

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Robert Schofield (Chair)

Loretta Lovell

Roger Maaka

Tim Aitken

Kate Taylor

Pip Burne

TOPIC:

Coastal Environment (including Coastal Settlements)

PREPARED BY:

Rowena Macdonald

REPORT DATED:

21 February 2022  
*(revised – incorporating errata amendments)*

DATE OF HEARING:

14 to 17 March 2022

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#### Appendix A – Recommended Amendments to Plan Provisions

#### Appendix B - Summary of Recommended Responses to Submissions and Further Submissions

#### Appendix C – Assessment Worksheet for ‘Coastal Sector 6: Porangahau’ (excerpt from Natural Character Assessment Report)

#### Appendix D – Statement from Council’s Landscape Expert (John Hudson, Hudson Associates Landscape Architects)

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

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

| <b>Further Submitter Name</b>   | <b>Further Submission Number(s)</b> |
|---|-------------------------------------|
| Federated Farmers of New Zealand (Fed Farmers)  | <b>FS25</b>                         |
| Kāinga Ora - Homes and Communities (Kāinga Ora)   | <b>FS23</b>                         |
| Royal Forest and Bird Protection Society of New Zealand<br>Incorporated (Forest & Bird) | <b>FS9</b>                          |

## **1.0 Introduction**

### **1.1 Qualifications and Experience**

- 1.1.1 My full name is Rowena Clare Macdonald. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.
- 1.1.2 I hold a Bachelors degree in Resource and Environmental Planning (Honours) and am a full member of the New Zealand Planning Institute.
- 1.1.3 I have been a practicing planner for the past 25+ years. Prior to establishing Sage Planning, I was a planner with Works Consultancy Services/Opus International Consultants.
- 1.1.4 Sage Planning has been engaged by Central Hawke's Bay District Council as the lead planning consultants to assist with the full District Plan Review since August 2017.

### **1.2 Code of Conduct**

- 1.2.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.2.2 I am authorised to give this evidence on the Council's behalf to the Proposed District Plan Hearings Commissioners.

### **1.3 Conflict of Interest**

- 1.3.1 I confirm that I have no real or perceived conflict of interest.

### **1.4 Involvement with the Proposed Plan**

- 1.4.1 I was involved in scoping issues and preparing discussion documents for Council's District Plan Review Committee, engagement with the community, preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions to the Committee and recommending amendments to the Draft Plan, and subsequent completion of the Proposed District Plan including preparation of the accompanying Section 32 Evaluation Reports.
- 1.4.2 I was the lead author of the various discussion documents and draft plan provisions relating to the coastal environment, the reporting officer on informal submissions to the Draft District Plan on this topic, and the lead author of the Section 32 Coastal Environment Topic Report accompanying notification of the Proposed District Plan (PDP).

### **1.5 Preparation of this Report**

- 1.5.1 My role in the preparation of this report has been to review, provide analysis of, and make recommendations on the submissions and further submissions received in relation to the contents of the CE – Coastal Environment chapter and the LLRZ – Large Lot Residential Zone chapter (being the zone containing the coastal settlements within the District), and any associated definitions.
- 1.5.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.5.3 Where I have recommended changes to the Proposed District Plan, I have assessed the changes in accordance with s 32AA Resource Management Act and provided an assessment at a level of detail corresponding to the scale and significance of the recommended change.

## 2.0 Scope of Report

### 2.1 Matters addressed by this Report

- 2.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions on the coastal environment (including coastal settlements).

### 2.2 Overview of the Coastal Environment of Central Hawke's Bay

- 2.2.1 The coastal environment in the Central Hawke's Bay District currently falls within the Rural Zone in the Operative District Plan, delineated by way of a 'Coastal Margin' line on the Planning Maps.
- 2.2.2 There is no comprehensive set of provisions addressing the 'coastal environment' or the 'coastal margin' area in the Operative District Plan. Instead, coastal provisions in the Operative District Plan are of a general nature and are scattered across various parts of the Plan.
- 2.2.3 Following the 'Initial Section 32 Scoping Report' prepared in 2017, and during the process of reviewing the District Plan provisions around coastal issues in more detail 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.
- 2.2.4 This assessment, and resulting report ('Natural Character Assessment of the Central Hawke's Bay Coastal Environment', Hudson Associates Landscape Architects, January 2019) was accepted and formally adopted by Council, and informed the development of coastal natural character provisions in the PDP.
- 2.2.5 No areas of outstanding natural character were identified as a result of the above-mentioned assessment. The assessment outlines that this is 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.
- 2.2.6 The outcome of the report was the identification of eight (8) Coastal Sectors within the coastal environment achieving an overall natural character ranking of 'High' or 'Very High'.
- 2.2.7 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.
- 2.2.8 The remainder of the coastal environment of Central Hawke's Bay District was assessed as having an overall natural character ranking of Moderate.
- 2.2.9 In the Operative District Plan, 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 in the Operative District Plan.
- 2.2.10 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 New Zealand Coastal Policy Statement 2010 (which post-dates the Operative District Plan). As stated in the introduction to the CE – Coastal Environment chapter in the PDP *'the coastal settlements are considered to have moderate or low natural character (albeit they have their own 'special character')'*.

## 2.3 Statutory Considerations

- 2.3.1 The PDP has been prepared in accordance with the RMA and, in particular, the requirements of section 74 (Matters to be considered by territorial authority) and section 75 (Contents of district plans).
- 2.3.2 As set out in the Section 32 Coastal Environment Topic Report, there are a number of higher order planning documents that provide direction and guidance for the preparation and content of the PDP, including the New Zealand Coastal Policy Statement (2010), the Hawke's Bay Regional Resource Management Plan including the Regional Policy Statement (2006), and the Hawke's Bay Regional Coastal Environment Plan (2014). These documents are discussed in detail within the Section 32 Topic Report.

## 2.4 Procedural Matters

- 2.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1 on the submissions relating to the coastal environment provisions prior to the finalization of this section 42A report.
- 2.4.2 No further consultation with any parties regarding the coastal environment provisions has been undertaken since notification of the provisions.

## 3.0 Consideration of Submissions Received

### 3.1 Overview of Submissions

- 3.1.1 As stated, this topic covers submissions received on the general district-wide 'CE – Coastal Environment' provisions, and on the area-specific 'LLRZ – Large Lot Residential Zone' provisions, and specific associated definitions.
- 3.1.2 There are fifteen (15) submitters and 4 further submitters across the whole 'Coastal Environment/ Coastal Settlements' topic.
- 3.1.3 Seventy-seven (77) original submission points, and 34 further submission points were received on the provisions relating to this topic.
- 3.1.4 Of the 77 original submission points, 32 submission points are in support.
- 3.1.5 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
  - Provision for Camping Grounds in the Large Lot Residential Zone
- 3.1.6 Provision for the development of housing for Māori on Māori land is also covered in the section 42A report on the 'Natural Environment' and in the section 42A report on 'Tangata Whenua' matters.
- 3.1.7 Submissions addressing provision for emergency service activities and firefighting supply, educational facilities, community corrections activities, and camping grounds, as well as rules around electrical safety distance requirements, in the other area-specific zones within the PDP will also be addressed in the respective section 42A reports for the 'Urban Environment' and 'Rural Environment' topics.

### 3.2 Structure of this Report

- 3.2.1 Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A report under 'Key Issue' headings.
- 3.2.2 The Key Issue headings addressed in this report are:
- 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
  - Key Issue 7: Remaining 'Large Lot Residential Zone' (LLRZ) Provisions
- 3.2.3 I have relied upon the following expert assessments in support of the opinions expressed in this report:
- *Natural Character Assessment of the Central Hawke's Bay Coastal Environment*, prepared by Hudson Associates Landscape Architects for Central Hawke's Bay District Council, January 2019

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

### 4.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS)                            | Provision                                   | Position | Summary of Decision Requested  | Summary Recommendation   |
|------------------|---|---|----------|--|--|
| S75.003          | Royal Forest and Bird Protection Society NZ (Forest & Bird)       | COASTAL ENVIRONMENT (Definition)            | Support  | Retain the definition of 'Coastal Environment' as proposed.  | Accept   |
| S11.028          | Hawke's Bay Regional Council                                      | CE - Coastal Environment                    | Support  | No changes   | Accept in part   |
| S125.069         | Ngā hapū me ngā marae o Tamatea (Ngā hapu me ngā marae o Tamatea) | CE - Coastal Environment                    | Support  | Retain the provisions in the 'CE - Coastal Environment' chapter as notified.   | Accept in part   |
| S134.009         | Ngāti Kere Hapū Authority (Ngāti Kere Hapū Authority)             | CE - Coastal Environment                    | Amend    | [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.]<br>We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development. | Accept in part<br>(refer also S134.008 (Natural Features & Landscapes s42A Report – Key Issue 2), and S134.007 (Ecological & Indigenous Biodiversity s42A Report – Key Issue 3)) |
| S71.001          | Peggy Scott   | LLRZ - Large Lot Residential Zone (Coastal) | Oppose   | Need to talk to landowners individually  | Reject   |

4.1.1 There are five (5) original submission points addressing the coastal environment generally, and matters relating to development of Māori land within the coastal environment, with no related further submission points arising.

### 4.2 Matters Raised by Submitters

4.2.1 HBRC (S11.028) supports the entire 'CE – Coastal Environment' chapter in the PDP, as notified, as does Ngā hapū me ngā marae o Tamatea (S125.069).

4.2.2 Forest & Bird (S75.003) has 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'.

4.2.3 It is notable that the definition and mapped extent of the 'coastal environment' is not a matter of contention raised by any submitters to the PDP.

4.2.4 Ngāti Kere Hapū Authority (S134.009) submit they are generally supportive of protecting sensitive coastal land, but are concerned that residual lands owned by Māori that are labelled sensitive under the provisions of the PDP may impede development by Māori, and that Council launch intensive communication with mana whenua around land and housing development.

- 4.2.5 In a different but similar vein, P Scott (S71.001) opposes the Large Lot Residential Zone, which covers the coastal settlements of the District, concerned that it holds Māori landowners back, and submits that there is a need to talk to landowners individually.

### 4.3 Analysis

- 4.3.1 The Forest & Bird submission (S75.003) supporting the definition of 'coastal environment' in the PDP is in support and the only submission on this definition – no further analysis is required.
- 4.3.2 The submissions of HBRC (S11.028) and Ngā hapū me ngā marae o Tamatea (S125.069) are supportive of the CE – Coastal Environment chapter as notified. Whilst there are no further submissions directly relating to these submission points, amendments are recommended in response to other submissions on specific provisions within this chapter, therefore these two submissions are accepted, but only 'in part'.
- 4.3.3 It has been inferred from their submission, that Ngāti Kere Hapū Authority (S134.009) wish to ensure provision for the development of housing for Māori on residual lands owned by Māori is not impeded by the 'coastal environment' overlay provisions, or the 'high natural character area (HNC)', 'outstanding natural feature (ONF)' or 'significant natural area (SNA)' overlays. In particular, Ngāti Kere Hapū Authority reference Puketauhinu Trust land at the Porangahau River mouth and Blackhead Village site at Parimahu, which they own and indicate they may wish to develop. Their submission specifically seeks that Council engage meaningfully with mana whenua of Tamatea around land and housing development.
- 4.3.4 There are provisions in the PDP that have been specifically introduced to enable mana whenua to develop ancestral land, which are new to the Central Hawke's Bay District. 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. These new provisions more fully recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga under section 6(e) RMA.
- 4.3.5 However, Council is also required to recognise and provide for other section 6 matters of national importance, which has resulted in the introduction of a number of other layers and associated provisions in the PDP including:
- the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development (s6a),
  - the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development (s6b), and
  - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6c).
- 4.3.6 In the PDP, the above matters have resulted in identification and mapping of the coastal environment itself (a requirement under the New Zealand Coastal Policy Statement), and mapping of HNCs, ONFs and SNAs. Each of these is accompanied by their own set of provisions in the PDP contained in the CE – Coastal Environment chapter, NFL – Natural Features and Landscapes chapter, and the ECO – Ecosystems and Indigenous Biodiversity chapter, respectively.
- 4.3.7 Where any development is proposed within these identified sensitive areas, including the development of housing for Māori on residual lands owned by Māori, it is appropriate to consider all relevant matters of national importance under section 6 RMA, including section 6(a), (b), (c), as well as section 6(e).
- 4.3.8 If development takes place in a sensitive environmental area, it is appropriate to apply scrutiny via a resource consent pathway that allows all matters to be considered.
- 4.3.9 For the above reasons, in my opinion there is 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 Operative District Plan), whilst also encompassing measures for the protection of areas that have been identified as environmentally sensitive. In that sense, I am of the opinion that the PDP addresses the matters raised by Ngāti Kere Hapū Authority, but within the context of the wider RMA framework.
- 4.3.10 In terms of Ngāti Kere Hapū Authority's request that Council launch an intensive communication with mana whenua of Tamatea around land and housing development, whilst this is outside the realm of the

PDP to impose, it is my understanding that Council is committed to further building on its relationships with mana whenua in this regard.

- 4.3.11 In relation to the submission from P Scott (S71.001), it is difficult to determine what aspects of the LLRZ provisions pose concern, and therefore it is difficult to respond meaningfully. However, the submitter may wish to provide further clarification of their concerns with specific LLRZ provisions as they relate to Māori landowners for the formal Hearing, which may facilitate a fuller consideration of any concerns.

#### 4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that the CE – Coastal Environment chapter and the accompanying definition of 'coastal environment' be retained, and the LLRZ – Large Lot Residential Zone also be retained, subject to any specific amendments as a result of recommendations on subsequent Key Issues contained within this report.

- 4.4.2 I recommend that the following submission(s) be **accepted**:

- Forest & Bird, S75.003

- 4.4.3 I recommend that the following submission(s) be **accepted in part**:

- HBRC, S11.028
- Ngā hapū me ngā marae o Tamatea, S125.069
- Ngāti Kere Hapū Authority, S134.009

- 4.4.4 I recommend that the following submission(s) be **rejected**:

- P Scott, S71.001

#### 4.5 Recommended Amendments

- 4.5.1 No specific amendments to the PDP are recommended in response to the above submission points.

#### 4.6 Section 32AA Evaluation

- 4.6.1 Not applicable.

## 5.0 Key Issue 2 - Rural Character and Existing Farming Land Use in the Coastal Environment

### 5.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS)                               | Provision | Position | Summary of Decision Requested   | Summary Recommendation |
|------------------|--|-----------|----------|---|------------------------|
| S64.083          | Department of Conservation   | CE-O1     | Support  | Retain CE-O1.   | Accept                 |
| FS9.366          | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Support  |   | Accept                 |
| S75.068          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-O1     | Support  | Retain CE-O1 as proposed.   | Accept                 |
|                  |  |           |          |   |                        |
| S121.055         | Federated Farmers of New Zealand                                     | CE-O1     | Amend    | Amend CE-O1 as follows:<br>'Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:<br>1. ...<br>... <b>6. Rural character and farming land uses.</b> '  | Reject                 |
| FS9.55           | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Oppose   |   | Accept                 |
| S64.084          | Department of Conservation   | CE-O2     | Support  | Retain CE-O2.   | Accept in part         |
| FS9.367          | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Support  |   | Accept in part         |
| S75.069          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-O2     | Support  | Retain CE-O2 as proposed.   | Accept in part         |
|                  |  |           |          |   |                        |
| S121.056         | Federated Farmers of New Zealand                                     | CE-O2     | Amend    | Amend CE-O2 as follows:<br>'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.'                  | Accept                 |
| FS9.56           | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Oppose   |   | Reject                 |
| S121.057         | Federated Farmers of New Zealand                                     | CE-O3     | Amend    | Amend CE-O3 as follows:<br>'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                 |
| FS9.57           | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Oppose   |   | Accept                 |
| S121.059         | Federated Farmers of New Zealand                                     | CE-P2     | Oppose   | Amend CE-P2 as follows:<br>'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 (particularly in the areas of high natural character identified on the Planning Maps | Reject                 |

|          |  |       |         |   |        |
|----------|--|-------|---------|---|--------|
|          |  |       |         | and in CE-SCHED7); including adverse effects resulting from the following activities <b>where they are inconsistent with the existing land use:</b><br>1. ...<br>...<br>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> |        |
| FS9.59   | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Oppose  |   | Accept |
| S64.088  | Department of Conservation   | CE-P3 | Support | Retain CE-P3.   | Accept |
| FS9.371  | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Support |   | Accept |
| S121.060 | Federated Farmers of New Zealand                                     | CE-P3 | Amend   | Amend CE-P3 as follows:<br>'To avoid sprawling or sporadic <b>urban/residential</b> subdivision and development in the coastal environment area.'   | Reject |
| FS9.60   | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Oppose  |   | Accept |
| S64.089  | Department of Conservation   | CE-P4 | Support | Retain CE-P4.   | Accept |
| FS9.372  | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Support |   | Accept |
| S121.061 | Federated Farmers of New Zealand                                     | CE-P4 | Amend   | Amend CE-P4 as follows:<br>'To manage the activities that can occur in the coastal environment area, <b>where they are inconsistent with existing rural character and farm land uses</b> , including:<br>...'   | Reject |
| FS9.61   | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Oppose  |   | Accept |
| S121.062 | Federated Farmers of New Zealand                                     | CE-P5 | Amend   | Amend CE-P5 as follows:<br>'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 |
| FS9.62   | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Oppose  |   | Accept |
| S121.063 | Federated Farmers of New Zealand                                     | CE-P6 | Amend   | Amend CE-P6 as follows:<br>'To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to:<br>1. ...<br>...<br><b>8. consistency with underlying zoning and existing land uses.'</b>   | Accept |
| FS9.63   | Royal Forest and Bird Protection Society of New Zealand Incorporated |       | Oppose  |   | Reject |
| S64.092  | Department of Conservation   | CE-P7 | Support | Retain CE-P7.   | Accept |

|          |  |                     |         |   |                |
|----------|--|---------------------|---------|---|----------------|
| FS9.375  | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Support |   | Accept         |
| S75.076  | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-P7               | Support | Retain CE-P7 as proposed.   | Accept         |
| S121.064 | Federated Farmers of New Zealand                                     | CE-P7               | Amend   | Amend CE-P7 as follows:<br>'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:<br>...'   | Reject         |
| FS9.64   | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Oppose  |   | Accept         |
| S121.065 | Federated Farmers of New Zealand                                     | CE-PXX (new policy) | Amend   | Add a new policy in the 'CE - Coastal Environment' chapter in the Proposed Plan as follows: <b>To recognise and provide for farming land 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.'</b>   | Reject         |
| FS9.65   | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Oppose  |   | Accept         |
| S121.066 | Federated Farmers of New Zealand                                     | CE-AM2              | Oppose  | Amend CE-AM2(1) to be more targeted as earthworks for buildings, and not restrict earthworks for other farming-related activities.  | Reject         |
| FS9.66   | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Oppose  |   | Accept         |
| S121.067 | Federated Farmers of New Zealand                                     | CE-AM2              | Oppose  | Amend CE-AM2(2) as follows:<br>'2. Earthworks<br>a. The extent to which <b>urban, residential or lifestyle</b> earthworks have been designed and located to minimise adverse visual effects.<br>In particular, the extent to which any such proposal:<br>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> .<br>ii. Minimises cuttings across hill faces and spurs, <b>unless for farm tracks and fences</b> .<br>...<br><b>vii. Are consistent with their underlying zoning and existing land use.'</b> | Accept in part |
| FS9.67   | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Oppose  |   | Accept in part |
| S121.068 | Federated Farmers of New Zealand                                     | CE-AM2              | Oppose  | Amend CE-AM2(3) as follows:<br>'3. General<br>a. ...<br>...<br><b>m. The consistency of the activity with its underlying zoning and existing land use.'</b>   | Accept         |

|        |  |  |        |  |        |
|--------|--|--|--------|--|--------|
| FS9.68 | Royal Forest and Bird Protection Society of New Zealand Incorporated |  | Oppose |  | Reject |
|--------|--|--|--------|--|--------|

5.1.1 In summary, Federated Farmers opposes and seeks amendments across various objectives, policies and assessment matters in the CE – Coastal Environment chapter 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).

5.1.2 Forest & Bird has made blanket further submissions opposing all of Federated Farmers’ submissions.

5.1.3 Forest & Bird and DOC support retention of Objective CE-O1, CE-O2 and Policy CE-P7 as notified. DOC also support retention of Policy CE-P3 and Policy CE-P4 as notified. Forest & Bird also further submitted in support of DOC.

**5.2 Matters Raised by Submitters**

5.2.1 Federated Farmers submit 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 consider 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.

5.2.2 Federated Farmers also submit 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.

5.2.3 Federated Farmers seeks the following amendments in this regard (S121.55, S121.56, S121.57, S121.59<sup>1</sup>, S121.60, S121.61, S121.62, S121.63, S121.64, S121.65, S121.66<sup>2</sup>, S121.67, S121.68):

|       |   |
|-------|---|
| CE-O1 | Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:<br>1. rugged eroding grey mudstone cliffs;<br>2. steep limestone outcrops;<br>3. remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;<br>4. wide sweeping beaches; and<br>5. small settlements, recessed into bays, adjoining a number of sheltered beaches.<br><b>6. Rural character and farming land uses.</b>   |
| 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.   |
| CE-O3 | 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.  |
| CE-P2 | To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the rural and natural character of the coastal environment area <b>(particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7)</b> <sup>3</sup> ; including adverse effects resulting from the following activities <b>where they are inconsistent with the existing land use</b> :<br>1. drainage of coastal flats and wetlands;<br>2. earthworks within dunes and coastal escarpments;<br>3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment; |

<sup>1</sup> Note: this submission point also seeks to delete reference to identified and mapped high natural character areas and CE-SCHED7 in Policy CE-P2, and relates to their submission seeking deletion of HNCs from the PDP altogether, which is addressed separately in Key Issue 5 of this report.

<sup>2</sup> Note: this submission seeks to delete all assessment matters relating to activities on land within or containing HNCs, and relates to their submission seeking deletion of HNCs from the PDP altogether, which is addressed separately in Key Issue 5 of this report.

<sup>3</sup> Note: deleting reference to identified and mapped high natural character areas and CE-SCHED7 in Policy CE-P2 relates to deletion of HNCs from the PDP altogether, which is addressed separately in Key Issue 5 of this report.

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 **or are inconsistent with existing farmland uses.**

|                  |  |
|------------------|--|
| CE-P3            | To avoid sprawling or sporadic <b><u>urban/residential</u></b> subdivision and development in the coastal environment area.  |
| CE-P4            | To manage the activities that can occur in the coastal environment area, <b><u>where they are inconsistent with existing rural character and farm land uses,</u></b> including: <ol style="list-style-type: none"> <li>1. expansion and consolidation of existing coastal settlements;</li> <li>2. the scale, location, design and use of structures, buildings and infrastructure;</li> <li>3. earthworks; and</li> <li>4. subdivision.</li> </ol>  |
| CE-P5            | To recognise that there are activities which have a functional need to locate and operate within the coastal environment <b><u>or are part of an existing farming land use,</u></b> and provide for those activities in appropriate places.  |
| CE-P6            | To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to: <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> <b><u>8. consistency with underlying zoning and existing land uses.</u></b>  |
| CE-P7            | To require that proposed activities within the coastal environment area minimise any adverse effects <b><u>that are inconsistent with underlying zoning and existing land uses,</u></b> by: <ol style="list-style-type: none"> <li>1. ensuring the scale, location and design of any built form or land modification is appropriate in the location;</li> <li>2. integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;</li> <li>3. limiting the prominence or visibility of built form; and</li> <li>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</li> <li>5. restoring or rehabilitating the landscape, including planting using local coastal plant communities.</li> </ol>  |
| <b>CE-P(new)</b> | <b><u>To recognise and provide for farming land 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.</u></b>  |
| CE-AM2           | <b><u>Additional Specific Assessment Matters for Activities on Land within or containing HNCs<sup>4</sup></u></b> <ol style="list-style-type: none"> <li><b><u>1. Buildings</u></b> <ol style="list-style-type: none"> <li><b><u>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.</u></b><br/> <b><u>In particular, the location, layout and design of buildings should:</u></b> <ol style="list-style-type: none"> <li><b><u>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.</u></b></li> <li><b><u>ii. Avoid large-scale earthworks on ridgelines, hill faces and spurs.</u></b></li> <li><b><u>iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns.</u></b></li> <li><b><u>iv. Be designed to minimise cuttings across hill faces and through spurs.</u></b></li> <li><b><u>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.</u></b></li> <li><b><u>vi. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.</u></b></li> <li><b><u>vii. Avoid disturbance of archaeological sites.</u></b></li> </ol> </li> </ol> </li> <li><b><u>2. Earthworks</u></b> <ol style="list-style-type: none"> <li><b><u>a. The extent to which <u>urban, residential or lifestyle</u> earthworks have been designed and located to minimise adverse visual effects.</u></b><br/> <b><u>In particular, the extent to which any such proposal:</u></b> </li> </ol> </li> </ol> |

<sup>4</sup> Note: deleting Assessment Matter CE-AM2(1) relates to deletion of HNCs from the PDP altogether, which is addressed separately in Key Issue 5 of this report.

- i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable, **unless for farm tracks and fences.**
- ii. Minimises cuttings across hill faces and spurs, **unless for farm tracks and fences.**
- 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. Are consistent with their 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.**

- 5.2.4 Forest & Bird opposes Federated Farmers submissions (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'*.
- 5.2.5 Forest & Bird (S75.068, S75.069 & S75.076) supports retention of Objective CE-O1, Objective CE-O2 and Policy CE-P7, as they consider these provisions are consistent with the NZCPS.
- 5.2.6 DOC (S64.083, S64.084, S64.088, S64.089 & S64.092) support retention of Objective CE-O1, Objective CE-O2, Policy CE-P3, Policy CE-P4 and Policy CE-P7 as notified, as they consider 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.

## 5.3 Analysis

- 5.3.1 Preserving the natural character of the coastal environment and protecting it from inappropriate subdivision, use and development is a matter of national importance under s6(a) of the RMA.
- 5.3.2 The extent to which development impacts on natural character will depend on how modified the environment currently is. Natural character always exists to some degree in coastal areas but natural character values associated with the coastal environment of Central Hawke's Bay, as assessed by Council's landscape expert (John Hudson, Hudson Associates), vary from 'low' to 'very high' (no areas were identified as having 'outstanding natural character').
- 5.3.3 The Natural Character Assessment Report by Hudson Associates summarises the Central Hawke's Bay coastal environment as follows:

*'Overall, the coastal margin and adjacent inland area have seen a significant amount of terrestrial land cover modification through human intervention, 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 intentionally recontoured to assist irrigation and farming activities. These factors have diminished the natural character value from its natural state.<sup>5</sup>*

- 5.3.4 Preserving indicates the need to maintain in the existing state. This presents a challenge for practitioners as subdivision, use and development can significantly change the character of the coast.
- 5.3.5 The term 'preservation' indicates the need to maintain in the existing state. The vast majority of accessible land in the coastal environment area in Central Hawke's Bay is rural in character and farming land use predominates. On that basis, I consider that the existing rural/farming land use has contributed to the existing state of natural character of the coastal environment in the District.
- 5.3.6 In that sense, I accept that preserving existing natural character includes recognising and providing for the continuation of rural land uses, including existing farming activities – subject to constraints, such as the provisions of the underlying General Rural Zone, and provisions in the PDP to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, historic heritage, and sites and areas of significance to Māori located within the coastal environment.
- 5.3.7 However, from the statement above from the Natural Character Assessment Report by Council's landscape expert, farming activities have been assessed as having diminished the natural character value of the coastal environment in the District from its natural state.
- 5.3.8 Policy 13 of the NZCPS addresses the preservation of natural character of the coastal environment, and in protecting it from inappropriate subdivision, use and development, it directs to:
- a. *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character<sup>6</sup>; and*
  - b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
  - c. *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character.*
- 5.3.9 In giving effect to this direction, the PDP specifically incorporates provisions addressing natural character of the coastal environment, including identifying areas of high natural character (which also incorporates areas rated as 'very high'), and provides a policy and supporting regulatory framework that seeks to avoid significant adverse effects, and to avoid, remedy or mitigate other adverse effects.
- 5.3.10 Some farming activities have contributed to the reduction of natural character values over time – for adverse effects to only relate back to urban/residential subdivision and development ignores the impact of modification of landforms through earthworks, removal of indigenous vegetation and destruction of wetland, dune and riparian habitats, disruption of natural drainage patterns etc, which have also impacted on natural character, and which have often (but not always) been associated with farming activities.
- 5.3.11 The objectives and policies in the CE – Coastal Environment chapter do not currently single out farming activities collectively as being either appropriate or inappropriate within the coastal environment, and given that some farming activities have been identified as having an impact on natural character values, any singling out of farming activities as being inherently appropriate, cannot be justified. I disagree with the contention that farming land uses are necessarily always 'positive contributors' – therefore I do not support inclusion of the new policy along these lines as sought by Federated Farmers (S121.065).
- 5.3.12 Having said that, in my view, there is some merit in recognising the rural character of the coastal environment in Central Hawke's Bay and the existing land uses that predominate, and recommend some limited amendments to the objectives, policies and assessment matters accordingly.
- 5.3.13 Specifically, I do not support 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 clearly 'rural character and farming land uses' do not constitute 'landforms'.
- 5.3.14 I support expansion of Objective CE-O2 (S121.056) to refer to 'rural character' as well as 'natural character', as this reflects the coastal environment of the District being primarily rural in nature.

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<sup>5</sup> pg 17, 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', Hudson Associates Landscape Architects, January 2019

<sup>6</sup> Note: the Hudson Associates 'Natural Character Assessment' does not identify any areas of outstanding natural character in the coastal environment for Central Hawke's Bay District.

- 5.3.15 Objective CE-O3 (S121.057) and Policy CE-P5 (S121.062) are primarily responding to Policy 6(1)(e) & (2)(c) of the NZCPS in relation to activities that have a functional need to be located in the coastal marine area. However, I support expansion of this objective to provide for activities that are part of an existing farming land use (albeit the appropriate term used in the PDP is 'primary production'), where they do not compromise other significant values in the coastal environment.
- 5.3.16 I do not support the limiting of the application of Policy CE-P2 (S121.059) and Policy CE-P7 (S121.064) to those activities listed in each case, only where they are inconsistent with underlying zoning and existing land uses. As outlined above, farming activities have diminished the natural character of the coastal environment of the District from its natural state, and it is inappropriate to suggest that such activities (which includes drainage of coastal flats and wetlands, earthworks within dunes and coastal escarpments etc) are necessarily acceptable on the sole basis that they are deemed consistent with existing land use. Any policies of this nature could inadvertently promote activities that further diminish the natural character of the coastal environment, and are therefore contrary to its preservation as a matter of national importance pursuant to section 6(a) of the RMA.
- 5.3.17 In terms of Policy CE-P3 (S121.060), I do not consider that the addition of the words 'urban/residential' when referring to subdivision and development in the coastal environment, add any particular benefit in this context, as I consider the words 'sprawling or sporadic' sufficiently explain the type of subdivision and development that the PDP is looking to avoid. As outlined above, limiting the application of policies to 'urban/residential' subdivision and development ignores the actual and potential adverse effects of development associated with other types of subdivision and development.
- 5.3.18 I do not consider further qualifying the application of Policy CE-P4 (S121.061) to managing activities where they are inconsistent with existing rural character and farm land uses, as being necessary or appropriate. Again, activities are not inherently acceptable or will not have any adverse effects on the environment by virtue that they are consistent with existing rural character and farm land uses. Furthermore, the categories of activities listed are all activities that are subsequently controlled through various provisions contained in the PDP, such as zone provisions, earthworks provisions, and subdivision provisions, and therefore the policy accurately reflects the regulatory approach in the PDP.
- 5.3.19 I support expansion of 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' (HNCs). This is appropriate and accurately reflects the approach taken in the PDP to activities within the coastal environment and HNCs, and the underlying Rural Zone context.
- 5.3.20 I do not support deletion of Assessment Matter CE-AM2(1) (S121.066), as this outlines assessment matters for buildings on land within or containing HNCs, which is appropriate given buildings are 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.
- 5.3.21 I do not support including 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. Again, limiting the assessment matters in this way ignores the actual and potential adverse effects of rural earthworks, including earthworks associated with farm track and fences, on land within or containing identified HNCs, and is 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 are none identified in Central Hawke's Bay).

## 5.4 Recommendations

- 5.4.1 For the reasons outlined above, I recommend that provisions in the CE – Coastal Environment chapter be amended (as outlined in Recommended Amendments below).
- 5.4.2 I recommend that the following submission(s) be **accepted**:
- Federated Farmers, S121.056, S121.063, S121.068
  - DOC, S64.083, S64.088, S64.089, S64.092
  - Forest & Bird, S75.068, S75.076
- 5.4.3 I recommend that the following submission(s) be **accepted in part**:

- Federated Farmers, S121.067
- Forest & Bird, S75.069
- DOC, S64.084

5.4.4 I recommend that the following submission(s) be **rejected**:

- Federated Farmers, S121.55, S121.57, S121.59, S121.60, S121.61, S121.62, S121.64, S121.65, S121.66

5.4.5 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 5.5 Recommended Amendments

5.5.1 I recommend the following amendments are made:

|        |  |
|--------|--|
| 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.  |
| CE-P6  | To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to: <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> <p><b><u>8. consistency with underlying zoning and existing land use.</u></b></p>  |
| CE-AM2 | Additional Specific Assessment Matters for Activities on Land within or containing HNCs <ol style="list-style-type: none"> <li>1. Buildings <ol style="list-style-type: none"> <li>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.</li> </ol> <p>In particular, the location, layout and design of buildings should:</p> <ol style="list-style-type: none"> <li>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.</li> <li>ii. Avoid large-scale earthworks on ridgelines, hill faces and spurs.</li> <li>iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns.</li> <li>iv. Be designed to minimise cuttings across hill faces and through spurs.</li> <li>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.</li> <li>vi. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.</li> <li>vii. Avoid disturbance of archaeological sites.</li> </ol> </li> <li>2. Earthworks <ol style="list-style-type: none"> <li>a. The extent to which earthworks have been designed and located to minimise adverse visual effects.</li> </ol> <p>In particular, the extent to which any such proposal:</p> <ol style="list-style-type: none"> <li>i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable.</li> <li>ii. Minimises cuttings across hill faces and spurs.</li> <li>iii. Minimises the number of finished contours that are out of character with the natural contour, where practicable.</li> <li>iv. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.</li> <li>v. Will compromise the values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.</li> <li>vi. Will have any cumulative adverse effects (for example, the modification to the existing natural character and the sensitivity or vulnerability to further change).</li> </ol> <p><b><u>vii. Is consistent with the underlying zoning and existing land use.</u></b></p> </li> <li>3. General <ol style="list-style-type: none"> <li>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.</li> <li>b. Place-specific management issues identified for the particular natural character area.</li> </ol> </li> </ol> |

- 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.**

## 5.6 Section 32AA Evaluation

- 5.6.1 In my opinion, the amendments recommended to Objective CE-O2, Policy CE-P6, and Assessment Matter CE-AM2(2) & (3) are not considered to be a significant departure from the PDP as notified.
- 5.6.2 The recommended amendments will not have any greater environmental, economic, social, or cultural costs or benefits than the notified provisions.
- 5.6.3 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore s32AA re-evaluation is not warranted.

## 6.0 Key Issue 3 - Provision for the National Grid in the Coastal Environment

### 6.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS)                               | Provision | Position | Summary of Decision Requested  | Summary Recommendation |
|------------------|--|-----------|----------|--|------------------------|
| S79.087          | Transpower New Zealand Ltd   | CE-I1     | Support  | Retain the explanation accompanying CE-I1, specifically the reference to Policy 6 of the NZCPS.  | Accept                 |
| S79.088          | Transpower New Zealand Ltd   | CE-O3     | Amend    | Amend CE-O3 as follows:<br>'Activities that have a functional need (or <b>operational need in respect of the National Grid</b> ) to locate in the coastal environment are provided for, where they do not compromise other significant values in the coastal environment.'   | Accept in part         |
| FS9.427          | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Oppose   |  | Accept in part         |
| S75.070          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-O3     | Amend    | Amend CE-O3 as follows:<br>'Activities that have a functional need to locate in the coastal environment are provided for <b>in appropriate locations</b> , where they do not compromise other significant values in the coastal environment.'                                | Accept                 |
| S57.081          | Fire and Emergency New Zealand                                       | CE-O3     | Support  | Retain CE-O3 as notified.  | Accept in part         |
| S64.085          | Department of Conservation   | CE-O3     | Support  | Retain CE-O3.  | Accept in part         |
| FS9.368          | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Support  |  | Accept in part         |
| S79.089          | Transpower New Zealand Ltd   | CE-P5     | Amend    | Amend CE-P5 as follows:<br>'To recognise that there are activities which have a functional need (or <b>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                 |
| FS9.428          | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Oppose   |  | Reject                 |
| S57.082          | Fire and Emergency New Zealand                                       | CE-P5     | Support  | Retain CE-P5 as notified.  | Accept in part         |
| S75.074          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-P5     | Support  | Retain CE-P5 as proposed.  | Accept in part         |
| S64.090          | Department of Conservation   | CE-P5     | Support  | Retain CE-P5.  | Accept in part         |

|         |  |  |         |  |                |
|---------|--|--|---------|--|----------------|
| FS9.373 | Royal Forest and Bird Protection Society of New Zealand Incorporated |  | Support |  | Accept in part |
|---------|--|--|---------|--|----------------|

- 6.1.1 In summary, Transpower supports retention of the explanation accompanying Issue CE-I1, and seeks amendments to Objective CE-O3 and Policy CE-P5.
- 6.1.2 Forest & Bird has made further submissions opposing the amendments sought by Transpower to Objective CE-O3 and Policy CE-P5, and seeks their own amendment to Objective CE-O3.
- 6.1.3 FENZ and DOC support retention of Objective CE-O3 as notified. FENZ, Forest & Bird and DOC support retention of Policy CE-P5 as notified. Forest & Bird also further submitted in support of DOC.

## 6.2 Matters Raised by Submitters

- 6.2.1 Transpower (S79.087) supports 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 required.
- 6.2.2 Transpower (S79.088 & S79.089) state that they are not opposed to Objective CE-O3 or Policy CE-P5, and consider that both give effect to the NZCPS, but submit that the PDP is also required to give effect to the NPSET. They assert 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'.
- 6.2.3 They submit 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 consider this would better give effect to the NPSET.
- 6.2.4 Transpower also seeks deletion of the latter part of Objective CE-O3, which refers to providing for activities 'where they do not compromise other significant values in the coastal environment'. It is not clear from their submission why they are opposed to this wording.
- 6.2.5 Transpower seeks the following amendments to Objective CE-O3 (S79.088) and Policy CE-P5 (S79.089):

|       |   |
|-------|---|
| 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>where they do not compromise other significant values in the coastal environment.</u></b> |
| 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.             |

- 6.2.6 Forest & Bird oppose 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 fail to give effect to the NZCPS and NPSFM'.
- 6.2.7 Forest & Bird (S75.070) seeks 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.
- 6.2.8 Forest & Bird seeks the following amendment in this regard:

|       |  |
|-------|--|
| CE-O3 | Activities that have a functional need 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. |
|-------|--|

- 6.2.9 FENZ (S57.081 & S57.082) supports retention of Objective CE-O3 and Policy CE-P5 as notified, as they consider it recognises that there are some activities that have a functional need to locate within the coastal environment, and that these be provided for where appropriate. FENZ notes that the Aramoana Fire Station is located in the coastal environment.
- 6.2.10 DOC (S64.085 & S64.090) supports retention of Objective CE-O3 and Policy CE-P5 as notified, as they consider 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.

- 6.2.11 Forest & Bird (S75.074) supports retention of Policy CE-P5 as notified, as they consider it is consistent with the NZCPS.

### 6.3 Analysis

- 6.3.1 With respect to the other Transpower submission points, I note that the Objective of the NPSET is:

*'To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.'*

- 6.3.2 The NPSET contains a number of policies in support of this objective that recognise the national benefits of transmission, the need to manage the environmental effects of transmission and of third parties on the transmission network, as well as some policies requiring mapping of the network in district plans, and providing for long-term strategic planning for transmission assets.

- 6.3.3 Policy 3, in particular, requires that:

*'When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.'*

- 6.3.4 It is clear from the above that, in addition to activities that have a functional need to locate in the coastal environment, technical and operational requirements are also required to be given due consideration where this is specifically in relation to the electricity transmission network. Therefore, in my view, it is appropriate and better gives effect to the NPSET to insert reference to 'operational need in respect of the National Grid' in both Objective CE-O3 and Policy CE-P5 (S79.088 & S79.089). This also better aligns with the provisions in the NU – Network Utility chapter, which reference operational requirements (e.g. Issue NU-11, Objective NU-O2, and Policy NU-P2).

- 6.3.5 However, I do not support deleting the latter part of Objective CE-O3 (S79.088), which provides the limitation 'where they do not compromise other significant values in the coastal environment'. Objective CE-O3 is not solely there to provide for the electricity transmission network activities, and neither the NZCPS (nor the NPSET, for that matter) provide for activities to locate in the coastal environment solely on the basis that they have a functional and/or operational need to locate there, without limitation.

- 6.3.6 Forest & Bird submit that the amendments sought by Transpower could lead to the loss and degradation of other values within the coastal environment. I concur in respect of the deletion of the latter part of Objective CE-O3. In my view, when considering such activities, all matters should be considered in the round, and not doing so would be contrary to recognising and providing for other matters of national importance as contained in section 6 of the RMA. The functional and/or operational need to locate in the coastal environment should be considered alongside recognising and providing for the preservation of natural character, the protection of outstanding natural features and landscapes, areas of significant indigenous vegetation, and historic heritage etc.

- 6.3.7 Further, I concur with the amendment sought by Forest & Bird (S75.070) to include the words 'in appropriate locations' in relation to providing for activities that have a functional need to locate in the coastal environment, in that this aligns the objective with the wording in Policy 6(2)(c) of the NZCPS which states: *'recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places.'*

### 6.4 Recommendations

- 6.4.1 For the reasons outlined above, I recommend that provisions in the CE – Coastal Environment chapter be amended (as outlined in Recommended Amendments below).

- 6.4.2 I recommend that the following submissions be **accepted**:

- Transpower, S79.087, S79.089
- Forest & Bird, S75.070

- 6.4.3 I recommend that the following submissions be **accepted in part**:

- Transpower, S79.088
- FENZ, S57.081, S57.082
- DOC, S64.085, S64.090
- Forest & Bird, S75.074

6.4.4 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 6.5 Recommended Amendments

6.5.1 I recommend the following amendments are made:

|       |   |
|-------|---|
| CE-O3 | 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 <b>in appropriate locations</b> , where they do not compromise other significant values in the coastal environment. |
| CE-P5 | 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.                                |

## 6.6 Section 32AA Evaluation

6.6.1 In my opinion, the amendments recommended to Objective CE-O3 and Policy CE-P5 are not considered to be a significant departure from the PDP as notified, but better align with higher order direction, including the New Zealand Coastal Policy Statement (NZCPS) and the National Policy Statement on Electricity Transmission (NPSET). They also better align with the policy framework in the NU – Network Utilities chapter in the PDP as notified.

6.6.2 The recommended amendments will have potentially greater economic and social benefits than the notified provisions, as it will enable due recognition to the need to operate, maintain, develop, and upgrade the electricity transmission network as a matter of national significance, with minimal environmental or cultural costs.

## 7.0 Key Issue 4 - Remaining 'Coastal Environment' (CE) Provisions

### 7.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS)                               | Provision              | Position       | Summary of Decision Requested   | Summary Recommendation                              |
|------------------|--|------------------------|----------------|---|---|
| S75.071          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-OXX (new objective) | Amend          | 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                                      |
| FS25.74          | Federated Farmers of New Zealand                                     |                        | Support        |   | Accept in part                                      |
| S75.072          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-P1                  | Support        | Retain CE-P1 as proposed.   | Accept  |
| S121.058         | Federated Farmers of New Zealand                                     | CE-P1                  | Amend          | 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  |
| FS9.58           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                        | Oppose         |   | Accept  |
| S64.086          | Department of Conservation   | CE-P1                  | Support        | Retain CE-P1.   | Accept  |
| FS9.369          | Royal Forest and Bird Protection Society of New Zealand Incorporated |                        | Support        |   | Accept  |
| S64.087          | Department of Conservation   | CE-P2                  | Support        | Retain CE-P2.   | Accept  |
| FS9.370          | Royal Forest and Bird Protection Society of New Zealand Incorporated |                        | Support        |   | Accept  |
| S75.073          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-P2                  | Oppose in part | Amend CE-P2 to remove reference to drainage of wetlands.  | Accept in part                                      |
| FS25.75          | Federated Farmers of New Zealand                                     |                        | Oppose in part |   | Accept in part                                      |
| S64.091          | Department of Conservation   | CE-P6                  | Support        | Retain CE-P6.   | Accept in part (recommended amendment, Key Issue 2) |
| FS9.374          | Royal Forest and Bird Protection Society of New Zealand Incorporated |                        | Support        |   | Accept in part (recommended amendment, Key Issue 2) |
| S75.075          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-P6                  | Amend          | 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><br>...' | Accept in part (recommended amendment, Key Issue 2) |

|         |  |            |                 |   |   |
|---------|--|------------|-----------------|---|---|
| FS25.76 | Federated Farmers of New Zealand                                     |            | Support in part |   | Accept in part (recommended amendment, Key Issue 2) |
| S75.077 | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-P8      | Support         | Retain CE-P8 as proposed.   | Accept  |
| S64.093 | Department of Conservation   | CE-P8      | Support         | Retain CE-P8.   | Accept  |
| FS9.376 | Royal Forest and Bird Protection Society of New Zealand Incorporated |            | Support         |   | Accept  |
| S75.078 | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE - Rules | Oppose          | Amend 'CE - Rules' for consistency with NZCPS and RMA in particular (and NPS-IB if notified). | Reject  |
|         |  |            |                 |   |   |

- 7.1.1 In summary, the above represent the remaining submissions and further submissions on the provisions in the CE – Coastal Environment chapter of the PDP. There are five (5) submissions seeking amendments, from Forest & Bird and Federated Farmers.
- 7.1.2 Forest & Bird seeks amendments to Policy CE-P2 and Policy CE-P6, as well as the introduction of a new objective around public access to and along the coast. They also seek amendment to the rules in the CE – Coastal Environment chapter as they consider the rules are too permissive.
- 7.1.3 Federated Farmers seeks an amendment to Policy CE-P1 to incorporate the words 'indicating where public access is available'. Federated Farmers is also a further submitter on some of the amendments sought by Forest & Bird.
- 7.1.4 The remaining submissions are in support of retaining provisions as notified.

## 7.2 Matters Raised by Submitters

### Proposed Objective

- 7.2.1 Forest & Bird (S75.071) seeks insertion of a new objective around maintenance and enhancement of public access for consistency with Objective 4 of the NZCPS. This is supported by Federated Farmers (FS25.74).
- 7.2.2 Forest & Bird seeks 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

- 7.2.3 Federated Farmers (S121.058) support Policy CE-P1 in terms of identification and mapping of the coastal environment consistently with the Hawke's Bay Regional Coastal Environment Plan, but seeks amendment to also include indicating where public access is available. They consider 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'*.
- 7.2.4 Federated Farmers seeks 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.**
- 7.2.5 Forest & Bird (FS9.58) opposes 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 NPSFM or would not achieve the purpose of the RMA'.

- 7.2.6 DOC (S64.086) and Forest & Bird (S75.072) support 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

- 7.2.7 Forest & Bird (S75.073) oppose Policy CE-P2 in part, seeking removal of reference to drainage of wetlands from the policy and to ensure it is consistent with NES Freshwater Management (NESFM). The basis for this submission is that drainage of wetlands is non-complying/prohibited in the NESFM, and *'the policy should not suggest that it is in activity that could occur'*.
- 7.2.8 Otherwise, Forest & Bird state they are 'reasonably comfortable with this policy and support the reference to avoiding 'effects' rather than 'activities'.
- 7.2.9 Federated Farmers (FS25.75) opposes the submission in part, in that they 'agree with the submitter that the policy needs to be consistent with the NES Freshwater in its treatment of wetlands, however there will be situations where some activities in wetlands are appropriate'.
- 7.2.10 DOC (S64.087) support 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

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

|       |   |
|-------|---|
| CE-P6 | To require that proposed activities within the coastal environment area demonstrate <b>a 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> : <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> |
|-------|---|

- 7.2.13 Federated Farmers (FS25.76) support the submission in part, in that they deem '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'.
- 7.2.14 DOC (S64.091) support 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

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

#### Rules

- 7.2.16 Forest & Bird (S75.078) oppose the rules in the CE – Coastal Environment chapter, and seeks that they be amended for consistency with the NZCPS and RMA, and NPS Indigenous Biodiversity (should it be notified between now and decisions on the plan). They consider the rules are too permissive.

### 7.3 Analysis

#### Proposed Objective

- 7.3.1 The additional objective, as sought by Forest & Bird and supported by Federated Farmers, is supported, however public access is addressed in the PA – Public Access chapter, and specifically in relation to the coast as follows:

|       |   |
|-------|---|
| PA-O1 | Practical and safe public access to and along the margins of lakes and rivers and the coast is 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.  |
| PA-P3 | To encourage the provision of appropriate opportunities for public access within the coastal environment when subdividing land adjacent to the coastal marine area.   |
| PA-P4 | To ensure that where new access to the coast is to be provided, that it is practical and safe, and is constructed to avoid, remedy or mitigate damage to: <ol style="list-style-type: none"> <li>1. dunes, estuaries and other sensitive natural areas or habitats;</li> <li>2. geological systems or processes;</li> <li>3. ecological systems or to indigenous flora and fauna;</li> <li>4. historical heritage; or</li> <li>5. sites and areas of significance to tangata whenua.</li> </ol> |

- 7.3.2 In my opinion, all matters relating to public access are appropriately addressed in one place in the PDP, being the PA – Public Access chapter – so I consider inclusion of the additional objective sought in the CE – Coastal Environment chapter would be unnecessary duplication.

- 7.3.3 Having said that, in my view, an alternative remedy would be a minor amendment to Objective PA-O1 to replace the word 'provided' with 'maintained and enhanced' which I consider 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 <b><u>maintained and enhanced</u></b> 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. |
|-------|--|

- 7.3.4 I also acknowledge that 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 I also consider 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

- 7.3.5 The amendment sought by Federated Farmers (opposed by Forest & Bird) to include '*indicating where public access is also available*' would imply identifying and mapping public access in the coastal environment. Policy 19 of the NZCPS refers to 'identifying how information on where the public have walking access will be made publicly available', however identifying and mapping where public access is available is not a simple exercise and, in my view, the District Plan is not the place where members of the public would normally go to look for that type of information. It is not clear what the submitter is anticipating in this regard or how it would further address meeting the objectives of the PDP around public access to and along the coast. For these reasons, I do not support the amendment sought.
- 7.3.6 If the concern is around the public assuming they have automatic right of access at all points along the coast, including over private property, I consider this is addressed in the PA – Public Access chapter – specifically in Objective PA-O1 which refers to practical and safe access to and along the margins of lakes and rivers and the coast '*in a way that respects private property*'. I consider that the explanation accompanying Issue PA-I1, Objective PA-O1, and recommended cross-referencing within the CE – Coastal Environment chapter (discussed above) assists in that regard.
- 7.3.7 I concur with DOC and Forest & Bird that Policy CE-P1 should be retained as notified.

#### Policy CE-P2

- 7.3.8 Policy CE-P2 seeks to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the natural character of the coastal environment areas, and provides a list of activities that have been identified as a threat to the values of areas of high natural character:

|       |  |
|-------|--|
| CE-P2 | To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the rural and 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: <ol style="list-style-type: none"> <li>1. drainage of coastal flats and wetlands;</li> <li>2. earthworks within dunes and coastal escarpments;</li> <li>3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment;</li> <li>4. plantation forestry; and</li> <li>5. use of vehicles on beaches and adjacent public land;</li> </ol> particularly where these have been identified as a threat to the values of a particular area of high natural character. |
|-------|--|

- 7.3.9 This list was compiled from the threats specifically identified by Council's landscape expert (in the 'Natural Character Assessment Report' prepared for the District Plan Review), in relation to the areas classified as having 'high' and 'very high' natural character in the District.
- 7.3.10 I concur with the submitter (Forest & Bird) and the further submitter (Federated Farmers) that Policy CE-P2 needs to be consistent with the NESFM in its treatment of wetlands. Regulations 52 and 53 of the NESFM control earthworks and the taking, use, damming, or diversion of water outside, but within 100m setback from, a natural wetland as a non-complying activity, and within a natural wetland as a prohibited activity, if it results or is likely to result in the complete or partial drainage of all or part of a natural wetland.
- 7.3.11 In my view, however, the policy does not lead on to a regulatory response that would in any way imply the drainage of wetlands is permitted or even anticipated. The policy is merely legitimately listing the threats to natural character values in the coastal environment of Central Hawke's Bay District identified by Council's landscape expert, and in that sense, the policy is accurate and appropriate in my view. On the contrary, to remove the drainage of wetlands from the list of threats could inadvertently be seen as suggesting that drainage of wetlands is not a threat.
- 7.3.12 I concur with DOC that Policy CE-P2 should be retained as notified.

#### Policy CE-P6

- 7.3.13 The amendment sought by Forest & Bird, to add the requirement '*to demonstrate functional need to be located in the coastal environment*', is not supported. The NZCPS specifically recognises the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits (Objective 6), but the NZCPS stops short of only anticipating activities within the coastal environment where they have a functional need to locate there.
- 7.3.14 The NZCPS does provide additional recognition for activities within the coastal environment that do have a functional need to locate there (e.g. Policy 6(2)(c) of the NZCPS), but applying all activities looking to locate in the coastal environment to demonstrate a functional need would be an unnecessary additional hurdle, and is ultra vires in my view.
- 7.3.15 The addition of the reference to 'effects' of activities as sought by the submitter, however, is supported, as this better reflects the sustainable management purpose of the RMA as set out in section 5, in addition to the matters listed.
- 7.3.16 Note: In relation to the further submission from Federated Farmers, this should be read in conjunction with the analysis outlined in Key Issue 2 and my recommendation to include '*consistency with underlying zoning and existing land use*' in the list of matters to have regard to within Policy CE-P6.

#### Rules

- 7.3.17 Forest & Bird has made a broad submission deeming the rules in the CE – Coastal Environment chapter to be too permissive, and seeking that they be amended for consistency with the NZCPS and RMA, and NPS-IB (if notified).
- 7.3.18 There are 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 are, by necessity, peppered across the Plan 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).

- 7.3.19 The identified 'areas of high natural character' are treated similarly to 'significant amenity features' in the PDP – neither of which were assessed by Council's landscape expert as having the higher order 'outstanding' values – and the landscape and natural character values of those areas are thus addressed only when a resource consent is triggered by other rules in the PDP. There are no specific rules in the CE – Coastal Environment chapter, which differs from the approach taken to the 'outstanding' natural features and landscapes contained in the NFL – Natural Features and Landscapes chapter.
- 7.3.20 There is little commentary in the submission about perceived deficiencies and insufficient detail in terms of proposed alternative provisions, for me to be able to consider what amendments the submitter is seeking.

## 7.4 Recommendations

- 7.4.1 For the reasons outlined above, I recommend that provisions in the PA – Public Access chapter and CE – Coastal Environment chapter be amended (as outlined in Recommended Amendments below).
- 7.4.2 I recommend that the following submissions be **accepted**:
- DOC, S64.086, S64.087, S64.093
  - Forest & Bird, S75.072, S75.077
- 7.4.3 I recommend that the following submission(s) be **accepted in part**:
- DOC, S64.091
  - Forest & Bird, S75.071, S75.073, S75.075
- 7.4.4 I recommend that the following submission(s) be **rejected**:
- Forest & Bird, S75.078
  - Federated Farmers, S121.058
- 7.4.5 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 7.5 Recommended Amendments

- 7.5.1 I recommend the following amendments are made:

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.

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.**

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;
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.

*[in addition to recommended amendment from Key Issue 2 above]*

## 7.6 Section 32AA Evaluation

- 7.6.1 In my opinion, the amendments recommended to Objective PA-O1 and Policy CE-P6, and recommended additional cross-referencing, are not considered to be a significant departure from the PDP as notified,

but better align with higher order direction, including the New Zealand Coastal Policy Statement (NZCPS) and Part 2 of the RMA.

7.6.2 The recommended amendments will not have any greater environmental, economic, social, or cultural costs or benefits than the notified provisions.

7.6.3 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore s32AA re-evaluation is not warranted.

## 8.0 Key Issue 5 - Schedule of Areas of High Natural Character in the Coastal Environment (CE-SCHED7)

### 8.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS)                               | Provision | Position | Summary of Decision Requested  | Summary Recommendation |
|------------------|--|-----------|----------|--|------------------------|
| S75.079          | Royal Forest and Bird Protection Society NZ (Forest & Bird)          | CE-SCHED7 | Support  | Retain areas of high natural character listed in CE-SCHED7 as proposed.  | Accept                 |
| S103.001         | Sandy Hill Farms Limited   | CE-SCHED7 | Oppose   | Remove the 'High Natural Character Area' [HNC-6] on 1046 Blackhead Road. | Reject                 |
| S121.069         | Federated Farmers of New Zealand                                     | CE-SCHED7 | Oppose   | Delete 'Areas of High Natural Character'.                                | Reject                 |
| FS9.69           | Royal Forest and Bird Protection Society of New Zealand Incorporated |           | Oppose   |  | Accept                 |

8.1.1 In summary, Federated Farmers seeks deletion of all areas of high natural character listed in Schedule CE-SCHED7 in the PDP, whereas Forest & Bird opposes their deletion and instead seeks their retention.

8.1.2 Sandy Hill Farms specifically seeks removal of the 'high natural character area' identified over their land (HNC-6).

### 8.2 Matters Raised by Submitters

#### Schedule CE-SCHED7

8.2.1 Federated Farmers (S121.069) considers that there is no need to identify the category of 'Areas of High Natural Character', as they consider that *'it only adds another layer of complication, and needs to be deleted'*. They consider that these areas are *'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'*.

8.2.2 Federated Farmers also submits that careful consideration be given to the submissions of individual landowners regarding HNCs ('Areas of High Natural Character') identified on their properties.

8.2.3 Forest & Bird seeks retention of the HNCs (S75.079) and opposes the Federated Farmers submission in this regard (FS9.69).

#### HNC-6 (Porangahau Sector)

8.2.4 Sandy Hill Farms (S103.001) note that a large part of their coastal farming land at 1046 Blackhead Road has been designated as HNC having high perceived naturalness values, and that as far as they are aware this has only been viewed from the air to determine this area as HNC, and that they have had no direct contact or consultation about this. They seek removal of the HNC area over their property.

8.2.5 They contend 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 have concerns that the HNC will in future have implications restricting their ability to farm productively and sustainably through controlling our farming activities and habits, in particular:

- *'Concern that policies in place now will in future turn into rules and more restrictions.*
- *Concerned that it is going to become a future cost with having to get council permission for all and even minor farming activities.*

- *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 HNC area.'*

### 8.3 Analysis

#### CE-SCHED7

- 8.3.1 Section 6(a) of the RMA identifies the preservation of the natural character of the coastal environment (including the coastal marine area), and its protection from inappropriate subdivision, use, and development, as a matter of national importance that must be recognised and provided for.
- 8.3.2 Further, section 75 of the RMA requires District Plans to give effect to the NZCPS (section 75(3)(b)). In preserving the natural character of the coastal environment and its protection from inappropriate subdivision, use and development, Policy 13 of the NZCPS requires:
- *'assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character'* (Policy 13(1)(c)), and
  - *'ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions'* (Policy 13(1)(d)).
- 8.3.3 Policy 13 also recognises that 'natural character is not the same as natural features and landscapes or amenity values'.
- 8.3.4 In reviewing the District Plan, Central Hawke's Bay District Council commissioned John Hudson of Hudson Associates – a suitably qualified landscape architect – to carry out an expert natural character assessment of the District's coastal environment. As part of that assessment, Mr Hudson adopted the following methodology<sup>7</sup>:
- *Research relevant background information, aerial photography, technical research and site visits*
  - *Mapping of the physical extent of the Coastal Environment*
  - *Mapping the Coastal Environment Sectors based on their distinguishing characteristics*
  - *Describing the characteristics of these sectors and ranking these on a seven-point scale*
  - *Drafting the Assessment Report using a defined assessment matrix to evaluate the specific factors within each Coastal Sector*
  - *Identifying areas of High and Outstanding Natural Character*
- 8.3.5 Policy 13 of the NZCPS does not specifically define natural character, however clause (2) does identify a number of matters that could be considered under 'natural character'. When determining the level of natural character, Mr Hudson's assessment adopted the following commonly used definition:
- '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.'*
- 8.3.6 Mr Hudson's assessment report outlines the assessment matrix he used, as follows:
- 'The assessment matrix used for the Central Hawke's Bay Coastal Environment references a number of other assessment matrices undertaken by other practices, including work undertaken by Boffa Miskell Limited for the Natural Character Assessment of the Thames Coromandel Coastal Environment for the Waikato Regional Council and also their assessment for the Horowhenua District Council. The CHB evaluation will rank each of the seven identified natural character components against a 7-point scale (Very High, High, High-Moderate, Moderate, Moderate-Low, Low, and Very Low) to determine the*

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<sup>7</sup> pg 9, 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', prepared by Hudson Associates Landscape Architects for Central Hawke's Bay District Council, January 2019

*extent of modification that has occurred. An expert interpretation and weighting will then take place based on the combined scores of each coastal sector.*<sup>8</sup>

8.3.7 Nine (9) Coastal Sectors were identified (listed below), with work sheets for each containing an identification map and aerial photograph. The natural character rankings for each feature within each Coastal Sector are indicated on the maps in Mr Hudson's report, while the 'Assessment Worksheets' contain a discussion about each and a short summary of the natural character values associated with that Coastal Sector and the threats to key characteristics.

- Sector 1 Huarau - Taupata
- Sector 2 Waimoana - Kairakau
- Sector 3 Paonui Point - Pourerere
- Sector 4 Aramoana - Te Angiangi
- Sector 5 Pohutapapa - Blackhead
- Sector 6 Porangahau
- Sector 7 Mt Pleasant
- Sector 8 Whangaehu
- Sector 9 Collection of individual Settlements along the coast
- Sector 10 Overall length of coast which is neither High nor Very High Natural Character

8.3.8 Mr Hudson concluded that there are no areas of outstanding natural character, but that much of the District's coastline has (at least) high natural character values. He assessed the coastal settlement areas and remaining balance of the coastal environment as having moderate-low natural character.

*'The coastal environment has natural character ranging from a Moderate-Low to Very High ranking due to a combination of its key characteristics which are perceptions of ruggedness, clear visibility of its exposed underlying geomorphology, expressiveness of its formative processes, dominance of natural processes, higher biodiversity values in regenerating areas and limited human modification. Where settlements occur, these are confined in extent and located in recessed bays where beaches and road ends occur along the coast. They are sufficiently small to not affect the overall perception of the key coastal characteristics. Threats to these characteristics are screening of natural landform and exposed underlying geomorphology through pine plantations, drainage and earthworks in dune areas, buildings in dune areas and buildings on or along the top of the coastal escarpments.'*<sup>9</sup>

8.3.9 The PDP has adopted the results of Mr Hudson's natural character assessment, including the incorporation of those areas identified as having 'high' or 'very high' natural character on the planning maps, and development of an accompanying 'Schedule of Areas of High Natural Character in the Coastal Environment' (Schedule CE-SCHED7).

8.3.10 I consider 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, I do not support deletion of Schedule CE-SCHED7 and associated mapping.

#### HNC-6 (Porangahau Sector)

8.3.11 As outlined above, an independent expert assessment of the natural character of the coastal environment of Central Hawke's Bay was carried out by a suitably qualified landscape architect as part of the review of the Central Hawke's Bay District Plan.

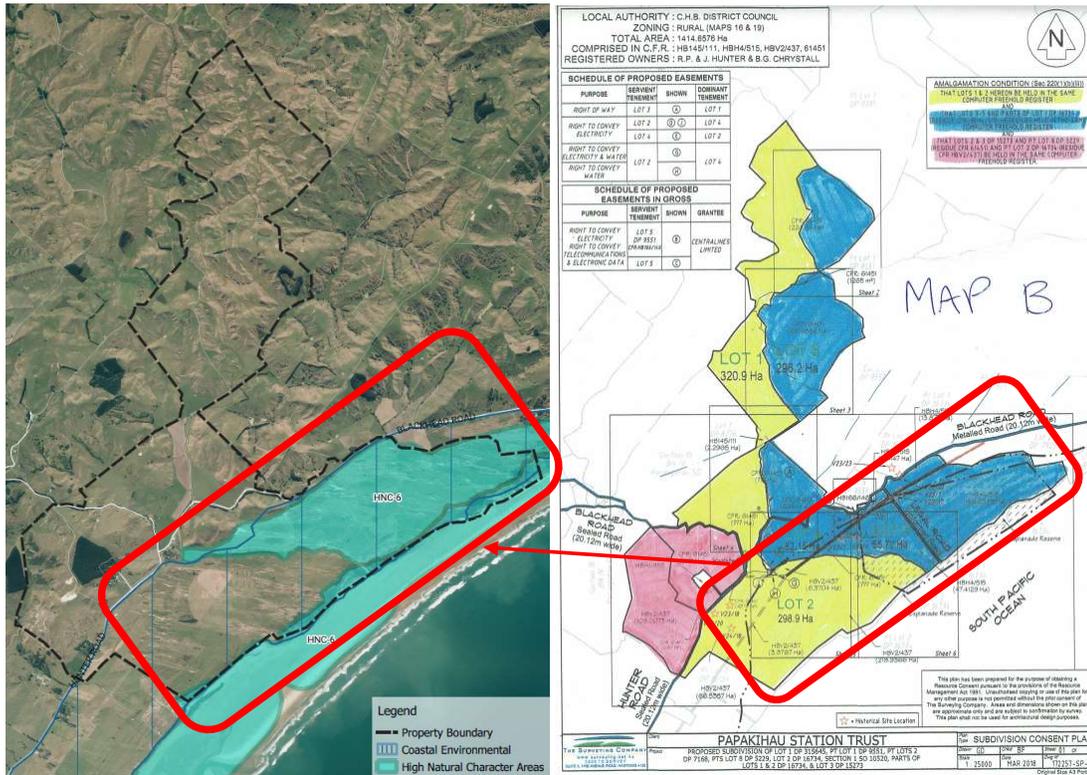
8.3.12 The submitter has identified that HNC-6 extends over part of their property at 1046 Blackhead Road, Porangahau.

8.3.13 Below is a snip from the PDP maps (left) showing the extent of the 'area of high natural character' (with all other PDP notations turned off) against a map outlining the submitter's property parcels (right –

<sup>8</sup> pg 21, 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', prepared by Hudson Associates Landscape Architects for Central Hawke's Bay District Council, January 2019

<sup>9</sup> pg 23, 'Natural Character Assessment of the Central Hawke's Bay Coastal Environment', prepared by Hudson Associates Landscape Architects for Central Hawke's Bay District Council, January 2019

provided with their submission), highlighting where HNC-6 overlaps the part of their property located within the coastal environment.



Also, below shows the entirety of the extent of HNC-6 on the PDP maps – highlighting the portion of HNC-6 that extends over the submitter's property:



- 8.3.14 Below is the entry for HNC-6 (Porangahau) in Schedule CE-SCHED7 of the PDP, which includes the summary of the natural character values for that sector, the overall natural character ranking, and the threats that have been specifically identified in relation to this sector:

|       |            |   |                  |   |
|-------|------------|---|------------------|---|
| 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 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> | High & Very High | Landform modifications and drainage. Pine plantation cover in the northern portion. |
|-------|------------|---|------------------|---|

- 8.3.15 The above schedule entry summarises the information contained in the 'Natural Character Assessment' report prepared for Council – notably the Assessment Worksheet for 'Coastal Sector 6: Porangahau' (attached in full as Appendix C to this report).
- 8.3.16 Appendix D to this report contains a statement (including imagery) from the Council's landscape expert, Mr Hudson, addressing this submission as follows:
- 'The land has been modified from active coastal dunes over time. Vegetation has also been modified, with exotic pasture grasses now dominant. Some dunes remain, with apparent inter-dunal lakes and wetlands as viewed in aerial photography. The dune system has high perceived naturalness due to its remnant linear form and blown out parabolic patterns. Patterns such as this are increasingly rare. The modifications that have taken place have changed the form, pattern and vegetation of the area, with much exotic vegetation, drains and fences now in place. However, a reasonable area of dune form can still be readily perceived as illustrated in figures 1-3 below.*
- The NZ Coastal Policy Statement requires assessment of the natural character of the coastal environment and mapping or otherwise identifying at least areas of high natural character. It then requires the avoidance of significant adverse effects and avoidance, remedy, or mitigation of other adverse effects of activities on natural character in all other areas of the coastal environment.*
- The mapping that has been completed is as required by the NZCPS, which is a national policy statement giving effect to the RMA.*
- As such, I consider the mapping of HNC-6 is appropriate and I do not support the relief sought.'*
- 8.3.17 On the basis of the above, I am 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 still stand. Therefore, removal of the HNC-6 notation across the submitter's property at 1046 Blackhead Road, Porangahau, is not supported, and no change to the PDP maps is recommended.
- 8.3.18 In respect of the submitter's concerns that the HNC-6 notation remaining over their property will lead to future rules and more restrictions which will have productivity and cost implications for their farm through having to get Council permission for all and even minor farming activities, the HNC notation does not impact on the continuation of existing lawfully-established farming activities (certain existing use rights are protected in section 10 of the RMA), and any potential future changes to the rules in the PDP can only be imposed via a formal publicly-notified plan change process.
- 8.3.19 In most other cases, the underlying General Rural Zone provisions will apply to the submitter's land (unless there are other PDP notations present). There are deliberately no rules specific to HNC areas in the CE – Coastal Environment chapter (reflecting there have been no areas of 'outstanding' natural character identified), however there are additional controls in HNC areas in respect of earthworks in the EW – Earthworks chapter (i.e. Standard EW-S2 Extent of Earthworks, Standard EW-S3 Vertical Extent of Excavation, and specific requirements in Standard EW-S7 Ancillary Rural Earthworks in HNC areas).
- 8.3.20 Other than in relation to earthworks, a high natural character notation only comes into play at the time a resource consent is otherwise triggered (e.g. subdivision or non-compliant development), by way of assessment matters that require specific consideration of adverse effects on natural character values where the activity takes place within an HNC area as part of that process.

## 8.4 Recommendations

8.4.1 For the reasons outlined above, I recommend that Schedule CE-SCHED7, including HNC-6 (Porangahau Sector), be retained as notified.

8.4.2 I recommend that the following submission be **accepted**:

- Forest & Bird, S75.079

8.4.3 I recommend that the following submissions be **rejected**:

- Sandy Hill Farms, S103.001
- Federated Farmers, S121.069

8.4.4 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 8.5 Recommended Amendments

8.5.1 No specific amendments to the PDP are recommended in response to the above submission points.

## 8.6 Section 32AA Evaluation

8.6.1 Not applicable.

## 9.0 Key Issue 6 - Emergency Service Activities and Firefighting Supply Requirements in the 'Large Lot Residential Zone' (LLRZ)

### 9.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS) | Provision | Position | Summary of Decision Requested  | Summary Recommendation |
|------------------|--|-----------|----------|--|------------------------|
| S57.099          | Fire and Emergency New Zealand         | LLRZ-O2   | Amend    | Amend LLRZ-O2 as follows:<br>'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                 |
| S57.100          | Fire and Emergency New Zealand         | LLRZ-P4   | Support  | Retain LLRZ-P4 as notified.  | Accept                 |
| S57.101          | Fire and Emergency New Zealand         | LLRZ-P6   | Support  | Retain LLRZ-P6 as notified.  | Accept                 |
| S57.102          | Fire and Emergency New Zealand         | LLRZ-P9   | Support  | Retain LLRZ-P9 as notified.  | Accept                 |
| S57.111          | Fire and Emergency New Zealand         | LLRZ-S2   | Amend    | Amend LLRZ-S2 as follows:<br>'1. Maximum height of any building(s) is 8m.<br>Note: in all instances, height is measured from the natural ground level.<br><b>Hose drying towers up to 15m in height are exempt from the rule.'</b>   | Reject                 |
| S57.112          | Fire and Emergency New Zealand         | LLRZ-S3   | Amend    | Amend LLRZ-S3(1) as follows:<br>'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:<br>a. ...<br>...<br><b>d. Hose drying towers up to 15m in height.'</b>   | Reject                 |
| S57.113          | Fire and Emergency New Zealand         | LLRZ-S8   | Amend    | Amend LLRZ-S8 as follows:<br>'All (except for Residential Activities, <b>Emergency Service Activities</b> or Visitor Accommodation)<br>1. ...<br>...'  | Accept                 |
| S57.114          | Fire and Emergency New Zealand         | LLRZ-S10  | Amend    | Amend LLRZ-S10 as follows:<br>'1. ...<br>2. ...<br><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                 |

|         |                                |                                   |         |   |        |
|---------|--------------------------------|-----------------------------------|---------|---|--------|
| S57.115 | Fire and Emergency New Zealand | LLRZ-S12                          | Support | Retain LLRZ-S12 as notified.  | Accept |
| S57.116 | Fire and Emergency New Zealand | LLRZ-SXX (new standard)           | Amend   | <p>Add a new standard in the 'Large Lot Residential Zone' as follows:</p> <p><b>'LLRZ-S15 Servicing</b></p> <p><b>1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.'</b></p> | Reject |
| S57.117 | Fire and Emergency New Zealand | LLRZ-AMXX (new assessment matter) | Amend   | <p>Add a new assessment matter in the 'Large Lot Residential Zone' as follows:</p> <p><b>'LLRZ-AM12 Servicing</b></p> <p><b>1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'</b></p>   | Reject |
| S57.103 | Fire and Emergency New Zealand | LLRZ-R1                           | Amend   | <p>Amend LLRZ-R1(1) as follows:</p> <p>'...Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p><b>x. LLRZ-S15.'</b></p> <p>And amend LLRZ-R1(2) as follows:</p> <p>'...Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p><b>x. LLRZ-AM12 Servicing.</b></p> <p>...'</p>   | Reject |
| S57.104 | Fire and Emergency New Zealand | LLRZ-R3                           | Amend   | <p>Amend LLRZ-R3(1) as follows:</p> <p>'...Where the following conditions are met:</p> <p>a. ...</p> <p>b. Compliance with:</p> <p>i. ...</p> <p>...</p> <p><b>x. LLRZ-S15.'</b></p> <p>And amend LLRZ-R3(2) as follows:</p> <p>'...Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p>  | Reject |

|                |                                   |         |       |   |                |
|----------------|-----------------------------------|---------|-------|---|----------------|
|                |                                   |         |       | i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...  |                |
| <b>S57.105</b> | Fire and Emergency<br>New Zealand | LLRZ-R4 | Amend | Amend LLRZ-R4(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br><b>x. LLRZ-S15.'</b><br>And amend LLRZ-R4(2) as follows:<br>'...Matters over which discretion is<br>restricted:<br>a. Assessment matters:<br>i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...' | Reject         |
| <b>S57.106</b> | Fire and Emergency<br>New Zealand | LLRZ-R5 | Amend | Amend LLRZ-R5(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br><b>x. LLRZ-S15.'</b><br>And amend LLRZ-R5(2) as follows:<br>'...Matters over which discretion is<br>restricted:<br>a. Assessment matters:<br>i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...' | Reject         |
| <b>S57.108</b> | Fire and Emergency<br>New Zealand | LLRZ-R6 | Amend | Amend LLRZ-R6, subject to consequential<br>amendments sought in this chapter.<br>Add in provision for 'emergency aviation<br>movements'.  | Accept in part |
| <b>S57.107</b> | Fire and Emergency<br>New Zealand | LLRZ-R6 | Amend | Amend LLRZ-R6(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br><b>x. LLRZ-S15.'</b><br>And amend LLRZ-R6(2) as follows:<br>'...Matters over which discretion is<br>restricted:<br>a. Assessment matters:<br>i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...' | Reject         |
| <b>S57.109</b> | Fire and Emergency<br>New Zealand | LLRZ-R7 | Amend | Amend LLRZ-R7(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br><b>x. LLRZ-S15.'</b><br>And amend LLRZ-R7(2) as follows:<br>'...Matters over which discretion is   | Reject         |

|                |                                   |          |       |  |        |
|----------------|-----------------------------------|----------|-------|--|--------|
|                |                                   |          |       | restricted:<br>a. Assessment matters:<br>i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...  |        |
| <b>S57.110</b> | Fire and Emergency<br>New Zealand | LLRZ-R10 | Amend | Amend LLRZ-R10(1) as follows:<br>‘...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br><b>x. LLRZ-S15.</b><br>Matters over which discretion is restricted<br>(where relevant to the infringed<br>standard(s)):<br>c. Assessment matters:<br>i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...’ | Reject |
|                |                                   |          |       |  |        |

9.1.1 In summary, FENZ are seeking additional provisions in the LLRZ – Large Lot Residential Zone 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>10</sup>.

9.1.2 There are no further submissions in this regard.

## 9.2 Matters Raised by Submitters

### Objective LLRZ-O2

9.2.1 FENZ (S57.099) seeks 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 consider *‘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

9.2.2 In respect of Rule LLRZ-R6 Emergency Service Activities and Emergency Aviation Movements, FENZ (S57.108) supports 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 they seek ‘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**

<sup>10</sup> Note: FENZ has made identical submissions in respect of other zones in the PDP. These will be similarly covered in the section 42A reports on the ‘Urban Environment’ and the ‘Rural Environment’, as applicable.

Provision for Emergency Service Activities

- 9.2.3 To further support enabling of 'emergency service activities' and protection of such facilities within the zone, FENZ seeks 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 seeks an additional clause in Standard LLRZ-S10 Screening of Outdoor Storage and Service Areas, that ensures '*screening does 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

- 9.2.4 In addressing firefighting water supply requirements, FENZ (S57.116) argues that activities not requiring subdivision (refer Standard SUB-S5 Water Supply, that applies to the subdivision of new lots) should also be subject to servicing standards, and seeks 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 NZ Fire Service Firefighting Water Supplies Code of Practice 2008.

| <b>LLRZ-SXX Servicing</b> |   |
|---------------------------|---|
| <b>All</b>                | <ol style="list-style-type: none"> <li><b><u>All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</u></b></li> <li><b><u>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.</u></b></li> </ol> <p><b><u>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.</u></b></p> <p><b><u>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.</u></b></p> |

- 9.2.5 FENZ (S57.117) then seek 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.**

- 9.2.6 FENZ (S57.103, S57.104, S57.105, S57.106, S57.107, S57.109, S57.110) ultimately seeks 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

- 9.2.7 FENZ supports retention of Policy LLRZ-P4 (S57.100) in part (subject to the amendment of Objective LLRZ-O2); supports 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 supports 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 supports 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.
- 9.2.8 These submission points in support are the only submissions on these specific provisions – no further analysis is required.

### 9.3 Analysis

Objective LLRZ-O2

- 9.3.1 Although the facilities specified in Objective LLRZ-O2 are not included as an exclusive list, I concur 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, I support 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

- 9.3.2 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. The following amendment to the title of Rule LLRZ-R6 is supported:

LLRZ-R6 Emergency service activities and emergency aviation movements

Provision for Emergency Service Activities

9.3.3 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.

9.3.4 I therefore recommend 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

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.
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.
3. **Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.**

9.3.5 However, for hose-drying towers, 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 that should reasonably be assessed in the event that they exceed the zone height and/or height in relation to boundary standards (e.g. are they more of a pole with hoses winched up over them? or are they a lattice construction? or a solid tower building?). This level of information is not provided with the submission, and a simple online search is not forthcoming on what comprises a typical hose-drying tower in the New Zealand context.

9.3.6 In the event that the zone height and/or height in relation to boundary standard is breached, 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. I do not consider this to be an onerous consenting process. I am 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. Having said that, perhaps the submitter can supply further details at the Hearing for the Hearings Commissioners to consider.

Water Supply Servicing Requirements

- 9.3.7 The submitter has sought the introduction of a new servicing standard and accompanying assessment matter, specific to the provision of a satisfactory water supply to developments where they may not involve subdivision.
- 9.3.8 In my view, connection to a public water supply is more a technical matter, best dealt with through building/engineering approval processes than through a rule in the District Plan. In Central Hawke’s Bay, connection to the Council water supply system is covered by the ‘Water Supply Bylaw’ (2018, and draft bylaw dated May 2021), including connections to Council’s supply at Kairakau and Pourerere. And if seeking to include a ‘Servicing’ standard, then water supply is only one of the ‘Three Waters’ services – the proposed ‘Servicing’ standard does not address provision for wastewater or stormwater services.
- 9.3.9 Further, a standard in a Plan should be certain, effective, and enforceable. Plan users need to be able to determine if they meet a standard or not, and a standard that requires them to *‘demonstrate how an alternative and satisfactory supply can be provided to each lot’* introduces a level of discretion when determining whether an activity is permitted or not, and therefore considerable uncertainty. I consider the wording is more suited to a subdivision standard, which can be considered through the subdivision consent process.
- 9.3.10 On this basis, while I accept that provision of a satisfactory water supply is important, including for firefighting purposes, I do not support the inclusion of a servicing standard in the zone provisions as proposed. As such, there is no need to include a new servicing assessment matter as requested by the submitter.

**9.4 Recommendations**

- 9.4.1 For the reasons outlined above, I recommend that that provisions in the LLRZ – Large Lot Residential Zone chapter be amended (as outlined in Recommended Amendments below).
- 9.4.2 I recommend that the following submission(s) be **accepted**:
  - FENZ, S57.99, S57.100, S57.101, S57.102, S57.113, S57.114, S57.115
- 9.4.3 I recommend that the following submission(s) be **accepted in part**:
  - FENZ, S57.108
- 9.4.4 I recommend that the following submission(s) be **rejected**:
  - FENZ, S57.103, S57.104, S57.105, S57.106, S57.107, S57.109, S57.110, S57.111, S57.112, S57.116, S57.117.

**9.5 Recommended Amendments**

- 9.5.1 I recommend the following amendments are made:

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.

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

LLRZ-S8 Hours of Operation

|   |   |
|---|---|
| All (except for Residential Activities, <b>Emergency Service Activities</b> , or Visitor Accommodation) | 1. Limited to the following hours of operation: <ul style="list-style-type: none"> <li>a. 0700 – 2200 hours, seven days a week; except where:                         <ul style="list-style-type: none"> <li>i. the entire activity is located within a building; and</li> <li>ii. each person engaged in the activity outside the above hours resides permanently on the site; and</li> <li>iii. there are no visitors, customers, or deliveries to the activity outside the above hours.</li> </ul> </li> </ul> |
|---|---|

LLRZ-S10 Screening of Outdoor Storage and Service Areas

|     |   |
|-----|---|
| All | <ol style="list-style-type: none"><li>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.</li><li>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.</li><li>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></li></ol> |
|-----|---|

## 9.6 Section 32AA Evaluation

- 9.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 9.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

## 10.0 Key Issue 7 - Remaining 'Large Lot Residential Zone' (LLRZ) Provisions

### 10.1 Submissions / Further Submissions Addressed

| Submission Point | Submitter (S) / Further Submitter (FS)             | Provision                                   | Position | Summary of Decision Requested  | Summary Recommendation                              |
|------------------|--|---|----------|--|---|
| S129.240         | Kāinga Ora - Homes and Communities (Kainga Ora)    | LLRZ - Large Lot Residential Zone (Coastal) | Amend    | Re-name 'LLRZ - Large Lot Residential Zone' to 'Low Density Residential Zone'.   | Reject  |
| S73.013          | Ministry of Education                              | LLRZ-O2                                     | Support  | Retain LLRZ-O2 as proposed.  | Accept in part (recommended amendment, Key Issue 6) |
| S90.041          | Centralines Limited                                | LLRZ - Rules                                | Amend    | <p>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:</p> <p><b>a. Impacts on the operation, maintenance, upgrading and development of the electricity network.</b></p> <p><b>b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</b></p> <p><b>c. The risk to the structural integrity of any support structures associated with the electricity network.</b></p> <p><b>d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).'</b></p> <p>And insert a notification clause requiring written approval.</p> | Accept in part                                      |
| FS23.13          | Kāinga Ora - Homes and Communities                 |   | Oppose   |  | Reject  |
| S97.012          | Ara Poutama Aotearoa the Department of Corrections | LLRZ-R1                                     | Support  | Retain LLRZ-R1.  | Accept  |
| S73.014          | Ministry of Education                              | LLRZ-R5                                     | Amend    | <p>Amend LLRZ-R5(1)(a) as follows:<br/>'1. Activity Status: PER<br/>Where the following conditions are met:<br/>a) Limited to <del>200</del>400m<sup>2</sup> gross floor area.<br/>b) ...'</p> <p>And amend LLRZ-R5(2) as follows:<br/>'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:<br/>RDIS<br/>...'</p> <p>And amend LLRZ-R5(3) as follows:<br/>'3. Activity status <b>where gross floor area is over 400m<sup>2</sup></b>where compliance with condition LLRZ-R5(1)(a) is not achieved:<br/>DIS'</p>   | Accept in part                                      |
| FS23.83          | Kāinga Ora - Homes and Communities                 |   | Support  |  | Accept in part                                      |

|                 |  |          |         |   |                |
|-----------------|--|----------|---------|---|----------------|
| <b>S97.010</b>  | Ara Poutama Aotearoa<br>the Department of<br>Corrections | LLRZ-R7  | Oppose  | Delete LLRZ-R7.<br>N.B. 'community corrections activities' would<br>then default to a Discretionary Activity as<br>'any other activity not otherwise provided<br>for' under LLRZ-R12. | Accept         |
| <b>S101.001</b> | New Zealand Motor<br>Caravan Association                 | LLRZ-R11 | Oppose  | Amend LLRZ-R11 to provide for 'camping<br>grounds' as a Permitted Activity, subject to<br>permitted activity conditions.  | Accept in part |
| <b>S90.054</b>  | Centralines Limited                                      | LLRZ-S11 | Support | Retain LLRZ-S11.  | Accept         |
| <b>S73.033</b>  | Ministry of Education                                    | LLRZ-AM9 | Support | Retain LLRZ-AM9 as proposed.  | Accept         |

- 10.1.1 In summary, the above represent the remaining submissions and further submissions on the provisions in the LLRZ – Large Lot Residential Zone chapter of the PDP.
- 10.1.2 There are five (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.
- 10.1.3 The remaining submissions are in support of retaining provisions as notified.

## 10.2 Matters Raised by Submitters

### Zone Title

- 10.2.1 Kāinga Ora (S129.240) submits 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 Large Lot Residential Zone are generally more consistent with the description of the Low Density Residential Zone under the National Planning Standards'.

### Electricity Safety Distances

- 10.2.2 Centralines (S90.054) supports retention of Standard LLRZ-S11 Electricity Safety Distances applying in the zone, as the NZ Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001) is mandatory.
- 10.2.3 However, Centralines (S90.041) note that if compliance is not achieved with this standard, the matters of discretion do not include consideration of effects that are relevant to the breach of the standard, and seeks inclusion of relevant assessment matters, and suggest 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).**

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

### Educational Facilities

- 10.2.6 The Ministry of Education (S73.014) supports the provisions for Educational Facilities in the Large Lot Residential Zone (Coastal) however opposes the gross floor area limit of 100m<sup>2</sup> in condition (1)(a) of Rule LLRZ-R5.

*‘The Ministry considers that educational facilities, particularly schools, should be provided for in coastal settlements as educational facilities are considered an essential social infrastructure required to support coastal communities.*

*The typical size for early childhood education centres in residential areas is a 100-200m<sup>2</sup> gross floor area in-keeping with the size of a typical dwelling in this zone where many early childhood centres are established in existing dwellings. Therefore, if a limit on GFA for early childhood education centres was imposed all such centres would be a Discretionary activity in this zone.*

*This considered, the Ministry propose a gross floor area limit of 200m<sup>2</sup> for condition LLRZ-R5(1)(a) so that standard sized early childhood education centres would be enabled in this zone as a Permitted activity.*

*The Ministry suggests a condition where Educational Facilities with a gross floor area range of 200-400m<sup>2</sup> becomes a Restricted Discretionary activity status and a gross floor area of over 400m<sup>2</sup> becomes a Discretionary activity. This would create flexibility and enable Educational Facilities in this zone to serve the education needs of the community.’*

10.2.7 The amendments sought to Rule LLRZ-R5 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>   |

10.2.8 Kāinga Ora (FS23.83) supports the proposed amendment, to the extent it is consistent with its primary submission.

Community Corrections Activities

10.2.9 The Department of Corrections (S97.010) requests 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 Central Hawke’s Bay District. 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’.*

10.2.10 They seek 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

10.2.11 NZ Motor Caravan (S101.001) have submitted seeking a Permitted Activity status for camping grounds throughout the District, as outlined below:

*‘All zones in the Proposed Central Hawkes Bay District Plan (proposed district plan) require discretionary resource consent for camping ground activities either through specific provisions or by the “catch all” rule.*

The district consists of five sites within the rural zone where freedom camping and self-contained camping is allowed. The operative district plan provides for visitors accommodation (which includes camping ground) in the rural zone as a permitted activity and controlled activity within the business zone with conditions in place. The rationale behind deviating from these operative plan rules have not been stipulated in the s32 evaluation reports. Instead, the only mention of campgrounds in the reports include promoting no permanent residents at the beach and campgrounds.

We also note one of the key issues in the Large Lot Residential Zone (coastal) of the proposed plan is public access to and along the Central Hawkes Bay District coast which is highly valued for coastal recreation and camping opportunities and needs to be maintained and enhanced. The objectives and policies associated with this issue allow for use and development that maintains or enhances the identity, character, and heritage values of the Large Lot Residential Zone (coastal). It also provides for small scale, non-residential activities within the coastal settlements that directly support the well-being of the coastal communities and their visitors. However, the rules for this chapter contradicts with this provision and does not provide for 'camping opportunities'. Instead, it requires a discretionary activity resource consent for camping grounds.

We do not support the rules for providing camping ground as a discretionary activity within the Hawkes Bay District. Instead, camping grounds should be provided for as a permitted activity (similar to the operative district plan) with a permitted activity criteria in place. This will also be in line with the currently operative district plan.'

#### Submissions in Support

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

10.2.13 No further analysis is required for these submissions.

### **10.3 Analysis**

#### Zone Title

10.3.1 National Planning Standard #8 Zone Framework Standard makes it mandatory for a district plan to only contain the zones listed in table 13 of the standard.

10.3.2 As there is no provision for a Coastal Settlements Zone in table 13, and given the clear differentiation in character and built form between coastal settlements and the rural settlements in the District, the closest zone description was deemed to be that applying to the Large Lot Residential Zone which is described in table 13 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.'*

10.3.3 The coastal settlements in Central Hawke's Bay are areas used predominantly for residential activities and a large proportion are holiday homes. These settlements are predominantly characterized by single-storey, detached houses, on large lots (mostly more than 1000m<sup>2</sup> or more) with significant reliance on on-site servicing, and the sensitive coastal locations, landscape characteristics, physical limitations and infrastructural constraints make these areas unsuitable for more intensive development. In this sense, the Large Lot Residential Zone description was deemed the closest fit of those listed – albeit 'shoe-horned' to fit.

10.3.4 Conversely, the Low Density Residential Zone is described in table 13 as follows:

*'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.'*

10.3.5 I do not concur with the submitter that the coastal settlements of the District are consistent with 'a planned character consistent with a suburban scale and subdivision pattern'.

- 10.3.6 Ultimately, the title of the zone has little bearing in this case, in my view. However, I remain of the view that the Large Lot Residential Zone description is 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.

#### Electricity Safety Distances

- 10.3.7 There are currently no assessment matters in the LLRZ – Large Lot Residential Zone chapter addressing a breach of Standard LLRZ-S11 Electricity Safety Distances. It is 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.
- 10.3.8 I am of the opinion that the matters suggested by the submitter are appropriate and reasonable, and therefore recommend inclusion of an additional Assessment Matter in the zone chapter, as follows:

| <b>LLRZ-AM12</b> | <b>Electricity Safety Distances</b>  |
|------------------|--|
| <b>1.</b>        | <b>Impacts on the operation, maintenance, upgrading and development of the electricity network.</b>  |
| <b>2.</b>        | <b>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</b>                                |
| <b>3.</b>        | <b>The risk to the structural integrity of any support structures associated with the electricity network.</b>                               |
| <b>4.</b>        | <b>Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).</b> |

And recommend amendments to refer to new Assessment Matter LLRZ-AM12 in all relevant rules, accordingly.

- 10.3.9 However, I do not concur with the submitter regarding insertion of a notification clause requiring written approval from the relevant electricity network utility operator. In my view, this is 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

- 10.3.10 The PDP provides for small-scale educational facilities as a Permitted Activity in the coastal settlements of the District, as essential social infrastructure required to support coastal communities. I concur 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. I accept that the 100m<sup>2</sup> gross floor area threshold currently applying in the PDP does 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 reflects the nature, scale, and character of the zone.
- 10.3.11 I am not aware of any early childhood education or other educational facilities currently located in any of the coastal settlements in Central Hawke's Bay, and any facility of this nature in a building larger than a typical dwelling would not be in keeping with the character of the coastal settlements which are generally low density, single storey, detached dwellings. Therefore, I am not supportive of applying a Restricted Discretionary Activity gross floor area threshold. In my 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

- 10.3.12 I concur 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 recommend that Rule LLRZ-R7 be deleted accordingly (such activities would then default to a Discretionary Activity per Rule LLRZ-R12).

#### Camping Grounds

- 10.3.13 Campgrounds have long offered New Zealanders and visitors alike, a simple, carefree, and inexpensive holiday option – coastal locations being particularly desirable. Providing for appropriately established camping opportunities in coastal locations is therefore something that is largely anticipated and desired.
- 10.3.14 However, camping grounds do have the potential to generate various adverse effects that warrant an appropriate level of scrutiny and assessment. Currently, the PDP assigns a full Discretionary Activity status to camping ground activities in the Large Lot Residential Zone (Rule LLRZ-R11).

- 10.3.15 Given potential for adverse effects, and the sensitivity and recognised values present, I do not concur with the submitter that a Permitted Activity status (albeit with conditions) is appropriate within the coastal environment.
- 10.3.16 However, I note that the 'Natural Character Assessment' prepared by Council's landscape expert, assessed the coastal settlement areas as having moderate-low natural character. Therefore, in my view, the coastal settlements are clearly the most appropriate location for camping grounds within the coastal environment, and it is therefore appropriate to make it easier to establish in the coastal settlements than elsewhere in the coastal environment where natural character values are higher.
- 10.3.17 The PDP already contains a list of assessment matters specific to camping grounds (Assessment Matter LLRZ-AM11) that, in my view, cover all the relevant considerations around amenity effects, heritage and cultural effects, landscape effects, servicing considerations, natural hazards, and contribution to social and economic wellbeing.
- 10.3.18 Therefore, I 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 are restricted to applicable general assessment matters relevant to infringed standards, and those matters contained in Assessment Matter LLRZ-AM11.
- 10.3.19 I consider this better achieves the objectives of the Large Lot Residential Zone in the PDP – in ensuring the identity, character, and heritage values of the coastal settlements are maintained and enhanced (Objective LLRZ-O1), in considering the parts of the coastal environment which are most at risk from erosion and inundation (Objective LLRZ-O3), and in facilitating 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 (Objective LLRZ-O4). This also aligns with similar provision for camping grounds in the corresponding Coastal Settlements Zone (Rule CSZ14) and Waimarama Settlements Zone (Rule WSZ14) in the neighbouring Hastings District Plan.

## 10.4 Recommendations

- 10.4.1 For the reasons outlined above, I recommend that that provisions in the LLRZ – Large Lot Residential Zone chapter be amended (as outlined in Recommended Amendments below).
- 10.4.2 I recommend that the following submission(s) be **accepted**:
- Ara Poutama Aotearoa Department of Corrections, S97.012, S97.010
  - Centralines, S90.054
  - Ministry of Education, S73.033
- 10.4.3 I recommend that the following submission(s) be **accepted in part**:
- Ministry of Education, S73.013, S73.014
  - Centralines, S90.041
  - NZ Motor Caravan Association, S101.001
- 10.4.4 I recommend that the following submission(s) be **rejected**:
- Kāinga Ora, S129.240
- 10.4.5 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 10.5 Recommended Amendments

10.5.1 I recommend the following amendments are made:

| 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 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>   |

| 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> <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-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> |
|  | <p>3. Activity status where compliance with condition LLRZ-R7(1)(a) is not achieved: DIS</p>   |

| LLRZ-R11 Camping grounds   |  |
|--|--|
| <p>1. Activity Status: <del>RDIS</del>DIS</p> <p>Where the following conditions are met: N/A</p> <p><u>a. Compliance with:</u></p> <ul style="list-style-type: none"> <li><u>i. LLRZ-S2;</u></li> <li><u>ii. LLRZ-S3;</u></li> <li><u>iii. LLRZ-S4;</u></li> <li><u>iv. LLRZ-S5;</u></li> <li><u>v. LLRZ-S8;</u></li> <li><u>vi. LLRZ-S9;</u></li> <li><u>vii. LLRZ-S10;</u></li> <li><u>viii. LLRZ-S11;</u></li> <li><u>ix. LLRZ-S12;</u></li> <li><u>x. LLRZ-S13; and</u></li> <li><u>xi. LLRZ-S14.</u></li> </ul> | <p>2. Activity status where compliance not achieved: <del>DIS</del>N/A</p> |

|  |  |
|--|--|
| <p><b>Matters over which discretion is restricted:</b></p> <p><b>b. <u>Assessment matters (where relevant to the infringed standard(s)):</u></b></p> <p><b>i. <u>LLRZ-AM1.</u></b></p> <p><b>ii. <u>LLRZ-AM3.</u></b></p> <p><b>iii. <u>LLRZ-AM4.</u></b></p> <p><b>iv. <u>LLRZ-AM5.</u></b></p> <p><b>v. <u>LLRZ-AM7.</u></b></p> <p><b>vi. <u>LLRZ-AM12.</u></b></p> <p><b>vii. <u>LLRZ-AM13.<sup>11</sup></u></b></p> <p><b>c. <u>LLRZ-AM11.</u></b></p> <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> |  |
|--|--|

**LLRZ-AM12 Electricity Safety Distances**

- 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).**

And amend relevant rules accordingly, to include reference to new Assessment Matter LLRZ-AM12.

## 10.6 Section 32AA Evaluation

- 10.6.1 In my opinion, the recommended amendment to increase the Permitted Activity gross floor area threshold for educational facilities from 100m<sup>2</sup> to 200m<sup>2</sup> in the Large Lot Residential Zone (Rule LLRZ-R5), to amend the activity status for camping grounds in the Large Lot Residential Zone from Discretionary to Restricted Discretionary (Rule LLRZ-R11), to delete the Permitted Activity pathway for community corrections activities to then default to a Discretionary Activity status (Rule LLRZ-R7), and the addition of assessment matters specific to non-compliance with Standard LLRZ-S11 Electricity Safety Distances (new Assessment Matter LLRZ-AM12), do not represent a significant departure from the PDP as notified, but better align with the objectives for the zone and Part 2 of the RMA in terms of avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 10.6.2 The recommended amendments will not have any greater environmental, economic, social, or cultural costs than the notified provisions, but may have greater economic and social benefits in terms of enabling more appropriate scrutiny of community corrections activities, and more appropriate provision for small-scale educational facilities and for camping grounds looking to locate in the coastal settlements of Central Hawke's Bay.
- 10.6.3 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore s32AA re-evaluation is not warranted.

<sup>11</sup> Note: Additional Assessment Matters LLRZ-AM12 and LLRZ-AM13 reflect other recommendations made in this report.

## **11.0 Conclusion**

### **11.1 Topic Conclusions**

- 11.1.1 Submissions have been received in support of, and in opposition to the Proposed District Plan.
- 11.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in Appendix A of this report.
- 11.1.3 I consider that the proposed provisions will be the most appropriate means to achieve the purpose of the Resource Management Act 1991, and achieve the relevant objectives of the Proposed District Plan in respect to the proposed provisions.

### **11.2 Topic Recommendations**

- 11.2.1 I recommend that:
  - 1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
  - 2. The Proposed Central Hawke's Bay District Plan is amended in accordance with the changes recommended in Appendix A of this report.

## APPENDIX A

### Recommended Amendments to Plan Provisions

*[tracked change amendments shown as ~~strikethrough~~ and underlined]*

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## 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.eaglegis.co.nz](http://www.archsite.eaglegis.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 and rural 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.**

Commented [RM1]: S121.056 Fed Farmers - Coastal Topic, Issue 2

**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.**

Commented [RM2]: S79.088 Transpower - Coastal Topic, Issue 3

Commented [RM3]: S75.070 Forest & Bird - Coastal Topic, Issue 3

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

Commented [RM4]: S75.071 Forest & Bird - Coastal Topic, 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 [RM5]: S79.089 Transpower - Coastal Topic, 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:**

Commented [RM6]: S75.075 Forest & Bird - Coastal Topic, Issue 4

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; ~~and~~
- 7-8. consistency with underlying zoning and existing land use.

Commented [RM7]: S121.063 Fed Farmers - Coastal Topic, Issue 2

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.

Commented [RM8]: S75.071 Forest & Bird - Coastal Topic, Issue 4

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).

**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 [RM9]: S121.067 Fed Farmers - Coastal Topic, 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 [RM10]: S121.068 Fed Farmers - Coastal Topic, 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:

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

## 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 Whangaehu 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-14            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-01            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 [RM1]: S57.099 FENZ - Coastal Topic, 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    |

Service activities

LLRZ-R15

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

Commented [RM2]: S90.054 Centralines - Coastal Topic, Issue 7

### LLRZ-R2 Home businesses

#### 1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
  - i. Home businesses must occupy no more than 50m<sup>2</sup> of the gross floor area of the buildings on the site.

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

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

|  |  |
|--|--|
| <ul style="list-style-type: none"> <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. Compliance with:</p> <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> | <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> <li>vi. <a href="#">LLRZ-AM12</a>.</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-R2(1)(a) is not achieved: DIS</b></p> |
|--|--|

Commented [RM3]: S90.054 Centralines - Coastal Topic, Issue 7

**LLRZ-R3 Visitor accommodation**

|  |  |
|--|--|
| <p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. Accommodating no more than 5 guests at any one time.</li> <li>ii. Length of stay for any one guest must be no greater than 3 months in any 12-month period.<br/><i>Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.</i></li> </ul> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. LLRZ-S1;</li> <li>ii. LLRZ-S2;</li> <li>iii. LLRZ-S3;</li> </ul> | <p><b>2. Activity status where compliance with condition LLRZ-R3(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> <li>vi. <a href="#">LLRZ-AM12</a>.</li> </ul> <p>b. Assessment matters in the following chapters:</p> |
|--|--|

Commented [RM4]: S90.054 Centralines - Coastal Topic, Issue 7

|  |   |
|--|---|
| <ul style="list-style-type: none"> <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> | <ul style="list-style-type: none"> <li>i. TRAN – Transport.</li> <li>ii. LIGHT – Light.</li> <li>iii. NOISE – Noise.</li> </ul> |
|--|---|

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

**LLRZ-R4 Community facilities**

|  |  |
|--|--|
| <p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to 100m<sup>2</sup> gross floor area.</li> <li>b. Compliance with: <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> </li> </ul> | <p><b>2. Activity status where compliance with condition LLRZ-R4(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> <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. <u>LLRZ-AM12.</u></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> |
|--|--|

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

Commented [RM5]: S90.054 Centralines - Coastal Topic, Issue 7

**LLRZ-R5 Educational facilities**

|   |  |
|---|--|
| <p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to <del>1200</del>1200m<sup>2</sup> gross floor area.</li> <li>b. Compliance with: <ul style="list-style-type: none"> <li>i. LLRZ-S2;</li> <li>ii. LLRZ-S3;</li> <li>iii. LLRZ-S4;</li> </ul> </li> </ul> | <p><b>2. Activity status where compliance with condition LLRZ-R5(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> <ul style="list-style-type: none"> <li>a. Assessment matters:</li> </ul> |
|---|--|

Commented [RM6]: S73.014 MoE - Coastal Topic, Issue 7

- 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.

- i. LLRZ-AM1.
- ii. LLRZ-AM2.
- iii. LLRZ-AM3.
- iv. LLRZ-AM4.
- v. LLRZ-AM5.
- vi. **LLRZ-AM12.**
- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

Commented [RM7]: S90.054 Centralines - Coastal Topic, Issue 7

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

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

Commented [RM8]: S57.108 FENZ - Coastal Topic, Issue 6

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

Commented [RM9]: S90.054 Centralines - Coastal Topic, Issue 7

**3. Activity status where compliance with condition LLRZ-R6(1)(a) is not achieved: DIS**

**LLRZ-R7 Community corrections activities**

**1. Activity Status: PER**

Where the following conditions are met:

- a. Limited to 100m<sup>2</sup> gross floor area.

**2. Activity status where compliance with condition LLRZ-R7(1)(b) is not achieved: RDIS**

~~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.~~

~~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.~~

~~b. Assessment matters in the following chapters:~~

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

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

Commented [RM10]: S97.010 Corrections - Coastal Topic, Issue 7

**LLRZ-R8 Relocated buildings**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with LLRZ-S15.

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

**Matters over which discretion is restricted:**

- a. LLRZ-AM1.
- b. LLRZ-AM2.
- c. LLRZ-AM5.
- 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.
- 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 buildings and structures, 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.
- b. Assessment matters in the following chapters:
  - i. TRAN – Transport.
  - ii. LIGHT – Light.
  - iii. NOISE – Noise.

Commented [RM11]: S90.054 Centralines - Coastal Topic, Issue 7

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

**1. Activity Status: RDIS**

**Where the following conditions are met:**

- a. Limited to:
  - 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;

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

- viii. LLRZ-S9;
- ix. LLRZ-S10;
- x. LLRZ-S11;
- xi. LLRZ-S12;
- xii. LLRZ-S13; and
- xiii. LLRZ-S14.

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

**LLRZ-R11 Camping grounds**

**1. Activity Status: RDIS**

**Where the following conditions are met:**

- 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  
(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.

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

|   |  |
|---|--|
| vi. <u>LLRZ-AM12.</u><br>c. <u>LLRZ-AM11.</u><br>d. Assessment matters in the following chapters:<br>i. <u>TRAN – Transport.</u><br>ii. <u>LIGHT – Light.</u><br>iii. <u>NOISE – Noise.</u> |  |
| <b>1. Activity Status: DIS</b><br>Where the following conditions are met: N/A   | <b>2. Activity status where compliance not achieved: N/A</b> |
| <b>LLRZ-R12 Any other activity not otherwise provided for</b>   |  |
| <b>1. Activity Status: DIS</b><br>Where the following conditions are met: N/A   | <b>2. Activity status where compliance not achieved: N/A</b> |
| <b>LLRZ-R13 Intensive primary production activities</b>   |  |
| <b>1. Activity Status: NC</b><br>Where the following conditions are met: N/A  | <b>2. Activity status where compliance not achieved: N/A</b> |
| <b>LLRZ-R14 Industrial activities</b>   |  |
| <b>1. Activity Status: NC</b><br>Where the following conditions are met: N/A  | <b>2. Activity status where compliance not achieved: N/A</b> |
| <b>LLRZ-R15 Service activities</b>  |  |
| <b>1. Activity Status: NC</b><br>Where the following conditions are met: N/A  | <b>2. Activity status where compliance not achieved: N/A</b> |

Commented [RM12]: S101.001 NZ Motor Caravan - Coastal Topic, Issue 7

## Standards

|                                    |   |
|------------------------------------|---|
| <b>LLRZ-S1 Residential Density</b> |   |
| <b>Mangakuri Beach Only</b>        | 1. There must be no more than: <ol style="list-style-type: none"> <li>a. two residential units (including minor residential units) on any site; or</li> <li>b. one residential unit and one visitor accommodation unit on any site.</li> </ol> 2. Minimum net site area for any site is 1500m <sup>2</sup> for each residential/visitor accommodation unit. |

|   |   |
|---|---|
|   | <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>                  | <p>3. There must be no more than:</p> <ul style="list-style-type: none"> <li>a. two residential units (including minor residential units) on any site; or</li> <li>b. one residential unit and one visitor accommodation unit on any site.</li> </ul> <p>4. 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.</p> <p>5. 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.</p> <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> |
| <b>LLRZ-S2 Height of Buildings</b>            |   |
| <b>All</b>                                    | <p>1. Maximum height of any building(s) is 8m.</p> <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>  |
| <b>LLRZ-S3 Height in Relation to Boundary</b> |   |
| <b>All</b>                                    | <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> <ul style="list-style-type: none"> <li>a. 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>b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> </ul>   |

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|--|---|
|  | <ul style="list-style-type: none"> <li>c. 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> </ul> <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>  |
| <b>LLRZ-S4 Setback from Roads</b>      |   |
| <b>All</b>                             | <ul style="list-style-type: none"> <li>1. Minimum setback of any building(s) is 3m.</li> <li>2. Where the vehicle access to garage faces a road boundary, the garage building must be setback at least 5m from the road boundary.</li> </ul>  |
| <b>LLRZ-S5 Setback from Neighbours</b> |   |
| <b>Residential Activities</b>          | <ul style="list-style-type: none"> <li>1. 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> </ul>  |
| <b>All Other Activities</b>            | <ul style="list-style-type: none"> <li>2. 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>3. Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any internal boundary.</li> </ul>  |
| <b>LLRZ-S6 Outdoor Living Space</b>    |   |
| <b>Residential Activities</b>          | <ul style="list-style-type: none"> <li>1. 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: <ul style="list-style-type: none"> <li>a. 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> </ul> </li> <li>2. 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> </ul> |

| LLRZ-S7 Outdoor Service Space  |  |
|--|--|
| <b>Residential Activities</b>  | 1. 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.   |
| LLRZ-S8 Hours of Operation   |  |
| <b>All (except for Residential Activities, Emergency Service Activities, or Visitor Accommodation)</b> | 1. Limited to the following hours of operation: <ul style="list-style-type: none"> <li>a. 0700 – 2200 hours, seven days a week; except where: <ul style="list-style-type: none"> <li>i. the entire activity is located within a building; and</li> <li>ii. each person engaged in the activity outside the above hours resides permanently on the site; and</li> <li>iii. there are no visitors, customers, or deliveries to the activity outside the above hours.</li> </ul> </li> </ul>  |
| LLRZ-S9 Heavy Vehicle Storage  |  |
| <b>All</b>   | 1. There must be no more than one heavy vehicle stored on a site.  |
| LLRZ-S10 Screening of Outdoor Storage and Service Areas  |  |
| <b>Non-Residential Activities</b>  | 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.<br>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.<br>3. <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> |
| LLRZ-S11 Electricity Safety Distances  |  |
| <b>All</b>   | 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).  |
| LLRZ-S12 Transport (Access, Parking, Loading)  |  |
| <b>All</b>   | 1. Activities must comply with the provisions of the TRAN – Transport chapter.   |

Commented [RM13]: S57.113 FENZ - Coastal Topic, Issue 6

Commented [RM14]: S57.114 FENZ - Coastal Topic, Issue 6

**LLRZ-S13 Light**

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| <b>All</b> | 1. Activities must comply with the provisions of the LIGHT – Light chapter. |
|------------|---|

**LLRZ-S14 Noise**

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|------------|---|
| <b>All</b> | 1. Activities must comply with the provisions of the NOISE – Noise chapter. |
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**LLRZ-S15 Relocated Buildings**

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|------------|--|
| <b>All</b> | <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><li>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.</li></ol></li><li>4. The Building Pre-Inspection Report must be prepared by:<ol style="list-style-type: none"><li>a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or</li><li>b. A member of the New Zealand Institute of Building Surveyors; or</li><li>c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or</li><li>d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.</li></ol></li></ol> |
|------------|--|

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.
6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.
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.
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.

*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.*

## 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, car parks, 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 [RM15]: S90.054 Centralines - Coastal Topic, Issue 7

## **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> |

- LLRZ-AER4**      **Public access is maintained, improved and enhanced where practicable.**
- LLRZ-AER5**      **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.**
- LLRZ-AER6**      **Residential development that does not create adverse impacts in terms of overshadowing, excessive building scale, or loss of privacy.**
- LLRZ-AER7**      **A residential environment free from excessive noise, odour, dust, glare and vibration nuisance.**

## **APPENDIX B**

### **Summary of Recommended Responses to Submissions and Further Submissions**

Table: Summary of Recommended Responses to Submissions and Further Submissions

| Submission Point | Submitter/Further Submitter Name | Plan Provision           | Summary of Decision Requested  | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|----------------------------------|--------------------------|--|------------------------|------------------------------|
| S11.028          | Hawke's Bay Regional Council     | CE - Coastal Environment | No changes   | Accept in part         | No                           |
| S57.081          | Fire and Emergency New Zealand   | CE-03                    | Retain CE-03 as notified.  | Accept in part         | No                           |
| S57.082          | Fire and Emergency New Zealand   | CE-P5                    | Retain CE-P5 as notified.  | Accept in part         | No                           |
| S57.099          | Fire and Emergency New Zealand   | LLRZ-02                  | Amend LLRZ-02 as follows:<br>'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                 | Yes                          |
| S57.100          | Fire and Emergency New Zealand   | LLRZ-P4                  | Retain LLRZ-P4 as notified.  | Accept                 | No                           |
| S57.101          | Fire and Emergency New Zealand   | LLRZ-P6                  | Retain LLRZ-P6 as notified.  | Accept                 | No                           |
| S57.102          | Fire and Emergency New Zealand   | LLRZ-P9                  | Retain LLRZ-P9 as notified.  | Accept                 | No                           |
| S57.103          | Fire and Emergency New Zealand   | LLRZ-R1                  | Amend LLRZ-R1(1) as follows:<br>'...Where the following conditions are met:<br>a. Compliance with:<br>i. ...<br>...<br><b>x. LLRZ-S15.</b><br>And amend LLRZ-R1(2) as follows:<br>'...Matters over which discretion is restricted:<br>a. Assessment matters:<br>i. ...<br>...<br><b>x. LLRZ-AM12 Servicing.</b><br>...'  | Reject                 | No                           |
| S57.104          | Fire and Emergency New Zealand   | LLRZ-R3                  | Amend LLRZ-R3(1) as follows:<br>'...Where the following conditions are met:<br>a. ...'   | Reject                 | No                           |

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name | Plan Provision | Summary of Decision Requested   | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|----------------------------------|----------------|---|------------------------|------------------------------|
|                  |                                  |                | b. Compliance with:<br>i. ...<br>...<br>x. LLRZ-S15.'<br>And amend LLRZ-R3(2) as follows:<br>'...Matters over which discretion is restricted:<br>a. Assessment matters:<br>i. ...<br>...<br>x. LLRZ-AM12 Servicing.<br>...  |                        |                              |
| S57.105          | Fire and Emergency New Zealand   | LLRZ-R4        | Amend LLRZ-R4(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br>x. LLRZ-S15.'<br>And amend LLRZ-R4(2) as follows:<br>'...Matters over which discretion is restricted:<br>a. Assessment matters:<br>i. ...<br>...<br>x. LLRZ-AM12 Servicing.<br>... | Reject                 | No                           |
| S57.106          | Fire and Emergency New Zealand   | LLRZ-R5        | Amend LLRZ-R5(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...<br>...<br>x. LLRZ-S15.'<br>And amend LLRZ-R5(2) as follows:<br>'...Matters over which discretion is restricted:<br>a. Assessment matters:<br>i. ...<br>...<br>x. LLRZ-AM12 Servicing.<br>... | Reject                 | No                           |
| S57.107          | Fire and Emergency New Zealand   | LLRZ-R6        | Amend LLRZ-R6(1) as follows:<br>'...Where the following conditions are met:<br>a. ...<br>b. Compliance with:<br>i. ...  | Reject                 | No                           |

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name | Plan Provision | Summary of Decision Requested   | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|----------------------------------|----------------|---|------------------------|------------------------------|
|                  |                                  |                | <p>...</p> <p><b>x. LLRZ-S15.'</b><br/>                     And amend LLRZ-R6(2) as follows:<br/>                     '...Matters over which discretion is restricted:<br/>                     a. Assessment matters:<br/>                     i. ...<br/>                     ...<br/> <b>x. LLRZ-AM12 Servicing.</b><br/>                     ...'</p>   |                        |                              |
| S57.108          | Fire and Emergency New Zealand   | LLRZ-R6        | <p>Amend LLRZ-R6, subject to consequential amendments sought in this chapter.<br/>                     Add in provision for 'emergency aviation movements'.</p>   | Accept in part         | Yes                          |
| S57.109          | Fire and Emergency New Zealand   | LLRZ-R7        | <p>Amend LLRZ-R7(1) as follows:<br/>                     '...Where the following conditions are met:<br/>                     a. ...<br/>                     b. Compliance with:<br/>                     i. ...<br/>                     ...<br/> <b>x. LLRZ-S15.'</b><br/>                     And amend LLRZ-R7(2) as follows:<br/>                     '...Matters over which discretion is restricted:<br/>                     a. Assessment matters:<br/>                     i. ...<br/>                     ...<br/> <b>x. LLRZ-AM12 Servicing.</b><br/>                     ...'</p> | Reject                 | No                           |
| S57.110          | Fire and Emergency New Zealand   | LLRZ-R10       | <p>Amend LLRZ-R10(1) as follows:<br/>                     '...Where the following conditions are met:<br/>                     a. ...<br/>                     b. Compliance with:<br/>                     i. ...<br/>                     ...<br/> <b>x. LLRZ-S15.</b><br/>                     Matters over which discretion is restricted (where relevant to the infringed standard(s)):<br/>                     c. Assessment matters:<br/>                     i. ...<br/>                     ...<br/> <b>x. LLRZ-AM12 Servicing.</b><br/>                     ...'</p>                 | Reject                 | No                           |
| S57.111          | Fire and Emergency New Zealand   | LLRZ-S2        | <p>Amend LLRZ-S2 as follows:<br/>                     '1. Maximum height of any building(s) is 8m.<br/>                     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></p>  | Reject                 | No                           |

Proposed Central Hawke's Bay District Plan

Officer's Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name | Plan Provision                       | Summary of Decision Requested  | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|----------------------------------|--------------------------------------|--|------------------------|------------------------------|
| S57.112          | Fire and Emergency New Zealand   | LLRZ-S3                              | Amend LLRZ-S3(1) as follows:<br>'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:<br>a. ...<br>...<br><b>d. Hose drying towers up to 15m in height.'</b>   | Reject                 | No                           |
| S57.113          | Fire and Emergency New Zealand   | LLRZ-S8                              | Amend LLRZ-S8 as follows:<br>'All (except for Residential Activities, <b>Emergency Service Activities</b> or Visitor Accommodation)<br>1. ...<br>...'  | Accept                 | Yes                          |
| S57.114          | Fire and Emergency New Zealand   | LLRZ-S10                             | Amend LLRZ-S10 as follows:<br>'1. ...<br>2. ...<br><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                 | Yes                          |
| S57.115          | Fire and Emergency New Zealand   | LLRZ-S12                             | Retain LLRZ-S12 as notified.   | Accept                 | No                           |
| S57.116          | Fire and Emergency New Zealand   | LLRZ-SXX<br>(new standard)           | Add a new standard in the 'Large Lot Residential Zone' as follows:<br><b>'LLRZ-S15 Servicing</b><br><b>1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</b><br><b>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.</b><br><b>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.</b><br><b>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.'</b> | Reject                 | No                           |
| S57.117          | Fire and Emergency New Zealand   | LLRZ-AMXX<br>(new assessment matter) | Add a new assessment matter in the 'Large Lot Residential Zone' as follows:<br><b>'LLRZ-AM12 Servicing</b><br><b>1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'</b>   | Reject                 | No                           |
| S64.083          | Department of Conservation       | CE-01                                | Retain CE-01.  | Accept                 | No                           |

**Proposed Central Hawke’s Bay District Plan**

**Officer’s Report: Natural Environment (including Coastal Settlements)**

| <b>Submission Point</b> | <b>Submitter/Further Submitter Name</b>                              | <b>Plan Provision</b> | <b>Summary of Decision Requested</b> | <b>Officer Recommendation</b> | <b>Amendments to Proposed Plan?</b> |
|-------------------------|--|-----------------------|--------------------------------------|-------------------------------|-------------------------------------|
| FS9.366                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept                        |                                     |
| <b>S64.084</b>          | <b>Department of Conservation</b>                                    | CE-02                 | Retain CE-02.                        | Accept in part                | No                                  |
| FS9.367                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept in part                |                                     |
| <b>S64.085</b>          | <b>Department of Conservation</b>                                    | CE-03                 | Retain CE-03.                        | Accept in part                | No                                  |
| FS9.368                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept in part                |                                     |
| <b>S64.086</b>          | <b>Department of Conservation</b>                                    | CE-P1                 | Retain CE-P1.                        | Accept                        | No                                  |
| FS9.369                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept                        |                                     |
| <b>S64.087</b>          | <b>Department of Conservation</b>                                    | CE-P2                 | Retain CE-P2.                        | Accept                        | No                                  |
| FS9.370                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept                        |                                     |
| <b>S64.088</b>          | <b>Department of Conservation</b>                                    | CE-P3                 | Retain CE-P3.                        | Accept                        | No                                  |
| FS9.371                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept                        |                                     |
| <b>S64.089</b>          | <b>Department of Conservation</b>                                    | CE-P4                 | Retain CE-P4.                        | Accept                        | No                                  |
| FS9.372                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept                        |                                     |
| <b>S64.090</b>          | <b>Department of Conservation</b>                                    | CE-P5                 | Retain CE-P5.                        | Accept in part                | No                                  |
| FS9.373                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept in part                |                                     |
| <b>S64.091</b>          | <b>Department of Conservation</b>                                    | CE-P6                 | Retain CE-P6.                        | Accept in part                | No                                  |
| FS9.374                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept in part                |                                     |
| <b>S64.092</b>          | <b>Department of Conservation</b>                                    | CE-P7                 | Retain CE-P7.                        | Accept                        | No                                  |
| FS9.375                 | Royal Forest and Bird Protection Society of New Zealand Incorporated |                       | Allow                                | Accept                        |                                     |

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name                                     | Plan Provision                              | Summary of Decision Requested   | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|--|---|---|------------------------|------------------------------|
| S64.093          | Department of Conservation   | CE-P8                                       | Retain CE-P8.   | Accept                 | No                           |
| FS9.376          | Royal Forest and Bird Protection Society of New Zealand Incorporated |   | Allow   | Accept                 |                              |
| S71.001          | Peggy Scott  | LLRZ - Large Lot Residential Zone (Coastal) | Need to talk to landowners individually   | Reject                 | No                           |
| S73.013          | Ministry of Education  | LLRZ-O2                                     | Retain LLRZ-O2 as proposed.   | Accept in part         | No                           |
| S73.014          | Ministry of Education  | LLRZ-R5                                     | Amend LLRZ-R5(1)(a) as follows:<br>'1. Activity Status: PER<br>Where the following conditions are met:<br>a) Limited to <del>200</del> 400m <sup>2</sup> gross floor area.<br>b) ...'<br>And amend LLRZ-R5(2) as follows:<br>'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:<br>RDIS<br>...'<br>And amend LLRZ-R5(3) as follows:<br>'3. Activity status <b>where gross floor area is over 400m<sup>2</sup></b> where compliance with condition LLRZ-R5(1)(a) is not achieved:<br>DIS' | Accept in part         | Yes                          |
| FS23.83          | Kāinga Ora - Homes and Communities                                   |   | Allow   | Accept in part         |                              |
| S73.033          | Ministry of Education  | LLRZ-AM9                                    | Retain LLRZ-AM9 as proposed.  | Accept                 | No                           |
| S75.003          | Royal Forest and Bird Protection Society NZ                          | COASTAL ENVIRONMENT (Definition)            | Retain the definition of 'Coastal Environment' as proposed.   | Accept                 | No                           |
| S75.068          | Royal Forest and Bird Protection Society NZ                          | CE-O1                                       | Retain CE-O1 as proposed.   | Accept                 | No                           |
| S75.069          | Royal Forest and Bird Protection Society NZ                          | CE-O2                                       | Retain CE-O2 as proposed.   | Accept in part         | No                           |
| S75.070          | Royal Forest and Bird Protection Society NZ                          | CE-O3                                       | Amend CE-O3 as follows:<br>'Activities that have a functional need to locate in the coastal environment are provided for <b>in appropriate locations</b> , where they do not compromise other significant values in the coastal environment.'   | Accept                 | Yes                          |

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name                                     | Plan Provision         | Summary of Decision Requested  | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|--|------------------------|--|------------------------|------------------------------|
| 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:<br><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         | Yes                          |
| FS25.74          | Federated Farmers of New Zealand                                     |                        | Allow  | Accept in part         |                              |
| S75.072          | Royal Forest and Bird Protection Society NZ                          | CE-P1                  | Retain CE-P1 as proposed.  | 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         | No                           |
| FS25.75          | Federated Farmers of New Zealand                                     |                        | Allow in part  | Accept in part         |                              |
| S75.074          | Royal Forest and Bird Protection Society NZ                          | CE-P5                  | Retain CE-P5 as proposed.  | Accept in part         | No                           |
| .                |  |                        |  |                        |                              |
| S75.075          | Royal Forest and Bird Protection Society NZ                          | CE-P6                  | Amend CE-P6 as follows:<br><b>'To require that proposed activities within the coastal environment area demonstrate a functional need to be located in the coastal environment area, and that the activity is located appropriately, having regard to its effects and: ...'</b> | Accept in part         | Yes                          |
| FS25.76          | Federated Farmers of New Zealand                                     |                        | Allow in part  | Accept in part         |                              |
| S75.076          | Royal Forest and Bird Protection Society NZ                          | CE-P7                  | Retain CE-P7 as proposed.  | Accept                 | No                           |
| .                |  |                        |  |                        |                              |
| S75.077          | Royal Forest and Bird Protection Society NZ                          | CE-P8                  | Retain CE-P8 as proposed.  | 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                 | 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                 | 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                 | No                           |
| .                |  |                        |  |                        |                              |
| S79.088          | Transpower New Zealand Ltd   | CE-O3                  | Amend CE-O3 as follows:<br><b>'Activities that have a functional need (or operational need in respect of the National Grid) to locate in the coastal environment are provided for, where they do not compromise other significant values in the coastal environment.'</b>      | Accept in part         | Yes                          |
| FS9.427          | Royal Forest and Bird Protection Society of New Zealand Incorporated |                        | Disallow   | Accept in part         |                              |

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Officer's Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name                                     | Plan Provision | Summary of Decision Requested   | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|--|----------------|---|------------------------|------------------------------|
| S79.089          | Transpower New Zealand Ltd   | CE-P5          | Amend CE-P5 as follows:<br>'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.'  | Accept                 | Yes                          |
| FS9.428          | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow  | 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:<br><b>a. Impacts on the operation, maintenance, upgrading and development of the electricity network.</b><br><b>b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</b><br><b>c. The risk to the structural integrity of any support structures associated with the electricity network.</b><br><b>d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).'</b><br>And insert a notification clause requiring written approval. | Accept in part         | Yes                          |
| FS23.13          | Kāinga Ora - Homes and Communities                                   |                | Disallow  | Reject                 |                              |
| S90.054          | Centralines Limited  | LLRZ-S11       | Retain LLRZ-S11.  | Accept                 | No                           |
| S97.010          | Ara Poutama Aotearoa the Department of Corrections                   | LLRZ-R7        | Delete LLRZ-R7.<br>N.B. 'community corrections activities' would then default to a Discretionary Activity as 'any other activity not otherwise provided for' under LLRZ-R12.  | Accept                 | No                           |
| S97.012          | Ara Poutama Aotearoa the Department of Corrections                   | LLRZ-R1        | Retain LLRZ-R1.   | 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         | Yes                          |
| S103.001         | Sandy Hill Farms Limited   | CE-SCHED7      | Remove the 'High Natural Character Area' [HNC-6] on 1046 Blackhead Road.  | Reject                 | No                           |
| S121.055         | Federated Farmers of New Zealand                                     | CE-O1          | Amend CE-O1 as follows:<br>'Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:<br>1. ...<br>...<br><b>6. Rural character and farming land uses.'</b>  | Reject                 | No                           |
| FS9.55           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow  | Accept                 |                              |
| S121.056         | Federated Farmers of New Zealand                                     | CE-O2          | Amend CE-O2 as follows:<br>'Protection of the natural and rural 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.'   | Accept                 | Yes                          |

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| Submission Point | Submitter/Further Submitter Name                                     | Plan Provision | Summary of Decision Requested  | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|--|----------------|--|------------------------|------------------------------|
| FS9.56           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Reject                 |                              |
| <b>S121.057</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-O3          | Amend CE-O3 as follows:<br>'Activities that have a functional need to locate in the coastal environment <b>or are part of an existing farming land use are provided for, where they do not compromise other significant values in the coastal environment.</b> '   | Reject                 | No                           |
| FS9.57           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Accept                 |                              |
| <b>S121.058</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-P1          | Amend CE-P1 as follows:<br>'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                 | No                           |
| FS9.58           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Accept                 |                              |
| <b>S121.059</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-P2          | Amend CE-P2 as follows:<br>'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 (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 <b>where they are inconsistent with the existing land use:</b><br>1. ...<br>...<br>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                 | No                           |
| FS9.59           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Accept                 |                              |
| <b>S121.060</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-P3          | Amend CE-P3 as follows:<br>'To avoid sprawling or sporadic <b>urban/residential</b> subdivision and development in the coastal environment area.'  | Accept                 | Yes                          |
| FS9.60           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Accept                 |                              |
| <b>S121.061</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-P4          | Amend CE-P4 as follows:<br>'To manage the activities that can occur in the coastal environment area, <b>where they are inconsistent with existing rural character and farm land uses</b> , including:<br>...'  | Reject                 | No                           |
| FS9.61           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Accept                 |                              |
| <b>S121.062</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-P5          | Amend CE-P5 as follows:<br>'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                 | No                           |
| FS9.62           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                | Disallow   | Accept                 |                              |
| <b>S121.063</b>  | <b>Federated Farmers of New Zealand</b>                              | CE-P6          | Amend CE-P6 as follows:<br>'To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to:  | Reject                 | No                           |

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Officer's Report: Natural Environment (including Coastal Settlements)

| Submission Point | Submitter/Further Submitter Name                                     | Plan Provision      | Summary of Decision Requested   | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|--|---------------------|---|------------------------|------------------------------|
|                  |  |                     | 1. ...<br>...<br><b>8. consistency with underlying zoning and existing land uses.'</b>  |                        |                              |
| FS9.63           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Disallow  | Accept                 |                              |
| S121.064         | Federated Farmers of New Zealand                                     | CE-P7               | Amend CE-P7 as follows:<br>'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:<br>...'   | Reject                 | No                           |
| FS9.64           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Disallow  | Accept                 |                              |
| S121.065         | Federated Farmers of New Zealand                                     | CE-PXX (new policy) | Add a new policy in the 'CE - Coastal Environment' chapter in the Proposed Plan as follows:<br><b>'To recognise and provide for farming land 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.'</b>   | Reject                 | No                           |
| FS9.65           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Disallow  | 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                 | No                           |
| FS9.66           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Disallow  | Accept                 |                              |
| S121.067         | Federated Farmers of New Zealand                                     | CE-AM2              | Amend CE-AM2(2) as follows:<br>'2. Earthworks<br>a. The extent to which <b>urban, residential or lifestyle</b> earthworks have been designed and located to minimise adverse visual effects.<br>In particular, the extent to which any such proposal:<br>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> .<br>ii. Minimises cuttings across hill faces and spurs, <b>unless for farm tracks and fences</b> .<br>...<br><b>vii. Are consistent with their underlying zoning and existing land use.'</b> | Accept in part         | Yes                          |
| FS9.67           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Disallow  | Accept in part         |                              |
| S121.068         | Federated Farmers of New Zealand                                     | CE-AM2              | Amend CE-AM2(3) as follows:<br>'3. General<br>a. ...<br>...<br><b>m. The consistency of the activity with its underlying zoning and existing land use.'</b>   | Accept                 | Yes                          |
| FS9.68           | Royal Forest and Bird Protection Society of New Zealand Incorporated |                     | Disallow  | Reject                 |                              |
| S121.069         | Federated Farmers of New Zealand                                     | CE-SCHED7           | Delete 'Areas of High Natural Character'.   | Reject                 | No                           |

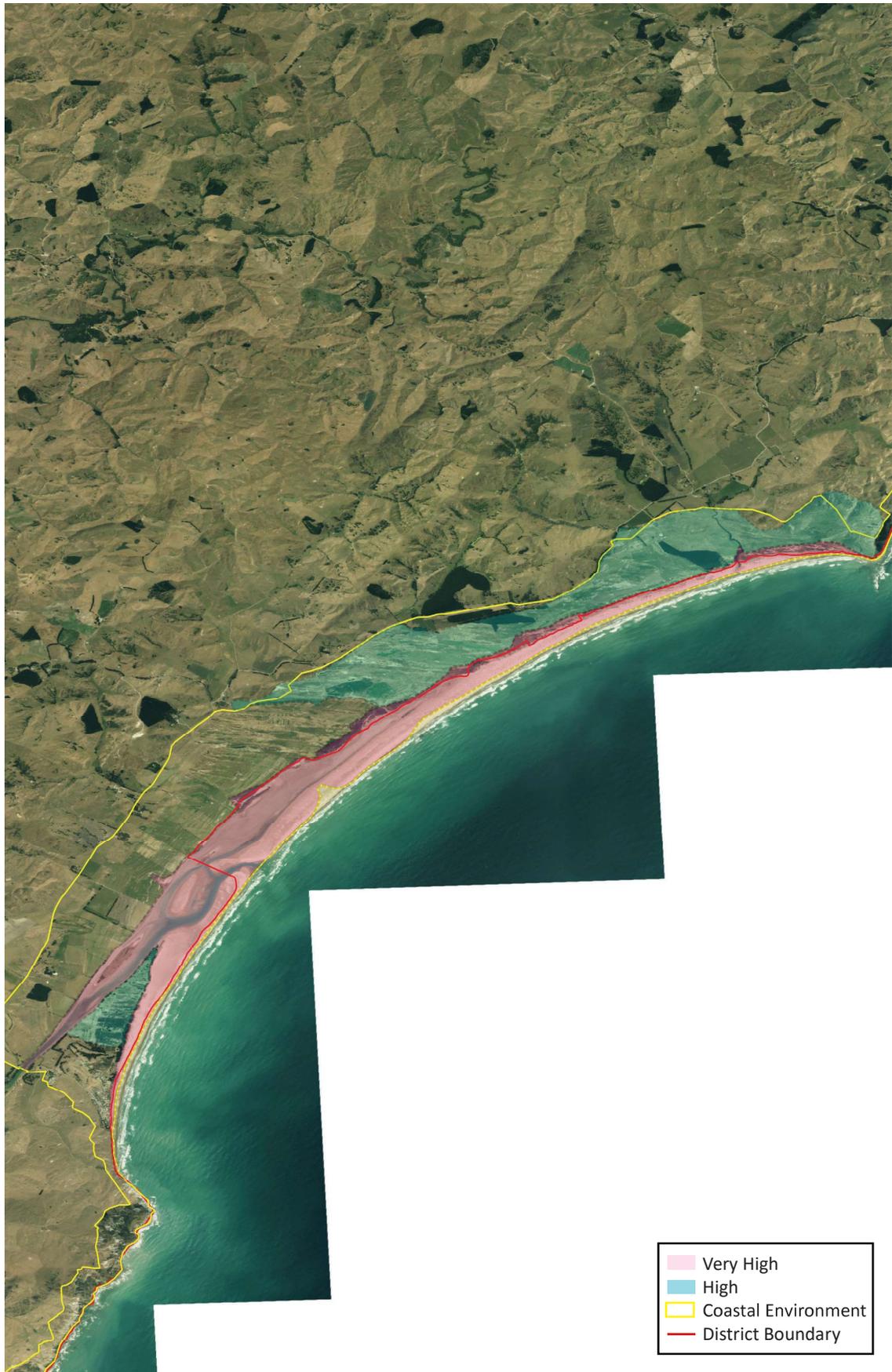
**Proposed Central Hawke’s Bay District Plan**

**Officer’s Report: Natural Environment (including Coastal Settlements)**

| Submission Point | Submitter/Further Submitter Name                                     | Plan Provision                              | Summary of Decision Requested  | Officer Recommendation | Amendments to Proposed Plan? |
|------------------|--|---|--|------------------------|------------------------------|
| FS9.69           | Royal Forest and Bird Protection Society of New Zealand Incorporated |   | Disallow   | Accept                 |                              |
| S125.069         | Ngā hapū me ngā marae o Tamatea                                      | CE - Coastal Environment                    | Retain the provisions in the 'CE - Coastal Environment' chapter as notified.   | Accept in part         | No                           |
| .                |  |   |  |                        |                              |
| S129.240         | Kāinga Ora - Homes and Communities                                   | LLRZ - Large Lot Residential Zone (Coastal) | Re-name 'LLRZ - Large Lot Residential Zone' to 'Low Density Residential Zone'.   | Reject                 | No                           |
| .                |  |   |  |                        |                              |
| S134.009         | Ngāti Kere Hapū Authority  | 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.]<br>We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development. | Accept in part         | No                           |
| .                |  |   |  |                        |                              |

## **APPENDIX C**

### **Assessment Worksheet for 'Coastal Sector 6: Porangahau' (excerpt from Natural Character Assessment Report)**



Map Scale (A4) = 1:50,000

## COASTAL SECTOR 6: Porangahau

| Component of Natural Character | Evaluation  | Degree of Natural Character |
|--------------------------------|---|-----------------------------|
| Landform                       | An extended area of coastal dune land backed by rising land. Limited estuary of Porangahau River and riparian dunes. Dunes more apparent to the northern end.   | High                        |
| Vegetation Habitat             | Limited estuarine habitat in riparian areas, limited remnants of interdunal wetlands and dune vegetation.   | Mod-High                    |
| Biodiversity                   | Originally high biodiversity, but diminished over time as land use has changed. Formerly a RAP area, but would need re-evaluating now to see if it still merits this. Greater biodiversity towards the northern end where less disturbance has occurred.  | Mod-High                    |
| Systems and Processes          | Dune/wetland processes originally high but diminished over time as landform modifications have occurred. Dynamic dune processes now quite limited, but less so along the riparian and beach edge and remnant dune forms remain apparent towards the northern end of the beach.  | Mod-High                    |
| Structures/Settlements         | Farm buildings, fences, ditches, the original paper road and paper settlement of Parimahu at the northern end.  | Moderate                    |
| Perceptual/Experiential        | Beach between MHSW and inner edge of narrow dune system has very high perceived naturalness values. River estuary and riparian/coastal edge also has very high natural perception 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. | Mod-High                    |

### Natural Character: High and Very High

Summary and key characteristics: The Porangahau Sector has a mix of Moderate, High and Very High natural character rankings due to a combination of its underlying topography, formative processes, ecological value and perceived naturalness. Areas reduced in value over time due to landform and drainage modifications. Areas to the north have landform and land cover values due to lack of modification. Presence of sites of cultural significance along the inland edge of the Coastal Environment and particularly at the north near Parimahu. Threats to this sector include landform modifications and drainage. Pine Plantations would hide the landform and affect perceived naturalness and also biodiversity in the northern portion.



## **APPENDIX D**

### **Statement from Council's Landscape Expert (John Hudson, Hudson Associates Landscape Architects)**

**BEFORE THE CENTRAL HAWKES BAY PROPOSED DISTRICT PLAN HEARINGS PANEL  
AT WAIPAWA**

|                      |  |
|----------------------|--|
| <b>UNDER</b>         | the Resource Management Act 1991 (the Act)   |
| <b>IN THE MATTER</b> | of proposed Central Hawke Bay District Plan, publicly notified under the First Schedule to the Act |

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**STATEMENT OF EVIDENCE OF JOHN ROBERT HUDSON**

**COASTAL ENVIRONMENT – NATURAL CHARACTER**

**Dated this 7th day of February 2022**

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## INTRODUCTION

1. My name is John Robert Hudson. I am a landscape architect and principal of my own practice, Hudson Associates. I have been practicing in this field for over 40 years. I am a registered member, fellow and past president of the New Zealand Institute of Landscape Architects (NZILA). I have also held the roles of member and chairman of the Institute's professional Examination Committee for ten years, as well as judge for the Institute's biennial award. I have a Bachelor of Arts (Geography, Victoria University), graduate Diploma in Landscape Architecture (Lincoln College) and graduate Diploma in Business Administration (Victoria University).
2. I have obtained the Making Good Decisions certificates from the Ministry for the Environment as both a Hearing Commissioner and Chair. I have been engaged as an Independent Commissioner for several large consent applications. These include an appointment by the Minister for the Environment to the Turitea Wind Farm Board of Inquiry. I have recently chaired the panel hearing for an application for a large landfill application by Waste Management in the Waikato Region, issuing the decision in October 2021.
3. As discussed below, I was engaged by Central Hawke's Bay District Council (**Council**) to provide expert landscape advice, including specific advice on the natural character of the coastal environment, to assist in the review and preparation of the Proposed Central Hawke's Bay District Plan (**PDP**). This evidence relates to submissions and further submissions received on the PDP that relate to the natural character of the coastal environment which have been included in the PDP in line with my report.

## RELEVANT EXPERIENCE

4. My practice consults on projects throughout New Zealand, with a particular focus on landscape assessment, subdivision, large scale design, and infrastructure. I am currently engaged by a number of local authorities throughout the country to provide specialist advice on consent applications and district plan assessments and provisions. I regularly appear as an expert witness at both Council hearings and Environment Court appeals.
5. Engagements of particular relevance to this hearing include central government, local government, public companies and private applicants. Current or recent clients include Palmerston North City Council to provide independent advice on landscape aspects relating to urban design of a new housing development of over 1,000 lots, plus assessment and mapping of their Outstanding Natural Landscape;; Manawatu District Council for assessment and mapping of Outstanding Natural Landscapes within their District and participating in the plan change to implement this; Whanganui District Council for similar work but currently going through the plan preparation and provision stage (hearing late 2022); expert evidence on landscape and natural character effects for NZ King Salmon on their proposed Open Ocean Salmon Farm near Cook Strait; and expert evidence at council hearings on landscape effects of the proposed Marlborough Environment Plan. I have also completed an engagement for Western Bay of Plenty District Council on assessment of an Outstanding Natural Landscape, which involved several Environment Court appeals and ultimate acceptance of WBODC's position that Matakana Island is an ONL, plus evidence for the Western Bay of Plenty Regional Council appeal regarding the MV Rena

6. I have read the Environment Court's Code of Conduct for Expert Witnesses 2014, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
7. I have a commercial relationship with Paoanui Farms at Pourerere, having provided previous landscape advice for a subdivision partially within the coastal environment at Pourerere Settlement. Resource consent was granted by CHB District Council, and I am providing ongoing advice for the next stage of the proposed subdivision. This is also partially within the coastal environment at Pourerere settlement but not within an area of high or very high natural character. In my opinion, advising my client on this proposal does not present a conflict of interest, as my participation in the design and assessment has been in accord with the aims of the NZCPS by improving the natural character with substantial riparian planting and reducing landscape effects through subdivision design.

#### INVOLVEMENT IN THE PDP AND OUTLINE OF APPROACH

8. This evidence is based on an assessment of the coastal environment of Central Hawke's Bay (CHB) to determine natural character values for the CHB District. The report is one of the technical documents that contributes to the PDP and forms the basis for natural character mapping. The assessment was compiled as the following document:
  - Natural Character Assessment of the Central Hawke's Bay Coastal Environment January 2019
9. The Natural Character assessment considers three matters (Abiotic, Biotic, Sensory) in terms of their condition i.e. the more pristine the higher the rating. The RMA, through the New Zealand Coastal Policy Statement, requires areas within the coastal environment that have a High natural character or greater to be mapped or otherwise identified. I have mapped these areas.
10. My natural character assessment found that there were areas of high natural character and areas of very high natural character and these were mapped. There were no areas of outstanding natural character. There were also other areas that were neither high nor very high, and these have not been mapped.

#### SCOPE OF EVIDENCE

11. My evidence is provided in response to two submissions on the Central Hawke Bay Proposed District Plan that relate to areas of natural character.
12. The issues raised by each submitter are addressed sequentially below.

## SUBMISSIONS

S121.069 Federated Farmers

CE-SCHED7

*Federated Farmers considers that there is no need to identify the category of 'Areas of High Natural Character', as they consider that 'it only adds another layer of complication, and needs to be deleted'. They consider that these areas are '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'.*

Response

- a. RMA s6(a) requires as a matter of national importance *the preservation of the natural character of the coastal environment ... from inappropriate subdivision, use, and development:*
- b. The NZ Coastal Policy Statement (NZCPS) gives effect to this requirement. Policy 13 of the NZCPS requires *'assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character'*.
- c. I therefore disagree with the submitter's suggestion that mapping areas of high natural character is unnecessary to meet 6(a) obligations. The underlying zone is Rural and in my opinion this zone is not suitable to protect natural character values.
- d. A comprehensive assessment was undertaken to determine these mapped areas as outlined in the assessment, with many factors considered. The finding was that the district had no areas of outstanding natural character and limited areas of very high natural character. Some areas of high natural character were identified, with the rest of the coast being below this ranking.
- e. I do not support the submission.

S103.001 Sandy Hill Farms

HNC-6 (Porangahau Sector)

*Sandy Hill Farms note that a large part of their coastal farming land at 1046 Blackhead Road has been designated as HNC having high perceived naturalness values. They submit 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.*

Response

- a. The land has been modified from active coastal dunes over time. Vegetation has also been modified, with exotic pasture grasses now dominant. Some dunes remain, with apparent inter-dunal lakes and wetlands as viewed in aerial photography. The dune system has high perceived naturalness due to its remnant linear form and blown out parabolic patterns. Patterns such as this are increasingly rare. The modifications that have taken place have changed the form, pattern and vegetation of the area, with much exotic vegetation, drains and fences now in place. However, a reasonable area of dune form can still be readily perceived as illustrated in figures 1-3 below.
- b. The NZ Coastal Policy Statement requires assessment of the natural character of the coastal environment and mapping or otherwise identifying at least areas of high natural character. It then requires the avoidance of significant adverse effects and avoidance, remedy, or mitigation of other adverse effects of activities on natural character in all other areas of the coastal environment.
- c. The mapping that has been completed is as required by the NZCPS, which is a national policy statement giving effect to the RMA.
- d. As such, I consider the mapping of HNC-6 is appropriate and I do not support the relief sought.



Figure 1. View from beach over submitter's site. Dunes in middle ground running east.



Figure 2 Windblown dunes running east away from the coast



Figure 3 Dune system and exposed sand at eastern end