision and development that the PDP is looking to avoid.
- 4.3.7 The reporting planner did not consider that further qualifying the application of Policy CE-P4 as proposed by Federated Farmers (S121.061) to managing activities where they were inconsistent with existing rural character and farm land uses, was necessary or appropriate.

- 4.3.8 The reporting planner supported Federated Farmers' request to expand Policy CE-P6 (S121.063) and Assessment Matter CE-AM2(2) & (3) (S121.067 & S121.068) to include 'consistency with underlying zoning and existing land uses' in the list of various matters to have regard to when demonstrating that an activity is appropriately located, and the various list of matters to consider when assessing an application for activities on land within or containing identified 'high natural character areas' (HNCAs). Ms. Macdonald considered this was appropriate and accurately reflected the approach taken in the PDP to activities within the coastal environment and HNCAs, and the underlying Rural Zone context.

**CE-P6** To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to:

1. the particular natural character, ecological, historical or recreational values of the area;
2. the extent to which the values of the area are sensitive or vulnerable to change;
3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area;
4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it;
5. the impacts of climate change;
6. appropriate opportunities for public access and recreation; and
7. the extent to which any adverse effects are avoided, remedied or mitigated.

**8. consistency with underlying zoning and existing land use.**

**CE-AM2** Additional Specific Assessment Matters for Activities on Land within or containing HNCs

1. Buildings
  - a. The location, layout, and design of the development to ensure that it does not have adverse effects on the coastal natural character. 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 ridgelines and spurs and should not dominate the landscape.
    - ii. Avoid large-scale earthworks on 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.
2. Earthworks
  - a. The extent to which earthworks have been designed and located to minimise adverse visual effects. In particular, the extent to which any such proposal:
    - i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable.
    - ii. Minimises cuttings across hill faces and spurs.
    - iii. Minimises the number of finished contours that are out of character with the natural contour, where practicable.
    - iv. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.
    - v. Will compromise the values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.
    - vi. Will have any cumulative adverse effects (for example, the modification to the existing natural character and the sensitivity or vulnerability to further change).
    - vii. Is consistent with the underlying zoning and existing land use.**
3. General
  - a. The natural science, perceptual and associational values (including the cultural relationship with the land for tangata whenua) associated with the natural character of the area.
  - b. Place-specific management issues identified for the particular natural character area.
  - 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 character 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.
- m. The consistency of the activity with its underlying zoning and existing land use.**

- 4.3.9 The reporting planner did not support Federated Farmer's submission to delete Assessment Matter CE-AM2(1) (S121.066), as this outlines assessment matters for buildings on land within or containing high natural character which Ms. Macdonald considered was appropriate given buildings were specifically identified in the Natural Character Assessment Report by Council's landscape expert as being one of the potential threats to the areas of high natural character in the coastal environment of Central Hawke's Bay, and therefore gives effect to Policy 13(1)(c) and (d) of the NZCPS.
- 4.3.10 The reporting planner did not support Federated Farmers submission (S121.067) in limiting the application of Assessment Matter CE-AM2(2) only to 'urban, residential or lifestyle' earthworks, or to exempting earthworks associated with farm tracks and fences. Ms. Macdonald again considered that limiting the assessment matters in this way ignores the potential adverse effects of rural earthworks, including earthworks associated with farm track and fences, on land within or containing identified high natural character, and is therefore not in keeping with Policy 13(1)(b) of the NZCPS, which seeks to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character (for the coastal environment outside of any areas identified as having 'outstanding' natural character – of which there were none identified in Central Hawke's Bay).
- 4.3.11 No further analysis was required for Forest & Bird (S75.068, S75.069 & S75.076) or DOC (S64.083, S64.084, S64.088, S64.089 & S64.092) as they were supportive of the provisions the submissions addressed, and thus were accepted by the reporting planner.

#### 4.4 Evidence to the Hearing

- 4.4.1 Federated Farmers submitted their expert evidence prior to the hearing. It supported the s42A report's recommendation to amend Objective CE-O2 (S121.056) to include natural and rural character and amend Policy CE-P6 (S121.063) to include consistency with underlying zoning and existing land use as CE-P6(8).
- 4.4.2 However, the Federated Farmers also believed that the objectives and policies needed to go further to acknowledge farming in the coastal environment. In her statement for Federated Farmers, Rhea Dasent, used Aramoana as an example of a coastal settlement that has surrounding farmland as a definite feature of the coastal environment.
- 4.4.3 Ms Dasent also considered that if settlements could be acknowledged in CE-O1 as a distinctive feature of the Central Hawke's Bay coastline, then farming must be too.
- 4.4.4 Federated Farmers are fundamentally concerned that if 'normal farming land uses' aren't acknowledged in the objectives and policies then they may be 'stymied'.
- 4.4.5 Rhea Dasent's presentation did not cover the matters addressed in this key issue.

- 4.4.6 In his speaking notes tabled at the hearing on behalf of Forest and Bird, Tom Kay objected to the reporting officer's recommendation to amend CE-O2. He did not agree with the reporting officer's interpretation of 'preservation' to mean to maintain in the existing state which would include recognising and providing for the continuation of rural land uses such as existing farming activities. Forest and Bird are of the view that this is not aligned with Policies 13 and 14 of the NZCPS that provides direction on natural character.
- 4.4.7 Mr Kay further offered that recognising rural character was problematic because the objective became about protecting and restoring something that has been the cause of the degradation of natural character, and so will become a barrier to restoring natural character.

#### **4.5 Post-Hearing Information**

- 4.5.1 The sixth memorandum and direction of the Hearings Panel following Hearing 1 was issued on 18 March 2022. No specific directions were given with regard to the Coastal Environment topic other than for a right-of-reply to be written by the reporting officer.
- 4.5.2 In her right-of-reply, the reporting planner agreed with the position of Tom Kay, representative of Forest and Bird. Upon reflection, she rescinded her original recommendation and recommended that Objective CE-O2 be retained as notified and that the submission of Federated Farmers (S121.056) seeking to include the words 'rural character' be rejected and Forest and Bird's (S75.069, FS9.56, FS9.367) and DOC's submissions (S64.084) be accepted.

#### **4.6 Evaluation and Findings**

- 4.6.1 The Panel does not agree with the reporting planner's original recommendation to accept Federated Farmer's sought amendment to CE-O2 (S121.056). The NZCPS does not provide any direction on rural character, rather it provides direction on natural character. For this reason, we agree with Ms. Macdonald's final recommendation in her right of reply to retain Objectives CE-O1, CE-O2 and CE-O3 as notified (with CE-O3 subject to amendments from other submissions).
- 4.6.2 The Panel agrees with proposed amendments to recognise existing land use in Policy CE-P6 and CE-AM2, and concur with the reasons provided by the reporting planner to accept S121.063 and S121.068, and accept in part S121.067 Federated Farmers' submission points.
- 4.6.3 We agree with the reporting planner's remaining recommendations relating to this Part of the report for the reasons outlined in Ms Macdonald's s42A report.

## 5 Key Issue 3 – Provision for the National Grid in the Coastal Environment

### 5.1 Proposed Plan Provisions

- 5.1.1 This key issue addresses provision for the National Grid in the Coastal Environment.

### 5.2 Submissions

- 5.2.1 Transpower (\$79.087) supported the reference to Policy 6 of the NZCPS within the explanation accompanying Issue CE-I1, on the basis the explanation appropriately recognises the role and importance of infrastructure. This is the only submission on this provision in the PDP – no further analysis is therefore required.
- 5.2.2 Transpower (\$79.088 & \$79,089) stated that they were not opposed to Objective CE-O3 or Policy CE-P5, and considered that both give effect to the NZCPS, but submitted that the PDP is also required to give effect to the NPS-ET. They asserted that the National Grid 'is subject to operational needs as opposed to strict functional needs in that the Grid is not dependent on the coastal resource but is constrained in its location given the linear nature of the network and that it is required to connect to generation to provide for the transmission of electricity'.
- 5.2.3 Transpower submitted that the objective and policy should be amended to incorporate consideration of 'operational need' (as well as 'functional need') specific to the National Grid, when considering the location of such activities in the coastal environment. They considered this would better give effect to the NPS-ET.
- 5.2.4 Transpower also sought deletion of the latter part of Objective CE-O3, which provides for activities 'where they do not compromise other significant values in the coastal environment'. It was not clear from their submission why they were opposed to this wording.
- 5.2.5 Transpower sought the following amendments to Objective CE-O3 (\$79.088) and Policy CE-P5 (\$79.089):

CE-O3	Activities that have a functional need <u>(or operational need in respect of the National Grid)</u> to locate in the coastal environment are provided for, <del>where they do not compromise other significant values in the coastal environment.</del>
CE-P5	To recognise that there are activities which have a functional need <u>(or operational need in respect of the National Grid)</u> to locate and operate within the coastal environment, and provide for those activities in appropriate places.

- 5.2.6 Forest & Bird opposed the Transpower submissions in relation to Objective CE-O3 and Policy CE-P5 on the basis that amendments sought to the CE chapter 'would result in the loss and degradation of the coastal environment' and 'that the amendments sought failed to give effect to the NZCPS and NPS-FM'.
- 5.2.7 Forest & Bird (\$75.070) sought their own amendment of Objective CE-O3, to insert additional words as a qualifier in providing for activities that have a functional need to locate in the coastal environment, for consistency with the NZCPS.
- 5.2.8 Forest & Bird sought the following amendment in this regard:

CE-O3	Activities that have a functional need to locate in the coastal environment are provided for <u>in appropriate locations</u> , where they do not compromise other significant values in the coastal environment.
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- 5.2.9 FENZ (S57.081 & S57.082) supported retention of Objective CE-O3 and Policy CE-P5 as notified, as they considered it recognised that there were some activities that have a functional need to locate within the coastal environment, and that these should be provided for where appropriate. FENZ noted that the Aramoana Fire Station was located in the coastal environment.
- 5.2.10 DOC (S64.085 & S64.090) supported retention of Objective CE-O3 and Policy CE-P5 as notified, as they considered them to be consistent with section 6(a) of the RMA and the NZCPS. Forest & Bird (FS9.368 & FS9.373) also further submitted in support of DOC.
- 5.2.11 Forest & Bird (S75.074) supported retention of Policy CE-P5 as notified, as they considered it was consistent with the NZCPS.

### 5.3 Reporting Planner's Recommendations

- 5.3.1 The reporting planner recommended accepting Transpower's submission (S79.087) that supported Issue CE-I1.
- 5.3.2 The reporting planner recommended accepting in part Transpower's submission (S79.088) that sought to amend Objective CE-O3. In Ms. Macdonald's view, it was appropriate and better gives effect to the NPS-ET to insert reference to 'operational need in respect of the National Grid' in the Objective. It also better aligned with the provisions in the NU – Network Utility chapter, which referenced operational requirements (e.g. Issue NU-I1, Objective NU-O2, and Policy NU-P2).
- 5.3.3 However, Ms. Macdonald did not support deleting the latter part of Objective CE-O3, which provided the limitation 'where they do not compromise other significant values in the coastal environment'. Her view was that Objective CE-O3 was not solely there to provide for the electricity transmission network activities, and neither the NZCPS (nor the NPS-ET, for that matter) provided for activities to locate in the coastal environment solely on the basis that they had a functional and/or operational need to locate there, without limitation.
- 5.3.4 The reporting planner recommended accepting Forest and Birds submission (S75.070) that sought amendment to Objective CE-O3. Ms. Macdonald concurred that including the words 'in appropriate locations' in relation to providing for activities that have a functional need to locate in the coastal environment aligns the objective with the wording in Policy 6(2)(c) of the NZCPS which states: 'recognise that there were activities that have a functional need to be located in the coastal marine area, and provided for those activities in appropriate places.'
- 5.3.5 The reporting planner recommended that Objective CE-O3 be amended as follows:

CE-O3	Activities that have a functional need <b><u>(or operational need in respect of the National Grid)</u></b> to locate in the coastal environment are provided for <b><u>in appropriate locations</u></b> , where they do not compromise other significant values in the coastal environment.
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- 5.3.6 As a result of the recommended amendment above, Ms Macdonald accepted in part the submissions of FENZ (S57.081), and DOC (S64.085) that sought to retain Objective CE-O3.
- 5.3.7 The reporting planner accepted Transpower's submission (S79.089) that sought amendment to Policy CE-P5 for the reasons stated in para. 5.3.2.
- 5.3.8 Ms Macdonald recommended that Policy CE-P5 be amended as follows:

CE-P5	To recognise that there are activities which have a functional need <b><u>(or operational need in respect of the National Grid)</u></b> to locate and operate within the coastal environment, and provide for those activities in appropriate places.
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- 5.3.9 As a result of the amendment recommended, the reporting planner accepted in part the submissions of FENZ (\$57.082), Forest and Bird (\$75.074), and DOC (\$64.090) that all sought to retain Policy CE-P5.

#### **5.4 Evidence to the Hearing**

- 5.4.1 Transpower submitted a written statement to the Panel. It agreed with the reporting planner's recommendation to retain the explanation accompanying CE-I1.
- 5.4.2 With regards to Objective CE-O3, Transpower did not agree with the reporting planner's recommendation because it only provided for part of the relief sought. It stated that they will reserve its position until recommendations have been made on the Network Utilities Chapter.
- 5.4.3 Transpower accepted the reporting planner's recommendation in relation to Policy CE-P5 on the basis that it gives effect to the relief sought in its submission.
- 5.4.4 FENZ submitted written evidence to the Hearings Panel. It agreed with the reporting planner's recommendation to accept in part its submissions to retain Objective CE-O3 and retain Policy CE-P5.

#### **5.5 Post-Hearing Information**

- 5.5.1 The sixth memorandum and direction of the Hearings Panel following hearing 1 was issued on 18 March 2022. There were no further directions relating to the Coastal Environment topic other for the reporting planner to submit a written right-of-reply.
- 5.5.2 A written right-of-reply from the Council's reporting planner was received and circulated on Friday 8 April. The right of reply does not address this key issue.

#### **5.6 Evaluation and Decisions**

- 5.6.1 The Panel agrees with the reporting planner's recommendation to accept Transpower's submission (\$79.087) that supported Issue CE-I1.
- 5.6.2 We agree with the reporting planner's recommendation to amend Objective CE-O3 in response to Transpower's submission (\$79.088), and Forest and Birds submission (\$75.070), for the reasons given above and in the corresponding section 42A report.
- 5.6.3 We agree with Ms Macdonald's recommendation to accept in part the submissions of FENZ (\$57.081), and DOC (\$64.085) that sought to retain Objective CE-O3.
- 5.6.4 We agree with the reporting planner's recommendation to amend Policy CE-P5 in response to Transpower's submission (\$79.089) because it is reflective of the NZCPS, and for the other reasons outlined above and, in the section, 42A report.
- 5.6.5 We agree with the reporting planner's recommendation to accept in part the submissions of FENZ (\$57.082), Forest and Bird (\$75.074), and DOC (\$64.090) that all sought to retain Policy CE-P5.



## 6 Key Issue 4 – Remaining 'Coastal Environment' (CE) Provisions

### 6.1 Proposed Plan Provisions

- 6.1.1 This key issue addresses the remainder of the Coastal Environment provisions that have not been covered by the previous or following key issues.

### 6.2 Submissions

#### New Objective

- 6.2.1 Forest & Bird (S75.071) sought insertion of a new objective around maintenance and enhancement of public access for consistency with Objective 4 of the NZCPS. This was supported by Federated Farmers (FS25.74).
- 6.2.2 Forest & Bird sought inclusion of the following objective in this regard:

**CE-O(new) Maintenance and enhancement of public access to and along the coast, where any new access is provided in a way that does not compromise other values within the coastal environment.**

#### Policy CE-P1

- 6.2.3 Federated Farmers (S121.058) supported Policy CE-P1 in terms of identification and mapping of the coastal environment as it is consistent with the HBRCP, but sought amendment to also include indicating where public access is available. They considered that 'any mapping of the coastal environment needs to be clear that it includes private land and is not available for the public to wander over at will', and that 'objectives and policies that discuss public access seem to make the assumption that the coastal environment only runs along the beach strip, but actually it extends well back into private, terrestrial land'.
- 6.2.4 Federated Farmers sought the following amendment in this regard:

**CE-P1 To identify and map the coastal environment area of Central Hawke's Bay consistent with the Hawke's Bay Regional Coastal Environment Plan, indicating where public access is also available.**

- 6.2.5 Forest & Bird (FS9.58) 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'.
- 6.2.6 DOC (S64.086) and Forest & Bird (S75.072) supported retention of Policy CE-P1 as notified, on the basis that the policy is consistent with section 6(a) of the RMA and the NZCPS. Forest & Bird (FS9.369) also further submitted in support of DOC.

#### Policy CE-P2

- 6.2.7 Forest & Bird (S75.073) opposed Policy CE-P2 in part, seeking removal of reference to drainage of wetlands from the policy to ensure it was consistent with NES-FW. The basis for this submission was that drainage of wetlands was Non-Complying/Prohibited in the NES-FW, and 'the policy should not suggest that it is an activity that could occur'.
- 6.2.8 Otherwise, Forest & Bird stated they were 'reasonably comfortable with this policy and supported the reference to avoiding 'effects' rather than 'activities'.



- 6.2.9 Federated Farmers (FS25.75) opposed the submission in part, in that they 'agree with the submitter that the policy needs to be consistent with the NES-FW in its treatment of wetlands, however there will be situations where some activities in wetlands are appropriate'.
- 6.2.10 DOC (S64.087) supported retention of Policy CE-P2 as notified, on the basis that the policy is consistent with section 6(a) of the RMA and the NZCPS. Forest & Bird (FS9.370) also further submitted in support of DOC.

#### Policy CE-P6

- 6.2.11 Forest & Bird (S75.075) largely supported Policy CE-P6, particularly the reference to effects in point (7) of the policy. However, they submitted that there should also be a requirement to demonstrate functional need to be in the coastal environment and sought an amendment accordingly.
- 6.2.12 Forest & Bird sought the following amendment in this regard:

CE-P6	<p>To require that proposed activities within the coastal environment area demonstrate <u>a functional need to be located in the coastal environment area, and</u> that the activity is located appropriately, having regard to <u>its effects and:</u></p> <ol style="list-style-type: none"> <li>1. the particular natural character, ecological, historical or recreational values of the area;</li> <li>2. the extent to which the values of the area are sensitive or vulnerable to change;</li> <li>3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area;</li> <li>4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it;</li> <li>5. the impacts of climate change;</li> <li>6. appropriate opportunities for public access and recreation; and</li> <li>7. the extent to which any adverse effects are avoided, remedied or mitigated.</li> </ol>
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- 6.2.13 Federated Farmers (FS25.76) supported Forest & Bird's submission in part, in that they deemed the 'underlying zoning and existing land use will need to be considered when deciding what a functional need is, such as for farm activities on farm land'.
- 6.2.14 DOC (S64.091) supported retention of Policy CE-P6 as notified, on the basis that the policy is consistent with section 6(a) of the RMA and the NZCPS. Forest & Bird (FS9.374) also further submitted in support of DOC.

#### Policy CE-P8

- 6.2.15 DOC (S64.093) and Forest & Bird (S75.077 & FS9.376) supported retention of Policy CE-P8 as notified on the basis that it is considered consistent with section 6(a) of the RMA and the NZCPS. These submissions were the only submissions on this provision – no further analysis was required.

#### Rules

- 6.2.16 Forest & Bird (S75.078) opposed the rules in the CE – Coastal Environment chapter, and sought that they be amended for consistency with the NZCPS and RMA, and the NPS-IB (should it be notified between now and decisions on the PDP). They considered the rules under the PDP to be too permissive.

### 6.3 Reporting Planner's Recommendations

#### Proposed Objective

- 6.3.1 The reporting planner recommended accepting in part Forest and Bird's submission (75.071) that sought an additional objective concerning public access. In Ms Macdonald's opinion, all matters relating to public access are appropriately addressed in one place in the PDP, being the PA – Public Access chapter – so she considered inclusion of the additional objective sought in the CE – Coastal Environment chapter would be unnecessary duplication.
- 6.3.2 However, in Ms Macdonald's view, an alternative remedy would be a minor amendment to Objective PA-O1 to replace the word 'provided' with 'maintained and enhanced' which she considered would address the intent contained in the new objective sought by the submitters and is more consistent with the wording of section 6(d) of the RMA and Policy 19 of the NZCPS, as follows:

PA-O1 Practical and safe public access to and along the margins of lakes and rivers and the coast is **maintained and enhanced**~~provided~~ in a way that respects private property and does not result in adverse effects on natural character, landscape, indigenous biodiversity, historical heritage or cultural values.

- 6.3.3 Ms Macdonald also acknowledged the important connection between the CE – Coastal Environment chapter and the PA – Public Access chapter (in giving effect to the NZCPS) is not well articulated in the PDP, so therefore considered it appropriate and of assistance to plan users, to clearly cross-reference the objectives and policies in the PA – Public Access chapter within the CE – Coastal Environment chapter (similar to existing cross-referencing to the NH – Natural Hazards objectives and policies), as follows:

Add an additional cross-reference following the CE – Objectives, as follows:

**Refer also Objective PA-O1, as it relates to public access to and along the coast.**

Add an additional cross-reference following the CE – Policies, as follows:

**Refer also Policies PA-P3 and PA-P4, specifically relating to public access to and along the coast.**

#### Policy CE-P1

- 6.3.4 The reporting planner recommended accepting the submissions of Forest and Bird (S75.072) and DOC (S64.086) that sought retention of Policy CE-P1.
- 6.3.5 The reporting planner recommended rejecting Federated Farmers' submission (S121.058) that sought to include 'indicating where public access is also available' would imply identifying and mapping public access in the coastal environment. Ms. Macdonald stated that if the concern was around the public assuming they have automatic right of access at all points along the coast, including over private property, she considered this was addressed in the PA – Public Access chapter – specifically in Objective PA-O1 which referred to practical and safe access to and along the margins of lakes and rivers and the coast 'in a way that respects private property'. She considered that the explanation accompanying Issue PA-I1, Objective PA-O1, and recommended cross-referencing within the CE – Coastal Environment chapter (discussed above) assisted in that regard.

#### Policy CE-P2

- 6.3.6 The reporting planner recommended accepting DOC's submission (S64.087) to retain Policy CE-P2.

- 6.3.7 The reporting planner recommended accepting in part Forest and Bird's submission (S75.073) that sought amendment to remove reference to wetlands. Ms. Macdonald stated that to remove the drainage of wetlands from the list of threats could inadvertently be seen as suggesting that drainage of wetlands was not a threat. She noted that the policy did not lead on to a regulatory response that would in any way imply the drainage of wetlands was permitted or even anticipated, but that the policy was merely legitimately listing the threats to natural character values in the coastal environment of CHBD identified by Council's landscape expert. In that sense, the reporting planner considered the policy was accurate and appropriate in her view. However, she did not agree that that Policy CE-P2 needed to be consistent with the NES-FM in its treatment of wetlands.

#### Policy CE-P6

- 6.3.8 The reporting planner recommended accepting in part DOC's submission (S64.091) to retain Policy CE-P6.
- 6.3.9 The reporting planner recommended accepting in part Forest and Bird's submission (S75.075) insofar as she agrees that there should be a requirement to have regard to effects in this Policy. However, she disagreed that there should be a requirement to demonstrate functional need for all activities to be in the coastal environment as she considered this would be unreasonably extending the requirements of the NZCPS.
- 6.3.10 Finally, these recommendations would be subject to the amendment to Policy CE-P6 she recommended with regard to Key Issue 2.

#### Policy CE-P8

- 6.3.11 The reporting planner recommended accepting the submissions of Forest & Bird (S75.077) and DOC (S64.093) that sought retain Policy CE-P8.

#### CE – Rules

- 6.3.12 The reporting planner recommended rejecting Forest and Bird's submission (S75.078) that deemed the rules in the CE – Coastal Environment chapter are too permissive and who sought that they be amended for consistency with the NZCPS and RMA, and NPS-IB (if notified). Ms. Macdonald stated that there was little commentary in the submission about perceived deficiencies and insufficient detail in terms of proposed alternative provisions, for her to be able to consider what amendments the submitter sought.
- 6.3.13 Ms Macdonald further explained that there were currently no rules in the CE – Coastal Environment chapter – only a cross reference to the rules in the NH – Natural Hazards chapter. This was deliberate in the drafting of the PDP, as the rules applying to the coastal environment and the identified areas of high natural character were, by necessity, peppered across the PDP in a number of the other District-wide Matters chapters (e.g. ECO – Ecosystems and Indigenous Biodiversity, NFL – Natural Features and Landscapes, PA – Public Access, SUB – Subdivision, EW – Earthworks chapters etc), and in the relevant Area-Specific Zone chapters (GRUZ – General Rural Zone and LLRZ – Large Lot Residential Zone chapters).

## 6.4 Evidence to the Hearing

- 6.4.1 No evidence was presented to the Hearings Panel regarding this key issue.

## 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. There were no further directions relating to the Coastal Environment topic other for the reporting planner to submit a written right-of-reply.
- 6.5.2 A written right-of-reply from the Council's reporting planner was received and circulated on Friday 8 April 2022. The right-of-reply did not address this key issue.

## 6.6 Evaluation and Decisions

### Proposed Objective

- 6.6.1 In response to Forest and Bird's submission (75.071), the Panel agrees with the reporting planner's recommendation to reject including a new objective into the coastal environment about public access and instead amend Objective PA-O1 to replace 'provided' with 'maintained and enhanced', and to provide additional cross-referencing in the coastal environment chapter to the public access chapter to avoid duplication.

### Policy CE-P1

- 6.6.2 The Panel agrees with the reporting planner's recommendation to accept the submissions of Forest and Bird (S75.072) and DOC (S64.086) that sought retention of Policy CE-P1.
- 6.6.3 We also agree with the reporting planner's recommendation to reject Federated Farmers' submission (S121.058) to require public access to be mapped for the reasons provided in the corresponding part of the section 42A report.

### Policy CE-P2

- 6.6.4 The Panel agrees with the reporting planner's recommendation to accept DOC's submission (S64.087) to retain Policy CE-P2.
- 6.6.5 We agree with the reporting planner's recommendation to accept in part Forest & Bird's submission (S75.073) that sought that this policy should not suggest that the drainage of wetlands is an activity that could occur for the reasons provided above and in the corresponding section 42A report.

### Policy CE-P6

- 6.6.6 The Panel agrees with the reporting planner's recommendation to accept in part DOC's submission (S64.091) to retain Policy CE-P6.
- 6.6.7 We also agree with the reporting planner's recommendation to accept in part Forest & Bird's submission (S75.075) insofar as it is appropriate to have reference to effects in this policy. We also agree that adding a functional need to be in the coastal environment into this policy would be unreasonably extending the requirements of the NZCPS.

### Policy CE-P8

- 6.6.8 The Panel agrees with the reporting planner's recommendation to accept the submissions of Forest and Bird (S75.077) and DOC (S64.093) that sought retain Policy CE-P8.

CE – Rules

- 6.6.9 The Panel agrees with the reporting planner's recommendation to reject Forest & Bird's submission (S75.078). No additional information to support this relief was provided, and without any further detail about how they would like the rules amended then this submission cannot be taken any further.

## 7 Key Issue 5 – Areas of High Natural Character in the Coastal Environment

### 7.1 Proposed Plan Provisions

- 7.1.1 One of the matters of national importance that District Council's must recognise and provide for under section 6 of the RMA is "the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development".
- 7.1.2 While 'natural character' is not defined in either the RMA or the NZCPS, the HBRCP defines it as meaning "those qualities and features in the coastal environment which have been brought into being by nature". While the NZCPS does not define 'natural character', Policy 13(2) does set out the following elements that may contribute to natural character:
- natural elements, processes and patterns;
  - biophysical, ecological, geological and geomorphological aspects;
  - natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
  - the natural movement of water and sediment;
  - the natural darkness of the night sky;
  - places or areas that are wild or scenic;
  - a range of natural character from pristine to modified, and
  - experiential attributes, including the sounds and smell of the sea; and their context or setting.
- 7.1.3 Drawing on DOC guidance, as well as case law, the process for defining natural character has been developed through a range of natural character studies around New Zealand that has been consolidated into an accepted assessment methodology that employs techniques described by the New Zealand Institute of Landscape Architects and a Best Practice Note on the Quality Planning Website<sup>2</sup>. In determining the level of natural character, the following definition is commonly used;
- The degree of natural character within an area depends on:
- 1) The extent to which the natural elements, patterns and processes occur;
  - 2) The nature and extent of modification to the ecosystem and landscape/seascape;
- The highest degree of natural character (greatest naturalness) occurs where there is least modification. The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.<sup>3</sup>

<sup>2</sup> Refer <https://qualityplanning.org.nz/node/805> and [https://nzila.co.nz/media/uploads/2017\\_01/nzila\\_ldas\\_v3.pdf](https://nzila.co.nz/media/uploads/2017_01/nzila_ldas_v3.pdf)

<sup>3</sup> Natural Character and the NZCPS 2010, Department of Conservation, Marlborough Workshop, 6.1

- 7.1.4 As outlined in section 2 of this report, as part of the District Plan Review, the CHBDC engaged Hudson Associates Landscape Architects to undertake a natural character assessment of the District's coastal environment<sup>4</sup>. That assessment, which was summarised in the report 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', concluded that no parts of the District's coastal environment warranted being classified as an area of Outstanding Natural Character in accordance with Policy of the NZCPS. No areas of outstanding natural character were identified as a result of the above-mentioned assessment, due to the amount of landform and land cover modification that has occurred within these areas and includes modifications such as flattening of dunes, farming activities, forestry, vegetation clearance and exotic vegetation colonisation, which all reduce the natural character level from an outstanding natural state. However, the assessment did conclude that there were 8 sections of the coastal environment that should be classified as areas of either High or Very High Natural Character (both referred to as high natural character for the purpose of this report).
- 7.1.5 As notified, the PDP does not contain any specific rules relating to the preservation of natural character in the coastal environment, including areas of high natural character. Instead, the PDP relies on the regulatory framework for the General Rural Zone (in which the majority of the coastal environment is located), as well as that for managing subdivision, ecosystems and indigenous biodiversity, sites of significance to Māori, earthworks, natural features and landscapes, and for land use and subdivision on the LLRZ (i.e., coastal settlements). If a proposed activity in the coastal environment triggers resource consent as a discretionary activity, assessment matters under CE-AM1 and CE-AM2 would apply, to address the potential effects on natural character values and characteristics relating to that location and, if located in an area of high natural character, a number of specific assessment matters.

## 7.2 Submissions

### Areas of High Natural Character

- 7.2.1 Federated Farmers (S121.069) considered that there was no need to identify the category of 'Areas of High Natural Character' in the PDP, as they considered that 'it only adds another layer of complication, and needs to be deleted'. They considered that these areas were 'unnecessary to meet section 6(a) obligations', and that 'the underlying zoning will protect natural character by ensuring development is appropriate and consistent with existing land use and character'.
- 7.2.2 Federated Farmers also submitted that careful consideration needed to be given to the submissions of individual landowners regarding areas of high natural character identified on their properties.
- 7.2.3 Forest & Bird sought retention of areas of high natural character (S75.079) and opposed the Federated Farmers submission in this regard (FS9.69).

### HNC-6 (Porangahau Sector)

- 7.2.4 Sandy Hill Farms (S103.001) noted that a large part of their coastal farming land at 1046 Blackhead Road had been designated as having high natural character, with high perceived naturalness values, and that as far as they were aware this has only been viewed from the air to

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<sup>4</sup> 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', Hudson Associates Landscape Architects, 2019.

determine this area as high natural character, and that they have had no direct contact or consultation about this. They sought removal of the high natural character overlay over their property.

- 7.2.5 The submitter contended that “it is all modified farm pastures with open drains, fences, all plant species being exotic vegetation colonization and having very limited remnants of interdunal wetlands and dune vegetation. None of this dune vegetation being indigenous”. They had concerns that the overlay will have implications in the future restricting their ability to farm productively and sustainably through controlling their farming activities and habits. In particular, they are concerned that:
- The proposed policies will in future turn into rules and more restrictions;
  - It is going to become a future cost with having to get council permission for all and even minor farming activities, and
  - The cost of farming already puts pressure on sustainability without having costs increased by having to pay for council permission on top of farming activities in such a huge designated high natural character area.

### 7.3 Reporting Planner's Recommendations

#### Areas of High Natural Character

- 7.3.1 The reporting planner, Ms. Macdonald, stated that she considered the independent assessment by a suitably qualified expert, and subsequent inclusion of the areas of high natural character identified in that assessment within the PDP (maps and Schedule CE-SCHED7), as robustly responding to section 6(a) of the RMA and giving effect to the NZCPS (Policy 13) as required by section 75(3)(b) of the RMA. Given this, she did not support deletion of Schedule CE-SCHED7 and associated mapping.
- 7.3.2 Accordingly, the reporting planner recommended accepting Forest and Bird's submission (S75.079) to retain the areas of high natural character listed in CE – SCHED7, and recommended rejecting Federated Farmer's submission (S121.069) to delete areas of high natural character in the PDP.

#### HNC-6 (Porangahau Sector)

- 7.3.3 The reporting planner recommended rejecting Sandy Hill Farms submission (S103.001) that sought to remove HNCA-6 overlay from their property. Ms Macdonald was satisfied that the assessment in the Natural Character Assessment report on which the PDP relies was prepared following industry best practice in New Zealand, and that the conclusions of that assessment still stand.

### 7.4 Evidence to the Hearing

- 7.4.1 No evidence was presented to the Hearings Panel regarding this key issue.



## 7.5 Post-Hearing Information

- 7.5.1 The sixth memorandum and direction of the hearings panel following hearing 1 was issued on 18 March 2022. There were no further directions relating to the Coastal Environment topic other for the reporting planner to submit a written right-of-reply.
- 7.5.2 A written right-of-reply from the Council's reporting planner was received and circulated on Friday 8 April. The right-of-reply does not address this key issue.

## 7.6 Evaluation and Decisions

### Areas of High Natural Character

- 7.6.1 The Panel was satisfied that the assessment of the coastal environment's natural character was undertaken in accordance with best practice, and note that no expert evidence to the contrary was produced. The Panel accepted that no parts of the coastal environment warrant being classified as having Outstanding Natural Character given the level of modification created by the loss of indigenous vegetation, and the rural land use over most of the coastline.
- 7.6.2 The Panel also agrees that there are sections of the District's coast have the attributes that warrant these areas being classified as having High or Very High Natural Character which justify being recognised in the PDP. Accordingly, we concur with the findings of the landscape assessment.
- 7.6.3 In terms of managing land use and subdivision under the PDP, we note that S 6(a) of the RMA requires the CHBDC to preserve the natural character of the coastal environment, and to protect it from inappropriate subdivision, use, and development. This is a general obligation applying to the District's coastal environment, not just confined to any particular area(s).
- 7.6.4 This obligation is not confined to only areas of Outstanding Natural Character, a requirement under Policy 13(1)(a) of the NZCPS, but is a duty in relation to natural character generally: in protecting the natural character of the coastal environment outside areas of Outstanding Natural Character, Policy 13(1)(b) of the NZCPS is to avoid significant adverse effects and to avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment.
- 7.6.5 In order to identify the natural character characteristics and values of the District's coast, the CHBDC appropriately had a full assessment of the entire coastal environment within its jurisdiction. It is therefore now in a position to understand the nature and qualities of the full coastal environment in managing land use, development and subdivision, based on a nationally accepted best practice assessment methodology.
- 7.6.6 The Panel accepts that there is a range of natural character values within the District's coastal environment, from Low (for example, coastal settlements are Moderate to Low) to Very High. Given that there is a range of values, the Panel considers it is appropriate to apply a differentiated management regime through the PDP, recognising that the effects of development on an area with Low Natural Character would generally be less than if occurring within an area of High Natural Character.
- 7.6.7 Outside the coastal settlements (zoned Large Lot Residential), the District's coastal environment is a rural one, predominantly pastoral farmed. Recognising that the current level of naturalness

of the coast is based on this activity, the Panel considers it appropriate to maintain the General Rural zoning along the coastal environment, enabling the continued use of the land for farming. The regulatory framework for the General Rural Zone also allows for a degree of change to occur.

- 7.6.8 Where a proposed activity falls outside this scope, triggering the requirement for resource consent as a discretionary activity, the Panel agrees with the reporting planner that is appropriate to ensure that the potential for adverse effects on the natural character of the coast is considered. The Panel notes that an assessment of effects on natural character would very likely be required for discretionary activities within the coastal environment, whether or not it is specified as an assessment matter in the PDP, given s6(a) of the RMA, as well as the policies of the NZCPS and RCEP. We consider that providing clear direction through specific assessment matters will assist in Plan implementation.
- 7.6.9 The Panel accepts that this level of regulatory management does present a level of risk that some adverse effects on natural character values may occur through permitted rural land uses (for example, the degree of earthworks permitted in the General Rural Zone). However, we consider this is appropriate, given the level of risk is relatively low, and has to be weighed against the benefits of enabling continued farming. The Panel also notes that the majority of the coastal environment that had been identified that has been identified as having High to Very High Natural Character is limited to steep eroding land or land at risk from erosion, and therefore has very limited potential for development.
- 7.6.10 For these reasons, the Panel recommends retaining CE-SCHED7 – Schedule of Areas of High Natural Character and recommend accepting Forest and Bird's submission (S75.079), and accordingly rejecting Federated Farmer's submission (S121.069) to delete areas of High Natural Character in the PDP.

#### HNC-6 (Porangahau Sector)

- 7.6.11 Coastal Sector 6 in CE – SCHED7, Pōrangahau, differs from the other sectors of coastline that have been recognised as having High to Very High Natural Character in that it predominantly comprises a long (15km) sweeping open beach, a large river estuary, and an extended area of duneland, including, unusually for the east coast, a series of longitudinal dunes (long linear dunes extending inland), particularly evident in the northern part of this sector. The Pōrangahau sector map, taken from the High Natural Character Assessment report, is shown below: pink represents Very High Natural Character; light blue is high natural character.



- 7.6.12 As outlined in our preceding evaluation, these overlays do not have any regulatory effect until resource consent as a discretionary activity is sought under the provisions of the PDP. Normal farming practices are enabled under the General Rural Zone, as well as a degree of earthworks ancillary to farming. As we determined, the Panel this is an appropriate management framework, taking into account the risks, costs and benefits.
- 7.6.13 The submitter, Sandy Hill Farms (S103.001) noted that a large part of its coastal farming land at 1046 Blackhead Road comes with an area identified as having High Natural Character, and seek the removal of the high natural character overlay over their property.
- 7.6.14 The submitter had concerns that the overlay will have implications in the future restricting their ability to farm productively and sustainably through controlling their farming activities and habits.
- 7.6.15 While the Panel acknowledges the concerns of the submitter, we are satisfied that the recognition of part of their property as having high natural character is appropriate given the particular and unusual characteristics of the landform, with longitudinal dunes being a scarce natural feature on the east coast. Visibility of a landform is not a prerequisite of an area having high natural character or otherwise.
- 7.6.16 In terms of any potential future restrictions, the Panel notes that the introduction of any changes either through the PDP or other regulatory instrument would be required to be consulted on, with a submission process and rights to appeal.



## 8 Key Issue 6 – Emergency Service Activities and Firefighting Supply Requirements in the Large Lot Residential Zone (Coastal Settlements)

### 8.1 Proposed Plan Provisions

- 8.1.1 In summary, FENZ sought additional provisions in the LLRZ (which applies to the coastal settlements) to better provide for emergency service activities, and to incorporate requirements for water supply and access to this supply within the rules and standards of the zone<sup>5</sup>.

### 8.2 Submissions

#### Objective LLRZ-O2

- 8.2.1 FENZ (S57.099) sought insertion of 'emergency service activities' into Objective LLRZ-O2, on the basis that the objective enables certain small-scale community and recreation facilities, and physical infrastructure to be located in the coastal settlements, and that fire stations are also generally small-scale community facilities. They considered 'the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is paramount to the health, safety and wellbeing of people in the community. Fire stations therefore need to be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively provide for the health and safety of people and communities'.

LLRZ-O2 To enable certain small-scale community and recreation facilities, and physical infrastructure, including educational facilities, **emergency service facilities** and network utilities, to be located in the coastal settlements in a way which maintains and enhances the character and amenity of these settlements while providing for the social, and cultural wellbeing of people in the community, as well as their health and safety.

#### Rule LLRZ-R6

- 8.2.2 In respect of Rule LLRZ-R6 Emergency Service Activities and Emergency Aviation Movements, FENZ (S57.108) supported provision for emergency service activities subject to conditions, and that the 100m<sup>2</sup> gross floor area limit is acceptable for this zone. However, the submitter sought 'emergency aviation movements' to be added to the rule title, as they note that the rule title currently does not match the corresponding title for the rule in the Rule Overview Table.

LLRZ-R6 Emergency service activities **and emergency aviation movements**

#### Provision for Emergency Service Activities

- 8.2.3 To further support enabling of 'emergency service activities' and protection of such facilities within the zone, FENZ sought an exemption for 'hose-drying towers up to 15m in height' from Standard LLRZ-S2 Height of Buildings (S57.111) and Standard LLRZ-S3 Height in Relation to Boundary (S57.112), and an exclusion of 'emergency service activities' from having to meet Standard LLRZ-S8 Hours of Operation (S57.113). FENZ also sought an additional clause in Standard LLRZ-S10 Screening of Outdoor Storage and Service Areas, that ensures 'screening does

<sup>5</sup> Note: FENZ has made identical submissions in respect of other zones in the PDP. These are addressed in the Panel reports on the 'Urban Environment' and the 'Rural Environment' topics, as applicable.

not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities' (S57.114).

LLRZ-S2 Height of Buildings	
All	<p>1. Maximum height of any building(s) is 8m.</p> <p><b><u>Hose-drying towers up to 15m in height are exempt from the rule.</u></b></p> <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
LLRZ-S3 Height in Relation to Boundary	
All	<p>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following:</p> <ol style="list-style-type: none"> <li>chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.</li> <li><b><u>hose-drying towers up to 15m in height.</u></b></li> </ol> <p>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</p>
LLRZ-S8 Hours of Operation	
All (except for Residential Activities, <b><u>Emergency Service Activities</u></b> or Visitor Accommodation)	<p>1. Limited to the following hours of operation:</p> <ol style="list-style-type: none"> <li>0700 – 2200 hours, seven days a week; except where: <ol style="list-style-type: none"> <li>the entire activity is located within a building; and</li> <li>each person engaged in the activity outside the above hours resides permanently on the site; and</li> <li>there are no visitors, customers, or deliveries to the activity outside the above hours.</li> </ol> </li> </ol>
LLRZ-S10 Screening of Outdoor Storage and Service Areas	
All	<p>1. Any outdoor storage (including waste) or service area associated with non-residential activities must be fully screened from adjoining sites and from the street by fencing to a maximum height of 2 metres, and/or by landscaping.</p> <p>2. If using landscaping to achieve the above rule, trees must have a minimum height of 2 metres at the time of planting (PB95) and shrubs must have a minimum height of 1 metre at the time of planting and be able to grow to 2 metres in height.</p> <p>3. <b><u>Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u></b></p>

### Water Supply Servicing Requirements

- 8.2.4 In addressing firefighting water supply requirements, FENZ (S57.116) contended that activities not requiring subdivision (refer Standard SUB-S5 Water Supply, that applies to the subdivision of new lots) should also be subjected to servicing standards, and sought the insertion of a new zone standard requiring all new developments that will require a water supply to be connected to a public reticulated water supply where one is available, or otherwise demonstrate how an alternative and satisfactory water supply can be provided to each lot (along with a couple of

advice notes around compliance with regional rules in the taking of water, and seeking advice from FENZ and the Water Supplies Code of Practice .

#### LLRZ-SXX Servicing

##### All

1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.
2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot.

Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.

Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.

- 8.2.5 FENZ (S57.117) also sought a new 'assessment matter' to apply where an activity does not comply with the new standard.

#### LLRZ-AMXX Servicing

1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.

- 8.2.6 FENZ (S57.103, S57.104, S57.105, S57.106, S57.107, S57.109, S57.110) sought that various relevant LLRZ rules – Rules LLRZ-R1, LLRZ-R3, LLRZ-R4, LLRZ-R5, LLRZ-R6, LLRZ-R7 and LLRZ-R10) be amended to reference the above new standard and related assessment matter.

#### Submissions in Support

- 8.2.7 FENZ supported retention of Policy LLRZ-P4 (S57.100) in part (subject to the amendment of Objective LLRZ-O2); supported the control of land use and subdivision activities in coastal settlements where coastal hazards may put parties at risk as outlined in Policy LLRZ-P6 (S57.101); and strongly supported Policy LLRZ-P9 (S57.102) for ensuring all land use activities, development and subdivision provide a suitable on-site water supply. FENZ (S57.115) also supported retention of Standard LLRZ-S12 Transport (Access, Parking, Loading) as it requires all activities in the zone to be compliant with the provisions of the TRAN – Transport chapter.

## 8.3 Reporting Planner's Recommendations

### Objective LLRZ-O2

- 8.3.1 The reporting planner recommended accepting FENZ's submission (S57.099) that sought to amend Objective LLRZ-O2 to include reference to emergency services. Ms. Macdonald noted that while the facilities specified in Objective LLRZ-O2 are not included as an exclusive list, she concurred with the submitter that there is merit in including 'emergency service facilities' as these are provided for in the zone in much the same way as educational facilities and community facilities, and 'emergency service facilities' such as fire stations are a small-scale community facility that provides for the health and safety of people in the community. On that basis, she supported amending Objective LLRZ-O2 as follows:

LLRZ-O2 To enable certain small-scale community and recreation facilities, and physical infrastructure, including educational facilities, emergency service facilities and network utilities, to be located in the coastal settlements



in a way which maintains and enhances the character and amenity of these settlements while providing for the social, and cultural wellbeing of people in the community, as well as their health and safety.

#### Rule LLRZ-R6

- 8.3.2 The reporting planner accepted in part FENZ's submission (S57.108) that sought 'emergency aviation movements' be added to the rule title. Ms. Macdonald stated that leaving off 'emergency aviation movements' from Rule LLRZ-R6 was in error, and the amendment sought will rectify this and ensure it correctly replicates the rule as described in the Rules Overview Table. She supported the following amendment to the title of Rule LLRZ-R6:

LLRZ-R6 Emergency service activities **and emergency aviation movements**

#### Provision for Emergency Service Activities

- 8.3.3 The reporting planner rejected FENZ's submissions (S57.111, and S57.112) that sought to exempt 'hose-drying towers up to 15m in height' from Standard LLRZ-S2 Standard LLRZ-S3. Ms Macdonald explained that it would be helpful to have some idea of the bulk and scale of these, in order to be able to determine if there are any adverse effects associated with them. This level of information was not provided with the submission, and a simple online search by the reporting planner did not elucidate what comprises a typical hose-drying tower in the New Zealand context. In the event that the zone height and/or height in relation to boundary standard is breached, the reporting planner noted that such activities would revert to a Restricted Discretionary Activity (Rule LLRZ-R6(2)) with matters for discretion restricted to those relevant to the infringed standard. She did not consider this to be an onerous consenting process. She was therefore of the opinion, based on the information provided with the submission, that such an exemption is not warranted and may lead to adverse effects that deserve consideration and should be avoided, remedied, or mitigated.
- 8.3.4 The reporting planner recommended accepting FENZ's submission points S57.113 and S57.114. Ms. Macdonald explained that the amendments to the various zone standards to exempt emergency service activities from the hours of operation, and seeking to ensure screening of outdoor storage and service areas do not obscure or obstruct emergency or safety-related features, are considered reasonable given the importance of 'emergency service activities' in providing for the health and safety of people and communities and given their inherent operational and emergency-related requirements.
- 8.3.5 She therefore recommended the following amendments:

#### LLRZ-S8 Hours of Operation

All (except for Residential Activities, **Emergency Service Activities**, or Visitor Accommodation)

1. Limited to the following hours of operation:
  - a. 0700 – 2200 hours, seven days a week; except where:
    - i. the entire activity is located within a building; and
    - ii. each person engaged in the activity outside the above hours resides permanently on the site; and
    - iii. there are no visitors, customers, or deliveries to the activity outside the above hours.

#### LLRZ-S10 Screening of Outdoor Storage and Service Areas



All	<ol style="list-style-type: none"> <li>Any outdoor storage (including waste) or service area associated with non-residential activities must be fully screened from adjoining sites and from the street by fencing to a maximum height of 2 metres, and/or by landscaping.</li> <li>If using landscaping to achieve the above rule, trees must have a minimum height of 2 metres at the time of planting (PB95) and shrubs must have a minimum height of 1 metre at the time of planting and be able to grow to 2 metres in height.</li> <li><b><u>Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</u></b></li> </ol>
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### Water Supply Servicing Requirements

- 8.3.6 The reporting planner recommended rejecting FENZ's submission (S57.116) that sought that a new servicing standard and accompanying assessment matter. While Ms. Macdonald accepted that provision of a satisfactory water supply is important, including for firefighting purposes, she did not support the inclusion of a servicing standard in the zone provisions as proposed. In her view, connection to a public water supply is more a technical matter, outside the RMA, and best dealt with through building/engineering approval processes than through a rule in the PDP. She also had concerns that the standard as proposed introduced a level of discretion when determining whether an activity was permitted or not, and therefore considerable uncertainty.
- 8.3.7 As a result, the reporting planner also considered there was no need to include a new servicing assessment matter as requested by the submitter, as such the reporting planner recommended rejecting FENZ's related submission points (S57.117, S57.103, S57.104, S57.105, S57.106, S57.107, S57.109, S57.110).

### Provisions Supported by FENZ

- 8.3.8 The reporting planner recommended accepting FENZ's submission points that were in support of PDP provisions (S57.100, S57.101, S57.102, S57.115).

## 8.4 Evidence to the Hearing

- 8.4.1 FENZ's provided written evidence to the Hearings Panel. It agreed with the reporting planner's recommendations with regard to submission points S57.099, S57.100, S57.101, S57.102, S57.108, S57.113, S57.114, and S57.115.
- 8.4.2 FENZ did not wish to pursue further the relief sought in its original submission in relation provisions for hose drying towers and accepted the reporting planner's recommendation. We were advised that, should a new station be required in the district, it was unlikely that FENZ would require the establishment of a hose drying tower.
- 8.4.3 However, as outlined at the Hearing, FENZ's remaining area of key concern is the provision of a water supply on properties, and sufficient access to this supply to enable FENZ to operate effectively and efficiently to save lives and property in the event of a fire. FENZ sought the insertion of a new LLRZ standard and assessment matter and following consequential amendments. It disagreed with the reporting planner's recommendations to reject its submission points.
- 8.4.4 FENZ considered that the inclusion of this new firefighting water supply standard and associated new assessment matter (with wording amended as suggested in the written evidence) will more fully give effect to LLRZ-O2 and LLRZ-P4. It was contended that this would be consistent with the

priority given to firefighting water supply in section 14(3) of the RMA, and would better enable FENZ to achieve its statutory obligations under the FENZ Act, as well as achieving the purpose of the RMA by enabling people and communities to provide for their health, safety and wellbeing by managing a potential adverse effect of relatively low probability but high consequence.

- 8.4.5 The Panel recommended that outstanding issues may be best resolved with expert conferencing outside of the hearing process. However, given the breadth of FENZ's submissions, the Panel invited FENZ to reappear at later hearings should they not come to an agreement.

## 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. There were no further directions relating to the Coastal Environment topic other for the reporting planner to submit a written right-of-reply.
- 8.5.2 A written right-of-reply from the Council's reporting planner was received and circulated on Friday 8 April.
- 8.5.3 In her reply, Ms Macdonald stated she would provide the Panel with an agreed position when reporting back on this matter for the Rural Zones as part of the section 42A report on the Rural Environment. At that point, the respective recommendations made in relation to the Large Lot Residential Zone in the section 42A report on the Coastal Environment (Hearings Stream 1), and in relation to the urban zones in the section 42A report on the Urban Environment (Hearings Stream 2) will also have been revisited.
- 8.5.4 Volume 4 of the s42A report on the Rural Environment discusses the provisions of firefighting water supply in Key Issue 20. In this s42A report the reporting planner recommends a standard and related assessment matter that addresses FENZ's concern. She recommended accepting in part FENZ submission points S57.103, S57.104, S57.105, S57.106, S57.107, S57.110, S57.116, and S57.117.
- 8.5.5 Appendix 2 of the right-of-reply for Hearing Stream 3 dated 5 August 2022 provides the updated tracked changes of the LLRZ, and paragraph 64 of Appendix 4 provides the response to FENZ submissions. The standard and assessment matter that was recommended in Volume 4 of the section 42A report of the Rural Environment has been applied to this chapter as standard LLRZ-S16 and Assessment Matter LLRZ-AM14.

## 8.6 Evaluation and Findings

### Objective LLRZ-O2

- 8.6.1 We agree with the reporting planner's recommendation to amend Objective LLRZ-O2 in response to FENZ's submission S57.099 for the reasons outlined above and in the corresponding section 42A report.

### Rule LLRZ-R6

- 8.6.2 We agree with the reporting planner's recommendation to amend the rule title in response to FENZ's submission S57.108 for the reasons outlined above and in the corresponding section 42A report.

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#### Provision for Emergency Service Activities

- 8.6.3 We agree with the reporting planner's recommendation to reject FENZ's submissions S57.111, and S57.112 for the reasons outlined above and in the corresponding section 42A report. FENZ also agreed with the recommendation in its evidence.
- 8.6.4 We agree with the reporting planner's recommendation to amend standards LLRZ-S8 and LLRZ-S10 in response to FENZ's submissions (S57.113, and S57.114) for the reasons outlined above and in the corresponding section 42A report.

#### Water Supply Servicing Requirements

- 8.6.5 The Panel's evaluation and recommendation concerning the PDP requirements for Water Supply Servicing is also outlined in Panel Report 3D concerning the Rural Environment and 'other activities'<sup>6</sup>.
- 8.6.6 In brief, the Panel does not agree with the reporting planner that there should be a new standard and assessment matter apply to all new developments in the LLRZ that requires the provisions of an additional water supply for firefighting purposes because of:
- The additional costs would be significant for landowners;
  - The provision for rural firefighting water supply would be more appropriately addressed as part of a national building code rather than an ad hoc standard that some Councils utilise, and others do not;
  - The Panel did not receive sufficient evidence to demonstrate it would make enough difference to life or property to justify the additional cost to property owners, and
  - Landowners and other potentially interested persons have not had the opportunity to submit on the proposed standard.
- 8.6.7 The Panel also considers that many rural properties will already have some form of water supply available for firefighting if needed in an emergency.
- 8.6.8 The Panel supports having Council working with FENZ to provide advice on defensible setbacks, onsite storage of water, setting back planting from houses, and planting appropriate vegetation types in proximity to habitable buildings. This advice could be through guidelines for rural property-owners and subdividers. The Panel have accordingly provided such recommendation within the Panel Preliminary Report.
- 8.6.9 However, the Panel agrees that the provision for firefighting water supply should be an assessment matter when considering subdivision proposals in the rural area, which will give subdividers flexibility to propose alternative means of providing water supply for firefighting purposes, such as farm dams.
- 8.6.10 The Panel also notes that despite the reporting planner rejecting FENZ's submission in her right-of-reply dated 8 April 2022 assessment matter LLRZ-AM13 was introduced in the track changes. This assessment matter was not discussed in this right of reply nor was it discussed in the right of reply following hearing stream 3 on the rural environment. The Panel has determined that this appears to be an error and that it is not required in light of final the recommendations provided

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<sup>6</sup> Paragraphs 4.6.5 – 4.6.10

for the LLRZ chapter. Subsequently, newly recommended assessment matter LLRZ-AM14 will now become LLRZ-AM13.

**Submissions in Support**

- 8.6.11 We agree with the reporting planner's recommendation to accept FENZ's submissions S57.100, S57.101, S57.102, S57.115.

## 9 Key Issue 7 – Remaining 'Large Lot Residential Zone' (LLRZ) Provisions

### 9.1 Proposed Plan Provisions

- 9.1.1 This section of the report addresses the remaining submissions and further submissions on the provisions in the LLRZ – Large Lot Residential Zone chapter of the PDP.

### 9.2 Submissions

- 9.2.1 There were 5 submissions seeking amendments:

- to change the title of the zone;
- to add matters for discretion in the rules addressing non-compliance with electricity safety distances (opposed by another submitter);
- to increase the permitted floor area for educational facilities in this zone (supported by another submitter);
- to delete Permitted Activity status for community corrections activities in this zone, and
- to provide for camping grounds as a Permitted Activity in this zone.

#### Zone Title

- 9.2.2 Kāinga Ora (S129.240) submitted that 'in terms of the planned built form outcome as set out through objectives, policies, and subsequent rules and standards, that those areas proposed in the PDP to be incorporated within the LLRZ were generally more consistent with the description of the Low-Density Residential Zone under the National Planning Standards'.

#### Electricity Safety Distances

- 9.2.3 Centralines (S90.054) supported retention of Standard LLRZ-S11 Electricity Safety Distances applying in the zone, as the NZ Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) is mandatory.
- 9.2.4 However, Centralines (S90.041) noted that if compliance was not achieved with this standard, the matters of discretion did not include consideration of effects that were relevant to the breach of the standard, and sought inclusion of relevant assessment matters, and suggests the following:

- a. Impacts on the operation, maintenance, upgrading and development of the electricity network.
- b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- c. The risk to the structural integrity of any support structures associated with the electricity network.
- d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

- 9.2.5 Centralines also sought a notification clause that requires written approval from the relevant electricity network utility operator.
- 9.2.6 Kāinga Ora (FS23.13) opposed the proposed amendment, to the extent it is inconsistent with its primary submission.

## Educational Facilities

- 9.2.7 The Ministry of Education (S73.014) supported the provisions for Educational Facilities in the LLRZ (Coastal). However, the Ministry opposed the gross floor area limit of 100m<sup>2</sup> in condition (1)(a) of Rule LLRZ-R5.
- 9.2.8 The amendments sought to Rule LLRZ-R5 by the Ministry are as follows:

LLRZ-R5 Educational facilities	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to <del>200</del>100m<sup>2</sup> gross floor area.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. LLRZ-S2;</li> <li>ii. LLRZ-S3;</li> <li>iii. LLRZ-S4;</li> <li>iv. LLRZ-S5;</li> <li>v. LLRZ-S6;</li> <li>vi. LLRZ-S7;</li> <li>vii. LLRZ-S8;</li> <li>viii. LLRZ-S9;</li> <li>ix. LLRZ-S10;</li> <li>x. LLRZ-S11;</li> <li>xi. LLRZ-S12;</li> <li>xii. LLRZ-S13; and</li> <li>xiii. LLRZ-S14.</li> </ul>	<p>2. Activity status where <b>gross floor area is 200-400m<sup>2</sup> and/or</b> compliance with condition LLRZ-R5(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>Assessment matters:</p> <ul style="list-style-type: none"> <li>i. LLRZ-AM1.</li> <li>ii. LLRZ-AM2.</li> <li>iii. LLRZ-AM3.</li> <li>iv. LLRZ-AM4.</li> <li>v. LLRZ-AM5.</li> </ul> <p>Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> <li>i. TRAN – Transport.</li> <li>ii. LIGHT – Light.</li> <li>iii. NOISE – Noise.</li> </ul>
	<p>3. Activity status where <b>gross floor area is over 400m<sup>2</sup></b> compliance with condition LLRZ-R5(1)(a) is not achieved: DIS</p>

- 9.2.9 Kāinga Ora (FS23.83) supported this amendment, to the extent it is consistent with its primary submission.

## Community Corrections Activities

- 9.2.10 The Department of Corrections (S97.010) requested that the rules applying to community corrections facilities in the Residential Zones are amended, to reflect the context of the potential future establishment and operation of a community corrections facility within residential areas in the CHBD. They consider in such situations, that 'the effects of any proposed facility in a residential zone should be able to be assessed through the resource consent process, via a discretionary activity status, as opposed to a permitted status applying'.
- 9.2.11 The Department sought deletion of Rule LLRZ-R7 'Community Corrections Activities', which allows for such activities with a gross floor area of up to 100m<sup>2</sup> as Permitted Activities, noting that these activities would then default to a discretionary activity via Rule LLRZ-R12 'Any other activity not otherwise provided for' (and any consequential amendments required to give effect to this relief).

## Camping Grounds

- 9.2.12 NZMCA (S101.001) sought Permitted Activity status for camping grounds throughout the District.

## Submissions in Support

- 9.2.13 The Ministry of Education supported retention of Objective LLRZ-O2 (S73.013) and Assessment Matter LLRZ-AM9 (S73.033) as notified. The Department of Corrections (S97.012) supported retention of Rule LLRZ-R1 Residential Activities as notified. Centralines supported retention of Standard LLRZ-S11 Electricity Safety Distances as notified.

### 9.3 Reporting Planner's Recommendations

#### Zone Title

- 9.3.1 The reporting planner recommended rejecting Kāinga Ora's submission (S129.240) that sought to rename the title of the chapter to low density residential zone. Ms Macdonald considered that the Large Lot Residential Zone description was best suited to the coastal settlements of Central Hawke's Bay, of the zones available for selection in table 13 of the National Planning Standards. She did not concur with the submitter that the coastal settlements of the District were consistent with 'a planned character consistent with a suburban scale and subdivision pattern' that describes a Low-Density Residential Zone.

#### Electricity Safety Distances

- 9.3.2 The reporting planner recommended accepting Centralines' submission (S90.054) that sought to retain Standard LLRZ-S11.
- 9.3.3 The reporting planner recommended accepting in part Centralines submission (S90.041) that sought to insert new matters for discretion for RDIS activities which related to a breach of the Electricity Safety Distance standard (LLRZ-S11) in all relevant rules in the 'LLRZ - Large Lot Residential Zone'. Ms Macdonald stated that there were currently no assessment matters in the LLRZ – Large Lot Residential Zone chapter addressing a breach of Standard LLRZ-S11 Electricity Safety Distances, and thus it was appropriate to insert matters of discretion to assist plan users in this regard, where this particular standard is infringed and the activity falls to a Restricted Discretionary Activity.
- 9.3.4 The reporting planner considered that the matters suggested by the submitter were appropriate and reasonable, and therefore recommended inclusion of an additional Assessment Matter in the zone chapter, as follows:

#### **LLRZ-AM12 Electricity Safety Distances**

- 1. Impacts on the operation, maintenance, upgrading and development of the electricity network.**
- 2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.**
- 3. The risk to the structural integrity of any support structures associated with the electricity network.**
- 4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).**

- 9.3.5 She also recommended amendments to refer to new Assessment Matter LLRZ-AM12 in all relevant rules, accordingly. However, she did not concur with the submitter regarding insertion of a notification clause requiring written approval from the relevant electricity network utility operator. In her view, this was unnecessary with the inclusion of the new assessment matter recommended above, and would effectively circumvent the process of determining notification and affected persons as set out in s95 of the RMA.

#### Educational Facilities

- 9.3.6 The reporting planner recommended accepting in part Ministry of Education's submission (S73.014) that sought amendment to the gross floor area provisions in Rule LLRZ-R5. Ms Macdonald concurred with the submitter that such facilities in residential areas are likely to comprise early childhood education centres with the typical size of these being 100-200m<sup>2</sup> gross floor area, in keeping with the size of a typical dwelling in this zone. She accepted that the 100m<sup>2</sup> gross floor area threshold currently applying in the PDP did not reflect this reality and that

increasing the Permitted Activity threshold for educational facilities in the Large Lot Residential Zone to 200m<sup>2</sup> reasonably reflected the nature, scale, and character of the zone.

9.3.7 Ms. Macdonald recommended the following amendment:

LLRZ-R5 Educational facilities	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to <b>200</b> 100m<sup>2</sup> gross floor area.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. LLRZ-S2;</li> <li>ii. LLRZ-S3;</li> <li>iii. LLRZ-S4;</li> <li>iv. LLRZ-S5;</li> <li>v. LLRZ-S6;</li> <li>vi. LLRZ-S7;</li> <li>vii. LLRZ-S8;</li> <li>viii. LLRZ-S9;</li> <li>ix. LLRZ-S10;</li> <li>x. LLRZ-S11;</li> <li>xi. LLRZ-S12;</li> <li>xii. LLRZ-S13; and</li> <li>xiii. LLRZ-S14.</li> </ul>	<p>2. Activity status where compliance with condition LLRZ-R5(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>Assessment matters:</p> <ul style="list-style-type: none"> <li>i. LLRZ-AM1.</li> <li>ii. LLRZ-AM2.</li> <li>iii. LLRZ-AM3.</li> <li>iv. LLRZ-AM4.</li> <li>v. LLRZ-AM5.</li> </ul> <p>Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> <li>i. TRAN – Transport.</li> <li>ii. LIGHT – Light.</li> <li>iii. NOISE – Noise.</li> </ul>
	<p>3. Activity status where compliance with condition LLRZ-R5(1)(a) is not achieved: DIS</p>

9.3.8 However, she was not supportive of applying a Restricted Discretionary Activity gross floor area threshold. In her view, once an educational facility exceeds the size of a typical dwelling in this zone, the potential adverse effects are such that a full Discretionary Activity status is warranted.

#### Community Corrections Activities

9.3.9 The reporting planner accepted Department of Corrections submission (S97.010) that sought to delete Rule LLRZ-R7. Ms. Macdonald concurred that the effects of any proposed community corrections facility in a residential zone should be able to be assessed through the resource consent process via a discretionary activity status, as opposed to a permitted status applying, and recommended that Rule LLRZ-R7 be deleted accordingly (such activities would then default to a Discretionary Activity per Rule LLRZ-R12).

LLRZ-R7 Community corrections activities	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to 100m<sup>2</sup> gross floor area.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. LLRZ-S2;</li> <li>ii. LLRZ-S3;</li> <li>iii. LLRZ-S4;</li> <li>iv. LLRZ-S5;</li> <li>v. LLRZ-S6;</li> <li>vi. LLRZ-S7;</li> <li>vii. LLRZ-S8;</li> <li>viii. LLRZ-S9;</li> <li>ix. LLRZ-S10;</li> </ul>	<p>2. Activity status where compliance with condition LLRZ-R7(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>Assessment matters:</p> <ul style="list-style-type: none"> <li>vi. LLRZ-AM1.</li> <li>vii. LLRZ-AM2.</li> <li>viii. LLRZ-AM3.</li> <li>ix. LLRZ-AM4.</li> <li>x. LLRZ-AM5.</li> </ul> <p>Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> <li>iv. TRAN – Transport.</li> <li>v. LIGHT – Light.</li> <li>vi. NOISE – Noise.</li> </ul>



- x. LLRZ-S11;
- xi. LLRZ-S12;
- xii. LLRZ-S13; and
- xiii. LLRZ-S14.

3. Activity status where compliance with condition LLRZ-R7(1)(a) is not achieved: **DIS**

### Camping grounds

- 9.3.10 The reporting planner recommended accepting in part NZMCA's submission (S101.001) that sought to provide for 'camping grounds' as a Permitted Activity. However, Ms. Macdonald stated that, given the potential for adverse effects from camping ground activities, and the potential for reverse sensitivity, she could not concur with the submitter that a Permitted Activity status (albeit with conditions) is appropriate within the coastal environment.
- 9.3.11 However, she noted that the 'Natural Character Assessment' prepared by Council's landscape expert, assessed the coastal settlement areas as having moderate-low natural character. Therefore, in her view, the coastal settlements are clearly the most appropriate location for camping grounds within the coastal environment.
- 9.3.12 Therefore, she would support an alternative amendment to Rule LLRZ-R11 to provide for camping grounds as a Restricted Discretionary Activity status subject to compliance with the applicable zone standards, where the matters for discretion were restricted to applicable general assessment matters relevant to infringed standards, and those matters contained in Assessment Matter LLRZ-AM11.

#### LLRZ-R11 Camping grounds

1. Activity Status: **DIS**

Where the following conditions are met: **N/A**

**a. Compliance with:**

- i. LLRZ-S2;
- ii. LLRZ-S3;
- iii. LLRZ-S4;
- iv. LLRZ-S5;
- v. LLRZ-S8;
- vi. LLRZ-S9;
- vii. LLRZ-S10;
- viii. LLRZ-S11;
- ix. LLRZ-S12;
- x. LLRZ-S13; and
- xi. LLRZ-S14.

**Matters over which discretion is restricted:**

**b. Assessment matters (where relevant to the infringed standard(s)):**

- i. LLRZ-AM1.
- ii. LLRZ-AM3.
- iii. LLRZ-AM4.
- iv. LLRZ-AM5.
- v. LLRZ-AM7.
- vi. LLRZ-AM12.
- vii. LLRZ-AM13.<sup>7</sup>

**c. LLRZ-AM11.**

2. Activity status where compliance not achieved: **DIS**/N/A

<sup>7</sup> Note: Additional Assessment Matters LLRZ-AM12 and LLRZ-AM13 reflect other recommendations made in this report.

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| <p><b>d. <u>Assessment matters in the following chapters:</u></b></p> <p><b>i. <u>TRAN – Transport.</u></b></p> <p><b>ii. <u>LIGHT – Light.</u></b></p> <p><b>iii. <u>NOISE – Noise.</u></b></p> |  |
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#### Submissions in support

- 9.3.13 The reporting planner accepted or accepted in part the submissions of Ministry of Education (S73.013, and S73.033), and Department of Corrections (S97.012).

### 9.4 Evidence to the Hearing

- 9.4.1 Rayya Ali, representing the NZMCA, appeared before the Hearing Panel at the hearing. She stated that the key point she wanted to highlight was that the current Operative Plan mostly made camping grounds either a permitted activity with associated criteria or a controlled activity, whereas the PDP for Central Hawkes Bay was a complete change, without substantial information in the section 32 report to support this change. She stated that it had made a few submissions to other Councils relating to similar provisions and that they were waiting for the outcome.

### 9.5 Post-Hearing Information

- 9.5.1 The sixth memorandum and direction of the Hearings Panel following Hearing 1 was issued on 18 March 2022. There were no further directions relating to the Coastal Environment topic other for the reporting planner to submit a written right-of-reply.
- 9.5.2 A written right-of-reply from the Council's reporting planner was received and circulated on Friday 8 April. The right of reply did not address this key issue.

### 9.6 Evaluation and Findings

#### Zone Title

- 9.6.1 The Panel notes that the National Planning Standards describe the LLRZ as "areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development." In comparison, the Standards describe the Low-Density Residential Zone as "areas used predominantly for residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one to two storey houses with yards and landscaping, and other compatible activities."
- 9.6.2 The Panel does not consider the coastal settlements in the District have a suburban scale and subdivision pattern. We also consider that the coastal settlements have particular landscape characteristics, physical limitations and other constraints to more intensive development, particularly given the lack of wastewater treatment, water supply and other constraints.
- 9.6.3 Accordingly, the Panel agrees with the reporting planner's recommendation to reject Kāinga Ora's submission (S129.240) for the reasons outlined above and in the corresponding section 42A report.

**Electricity Safety Distances**

- 9.6.4 The Panel agrees with the reporting planner's recommendation to accept Centralines submission (S90.054) that sought to retain Standard LLRZ-S11 for the reasons she outlined.
- 9.6.5 We agree with the reporting planner's recommendation to insert Assessment Matter LLRZ-AM12 and amend the relevant rules in response to Centralines submission (S90.041) for the reasons outlined above and in the corresponding section 42A report.

**Educational Facilities**

- 9.6.6 We agree with the reporting planner's recommendation to amend Rule LLRZ-R5 in response to Ministry of Education's submission (S73.014) for the reasons outlined above and in the corresponding section 42A report.

**Community Corrections Activities**

- 9.6.7 We agree with the reporting planner's recommendation to delete Rule LLRZ-R7 as suggested by Department of Corrections submission (S97.010) for the reasons outlined above and in the corresponding section 42A report.

**Camping grounds**

- 9.6.8 We agree with the reporting planner's recommendation to amend Rule LLRZ-R11 in response to NZMCA's submission (S101.001) for the reasons outlined above and in the corresponding section 42A report.

**Submissions in support**

- 9.6.9 We agree with the reporting planner's recommendation to accept or accept in part the submissions of Ministry of Education (S73.013, and S73.033), and Department of Corrections (S97.012).

## PART C – SUMMARY OF RECOMMENDATIONS

### 10 Overview

- 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 No consequential amendments have been identified in relation to this topic. It is noted that the reporting planner has recommended consequential amendments to Rules LLRZ-R2, LLRZ-R9, and LLRZ-R11 in response to the new assessment matter LLRZ-AM13. This is outlined in the right of reply for Hearing Stream 3. We agree with these recommendations. Refer to paragraphs 8.6.5 – 8.6.10.

## **11.3 Minor errors**

- 11.3.1 No minor errors have been identified in relation to this topic.

## **Appendix A – Chapter CE – Coastal Environment and LLRZ – Large Lot Residential Zone (Coastal) as amended**

Tracked changes

## CE – Coastal Environment

### Introduction

The coastal environment is important to residents and visitors to the District and there are a number of issues relating to management of activities and development within this area which need to be addressed through District Plan policies and methods.

This chapter addresses the following:

- the physical extent of the coastal environment;
- the preservation of the natural character of the coastal environment;
- the protection of the natural character of the coastal environment from inappropriate subdivision, use and development.

The coastal environment is also subject to natural hazards. Coastal hazards are addressed in the NH – Natural Hazards chapter, and are cross-referenced within this chapter where relevant.

The coastal environment has been mapped in the District Plan, defined as the area where coastal processes are dominant or significant. There are particular features which sit within this coastal environment which have also been mapped, including:

- Areas of High Natural Character (CE-SCHED7);
- Outstanding Natural Features and Landscapes, and Special Amenity Features (NFL-SCHED6);
- Heritage Items (HH-SCHED2);
- Archaeological Sites (refer NZAA's [www.archsite.eaglelegis.co.nz](http://www.archsite.eaglelegis.co.nz) for latest recorded sites);
- Wāhi Tapu, Wāhi Taonga and Sites of Significance (SASM-SCHED3); and
- Significant Natural Areas (ECO-SCHED5).

This chapter, therefore, also needs to be read in conjunction with other chapters covering these matters, such as:

- ECO – Ecosystems and Indigenous Biodiversity which contain policies and rules relating to overall protection of significant indigenous vegetation and habitat;
- NFL – Natural Features and Landscapes which contain policies and rules relating to overall protection of outstanding natural features and landscapes; and
- TW – Tangata Whenua (Ngā Tangata Whenua o Tamatea) and HH – Historical Heritage, which contain policies and rules relating to the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga, and the protection of historical heritage.
- SASM – Sites and Areas of Significance to Māori which contains policies and rules relating to the protection of identified wāhi tapu, wāhi taonga and sites and areas of significance to Māori.

The above cover numerous matters of national importance to be recognised and provided for pursuant to section 6 of the RMA and addressed specifically in terms of the coastal environment through the policies contained in the New Zealand Coastal Policy Statement (NZCPS), the Hawke's Bay Regional Policy Statement (RPS), and the Hawke's Bay Regional Coastal Environment Plan (RCEP). The District Plan is required to give effect to the NZCPS and the RPS and must not be inconsistent with the RCEP.

In terms of the day-to-day management of subdivision, use and development in the coastal environment, the coastal environment retains an underlying zoning of General Rural Zone, with a Large Lot Residential Zone (Coastal) applying to the majority of the beach settlements. Those zone provisions, along with the provisions in the District Plan relating to subdivision and network utilities, also come into play.

This chapter provides high-level guidance for sustainable management of the coastal environment, to be referred to where relevant, when making decisions on applications for resource consent applications required by the District Plan.

### **The Coastal Environment of Central Hawke's Bay District**

Central Hawke's Bay's coastal area has a temperate climate with warm summers and cooler winters, typically experiencing lower rainfall, higher sunshine hours and a higher average temperature, when compared to the western districts of the North Island. The southern part of area is also known for its strong prevailing winds.

Overall, the coastal margin and adjacent inland area have seen a significant amount of terrestrial land cover modification through human settlement and development, with the majority of native vegetation having been cleared. Almost all the original native vegetation within the coastal environment has been lost, settlements have been introduced, grazing has been developed, drainage patterns have been modified and in some places the dunes have been recontoured to assist irrigation and primary production activities. These factors have diminished the natural character of the district, when compared to its original, natural state.

The eastern coastline of Central Hawke's Bay primarily comprises steep eroding mudstone /sandstone cliffs, separating a series of small coastal settlements located at road ends and adjacent to more sheltered sandy beaches. These settlements have traditionally provided bach and camping opportunities. The intent of the District Plan is for consolidation of existing coastal settlements that are set back from the coastal marine area, to avoid sprawling or sporadic patterns of settlement in the coastal environment, and to ensure that built development and associated public infrastructure does not compromise other values associated with the coastal environment.

The District's coastal boundaries extend from south of Waimarama to south of Whangaehu, a distance of approximately 70km. A short length of limestone cliffs and outcrops are located at Kairakau and the area to its north – the only such outcrop on the District's coastal edge. Remnants of a coastal sand dune system exist at Porangahau/Parimahu, a wide sweeping beach nearly 15km long. Drained and flattened, much of the dune area has been converted to

pasture, although remnant forms and interdunal wetlands and vegetation still remain to a limited extent on the northern-facing parts of the beach.

Most of the beach settlements and coastal developments are not serviced with Council infrastructure e.g. sewerage or potable water, or have private services which residents may be required to connect to. The provision of private on-site services is typical of servicing options within the coastal environment and helps maintain a sense of remoteness and wildness of the District's coastal environment. Similarly, there is a lack of hard protection structures – the only protection structure along the Central Hawke's Bay coast is the seawall along the foreshore at Kairakau Beach. This helps maintain the natural character of the coastal environment.

The coastal environment supports a wide variety of open space and recreational activities for the public to use and enjoy, such as beach walking, fishing, boating, swimming and surfing.

The coastal environment has special significance and cultural association for tangata whenua in terms of their relationship with the land and sea, and the historical pattern of settlement of the area. The coastal environment contains many important sites of cultural and heritage significance, including pā, middens and urupā. Coastal areas are of significance to tangata whenua both spiritually, and as a source of resources such as food, weaving and carving materials, and will continue to be a source of sustenance and identity to tangata whenua.

These attributes contribute to the distinctive character of the coastal environment of Central Hawke's Bay and to the well-being of the District and are highly valued by the community.

The future effects of climate change on the coastal environment, both in the short and long-term (for example, through sea level rise, coastal inundation and coastal erosion) is an issue that will feature prominently in Council decision-making. The NZCPS requires adoption of a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change. In this respect, these provisions need to be read in conjunction with the provisions in NH – Natural Hazards and the provisions of the Hawke's Bay Regional Coastal Environment Plan.

## Issues

### CE-11 Preservation of the Natural Character of the Coastal Environment

**Inappropriate subdivision, use, and development can adversely affect the natural character of the coastal environment, particularly in those areas identified as having high natural character.**

#### Explanation

The Central Hawke's Bay coast forms part of a unique and extensive landscape and its natural character is typically due to a combination of its underlying geology, topography and pastoral landcover. Significant modification to the landform, such as may occur through mining or major earthworks, could threaten the aesthetic coherence of the coastline.



The highest degree of natural character (greatest naturalness) occurs where there is least modification. The amount of landform and land cover modification that has occurred along the Central Hawke's Bay coast, including modifications such as flattening of dunes and other landform modification through earthworks, drainage of wetlands, and general vegetation clearance and exotic vegetation colonisation, as well as the introduction of buildings and structures, have all reduced the natural character level from an outstanding natural state.

Whilst no areas of outstanding natural character have been identified, much of the District's coastline is considered to have high to very high natural character values. The natural character value in the cliff areas is largely due to the expressive formative landform processes and high perceptual values of the exposed underlying geology, while the natural character value in the dune area is due to the remaining dune landform and inter-dunal vegetation patterns and absence of built structures/elements. The coastal settlements are considered to have moderate or low natural character (albeit they have their own 'special character'). The natural character of the coastal environment can be adversely affected through the effects of coastal subdivision, use and development.

Policy 13 of the NZCPS 2010 states that natural character is not the same as natural features and landscapes or amenity values, and may include matters such as:

- natural elements, processes and patterns;
- biophysical, ecological, geological and geomorphological aspects;
- natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- the natural movement of water and sediment;
- the natural darkness of the night sky;
- places or areas that are wild or scenic;
- natural character ranging from pristine to modified; and
- experiential attributes, including the sounds and smell of the sea; and their context or setting.

The extent to which development impacts on natural character will depend on how modified the environment currently is, and how well the development has been designed to accommodate elements of natural character (including coastal processes) and mitigate adverse impacts. The risk of incremental loss of natural character as a result of coastal land development and other activities in the coast can be high.

Some of the impacts that development can have on the natural character of the coast are:

- modification of natural landforms through earthworks;
- removal of indigenous vegetation;
- destruction of important indigenous habitats such as wetlands, dunes and riparian margins;
- disruption of natural drainage patterns;
- disruption of natural coastal processes including through activities such as beach replenishment, reclamations and coastal structures;
- increased sediment runoff from land clearance and earthworks;

- buildings and structures which are singly or cumulatively visually intrusive or dominant within the landscape; and
- disrupting natural patterns through inappropriate planting of non-indigenous local species.

However, the preservation of the natural character of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic, and cultural wellbeing of people and communities, such as public infrastructure and some public facilities. Also, functionally, some uses and developments can only be located on the coast or in the coastal marine area.

Policy 6 of the NZCPS 2010 recognises that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals, are activities important to the well-being of people and communities, provided they do not compromise the other values of the coastal environment.

Further, in preserving the natural character of the coastal environment, subdivision, use and development activities that restore or rehabilitate natural character should be promoted where practicable, particularly in areas where the coastal environment is degraded.

## Objectives

- CE-O1**      **Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:**
1. rugged eroding grey mudstone cliffs;
  2. steep limestone outcrops;
  3. remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;
  4. wide sweeping beaches; and
  5. small settlements, recessed into bays, adjoining a number of sheltered beaches.
- CE-O2**      **Protection of the natural character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.**
- CE-O3**      **Activities that have a functional need or operational need in respect of the National Grid to locate in the coastal environment are provided for in appropriate locations, where they do not compromise other significant values in the coastal environment.**

*Refer Objective PA-O1, as it relates to public access to and along the coast.*

**Commented [A1]:** S79.088 Transpower - Report 1C Coastal Environment including Coastal Settlements, Key Issue 3

**Commented [A2]:** S75.070 Forest & Bird - Report 1C Coastal Environment including Coastal Settlements, Key Issue 2

**Commented [A3]:** S75.071 Forest & Bird - Report 1C Coastal Environment including Coastal Settlements, Key Issue 4

Refer also Objectives NH-O1, NH-O2 and NH-O3, as they relate to coastal hazards.

## Policies

**CE-P1** To identify and map the coastal environment area of Central Hawke's Bay consistent with the Hawke's Bay Regional Coastal Environment Plan.

**CE-P2** To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the natural character of the coastal environment area (particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7); including adverse effects resulting from the following activities:

1. drainage of coastal flats and wetlands;
2. earthworks within dunes and coastal escarpments;
3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment;
4. plantation forestry; and
5. use of vehicles on beaches and adjacent public land;

particularly where these have been identified as a threat to the values of a particular area of high natural character.

**CE-P3** To avoid sprawling or sporadic subdivision and development in the coastal environment area.

**CE-P4** To manage the activities that can occur in the coastal environment area, including:

1. expansion and consolidation of existing coastal settlements;
2. the scale, location, design and use of structures, buildings and infrastructure;
3. earthworks; and
4. subdivision.

**CE-P5** To recognise that there are activities which have a functional need **(or operational need in respect of the National Grid)** to locate and operate within the coastal environment, and provide for those activities in appropriate places.

**Commented [A4]:** S79.089 Transpower - Report 1C Coastal Environment including Coastal Settlements, Key Issue 3

**CE-P6** To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to **its effects and:**

1. the particular natural character, ecological, historical or recreational values of the area;

**Commented [A5]:** S75.075 Forest & Bird - Report 1C Coastal Environment including Coastal Settlements, Key Issue 4

2. the extent to which the values of the area are sensitive or vulnerable to change;
3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area;
4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it;
5. the impacts of climate change;
6. appropriate opportunities for public access and recreation; ~~and~~
7. the extent to which any adverse effects are avoided, remedied or mitigated; ~~and~~
- 7.8. consistency with underlying zoning and existing land use.

CE-P7

To require that proposed activities within the coastal environment area minimise any adverse effects by:

1. ensuring the scale, location and design of any built form or land modification is appropriate in the location;
2. integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;
3. limiting the prominence or visibility of built form; and
4. limiting buildings and structures where the area is subject to the impacts of climate change and the related impacts of sea level rise, sea temperature rise and higher probability of extreme weather events; and
5. restoring or rehabilitating the landscape, including planting using local coastal plant communities.

CE-P8

To encourage restoration and rehabilitation of natural character, indigenous vegetation and habitats, landscape features, dunes and other natural coastal features or processes.

Refer Policies PA-P3 and PA-P4, as they relate to public access to and along the coast.

Refer also Policies NH-P4, NH-P5, NH-P6, NH-P7, MH-P8, NH-9, NH-P10, NH-P11 and NH-P12, as they relate to coastal hazards.

## Rules

Refer Rules NH-R1, NH-R2 and NH-R3, as they relate to coastal hazards (the identified Tsunami Hazard Area, in particular).

## Assessment Matters

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

**Commented [A6]:** S121.063 Federated Farmers – Report 1C Coastal Environment including Coastal Settlements, Key Issue 2

**Commented [A7]:** S75.071 Forest & Bird - Report 1C Coastal Environment including Coastal Settlements, Key Issue 4

**CE-AM1                    Identified Natural Character Values**

1. Effects on the particular natural character values and characteristics contained in CE-SCHED7 and relevant section(s) of the following assessment report:  
*'Natural Character Assessment of the Central Hawke's Bay Coastal Environment'*, Hudson Associates Landscape Architects, January 2019.

**CE-AM2                    Additional Specific Assessment Matters for Activities on Land within or containing HNCs**

1. Buildings
  - a. The location, layout, and design of the development to ensure that it does not have adverse effects on the coastal natural character. 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 ridgelines and spurs and should not dominate the landscape.
    - ii. Avoid large-scale earthworks on 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.
2. Earthworks
  - a. The extent to which earthworks have been designed and located to minimise adverse visual effects.  
In particular, the extent to which any such proposal:
    - i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable.
    - ii. Minimises cuttings across hill faces and spurs.
    - iii. Minimises the number of finished contours that are out of character with the natural contour, where practicable.
    - iv. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.
    - v. Will compromise the values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.

vi. Will have any cumulative adverse effects (for example, the modification to the existing natural character and the sensitivity or vulnerability to further change).

vi-vii. Is consistent with the underlying zoning and existing land use.

**Commented [A8]:** S121.067 Federated Farmers - Report 1C Coastal Environment including Coastal Settlements, Key Issue 2

### 3. General

- a. The natural science, perceptual and associational values (including the cultural relationship with the land for tangata whenua) associated with the natural character of the area.
- b. Place-specific management issues identified for the particular natural character area.
- 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 character 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.
- l-m. The consistency of the activity with its underlying zoning and existing land use.

**Commented [A9]:** S121.068 Federated Farmers - Report 1C Coastal Environment including Coastal Settlements, Key Issue 2

Refer also Assessment Matters NH-AM1, NH-AM2, NH-AM3, NH-AM4, NH-AM5 and NH-AM6, as they relate to coastal hazards.

## Methods

Methods for implementing the policies:

### CE-M1 Mapping the Coastal Environment Area

Mapping the extent of the coastal environment on the Planning Maps.

**CE-M2                    Identifying and Mapping the Natural Character of the Coastal Environment**

Identifying and describing the values associated with areas of high natural character (HNCs) in CE-SCHED7 and identifying them on the Planning Maps.

**CE-M3                    District Plan Provisions**

1. SUB – Subdivision: subdivision of land within the coastal environment, and/or containing an identified area of high natural character, is a discretionary activity, with assessment matters in terms of those coastal and high natural character values.
2. EW – Earthworks, and NFL – Natural Features & Landforms: specific rules and standards controlling earthworks in the coastal environment and identified areas of high natural character in the coastal environment (HNCs), and controlling earthworks and built form in the District's ONFs (some of which present a significant overlap with identified HNCs), and accompanying assessment matters for assessing resource consent applications.
3. ECO – Ecosystems and Indigenous Biodiversity: rules and performance standards relating to Significant Natural Areas (SNAs) and the clearance of significant indigenous vegetation or significant habitats of indigenous fauna, which will also act to protect against loss of indigenous vegetation cover in identified HNCs containing such vegetation.
4. SASM – Sites and Areas of Significance to Māori: rules and standards protecting wāhi tapu, wāhi taonga and sites and areas of significance to Māori, which will also assist with protecting those associational values attributed by tangata whenua to identified HNCs.

**CE-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, as well as land use controls restricting buildings and structures within identified coastal hazard zones.

**CE-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 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.

**CE-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. Such areas could be subject to partial rates relief or other assistance.

#### **CE-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 character areas including their contribution to community identity, and the need to have regard to them when undertaking subdivision, use and development activities.

#### **CE-M8 Liaison and Collaboration**

Liaising and collaborating with landowners, interest groups and agencies with an interest in protecting, maintaining, or enhancing the District's high natural character areas in the coastal environment.

Liaising with others to develop, or utilising existing, climate change science and research to understand the relevant risks and adaptation, mitigation, or avoidance responses.

*Refer also Methods NH-M1, NH-M2, NH-M5, NH-M6, NH-M7, NH-M8, NH-M9 and NH-M10, as they relate to coastal hazards.*

### **Principal Reasons**

The principal reasons for adopting the policies and methods:

The scale of the escarpments and dynamic nature of the coastal processes are such that only major changes have been assessed as likely to affect the natural character of features within the coastal environment of Central Hawke's Bay. These major changes centre around pine plantations, earthworks, drainage, and buildings.

Pine plantations can cover and hide the exposed geomorphology, which is a key perceptual characteristic owing to its prominent light grey colour, steep imposing cliffs and demonstration of active coastal processes. Conversely, pines can hold the land and limit erosion, which may be beneficial for the near shore marine environment. Consideration could be given to promoting the establishment of native vegetation as an alternative to pines along the eroding coastal escarpments. This would increase land stability and the natural character rating, also negating potential erosion problems that could result from pine harvesting.

Earthworks of a large scale can adversely affect features such as remnant dunes, flattening these to create more usable areas of pasture for farming operations. This negatively affects the landform. Similarly, drainage of dune areas has an adverse effect on biodiversity, vegetation habitat and perceived naturalness. Earthworks are not anticipated to occur on the steep escarpments due to accessibility issues, but if they did occur, they could be a threat to perceived naturalness, particularly in areas characterised by limestone or bare mudstone escarpments.



Buildings can detract from the perceived naturalness of the coastal edge if placed directly along the top of an escarpment by introducing a built form near an area where natural processes are clearly dominant.

### Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- |                |   |
|----------------|---|
| <b>CE-AER1</b> | <b>The distinctive eroding mudstone cliffs, limestone outcrops, dunelands and interdunal wetlands and lakes within the District's coastal environment are maintained and enhanced.</b>      |
| <b>CE-AER2</b> | <b>The natural character of the District's coastal environment is preserved through consolidation of existing coastal settlements, and through controls on subdivision and development.</b> |
| <b>CE-AER3</b> | <b>Identified sites, landscapes, features and areas of natural, cultural and historical heritage significance within the coastal environment are protected.</b>                             |

## CE-SCHED7 – Schedule of Areas of High Natural Character

### Schedule of Areas of High Natural Character in the Coastal Environment

*Note: refer 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', January 2019 (Hudson Associates) for the full comprehensive assessment and evaluation supporting the identification of these natural character areas.*

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
HNC-1	Huarau – Taupata	<p>This sector has a High natural character ranking overall due to the dominance of the underlying topography and expressive formative processes.</p> <p>The northern Huarau feature comprises highly eroded mudstone with deep gully erosion on the cliff face and mudflows of softer sedimentary material flowing down the valleys to the beach, which are constantly susceptible to change through erosion. The southern Tuapata cliffs comprise fragmented limestone which gives these cliffs greater stability but are crumbling and broken due to the fragmented nature of the limestone which creates a highly diverse surface texture and profile.</p> <p>The verticality and yellow of the limestone contrasts with slumping and the characteristic</p>	High	<p>Pine plantation cover.</p> <p><i>[It is noted that vegetation cover of exposed slopes has the counter benefit of erosion control. Indigenous vegetation cover would be preferable to pine plantation in this instance].</i></p>	19

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		<p>whiteness of the light grey mudstone to the north.</p> <p>Pasture covers much of the more stable surfaces on both features, but recent planting of pine plantation on the Huarau feature will soon suppress this and form a dense exotic treed cover. There are small patches of regenerating native coastal shrubland in firmer areas of the Huarau feature and more on the Taupata feature, and biodiversity value is therefore limited. Pasture and exotic plantations reduce biodiversity.</p> <p>The structures within this sector are limited to rural fencing which has a minimal impact on natural character.</p>			
<b>HNC-2</b>	<b>Waimoana – Kairakau</b>	<p>This sector has a Very High natural character ranking overall due to a combination of its clearly perceived underlying geology and formative processes, areas of ecological value, perceptual coherence and sites of cultural importance.</p> <p>The sector is a short section of coast characterised by steep limestone cliffs and exposed limestone outcrops. Slopes are more eroded in the northern part of the sector, with broken surface slopes exposing the colour and</p>	<b>Very High</b>	<p>Pine plantation cover.</p> <p>Earthworks in the southern portion.</p> <p>Buildings along the top of the southern escarpment.</p> <p>Pine plantation along the top of the southern escarpment.</p>	18 & 57

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		<p>texture of the limestone base, while the southern portion has less eroded slopes and tops with exposed faces and a distinctive overhanging edge.</p> <p>Areas of native regeneration are evident on the firmer faces and behind the Kairakau coastal settlement. The rest of the cover is mainly pasture, although bare areas where erosion is more concentrated is evident further to the north.</p> <p>Kairakau lies in the lee of the cliffs at the southern end of the feature, with the towering cliffs behind with their verticality and exposed limestone frontage reinforcing their legibility and expressiveness. The continued height and exposure to the north, coupled with the smoothness of the pasture covered colluvium runoff, give the sea front cliffs a clean and stable appearance, highly coherent and completely dominant over the settlement and adjacent beach.</p> <p>Numerous sites of cultural significance are present within the local area.</p>			

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
HNC-3	Paonui Point – Pourerere	<p>This sector has High and Very High natural character ranking due to a combination of the key characteristics of its underlying geology, highly varied topography, expressiveness of formative processes, possible ecological value of regenerating vegetation and limited human modification.</p> <p>The sector contains a dramatic piece of eroding mudstone just north of Paonui Point, with the unstable nature of the underlying rock type clearly visible due to its bareness and highly eroded nature. Paonui Point is a prominent headland, also with exposed eroded mudstone but alternating with sandstone, giving the smooth appearance of the escarpment. This continues around the point, with steep eroded light grey cliffs before reaching mudstone again toward Pourerere where it is less dramatic due to the vegetation cover.</p> <p>The area is generally bare of vegetation, except for the mudstone cliff towards Pourerere where regeneration has formed a thick cover, providing good biodiversity over that limited area.</p>	High & Very High	<p>Vegetation clearance in the southern portion of the sector.</p> <p>Pine plantation cover.</p> <p><i>[It is noted that vegetation cover of exposed slopes has the counter benefit of erosion control. Indigenous vegetation cover would be preferable to pine plantation in this instance].</i></p>	29

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		Active erosion processes are evident, and coastal erosion is eating away at the base of the escarpments.			
<b>HNC-4</b>	<b>Aramoana – Te Angiangi</b>	<p>This sector has a High natural character ranking due to a combination of its underlying estuarine processes and vegetation, potential ecological value and limited human modification despite its proximity to the settlement at Aramoana (Shoal Beach development).</p> <p>Tall sea cliffs south of the Shoal Beach development are representative of an intact section of the coastal escarpment landform.</p> <p>The river estuary and adjacent wetland at Aramoana are expressive of the river/coastal interface landform and provide wetland grass habitat contributing to greater biodiversity along the riparian edges. The estuary, although small and only exposed to the sea in very high tides, retains an appearance of naturalness due to the riparian vegetation and its width and is somewhat rare in this coastal environment.</p>	<b>High</b>	<p>Earthworks and drainage in the riparian area.</p> <p>Pine plantation cover in the coastal cliff area.</p>	33 & 74
<b>HNC-5</b>	<b>Pohutapapa – Blackhead</b>	This sector has High and Very High natural character ranking due to a combination of its underlying geology and topography,	<b>High &amp; Very High</b>	Pine plantation cover.	37 & 74

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		<p>expressiveness of its formative processes, perceptual values and limited human modification.</p> <p>The sector is representative of the Central Hawke's Bay coastal character, characterized by steeply sloping mudstone cliffs eroded and exposed light grey base rock with escarpments of varying height. The southern extent ends at Blackhead Point with a small distinctive cliff of eroded sandstone. Coastal processes constantly nibble at the foot of the escarpments while surface erosion on the steep cliffs, resulting in incised valley and extensive areas of bare mudstone.</p> <p>The cover is a mixture of bare eroded surface, with areas of pasture and small areas of revegetation (and therefore contains limited biodiversity). There are no structures or settlements within this sector.</p>		<p><i>[It is noted that vegetation cover of exposed slopes has the counter benefit of erosion control. Indigenous vegetation cover would be preferable to pine plantation in this instance].</i></p>	
HNC-6	Porangahau	<p>This sector has a High and Very High natural character ranking due to a combination of its underlying topography, formative processes, ecological value and perceived naturalness.</p> <p>The sector contains an extended area of coastal dune land backed by rising land, limited estuarine habitat around the</p>	High & Very High	<p>Landform modifications and drainage.</p> <p>Pine plantation cover in the northern portion.</p>	36, 40 & 76

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		<p>Porangahau River in riparian areas. The dunes are more apparent to the northern end, and there are limited remnants of interdunal wetlands and dune vegetation.</p> <p>This area would have had high biodiversity, but this has been diminished over time as land use has changed. There is greater biodiversity towards the northern end where less disturbance has occurred.</p> <p>The beach between MHWS and the inner edge of the narrow dune system has very high perceived naturalness values. Dune flats at the northern end have high perceived naturalness due to the remnant dune forms and less modified land cover. Large areas to the south have reduced perceived naturalness values due to modifications to landform and drainage patterns.</p> <p>Structures within this section include farm buildings, fences and ditches, with the original paper road and paper settlement of Parimahu at the northern end.</p>			
<b>HNC-7</b>	<b>Mt Pleasant</b>	This sector has High and Very High natural character ranking due to a combination of its underlying geology and topography, formative	<b>High &amp; Very High</b>	Pine plantation cover.	43



Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		<p>processes, perceptual values of this geology and limited human modification.</p> <p>The sector is representative of the Central Hawke's Bay coastal character, with steeply sloping mudstone cliffs eroded and exposed light grey base rock with escarpments of varying height. There are areas of pasture on steep slopes, areas of bare mudstone and an area of pine plantation cover over steeply eroding cliff – hence limited biodiversity. There are no settlements or structures in this area.</p> <p>The erosion processes are most apparent on bare faces of mudstone and with the sea nibbling away at the base of escarpments.</p>			
<b>HNC-8</b>	<b>Whangaehu</b>	<p>This sector has Very High natural character ranking due to a combination of its underlying geology and resultant topography, expressiveness of formative processes, ecological value of regenerating vegetation and limited human modification.</p> <p>The Whangaehu landform comprises an extended length of steeply sloping eroding mudstone cliffs, which ends at the district boundary just 5km north of Cape Turnagain. It contains large patches of regeneration with an accompanying level of biodiversity, small</p>	<b>Very High</b>	Pine plantation cover.	46

Unique Identifier	Site Identifier	Site Type (Summary Description of Natural Character Values)	Overall Natural Character Ranking	Identified Threats	Map Reference
		<p>areas of pasture, but mainly bare exposed mudstone. There is clear evidence of erosion processes with soft mudstone on the coastal edge.</p> <p>The small settlement of Whangaehu around the northern point has minimal impact on the overall feature.</p>			

## PART 3 – AREA-SPECIFIC MATTERS

### ZONES

#### LLRZ – Large Lot Residential Zone (Coastal)

##### Introduction

The coastal settlements covered by the Large Lot Residential Zone(Coastal) are:

- Kairakau Beach
- Mangakuri Beach
- Pourerere Beach
- Blackhead Beach
- Te Paerahi Beach.

These settlements are highly valued for their feeling of remoteness and they each have a special and distinct character. The key characteristics across all of the settlements include:

- single baches, mainly single or 2-storey in height, on large lots;
- the absence of kerb and channel, footpaths and street lighting;
- the absence of business activities; and
- large areas of public open space and associated small scale public facilities, particularly along the beach front.

The future of the coastal settlements depends on maintaining their small scale, sense of remoteness, and their ability to provide water supply and sewage disposal systems that can meet the demands of a seasonal population.

Additional characteristics of each coastal settlement are described below:

##### Kairakau Beach

The landscape of Kairakau Beach settlement is easily recognisable by the imposing limestone cliffs backdrop that provide a distinct 'sense of place'. It also features the only seawall protection along the Central Hawke's Bay coastline. Residential development is clustered between the base of the cliffs, the foreshore and the Mangakuri River estuary.

##### Mangakuri Beach

Mangakuri Beach settlement comprises a single row of baches/holiday homes discretely located above and on the landward side of the road, between the base of the hills and the foreshore dunes. Sites in this settlement are large in size (the average site size being just under 3,000m<sup>2</sup>), with only one dwelling on each site. The character of this settlement is therefore very open, small scale and has a feeling of remoteness.

##### Pourerere Beach

This settlement is comprised of two distinct parts, the northern area located where Pourerere Road first meets the beach; and the historic bach settlement area further along the coast to

the south. Development is small scale, particularly in the southern area, comprising single baches and dwellings on individual sites. A camping ground is also located centrally within the southern area.

While demand for coastal living peaked in the early 2000's, provision for future development at Pourerere Beach is constrained by on-site servicing issues, coastal natural hazards and limited suitable land for new development available within the Large Lot Residential Zone.

#### Blackhead Beach

Blackhead Beach settlement, located off a side road at the end of Long Range Road, comprises a small cluster of baches setback some distance from the beach in a small basin of land surrounded by hills. Te Angiangi Marine Reserve, managed by the Department of Conservation, is accessed via Blackhead Beach (and Aramoana). This reserve, established in 1997, protects 446 ha of coastline in this vicinity, and comprises a coastal and marine environment that is fully protected to help allow the coastal and marine ecosystems to return to their former natural state. It is an area highly valued by locals and visitors for educational and scientific reasons as well as for recreational pursuits. It is the only Marine Reserve in Hawke's Bay.

#### Te Paerahi Beach

Te Paerahi Beach settlement is the largest coastal settlement and is located on land between Porangahau River and the coast. Te Paerahi is the only settlement serviced by Council reticulated water and wastewater and therefore the potential for infill is greater in this settlement.

The coastal developments at Shoal Beach (between Pourerere and Blackhead) and Whangaeahu on the southern coastline, have not been included within the Large Lot Residential Zone. These settlements have a complex set of resource consent conditions and covenants controlling their development. They retain an underlying General Rural zoning.

### Issues

#### **LLRZ-I1            Amenity and Character**

**Maintaining the special identity, character and heritage of the coastal settlements, including the 'remote' feel, characterised by a lack of urban kerb and channel on roadways, large sections with single dwellings, and absence of business activities.**

#### **LLRZ-I2            Coastal Hazards and Climate Change**

**The coastal fringe, including coastal settlements, is susceptible to natural hazards including coastal erosion and coastal inundation and the effects of storm surge, sea level rise and tsunamis. Refer CE – Coastal Environment and NH – Natural Hazards chapters.**

#### **LLRZ-I3            Access to the Coast**

**Public access to and along the Central Hawke's Bay District Coast is highly valued for coastal recreation and camping opportunities and needs to be maintained and enhanced. Refer PA – Public Access chapter.**

#### **LLRZ-I4            Servicing**

**Servicing of the coastal settlements varies. There is on-site servicing in some settlements, Council reticulated water and wastewater at Te Paerahi, Council non-potable water at Pourerere, and Council potable water supply at Kairakau. Kairakau also has a private community wastewater system which is not mandatory to join.**

##### Explanation

The Large Lot Residential Zone (Coastal) within the coastal environment is important as it provides a place where people can live or holiday and relax in a coastal environment. The coastal settlements are valued for their sense of remoteness, small scale and lack of urban amenity and their easy access to beaches.

The zone provides for large-lot residential living in a distinctive coastal environment and land uses are managed in such a way to ensure that their effects are compatible with the amenity associated with these coastal settlements.

While there are areas within the zone where growth is possible, development is generally constrained by the need to provide on-site water supplies and wastewater services, and the limited amount of undeveloped land available.

Coastal settlements are located in dynamic natural environments and will require ongoing management and monitoring. While these are matters addressed by Hawke's Bay Regional Council through the Hawke's Bay Regional Coastal Environment Plan, the District Plan also needs to have regard to them.

New Zealanders place high value on being able to access and enjoy the coast. Much of the Central Hawke's Bay District's coast is not easily accessible to the public, and roads and public open space areas within coastal settlements provide important access points. It is important that these access points are maintained and enhanced in our coastal settlements.

Contamination of ground and surface water can result from septic tank failure and lead to subsequent health risks. Discharge to land from on-site wastewater disposal are subject to controls under the Hawke's Bay Regional Coastal Environment Plan. Areas with known on-site sewage problems will require larger sites in order to provide adequate effluent disposal fields.

#### **Objectives**

**LLRZ-O1            To ensure that the identity, character, and heritage values of the coastal settlements are maintained and enhanced.**

**LLRZ-O2** To enable certain small-scale community and recreation facilities, and physical infrastructure, including educational facilities, [emergency service facilities](#) and network utilities, to be located in the coastal settlements in a way which maintains and enhances the character and amenity of these settlements while providing for the social, and cultural wellbeing of people in the community, as well as their health and safety.

**Commented [A1]:** S57.099 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6

**LLRZ-O3** To avoid the extension, alteration, and construction of buildings on those parts of the coastal environment which are most at risk from erosion and inundation.

**LLRZ-O4** To facilitate public access to, and enjoyment of, the District's coast and its margins in a manner that protects the natural character values of the coastal environment.

### Policies

**LLRZ-P1** Through the Large Lot Residential Zone (Coastal), recognise and provide for existing coastal settlements that serve an important social and recreational function and have a distinct character related to their coastal location.

**LLRZ-P2** Allow for use and development that maintains or enhances the identity, character and heritage values of the Large Lot Residential Zone (Coastal).

**LLRZ-P3** Provide building density controls for coastal settlements which promote an open appearance.

**LLRZ-P4** Provide for limited small-scale, non-residential activities within coastal settlements that directly support the well-being of the coastal communities and their visitors.

**LLRZ-P5** Subdivision, use and development in the Large Lot Residential Zone (Coastal) will retain the existing built character of the coastal settlements including the building density, height and setbacks.

**LLRZ-P6** Control land use and subdivision activities in the coastal settlements where coastal hazards may potentially put communities, resources, buildings and people at risk.

**LLRZ-P7** Recognise and provide for existing recreational activities within existing coastal settlements that do not have detrimental effects on the coastal environment.

**LLRZ-P8** Ensure use, subdivision and development within existing coastal settlements provides for, or enhances, public access to and along the coast. Access should only be restricted for the following reasons:

1. to protect natural habitats;
2. to protect historic heritage features and areas; or
3. to protect public health and safety.

**LLRZ-P9** Ensure all land use activities, development and subdivision provide a suitable on-site wastewater treatment and disposal system, stormwater systems, and water supply unless an approved alternative system is available.

*Note: refer also to the SUB – Subdivision chapter, and Hawke's Bay Regional Coastal Environment Plan.*

### Rule Overview Table

Use/activity	Rule Number
Residential activities	LLRZ-R1
Home businesses	LLRZ-R2
Visitor accommodation	LLRZ-R3
Community facilities	LLRZ-R4
Educational facilities	LLRZ-R5
Emergency service activities and emergency aviation movements	LLRZ-R6
Community corrections activities	LLRZ-R7
Relocated buildings	LLRZ-R8
Primary production activities	LLRZ-R9
Commercial activities not otherwise provided for	LLRZ-R10
Camping grounds	LLRZ-R11
Any other activity not otherwise provided for	LLRZ-R12
Intensive primary production activities	LLRZ-R13
Industrial activities	LLRZ-R14

**Commented [A2]:** S97.010 Corrections - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

Service activities	LLRZ-R15
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## Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Large Lot Residential Zone within the coastal environment.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- vegetation clearance and soil disturbance activities in the coastal environment.
- activities in identified Coastal Hazard Zones.

### LLRZ-R1 Residential activities

#### 1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
  - i. LLRZ-S1;
  - ii. LLRZ-S2;
  - iii. LLRZ-S3;
  - iv. LLRZ-S4;
  - v. LLRZ-S5;
  - vi. LLRZ-S6;
  - vii. LLRZ-S7;
  - viii. LLRZ-S8;
  - ix. LLRZ-S9;
  - x. LLRZ-S10;
  - xi. LLRZ-S11;
  - xii. LLRZ-S12;
  - xiii. LLRZ-S13; and
  - xiv. LLRZ-S14

#### 2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
  - i. LLRZ-AM1.
  - ii. LLRZ-AM2.
  - iii. LLRZ-AM3.
  - iv. LLRZ-AM4.
  - v. LLRZ-AM5.
  - vi. [LLRZ-AM12](#).
  - vii. [LLRZ-AM13](#).
- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

**Commented [A3]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A4]:** S57.103 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

### LLRZ-R2 Home businesses

#### 1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:

#### 2. Activity status where compliance with condition LLRZ-R2(1)(b) is not achieved: RDIS



<ul style="list-style-type: none"> <li>i. Home businesses must occupy no more than 50m<sup>2</sup> of the gross floor area of the buildings on the site.</li> <li>ii. Goods, materials, or equipment associated with the home business must be stored within a building.</li> <li>iii. Manufacturing, altering, repairing, dismantling, or processing of any goods or articles associated with the home business must be carried out within a building.</li> <li>iv. Home businesses must be undertaken by a person(s) residing on the site and employ no more than one full-time equivalent person who does not reside on the site.</li> </ul>	<p><b>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</b></p> <ul style="list-style-type: none"> <li>a. Assessment matters: <ul style="list-style-type: none"> <li>i. LLRZ-AM1.</li> <li>ii. LLRZ-AM2.</li> <li>iii. LLRZ-AM3.</li> <li>iv. LLRZ-AM4.</li> <li>v. LLRZ-AM5.</li> <li>vi. <a href="#">LLRZ-AM12</a>.</li> <li>vii. <a href="#">LLRZ-AM13</a>.</li> </ul> </li> <li>b. Assessment matters in the following chapters: <ul style="list-style-type: none"> <li>i. TRAN – Transport.</li> <li>ii. LIGHT – Light.</li> <li>iii. NOISE – Noise.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>b. Compliance with: <ul style="list-style-type: none"> <li>i. LLRZ-S1;</li> <li>ii. LLRZ-S2;</li> <li>iii. LLRZ-S3;</li> <li>iv. LLRZ-S4;</li> <li>v. LLRZ-S5;</li> <li>vi. LLRZ-S6;</li> <li>vii. LLRZ-S7;</li> <li>viii. LLRZ-S8;</li> <li>ix. LLRZ-S9;</li> <li>x. LLRZ-S10;</li> <li>xi. LLRZ-S11;</li> <li>xii. LLRZ-S12;</li> <li>xiii. LLRZ-S13; and</li> <li>xiv. LLRZ-S14.</li> </ul> </li> </ul>	<p><b>3. Activity status where compliance with condition LLRZ-R2(1)(a) is not achieved: DIS</b></p>

**Commented [A5]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A6]:** S57.117 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

#### LLRZ-R3 Visitor accommodation

##### 1. Activity Status: PER

##### Where the following conditions are met:

- a. Limited to:
  - i. Accommodating no more than 5 guests at any one time.
  - ii. Length of stay for any one guest must be no greater than 3 months in any 12-month period.  
*Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.*
- b. Compliance with:

##### 2. Activity status where compliance with condition LLRZ-R3(1)(b) is not achieved: RDIS

##### Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
  - i. LLRZ-AM1.
  - ii. LLRZ-AM2.
  - iii. LLRZ-AM3.
  - iv. LLRZ-AM4.
  - v. LLRZ-AM5.

- i. LLRZ-S1;
- ii. LLRZ-S2;
- iii. LLRZ-S3;
- iv. LLRZ-S4;
- v. LLRZ-S5;
- vi. LLRZ-S6;
- vii. LLRZ-S7;
- viii. LLRZ-S8;
- ix. LLRZ-S9;
- x. LLRZ-S10;
- xi. LLRZ-S11;
- xii. LLRZ-S12;
- xiii. LLRZ-S13; and
- xiv. LLRZ-S14

vi. [LLRZ-AM12](#);

vii. [LLRZ-AM13](#);

- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

**3. Activity status where compliance with condition LLRZ-R3(1)(a) is not achieved: DIS**

**Commented [A7]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A8]:** S57.104 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

#### LLRZ-R4 Community facilities

##### 1. Activity Status: PER

**Where the following conditions are met:**

- a. Limited to 100m<sup>2</sup> gross floor area.
- b. Compliance with:
  - i. LLRZ-S2;
  - ii. LLRZ-S3;
  - iii. LLRZ-S4;
  - iv. LLRZ-S5;
  - v. LLRZ-S6;
  - vi. LLRZ-S7;
  - vii. LLRZ-S8;
  - viii. LLRZ-S9;
  - ix. LLRZ-S10;
  - x. LLRZ-S11;
  - xi. LLRZ-S12;
  - xii. LLRZ-S13; and
  - xiii. LLRZ-S14

**2. Activity status where compliance with condition LLRZ-R4(1)(b) is not achieved: RDIS**

**Matters over which discretion is restricted (where relevant to the infringed standard(s)):**

- a. Assessment matters:
  - i. LLRZ-AM1.
  - ii. LLRZ-AM2.
  - iii. LLRZ-AM3.
  - iv. LLRZ-AM4.
  - v. LLRZ-AM5.

vi. [LLRZ-AM12](#);

vii. [LLRZ-AM13](#);

- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

**3. Activity status where compliance with condition LLRZ-R4(1)(a) is not achieved: DIS**

**Commented [A9]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A10]:** S57.105 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

#### LLRZ-R5 Educational facilities

### 1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 4200m<sup>2</sup> gross floor area.
- b. Compliance with:
  - i. LLRZ-S2;
  - ii. LLRZ-S3;
  - iii. LLRZ-S4;
  - iv. LLRZ-S5;
  - v. LLRZ-S6;
  - vi. LLRZ-S7;
  - vii. LLRZ-S8;
  - viii. LLRZ-S9;
  - ix. LLRZ-S10;
  - x. LLRZ-S11;
  - xi. LLRZ-S12;
  - xii. LLRZ-S13; and
  - xiii. LLRZ-S14

### 2. Activity status where compliance with condition LLRZ-R5(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
  - i. LLRZ-AM1.
  - ii. LLRZ-AM2.
  - iii. LLRZ-AM3.
  - iv. LLRZ-AM4.
  - v. LLRZ-AM5.
  - vi. [LLRZ-AM12](#).
  - vii. [LLRZ-AM13](#).
- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

**Commented [A11]:** S73.014 Ministry of Education - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A12]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A13]:** S57.106 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

### 3. Activity status where compliance with condition LLRZ-R5(1)(a) is not achieved: DIS

### LLRZ-R6 Emergency service activities and emergency aviation movements

### 1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m<sup>2</sup> gross floor area.
- b. Compliance with:
  - i. LLRZ-S2;
  - ii. LLRZ-S3;
  - iii. LLRZ-S4;
  - iv. LLRZ-S5;
  - v. LLRZ-S6;
  - vi. LLRZ-S7;
  - vii. LLRZ-S8;
  - viii. LLRZ-S9;
  - ix. LLRZ-S10;
  - x. LLRZ-S11;
  - xi. LLRZ-S12;
  - xii. LLRZ-S13; and
  - xiii. LLRZ-S14

### 2. Activity status where compliance with condition LLRZ-R6(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
  - i. LLRZ-AM1.
  - ii. LLRZ-AM2.
  - iii. LLRZ-AM3.
  - iv. LLRZ-AM4.
  - v. LLRZ-AM5.
  - vi. [LLRZ-AM12](#).
  - vii. [LLRZ-AM13](#).
- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

**Commented [A14]:** S57.108 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6

**Commented [A15]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A16]:** S57.107 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

	<p><b>3. Activity status where compliance with condition LLRZ-R6(1)(a) is not achieved: DIS</b></p>
<p><b>LLRZ-R7 Community corrections activities</b></p>	
<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to 100m<sup>2</sup> gross floor area.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. LLRZ-S2;</li> <li>ii. LLRZ-S3;</li> <li>iii. LLRZ-S4;</li> <li>iv. LLRZ-S5;</li> <li>v. LLRZ-S6;</li> <li>vi. LLRZ-S7;</li> <li>vii. LLRZ-S8;</li> <li>viii. LLRZ-S9;</li> <li>ix. LLRZ-S10;</li> <li>x. LLRZ-S11;</li> <li>xi. LLRZ-S12;</li> <li>xii. LLRZ-S13; and</li> <li>xiii. LLRZ-S14.</li> </ul>	<p><b>2. Activity status where compliance with condition LLRZ-R7(1)(b) is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</b></p> <p>a. Assessment matters:</p> <ul style="list-style-type: none"> <li>i. LLRZ-AM1.</li> <li>ii. LLRZ-AM2.</li> <li>iii. LLRZ-AM3.</li> <li>iv. LLRZ-AM4.</li> <li>v. LLRZ-AM5.</li> </ul> <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> <li>i. TRAN—Transport.</li> <li>ii. LIGHT—Light.</li> <li>iii. NOISE—Noise.</li> </ul>
	<p><b>3. Activity status where compliance with condition LLRZ-R7(1)(a) is not achieved: DIS</b></p>
<p><b>LLRZ-R8 Relocated buildings</b></p>	
<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. The building must be for the purpose of accommodating a permitted or consented activity on the site.</p> <p>b. Compliance with LLRZ-S15.</p>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. LLRZ-AM1.</li> <li>b. LLRZ-AM2.</li> <li>c. LLRZ-AM5.</li> <li>d. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.</li> </ul>

**Commented [A17]:** S97.010 Department of Corrections - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

- e. The bulk and location of the building in relation to the requirements of the zone.
- f. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
- g. The imposition of a performance bond to ensure compliance with the consent conditions.

*Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.*

**LLRZ-R9 Primary production activities (including ancillary-accessory buildings and structures (primary production), but excluding post-harvest facilities, mining and quarrying)**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. Compliance with:
  - i. LLRZ-S2;
  - ii. LLRZ-S3;
  - iii. LLRZ-S4;
  - iv. LLRZ-S5;
  - v. LLRZ-S6;
  - vi. LLRZ-S7;
  - vii. LLRZ-S8;
  - viii. LLRZ-S9;
  - ix. LLRZ-S10;
  - x. LLRZ-S11;
  - xi. LLRZ-S12;
  - xii. LLRZ-S13; and
  - xiii. LLRZ-S14.

**2. Activity status where compliance not achieved: RDIS**

**Matters over which discretion is restricted (where relevant to the infringed standard(s)):**

- a. Assessment matters:
  - i. LLRZ-AM1.
  - ii. LLRZ-AM2.
  - iii. LLRZ-AM3.
  - iv. LLRZ-AM4.
  - v. LLRZ-AM5.
  - vi. [LLRZ-AM12](#).
  - vii. [LLRZ-AM13](#).
- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

**Commented [A18]:** S81.004 Hort NZ - Report 3A, Rural, Key Issue 1

**Commented [A19]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**Commented [A20]:** S57.117 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

**LLRZ-R10 Commercial activities not otherwise provided for**

**1. Activity Status: RDIS**

**Where the following conditions are met:**

- a. Limited to:

**2. Activity status where compliance not achieved: NC**

i. Commercial activities must occupy no more than 50m<sup>2</sup> gross floor area on the site.

b. Compliance with:

- i. LLRZ-S2;
- ii. LLRZ-S3;
- iii. LLRZ-S4;
- iv. LLRZ-S5;
- v. LLRZ-S6;
- vi. LLRZ-S7;
- vii. LLRZ-S8;
- viii. LLRZ-S9;
- ix. LLRZ-S10;
- x. LLRZ-S11;
- xi. LLRZ-S12;
- xii. LLRZ-S13; and
- xiii. LLRZ-S14
- xiv. .

**Matters over which discretion is restricted (where relevant to the infringed standard(s)):**

c. Assessment matters:

- i. LLRZ-AM1.
- ii. LLRZ-AM2.
- iii. LLRZ-AM3.
- iv. LLRZ-AM4.
- v. LLRZ-AM5.
- vi. LLRZ-AM6.
- vii. [LLRZ-AM13.](#)

d. Assessment matters in the following chapters:

- i. TRAN – Transport.
- ii. LIGHT – Light.
- iii. NOISE – Noise.

**Commented [A21]:** S57.110 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

#### LLRZ-R11 Camping grounds

**1. Activity Status: DIS**

**Where the following conditions are met: N/A**

**2. Activity status where compliance not achieved: N/A**

**Commented [A22]:** S101.001 Motor Caravan Assoc - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

**1. Activity Status: RDIS**

**Where the following conditions are met:**

a. Compliance with:

- i. [LLRZ-S2;](#)
- ii. [LLRZ-S3;](#)
- iii. [LLRZ-S4;](#)

**2. Activity status where compliance not achieved: DIS**

- iv. [LLRZ-S5:](#)
- v. [LLRZ-S8:](#)
- vi. [LLRZ-S9:](#)
- vii. [LLRZ-S10:](#)
- viii. [LLRZ-S11:](#)
- ix. [LLRZ-S12:](#)
- x. [LLRZ-S13:](#) and
- xi. [LLRZ-S14:](#)

**Matters over which discretion is restricted  
(where relevant to the infringed standard(s)):**

**b. Assessment matters:**

- i. [LLRZ-AM1.](#)
- ii. [LLRZ-AM3.](#)
- iii. [LLRZ-AM4.](#)
- iv. [LLRZ-AM5.](#)
- v. [LLRZ-AM7.](#)
- vi. [LLRZ-AM12.](#)
- vii. [LLRZ-AM13.](#)

**c. LLRZ-AM11.**

**d. Assessment matters in the following chapters:**

- i. [TRAN – Transport.](#)
- ii. [LIGHT – Light.](#)
- iii. [NOISE – Noise.](#)

**Commented [A23]:** S57.117 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

**LLRZ-R12 Any other activity not otherwise provided for**

**1. Activity Status: DIS**

Where the following conditions are met: N/A

**2. Activity status where**

compliance not achieved: N/A

**LLRZ-R13 Intensive primary production activities**

**1. Activity Status: NC**

Where the following conditions are met: N/A

**2. Activity status where**

compliance not achieved: N/A

**LLRZ-R14 Industrial activities**

**1. Activity Status: NC**

Where the following conditions are met: N/A

**2. Activity status where**

compliance not achieved: N/A

**LLRZ-R15 Service activities**

**1. Activity Status: NC**

Where the following conditions are met: N/A

**2. Activity status where**

compliance not achieved: N/A

## Standards

LLRZ-S1 Residential Density	
<b>Mangakuri Beach Only</b>	<ol style="list-style-type: none"> <li>There must be no more than: <ol style="list-style-type: none"> <li>two residential units (including minor residential units) on any site; or</li> <li>one residential unit and one visitor accommodation unit on any site.</li> </ol> </li> <li>Minimum net site area for any site is 1500m<sup>2</sup> for each residential/visitor accommodation unit.</li> </ol> <p><i>Note: Mangakuri Beach is not serviced by a reticulated wastewater disposal system. Resource consent may be required from the Hawke's Bay Regional Council for new or existing on-site wastewater disposal and treatment systems. Any proposed on-site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and must remain free of permanent structures.</i></p>
<b>All Other Settlements</b>	<ol style="list-style-type: none"> <li>There must be no more than: <ol style="list-style-type: none"> <li>two residential units (including minor residential units) on any site; or</li> <li>one residential unit and one visitor accommodation unit on any site.</li> </ol> </li> <li>Minimum net site area for any site is 800m<sup>2</sup> for each residential/visitor accommodation unit where the site is connected to a reticulated wastewater disposal system.</li> <li>Minimum net site area for any site is 1000m<sup>2</sup> for each residential/visitor accommodation unit where it is not connected to a reticulated wastewater disposal system.</li> </ol> <p><i>Note: Most of the coastal settlements are not serviced by reticulated wastewater disposal systems. Resource consent may be required from the Hawke's Bay Regional Council for new or existing on-site wastewater disposal and treatment systems. Any proposed on-site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and must remain free of permanent structures.</i></p>
LLRZ-S2 Height of Buildings	
<b>All</b>	<ol style="list-style-type: none"> <li>Maximum height of any building(s) is 8m.</li> </ol>



	<i>Note: in all instances, height is measured from the natural ground level.</i>
<b>LLRZ-S3 Height in Relation to Boundary</b>	
<b>All</b>	<ol style="list-style-type: none"> <li>No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: <ol style="list-style-type: none"> <li>chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.</li> </ol> </li> <li>Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</li> </ol>
<b>LLRZ-S4 Setback from Roads</b>	
<b>All</b>	<ol style="list-style-type: none"> <li>Minimum setback of any building(s) is 3m.</li> <li>Where the vehicle access to garage faces a road boundary, the garage building must be setback at least 5m from the road boundary.</li> </ol>
<b>LLRZ-S5 Setback from Neighbours</b>	
<b>Residential Activities</b>	<ol style="list-style-type: none"> <li>Minimum setback of buildings for an activity from internal boundaries is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard.</li> </ol>
<b>All Other Activities</b>	<ol style="list-style-type: none"> <li>Minimum setback of buildings for an activity from internal boundaries is 3m. Domestic water storage tanks up to 2m in height are exempt from this standard.</li> <li>Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any internal boundary.</li> </ol>
<b>LLRZ-S6 Outdoor Living Space</b>	

<b>Residential Activities</b>	<ol style="list-style-type: none"> <li>For each residential unit, there must be a minimum continuous area for outdoor living space, contained in one area within the net site area of the site, of 80m<sup>2</sup> with a minimum dimension of 5m, except that: <ol style="list-style-type: none"> <li>For any residential unit with a gross floor area less than 65m<sup>2</sup>, the minimum area may be reduced to 30m<sup>2</sup> with a minimum dimension of 3.5m.</li> </ol> </li> <li>The required minimum area of outdoor living space must be readily accessible from a living area of the residential unit, and may take the form of a deck, terrace or verandah, but must be kept free of buildings (other than cantilevered decks), access areas (including driveways and manoeuvring areas), parking spaces and dedicated outdoor service space.</li> </ol>
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#### LLRZ-S7 Outdoor Service Space

<b>Residential Activities</b>	<ol style="list-style-type: none"> <li>In addition to provision of outdoor living space, for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net site area of the site, of 15m<sup>2</sup> with a minimum dimension of 3m.</li> </ol>
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#### LLRZ-S8 Hours of Operation

<b>All (except for Residential Activities, Emergency Service Activities, or Visitor Accommodation)</b>	<ol style="list-style-type: none"> <li>Limited to the following hours of operation: <ol style="list-style-type: none"> <li>0700 – 2200 hours, seven days a week; except where: <ol style="list-style-type: none"> <li>the entire activity is located within a building; and</li> <li>each person engaged in the activity outside the above hours resides permanently on the site; and</li> <li>there are no visitors, customers, or deliveries to the activity outside the above hours.</li> </ol> </li> </ol> </li> </ol>
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**Commented [A24]:** S57.113 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6

#### LLRZ-S9 Heavy Vehicle Storage

<b>All</b>	<ol style="list-style-type: none"> <li>There must be no more than one heavy vehicle stored on a site.</li> </ol>
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#### LLRZ-S10 Screening of Outdoor Storage and Service Areas

<b>Non-Residential Activities</b>	<ol style="list-style-type: none"> <li>Any outdoor storage (including waste) or service area associated with non-residential activities must be fully screened from adjoining sites and from the street by fencing to a maximum height of 2 metres, and/or by landscaping.</li> <li>If using landscaping to achieve the above rule, trees must have a minimum height of 2 metres at the time of planting (PB95) and shrubs must have a minimum height of 1 metre at the time of planting and be able to grow to 2 metres in height.</li> </ol>
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	3. <a href="#">Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.</a>
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**Commented [A25]:** S57.114 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6

#### LLRZ-S11 Electricity Safety Distances

All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001).
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#### LLRZ-S12 Transport (Access, Parking, Loading)

All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
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#### LLRZ-S13 Light

All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
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#### LLRZ-S14 Noise

All	1. Activities must comply with the provisions of the NOISE – Noise chapter.
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#### LLRZ-S15 Relocated Buildings

All	<ol style="list-style-type: none"> <li>1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built, and used as a dwelling or for visitor accommodation.</li> <li>2. The relocated building must comply with all other relevant performance standards for the zone.</li> <li>3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must: <ol style="list-style-type: none"> <li>a. state whether the building is structurally sound;</li> <li>b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;</li> <li>c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;</li> <li>d. provide clear photographs of the building in its current state; and</li> </ol> </li> </ol>
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	<p>e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.</p> <p>4. The Building Pre-Inspection Report must be prepared by:</p> <p>a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or</p> <p>b. A member of the New Zealand Institute of Building Surveyors; or</p> <p>c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or</p> <p>d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.</p> <p>e. <a href="#">A Licensed Building Practitioner.</a></p> <p>5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.</p> <p>6. The building must be placed on permanent foundations no later than <del>two</del> <a href="#">four</a> weeks from the date the building is moved to the site.</p> <p>7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.</p> <p>8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.</p> <p><i>Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.</i></p>
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**Commented [A26]:** S106.003 Heavy Haulage Assoc - Miscellaneous Topic 6C, Key Issue 4

**Commented [A27]:** Heavy Haulage Assoc (S106.005), Miscellaneous Topic 6C, Key Issue 4

## Assessment Matters

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

**LLRZ-AM1      Height of Buildings, Height in Relation to Boundary, Setback from Roads, Setback from Neighbours**

1. The degree to which the proposed buildings:
  - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
  - b. will overshadow adjoining sites and result in reduced sunlight and daylight;
  - c. will cause a loss of privacy through being over-looked from neighbouring buildings;
  - d. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
  - e. will diminish the openness and attractiveness of the street scene;
  - f. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
  - g. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
  - a. provide adequate opportunity for garden and tree planting around buildings;
  - b. provide adequate vehicle parking and manoeuvring space on site;
  - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
  - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
  - e. mitigate any adverse effects on people affected by the proposal.
3. Where sewerage reticulation is not available to the site, the ability of the applicant to adequately dispose of effluent, which avoids:
  - a. any potential contamination of groundwater;
  - b. any potential slope instability problems;
  - c. any potential odour, noise and vibration nuisance to neighbours; and
  - d. any potential seepage of effluent at ground surface.
4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
5. The degree to which alternative practical locations are available for the building.

**LLRZ-AM2      Outdoor Living and Service Space**

1. The degree to which the reduction in outdoor living or service space and/or its location will adversely affect the ability of the site to provide for the outdoor living or service needs of likely future residents of the site.
2. Any alternative provision on, or in close proximity to, the site for outdoor living or service space to meet the needs of likely future residents of the site.

3. The degree to which access to alternative outdoor living or service space (e.g. balconies or communal open space) is provided.

**LLRZ-AM3      Hours of Operation**

1. The degree to which additional visitors, employees, customers, or suppliers to the site will result in traffic generation and pedestrian activity that is incompatible with the character of the surrounding area.
2. Any adverse effects of the extended hours in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.

**LLRZ-AM4      Heavy Vehicle Storage**

1. The degree to which the vehicles being stored can be viewed from adjoining sections, the road and public places and the degree to which screening (either by fences, buildings, or landscaping) may mitigate any adverse visual impact.
2. The degree of noise that may be generated from the starting, manoeuvring and mechanical repair of vehicles on site and the degree to which this will contrast with the existing noise environment.
3. Where a heavy vehicle to be stored has been used for the cartage of animals the procedures to be adopted for the washing down of the vehicles and the disposal of the waste and wash water.

**LLRZ-AM5      Screening of Outdoor Service Areas**

1. The degree to which the visual characteristics of the activity to be established are compatible with the character and amenity of the surrounding area and the degree to which screening or landscaping can mitigate any adverse impact.

**LLRZ-AM6      Home Businesses**

1. The degree to which the character of the site will retain open space or tree and garden plantings rather than become dominated by buildings and areas of hard surfacing.
2. The degree to which the activities on the site remain dominated by residential activities, rather than by activities which are not associated with or incidental to residential activities on the site.
3. The degree to which additional employment is an integral and necessary part of other activities being undertaken on the site and contributes towards alternative home-based employment and income-generating opportunities for residents or occupiers of the site.
4. The degree to which the activity fulfils a function at a local level by meeting the needs of residents principally within the surrounding environment.
5. Any adverse effects of the home business in terms of noise, vibration, glare, odour, dust, loss of privacy, traffic and/or parking congestion.

**LLRZ-AM7      Outdoor Storage**

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
  - a. the nature, coverage area and height of materials or equipment; and
  - b. the time period over which materials or equipment are intended to be outside a building.
2. The degree to which provisions would be needed for:
  - a. security;
  - b. control of litter and vermin; and
  - c. prevention or containment of fire hazard.
3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

**LLRZ-AM8 Visitor Accommodation**

1. Any adverse effects of the likely traffic and pedestrian generation from the proposed visitor accommodation in terms of:
  - a. Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density coastal residential environment;
  - b. Loss of privacy;
  - c. Levels of traffic congestion, reduction in levels of traffic safety, or reduction in availability of on-street parking, which are inconsistent with the classification of the adjoining road; and
  - d. Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
2. The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening. (Other factors may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur).

**LLRZ-AM9 Community Facilities and Educational Facilities**

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
  - a. loss of privacy to neighbours through being over-looked, including by buildings;
  - b. loss of openness and attractiveness of the street scene;
  - c. noise, vibration, and glare; and
  - d. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network

(including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.

4. Whether the amenity of the residential environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
  - a. the number of patrons and/or staff on the site at any one time;
  - b. the hours of operation to maintain the residential amenity of the area
  - c. the proximity of the activity to adjacent residential activities;
  - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
  - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on residential amenity.
5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.

#### **LLRZ-AM10 Commercial Activities**

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, location, and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
  - a. loss of privacy to neighbours, including being over-looked by buildings;
  - b. loss of openness and attractiveness of the street scene;
  - c. noise, vibration, and glare; and
  - d. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design, as well as any necessary landscaping.

#### **LLRZ-AM11 Camping Grounds**

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity and, where located within the identified coastal environment area, the natural character of the coastal environment.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape, in particular the character of the coastal environment.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.



6. Whether the activity is, or will be, located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. The proximity of the camping ground to the coastal margin and the susceptibility of the site to coastal erosion and coastal inundation both in the short and long-term, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
8. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
9. The proximity to any wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
10. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

#### **LLRZ-AM12 Electricity Safety Distances**

1. [Impacts on the operation, maintenance, upgrading and development of the electricity network.](#)
2. [The risk of electrical hazards affecting public or individual safety, and the risk of property damage.](#)
3. [The risk to the structural integrity of any support structures associated with the electricity network.](#)
4. [Technical advice provided by the National Grid owner \(Transpower\) or electricity distribution network operator \(Centralines Limited\).](#)

**Commented [A28]:** S90.041 Centralines - Report 1C Coastal Environment including Coastal Settlements, Key Issue 7

#### **LLRZ-AM13 Water Supply for firefighting**

1. [The extent of compliance \*SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice\* and health and safety of the community, including neighbouring properties.](#)
2. [Technical advice provided by Fire and Emergency New Zealand.](#)

**Commented [A29]:** S57.117 FENZ - Report 1C Coastal Environment including Coastal Settlements, Key Issue 6 and Report 3D Rural Environment, Key Issue 20

## **Methods**

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

#### **LLRZ-M1 Other Provisions in the District Plan**

Other sections of the District Plan contain additional policies, rules and standards applying to activities in the Large Lot Residential Zone within the coastal environment:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.

3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. ECO – Ecosystems and Indigenous Vegetation – includes rules applying to the trimming and modification of indigenous vegetation and natural wetlands.
9. NFL – Natural Features and Landscapes – includes rules applying to earthworks and buildings within identified outstanding natural features or landscapes.
10. SUB – Subdivision – includes rules and standards applying to subdivision.
11. CE – Coastal Environment – includes objectives and policies relating to the coastal environment, including public access to the coastal environment.
12. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
13. NOISE – Noise – includes rules and standards relating to the emission of noise.
14. LIGHT – Light – includes rules and standards relating to light and glare.
15. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
16. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
17. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

## Principal Reasons

The principal reasons for adopting the policies and methods:

These provisions are designed to provide for activities appropriate to the low scale and low-density coastal residential environment. Limited future community activities are envisaged where they support the residential/ coastal access function of the Large Lot Residential Zone within the coastal environment. Other small-scale, non-residential activities may be appropriate in this zone but larger retail and commercial activities, industrial and service activities are not envisaged in this zone.

Providing for larger minimum site sizes also ensures that adequate land is available for servicing these sites appropriately.

Limiting residential development in the coastal environment to the coastal settlement areas will assist with reducing the effects of coastal hazards. Subdivision consent may also be refused under section 106 of the RMA, where land is subject to serious erosion or inundation. The administration of the Building Act in the Central Hawke's Bay District will take into

account, but not be limited to, the natural hazards identified in the NH – Natural Hazards chapter of the District Plan.

The Council recognises that the public expect to be given free and unimpeded access to and along the coast for recreational or cultural reasons. Currently the community is able to enjoy such access from points within the coastal settlements and reserves.

### **Anticipated Environmental Results**

The environmental results anticipated from the policies and methods:

- |                  |  |
|------------------|--|
| <b>LLRZ-AER1</b> | <b>Coastal residential growth is consolidated and restricted to the existing Large Lot Residential Zone boundaries within the coastal environment.</b>   |
| <b>LLRZ-AER2</b> | <b>The open and natural landscape character of the coastal environment and amenity of the coastal settlements is retained and protected.</b>   |
| <b>LLRZ-AER3</b> | <b>Non-residential activities are limited to those necessary to support the coastal settlement community and are of a scale and design that is compatible with the surrounding residential environment and coastal landscapes.</b> |
| <b>LLRZ-AER4</b> | <b>Public access is maintained, improved and enhanced where practicable.</b>   |
| <b>LLRZ-AER5</b> | <b>Residential development is appropriately serviced including the integrated management of stormwater, water, sewer and roading infrastructure. Low impact urban design solutions are used where practicable.</b>                 |
| <b>LLRZ-AER6</b> | <b>Residential development that does not create adverse impacts in terms of overshadowing, excessive building scale, or loss of privacy.</b>   |
| <b>LLRZ-AER7</b> | <b>A residential environment free from excessive noise, odour, dust, glare and vibration nuisance.</b>   |

## **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?
S11.028	Hawke's Bay Regional Council	CE - Coastal Environment	No changes	Accept in part	Accept in part	No
S57.081	Fire and Emergency New Zealand	CE-O3	Retain CE-O3 as notified.	Accept in part	Accept in part	No
S57.082	Fire and Emergency New Zealand	CE-P5	Retain CE-P5 as notified.	Accept in part	Accept in part	No
S57.099	Fire and Emergency New Zealand	LLRZ-O2	Amend LLRZ-O2 as follows: 'To enable certain small-scale community and recreation facilities, and physical infrastructure, including educational facilities, <b>emergency service facilities</b> and network utilities, to be located in the coastal settlements in a way which maintains and enhances the character and amenity of these settlements while providing for the social, and cultural wellbeing of people in the community, as well as their health and safety.'	Accept	Accept	Yes
S57.100	Fire and Emergency New Zealand	LLRZ-P4	Retain LLRZ-P4 as notified.	Accept	Accept	No
S57.101	Fire and Emergency New Zealand	LLRZ-P6	Retain LLRZ-P6 as notified.	Accept	Accept	No
S57.102	Fire and Emergency New Zealand	LLRZ-P9	Retain LLRZ-P9 as notified.	Accept	Accept	No
S57.103	Fire and Emergency New Zealand	LLRZ-R1	Amend LLRZ-R1(1) as follows: '...Where the following conditions are met: a. Compliance with: i. ...	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes

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?
			... <b>x. LLRZ-S15.'</b> And amend LLRZ-R1(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'			
S57.104	Fire and Emergency New Zealand	LLRZ-R3	Amend LLRZ-R3(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. ... ... <b>x. LLRZ-S15.'</b> And amend LLRZ-R3(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes
S57.105	Fire and Emergency New Zealand	LLRZ-R4	Amend LLRZ-R4(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. ... ... <b>x. LLRZ-S15.'</b> And amend LLRZ-R4(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes
S57.106	Fire and Emergency New Zealand	LLRZ-R5	Amend LLRZ-R5(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. ... ...'	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes

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?
			<b>x. LLRZ-S15.'</b> And amend LLRZ-R5(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'			
S57.107	Fire and Emergency New Zealand	LLRZ-R6	Amend LLRZ-R6(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. ... ... <b>x. LLRZ-S15.'</b> And amend LLRZ-R6(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes
S57.108	Fire and Emergency New Zealand	LLRZ-R6	Amend LLRZ-R6, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept in part	Accept in part	Yes
S57.109	Fire and Emergency New Zealand	LLRZ-R7	Amend LLRZ-R7(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. ... ... <b>x. LLRZ-S15.'</b> And amend LLRZ-R7(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'	Reject	Reject	No

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S57.110	Fire and Emergency New Zealand	LLRZ-R10	Amend LLRZ-R10(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. ... ... <b>x. LLRZ-S15.</b> Matters over which discretion is restricted (where relevant to the infringed standard(s)): c. Assessment matters: i. ... ... <b>x. LLRZ-AM12 Servicing.</b> ...'	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes
S57.111	Fire and Emergency New Zealand	LLRZ-S2	Amend LLRZ-S2 as follows: '1. Maximum height of any building(s) is 8m. Note: in all instances, height is measured from the natural ground level. <b>Hose drying towers up to 15m in height are exempt from the rule.'</b>	Reject	Reject	No
S57.112	Fire and Emergency New Zealand	LLRZ-S3	Amend LLRZ-S3(1) as follows: '1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: a. ... ... <b>d. Hose drying towers up to 15m in height.'</b>	Reject	Reject	No
S57.113	Fire and Emergency New Zealand	LLRZ-S8	Amend LLRZ-S8 as follows: 'All (except for Residential Activities, <b>Emergency Service Activities</b> or Visitor Accommodation) 1. ... ...'	Accept	Accept	Yes
S57.114	Fire and Emergency New Zealand	LLRZ-S10	Amend LLRZ-S10 as follows: '1. ... 2. ... <b>3. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.'</b>	Accept	Accept	Yes



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?
S57.115	Fire and Emergency New Zealand	LLRZ-S12	Retain LLRZ-S12 as notified.	Accept	Accept	No
S57.116	Fire and Emergency New Zealand	LLRZ-SXX (new standard)	<p>Add a new standard in the 'Large Lot Residential Zone' as follows:</p> <p><b>'LLRZ-S15 Servicing</b></p> <p>1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</p> <p>2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot.</p> <p>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</p> <p>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'</p>	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Reject	No
S57.117	Fire and Emergency New Zealand	LLRZ-AMXX (new assessment matter)	<p>Add a new assessment matter in the 'Large Lot Residential Zone' as follows:</p> <p><b>'LLRZ-AM12 Servicing</b></p> <p>1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'</p>	Accept in part (Hearing Stream 3 Right-of-Reply 5 Aug 2022)	Accept in part	Yes
S64.083	Department of Conservation	CE-01	Retain CE-01.	Accept	Accept	No
FS9.366	Royal Forest and Bird Protection Society of New Zealand Incorporated		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?
S64.084	Department of Conservation	CE-O2	Retain CE-O2.	Accept (Hearing Stream 1 Right-of-Reply 8 April 2022)	Accept	No
FS9.367	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept (Hearing Stream 1 Right-of-Reply 8 April 2022)	Accept	
S64.085	Department of Conservation	CE-O3	Retain CE-O3.	Accept in part	Accept in part	No
FS9.368	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	Accept in part	
S64.086	Department of Conservation	CE-P1	Retain CE-P1.	Accept	Accept	No
FS9.369	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
S64.087	Department of Conservation	CE-P2	Retain CE-P2.	Accept	Accept	No
FS9.370	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
S64.088	Department of Conservation	CE-P3	Retain CE-P3.	Accept	Accept	No
FS9.371	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
S64.089	Department of Conservation	CE-P4	Retain CE-P4.	Accept	Accept	No
FS9.372	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
S64.090	Department of Conservation	CE-P5	Retain CE-P5.	Accept in part	Accept in part	No
FS9.373	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	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?
	Zealand Incorporated					
<b>S64.091</b>	<b>Department of Conservation</b>	CE-P6	Retain CE-P6.	Accept in part	Accept in part	No
FS9.374	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	Accept in part	
<b>S64.092</b>	<b>Department of Conservation</b>	CE-P7	Retain CE-P7.	Accept	Accept	No
FS9.375	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
<b>S64.093</b>	<b>Department of Conservation</b>	CE-P8	Retain CE-P8.	Accept	Accept	No
FS9.376	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	Accept	
<b>S71.001</b>	<b>Peggy Scott</b>	LLRZ - Large Lot Residential Zone (Coastal)	Need to talk to landowners individually	Reject	Reject	No
<b>S73.013</b>	<b>Ministry of Education</b>	LLRZ-O2	Retain LLRZ-O2 as proposed.	Accept in part	Accept in part	No
<b>S73.014</b>	<b>Ministry of Education</b>	LLRZ-R5	Amend LLRZ-R5(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to <del>200</del> 400m2 gross floor area. b) ...' And amend LLRZ-R5(2) as follows: '2. Activity status where <b>gross floor area is 200-400m2 and/or</b> compliance with condition LLRZ-R5(1)(b) is not achieved: RDIS ...' And amend LLRZ-R5(3) as follows: '3. Activity status <b>where gross floor area is over 400m2</b> <del>where compliance with condition LLRZ-R5(1)(a) is not achieved</del> : DIS'	Accept in part	Accept in part	Yes

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?
FS23.83	Kāinga Ora - Homes and Communities		Allow	Accept in part	Accept in part	
S73.033	Ministry of Education	LLRZ-AM9	Retain LLRZ-AM9 as proposed.	Accept	Accept	No
S75.003	Royal Forest and Bird Protection Society NZ	COASTAL ENVIRONM ENT (Definition)	Retain the definition of 'Coastal Environment' as proposed.	Accept	Accept	No
S75.068	Royal Forest and Bird Protection Society NZ	CE-01	Retain CE-01 as proposed.	Accept	Accept	No
S75.069	Royal Forest and Bird Protection Society NZ	CE-02	Retain CE-02 as proposed.	Accept (Hearing Stream 1 Right-of-Reply 8 April 2022)	Accept	No
S75.070	Royal Forest and Bird Protection Society NZ	CE-03	Amend CE-03 as follows: 'Activities that have a functional need to locate in the coastal environment are provided for in <b>appropriate locations</b> , where they do not compromise other significant values in the coastal environment.'	Accept	Accept	Yes
S75.071	Royal Forest and Bird Protection Society NZ	CE-OXX (new objective)	Add a new objective in the 'CE - Coastal Environment' chapter as follows: <b>'Maintenance and enhancement of public access to and along the coast, where any new access is provided in a way that does not compromise other values within the coastal environment.'</b>	Accept in part	Accept in part	Yes
FS25.74	Federated Farmers of New Zealand		Allow	Accept in part	Accept in part	
S75.072	Royal Forest and Bird Protection Society NZ	CE-P1	Retain CE-P1 as proposed.	Accept	Accept	No
S75.073	Royal Forest and Bird Protection Society NZ	CE-P2	Amend CE-P2 to remove reference to drainage of wetlands.	Accept in part	Accept in part	No
FS25.75	Federated Farmers of New Zealand		Allow in part	Accept in part	Accept in part	

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S75.074	Royal Forest and Bird Protection Society NZ	CE-P5	Retain CE-P5 as proposed.	Accept in part	Accept in part	No
S75.075	Royal Forest and Bird Protection Society NZ	CE-P6	Amend CE-P6 as follows: 'To require that proposed activities within the coastal environment area demonstrate a <b>functional need to be located in the coastal environment area, and</b> that the activity is located appropriately, having regard to <b>its effects and:</b> ...'	Accept in part	Accept in part	Yes
FS25.76	Federated Farmers of New Zealand		Allow in part	Accept in part	Accept in part	
S75.076	Royal Forest and Bird Protection Society NZ	CE-P7	Retain CE-P7 as proposed.	Accept	Accept	No
S75.077	Royal Forest and Bird Protection Society NZ	CE-P8	Retain CE-P8 as proposed.	Accept	Accept	No
S75.078	Royal Forest and Bird Protection Society NZ	CE - Rules	Amend 'CE - Rules' for consistency with NZCPS and RMA in particular (and NPS-IB if notified).	Reject	Reject	No
S75.079	Royal Forest and Bird Protection Society NZ	CE- SCHED7	Retain areas of high natural character listed in CE-SCHED7 as proposed.	Accept	Accept	No
S79.087	Transpower New Zealand Ltd	CE-I1	Retain the explanation accompanying CE-I1, specifically the reference to Policy 6 of the NZCPS.	Accept	Accept	No
S79.088	Transpower New Zealand Ltd	CE-O3	Amend CE-O3 as follows: 'Activities that have a functional need <b>(or operational need in respect of the National Grid)</b> to locate in the coastal environment are provided for, <del>where they do not compromise other significant values in the coastal environment.</del> '	Accept in part	Accept in part	Yes
FS9.427	Royal Forest and Bird Protection		Disallow	Accept in part	Accept in part	

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	Society of New Zealand Incorporated					
S79.089	Transpower New Zealand Ltd	CE-P5	Amend CE-P5 as follows: 'To recognise that there are activities which have a functional need <b>(or operational need in respect of the National Grid)</b> to locate and operate within the coastal environment, and provide for those activities in appropriate places.'	Accept	Accept	Yes
FS9.428	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Reject	
S90.041	Centralines Limited	LLRZ - Rules	Insert new matters for discretion for RDIS activities which relate to a breach of the Electricity Safety Distance standard (LLRZ-S11) in all relevant rules in the 'LLRZ - Large Lot Residential Zone' to include: <b>'a. Impacts on the operation, maintenance, upgrading and development of the electricity network.</b> <b>b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</b> <b>c. The risk to the structural integrity of any support structures associated with the electricity network.</b> <b>d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).'</b> And insert a notification clause requiring written approval.	Accept in part	Accept in part	Yes
FS23.13	Kāinga Ora - Homes and Communities		Disallow	Reject		
S90.054	Centralines Limited	LLRZ-S11	Retain LLRZ-S11.	Accept	Accept	No
S97.010	Ara Poutama Aotearoa the Department of Corrections	LLRZ-R7	Delete LLRZ-R7. N.B. 'community corrections activities' would then default to a Discretionary Activity as 'any other activity not otherwise provided for' under LLRZ-R12.	Accept	Accept	Yes

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?
S97.012	Ara Poutama Aotearoa the Department of Corrections	LLRZ-R1	Retain LLRZ-R1.	Accept	Accept	No
S101.001	New Zealand Motor Caravan Association	LLRZ-R11	Amend LLRZ-R11 to provide for 'camping grounds' as a Permitted Activity, subject to permitted activity conditions.	Accept in part	Accept in part	Yes
S103.001	Sandy Hill Farms Limited	CE-SCHED7	Remove the 'High Natural Character Area' [HNC-6] on 1046 Blackhead Road.	Reject	Reject	No
S121.055	Federated Farmers of New Zealand	CE-O1	Amend CE-O1 as follows: 'Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of: 1. ... ... <b>6. Rural character and farming land uses.'</b>	Reject	Reject	No
FS9.55	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.056	Federated Farmers of New Zealand	CE-O2	Amend CE-O2 as follows: 'Protection of the natural <b>and rural</b> character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.'	Reject (Hearing Stream 1 Right-of-Reply 8 April 2022)	Reject	No
FS9.56	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept (Hearing Stream 1 Right-of-Reply 8 April 2022)	Accept	
S121.057	Federated Farmers of New Zealand	CE-O3	Amend CE-O3 as follows: 'Activities that have a functional need to locate in the coastal environment <b>or are part of an existing farming land use</b> are provided for, where they do not compromise other significant values in the coastal environment.'	Reject	Reject	No
FS9.57	Royal Forest and Bird Protection		Disallow	Accept	Accept	

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	Society of New Zealand Incorporated					
S121.058	Federated Farmers of New Zealand	CE-P1	Amend CE-P1 as follows: 'To identify and map the coastal environment area of Central Hawke's Bay consistent with the Hawke's Bay Regional Coastal Environment Plan, <b>indicating where public access is also available.</b> '	Reject	Reject	No
FS9.58	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.059	Federated Farmers of New Zealand	CE-P2	Amend CE-P2 as follows: 'To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the <b>rural and</b> natural character of the coastal environment area <del>(particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7);</del> including adverse effects resulting from the following activities <b>where they are inconsistent with the existing land use:</b> 1. ... ... particularly where these have been identified as a threat to the values of a particular area of high natural character <b>or are inconsistent with existing farmland uses.</b> '	Reject	Reject	No
FS9.59	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.060	Federated Farmers of New Zealand	CE-P3	Amend CE-P3 as follows: 'To avoid sprawling or sporadic <b>urban/residential</b> subdivision and development in the coastal environment area.'	Reject	Reject	Yes
FS9.60	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.061	Federated Farmers of New Zealand	CE-P4	Amend CE-P4 as follows: 'To manage the activities that can occur in the coastal environment area, <b>where they are</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?
			<b>inconsistent with existing rural character and farm land uses</b> , including: ...			
FS9.61	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.062</b>	<b>Federated Farmers of New Zealand</b>	CE-P5	Amend CE-P5 as follows: 'To recognise that there are activities which have a functional need to locate and operate within the coastal environment <b>or are part of an existing farming land use</b> , and provide for those activities in appropriate places.'	Reject	Reject	No
FS9.62	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.063</b>	<b>Federated Farmers of New Zealand</b>	CE-P6	Amend CE-P6 as follows: 'To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to: 1. ... ... <b>8. consistency with underlying zoning and existing land uses.</b> '	Accept	Accept	yes
FS9.63	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Reject	
<b>S121.064</b>	<b>Federated Farmers of New Zealand</b>	CE-P7	Amend CE-P7 as follows: 'To require that proposed activities within the coastal environment area minimise any adverse effects <b>that are inconsistent with underlying zoning and existing land uses</b> , by: ...'	Reject	Reject	No
FS9.64	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S121.065</b>	<b>Federated Farmers of New Zealand</b>	CE-PXX (new policy)	Add a new policy in the 'CE - Coastal Environment' chapter in the Proposed Plan as follows: <b>'To recognise and provide for farming land</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?
			uses and rural character as positive contributors to the character and amenity of the Coastal Environment, due to the low density of buildings, pasture interspersed with native and exotic vegetation, and low artificial noise and light effects.'			
FS9.65	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.066	Federated Farmers of New Zealand	CE-AM2	Amend CE-AM2(1) to be more targeted as earthworks for buildings, and not restrict earthworks for other farming-related activities.	Reject	Reject	No
FS9.66	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
S121.067	Federated Farmers of New Zealand	CE-AM2	Amend CE-AM2(2) as follows: '2. Earthworks a. The extent to which <b>urban, residential or lifestyle</b> earthworks have been designed and located to minimise adverse visual effects. In particular, the extent to which any such proposal: i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable, <b>unless for farm tracks and fences</b> . ii. Minimises cuttings across hill faces and spurs, <b>unless for farm tracks and fences</b> . ... <b>vii. Are consistent with their underlying zoning and existing land use.'</b>	Accept in part	Accept in part	Yes
FS9.67	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	Accept in part	
S121.068	Federated Farmers of New Zealand	CE-AM2	Amend CE-AM2(3) as follows: '3. General a. ... ... <b>m. The consistency of the activity with its underlying zoning and existing land use.'</b>	Accept	Accept	Yes

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FS9.68	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	Reject	
<b>S121.069</b>	<b>Federated Farmers of New Zealand</b>	CE-SCHED7	Delete 'Areas of High Natural Character'.	Reject	Reject	No
FS9.69	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	Accept	
<b>S125.069</b>	<b>Ngā hapū me ngā marae o Tamatea</b>	CE - Coastal Environment	Retain the provisions in the 'CE - Coastal Environment' chapter as notified.	Accept in part	Accept in part	No
<b>S129.240</b>	<b>Kāinga Ora - Homes and Communities</b>	LLRZ - Large Lot Residential Zone (Coastal)	Re-name 'LLRZ - Large Lot Residential Zone' to 'Low Density Residential Zone'.	Reject	Reject	No
<b>S134.009</b>	<b>Ngāti Kere Hapū Authority</b>	CE - Coastal Environment	[Ensure provision for papakainga - kaumatua housing in the Proposed Plan is not impeded by 'Coastal Environment Area' and 'High Natural Character Area' provisions where these areas 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