

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Hearing of Submissions and Further  
Submissions on the Proposed Central Hawke's Bay  
Council District Plan Review

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**Sixth Memorandum and Direction of the Hearings Panel  
DIRECTIONS FOLLOWING HEARING 1**

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### **Introduction**

1. The first Hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP) was held in the Council Chamber of the Central Hawke's Bay District Council on 14 and 15 March 2022, following the opening Mihi Whakatau at which local Mana Whenua welcomed the Hearing Panel Commissioners.
2. The hearing was adjourned at 4.45pm on Tuesday 15 March 2022.

### **Legal Opinion**

3. The Proposed District Plan (PDP) contemplates the possibility of water storage in the Mākāroro Gorge through Policy NFL-P5:  
*NFL-P5 To recognise the regional social and economic significance of water storage within ONF-4 (Mākāroro Gorge)*
4. Evidence relating to NFL-P5 was presented during the PDP Natural and Coastal Environment hearing of 14-15 March 2022, both opposing and supporting it. A significant portion of that evidence related to the Ruataniwha Water Storage Scheme (RWSS) and the resource consents granted by the Board of Inquiry into the Tukituki Catchment Proposal (RWSS Consents).
5. To assist in its deliberations, the Hearing Panel is requesting the Council's legal counsel to provide legal submissions with respect to what if any affect this policy, once operative, would have on the RWSS Consents and their implementation. The submissions are to be provided for circulation to all relevant parties by the close-of-business on Friday 8 April 2022.

## Reporting Officers' Right-of-Reply

6. At the end of the hearing, the two s42A reporting officers were each directed to provide a written right-of-reply to respond to matters arising during the hearing. These rights-of-reply are to be provided to the District Council for circulation to all relevant parties by the close-of-business on Friday 8 April 2022.
7. In particular, we request that the reporting planner for Natural Features and Landscapes, specifically address proposed Policy NFL-P5, "*To recognise the regional social and economic significance of water storage within ONF-4 (Mākāroro Gorge)*", including whether this policy or a broader district-wide policy on water resources would be better placed in the Strategic Vision of the PDP: in particular, the section on the Rural Land Resource RLR. In addressing this matter, the scope for making such a change will need to be canvassed.
8. There are two matters that need not be included in the rights-of-reply, as additional time will be required to enable expert conferencing to occur on two discrete matters as outlined below.

## Expert Conferencing

9. Pursuant to cl 8AA(1), Schedule 1, RMA, the s42A reporting planner for the topic of *Natural Environment – Ecosystems and Indigenous Biodiversity* is directed to conference with the relevant planning experts representing the following parties which submitted on proposed Rule ECO-R3 and who wish to participate:
  - The Department of Conservation
  - Royal Forest & Bird Protection Society
  - Hawke's Bay Regional Council,
  - Horticulture New Zealand; and
  - Federated Farmers
10. Rule ECO-R3 sets out the conditions for permitted activities in relation to all indigenous vegetation species. In particular, the conferencing will address the following questions:
  - Whether the Rule can be amended to avoid or mitigate the potential cumulative effects of the potential annual clearance of indigenous vegetation permitted under it; and
  - Whether there should an "AND" or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.
11. In respect of any matters that remain outstanding after conferencing, sufficient detail is to be provided to enable the commissioners to have a clear understanding of the areas of disagreement, the extent of that disagreement, and the reasons why.
12. The s42A report writer is requested to provide the results of the conferencing to the District Council for circulation to all relevant parties by the close-of-business on Friday 29 April 2022.

### Site Inspection

13. In response to questions regarding proposed ONF-5, 'Three Sisters and Te Whata Kokako', we have indicated that it would be useful for the Panel if a site inspection of this landscape area, particularly in and around the Three Sisters, could be undertaken by the Council's Landscape Planning adviser, John Hudson, to verify the recommended boundaries of this proposed ONL, and to report back to the Hearing Panel with his recommendations and reasoning. Any such advice should be reported by 29 April 2022.

### Communications

14. As a reminder, the primary point of contact for all matters relating to the hearings is Jessie Williams, who can be contacted at [districtplan@chbdc.govt.nz](mailto:districtplan@chbdc.govt.nz) phone (06) 857 8060 (or if Jessie is not able to take your phone call, email the District Plan at [districtplan@chbdc.govt.nz](mailto:districtplan@chbdc.govt.nz) ).
15. The key location for up-to-date information on the hearings is the PDP Hearings Page currently located at <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/>.

**Dated 18 March 2022**



**Robert Schofield**

Chair of the Central Hawke's Bay District Council District Plan Hearings Panel