

**Before the Hearings Panel
At Central Hawke's Bay District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Central Hawke's Bay District Plan

Between **Various**
Submitters

And **Central Hawke's Bay District Council**
Respondent

**Council Reply on 'Ecosystems and Indigenous Biodiversity; and 'Open Space and Recreation/
Public Access/ Activities on the Surface of Water' Topics – Hearing Stream 1 – Stella Ann Luoni
Morgan**

On behalf of Central Hawke's Bay District Council

Date: 18 April 2022

Introduction

1. My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited.
2. I have read the evidence and statements provided by submitters relevant to the Section 42 Reports on 'Ecosystems and Indigenous Biodiversity' and 'Open Space and Recreation/ Public Access/ Activities on the Surface of Water' topics, and the legal submissions relevant to both of these Section 42A Reports. . I also attended the hearing on these matters on Monday 14 March and Tuesday 15 March 2022
3. I have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of matters raised through Hearing Stream 1.
4. Specifically, this reply statement addresses matters raised by the Panel and submitters in response to the Section 42A Report - Natural Environment – Ecosystems and Indigenous Biodiversity, and the Section 42A Report – and Open Space and Recreation/ Public Access/ Activities on the Surface of Water.
5. I am authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

6. My qualifications and experience are as set out in Section 1.1 of the two relevant Section 42A Reports.
7. I can confirm that I am continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

8. Section 42A report authors have been asked to submit a written reply within 10 working days of the adjournment of the hearing.
9. The main topics addressed in this reply include:

Ecosystems and Indigenous Biodiversity

- Definition of 'clearance' with respect to including or deleting reference to 'overplanting', 'drilling or excavation' and 'discharge of toxic substances'
- Amendments to Policy ECO-P4
- ECO-R1 and 'plantation forestry undergrowth'
- ECO-R2 permitted activity conditions
- ECO-R3(1)(b) deletion of certain activities (*Note the updated ECO- Ecosystems and Indigenous Biodiversity provision as provided in Appendix 2, ECO-R3(1)(b) has now been moved to ECO-R1A in response to another recommendation (S81.073 Horticulture New Zealand)*)
- ECO-R4 clarifications
- ECO-R6 exceptions for farmers carrying out in accordance with QEII covenant. Or other legal protection
- 'New Assessment Matter' for fencing
- Assessment Matters relating to consideration of fire risk
- ECO-SCHED5

Open Space and Recreation/ Public Access/ Activities on the Surface of Water

- Provision for 3 jet boating events per year river along the Waipawa from SH50 to the confluence of the Waipawa and Tukituki Rivers.

10. The hearing Panel has directed conferencing to take place with respect to Rule ECO-R3, to address the following:
- 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 be an “AND” or an “OR” between Rule ECO-R3 conditions (a) and
 - (b) – that is, whether the conditions should be conjunctive or disjunctive
11. Conferencing is to include the following parties which submitted on proposed 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 Farmer
12. At this stage, it is hoped the conferencing can take place by, and the results of the conferencing reported to all relevant parties by, close-of-business on Friday 29 April 2022, as requested – subject to availability of all participants. If there is any delay, the Hearings Panel will be informed, and a revised reporting date agreed.
13. I have followed the structure of the s42A report in this reply as I address the above matters.
14. If I have not addressed a matter in this Reply that was raised by a submitter throughout the hearings process, I have nothing further to add to what I have set out in the Section 42A Report or evidence given at the Hearing.
15. Appendix 1 of this reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Proposed District Plan Hearings Portal on the Council website.
16. Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the respective Section 42A Report.
17. Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in the table in Appendix B of the respective Section 42A Report.
18. Appendix 4 sets out a flow diagram to assist the Commissioners with the interpretation of the ECO-Rules.

Ecosystems and Indigenous Biodiversity

Definition of ‘clearance’ with respect to including or deleting reference to ‘overplanting’

19. I note the legal submissions of Nick Whittington (legal counsel) for Kāinga Ora – Homes and Communities relating to the definition of ‘clearance’ (S129.002).
20. With respect to deleting the reference to ‘overplanting’ from this definition, I note Kāinga Ora are correct that I did not reference Mr Kessels statement from his memo attached to my Section 42A Report that stated:

I am not familiar with the term ‘over-planting’ in the context of indigenous biodiversity and suggest that Kāinga Ora and Ngā hapū me ngā marae o Tamatea be invited to comment further on this issue in the context of significant natural areas’

21. However, I also note that Ngā hapu me ngā marae o Tamatea has opposed the removal of the term 'over-planting' from the definition on the basis that '*Changes to soils, hydrology and land form can cause vegetation to die off, particularly in the case of wetlands and areas that are naturally wet. Similarly, overplanting with other species can cause indigenous vegetation to be crowded out.*'

22. I note that ecological evidence provided on the McKenzie District Plan, Plan Change 18 Indigenous Biodiversity, gave the following explanation of overplanting:

'Overplanting frequently results in clearance of vegetation. A good example is tree planting, which is particularly relevant at present with Government support for tree planting (the Billion Trees and Jobs for Nature projects). Many Mackenzie Basin ecosystems support low-growing non-woody indigenous vegetation which would be completely eliminated by overplanting with taller species such as conifers (Pinus species) or Russell lupin (Lupinus polyphyllus).'

23. I have further discussed this with Council ecologist Gerry Kessels who has advised that this is likely an issue for south island ecosystems and does not apply to Central Hawke's Bay.

24. On this basis I recommend the definition of 'clearance' be amended as follows:

CLEARANCE	<p>in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line:</p> <ul style="list-style-type: none"> (a) application of chemicals (b) application of seed of exotic pastures (c) burning (d) changes to soils, hydrology, or landforms (e) drainage (f) drilling or excavation (g) discharge of toxic substances (h) mob-stocking (<u>means confining livestock in an area in which there is insufficient feed and in a way that results in the removal of all or most available vegetation</u>). (i) overplanting
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25. For the reasons outlined I change my recommendation to S129.002 Kāinga Ora's from reject to accept (and amend Ngā hapū me ngā marae o Tamatea (FS5.013) to reject).

Policy ECO-P4

26. I note the speaking notes and table presented at the Hearing by Tom Kay, for The Royal Forest and Bird Protection Society of New Zealand Incorporated, relating to their submission point S75.034 on Policy ECO-P4.

27. Forest and Bird have sought the following amendments to ECO—P4:

ECO-P4	<p>To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:</p>
	<ul style="list-style-type: none"> 1. Clearance, modification, damage or destruction of large-areas of intact indigenous vegetation or habitats of indigenous fauna; 2. Clearance of indigenous vegetation in and on the margins of Lake Whatuma, and other natural wetlands and braided-rivers, <u>including braided rivers</u>; 3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or

4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.

28. With respect to the terms 'large' and 'intact' I do not change my position on retaining these in this Policy as per my recommendations at paragraph 9.3.29 in Key Issue 6 – Remaining Policies, of my Section 42A Report.

29. However, with respect to the alternative wording provided by Forest and Bird referencing braided rivers in Policy ECO-P4(2), I agree this is clearer than the notified wording and support it be adopted as follows:

ECO-P4	To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:
	1. ...
	2. Clearance of indigenous vegetation in and on the margins of Lake Whatuma, and other natural wetlands and braided-rivers, <u>including braided rivers</u>;
	3. ...

30. On this basis, I change my recommendation to Forest and Bird's submission point S75.034 from 'reject' to 'accept in part'.

Rule ECO-R1 and 'plantation forestry undergrowth'

31. I note the speaking notes and table presented at the Hearing by Tom Kay, for The Royal Forest and Bird Protection Society of New Zealand Incorporated, relating to their submission point S75.038 on Rule ECO-R1.

32. At para 10.3.3 contained within Key Issue 7 – ECO Rules, of my s42 A report I stated:

'With respect to 'plantation forestry undergrowth' and 'planted indigenous forestry' the PDP has sought to align with the NES-PF. Regulation 93 allows for clearance of indigenous vegetation as a permitted activity except for where it is located within an SNA, in which case a restricted discretionary resource consent is required (Regulation 94). In my view, it is therefore appropriate to provide for plantation forestry undergrowth and planted indigenous forestry as permitted activities as set out in Rule ECO-R1. On this basis I recommend rejecting S75.038 from Forest & Bird.'

33. Having further clarified the status of the NES-PF, it is now my understanding that with respect to clearance of indigenous vegetation within an identified SNA, the NES-PF defaults to the District Plan (rather than a 'restricted discretionary' consent under the NES-PF). Exceptions to that are the clearance of a forestry track described in Reg 93(2)(d). I therefore consider ECO-R1 should be amended to reflect this and recommend the following amendment:

ECO-R1 Trimming or clearance of indigenous vegetation within any of the following:		
	<ul style="list-style-type: none"> • Areas of domestic or ornamental landscape planting; or • Planted shelter belts; or • Plantation forestry undergrowth <u>(excluding where it forms part of any area identified as a Significant Natural Area in ECO-SCHED5)</u>; or • Planted indigenous forestry. 	
All Indigenous Vegetation Species	1. Activity Status: PER	2. Activity status where compliance not achieved: N/A
	Where the following conditions are met: N/A	

34. For clarification, I note that Mr Kay has correctly highlighted that have recommended two versions of a note regarding the relationship of NES-PF and PDP. The correct version of that note is as set out in my supplementary evidence and addressed in my opening statement, and as agreed with by submitters Ernslaw One Limited and Rayonier Matariki Forests as follows:

'For the avoidance of doubt, the NES-PF does not apply to the following activities, and they are therefore subject to the rules in this chapter:

- *Vegetation clearance of indigenous vegetation that occurs before afforestation (see Reg 5(3));*
- *Vegetation clearance of indigenous vegetation within a significant natural area, except that clearance of a forestry track described in Reg 93(2)(d) NES-PF, or incidental damage described in Reg 93(5), are covered by the NES-PF under Reg 93 or 94).'*

35. For the reasons outlined above I change my recommendation to submission point S75.038 from 'reject' to 'accept in part'.

Rule ECO-R2 permitted activity conditions

36. I note the speaking notes and table presented at the Hearing by Tom Kay, for The Royal Forest and Bird Protection Society of New Zealand Incorporated, relating to their submission point S75.030 on Rule ECO-R2.

37. Forest and Bird are seeking the following permitted activity condition for ECO-R2(1) and Eco-R2(3):

- *The area cleared does not exceed 500m²; and*
- *The area to be cleared does not include any trees of 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree; and*
- *The area to be cleared is not within 50m of an SNA; and*
- *Proof of previous clearance is provided (e.g. through LINZ aerial imagery) to the Council before trimming or clearance is undertaken; and*
- *No part of the area to be cleared is within or within 10m of a natural wetland ; and*
- *Any previous clearance of the area was undertaken lawfully; and*
- *No part of the area to be cleared is in the Coastal Environment.*

38. Their reasons as outlined in Mr Kay's speaking notes are as follows:

'As it stands, a large area of regenerating native bush could be cleared in its entirety, or an area could effectively be cleared with only 'large' trees left. This is a serious loophole that means succession of large trees will never be able to occur as the understory (along with its valuable functions as habitat) can continually be cleared. It also means regenerating areas may never actually regenerate to their full potential as restoration is prevented by ongoing clearance (e.g. because trees take so long to reach 30cm in diameter and can be cleared before reaching that size). While we accept that some clearance can be permitted, conditions are needed to ensure that the adverse effects of doing so are no more than minor.

In addition, if an area of vegetation has regrown in 15 years it could now qualify as an SNA and permitted activity conditions are needed to trigger an assessment through a consent process, for example: where larger trees are included within the regenerated area, clearance is of an area more than 500m², or clearance could conflict with Policy 11 of the NZCPS.'

39. As set out in paragraphs 10.3.45-10.3.46 and 10.3.89 of my section 42 A Report, these rules seek to capture indigenous vegetation that may not have been identified as part of the district wide assessment completed by Council's ecologist Mr Kessels. Whilst most of these areas are likely to have been captured, it recognizes and acknowledges the inherent limitations of a desktop assessment and therefore provides protection for remaining areas that may have been missed. It also addresses the particular threats to manuka and kanuka posed by myrtle rust. The District Plan rule framework does

not seek to regulate small clusters of indigenous vegetation, but rather seeks to focus on more mature vegetation and vegetation that meets the criteria of significance.

40. To further assist the Hearings Panel in clarifying how the rule framework is intended to apply, we have prepared a flow diagram (attached as Appendix 4). In summary, the rules for trimming and clearance seek to focus on Councils section 6(c) responsibilities, being the '*protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*'. Whilst I acknowledge other areas of indigenous vegetation and habitats have important ecological values, the District Plan is not seeking to regulate the trimming and clearance of these. On that basis the rules are intended to work as follows:

- Rule ECO-R1: This rule seeks to clarify particular activities where the PDP does not seek to control trimming and clearance.]
- Rule ECO-R2: This rule seeks to exempt indigenous vegetation regrowth, in particular manuka and kanuka. The 30cm diameter and 1.4 m height requirements together with the 15-year limit specifically seek to capture regrowth and differentiates it from other indigenous vegetation that is not re-growth (captured by Rule ECO-R4). If it is manuka and kanuka regrowth that exceed these limits, then a restricted discretionary consent is required. If it is other indigenous regrowth vegetation then a plan user is directed to consider Rules ECO-R3 – ECO-R6.
- Rule ECO-R3: This rule provides for trimming and clearance within SNA. (*NOTE In my supplementary evidence I have recommended moving ECO-R3 1(b) to its own permitted activity rule so that these exceptions then apply to ECO-R2, ECO-R4 and ECO-R6.*)
- Rule ECO-R4: This rule seeks to capture remaining areas that may not have been scheduled and mapped as SNA but which constitute significant indigenous vegetation or habitat. Whilst Council's ecologist is reasonably confident he has captured the majority of such sites, this rule provides a 'safety net' to scrutinise any remaining areas of indigenous vegetation which are sufficiently large and to potentially warrant protection but for whatever reason have not been captured by the most recent databases and information and therefore considered as SNA.
- Rule ECO-R5: This rule is a 'catchall rule' for scenarios that may be not anticipated. [However, as discussed below, I now agree with a submission by Federated Farmers that the rule is unnecessary, and below I recommend accepting the submission that it be deleted]
- Rule ECO-R6: This rule is specific to natural wetlands, identified as SNA.

41. With respect to Rule ECO-2 (and Rule ECO-R4) I note Mr Kays comments and the request for additional permitted activity conditions. I consider that if the more restrictive permitted activity conditions were applied as sought by Forest and Bird, this would change the underlying intent of the PDP which is to only regulate areas of significant indigenous vegetation and significant habitats of indigenous fauna, in accordance with s6(c), and use other non-regulatory methods to protect the district's broader indigenous vegetation values.

42. For these reasons, I have not changed my position from that which is set out in Key Issue 7 ECO-Rules of my Section 42A Report.

Rule ECO-R3(1)(b) deletion of certain activities

43. I note the speaking notes and table presented at the Hearing by Tom Kay, for The Royal Forest and Bird Protection Society of New Zealand Incorporated, relating to their submission point S75.040 on Rule ECO-R3(1)(b).

44. I comment on the following decisions sought as outlined by Mr Kay:

- Delete Condition ii or amended so that it only applies where there is a risk to health and safety.

Comment

I consider that the requirement in this provision for written certification from a certified arborist that the indigenous vegetation is no longer independently viable or poses a risk is a reasonable approach and do not support deleting this condition;

- Delete Condition iii.

Comment

I am unsure of Forest and Birds reasons for seeking that condition iii be deleted but as addressed in my S42A report (refer Key Issue 4 paragraphs 7.3.5 -7.3.6 and 7.3.14-17.3.17) Council does not wish to require consent for activities in areas that have been identified as SNA and are also protected by legal mechanisms. This was a concern for a number of submitters.

- Conditions vi, vii, viii should only allow for this clearance where the activity it is required for was lawfully established.

Comment

Condition vi provides for work being carried network utility operators, condition vii relates to maintenance of existing tracks, roads etc and condition viii relates to trimming or clearance around existing buildings. I do not consider including the words 'lawfully established' will be helpful within this rule and adds a layer of regulatory complexity which does not have an obvious environmental benefit. The issue of their 'lawfulness' is a matter that can be challenged outside of the PDP should an issue arise.

- Amend Condition ix. *"required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or"*

Comment

Mr Kay is concerned that permitting trimming or clearance up 2 m either side of the fenceline could result in unjustified loss of significant indigenous vegetation.

I note this provision only applies to new fencing for stock or pest exclusion (i.e. for conservation reasons). Whilst I acknowledge the limit is arbitrary, 2m either side seems reasonable to me, as it allows vehicle access along both sides when erecting a new fence for conservation purposes.

It may assist the panel to note some other recent district plan provisions on the same matter as follows:

Partially Operative Hastings District Plan (Feb 2020)

Standard 20.1.6B permits :

'(f) It is for a new fence, where the purpose of the fence is to exclude stock and/or pests from the area, provided the modification does not exceed 3.5m in width either side of the fenceline.'

New Plymouth PDP (Notified 23 Sep 2019)

ECO-R1(4) permits the following *'Required for the construction of new fences and trap lines for conservation purposes to exclude stock or pest animals, and associated pest management work'. (NB no minimum specified).*

Waikato PDP (Decisions Version) 17 January 2022)

ECO-R4(ii) permits vegetation clearance within SNA – where:

'Conservation fencing to exclude stock or pests' (NB no minimum specified).

I also note 2m each side is the maximum, not a requirement, but seeks to allow flexibility for access whilst building a fenceline.

On this basis, I consider the 2m as proposed is not unreasonable.

45. On the whole with respect to these matters I have not changed my position from that which is set out in Key Issue 7 ECO-Rules of my Section 42A Report.

Rule ECO-R4 clarifications

46. I note the speaking notes and table presented at the Hearing by Tom Kay, for The Royal Forest and Bird Protection Society of New Zealand Incorporated, relating to their submission point S75.041 on Rule ECO-R4.

47. Mr Kay has presented that with respect to ECO-R4 *'It is unclear how a plan user determines that clearance under ECO-R4 is outside of an area of significant indigenous vegetation and/or significant habitat of indigenous fauna.*

This may require an assessment to ensure the area does not meet the criteria in ECO-P1. However, this may be difficult to manage at the permitted activity level for both those wanting to undertake the activity and for council enforcement.

We also consider the conditions need rewording to ensure that large areas of vegetation are not cleared, with only the large trees left standing (we have also commented on this regarding ECO-R2).'

48. Forest and Bird seek to clarify how a determination is to be made that an area is outside an area of significant indigenous vegetation and/or significant habitat of indigenous fauna (i.e. not only that it isn't listed as an SNA, but also that it doesn't qualify as one). They have requested the following:

- Consider adding a condition to limit activities to "areas that do not meet the criteria in ECO-P1.
- Amend and add conditions as set out in respect of ECO-R2 above.
- Amend condition ii. b. "must only include areas of vegetation with have an average a canopy height of less than 64 metres.

49. I comment on these matters as follows:

- *'Consider adding a condition to limit activities to 'areas that do not meet the criteria in ECO-P1'.*

Comment

I understand that Forest and Bird are asking for this rule to apply the principles of ECO-APP1 to all other areas of indigenous vegetation that have not been identified in ECO-SCHED5 and mapped on the District Plan maps, to determine if such areas meet the quantifying thresholds and attribute assessment criteria.

Rule ECO-R4 has two aims, the first being to maintain areas of mature manuka and kanuka (excluding regrowth in which case Rule ECO-R2 applies), and the second, to scrutinise clearance of remaining large intact areas of indigenous vegetation that may have been missed by the Natural Heritage Review, to determine if they are significant.

A requirement to apply the principles of ECO-APP1 broadly, as sought by Forest and Bird places a high burden of proof and associated cost on the landowner, when there has been considerable effort to identify and map such areas. Whilst there is a risk that vegetation that falls outside of these thresholds might meet the tests of significant (as guided by the principles in ECO-APP1) I am satisfied that this risk is low, given Mr Kessels high levels of confidence in his assessment of the district's natural resource. I do however consider that a lowering of the 1 ha area threshold to 0.5 ha, to align with the 0.5 ha minimum used by Mr Kessels in his assessment of SNA, would be appropriate which may allay some of Forest and Birds concerns.

I also agree with Forest and Bird that some rewording of the rules would be helpful to clarify when they apply. On this basis I recommend the following changes to the naming of the headings in rules ECO-R3 and ECO-R4 to assist in identifying when the rules apply. I also recommend the above reduction in area threshold for Rule ECO-R4, and amendments to the wording in ECO-R4 to assist with interpretation of the rule as set out below:

ECO-R3 Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)

ECO-R4 Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5

<p>Manuka and Kanuka Species Only</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 4 <u>0.5</u> hectare per site per calendar year.</p> <p>ii. Trees to be cleared must be have:</p> <p>a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm;</u> and</p> <p>b. must have an average canopy height of less than 6 metres.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ECO-AM1.</p>
<p>All Other Indigenous Vegetation Species</p>	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 4 <u>0.5</u> hectare per site per calendar year.</p> <p>ii. Trees to be cleared must be have:</p> <p>a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree <u>an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm;</u> and</p> <p>b. must have an average canopy height of less than 6 metres.</p>	<p>4. Activity status where compliance not achieved: DIS</p>

- 'Amend and add conditions as set out in respect of Rule ECO-R2 above'.

Comment

For the same reasons outlined above, I consider the more stringent conditions as sought by Forest and Bird, place a greater burden of protection than section 6(c) requires and I do not support this approach.

- *'Amend condition ii. b. "must only include areas of vegetation with have an average a canopy height of less than 64 metres'.*

Comment

I am unsure why Forest and Bird have sought this lesser height for ECO-R4, but I reiterate that these thresholds have been reviewed and approved by Council ecologist.

50. In conclusion, I have not changed my position with respect to the permitted activity conditions from that which is set out in Key Issue 7 ECO-Rules of my Section 42A Report. I do however consider amendments to Rules ECO-R3 and ECOR4 as set out above will help clarify when respective rules apply. On this basis I change my recommendation to S75.041 from 'reject' to 'accept in part'.

Rule ECO-R5

51. S121.032 Federated Farmers originally submitted to delete Rule Eco-R5. In Key Issue 6 of my S42A report I recommended that it be retained to provide for unforeseen situations (para 10.3.94). Having now reviewed the rules and clarified how they work as set out in the flow chart in Appendix 4 attached, I now consider that trimming and clearance of indigenous vegetation will be captured by rules ECO-R1- ECO-R4 and ECO-R6 and that ECO-R5 is superfluous.

52. For the reasons outlined above I change my recommendation to submission point S121.032 Federated Farmers from 'reject' to 'accept'.

53. This also affects my recommendation to the following submissions:

Submission Point	Submitter (S) / Further Submitter (FS)	Position	Summary of Decision Requested	S42A Recommendation	Right of Reply Recommendation
S75.042	Forest & Bird	Support	Retain ECO-R5 as notified	Accept	Reject
FS19.10	The Director General of Conservation	Support	Allow in part	Accept	Reject
FS5.080	Ngā hapū me ngā marae o Tamatea	Support	Allow	Accept	Reject
S121.032	Federated Farmers	Oppose	Delete ECO R5	Reject	Accept
FS9.32	Forest & Bird	Oppose	Disallow	Accept	Reject
S39.006	Kathryn Bayliss	Oppose	Amend	Reject	No change
FS25.61	Federated Farmers	Oppose	Disallow	Accept	No change

Schedule ECO-SCHED5

54. I note the speaking notes and table presented at the Hearing by Tom Kay, for The Royal Forest and Bird Protection Society of New Zealand Incorporated, relating to on ECO-SCHED5. This expands on their submission point S75.059 in support of ECO-SCHED5.

55. Mr Kays speaking notes outline concern that mapping of SNA only occurred for areas of over 0.5ha and in response to this concern he has reiterated Forest & Bird's concerns that permitted vegetation clearance rules be amended to:

'1) ensure small areas are not cleared and cumulative effects of clearance are avoided as far as possible.

2) ensure a precautionary approach and clear trigger for resource consent is present in the plan.'

56. As no specific changes were sought to ECO-SCHED5 and the comments in relation to this were of a general nature, there has been nothing presented that has changed my position from that which is set out in Key Issue 7 ECO-Rules of my Section 42A Report.

New 'Assessment Matter' for fencing

57. I note the planning evidence presented by Ms Lynette Baish, on behalf of Ernslaw and Rayonier Matariki Forests (Rayonier).

58. At paragraphs 23-31 of Ms Baish's evidence she outlines Ernslaw and Rayonier's reasons for requesting that stock exclusion be considered '*as a discretionary criterion for resource consents for any activities affecting SNAs*'. This expands on Ernslaw's submission point S132.005 that I have addressed at paragraphs 5.3.45 -5.3.4, Key Issue 7 ECO-Rules of my Section 42A Report.

59. Ms Baish cites 'matter (h)' of the draft NPS-IB, as their reason for requesting the inclusion requirement of fencing as an assessment matter.

60. Matter(h) is one of a number of 'adverse effects on indigenous biodiversity' outlined in Part 1 Clause 4 (1.7)¹ 'Fundamental concepts' of the draft NPS-IB 'preliminary provisions'. It reads as follows:

'disruption to indigenous fauna by people and their pets and livestock and changes that increase the risk of disruption.'

61. These provisions are a list of adverse effects that are a threat to indigenous biodiversity, providing context for the draft NPS-IB. Whilst I acknowledge fencing can be a mitigating factor with respect to this particular risk, it is only one of a range of methods that that could be employed to address the wide range of risk outlined in these provisions, and there is no particular justification to identify fencing on its own as a matter for consideration.

62. As noted in my section 42A report '*the PDP, has sought to balance the need to protect the District's indigenous biodiversity resource with landowners' legitimate activities, which is generally farming activities within the Central Hawke's Bay context.*'²

63. No additional evidence has been presented that changes my mind with respect to this submission point.

Assessment Matter ECO-AM1 and ECO-AM2, Trimming and Clearance of Indigenous Vegetation

¹ refer <https://environment.govt.nz/assets/Publications/Files/draft-npsib.pdf>

² Ecosystems and Indigenous Biodiversity Section 42A Topic Report paragraph 5.3.48 page 26.

64. I note the statement of evidence presented by Mr Paul William McGimpsey on behalf of Fire and Emergency New Zealand, (FENZ) and the verbal evidence presented by Bob Palmer and Nigel Hall from local FENZ office.

65. In submission points S57.064 and S57.65 FENZ sought to insert a new Assessment Matter into to ECO-AM1 and ECO-AM2 as follows:

'The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.'

66. They were invited to provide evidence at the Hearing of the need for this in the Central Hawke's Bay context.

67. Mr McGimpsey outlined in his evidence that they supported Rules ECO-R1 – R4 *'to the extent that these proposed rules provide for the preventative mitigation of fire risk to property and life through providing for the trimming or clearance of indigenous vegetation within specified areas as a permitted activity. This will enable property owners and occupiers to remove flammable vegetation as required. This is particularly important where property is located outside of a reticulated water network*

Fire and Emergency therefore sought a new assessment matter be added to ECO-AM1 and ECO-AM2 in order to enable fire risk reduction benefits to be considered when assessing applications to remove Manuka or Kanuka or trim and clear indigenous vegetation, where this is relevant. For clarity, Fire and Emergency did not seek to remove or reduce the need to obtain resource consent for these activities. I agree with the Reporting Officer that it is not unreasonable that consent may be required on occasion for trimming and clearance of areas of indigenous vegetation'

68. Mr Hall provided verbal evidence that some vegetation is more flammable than others and the importance of 'defensible spaces' around habitable buildings. Whilst they did not particularly address the matter of flammability in indigenous vegetation, they did provide some context citing the Port Hill Fires as an example showing how quickly fire can spread in natural areas.

69. I am therefore comfortable that these Assessment Matters be included in this section of the Plan as shown below:

ECO-AM2 Removal of Manuka or Kanuka

1...

14. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.'

ECO-AM2 Trimming and clearance of Indigenous Vegetation

1...

13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

70. For the reasons outlined above I change my recommendation to submission points S57.064 and S57.65 FENZ, from 'reject' to 'accept in part'.

Open Space and Recreation/ Public Access/ Activities on the Surface of Water

71. I note the statement of evidence presented by Mr Brian Eccles on behalf of Jet Boating New Zealand, (JBNZ).

72. JBNZ's original submission point S48.005 sought an amendment to ASW-R1 seeking a new permitted activity rule to provide for use of non-commercial motorised craft on the Tukituki River main stem above the Waipawa River confluence excluding July August and September.

73. JBNZ submission identified the months of July, August and September based on the fish spawning season.
74. In my 'Open Space and Recreation/ Public Access/ Activities on the Surface of Water' Section 42A Report I recommended declining this on the basis that Policy ASW-P1 specifically refers to the effects of motorized craft on 'trout habitat and the habitat of indigenous fauna' and thus associated rule ASW-R1 is not limited to effects on fish species only. It would therefore in my mind be inappropriate to amend the rules as proposed by Jet Boating New Zealand as it would fail to protect the habitat of trout and indigenous fauna as proposed by these provisions, including Rules ASW-R1.
75. Mr Eccles presented written evidence at the Hearing amending their submission as follows:
- 'Withdraw the proposed Tukituki changes (above the Waipawa confluence) in favour of just the Waipawa – our preferred resource*
- Add frequency constraints for the Waipawa section. Limit to 3 JBNZ organised events per year, but with no "spawning" restrictions as proposed. (Fish and Game inform me there is an open fishing season all round on this section)'*
76. Mr Eccles further clarified that their presence relates to that section of the Waipawa River upstream of the confluence with the Tukituki River, and below the bridge on State Highway 50.
77. Mr Eccles also provided in his statement that there is no evidence to support jetboat use of the river in the manner proposed by JBNZ as being incompatible with flora and fauna.
78. The Hearing's Panel questioned Council's ecologist Mr Gerry Kessels on this matter and he advised that jetboats can have effects on river ecology at particular times of the year. In further discussion with Mr Kessels, he has advised that if such events were to occur, restricting them to March to September (inclusive), to avoid the banded dotterel breeding season (which is also a similar period for other breeding indigenous fauna), would be appropriate.
79. On this basis, I consider a 'controlled activity' rule could be appropriate setting out certain conditions and matters for control. If the Hearings Panel are of a mind to approve this request, I have drafted the following rule to assist:

ASW-R1 Use of motorised craft on the surface of rivers and lakes		
On Horseshoe Lake or Lake Whatuma	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to engines that are less than 5 horsepower.</p> <p><i>Note: This does not apply to the use of small motorized, remotely-controlled craft, operated by suitably qualified persons, for river monitoring purposes.</i></p>	<p>2. Activity status where compliance not achieved: DIS</p>
Any River Upstream of the Confluence of the Tukituki and Waipawa Rivers	<p>3. Activity Status: CON</p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>locations on the Waipawa River upstream of the confluence with the Tukituki River, and below the bridge on State Highway 50</u></p>	<p>4. Activity Status where compliance not achieved: DIS</p>

<p>All Other Rivers and Lakes</p>	<p>ii. <u>non-commercialised water recreation activities</u></p> <p>iii. <u>3 temporary events per year of no more than two consecutive days per event.</u></p> <p>iv. <u>timing of event – March to September (inclusive)</u></p> <p>35. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>N/A</p> <p>a. <u>Limited to:</u></p> <p>i. <u>All other locations on the Waipawa River upstream of the confluence with the Tukituki River</u></p> <p><i>Note: This does not apply to the use of small motorized, remotely-controlled craft, operated by suitably qualified persons, for river monitoring purposes.</i></p>	<p>46. Activity status where compliance not achieved: N/A</p>
<p>ASW-R2 All other activities on the surface of rivers and lakes not otherwise provided for</p>		
<p>All Rivers and Lakes</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>

80. On the basis, of the above information I consider a ‘controlled activity’ rule as outlined is appropriate as it will address any potential adverse effects of non-commercialised water recreation activities on river habitat and will ensure such events are limited in number and duration.

81. For the reasons outlined above, I change my recommendation to submission point S48.005 JBNZ, from ‘reject’ to ‘accept in part’.

Date: 8 April 2022



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List of Expert Evidence, Legal Submissions, Submitter Statements

Submitter Evidence

- Paul McGimpsey for Fire and Emergency New Zealand [S57]
- Rhea Dasent for Federated Farmers of New Zealand [S121]
- Kāinga Ora - Homes and Communities [S129, FS23]
- Jet Boating New Zealand [S48]
- Horticulture New Zealand [S81]

Submitter Tabled Legal Submissions

- Trish Fordyce for Ernslaw One Limited [S132, FS22] and Rayonier Matariki Forests [S85]

Submitter Presentations

- Speaking Notes – Tom Kay for the Royal Forest and Bird Protection Society of New Zealand Incorporated [S75, FS9]
- Speaking Notes – Rhea Dasent for Federated Farmers of New Zealand [S121]

Supplementary Statements

- Memorandum of Responses to Panel Questions – Royal Forest and Bird Protection Society of New Zealand Incorporated [S75, FS9]

APPENDIX 2

Updated Recommended Amendments to Plan Provisions

NATURAL ENVIRONMENT VALUES

ECO – Ecosystems and Indigenous Biodiversity

Introduction

In achieving the sustainable management purpose of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, is specifically identified as a 'matter of national importance' (section 6(c)).

The RMA also requires particular regard to be given to 'other matters', including kaitiakitanga (s7(a)), and the intrinsic values of ecosystems (s7(d)), amongst other things.

Section 31 of the RMA also requires territorial authorities to control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity (s31(1)(b)(iii)).

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant, however it is important that an opportunity to consider the impact of these activities on the District's remaining significant indigenous vegetation and significant habitats of indigenous fauna is provided for in the District Plan.

At a national level, a National Policy Statement for Indigenous Biodiversity (NPS-IB) is anticipated to be gazetted and to take effect mid 2021, which is expected to require district plans to:

- undertake a district-wide assessment to identify and map areas of significant indigenous vegetation and / or significant habitats of indigenous fauna within the District; and
- take steps to ensure the protection, maintenance and restoration of indigenous biodiversity.

It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.

Issues

ECO-I1 Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

ECO-I2 The desire of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.

Commented [SM1]: S125.051 Ngā hapū me ngā marae o Tamatea
SNA Topic Key Issue 3

Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.

Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that

there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

Objectives

ECO-01 **Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.**

Commented [SM2]: S75.029 Forest and Bird SNA Topic Key Issue 3

ECO-02 **Maintain indigenous biodiversity within Central Hawke's Bay District.**

ECO-03 **The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.**

Commented [SM3]: S120.018 Heretaunga Tamatea Settlement Trust SNA Topic Key Issue 3

Policies

ECO-P1 **To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their**

location on the Planning Maps **(except for areas that meet Criterion 1, where at least one of Criterion 2-7 must also be met).**

Commented [SM4]: S75.031 Forest & Bird SNA Topic Key Issue 4

<i>Ecological Significance Determination Criteria for the Central Hawke's Bay District</i>	
CRITERION 1 <u>Protection Status:</u>	It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.
CRITERION 2 <u>Representativeness:</u>	<ul style="list-style-type: none"> • It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally. <p>OR</p> <ul style="list-style-type: none"> • It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level. <p>OR</p> <ul style="list-style-type: none"> • It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.
CRITERION 3 <u>Diversity and Pattern:</u>	It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.
CRITERION 4 <u>Rarity – Species:</u>	It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are: <ul style="list-style-type: none"> • classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or • endemic or uncommon to the Hawke's Bay Region, or • at the limit of their natural range.
CRITERION 5 <u>Rarity - Ecosystems:</u>	It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.
CRITERION 6 <u>Distinctiveness:</u>	<ul style="list-style-type: none"> • It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally. <p>OR</p> <ul style="list-style-type: none"> • It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with: <ul style="list-style-type: none"> ○ waste treatment; ○ wastewater renovation; ○ hydroelectric power lakes; ○ water storage for irrigation; or ○ water supply storage, including stock water storage.
CRITERION 7 <u>Ecological Context:</u>	It is an area of indigenous vegetation or naturally occurring habitat that: <ul style="list-style-type: none"> • is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type. <p>OR</p> <ul style="list-style-type: none"> • is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a

	specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.
OR	
•	is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.
<i>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.</i>	

- ECO-P2 To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance, whilst providing for limited trimming and clearance opportunities where it is necessary for the economic, social and cultural wellbeing of people or their health and safety.
- ECO-P3 To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.
- ECO-P4 To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:
1. Clearance, modification, damage or destruction of **large areas of intact** indigenous vegetation or habitats of indigenous fauna;
 2. Clearance of indigenous vegetation in and on the margins of Lake Whātuma, and other natural wetlands and including braided rivers;
 3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or
 4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.
- ECO-P5 To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.
- ECO-P6. To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the Districts indigenous biodiversity.
- ECO-P7 To recognise landowners' stewardship and current management practices (including weed management and pest control) associated with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.
- ECO-P8 To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

Commented [SM5]: S121.017 Fed Farmers SNA Topic Key Issue 3

Commented [SM6]: S75.034 Forest & Bird - Right of Reply dated 8 April 22 - change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic Report, Key Issue 6 to **accept in part** (and reject Federated Farmer FS 25.52)

ECO-P9 To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:

1. There is a functional or operational need for the infrastructure to be in that particular location; and
2. The route/site selection process has identified no practicable alternative locations.

Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.

Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following: <ol style="list-style-type: none"> 1. Areas of domestic or ornamental landscape planting; or 2. Planted shelter belts; or 3. Plantation forestry undergrowth <u>(excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5);</u> or 4. Planted indigenous forestry. 	ECO-R1
<u>Trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</u>	<u>ECO-R1A</u>
Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years	ECO-R2
Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)	ECO-R3

Commented [SM7]:

Commented [SM8R7]: Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.038 Forest & Bird, (and amend Fed Farmers (FS25.54) to reject and DOC (FS19.8) to accept in part)

Commented [SM9]: Hearing Stream 1 - Supplementary Evidence Stella Morgan dated 11 Mar 2022, change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept** S81.073 Hort NZ submission for an additional rule that enables a biosecurity response (and accept Federated Farmers (FS25.53) and reject Nga Hapu Me nga Marae O Tamatea (FS5.069))

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Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5 of significant indigenous vegetation and/or significant habitat of indigenous fauna	ECO-R4
Trimming or clearance of indigenous vegetation not otherwise provided for	ECO-R5
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

Note 1: Note – Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the NES-PF apply instead of the rule. This specifically applies to afforestation, and vegetation clearance that occurs during or after afforestation outside of a significant natural area and ‘incidental damage’ within or outside a significant natural area. Vegetation clearance of indigenous vegetation that occurs before afforestation, or within a significant natural area (other than incidental damage) is not controlled by the NES-PF, and the rules in this Chapter will apply.

Note 2: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.

ECO-R1 Trimming or clearance of indigenous vegetation within any of the following:

- Areas of domestic or ornamental landscape planting; or
- Planted shelter belts; or
- Plantation forestry undergrowth **(excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5); or**
- Planted indigenous forestry.

All Indigenous Vegetation Species	1. Activity Status: PER	2. Activity status where compliance
	Where the following conditions are met: N/A	

Commented [SM10]: S85.008 Rayonier Matariki Forests; S132.002 Ernslaw One Limited ; S132.003 Ernslaw One Limited; S132.004 Ernslaw One Limited SNA Topic Key Issue 7

Commented [SM11]: S11.037 Hawke's Bay Regional Council SNA Topic Key Issue 2

Commented [SM12]: Hearing Stream 1 - Right of Reply dated 18 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.038 Forest & Bird, (and amend Fed Farmers (FS25.54) to reject and DOC (FS19.8) to accept in part)

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not achieved:
N/A

ECO-R1A Trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)

All indigenous vegetation species

1. Activity Status: PER

2. Activity status where compliance not achieved: ECO-R2 to ECO-R5 apply

Where the following conditions are met:

- a. Limited to trimming or clearance that is:
- i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or
 - ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or
 - iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or
 - iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, or by landowners and personnel working with these organisations for this purpose; and or removal of material infected by an unwanted organism under the Biosecurity Act 1993; or
 - v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
 - vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
 - vii. necessary to provide for the maintenance and safe and efficient

Commented [SM13]: Hearing Stream 1 - Supplementary Evidence Stella Morgan dated 11 Mar 2022, change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept** S81.073 Hort NZ submission for an additional rule that enables a biosecurity response (and accept Federated Farmers (FS25.53) and reject Nga Hapu Me nga Marae O Tamatea (FS5.069))

Commented [SM14]: S121.030 Fed Farmers SNA Topic Key Issue 7

operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or

viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or

ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or

x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m³ of timber per site per 10-year period.

Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.

Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.0

Commented [SM15]: S121.030 Federated Farmers SNA Topic Key Issue 7

ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years

Manuka and Kanuka Species Only

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.

Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. ECO-AM1.

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<p>All Other Indigenous Vegetation Species</p>	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</p>
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ECO-R3 Trimming or clearance of indigenous vegetation inside any areas of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)

<p>All Indigenous Vegetation Species</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <p>i. clearance of no more than 500m² of indigenous vegetation per site per calendar year; or</p> <p>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.</p> <p>OR</p> <p>b. Limited to trimming or clearance that is:</p> <p>i. xi. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</p> <p>ii. xii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</p> <p>iii. xiii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or</p>	<p>2. Activity status where compliance not achieved: DIS</p>
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- Commented [SM16]: S64.064 Department of Conservation SNA Topic Key Issue 7
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- Commented [SM17]: Hearing Stream 1 - Right of Reply dated 18 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.041 Forest & Bird, (and amend Fed Farmers (FS25.60) to reject)
- Commented [SM18]: S75.040 Forest and Bird SNA Topic Key Issue 7
- Commented [SM19]: Note this has now been moved to a separate rule ECO-R1A as a result of S81.073 Hort NZ

- iv.xiv. _____ required for pest control undertaken by ~~or in conjunction with~~ the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, ~~or by landowners and personnel working with these organisations for this purpose~~; and ~~or~~ removal of material infected by an unwanted organism under the Biosecurity Act 1993; or
- v.xv. _____ necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
- vi.xvi. _____ necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
- vii.xvii. _____ necessary to provide for the maintenance and safe and efficient operation of existing tracks, ~~stock crossing and bridges~~, drains, ~~firebreaks~~, formed public roads, private accesses, driveways, right of ways and walkways; or
- viii.xviii. _____ necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
- ix.xix. _____ required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
- x.xx. _____ for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m³ of timber per site per 10-year period.

Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand

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Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.

Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.

Note (3): Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

ECO-R4 Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5.

Manuka and Kanuka Species Only

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. clearance of no more than 4 **0.5** hectare per site per calendar year.
 - ii. Trees to be cleared must be **have**:
 - a. ~~no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree~~ **an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm;** and
 - b. must have an average canopy height of less than 6 metres.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. ECO-AM1.

All Other Indigenous Vegetation Species

3. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. clearance of no more than 4 **0.5** hectare per site per calendar year.
 - ii. Trees to be cleared must ~~behave~~:
 - a. ~~no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree~~ **an average diameter measured 1.4m from the highest point of ground level at the**

4. Activity status where compliance not achieved: DIS

Commented [SM22]: As a result of amendment made to note above preceding rules, in response to submissions from: S85.008 Rayonier Matariki Forests; S132.002 Ernslaw One Limited ; S132.003 Ernslaw One Limited; S132.004 Ernslaw One Limited SNA Topic Key Issue 7

Commented [SM23]: Hearing Stream 1 - Right of Reply dated 18 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.041 Forest & Bird, (and amend Fed Farmers (FS25.60) to reject)

- base of the tree, of no more than 15cm;
- and
- b. must have an average canopy height of less than 6 metres.

ECO-R5 Trimming or clearance of indigenous vegetation not otherwise provided for

All Indigenous Vegetation Species	1. Activity Status: DIS Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
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ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5

All Indigenous Vegetation Species	1. Activity Status: NC Where the following conditions are met: N/A <u>Note1: Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</u> <u>Note (2): This rule does not apply to vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to the (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 & 47).</u>	2. Activity status where compliance not achieved: N/A
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Commented [SM24]: Hearing Stream 1- Right of Reply dated 18 April 2022, change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 6 to **accept** s121.032 Federated Farmers (and amend Forest and Bird (FS9.32) to reject); and subsequent amendments to S75.042 Forest & Bird (and further submissions The Director General of Conservation (FS19.10) and Nga Hapu me nga marae o Tamatea (FS5.080))

Commented [SM25]: S11.019 HBRC SNA Topic Key Issue 7

Commented [SM26]: S79.066 Transpower New Zealand Ltd SNA Topic Key Issue 7

Assessment Matters

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

ECO-AM1 Removal of Manuka or Kanuka

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
- 5-6. **Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at risk species and the impact that the clearance may have on these areas.**
- 6-7. Location and dimensions of areas to be cleared and vegetation type.
- 7-8. Effects on archaeological, cultural, or historic sites.
- 8-9. Effects on waterbodies and riparian margins.
- 9-10. Clearance methods.
- 10-11. Where biodiversity off-setting is proposed, the application of the principles contained in ECO-APP2 will be considered.
12. 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.
13. **Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.**
14. **The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.**

Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).

ECO-AM2 Trimming and Clearance of Indigenous Vegetation

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.

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3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district in which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
6. Location and dimensions of areas to be cleared and vegetation type.
7. Effects on archaeological, cultural or historic sites.
8. Effects on waterbodies and riparian margins.
9. Clearance methods.
10. Where biodiversity off-setting is proposed, the application of the principles in ECO-APP2 will be considered.
11. 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.
12. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

Commented [SM30]: S125.075 Ngā hapū me ngā marae o Tamatea
SNA Topic Key Issue 3

Commented [SM31]: Hearing Stream 1 - Right of Reply dated 18 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 8 to **accept** S57.065 FENZ

Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).

Methods

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

ECO-M1 Identification and Mapping of Significant Natural Areas

Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.

ECO-M2 Other Provisions in the District Plan

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. TW – Ngā Tangata Whenua o Tamatea
2. SASM – Sites and Areas of Significance to Māori
3. NFL – Natural Landscapes and Features
4. SUB – Subdivision
5. CE – Coastal Environment
6. EW – Earthworks – rules limit the amount of earthworks in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

ECO-M3 Biodiversity Offsetting

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed, to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied, or mitigated. This includes reference to '*Guidance of Good Practice Biodiversity Offsetting in New Zealand*', (Department of Conservation, (2014))' and '*Biodiversity Offsetting Under the Resource Management Act, A Guidance Document*' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)); and the principles outlined in ECO-APP2.

Commented [SM32]: S75.047 Forest and Bird SNA Topic Key Issue 5

ECO-M4 Promotion of Ecological Corridors / Networks

Promoting the protection and maintenance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those that contribute to achieving an ecological corridor or network, through for example:

1. taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;
2. providing for additional development rights through the subdivision of Conservation Lots where sites in ECO-SCHED5 or other areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including wetlands) are protected in perpetuity; and
3. providing partial rates relief or other financial assistance for landowners.

ECO-M5 Advocacy, Education and Information Sharing

1. Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and the need to have regard to these values when considering applications for subdivision use and development activities.
2. Encouraging, guiding and assisting landowners in the voluntary protection of natural areas, including making the community more aware of the opportunities provided by the Queen Elizabeth II National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua Rāhui kawenata), particularly landowners of areas identified in ECO-SCHED5 of the District Plan; and through consideration of other mechanisms such as a rates rebates in accordance with the provisions of the Local Government Act 1974.

ECO-M6 Hawke's Bay Biodiversity Accord

Council's role in the Hawke's Bay Biodiversity Accord. This will be a key method for enhancing biodiversity in the District and will include maintaining, developing, and enhancing partnerships with landowners who have large and significant ecological areas, Landcare and other community groups and non-governmental organisations', tangata whenua, Hawke's Bay Regional Council, Department of Conservation and other agencies and stakeholders to provide focused and efficient assistance to worthy protection and enhancement projects.

Principal Reasons

The principal reasons for adopting the policies and methods:

Key threats to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna include inappropriate subdivision, use and development, intensification in land use practices, as well as animal and plant pests and diseases. Control and management of these activities, via rules for earthworks and vegetation clearance, in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is therefore appropriate.

There is considerable ecological benefit in restoring and linking SNAs where they can contribute to restoring the biodiversity values of a site, achieving an ecological corridor or network, or controlling animal and plant pests. Methods to encourage and assist ecological management, restoration and protection measures by landowners is therefore appropriate. Council recognises that many landowners are already being proactive in the protection of areas of significant indigenous habitat including SNAs, and seeks to continue working together with the community, to encourage protection of sites on private land through consideration of other mechanisms such as QEII covenants and rates rebates in accordance with the provisions of the Local Government Act 1974.

Council, through its commitment to the Hawkes's Bay Biodiversity Accord will also continue to work with community groups and other organisations to raise awareness about the importance of protecting and enhancing the District's biodiversity and remaining threatened indigenous habitats and fauna.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- ECO-AER1** **Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas.**

- ECO-AER2** **Improved integrated management of the District's significant areas of indigenous vegetation and/or significant habitats of indigenous fauna and biodiversity within Central Hawke's Bay District.**

- ECO-AER3** **Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay.**

- ECO-AER4** **Increase in the number of registered sites of QE II Covenants to protect areas of significant indigenous vegetation and/or significant indigenous habitats of flora and fauna in perpetuity.**

- ECO-AER5** **Avoidance, remediation, and mitigation of potential conflicts between surface water activities and adjoining activities.**

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SNA Topic Key Issue 8

ECO-AER6 **Maintenance of the natural amenity and intrinsic values of waterbodies.**

GENERAL DISTRICT-WIDE MATTERS

ASW – Activities on the Surface of Water

The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.

Introduction

Central Hawke's Bay District Council has the responsibility for managing the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes (section 31(e) RMA).

Surface water activities include the use of craft, structures and contact recreation on the inland waters of the District: being the surface of lakes, rivers and wetlands. Recreational activities have the potential to cause a variety of adverse effects, including impacts on water quality, conflict between activities, and impacts on ecological systems and habitats.

Issues

ASW-11 Activities on the surface of water can affect habitats of flora and fauna, water quality, and people's amenity values.

Explanation

Central Hawke's Bay District Council is responsible for the control of activities on the surface of inland waters where such activities can impact on ecological systems and habitats, and in terms of impacts on amenity values (e.g. excessive noise).

Most surface water activities in the District do not have any adverse effects on the environment. However, there are a few areas where the use of motorised craft may have adverse effects on wildlife or on people's amenity values, being Lake Whatuma, Horseshoe Lake, and upstream of the confluence of the Waipawa and Tukituki Rivers. Consequently, surface water activities in these areas are managed by this Plan.

Objectives

ASW-O1 To enable the use of the surface of waterbodies for a wide range of recreational, commercial, and cultural activities, while mitigating any adverse effects arising from that use.

Policies

ASW-P1 To avoid, remedy or mitigate adverse effects of motorised craft on the surface of water upstream of the confluence of the Tukituki and Waipawa Rivers, on trout habitat and the habitat of indigenous fauna.

ASW-P2 To mitigate adverse effects of motorised craft on the surface of Horseshoe Lake and Lake Whatuma, on the habitat of indigenous fauna and on people's amenity values.

Rule Overview Table

Use/activity	Rule Number
Use of motorised craft on the surface of rivers and lakes	ASW-R1
All other activities on the surface of rivers and lakes not otherwise provided for	ASW-R2

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving activities on the surface of water.

ASW-R1 Use of motorised craft on the surface of rivers and lakes		
On Horseshoe Lake or Lake Whatuma	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to engines that are less than 5 horsepower.</p> <p><i>Note: This does not apply to the use of small motorized, remotely-controlled craft, operated by suitably qualified persons, for river monitoring purposes.</i></p>	<p>2. Activity status where compliance not achieved: DIS</p>
Any River Upstream of the Confluence of the Tukituki and Waipawa Rivers	<p>3. Activity Status: <u>CON</u></p> <p>Where the following conditions are met:</p> <p><u>a. Limited to:</u></p> <p><u>i. locations on the Waipawa River upstream of the confluence with the Tukituki River, and below the bridge on State Highway 50</u></p> <p><u>ii. non-commercialised water recreation activities</u></p>	<p>4. Activity status where compliance not achieved: <u>DIS</u></p>

Commented [SM1]: Hearing Stream 1 - Right of Reply dated 8 April 22 - change of recommendation in s42A Open Space and Recreation/ Public Access/ Activities on the Surface of Water Topic Report, Issue 3, to accept in part S48.005 JBNZ submission

	<p>iii. <u>3 temporary events per year of no more than two consecutive days per event.</u></p> <p>iv. <u>timing of event – March to September (inclusive)</u></p>	
	<p>35. Activity Status: DIS</p> <p><u>Where the following conditions are met: N/A</u></p> <p><i>Note: This does not apply to the use of small motorized, remotely-controlled craft, operated by suitably qualified persons, for river monitoring purposes.</i></p>	
All Other Rivers and Lakes	<p>5. Activity Status: PER</p> <p>Where the following conditions are met: N/A</p>	6. Activity status where compliance not achieved: N/A
ASW-R2 All other activities on the surface of rivers and lakes not otherwise provided for		
All Rivers and Lakes	<p>1. Activity Status: PER</p> <p>Where the following conditions are met: N/A</p>	2. Activity status where compliance not achieved: N/A

Assessment Matters

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

ASW-AM1 Motorised Craft on Lakes and Rivers

1. The degree to which motorised craft are compatible with, and will not adversely affect the spawning of trout, or trout habitat generally, or the nesting habitat of any indigenous birdlife.
2. Any adverse effects of the proposed motorised craft in terms of:
 - a. Noise that is incompatible with the levels acceptable in a particular lake or river; and
 - b. Any cumulative effect from the activity in conjunction with other activities in the vicinity.

Methods

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

ASW-M1 Hawke's Bay Regional Council Navigation & Safety Bylaw 2018

The Navigation & Safety Bylaws have been adopted by the Hawke's Bay Regional Council under the Local Government Act 1974 and apply to all waterbodies in the Central Hawke's Bay District. The bylaws regulate the control and use or management of vessels, prevent nuisances arising from the use of vessels and the actions of persons and things on or in the water, amongst other things. It also regulates the speed of vessels relative to other vessels, to people in the water, and to the shore or any structure.

ASW-M2 Harbourmaster

The Hawke's Bay Regional Harbourmaster's role is to oversee the safety of recreational boating (including kayaks, paddleboards, dinghies, and jet ski's etc) that use the District's coast and rivers.

ASW-M3 Hawke's Bay Regional Coastal Environment Plan

Hawke's Bay Regional Council is responsible for controlling activities in relation to the surface of the water within the coastal marine area across the Region.

Principal Reasons

The principal reasons for adopting the policies and methods:

The upper areas of the Waipawa and Tukituki river catchments are important ecologically, and limits on motorised craft are appropriate to avoid or mitigate adverse effects on the habitat of trout and habitat of indigenous fauna. Horseshoe Lake and Lake Whatuma similarly provide important habitat and are also subject to amenity impacts for those residing nearby and other users of these lakes.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

ASW-AER1 A wide range of recreational, commercial and cultural activities are able to utilise the surface of the District's rivers and lakes.

A~~W~~R~~S~~W-AER2 Few conflicts arise between surface of water activities and adjoining activities.

ASW-AER3 Trout and other wildlife habitats are protected from motorised craft activities on the surface of water.

Commented [SM2]: S48.012 Jet Boating NZ ASW Topic Report Key Issue 3

OSR – Open Space and Recreation

Introduction

Access to open space and the wide range of recreation opportunities it offers provides significant benefits to community health and wellbeing and contributes to thriving, healthy and liveable communities. The Central Hawke's Bay environment has abundant opportunities across a wide range of settings, including the bush-clad ranges of the Ruahine forest, the rivers, lakes and their margins, open space reserves, and the extensive coastline including Te Angiangi Marine Reserve. Most of these spaces are administered and managed by the Department of Conservation, the Hawke's Bay Regional Council, or the District Council.

The Council provides many recreation facilities (such as swimming pools, sports fields and playgrounds etc) that are valued and utilised by the community and there are also private landowners and organisations who contribute to public recreation opportunities, such as golf-clubs, Backpaddock Lake and Ranui Farm Park (mountain biking), and the Rotary Rivers Pathway Trust (trails).

Council recognises the significant benefits and values of accessible recreation opportunities and seeks to enable and encourage these opportunities in a sustainable way. Recreational activities and the development of facilities can have adverse effects on the amenity of the open space areas as well as their adjoining environments. These effects can include:

- noisy activities, night lighting or late hours of operation which can cause a nuisance for adjoining residential areas;
- large buildings such as clubrooms which can cause shading on neighbouring areas and be visually unappealing;
- lack of car-parking space which can cause problems with on-street parking and congestion in adjoining streets; and
- commercial or club concessions that can exclude public users from areas of reserves and create adverse effects relating to car-parking, litter and toilet facilities.

Potential adverse effects can also occur as a result of access to sensitive environments (landscape/cultural/ecological environments). Such effects can include, for example, earthworks in Outstanding Natural Landscapes, removal of vegetation in Significant Natural Areas, or earthworks or inappropriate access to wāhi tapu, wāhi taonga or sites of significance.

Many Council-owned open spaces and activities / facilities are designated in the District Plan and shown on the Planning Maps. This means that works within these spaces take place according to the purpose they have been designated for, regardless of the underlying zone provisions. Community and recreation facilities are also identified in SCHED8 – Schedule of Identified Community Facilities of this Plan and shown on the Planning Maps (for information purposes only).

Recreational activities (as community facilities) are generally permitted activities within the Zones and include a wide range of activities and facilities such as walkways, cycleways and trails (where located outside of road reserves), playgrounds and skate parks, fields and courts changing rooms, club rooms etc.

Issues

OSR-I1 Adequate provision for accessible recreational opportunities in appropriate locations.

Explanation

Accessible open spaces and recreation activities (as part of 'community facilities') that are appropriately located, should be available to satisfy the needs of the District's population. Regardless of ownership, Council seeks to encourage the provision of accessible open spaces and recreation facilities that will benefit the community in a way that is mindful of potential impacts on neighbouring landowners.

Objectives

OSR-O1 Open space and recreational opportunities that are accessible and appropriately located to meet the needs of residents and visitors, while avoiding, remedying or mitigating any adverse effects.

Policies

OSR-P1 To facilitate, provide, and maintain a wide variety of open spaces and recreation opportunities in locations that are accessible to users.

OSR-P2 To ensure that buildings and development associated with recreational activities are established in a way that avoids or mitigates adverse effects, including reverse sensitivity effects, on neighbouring properties.

Methods

Methods for implementing the policies:

OSR-M1 Designation

Designating Council Reserves under the Plan to enable the continued recognition and function of these areas for recreational and open space purposes and identifying these in the list of Designations in the District Plan and on the Planning Maps. Note: not all Council open spaces and facilities are designated.

OSR-M2 Reserve Management Plans

Developing reserve management plans for the use, development, and management of Council-owned and administered reserves.

OSR-M3 Information

Identifying open spaces and recreational opportunities in APP1-SCHED8 – Schedule of Identified Community Facilities of the District Plan and on the Planning Maps, for information purposes.

OSR-M4 Collaboration

1. Continuing to work with other organisations (Department of Conservation, Hawke's Bay Regional Council) and private landowners to provide for a range of appropriate open space and recreational opportunities within the District.
2. Engaging and supporting hapū and marae, community organisations and private landowners to enable access to a wide range of accessible recreation opportunities across the District.

OSR-M5 District Plan

1. Providing for recreational activities (within the definition of 'community facilities') as a permitted activity, subject to complying with access, parking, noise, light standards etc.
2. Limiting buildings for community facilities to 100m² of gross floor area in all zones except the Commercial Zone and General Industrial Zone (which have no gross floor area limit), so that the potential adverse effects of large-scale buildings can be appropriately avoided, remedied, or mitigated.
3. Standards and related assessment matters for community facilities requiring resource consent addressing potential adverse effects on neighbours and the community.
4. Assessment matters for community facilities requiring resource consent within sensitive environments such as Outstanding Natural Landscapes and Features, Significant Natural Areas, wāhi tapu, wāhi taonga or sites of significance.
5. Rules and performance standards relating to earthworks.

Principal Reasons

The principal reasons for adopting the policies and methods:

The District has abundant open space and recreation areas including large domains, picnic areas and active sports areas. These policies acknowledge that open spaces and the recreation opportunities provided are important to the health and wellbeing of the community and visitors to the community. While recreational activities are permitted across all zones, buildings for recreational use are generally limited in gross floor area to ensure that any adverse effects of large-scale buildings for recreational activities can be assessed through a resource consent process.

Many Council-owned public reserves are designated, and most community facilities are also scheduled in the District Plan for information purposes.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- OSR-AER1** **Provision of a wide range of recreational opportunities in recognition of the diversity of community recreational needs.**

- OSR-AER2** **Open spaces and recreational facilities that are convenient and accessible to users.**

- OSR-AER3** **Recreational activities undertaken in a manner which do not adversely affect the general amenity of the surrounding environment.**

PA – Public Access

Introduction

Central Hawke's Bay has an extensive coastal margin and numerous rivers, streams and lakes that contribute to the District's identity and sense of connection to the environment and are highly valued by the community. Maintaining and enhancing public access to and along the coastal marine area and the margins of these waterbodies is a matter of national importance (section 6(d)).

The margins of the District's waterbodies are valued for many reasons including their natural character and contribution to water quality, their role as indigenous habitats for flora and fauna, amenity and public access reasons, and their importance to tangata whenua. While many of the ecological values of the District's significant riparian margins are recognised as Significant Natural Areas in ECO-SCHED5 and shown on the planning maps, additional protection in some cases is also warranted to maintain and enhance public access values.

The District Plan includes provisions for taking esplanade reserves, esplanade strips, or access strips on subdivision of land (RMA sections 229 – 237H) – with priority being placed on providing access to the Waipawa, Tukituki and Porangahau rivers, and Lake Whatuma providing an important mechanism to enable public access to be maintained and enhanced.

Public access to the coast is largely limited to where rural roads end at the coast. These roads accessing the coast largely coincide with the presence of beach settlements and coastal developments. There are multiple points of public access at these locations, generally associated with public open space areas and recreation reserves.

Issues

PA-I1 Limited Public Access to Lakes, Rivers, and the Coast

Lack of practical and safe public access to and along the coast can restrict cultural practices and recreational opportunities within the coastal environment. Conversely, provision of public access in inappropriate locations can adversely affect other recognised values within the coastal environment.

Explanation

The lakes, rivers and coast are an important recreational resource for the District's residents and visitors, and access to the coast is also of traditional and continuing cultural importance to tangata whenua.

Existing public access to the coast is typically provided in and around the coastal settlements, from public walking and vehicle access points often within open space reserves. Policies 19 & 20 of the NZCPS recognise the public expectation of practical and safe access, and seek to maintain public walking access to the coast and identify opportunities to enhance it, as well as

recognise the need to identify appropriate locations for vehicle access and control use of vehicles on beaches and adjacent public land where they may cause damage, disturbance or danger.

The location and design of any new public access points needs to be compatible with the natural character, natural features and landscapes, indigenous vegetation and sensitive habitats of indigenous fauna (particularly sensitive dune areas), and the amenity values of the lake or river concerned or the coastal environment, as well as mindful of sites and activities of importance to tangata whenua and sites of historical heritage. New public access points also need to be respectful of private property.

Objectives

PA-O1 Practical and safe public access to and along the margins of lakes and rivers and the coast is **provided maintained and enhanced** 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.

Commented [RM1]: S75.071 Forest & Bird - Coastal Topic, Issue 4

Policies

PA-P1 To **require prioritise** the establishment of esplanade reserves, esplanade strips or access strips when subdividing land adjacent to priority water bodies shown on the Planning Maps.

Commented [SM2]: S121.049 Fed Farmers Public Access Topic Key Issue 2

PA-P2 To provide for the waiving of requirements for esplanade areas (esplanade reserves, esplanade strips or access strips) **on non-priority water bodies**, where appropriate.

Commented [SM3]: S121.050 Federated Farmers Public Access Topic Key Issue 2

Refer SUB-AM9 for guidance as to where a waiver might be considered appropriate.

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:

1. dunes, estuaries and other sensitive natural areas or habitats;
2. geological systems or processes;
3. ecological systems or to indigenous flora and fauna;
4. historical heritage; or
5. sites and areas of significance to tangata whenua.

Rules

Provision for the taking of esplanade reserves, esplanade strips and access strips is addressed through the subdivision consent process and the associated provisions in the SUB – Subdivision chapter of the District Plan.

Methods

Methods for implementing the policies:

PA-M1 Identification and Mapping of Priority Waterbodies

Identifying priority areas on the Planning Maps where esplanade reserves, esplanade strips or access strips are desirable to maintain and enhance public access.

PA-M2 Subdivision Assessment Matters for Esplanade Reserves, Esplanade Strips or Access Strips

Assessment matters for determining whether the taking of esplanade reserves are required to be vested in Council on subdivision, and the situation and condition under which Council may reduce or waive the requirement to provide esplanade reserves.

PA-M3 Advocacy and Liaison

Directly negotiating with landowners, as appropriate, to encourage them to voluntarily establish public access to and along the coast or priority waterbodies: **informing the public as to the location of public access to rivers, lakes and coast and educating the public that access over private land is only by the permission of the landowner.**

Commented [SM4]: S121.054 Federated Farmers Public Access Topic Key Issue 2

PA-M4 Annual Plan

Provision through the Annual Plan for the maintenance and enhancement of public amenities, such as access to the coast and to various waterbodies, from public open space reserves.

Principal Reasons

Public access to and along the coast, and to the lakes and rivers throughout the District, should be promoted but needs to be carefully managed so as not to compromise other recognised values, particularly within the coastal environment, and be done in a way that respects private property.

Anticipated Environmental Results

PA-AER1 The District's lakes and rivers are accessible to the public in appropriate locations and in a way that respects other recognised values and private property.

PA-AER2

The coast is accessible to the public in appropriate locations and in a manner that minimises disturbance to the foredunes and protects other recognised values within the coastal environment.

APPENDIX 3

**Updated Table 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?
S11.018	Hawke's Bay Regional Council	ECO-R3	Amend ECO-R3 by removing (1)(a): '1. Activity Status: PER Where the following conditions are met: a. Limited to (whichever is the lesser):i. clearance of no more than 500m2 of indigenous vegetation per site per calendar year; orii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.OR b. ...'	Reject	No
S11.019	Hawke's Bay Regional Council	ECO-R6	Add Note to ECO-R6 as follows: 'Note: Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.'	Accept	Yes
FS25.62	Federated Farmers of New Zealand		Allow in part That the submission be accepted, but the rule applies to all people and not just the three named organisations.	Reject	
S11.037	Hawke's Bay Regional Council	ECO - Introduction	Add the following note to ECO-Introduction: 'Note: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.'	Accept in part	Yes
S11.038	Hawke's Bay Regional Council	ECO-AM1	Add the following assessment matter to ECO-AM1 (following ECO-AM1(5)) as follows: 'Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at-risk species and the impact that the clearance may have on these areas.'	Accept	Yes
FS25.64	Federated Farmers of New Zealand		Disallow	Reject	
S11.040	Hawke's Bay Regional Council	ECO-R1	Support ECO-R1 as drafted.	Accept in part (subject to amendments from other submissions)	No
S11.041	Hawke's Bay Regional Council	ECO-R2	Support ECO-R2 as drafted.	Accept in part (subject to amendments from	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
				other submissions)	
S11.042	Hawke's Bay Regional Council	ECO-R4	Support ECO-R4 as drafted.	Accept	No
S24.001	Duncan Smith	ECO - Ecosystems and Indigenous Biodiversity	I oppose the SNA plan	Reject	No
S28.003	Gerard Pain	ECO - Ecosystems and Indigenous Biodiversity	'Significant Natural Areas' should be 'rates free' (like what is available for QEII blocks).	Reject	No
S28.005	Gerard Pain	ECO - Ecosystems and Indigenous Biodiversity	Provide an avenue for rural landowners to question experts opinions regarding identified areas.	Reject	No
S39.003	Kathryn Bayliss	ECO-R2	Prohibit clearance of indigenous vegetation, except for ECO-R3(1)(b). Trimming should be discretionary and also limited to ECO-R3(1)(b).	Reject	No
FS25.55	Federated Farmers of New Zealand		Disallow	Accept	
S39.004	Kathryn Bayliss	ECO-R3	Prohibit clearance of indigenous vegetation, except for ECO-R3(1)(b). Trimming should be discretionary and limited also to ECO-R3(1)(b).	Reject	No
FS25.57	Federated Farmers of New Zealand		Disallow	Accept	
S39.005	Kathryn Bayliss	ECO-R4	Prohibit clearance of indigenous vegetation, except for ECO-R3(1)(b). Trimming should be discretionary and also limited to ECO-R3(1)(b).	Reject	No
FS25.58	Federated Farmers of New Zealand		Disallow	Accept	
S39.006	Kathryn Bayliss	ECO-R5	Prohibit clearance of indigenous vegetation, except for ECO-R3(1)(b). Trimming should be discretionary and limited also to ECO-R3(1)(b).	Reject	No
FS25.61	Federated Farmers of New Zealand		Disallow	Accept	
S39.007	Kathryn Bayliss	ECO-R6	Prohibit clearance of indigenous vegetation, except for ECO-R3(1)(b). Trimming should be discretionary and limited also to ECO-R3(1)(b).	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.63	Federated Farmers of New Zealand		Disallow	Accept	
S39.008	Kathryn Bayliss	ECO-P4	ECO-P4(2) should include all waterbodies.	Reject	No
S42.009	New Zealand Pork Industry Board	WETLAND (NATURAL) / NATURAL WETLAND (Definition)	The definition of 'Wetland (Natural)/Natural Wetland' should align with that of the National Policy Statement for Freshwater Management 2020.	Reject	No
FS19.6	Penny Nelson, Director-General of Conservation		Allow in part	Reject	
S57.060	Fire and Emergency New Zealand	ECO-R1	Retain ECO-R1 as notified.	Accept in part (subject to amendments from other submissions)	No
FS22.0010	Ernslaw One Limited		Allow	Accept in part	
S57.061	Fire and Emergency New Zealand	ECO-R2	Retain ECO-R2 as notified.	Accept in part	No
S57.062	Fire and Emergency New Zealand	ECO-R3	Retain ECO-R3 as notified.	Accept in part (subject to amendments from other submissions)	No
S57.063	Fire and Emergency New Zealand	ECO-R4	Retain ECO-R4 as notified.	Accept	No
S57.064	Fire and Emergency New Zealand	ECO-AM1	Add new assessment matter to ECO-AM1 as follows: '... 12. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.'	Reject <u>Accept</u>	No <u>Yes</u>
FS25.65	Federated Farmers of New Zealand		Allow	Reject <u>Accept</u>	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.065	Fire and Emergency New Zealand	ECO-AM2	Add new assessment matter to ECO-AM2 as follows: '... 12. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.'	Reject <u>Accept</u>	No <u>Yes</u>
S59.004	Karl Tipene	ECO - Ecosystems and Indigenous Biodiversity	Oppose all SNA on Māori land	Reject	No
FS5.066	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S63.002	Claire Murphy	ECO - Ecosystems and Indigenous Biodiversity	Strongly oppose rules relating to 'Significant Natural Areas'.	Reject	No
S64.053	Department of Conservation	ECO-O1	Retain ECO-O1	Accept	No
FS9.336	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.054	Department of Conservation	ECO-O2	Retain ECO-O2.	Accept	No
FS9.337	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.055	Department of Conservation	ECO-P1	Retain ECO-P1.	Accept (subject to amendments from other submissions)	No
FS9.338	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept (subject to amendments from other submissions)	
S64.056	Department of Conservation	ECO-P2	Retain ECO-P2	Accept (subject to amendments from	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
				other submissions)	
FS9.339	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.057	Department of Conservation	ECO-P3	Retain ECO-P3.	Accept	No
FS9.340	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.058	Department of Conservation	ECO-P4	Retain ECO-P4.	Accept	No
FS9.341	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.059	Department of Conservation	ECO-P5	Retain ECO-P5.	Accept	No
FS9.342	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.060	Department of Conservation	ECO-P6	Retain ECO-P6.	Accept	No
FS9.343	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.061	Department of Conservation	ECO-P7	Retain ECO-P7.	Accept	No
FS9.344	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.062	Department of Conservation	ECO-P8	Retain ECO-P8.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.345	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.063	Department of Conservation	ECO-P9	Retain ECO-P9.	Allow	No
FS9.346	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Allow	
S64.064	Department of Conservation	ECO-R3	Clarify if ECO-R3 is meant to only apply within SNA areas or also for significant indigenous vegetation and significant habitat of indigenous fauna outside of SNAs. Amend 'Permitted' conditions in ECO-R3(1) to replace the word 'OR' with 'AND' (ie. conditions a and b both required to be met).	Accept in part	Yes
FS9.347	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.065	Department of Conservation	ECO-R4	Amend ECO-R4 to reduce the limit of clearance.	Reject	No
FS5.081	Ngā hapū me ngā marae o Tamatea		Allow	Reject	
FS25.59	Federated Farmers of New Zealand		Disallow	Reject	
FS9.348	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.066	Department of Conservation	ECO-AM1	Retain ECO-AM1.	Accept (subject to amendments from other submissions)	
FS9.349	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept (subject to amendments from other submissions)	
S64.067	Department of Conservation	ECO-APP1	Amend Criterion 5 in ECO-APP1 to broaden definition to include naturally uncommon ecosystems that do not provide for indigenous vegetation or habitat.	Reject	No
FS9.350	Royal Forest and Bird Protection		Allow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
	Society of New Zealand Incorporated				
FS25.66	Federated Farmers of New Zealand		Disallow	Accept	
S75.001	Royal Forest and Bird Protection Society NZ (Forest & Bird)	AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND/OR SIGNIFICANT HABITATS OF INDIGENOUS FAUNA (Definition)	Retain the definition of 'Areas of Significant Indigenous Vegetation and/or Significant Habitats of Indigenous Fauna' as proposed.	Accept	No
FS22.004	Ernslaw One Limited		Allow	Accept	
FS5.014	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
FS19.3	Penny Nelson, Director-General of Conservation		Allow in part	Accept	
S75.002	Royal Forest and Bird Protection Society NZ (Forest & Bird)	CLEARANCE (Definition)	Amend the definition of 'Clearance' to fix typo error as follows: 'in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line: a. f. drilling or excavation g. discharge of toxic substances h. mob stocking i. overplanting'	Accept in part (subject to amendments from other submissions)	Yes
FS19.4	Penny Nelson, Director-General of Conservation		Allow in part	Accept in part (subject to amendments from other submissions)	
FS5.0010	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part (subject to amendments from other submissions)	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S75.005	Royal Forest and Bird Protection Society NZ (Forest & Bird)	INDIGENOUS VEGETATION (Definition)	Retain the definition of 'Indigenous Vegetation' as proposed.	Accept in part (subject to amendments from other submissions)	No
FS5.005	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part (subject to amendments from other submissions)	
S75.006	Royal Forest and Bird Protection Society NZ (Forest & Bird)	TRIMMING (Definition)	Amend the definition of 'Trimming' to provide revised wording.	Reject	No
S75.029	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-O1	Amend ECO-O1 as follows: 'Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.'	Accept	Yes
FS22.003	Ernslaw One Limited		Allow	Accept	
S75.030	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-O2	Amend ECO-O2 as below: 'Maintain and enhance indigenous biodiversity within Central Hawke's Bay District.'	Reject	No
FS18.14	Transpower New Zealand Limited		Disallow	Accept	
S75.031	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P1	Amend ECO-P1 to be clear that only one of the 'Ecological Significance Determination Criteria' needs to be met to be a 'Significant Natural Area'.	Accept in part	Yes
S75.032	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P2	Retain ECO-P2 as proposed.	Accept in part (subject to amendments from other submissions)	No
S75.033	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P3	Retain ECO-P3 as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS23.99	Kāinga Ora - Homes and Communities		Disallow	Reject	
S75.034	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P4	Amend ECO-P4 as follows (or relief to similar effect): 'To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from: 1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna; 2. Clearance of indigenous vegetation in and on the margins of Lake Whatuma, and other natural wetlands, and braided rivers; ...'	Reject <u>Accept in part</u>	<u>No</u> <u>Yes</u>
FS25.52	Federated Farmers of New Zealand		Disallow	Accept <u>in part</u>	
S75.035	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P6	Retain ECO-P6 as proposed.	Accept	No
S75.036	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P7	Retain ECO-P7 as proposed.	Accept	No
S75.037	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-P8	Retain ECO-P8 as proposed.	Accept	No
S75.038	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R1	Within ECO-R1, clearance of 'plantation forestry undergrowth' or 'planted indigenous forestry' should not be allowed without conditions of management to ensure values are protected.	Reject <u>Accept in part</u>	<u>No</u> <u>Yes</u>
FS25.54	Federated Farmers of New Zealand		Disallow	Accept <u>in part</u>	
FS19.8	Penny Nelson, Director-General of Conservation		Allow in part	Reject	
S75.039	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R2	Amend ECO-R2 to have stronger permitted activity conditions.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.56	Federated Farmers of New Zealand		Disallow	Accept	
FS19.9	Penny Nelson, Director-General of Conservation		Allow in part	Reject	
S75.040	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R3	Amend ECO-R3 significantly, to strengthen in line with the Resource Management Act.	Reject	No
S75.041	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R4	For ECO-R4, further checks are required to ensure the area is not 'significant' and does not meet 'Ecological Significance Determination Criteria' in ECO-APP1.	Reject Accept in part	No Yes
FS25.60	Federated Farmers of New Zealand		Disallow	Accept in part	
S75.042	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R5	Retain ECO-R5 as proposed.	Accept Reject	No-Yes (in response to S121.032 Federated Farmers)
FS5.080	Ngā hapū me ngā marae o Tamatea		Allow	Accept Reject	
FS19.10	Penny Nelson, Director-General of Conservation		Allow in part	Accept Reject	
S75.043	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R6	Retain ECO-R6 as proposed.	Accept in part (subject to amendments from other submissions)	No
FS5.079	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part (subject to amendments from other submissions)	
FS19.11	Penny Nelson, Director-General of Conservation		Allow in part	Accept in part (subject to amendments from other submissions)	
S75.044	Royal Forest and Bird Protection	ECO-AM1	Retain ECO-AM1 as proposed.	Accept in part (subject to amendments from	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
	Society NZ (Forest & Bird)			other submissions)	
S75.045	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AM2	Retain ECO-AM2 as proposed.	Accept in part (subject to amendments from other submissions)	No
S75.046	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-M1	Retain ECO-M1 as proposed.	Accept	No
S75.047	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-M3	Retain ECO-M3 as proposed, and ensure other provisions that reference offsetting are consistent. Internal cross-reference should also be made here to ECO-APP2 'Principles for Biodiversity Offsetting'.	Accept	Yes
S75.048	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-M4	Amend ECO-M4 to clarify where/when rates relief or other financial assistance would be granted.	Reject	No
S75.049	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-M5	Retain ECO-M5 as proposed.	Accept	No
S75.050	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-M6	Retain ECO-M6 as proposed.	Accept	No
S75.051	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AER1	Retain ECO-AER1 as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S75.052	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AER2	Retain ECO-AER2 as proposed.	Accept	No
S75.053	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AER3	Retain ECO-AER3 as proposed.	Accept	No
S75.054	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AER4	Retain ECO-AER4 as proposed.	Accept	No
S75.055	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AER5	Delete ECO-AER5, or amend to clarify how it fits into the framework.	Accept	Yes
S75.056	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-AER6	Retain ECO-AER6 as proposed.	Accept	NO
S75.057	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-APP1	Amend the "Ecological Significance Determination Criteria' in ECO-APP1 to be clear that an area only needs to meet one of any of the criteria from 1-7 to be a 'Significant Natural Area(SNA)'. .	Reject	No
FS23.100	Kāinga Ora - Homes and Communities		Disallow	Accept	
S75.058	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-APP2	Retain ECO-APP2 as proposed.	Accept	No
S75.059	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-SCHED5	Retain ECO-SCHED5 as proposed, including all listed SNAs.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S75.090	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Definitions	Add new definitions for 'Biodiversity Offset' and 'Biodiversity Compensation' as follows: 'BIODIVERSITY OFFSET means a measurable conservation outcome resulting from actions designed to compensate for residual, adverse biodiversity effects arising from activities after appropriate avoidance, remediation, and mitigation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain of indigenous biodiversity values. Offsetting should be consistent with the best practice offsetting principles.' BIODIVERSITY COMPENSATION a measurable conservation outcome resulting from actions designed to compensate for residual, adverse biodiversity effects arising from activities after appropriate avoidance, remediation, and mitigation measures have been applied. Biodiversity compensation should be as consistent as possible with the best practice offsetting principles.'	Accept in part	No
FS19.1	Penny Nelson, Director-General of Conservation		Allow in part	Accept in part	
FS23.97	Kāinga Ora - Homes and Communities		Disallow	Reject	
FS5.021	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
S78.005	Waka Kotahi NZ Transport Agency	ECO-R3	Retain ECO-R3(1)(b)(vi) and Note (1), as written.	Accept	No
S79.062	Transpower New Zealand Ltd	ECO-P1	Retain ECO-P1.	Accept (subject to amendments from other submissions)	No
FS9.417	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S79.063	Transpower New Zealand Ltd	ECO-P9	Retain ECO-P9.	Accept	No
FS9.418	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S79.064	Transpower New Zealand Ltd	ECO-R3	Retain ECO-R3, and in particular clause (b)(i) and (vi).	Accept in part (subject to amendments from	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
				other submissions)	
FS9.419	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S79.065	Transpower New Zealand Ltd	ECO-R4	Retain ECO-R4.	Accept	No
FS9.420	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S79.066	Transpower New Zealand Ltd	ECO-R6	Amend ECO-R6 to provide a discretionary activity status for tree trimming and clearance necessary to provide for the 'ongoing safe and efficient operation, maintenance and upgrading of network utilities, but excluding their expansion, where carried out by the respective network utility operator'.	Accept in part	Yes
FS9.421	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S81.010	Horticulture New Zealand	CLEARANCE (Definition)	Re-name 'Clearance' to 'Indigenous Vegetation Clearance'. Correct error in (f) to separate into two points.	Accept in part	Yes
FS5.012	Ngā hapū me ngā marae o Tamatea		Disallow	Reject	
S81.017	Horticulture New Zealand	INDIGENOUS VEGETATION (Definition)	Amend the definition of 'Indigenous Vegetation' as follows: 'vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance. '	Accept	Yes
FS5.006	Ngā hapū me ngā marae o Tamatea		Disallow	Reject	
S81.031	Horticulture New Zealand	WETLAND (NATURAL) / NATURAL WETLAND (Definition)	Amend the definition of 'Wetland (Natural) / Natural Wetland' to be consistent with NPS-FM, as follows: ' a habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush /pasture communities) characteristic of wetland ecosystem types, as defined by Johnson P & Gerbeaux P (Wetland Types in New Zealand, Department of Conservation (2004)), and which meets one of more of the Ecological Significance Determination Criteria for the Central Hawke's Bay District listed in ECO-APP1 in the District Plan. means a wetland (as defined in the Act) that is not: (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or(b) a geothermal wetland; or(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling. '	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS5.015	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
S81.072	Horticulture New Zealand	ECO-R1	Retain ECO-R1.	Accept in part (subject to amendments from other submissions)	
S81.073	Horticulture New Zealand	ECO-RXX (new rule)	Add a new rule in the 'ECO - Ecosystems and Indigenous Vegetation' chapter that enables a biosecurity response involving indigenous vegetation clearance, where that vegetation is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.	Reject	No
FS25.53	Federated Farmers of New Zealand		Disallow	Accept in part	
FS5.069	Ngā hapū me ngā marae o Tamatea		Disallow	Reject	
S85.001	Rayonier Matariki Forests	ECO - Ecosystems and Indigenous Biodiversity	Delete the final sentence from 'ECO - Introduction' as follows: '...It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.' And provide information as to why plantation forestry provisions do not align with the NES-PF and the provisions within the draft NPS-IB.	Reject	No
FS22.001	Ernslaw One Limited		Allow	Reject	
S85.002	Rayonier Matariki Forests	ECO-I1	Delete ECO-I1, including the associated 'Explanation'.	Reject	No
FS22.002	Ernslaw One Limited		Allow	Reject	
S85.003	Rayonier Matariki Forests	ECO-P1	Retain ECO-P1 as proposed.	Accept in part (subject to amendments from other submissions)	No
FS22.005	Ernslaw One Limited		Allow	Accept in part (subject to amendments from other submissions)	
S85.004	Rayonier Matariki Forests	ECO-APP1	Amend 'Criterion 6' of the 'Ecological Significance Determination Criteria' in ECO-APP1 as follows: 'CRITERION 6 Distinctiveness: - It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally; OR	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			- It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities and exotic plantation forestry) that has not been created and subsequently maintained for or in connection with: + waste treatment; + wastewater renovation; + hydroelectric power lakes; + water storage for irrigation; or + water supply storage, including stock water storage; or: + fire ponds.'		
FS22.013	Ernslaw One Limited		Allow	Reject	
S85.005	Rayonier Matariki Forests	ECO-P2	Amend ECO-P2 as follows: 'To protect areas identified and mapped in the district plan of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance.'	Reject	No
FS22.007	Ernslaw One Limited		Allow	Reject	
S85.006	Rayonier Matariki Forests	ECO-P4	Amend ECO-P4 to state that this policy does not apply to plantation forestry under the NES-PF.	Reject	No
FS22.008	Ernslaw One Limited		Allow	Reject	
S85.007	Rayonier Matariki Forests	ECO-R1	Retain ECO-R1 as proposed.	Accept in part (subject to amendments from other submissions)	No
S85.008	Rayonier Matariki Forests	ECO-R2	Add 'Note' to ECO-R2 (as contained in ECO-R3) as follows: '...Note: Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.'	Accept in part	Yes
FS22.011	Ernslaw One Limited		Allow Add 'Note' to ECO-R2 (as contained in ECO-R3) as follows: "...Note: Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017."	Accept in part	
S85.009	Rayonier Matariki Forests	ECO-R4	Add 'Note' to ECO-R4 (as contained in ECO-R3) as follows: '...Note: Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.'	Accept in part	No
FS22.012	Ernslaw One Limited		Allow Add 'Note' to ECO-R4 (as contained in ECO-R3) as follows: "...Note: Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017."		
S85.018	Rayonier Matariki Forests	INDIGENOUS VEGETATION (Definition)	Amend the definition of 'Indigenous Vegetation' as follows: 'vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance but does not include indigenous understorey of Plantation Forests.'	Reject	No
FS5.008	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
FS19.5	Penny Nelson, Director-General of Conservation		Allow in part	Reject	
S85.021	Rayonier Matariki Forests	[General]	Where wanting to provide more stringent provisions than the NES-PF then undertake a proper assessment of the provisions and the impact on plantation forestry.	Reject	No
S90.030	Centralines Limited	ECO-R3	Retain ECO-R3 as notified.	Accept in part (subject to amendments from other submissions)	No
S91.001	Patricia Oldfield	ECO-SCHED5	Relevant answers to the following questions in respect of SNA-133: - How does the SNA affect ownership of land? - What stock can we run in the SNA area that is proposed? - If the SNA goes ahead what can we still do and not do within the area? - Who will maintain the area if the SNA goes ahead? - How will it be managed in CHB and the Tikokino area? - What are the next steps after feedback for the proposed SNA areas when this is closed off?	Reject	No
S105.001	James Bridge	CLEARANCE (Definition)	Amend the definition of 'Clearance' as follows: ' in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line: a. application of chemicals b. application of seed of exotic pasture c. burning d. changes to soils, hydrology, or landform e. drainage f. drilling or excavation discharge of toxic substances g. mob-stocking h. overplanting means the cutting, burning, clearing or destruction (including destruction by spraying) of trees, shrubs or plants but excluding pasture grasses, forest thinning's, agricultural and horticultural crops and noxious weeds covered by the Regional Plant Pest Management Strategy prepared under the Biosecurity Act 1993. It excludes the normal maintenance of legally established structures, roads, tracks, railway lines and river beds. Clearance only occurs when 5m² or more of shrubs or plants, or 5 or more trees are affected.'	Reject	No
FS5.009	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S105.002	James Bridge	INDIGENOUS VEGETATION (Definition)	Amend the definition of 'Indigenous Vegetation' as follows: 'vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance means a plant community in which species indigenous to that part of New Zealand are important in terms of coverage, structure and/or species diversity. For these purposes, coverage by indigenous species or number of indigenous species shall exceed 30% of the total area or total number of species present, where structural dominance is not attained. Where structural dominance occurs (that is indigenous species are in the tallest stratum and are visually conspicuous) coverage by indigenous species shall exceed 20% of the total area.'	Reject	No
FS5.004	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S117.056	Chorus New Zealand Limited	ECO-R3	Retain ECO-R3.	Accept in part (subject to amendments from other submissions)	No
FS9.484	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S118.056	Spark New Zealand Trading Limited	ECO-R3	Retain ECO-R3.	Accept in part (subject to amendments from other submissions)	No
S119.056	Vodafone New Zealand Limited	ECO-R3	Retain ECO-R3.	Accept in part (subject to amendments from other submissions)	No
S120.018	Heretaunga Tamatea Settlement Trust	ECO-OXX (new objective)	Add a new objective in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.'	Accept	Yes
FS5.076	Ngā hapū me ngā marae o Tamatea		Allow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S120.020	Heretaunga Tamatea Settlement Trust	ECO-OXX (new objective)	Include two new objectives in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-O3 The relationship of tangata whenua and their culture and traditions, values, interests and associations associated with waterbodies are recognised and provided for.ECO-O4 Subdivision, use and development within the District is undertaken in an integrated manner that recognises Te Mana o te Wai for all receiving waters and minimises changes in the hydrological regime of those waters.'	No decision (transferred for consideration as part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	No
FS5.077	Ngā hapū me ngā marae o Tamatea		Allow	No decision (transferred for consideration as part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	
FS25.50	Federated Farmers of New Zealand		Disallow	No decision (transferred for consideration as part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	
S120.021	Heretaunga Tamatea Settlement Trust	ECO-PXX (new policy)	Add a new policy in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-P10 Recognise, protect and enhance significant indigenous biodiversity and natural wetlands, while recognising and providing for Te Mana o te Wai.'	No decision (transferred for consideration as part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	No
FS25.51	Federated Farmers of New Zealand		Disallow	No decision (transferred for consideration as part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	
FS5.078	Ngā hapū me ngā marae o Tamatea		Allow	No decision (transferred for consideration as part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	
S120.022	Heretaunga Tamatea Settlement Trust	ECO-MXX (new method)	Add a new method in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'Methods to recognise and provide for Te Mana o te Wai in receiving waters.'	No decision (transferred for consideration as	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
				part of Hearing Stream 4 Topic TW-Strategic Direction Chapter)	
S121.015	Federated Farmers of New Zealand	ECO-O1	Conditional support for ECO-O1 on the condition that a new objective is included [refer submission point S121.017].	Accept in part	No
FS9.15	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.016	Federated Farmers of New Zealand	ECO-O2	Conditional support for ECO-O1[ECO-O2?] on the condition that a new objective is included [refer submission point S121.017].	Accept in part	
FS9.16	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS17.41	Horticulture New Zealand		Allow	Accept in part	
S121.017	Federated Farmers of New Zealand	ECO-OXX (new objective)	Add three new objectives in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them. "Maintain indigenous biodiversity within Central Hawke's Bay District. "Provide for appropriate trimming and clearance of indigenous vegetation in order to enable the economic, social and cultural wellbeing of people and their health and safety.'	Accept in part	Yes
FS9.17	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS5.075	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
FS17.44	Horticulture New Zealand		Allow	Accept in part	
S121.018	Federated Farmers of New Zealand	ECO-P1	Amend ECO-P1 as follows: 'To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one two or more of the	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			criteria below, conduct ground-truthing and describe these areas in ECO-SCHED5 and show their location on the Planning Maps.'		
FS22.006	Ernslaw One Limited		Allow in part	Reject	
FS9.18	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.45	Horticulture New Zealand		Allow	Reject	
S121.019	Federated Farmers of New Zealand	ECO-P1	<p>Amend the 'Ecological Significance Determination Criteria' in ECO-P1 as follows:</p> <p>'CRITERION 1 Protection Status:It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.</p> <p>CRITERION 2 ... CRITERION 3 ... CRITERION 4 ... CRITERION 5 ... CRITERION 6 ...</p> <p>CRITERION 7 Ecological Context: It is an area of indigenous vegetation or naturally occurring habitat that:</p> <ul style="list-style-type: none"> • is moderate to large..... <p>OR</p> <ul style="list-style-type: none"> • is critical to the self-sustainability.... <p>OR</p> <ul style="list-style-type: none"> • is a site that provides a full or partial buffer.... <p>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.Exemptions:- Indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, are exempt from becoming an SNA.- Areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry.'</p>	Reject	No
FS17.46	Horticulture New Zealand		Allow	Reject	
FS9.19	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.020	Federated Farmers of New Zealand	ECO-P2	Amend ECO-P2 as follows: 'To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the inappropriate adverse effects of landuse and development, including earthworks and vegetation clearance, while providing for some appropriate activities. '	Reject	No
FS9.20	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.021	Federated Farmers of New Zealand	ECO-P3	Delete ECO-P3.	Reject	No
FS9.21	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.022	Federated Farmers of New Zealand	ECO-P4	Delete ECO-P4.	Reject	No
FS9.22	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.023	Federated Farmers of New Zealand	ECO-P5	Retain ECO-P5 as proposed.	Accept	No
FS9.23	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.024	Federated Farmers of New Zealand	ECO-P6	Retain ECO-P6 as proposed.	Accept	No
FS9.24	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.025	Federated Farmers of New Zealand	ECO-P7	Retain ECO-P7 as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS22.009	Ernslaw One Limited		Allow	Accept	
FS9.25	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.026	Federated Farmers of New Zealand	ECO-P8	Retain ECO-P8 as proposed.	Accept	No
FS9.26	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.027	Federated Farmers of New Zealand	ECO-PXX (new policy)	Add a new policy in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'Sites that are already protected by a registered covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or Reserve Management Plan approved under the Reserves Act 1977; already achieve the protection of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under Section 6 of the Resource Management Act 1991, and do not need to be regulated by the District Plan further.'	Reject	No
FS9.27	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.028	Federated Farmers of New Zealand	ECO-R1	Delete ECO-R1 as follows: 'Trimming or clearance of indigenous vegetation within any of the following: Areas of domestic or ornamental landscape planting; or Planted shelter belts; or Plantation forestry undergrowth; or Planted indigenous forestry.' And amend the definition of 'Indigenous Vegetation' as follows: 'vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance. Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry. And exclude 'planted vegetation' from being classified as an SNA [refer submission point S121.237].	Reject	No
FS9.28	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS17.47	Horticulture New Zealand		Allow	Reject	
S121.029	Federated Farmers of New Zealand	ECO-R2	Retain ECO-R2(1) and (3).	Accept (subject to amendments from other submissions)	No
FS9.29	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.030	Federated Farmers of New Zealand	ECO-R3	Amend ECO-R3 as follows: 'Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna (excluding natural wetlands) 1. Activity Status: PER Where the following conditions are met: a. ... OR b. Limited to trimming or clearance that is: ... ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or ... iv. required for pest control undertaken by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, and removal of material infected by an unwanted organism under the Biosecurity Act 1993; or ... x. ...; or xi. Required to construct and maintain stock crossings and bridges; or xii. Required for firebreaks.'	Accept in part	Yes
FS9.30	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.031	Federated Farmers of New Zealand	ECO-R4	Amend ECO-R4 as follows: 'Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna Outside an SNA Manuka and Kanuka Species Only 1. Activity Status: PER Where the following conditions are met: a. Unlimited. Limited to: i. clearance of no more than 1 hectare per site per calendar year. ii. Trees to be cleared must be: a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree; and b. must have an average canopy	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			height of less than 6 metres. 2. ... All Other Indigenous Vegetation Species 3. Activity Status: PERWhere the following conditions are met: a. Unlimited . Limited to: i. clearance of no more than 1 hectare per site per calendar year. ii. Trees to be cleared must be: a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree; and b. must have an average canopy height of less than 6 metres. 4. ...'		
FS9.31	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.032	Federated Farmers of New Zealand	ECO-R5	Delete ECO-R5.	Reject <u>Accept</u>	<u>No</u> <u>Yes</u>
FS9.32	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	<u>Accept</u> <u>Reject</u>	
S121.033	Federated Farmers of New Zealand	ECO-R6	Delete ECO-R6. And replace with a provision in ECO-R3 that permits some activities within a wetland SNA. And wetland locations and extent within SNAs needs to be identified in the Schedule to provide certainty as to where any specific wetland provisions apply.	Reject	No
FS9.33	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS5.068	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S121.034	Federated Farmers of New Zealand	ECO-SCHED5	Adjust SNA boundaries and information according to landowner submissions. And introduce a minimum area threshold limit for sites before it is classified as an SNA to account for the margin of error. And delete SNA sites protected by QEII or similar from ECO-SCHED5. And inform landowners as to what criteria their SNA sites meet.	Accept in part	No
FS9.34	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.232	Federated Farmers of New Zealand	CLEARANCE (Definition)	Amend the definition of 'Clearance' as follows: 'in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line: a. application of chemicals b. application of seed of exotic pastures c. burning d. changes to soils, hydrology, or landforms e. drainage f. drilling or excavation [g.] discharge of toxic substances [h.] mob-stocking [i.] overplanting'	Accept in part	Yes
FS9.232	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS23.33	Kāinga Ora - Homes and Communities		Disallow	Reject	
FS5.011	Ngā hapū me ngā marae o Tamatea		Disallow	Reject	
S121.237	Federated Farmers of New Zealand	INDIGENOUS VEGETATION (Definition)	Amend the definition of 'Indigenous Vegetation' as follows: 'vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance. Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry.'	Accept in part	Yes
FS9.237	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS17.6	Horticulture New Zealand		Allow in part Accept the submission to amend the definition of indigenous vegetation.	Accept in part	
S121.250	Federated Farmers of New Zealand	TRIMMING (Definition)	Amend the definition of 'Trimming' as follows: 'includes either of the following: a. pruning of vegetation and trees to make smaller or remove unwanted pieces including the removal of broken branches, dead wood or diseased vegetation b. selective branch removal to increase light and air movement or to improve tree health including the removal of broken branches, dead wood or diseased vegetation. But excludes clearance.'	Reject	No
FS17.11	Horticulture New Zealand		Allow	Reject	
FS5.020	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
FS9.250	Royal Forest and Bird Protection		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
	Society of New Zealand Incorporated				
S121.252	Federated Farmers of New Zealand	ECO-APP1	Amend 'Quantifying Thresholds & Attribute Assessment Guidance' in ECO-APP1 as follows: '... b. For an area to be significant, and ranked as a significant natural area, two one or more of criteria 2-7 is to be met. ..x. Excludes Indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, are exempt from becoming an SNA. xx. Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry.'	Reject	No
FS9.252	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S125.004	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	WETLAND (NATURAL) / NATURAL WETLAND (Definition)	Retain the definition of 'Wetland (Natural)/Natural Wetland', but amend it to be consistent with the definition in the NPSFM 2020. The definition should include the following wording: 'means a wetland (as defined in the RMA) that is not:(a) A wetland constructed by artificial means (unless it is constructed to offset impacts on, or restore, an existing or former natural wetland); or(b) A geothermal wetland; or(c) Any areas of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling.'	Reject	No
S125.051	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-IXX (new issue)	Add a new issue in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows (or alternative wording to similar effect): 'The inability of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.'	Accept in part	Yes
FS13.031	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S125.052	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P1	Retain ECO-P1 as notified.	Accept (subject to amendments from other submissions)	No
S125.053	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P2	Retain ECO-P2 as notified.	Accept (subject to amendments from other submissions)	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.054	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P3	Retain ECO-P3 as notified.	Accept	No
S125.055	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P4	Retain ECO-P4 as notified.	Accept	No
S125.056	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P5	Retain ECO-P5 as notified.	Accept	No
S125.057	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P6	Retain ECO-P6 as notified.	Accept	No
S125.058	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P7	Retain ECO-P7 as notified.	Accept	No
S125.059	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P8	Retain ECO-P8 as notified.	Accept	No
S125.060	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P9	Retain ECO-P9 as notified.	Accept	No
S125.061	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO - Rules	Retain 'ECO - Rules' as notified, but make amendments to ensure that they provide an appropriate pathway for Māori landowners to be able to actively use their whenua.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.075	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO - Assessment Matters	Amend 'ECO - Assessment Matters' to ensure that the rules provide an appropriate pathway for Māori landowners to be able to actively use their whenua.	Accept	Yes
S125.076	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO - Methods	Amend 'ECO - Methods' to ensure that the rules provide an appropriate pathway for Māori landowners to be able to actively use their whenua.	Reject	No
S126.003	Hawke's Bay District Health Board	ECO - Ecosystems and Indigenous Biodiversity	That the District Plan rules be broadened to ensure that land use and water takes do not impact negatively on indigenous vegetation, including the creation of conditions that lead to these natural systems being diminished and or threatened. We believe the rules should be broadened to prevent against the impact on natural systems such as wetlands and Indigenous vegetation. This includes strengthening rules to protect wetlands from being drained for the purposes of land to be freed up for grazing or cropping etc. We also believe rules should be broadened to ensure water use does not threaten indigenous vegetation by either taking too much water out of the system, or the diversion of water away from remnant indigenous vegetation through the alteration of drainage systems.	Reject	No
FS25.48	Federated Farmers of New Zealand		Disallow	Accept	
FS5.072	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
FS17.43	Horticulture New Zealand		Disallow	Accept	
S129.002	Kāinga Ora - Homes and Communities (Kainga Ora)	CLEARANCE (Definition)	Amend the definition of 'Clearance' as follows: 'in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line: a. application of chemicals b. application of seed of exotic pastures c. burning d. changes to soils, hydrology, or landforms e. drainage f. drilling or excavation g. discharge of toxic substances h. mob-stocking; overplanting'	Reject	No
FS5.013	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S129.062	Kāinga Ora - Homes and	ECO - Ecosystems and	Kāinga Ora seeks amendments to address the below matters: 1. Appropriate differentiation is needed between trimming versus clearance activities in relation to indigenous vegetation and habitat, the function each of these activities plan, and	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
	Communities (Kainga Ora)	Indigenous Biodiversity	the likely discrepancies in adverse effects. 2. Simplification and consolidation of assessment matters so as to provide greater certainty about the likely adverse effects requiring mitigation. 3. Kāinga Ora opposes reference to terms 'high natural character areas' and 'significant amenity features' in that these terms are not defined within the plan, and it is presumed that these areas do not meet the threshold for consideration as 'outstanding natural landscapes and features.' Given the lack of clarity around what constitutes a 'high natural character area' or a 'significant amenity feature,' it is unclear to what degree the plan should have regard to these matters within an RMA context.		
FS5.074	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
FS18.13	Transpower New Zealand Limited		Allow in part The submission point be allowed in part in so far as it relates to clarity sought as to what constitutes a 'high natural character area' or a 'significant amenity feature.'	Reject	
S132.001	Ernslaw One Limited	ECO-R1	Retain ECO-R1.	Accept in part (subject to amendments from other submissions)	No
FS5.067	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part (subject to amendments from other submissions)	
S132.002	Ernslaw One Limited	ECO-R4	Provide clearer direction for 'plantation forestry activities' in respect of the application of ECO-R4.	Accept in part	Yes
.					
S132.003	Ernslaw One Limited	ECO-R5	Provide clearer direction for 'plantation forestry activities' in respect of the application of ECO-R5.	Accept in part	Yes
.					
S132.004	Ernslaw One Limited	ECO-R6	Provide clearer direction for 'plantation forestry activities' in respect of the application of ECO-R6.	Accept in part	Yes
.					
S132.005	Ernslaw One Limited	ECO - Ecosystems and Indigenous Biodiversity	Include policy direction and regulatory mechanisms to require that stock is excluded from 'significant indigenous vegetation and habitats'.	Reject	No
FS5.071	Ngā hapū me ngā marae o Tamatea		Allow	Reject	
FS25.49	Federated Farmers of New Zealand		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S132.007	Ernslaw One Limited	ECO-P5	Retain ECO-P5.	Accept	No
S132.008	Ernslaw One Limited	ECO-M3	Retain ECO-M3.	Accept	No
S132.009	Ernslaw One Limited	ECO-APP2	Retain ECO-APP2.	Accept	No
S132.010	Ernslaw One Limited	ECO-P7	Retain ECO-P7.	Accept	No
S132.011	Ernslaw One Limited	ECO-P8	Retain ECO-P8.	Accept	No
S134.007	Ngāti Kere Hapū Authority (Ngati Kere Hapu Authority)	ECO - Ecosystems and Indigenous Biodiversity	[Ensure provision for papakāinga - kaumatua housing in the Proposed Plan is not impeded by 'Significant Natural Area' provisions where these areas overlay residual lands owned by Māori.] We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development.	Reject	No
FS13.030	Heretaunga Tamatea Settlement Trust		Allow	Reject	
FS5.073	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	

Table: Summary of Recommended Responses to Submissions and Further Submissions

Open Space and Recreation

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.021	Hawke's Bay Regional Council	OSR - Open Space and Recreation	No changes.	Accept	No
S81.077	Horticulture New Zealand	OSR-P2	Retain OSR-P2.	Accept	No

Public Access

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.022	Hawke's Bay Regional Council	PA - Public Access	No changes.	Accept	No
S64.079	Department of Conservation	PA-O1	Retain PA-O1.	Accept	No
FS9.362	Forest & Bird		Allow		
S64.080	Department of Conservation	PA-P1	Retain PA-P1.	Accept in part (subject to amendments from other submissions)	No
FS9.363	Forest & Bird		Allow	Accept in part (subject to amendments from other submissions)	
S64.081	Department of Conservation	PA-P3	Retain PA-P3.	Accept	
FS9.364	Forest & Bird		Allow		
S64.082	Department of Conservation	PA-P4	Retain PA-P4.	Accept	
FS9.365	Forest & Bird		Allow		
S121.048	Federated Farmers	PA-O1	Retain PA-O1 as proposed.	Accept	
FS9.48	Forest & Bird		Disallow	Reject	
S121.049	Federated Farmers	PA-P1	Amend PA-P1 as follows: 'To require provide for the establishment of esplanade reserves, esplanade strips or access strips when	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			subdividing land adjacent to priority water bodies shown on the Planning Maps, <u>except when a waiver would be appropriate.</u>		
FS9.49	Forest & Bird		Disallow	Reject	
S121.050	Federated Farmers	PA-P2	Retain PA-P2 as proposed.	Accept in part	Yes
FS9.50	Forest & Bird		Disallow	Reject	
S121.051	Federated Farmers	PA-XX (new policy)	Add a new policy in the 'PA - Public Access' chapter in the Proposed Plan as follows: 'Compensation will be payable for esplanades reserves and strips vested in accordance with Section 237E and 237F of the RMA, unless agreed otherwise.'	Reject	No
FS9.51	Forest & Bird		Disallow	Accept	
S121.052	Federated Farmers	PA-P3	Retain PA-P3 as proposed.	Accept	No
FS9.52	Forest & Bird		Disallow	Reject	
S121.053	Federated Farmers	PA-P4	Amend PA-P4 as follows: '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: 1. 6. Private property. '	Reject	No
FS9.53	Forest & Bird		Disallow	Accept	
S121.054	Federated Farmers	PA-XX (new policy)	Add a new policy in the 'PA - Public Access' chapter in the Proposed Plan as follows: 'To provide information and education to the public regarding where public access is available, and that access over private land is only by the permission of the landowner.'	Accept in part	Yes
FS9.54	Forest & Bird		Disallow	Reject	
S125.065	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PA-I1	Retain PA-I1 as notified.	Accept	No
.					
S125.066	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PA-O1	Retain PA-O1 as notified.	Accept	No
.					
S125.067	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PA - Policies	Redraft the policies in 'PA - Policies' to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. It needs to meet mana whenua aspirations to access key sites of significance and protect and provide for freshwater, coastal and cultural enhancement. Outside of these uses access should be managed to protect the cultural safety of freshwater and coastal waterbodies.	Reject	No

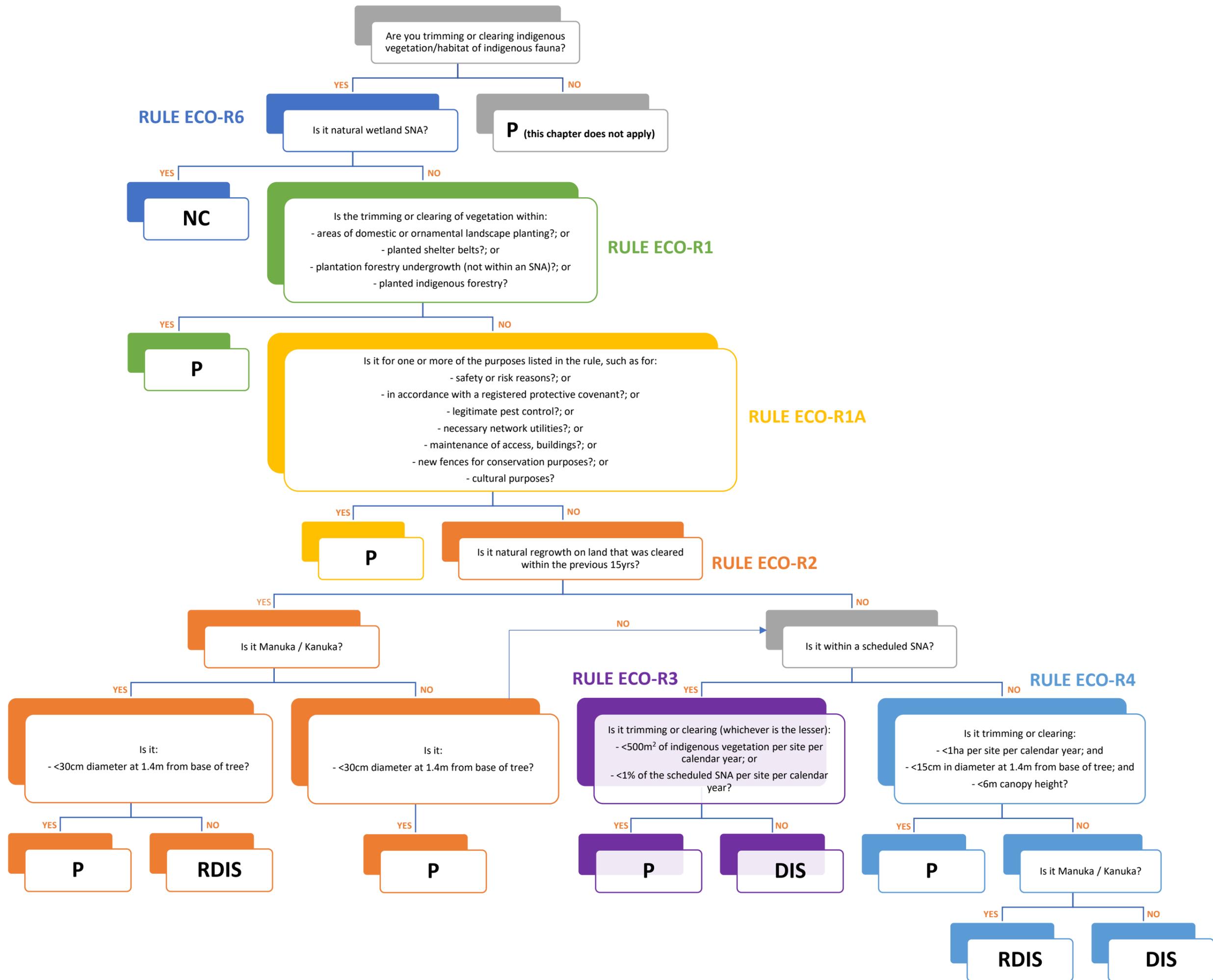
Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			The amended wording should be drafted collaboratively with the mana whenua of the District.		
FS25.73	Federated Farmers		Disallow	Accept	

Activities on the Surface of Water

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.027	Hawke's Bay Regional Council	ASW - Activities on the Surface of Water	No changes.	Accept	No
S48.001	Jet Boating New Zealand	ASW-I1	Retain ASW-I1.	Accept	No
S48.002	Jet Boating New Zealand	ASW-O1	Retain ASW-O1.	Accept	No
S48.003	Jet Boating New Zealand	ASW-P1	Retain ASW-P1.	Accept	No
S48.004	Jet Boating New Zealand	ASW-P2	Retain ASW-P2.	Accept	No
S48.005	Jet Boating New Zealand	ASW-R1	<p>Amend ASW-R1(3) as follows:</p> <p>'Any River Upstream of the Confluence of the Tukituki and Waipawa Rivers³. Activity Status: DISWhere the following conditions are met: N/A-Tukituki River main stem above the Waipawa River confluence</p> <p>Activity Status: PER</p> <p>Where the following performance standards are met:</p> <p>1) Non-commercial</p> <p>2) Excluding July, August and September</p> <p>Activity status where compliance not achieved: DIS</p> <p>Waipawa River main stem above the Tukituki confluence</p>	Reject <u>Accept in part</u>	<u>No</u> <u>Yes</u>

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			Activity Status: PER Where the following performance standards are met:- 1) Non-commercial 2) Excluding July, August and September Activity status where compliance not achieved: DIS Note: This does not apply to the use of small motorized, remotely-controlled craft, operated by suitably qualified persons, for river monitoring purposes.'		
S48.006	Jet Boating New Zealand	ASW-R2	Amend ASW-R2(1) as follows: '1. Activity Status: PER Where the following conditions are met: N/A Non-commercial. '	Reject	No
S48.007	Jet Boating New Zealand	ASW-AM1	Retain ASW-AM1.	Accept	No
S48.008	Jet Boating New Zealand	ASW-M1	Retain ASW-M1.	Accept	No
S48.009	Jet Boating New Zealand	ASW-M2	Retain ASW-M2.	Accept	No
S48.010	Jet Boating New Zealand	ASW-AER1	Retain ASW-AER1.	Accept	No
S48.011	Jet Boating New Zealand	ASW-AER2	Correct typo as follows: 'AWRASW-AER2'	Accept	Yes
S48.012	Jet Boating New Zealand	ASW-AER3	Retain ASW-AER3.	Accept	No

APPENDIX 4
ECO Rule Framework, Flow Diagram



Are you trimming or clearing indigenous vegetation/habitat of indigenous fauna?

YES

NO

RULE ECO-R6

Is it natural wetland SNA?

P (this chapter does not apply)

YES

NO

NC

RULE ECO-R1

Is the trimming or clearing of vegetation within:
- areas of domestic or ornamental landscape planting?; or
- planted shelter belts?; or
- plantation forestry undergrowth (not within an SNA)?; or
- planted indigenous forestry?

YES

NO

P

RULE ECO-R1A

Is it for one or more of the purposes listed in the rule, such as for:
- safety or risk reasons?; or
- in accordance with a registered protective covenant?; or
- legitimate pest control?; or
- necessary network utilities?; or
- maintenance of access, buildings?; or
- new fences for conservation purposes?; or
- cultural purposes?

YES

NO

P

RULE ECO-R2

Is it natural regrowth on land that was cleared within the previous 15yrs?

YES

NO

Is it Manuka / Kanuka?

Is it within a scheduled SNA?

YES

NO

RULE ECO-R3

RULE ECO-R4

Is it:
- <30cm diameter at 1.4m from base of tree?

Is it:
- <30cm diameter at 1.4m from base of tree?

Is it trimming or clearing (whichever is the lesser):
- <500m² of indigenous vegetation per site per calendar year; or
- <1% of the scheduled SNA per site per calendar year?

Is it trimming or clearing:
- <1ha per site per calendar year; and
- <15cm in diameter at 1.4m from base of tree; and
- <6m canopy height?

YES

NO

P

RDIS

YES

P

YES

NO

P

DIS

YES

NO

P

Is it Manuka / Kanuka?

YES

NO

RDIS

DIS