

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

Supplementary Council Reply on Expert Conferencing on 'Ecosystems and Indigenous Biodiversity' chapter, Rule ECO- R3, Hearing Stream 1 – Stella Ann Luoni Morgan

On behalf of Central Hawke's Bay District Council

Date: 4 May 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 Report on the 'Ecosystems and Indigenous Biodiversity' topic, and the legal submissions relevant to this Section 42A Report. 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 response to specific direction from the Hearings Panel as set out in Minute 06 Post Hearing Stream 1 for Expert Conferencing (refer paragraphs 9-12 Appendix 1 attached).
4. I am authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

5. My qualifications and experience are as set out in Section 1.1 of the Section 42 Report on the 'Ecosystems and Indigenous Biodiversity' topic.
6. 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

7. Following Hearing 1 held on the 14th-15th March 2022, the Hearings Panel issued Minute 06 (dated 18 March 2022) including a requirement for Expert Conferencing on Rule ECO-R3 of the Central Hawke's Bay Proposed District Plan to address the following questions:
 - *Whether the Rule can be amended to avoid or mitigate the potential cumulative effects of the potential annual clearance of indigenous vegetation permitted under it; and*
 - *Whether there should an "AND" or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.*
8. Expert Conferencing on this matter took place on Wednesday, 27 April at 2:00pm and was facilitated by Janeen Kydd-Smith of Sage Planning.
9. Representatives of the following parties which submitted on proposed Rule ECO-R3 participated in the Expert Conferencing:
 - Royal Forest and Bird Protection Society
 - Hawke's Bay Regional Council
 - Horticulture New Zealand
 - Federated Farmers of New Zealand
 - Central Hawke's Bay District Council¹
10. This reply addresses the outcome of that Conferencing and provides an updated recommendation to the Hearings Panel.
11. Appendix 1 contains a copy of Minute 06 Post Hearing Stream 1

¹ The Department of Conservation was also invited to participate but declined to be involved.

12. Appendix 2 contains a copy of the Memo that was circulated to conferencing participants prior to the conferencing (dated 26 April 2022)
13. Appendix 3 contains a signed Joint Witness Statement outlining the key outcomes of the conferencing held on the 28th April
14. Appendix 4 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the respective Section 42A Report (dated 11 February 2022) and the reporting officers Right of Reply (dated 8 April 2022).
15. Appendix 5 contains the 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 (dated 11 February 2022) and the reporting officers Right of Reply (dated 8 April 2022). *Note: no changes are recommended as a result of this Expert Conferencing*

Summary of Conferencing Outcomes

16. A full outline of conference participants' positions is outlined in the Joint Witness Statement attached in Appendix 3.
17. In summary, whilst the merits or otherwise of amendments to Rule ECO-R3.1a(i) to address cumulative effects of potential annual clearance of indigenous vegetation were discussed, no parties (other than the suggestion proposed by the reporting planner in the pre-circulated memo attached in Appendix 2) offered any alternatives for consideration, and no alternatives were agreed. The witnesses essentially maintained their various positions on these provisions as outlined in their submissions and evidence at the hearing.
18. Two minor amendments to Rule ECO-R3 were agreed as follows:

(agreed wording shown as **red bold underline**)²

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)		
All Indigenous Vegetation Species	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <ol style="list-style-type: none"> i. clearance of no more than 500m²-of indigenous vegetation per site <u>Significant Natural Area identified in ECO-SCHED5</u> per calendar year; or ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year. <p>OR</p> <p>b. Limited to trimming or clearance that is <u>required for any of the following purposes:</u></p> <ol style="list-style-type: none"> 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 	2. Activity status where compliance not achieved: DIS

² Note: This version of the rule is as set out in Section 42A Ecosystems & Indigenous Biodiversity Topic Report (dated 10 February 2022). The Text in **black bold underline** relates to proposed amendments recommended by the reporting officer in that report, and were not the subject of discussion at the Expert Conferencing.

- 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 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.

Note (3): ~~Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the~~

19. The purpose of these suggested amendments was to clarify the rule and assist in its interpretation.
20. The suggested amendment in Rule ECO3.1a(i) sought to align the permitted clearance limits so that both related to an area or percentage of the overall SNA, rather than one being per site and the other per SNA. The parties agreed that advice would be sought after the conferencing from Council's legal counsel, Asher Davidson, on whether there was scope to include this amendment. This advice was circulated to Conferencing participants.
21. Ms Davidson advised that while it is in scope (in that S75.040 Forest and Bird sought to amend ECO-R3 significantly), there may be an issue with defending the amendments under s 32AA in terms of its efficiency. She notes that where a SNA applies over a number of landholdings, the rule would create a 'first in first served' approach which may be counter-productive, and that it would be difficult, if not impossible, for landowners to know whether they had any entitlement under this rule, because they would have no way of knowing what other landowners affected by the same SNA had cleared in the current year.
22. In reflecting on Ms Davidson's advice, I agree that limiting clearance to 500m² per SNA, rather than per site, would create significant difficulties with clarity and enforceability of this rule. Where a SNA applies across properties, a landowner might inadvertently breach the rule by undertaking even minor clearance if they were unaware their neighbour had already undertaken 500m² of clearance that year. Permitted activity rules should be able to be understood and applied with some certainty by landowners and I consider the change to apply the clearance entitlement across the SNA would fail to achieve this and would be inefficient under s 32(1)(b).
23. I note that ECO-R3.1a(ii), which refers to clearance of 1% of the SNA, does not (necessarily) raise the same issues of uncertainty, provided it is applied on a 'per site' basis, that is, the entitlement would be for each landowner to undertake clearance each year, of 1% of the total area of the SNA up to a maximum of 500m². This discussion has highlighted that part (ii) of the rule is not as clear as it could be and can be read in different ways. However, I do not consider that ambiguity should be exacerbated by changing part (i) to refer on a per SNA basis. I consider the rule as drafted to be sufficiently clear, but that it would become uncertain and unenforceable if changed in the way set out in the JWS.
24. The amendment to Rule ECO-R3.1b sought to clarify that trimming or clearance can occur as a permitted activity for any of the activities listed in b(i) -b(x). Rhea Dasent's (Federated Farmers) view was that as currently written, it could be interpreted as providing for only one of the subsequent listed activities. The amendment as agreed to, seeks to assist in interpreting this rule by clarifying that any clearance and trimming as provided for in the listed activities is permitted as provided for in the respective clauses.

Summary, Options of the Panel and Recommendation

25. In summary, as a result of joint witness conferencing only minor matters of clarification were agreed by the participants. I recommend that the following minor change (as outlined in **red bold underline**) suggested by conferencing participants be adopted:

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)		
All Indigenous Vegetation Species	1. Activity Status: PER	2. Activity status where compliance not achieved: DIS
	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;
or
- ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.

OR

- b. Limited to trimming or clearance that is **required for any of the following purposes:**
 - 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 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.

~~*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.*~~

26. In terms of other options for amendments to ECO-R3-1, I acknowledge the concerns of HBRC and Forest & Bird that part (a) of ECO-R3 potentially allows for cumulative loss of indigenous biodiversity over time. While I think it is unlikely, probably to the point that it is fanciful, that all landowners would undertake the permitted level of clearance every year, the absolute entitlement to undertake clearance of SNA without that being linked to one of reasons in part (b) of the rule does sit somewhat uneasily with s 6(c) of the RMA and the PDP objectives and policies that seek to give effect to that requirement. It is open to the Panel to delete part (a) of the rule altogether, and for permitted clearance of indigenous vegetation within an SNA to be limited to the situations listed in part (b). This is the relief sought in the submission for HBRC (S11.018).
27. While my recommendations on ECO-R3 remain generally as set out in Section 42A Ecosystems and Indigenous Biodiversity Topic Report³, the discussion at expert conferencing was helpful, and in light of those discussions, I would not oppose deletion of part (a) of the rule. This would mean that trimming or clearance of indigenous vegetation within a SNA could only occur as a permitted activity if it was for the one of the purposes listed in (b) or would require discretionary activity consent.
27. The suggested minor amendment to the introductory words to part (b) is a minor clarification and as such can be considered and approved by the Hearings Panel pursuant to Schedule 1, Clause 16(2) of the RMA as an alteration of minor effect.

Date: 4 May 2022



³ I note I have recommended minor wording changes in relation to how the relief sought in S81.073 Hort NZ is reflected in the rule table, namely:

- *The list of matters in ECO-R3 should be retained in that rule (rather than dealt with in ECO-R1A); and*
- *The title of ECO-R1A should clarify that it applies to indigenous vegetation outside a mapped SNA.*

My final recommended wording is set out in Appendix 4.

APPENDIX 1

Copy of Minute 06 Post Hearing Stream 1

IN THE MATTER of the Resource Management Act 1991

AND

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

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

Introduction

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

Legal Opinion

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

Reporting Officers' Right-of-Reply

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

Expert Conferencing

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

Site Inspection

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

Communications

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

Dated 18 March 2022



Robert Schofield

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

APPENDIX 2

Copy of the Memo circulated to conferencing participants prior to the conferencing (dated 26 April 2022)

Memo

To: n.sitarz@forestandbird.org.nz; gavin.ide@hbrc.govt.nz; Jordyn.landiers@hortnz.co.nz;
rdasent@fedfarm.org.nz

From: Stella Morgan

Cc:

Date: 26 April 2022

Re: **Central Hawke's Bay Proposed District Plan, Ecosystems and Indigenous Biodiversity Chapter, Rule ECO-R3**
Response to Directions following Hearing 01 (Minute 07 dated 18 March 2022)

- 1.0 This memo is in response to Directions from the Hearings Panel following Hearing 1 held on the 14-15 March 2022 (Refer Minute 06 dated 18 March 2022 attached as Attachment 1) for Expert Conferencing on Rule ECO-R3 of the Central Hawke's Bay Proposed District Plan.
- 2.0 The Hearings Panel have requested the listed submitters¹ to address the following questions:
 - Whether the Rule can be amended to avoid or mitigate the potential cumulative effects of the potential annual clearance of indigenous vegetation permitted under it; and
 - Whether there should an "AND" or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.
- 3.0 Expert Conferencing on this matter is scheduled for Wednesday, 27 April at 2:00pm. The conferencing will be facilitated by Janeen Kydd-Smith of Sage Planning.
- 4.0 As a starting point for discussion the reporting officer's proposed version of Rule ECO-R3 is set out below. This is based on the version recommended in the s 42A report with a proposed reduction in permitted maximum annual vegetation clearance, and the 'and' remaining between conditions (a) and (b) shown in red.

¹ The Department of Conservation, Royal Forest & Bird Protection Society, Hawke's Bay Regional Council, Horticulture New Zealand, and Federated Farmers.

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)

All Indigenous Vegetation Species

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to (whichever is the lesser):
 - i. clearance of no more than ~~500m²~~ **250m²** of indigenous vegetation per site per calendar year; or
 - ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.
- OR**
- b. 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 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)

2. Activity status where compliance not achieved: DIS

Commented [SM1]: S64.064 Department of Conservation SNA Topic Key Issue 7

Commented [SM2]: 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 [SM3]: S75.040 Forest and Bird SNA Topic Key Issue 7

Commented [SM4]: Note this has now been moved to a separate rule ECO-R1A as a result of S81.073 Hort NZ

Commented [SM5]: S121.030 Fed Farmers SNA Topic Key Issue 7

Commented [SM6]: S121.030 Federated Farmers SNA Topic Key Issue 7

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.

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.

Commented [SM7]: 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

5.0 It is proposed at the conferencing that each party be invited to provide comment on:

- The suggested reduced limit, or provide an alternative including reasons (which will be recorded by the facilitator) and any agreement recorded; and
- The use of 'and' / 'or' between conditions (a) and (b) and reasons for this.

6.0 Final positions of the parties will be recorded and a copy provided to the Hearings Panel and all the parties.



Stella Morgan

Sage Planning

Consultant Planner to Central Hawkes Bay District Council

APPENDIX 3

Signed Joint Witness Statement

Outlining the key outcomes of the conferencing held on the 28th April 2022

**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

Joint Witness Statement – Ecosystems and Indigenous Biodiversity Chapter, Rule ECO-R3

Date: 27 April 2022

Expert Conferencing

1. Expert conferencing was held on 27 April 2022 and was facilitated by Commissioner Kydd-Smith.
2. The conferencing session was originally scheduled for a 60minute duration, but participants were able to devote an extra 30mins (90 minutes in total).

Participants

3. The following persons attended the conferencing:
 - (a) Gavin Ide (Hawke's Bay Regional Council)
 - (b) Natasha Sitarz (Royal Forest and Bird Protection Society Incorporated)
 - (c) Rhea Dasent (Federated Farmers of New Zealand)
 - (d) Jordyn Landers (Horticulture New Zealand)
 - (e) Stella Morgan (on behalf of Central Hawke's Bay District Council)

Environment Court Practice Note

4. Those participants who were attending as planning experts (as recorded in the table below) confirmed that they had read the Environment Court of New Zealand Practice Note 2014 and in particular section 7.1 (Code of Conduct) and Appendix 3 – Protocol for Expert Witness Conferences and agreed to abide by it.

Scope

5. Matters discussed in conferencing related to specific submission points from Hawke's Bay Regional Council (S11.018) and Forest and Bird Protection Society Incorporated (Forest and Bird) (S75.040) on Rule ECO-R3.
6. Federated Farmers of New Zealand (Federated Farmers) and Horticulture New Zealand's (HortNZ) made submission on some aspects of the broader rule and were invited to participate in the conferencing because of that broader interest and to ensure there were no unintended consequences arising from what may have been agreed through conferencing.
7. Other than Stella Morgan, none of the other participants had provided planning evidence at PDP Hearing Stream 1.
8. Provided in ATTACHMENT 1 is a copy of a memo pre-circulated to the conferencing participants (dated 26 April 2022) by Stella Morgan, that set out the purpose of Expert Conferencing as directed by the Hearings Panel in Minute 06 (dated 18 March 2022). This Attachment also set out Rule ECO-R3 based on the version recommended in the Section 42A Ecosystems & Indigenous Biodiversity Topic Report (dated 10 February 2022), with a suggested reduction in the permitted maximum annual vegetation clearance from 500m² to 250m². This version of the Rule formed the basis of the discussions in the Expert Conferencing.
9. Also included in this Attachment is a copy of Minute 06 (dated 18 March 2022) from the Hearings Panel.

Topics

10. The following topics were discussed at the conferencing, in relation to Rule ECO-R3:
 - (a) 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
 - (b) Whether there should an "AND" or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.

Matters Agreed

11. The participants agreed the following unless otherwise stated:

(agreed wording shown as **bold underline**)

NB This version of the rule is as set out in Section 42A Ecosystems & Indigenous Biodiversity Topic Report (dated 10 February 2022). The Text in **underline** relates to proposed amendments recommended by the reporting officer in that report, and were not the subject of discussion at the Expert Conferencing.

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)		
All Indigenous Vegetation Species	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to (whichever is the lesser):</p> <ul style="list-style-type: none"> i. clearance of no more than 500m²-of indigenous vegetation per site <u>Significant Natural Area identified in ECO-SCHED5</u> per calendar year; or ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year. <p>OR</p> <p>b. Limited to trimming or clearance that is <u>required for any of the following purposes:</u></p> <ul style="list-style-type: none"> 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 <u>or in conjunction with</u> the Department of Conservation, Hawke’s Bay Regional Council or Central Hawke’s Bay District Council, <u>or by landowners and personnel working with these organisations for this purpose;</u> and <u>or</u> 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 operation of existing tracks, <u>stock crossing and bridges,</u> drains, <u>firebreaks,</u> formed public roads, private accesses, driveways, right of ways and walkways; or 	<p>2. Activity status where compliance not achieved: DIS</p>

Commented [JK1]: Check with CHB's legal counsel, Asher Davidson that this amendment is within scope of submissions

Commented [SM2]: All participants agreed that this is clearer wording and is consistent with the 1% in (a)(ii). It may potentially be more restrictive than 'per site' and therefore result in less clearance of SNA.

- 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.

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.

Matters Not Agreed and Reasons

12. The following summarizes the issues upon which the participants could not agree and the reasons for their disagreement

Party	Representative	Capacity (Expert*/ Advocate)	What was not agreed	Reasons for disagreement
Hawke's Bay Regional Council	Gavin Ide	Planner for Hawke's Bay Regional Council *	<p>(a) 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</p> <p>(b) Whether there should an 'AND' or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.</p>	<p>It is important that the rules cascade from the intent of the Plan's policies. The objectives and policies indicate SNAs are very special places but Rule ECO-R3.1 as currently constructed is not reflecting that. He is very conscious that permitted activities can be expressed with limits or performance standards and ECO-R3 does not have many performance standards.</p> <p>He accepts that the effects of trimming are considerably different to the effects of clearance within SNA and considers, where it can be achieved, clear expression of that difference in the rule and/or conditions would be helpful to Plan users.</p> <p>He considers that given the PDP's ECO policies (especially Policy ECO P3 as notified), it ought to be a privilege (and not an unconstrained right) to trim or clear indigenous vegetation within these special SNA places.</p> <p>In the absence of any other limits, he considers that the lower 250m² threshold recommended by Stella Morgan is better</p>

				than nothing for appropriate controls on clearance of indigenous vegetation within SNAs. However, in his view, conditions (a)(i) and (ii) in the rule as crafted will be hard to monitor and enforce.
Forest and Bird	Natasha Sitarz	Planner for Forest and Bird *	<p>(a) 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</p> <p>(b) Whether there should an 'AND' or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.</p>	<p>In my professional opinion it is appropriate to replace 'or' with 'and' between Rule ECO-R3.1(a) and (b). This is because I consider that general clearance is not appropriate as a permitted activity within an SNA. SNAs are to be protected under s6(c) in achieving the purpose of the Act and under Policy 11 of the NZCPS is met within the coastal environment.</p> <p>It is also problematic in general terms for a permitted activity to have no standards ensuring that adverse effects on the environment would be no more than minor. If "or" is changed to "and", then I am comfortable that the reduced level of clearance of 250m² in (a), suggested by Stella, as a limit for the purposes listed under (b) is sufficient to reduce concerns of cumulative effects. This is because I consider that the purposes listed under (b) would be unlikely to lead to "cumulative" effects so long as they are undertaken within limits.</p> <p>I do not consider that (a) should be a permitted rule on its own.</p>

Federated Farmers	Rhea Dasent	Regional Policy Advisor for Federated Farmers (not independent technical expert)	<p>(a) 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</p> <p>(b) Whether there should an 'AND' or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.</p>	<p>Supports 'or' remaining between (a) and (b), meaning that activities in (b) are not being restricted to the area limit under (a). In her view, the activities in (b) are necessary for sustainable management under section 5 of the RMA. They are currently limited in the proposed rule (b) by purpose and in some cases width, which will address cumulative concerns.</p> <p>She does not think that a District Plan should put a barrier to people trying to meet other obligations, like Electricity hazards / stock exclusion. She supports the clarification wording in red (b) for the reason that, more than one activity can be conducted at a time. The rule is similar to what she has seen in other District Plans which often have the activity based rule as well as an area based rule.</p> <p>She supports the retention of the 500m² in ECOR3.1(a).</p>
HortNZ	Jordyn Landers	Environmental Policy Advisor for HortNZ* (While a planner, provided industry experience at the hearing so did not attend in an expert capacity)	<p>(a) 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</p> <p>(b) Whether there should an 'AND' or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.</p>	<p>She is largely neutral.</p> <p>Agrees that the wording in (b) is a clarification.</p> <p>She is satisfied that no parties are seeking to exclude the biosecurity provision in ECO-R3.1(b).</p> <p>From her perspective, she would be surprised if the area limit is retained, that it</p>

				would likely be exceeded for biosecurity in a horticultural context in an SNA.
Central Hawke's Bay District Council	Stella Morgan	Planner for CHB*	<p>(a) 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</p> <p>(b) Whether there should an 'AND' or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.</p>	<p>She does not support ECO Rule 3.1(a) and (b) being conjunctive, as ECO-Rule3.1a is intended to provide some flexibility for farmers whose land is most affected by these provisions. She would, however, support some reduction in the threshold trigger to prevent cumulative effects (and proposed 250m²).</p> <p>She does-not support limiting ECO-R3.1(b) to ECO-R3.1(a) as the exclusions in (b) are for valid reasons or subject to other requirements.</p>

*Familiar with the Environment Court of New Zealand Practice Note 2014 and in particular section 7.1 (Code of Conduct) and Appendix 3-Protocol for Expert Witness Conferences and agree to abide by it.

Facilitator: Commissioner Janeen Kydd-Smith
 CHB Planning Policy Planner / Technical Administrator: Tiffany Gray

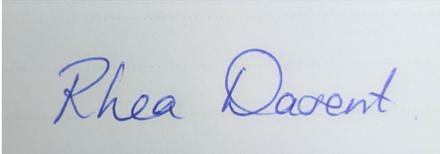
Dated this 27th day of April 2022



Gavin Ide



Natasha Sitarz



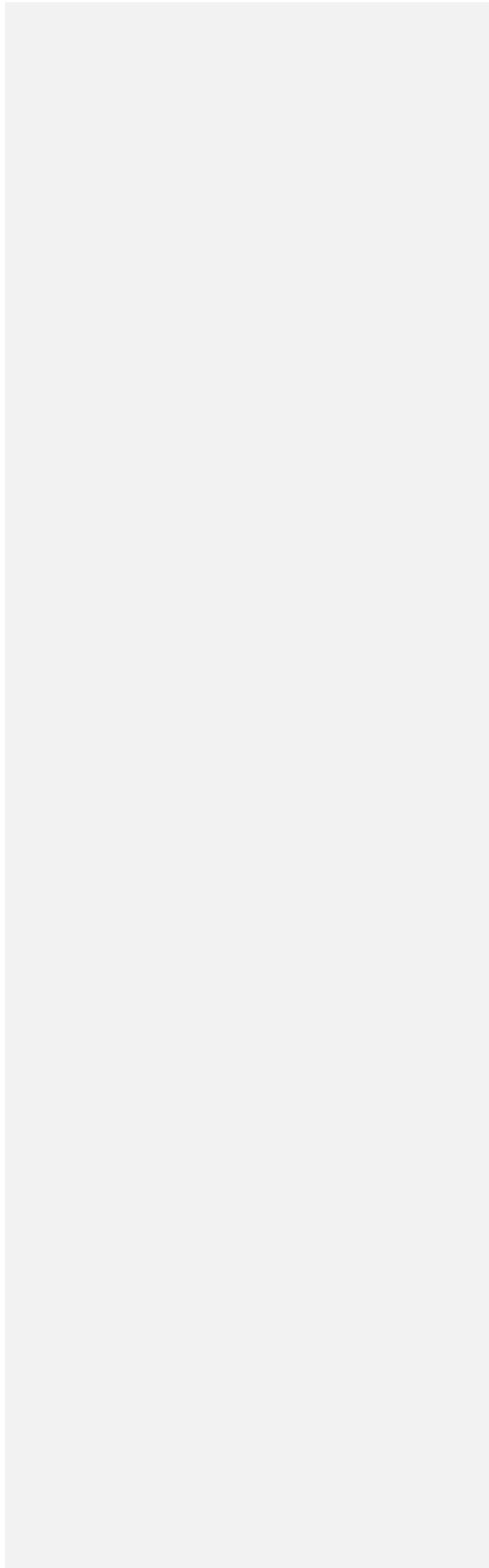
Rhea Dasent



Jordyn Landers

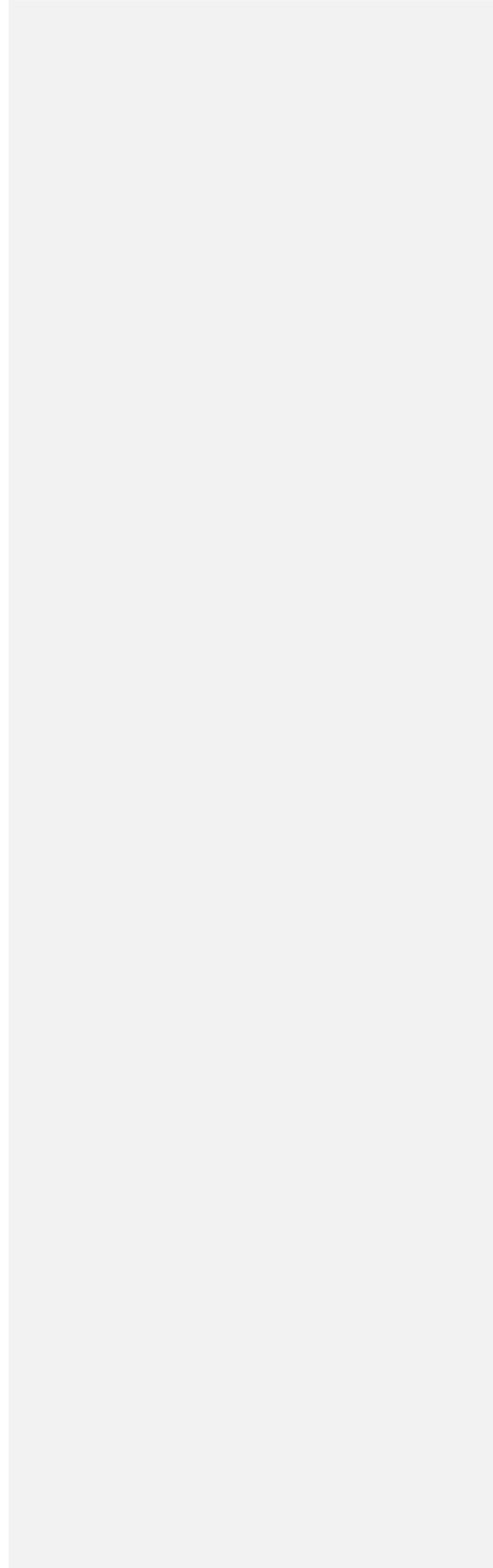


Stella Morgan



ATTACHMENT 1

RULE ECO-R3 MEMO TO SUBMITTERS (DATED 26 APRIL 2022)



Memo

To: n.sitarz@forestandbird.org.nz; gavin.ide@hbrc.govt.nz; Jordyn.landiers@hortnz.co.nz;
rdasent@fedfarm.org.nz

From: Stella Morgan

Cc:

Date: 26 April 2022

Re: **Central Hawke's Bay Proposed District Plan, Ecosystems and Indigenous Biodiversity Chapter, Rule ECO-R3**
Response to Directions following Hearing 01 (Minute 07 dated 18 March 2022)

- 1.0 This memo is in response to Directions from the Hearings Panel following Hearing 1 held on the 14-15 March 2022 (Refer Minute 06 dated 18 March 2022 attached as Attachment 1) for Expert Conferencing on Rule ECO-R3 of the Central Hawke's Bay Proposed District Plan.
- 2.0 The Hearings Panel have requested the listed submitters¹ to address the following questions:
 - Whether the Rule can be amended to avoid or mitigate the potential cumulative effects of the potential annual clearance of indigenous vegetation permitted under it; and
 - Whether there should an "AND" or an "OR" between Rule ECO-R3 conditions (a) and (b) – that is, whether the conditions should be conjunctive or disjunctive.
- 3.0 Expert Conferencing on this matter is scheduled for Wednesday, 27 April at 2:00pm. The conferencing will be facilitated by Janeen Kydd-Smith of Sage Planning.
- 4.0 As a starting point for discussion the reporting officer's proposed version of Rule ECO-R3 is set out below. This is based on the version recommended in the s 42A report with a proposed reduction in permitted maximum annual vegetation clearance, and the 'and' remaining between conditions (a) and (b) shown in red.

¹ The Department of Conservation, Royal Forest & Bird Protection Society, Hawke's Bay Regional Council, Horticulture New Zealand, and Federated Farmers.

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)

All Indigenous Vegetation Species

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to (whichever is the lesser):
 - i. clearance of no more than ~~500m²~~ **250m²** of indigenous vegetation per site per calendar year; or
 - ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.
- OR**
- b. 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** 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)

2. Activity status where compliance not achieved: DIS

Commented [SM1]: S64.064 Department of Conservation SNA Topic Key Issue 7

Commented [SM2]: 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 [SM3]: S75.040 Forest and Bird SNA Topic Key Issue 7

Commented [SM4]: Note this has now been moved to a separate rule ECO-R1A as a result of S81.073 Hort NZ

Commented [SM5]: S121.030 Fed Farmers SNA Topic Key Issue 7

Commented [SM6]: S121.030 Federated Farmers SNA Topic Key Issue 7

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.

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.

Commented [SM7]: 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

5.0 It is proposed at the conferencing that each party be invited to provide comment on:

- The suggested reduced limit, or provide an alternative including reasons (which will be recorded by the facilitator) and any agreement recorded; and
- The use of 'and' / 'or' between conditions (a) and (b) and reasons for this.

6.0 Final positions of the parties will be recorded and a copy provided to the Hearings Panel and all the parties.



Stella Morgan

Sage Planning

Consultant Planner to Central Hawkes Bay District Council

IN THE MATTER of the Resource Management Act 1991

AND

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

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

Introduction

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

Legal Opinion

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

Reporting Officers' Right-of-Reply

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

Expert Conferencing

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

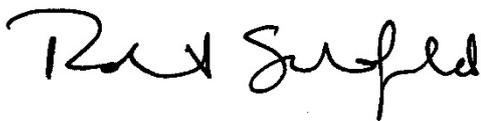
Site Inspection

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

Communications

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

Dated 18 March 2022



Robert Schofield

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

Appendix 4

Updated Recommended Amendments to Plan Provisions

(Note: Changes as a result of Expert Conferencing are shown in **bold underline**)

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.

Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.

- 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 <u>identified as a Significant Natural Area in ECO-SCHED5</u> (excluding natural wetlands)	ECO-R3
Trimming or clearance of indigenous vegetation outside any area <u>identified as a Significant Natural Area in ECO-SCHED5</u> of	ECO-R4

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))

significant indigenous vegetation and/or significant habitat of indigenous fauna	
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.

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

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.

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)

All Indigenous Vegetation Species

1. Activity Status: PER
Where the following conditions are met: N/A

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

ECO-R1A Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5

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))

All indigenous vegetation species

1. Activity Status: PER

Where the following conditions are met:

a. Limited to trimming or clearance that is required for any of the following purposes:

- 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

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

Commented [SM14]: Hearing Stream 1 - Right of Reply dated 4 May 2022 - minor clarification suggested as a result of Expert Conferencing on Rule ECO-R3.1 (as set out in Joint Witness Statement (dated 28 April 2022))

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

- 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 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.

Commented [SM16]: S121.030 Federated Farmers SNA Topic Key Issue 7

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

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

<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. 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>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. 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>
---	--	--

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>2. Activity status where compliance not achieved: DIS</p>
---	---	---

Commented [SM17]: S64.064 Department of Conservation SNA Topic Key Issue 7

Commented [SM18]: 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 [SM19]: S75.040 Forest and Bird SNA Topic Key Issue 7

- b. Limited to trimming or clearance that is **required for any of the following purposes:**
- 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 operation of existing tracks, **stock crossing and bridges, drains, firebreaks,** formed

Commented [SM20]: Hearing Stream 1 - Right of Reply dated 4 May 2022 - minor clarification suggested as a result of Expert Conferencing on Rule ECO-R3.1 (as set out in Joint Witness Statement (dated 28 April 2022))

Commented [SM21]: S121.030 Fed Farmers SNA Topic Key Issue 7

Commented [SM22]: S121.030 Federated Farmers SNA Topic Key Issue 7

- 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.

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.

2. Activity status where compliance not achieved: RDIS

Commented [SM23]: As a result of amendment made to note above preceding rules, in response to submissions from: S85.008 Rayonier Matariki Forests; S132.002 Ermslaw One Limited ; S132.003 Ermslaw One Limited; S132.004 Ermslaw One Limited SNA Topic Key Issue 7

Commented [SM24]: 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)

	<ul style="list-style-type: none"> ii. Trees to be cleared must be have: <ul style="list-style-type: none"> 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 b. must have an average canopy height of less than 6 metres. 	Matters over which discretion is restricted: <ul style="list-style-type: none"> a. ECO-AM1.
All Other Indigenous Vegetation Species	3. Activity Status: PER Where the following conditions are met: <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. clearance of no more than 4 0.5 hectare per site per calendar year. ii. Trees to be cleared must behave: <ul style="list-style-type: none"> 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 b. must have an average canopy height of less than 6 metres. 	4. Activity status where compliance not achieved: DIS
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
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	2. Activity status where compliance not achieved: N/A

Commented [SM25]: 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))

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.

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).

Commented [SM26]: S11.019 HBRC
SNA Topic Key Issue 7

Commented [SM27]: 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.**

Commented [SM28]: S11.038 HBRC
SNA Topic Key Issue 8

- 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).

Commented [SM29]: S125.075 Ngā hapū me ngā marae o Tamatea
SNA Topic Key Issue 3

Commented [SM30]: 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** S57.064 FENZ, (and amend Fed Farmers (FS25.65) to accept)

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.
- 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 of 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.

Commented [SM31]: S125.075 Ngā hapū me ngā marae o Tamatea
SNA Topic Key Issue 3

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 [SM32]: 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 [SM33]: 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 Hawke'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.**~~
- ECO-AER6** **Maintenance of the natural amenity and intrinsic values of waterbodies.**

Commented [SM34]: S75.055 F& B
SNA Topic Key Issue 8

APPENDIX 5

Table of Recommended Responses to Submissions and Further Submissions

Note: No changes are recommended as a result of this Expert Conferencing

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 <u>Accept in part</u>	No <u>Yes</u>
FS25.60	Federated Farmers of New Zealand		Disallow	Accept <u>in part</u>	
S75.042	Royal Forest and Bird Protection Society NZ (Forest & Bird)	ECO-R5	Retain ECO-R5 as proposed.	Accept <u>Reject</u>	No-Yes (in response to S121.032 Federated Farmers)
FS5.080	Ngā hapū me ngā marae o Tamatea		Allow	Accept <u>Reject</u>	
FS19.10	Penny Nelson, Director-General of Conservation		Allow in part	Accept <u>Reject</u>	
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 chemicalsb. application of seed of exotic pasturesc. burningd. changes to soils, hydrology, or landformse. drainagef. drilling or excavationg. discharge of toxic substancesg. mob-stockingh. 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 ...</p> <p>CRITERION 3 ...</p> <p>CRITERION 4 ...</p> <p>CRITERION 5 ...</p> <p>CRITERION 6 ...</p> <p>CRITERION 7 Ecological Context:</p> <p>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	