

Submission on Central Hawkes Bay Proposed District Plan

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Central Hawkes Bay District Council
Email: districtplan@chbdc.govt.nz

Address for Service:

Royal Forest and Bird Protection Society NZ (Forest & Bird)
PO Box 2516, Christchurch 8140
Attn: Natasha Sitarz

Electronic service:

Natasha Sitarz
Email: n.sitarz@forestandbird.org.nz
M: 021 0242 1854
DDI: 03 940 5520



SUMMARY OF SUBMISSION

1. Forest & Bird's (F&B) submission relates to Central Hawke's Bay's Proposed District Plan. In particular, our submission relates to sections on Sustainable Subdivision and Building, Subdivision, Ecosystems and Indigenous Biodiversity, the Coastal Environment, and Earthworks. However, the scope of our concerns may reach wider given the wide-reaching implications of these sections. While we comment predominantly on objectives, policies, and methods, we note there may be subsequent changes required to the rules that are associated with those objectives, policies, and methods to provide the relief sought.
2. While we would have liked to comment on the entirety of the plan in detail, constraints in terms of our capacity to do so mean our comments are somewhat limited in this submission. We hope to provide more detail and expand on any concerns we have at a hearing.
3. F&B acknowledge the substantial work that has gone into the preparation of this plan.
4. This submission is structured as a table, with the section of the plan outlined in the left hand column, followed by the current wording of the plan, F&B's comments, and any suggested changes we have. We have provided comments first on the definitions used in the plan, and then on the substantial sections of the plan.
5. Forest & Bird wishes to be heard in support of this submission.

OUR INTEREST

6. The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's largest independent conservation organisation. It is independently funded by private subscription, donations, and bequests. Forest & Bird's mission is to protect New Zealand's unique flora and fauna, and its habitat. Key matters of concern therefore relate to the protection of ecological values, particularly the

sustainable management of New Zealand’s indigenous biodiversity; natural landscapes; publicly owned land, rivers and lakes; and protection of the conservation estate.

7. Forest & Bird’s Central Hawke’s Bay branch has invested substantial time and resource into planning processes relating to freshwater and land use in the region, as well as into local projects such as reserve management and restoration. They have a substantial interest in the outcome of this plan review.

GENERAL ISSUES

8. F&B are generally comfortable with the intent of the plan, particularly the recognition and protection of SNAs and the direction in regard to sustainable building design.
9. However, we consider the CHB Draft Plan has some issues in regard to its lack of consistency with guiding legislation, in particular with the Resource Management Act and the New Zealand Coastal Policy Statement. We also note the national planning standards, which came into place during the drafting of this plan.
10. We also note it is unclear as to whether SNAs have been identified across public and private land. We also have concerns with the provisions relating to SNAs.
11. Forest & Bird are concerned to see a policy in the ONF chapter

“To recognise the regional social and economic significance of water storage within ONF-4 (Mākāroro Gorge).

This is inappropriate and inconsistent with the RMA and NPSFM (2020) in particular. There are significant conservation values in the gorge and the Public Conservation Land upstream. An ONFL policy should not be carved out specifically for water storage in an ONFL – that would not be consistent with ‘protection’ as per the RMA and other national direction, including the NPSFM (2020). This policy is of particular concern to us and should be deleted.

SEE FOLLOWING PAGES FOR COMMENTS ON SUBSTANTIVE PARTS OF THE PLAN

DEFINITIONS

Term defined in the plan	Proposed plan (i.e. current) wording	Position / Comments	Relief sought / Proposed changes to definition
AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND/OR SIGNIFICANT HABITATS OF INDIGENOUS FAUNA	<p>a. <i>Significant Natural Areas identified in ECO-SCHED5 and identified on the planning maps;</i></p> <p>OR</p> <p>b. <i>Sites (including natural wetlands) that meet one of more of the Ecological Significance Determination Criteria for the Central Hawke’s Bay listed in ECO-APP1 in the District Plan.</i></p>	<p>Support.</p> <p>We support having a single definition for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.</p> <p>We also support the definition including listed sites and those that meet significance criteria.</p>	<p>Retain as proposed.</p>
CLEARANCE	<p><i>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:</i></p> <p>a. <i>application of chemicals</i></p> <p>b. <i>application of seed of exotic pastures</i></p> <p>c. <i>burning</i></p> <p>d. <i>changes to soils, hydrology, or landforms</i></p> <p>e. <i>drainage</i></p> <p>f. <i>drilling or excavation discharge of toxic substances</i></p> <p>g. <i>mob-stocking</i></p> <p>h. <i>overplanting</i></p>	<p>Support in part.</p> <p>We support this definition, particularly the inclusion of drainage and burning. We assume the definition, through its inclusion of the words “damage...of the vegetation” includes modification to vegetation that is damaging but mightn’t result in the complete removal of the vegetation.</p> <p>It appears an amendment is needed to correct a typo.</p>	<p>Amend to fix typo (i.e. a ‘return’ is needed between ‘excavation’ and ‘discharge of...’ (highlighted):</p> <p><i>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:</i></p> <p>a. <i>application of chemicals</i></p> <p>b. <i>application of seed of exotic pastures</i></p> <p>c. <i>burning</i></p> <p>d. <i>changes to soils, hydrology, or landforms</i></p> <p>e. <i>drainage</i></p> <p>f. <i>drilling or excavation</i></p> <p>g. <i>discharge of toxic substances</i></p> <p>h. <i>mob-stocking</i></p> <p>i. <i>overplanting</i></p>
COASTAL ENVIRONMENT	<p><i>means (for the purposes of the Central Hawke’s Bay District Plan) the area above MHWS to the landward edge of the Coastal Environment Area</i></p>	<p>Support</p>	<p>NA</p>

	<p>boundary as identified on the Planning Maps, and excludes the Coastal Marine Area.</p>		
<p>ENVIRONMENTAL COMPENSATION</p>	<p>any action (work, services, financial contribution or restrictive covenants) to compensate for, or offset, the environmental effects of activities that cannot be avoided, remedied or mitigated. Positive measures to correct, balance or otherwise compensate for the loss of the resource or value affected.</p>	<p>Environmental compensation and environmental offsetting are not synonymous. The definition should be amended to reflect this by removing reference to compensation (or creating separate definitions).</p> <p>Biodiversity offsets must meet best practice principles for offsetting, whereas biodiversity compensation only needs to provide a positive, measurable outcome that achieves no net loss. Environmental compensation (as defined in the draft plan) does not need to achieve no net loss. It's possible under this definition that provision for a new town hall or swimming pool could be considered 'environmental compensation'. This approach is inappropriate and perpetuates the loss of biodiversity and other natural values. Compensation is a final option after avoidance, remediation, mitigation, and offsetting have been considered, and therefore should not be promoted as a core method for addressing adverse effects.</p>	<p>Insert new definitions and amend 'Environmental Compensation' definition:</p> <p>Biodiversity offset: <u>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.</u></p> <p>Biodiversity Compensation: <u>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.</u></p> <p>Environmental Compensation: any action (work, services, financial contribution or restrictive covenants) to compensate for, or offset, the environmental effects of activities that cannot be avoided, remedied, or mitigated <u>or addressed by a biodiversity</u></p>

			<i>offset or biodiversity compensation. Positive measures to correct, balance or otherwise compensate for the loss of the resource or value affected.</i>
INDIGENOUS VEGETATION	<i>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.</i>	Support. We support the proposed wording as it is in effect that issued in <i>Director-General v Invercargill District Council</i> [2018] NZEnvC 175), as below: <i>indigenous vegetation means vegetation or groundcover containing vascular and/or non-vascular plants and/or lichens that are indigenous in or endemic to any of the ecological districts of which the District are part.</i>	Retain proposed wording.
NATURAL WETLAND	<i>Refer 'Wetland: (Natural)'</i>	See comments re. Natural Wetland.	
RIVERINE FLOOD PROTECTION	<i>works, structures and plantings for the protection of property and people from floods, including areas of vegetation maintained or planted in the berm margins of flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rock work, anchored trees, wire rope and other structures.</i>	Neutral.	
Trimming	<i>includes either of the following:</i> <ul style="list-style-type: none"> <i>a. pruning of vegetation and trees including the removal of broken branches, dead wood or diseased vegetation</i> <i>b. selective branch removal to increase light and air movement or to improve tree health.</i> <i>But excludes clearance.</i>	Oppose. It is unclear what would qualify as 'diseased vegetation', making this definition ambiguous, permissive, and open to subjective interpretation. There is also no clarity as to what constitutes 'selective branch removal'. It is conceivable that landowners might consider vegetation that is drought stressed, storm damaged, or naturally dying to be 'diseased'; or to make arbitrary decisions about 'selective	Revise wording.

		branch removal'; providing an unjustified reason to undertake vegetation clearance without applying for a resource consent.	
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DISTRICT WIDE MATTERS - SUSTAINABLE SUBDIVISION AND BUILDING, AND SUBDIVISION

SECTION	PROVISION	CURRENT WORDING	F&B POSITION	RELIEF SOUGHT
SSB – Sustainable Subdivision and Building	SSB-O1	Promote sustainable subdivisions and buildings in the District.	Support	Retain as proposed
	SSB-P1	To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through improved subdivision and building design, including by orientation to the sun, domestic on-site water storage and utilising principles of low impact urban design.	Support with amendment	Amend as below to explicitly promote medium-high density housing with small footprints to ensure a minimal environmental footprint, smaller requirement for new infrastructure (including for stormwater), and reduced use of highly productive soils. <i>To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through improved subdivision and building design, including by orientation to the sun, medium-high density housing with small footprints, domestic on-site water storage and utilising principles of low impact urban design.</i>
	SSB-P2	To promote use of on-site stormwater attenuation measures where appropriate, including but not limited to rainwater harvesting devices, green roofs, site landscaping, rain gardens, wetland treatment systems and low impact stormwater attenuation systems.	Support	Retain as proposed
	SSB-P3	To promote sustainable building design, including (but not limited to): <ol style="list-style-type: none"> 1. use of durable low maintenance and energy efficient materials; 2. use of inert exterior cladding (avoiding the use of materials containing copper or zinc); 3. maximising access to sunlight (including the location of outdoor living areas) and natural ventilation; and 4. incorporating mechanical and electrical systems that optimise energy efficiency. 	Support	Retain as proposed

	SSB-P4	To promote water recycling (grey water) and the installation of water-saving devices.	Support	Retain as proposed
	SSB-P5	To promote the installation of solar panels on buildings.	Support	Retain as proposed
	SSB-P6	To promote implementation of principles of sustainable building practice through provision of advice and information.	Support	Retain as proposed
	SSB-M1	Exemptions for Domestic Water Storage Tanks, Solar Panels and Solar Hot-Water Systems Exempting domestic water storage tanks, solar panels and solar hot-water systems from having to comply with the height in relation to boundary performance standard in any zone. Exempting domestic water storage tanks from having to comply with the setback performance standards in any zone.	Support	Retain as proposed
	SSB-M2	Subdivision and Engineering Standards Ensuring subdivision and engineering standards assist in promoting adoption of alternative sustainable building technologies and services, where appropriate.	Support	Retain as proposed
	SSB-M3	Council Water Strategies and Bylaws Council's 'Sustainable Water Management Plan' and Council Bylaws to meet water efficiency and resilience outcomes.	Support with amendment	Amend method to be clearer about what is meant. E.g. Council's 'Sustainable Water Management Plan' and Council Bylaws <u>will be developed</u> to meet water efficiency and resilience outcomes. (or alternative amendment to clarify what council intends)
	SSB-M4	Advocacy Advocating the adoption of environmentally sustainable building design guidelines and principles and providing advice and information to subdividers and developers	Support	Retain as proposed
	Principal Reasons	The principal reasons for adopting the policies and methods: The Council will promote new subdivision and development to incorporate sustainable building design features, and use sustainable, low-impact building materials and construction methods to minimise potential adverse	Support with amendment	Care should be taken not to imply that development will have a 'positive' impact on the environment. While it might do so where a 'sustainably constructed' building replaces an older building, for the most part any

		<p>environmental effects. Subdivisions or developments that propose environmentally sustainable designs and water conservation and on-site water storage measures will be viewed as having a positive effect on the environment, as part of an overall assessment.</p> <p>Many matters relating to sustainable building design are addressed by the minimum standards in the Building Act 2004 (specifically the Building Code). However, where practicable, additional sustainable building design and associated methods that go beyond the minimum standards of the Building Code will be promoted and encouraged.</p>		<p>development will still have some impact on the environment. Amend as below:</p> <p><i>The principal reasons for adopting the policies and methods:</i></p> <p><i>The Council will promote new subdivision and development to incorporate sustainable building design features, and use sustainable, low-impact building materials and construction methods to minimise potential adverse environmental effects. Subdivisions or developments that propose environmentally sustainable designs and water conservation and on-site water storage measures will be viewed as having a positive smaller effect on the environment, as part of an overall assessment.</i></p> <p><i>Many matters relating to sustainable building design are addressed by the minimum standards in the Building Act 2004 (specifically the Building Code). However, where practicable, additional sustainable building design and associated methods that go beyond the minimum standards of the Building Code will be promoted and encouraged.</i></p>
Anticipated Environmental Results	<p>SSB-AER1 Improved subdivision and building development and greater uptake of environmentally sustainable design.</p> <p>SSB-AER2 More efficient use of energy and existing infrastructure.</p>		Support	Retain

		<p>SSB-AER3 Reduced adverse environmental effects.</p> <p>SSB-AER4 A higher quality urban environment.</p> <p>SSB-AER5 Increased use of renewable energy sources, including solar energy.</p>		
	SUB-O1	<p>Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:</p> <ol style="list-style-type: none"> 1. safeguarding the rural land resource of Central Hawke’s Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions in the District Plan); 2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL – Natural Features and Landscapes, ECO – Ecosystems and Indigenous Biodiversity, CE – Coastal Environment provisions in the District Plan); 3. the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, and sites and areas of significance to Māori (HH – Historic Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan); 4. managing adverse effects of inappropriate subdivision on Significant Amenity 	Support in part	<p>We support clause (2) as it is consistent with RMA s 6 b and c and the NZCPS – i.e. to ‘protect’ ONFLs, SNAs, and the coastal environment. We note it is somewhat confusing that it refers to SNAs and ‘areas of significant indigenous veg...’ separately, however we appreciate these are defined as the same thing in the definitions.</p> <p>We support (3) as it is consistent with RMA s 6 f: “the protection of ...”</p>

		<p>Features that contribute to the character and amenity values of the areas (NFL – Natural Features and Landscapes provisions in the District Plan);</p> <p>5. managing adverse effects of inappropriate subdivision on the maintenance and enhancement of public access to and along the coast and the margins of lakes and rivers (CE – Coastal Environment and PA – Public Access provisions in the District Plan); and</p> <p>6. promoting sustainable subdivision and building (SSB – Sustainable Subdivision and Building provisions in the District Plan).</p>		
	SUB-O2	Lots created by subdivision are physically suitable for a range of land use activities allowed by the relevant rules of the District Plan.	Neutral	
	SUB-O3	The provision of appropriate services to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.	Neutral	
	SUB-O4	Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable, or mitigated where avoidance is not practicable.	Neutral	
	SUB-O5	Avoidance of subdivision in localities where there is a significant risk from natural hazards, unless these can be mitigated without significant adverse effects on the environment.	Oppose	<p>This policy should be changed to deter subdivision on grounds wider than where ecological effects can't be mitigated – i.e. also where there is risk from climate change etc., as these will lead to poor decision making and “path dependency”. It will also mean any managed retreat or move out of these risky areas will be more difficult in future.</p> <p>Amend as below:</p>

				<i>Avoidance of subdivision in localities where there is a significant risk from natural hazards, particularly where these risks are likely to increase as a result of climate change unless these can be mitigated without significant adverse effects on the environment.</i>
	SUB-P2	To provide for subdivision of land to create in-situ Lifestyle Sites in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).	Support with amendment	<p>We support legal and physical protection of SNAs and other areas. However, this policy needs to be amended to be clear that protection of these areas when areas around them are being subdivided is mandatory.</p> <p><i>To provide for subdivision of land to create in-situ Lifestyle Sites in conjunction with the where legal and physical protection is provided in perpetuity of for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).</i></p>
	SUB-P14	To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.	Oppose	<p>Policy should be amended to avoid all adverse effects</p> <p><i>To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.</i></p>
	SUB – ALL RULES		Oppose	Subdivision rules are too permissive. Amend to strengthen protection for SNAs and ONFLs in particular, and to be consistent with NZCPS and RMA, as well as NPS-IB (if one is notified).

ECO – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY, CE – COASTAL ENVIRONMENT, AND EW - EARTHWORKS

SECTION	PROVISION	CURRENT WORDING	F&B POSITION	RELIEF SOUGHT / COMMENTS
Natural Environmental Values ECO – Ecosystems and Indigenous Biodiversity Objectives	ECO-O1	<p>Protect the District’s areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development.</p> <p>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.</p>	Support with amendment	<p>Amend to make it clear it is an “and” objective – protection of areas of significant indigenous vegetation <u>and</u> significant habitats of indigenous fauna is required.</p> <p><i>Protect the District's areas of significant indigenous vegetation and for significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.</i></p>
	Objective 2	Maintain indigenous biodiversity within Central Hawke's Bay District.	Support with amendment	<p>Significant loss and degradation of biodiversity and habitats has occurred in CHB, so ‘maintenance’ is not sufficient to ensure the wellbeing of the natural environment and of people, or to address the threats of climate change. Enhancement and restoration is therefore required.</p> <p>Amend as below:</p> <p><i>Maintain <u>and enhance</u> indigenous biodiversity within Central Hawke's Bay District.</i></p>
Natural Environmental Values ECO – Ecosystems	ECO-P1	<p>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.</p> <p>Ecological Significance Determination Criteria for the Central Hawke's Bay District</p>	Oppose	<p>We are mostly supportive of this policy and the criteria in it, however there is a contradiction in it. In the ‘chapeau’, the policy reads “meet one or more of the criteria below” but in the body of the policy, under criterion 1, it suggests that</p>

<p>and Indigenous Biodiversity Policies</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 Representativeness: 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. OR It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level. OR 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.</p> <p>CRITERION 3 Diversity and Pattern: It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.</p> <p>CRITERION 4 Rarity – Species: It is vegetation or habitat (including exotic vegetation or braided river bed 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: 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.</p> <p>CRITERION 5 Rarity - Ecosystems: It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.</p>		<p>more than 1 of the criteria needs to be met when it says “and meets at least one of criteria 2-7.” In this instance, the “and” suggests criteria 1 must be met, along with 1 of the other criteria. This is an inappropriate test.</p> <p>We assume this is not the intention of the plan and it needs amending for consistency with the start of P1. Otherwise this is not an appropriate test – i.e. significance should be able to be recognised in any area, regardless of whether that area is on private or public land, or has been recognised (or recommended) for protection before.</p> <p>We also note it is interesting that CHBDC has decided to define “areas of significant indigenous vegetation and/or significant habitats of indigenous fauna” as including “SNAs” rather than the other way around, though at this stage we do not perceive any issues with this.</p> <p>Amend the policy to be clear that only one of the criteria needs to be met to be an SNA.</p>
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		<p>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 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 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.</p> <p>CRITERION 7 Ecological Context: It is an area of indigenous vegetation or naturally occurring habitat that: 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. OR 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.</p> <p>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.</p>		
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	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.	Support	
	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.	Support	Retain as proposed. It is consistent with NZCPS, particularly P11.
	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: <ol style="list-style-type: none"> 1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna; 2. Clearance of indigenous vegetation in and on the margins of Lake Whatuma and other natural wetlands and braided rivers; 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. 	Support in part	This policy contains too many qualifying terms. While we support that the policy addresses all ‘adverse effects’ (rather than just significant effects), clearance of small areas of vegetation, or areas that are not “intact” should be covered. References to wetlands and braided rivers could be clearer. It is also not clear why this only applies to braided rivers. Amend as below (or relief to similar effect): <i>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:</i> <ol style="list-style-type: none"> 1. Clearance, modification, damage or destruction of <i>large</i> areas of intact indigenous vegetation or habitats of indigenous fauna; 2. Clearance of indigenous vegetation in and on the

				<p><i>margins of Lake Whatuma, and other natural wetlands, and braided rivers;</i></p> <p>3. <i>Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna;</i></p> <p>or</p> <p>4. <i>Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.</i></p>
	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.	Neutral	Refer to our comments on APP2 of the plan
	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.	Support	<p>This is vital to creating resilient and healthy landscapes with strong ecological values.</p> <p>Retain as proposed.</p>
	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.	Support	<p>We support the explicit note that practices must be associated with protecting and maintaining areas. We do wonder: how will landowners' current practices be recognised?</p> <p>Retain.</p>
	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	Support	<p>Provided this is not a substitute for regulatory measures (and covenants are not a pathway 'around' SNA rules), we are supportive of efforts to add layers of protection and restoration for these areas.</p> <p>Retain.</p>

	ECO-P9	<p>To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:</p> <ol style="list-style-type: none"> 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. <p>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.</p>		Neutral	
Natural Environmental Values ECO – Ecosystems and Indigenous Biodiversity Rules	ECO-R1	<p>Trimming or clearance of indigenous vegetation within any of the following:</p> <ul style="list-style-type: none"> • Areas of domestic or ornamental landscape planting; or • Planted shelter belts; or • Plantation forestry undergrowth; or • Planted indigenous forestry. 		Oppose	<p>It is not clear what is meant by “plantation forestry undergrowth”.</p> <p>Clearance of this undergrowth could result in a loss of significant values. The draft NPS-IB states in section 3.10(2): <i>“Within a plantation forest biodiversity area that is a significant habitat for threatened or at-risk indigenous fauna, plantation forestry activities must be managed over the course of consecutive rotations to maintain long-term populations of indigenous fauna species present.”</i> and in (3): <i>“Within a plantation forest biodiversity area that contains threatened or at-risk flora, the adverse effects to these flora from plantation forestry activities must be managed.”</i></p> <p>While we appreciate the NPS-IB is not in effect, it was developed with maintaining values in mind, therefore it is useful for consideration in this context.</p>
		<p>All Indigenous Vegetation Species</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met: N/A</p>		

						Clearance of all undergrowth in plantation forestry should not be allowed without conditions of management to ensure values are protected. The same applies to planted indigenous forestry.
	ECO-R2	ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years			Oppose	Amend rule to have stronger permitted conditions.
		Manuka and Kanuka Species Only	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p style="padding-left: 40px;">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>This rule appears to allow for considerable clearance of vegetation without any consideration of potential values. Stronger conditions are required to protect potential values that have established in areas that have been cleared before, and to ensure these areas have not 'become' SNAs since they were first cleared.</p> <p>While we recognise vegetation may regenerate in areas that have been cleared previously and that clearance of this vegetation may not compromise the values of SNAs, we do not consider it should be undertaken without conditions.</p> <p>We note the draft NPS-IB states: <i>“as long as the regenerating indigenous vegetation has not itself become an SNA in the time since the last clearance event, the periodic clearance of indigenous vegetation as part of a regular cycle to maintain improved pasture is unlikely to compromise the protection of SNAs or</i></p>
		All Other Indigenous Vegetation Species	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>b. Limited to:</p> <p style="padding-left: 40px;">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>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</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><i>the maintenance of indigenous biodiversity...” but “consideration of effects... may be required in the following circumstances...</i></p> <ul style="list-style-type: none"> <i>i) a proposed clearance is likely to have adverse effects that are greater in character, intensity or scale than the adverse effects of clearance that has previously been undertaken</i> <i>...</i> <i>ii) there is inadequate information to demonstrate that a proposed clearance of regenerating indigenous vegetation is part of a regular cycle of clearances to maintain improved pasture:</i> <i>iii) a clearance is proposed in an area that supports any threatened or at-risk species</i> <i>iv) a clearance is proposed in an area that supports alluvial landforms that have not been cultivated (ie, the land as not been disturbed for the purpose of sowing, growing or harvesting pasture or crops).</i>
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						We consider the existing condition in the proposed rule is insufficient to ensure circumstances such as those above will be required to meet a higher activity threshold.
	ECO-R3	ECO-R3 Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna (excluding natural wetlands) 			Oppose	Amend rule significantly to strengthen in line with RMA. This rule allows for significant clearance each year which will result in cumulative impacts and continued loss of biodiversity values over time. It needs to be strengthened significantly to meet the requirements of the RMA, particularly s6. Some of the conditions are inappropriate. For example, allowing clearance 2m on each side of a new fenceline would result in a significant loss of vegetation and is not required to build a fence.
	ECO-R4	ECO-R4 Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna ...			Oppose	The thresholds in this rule are not sufficient to ensure biodiversity values are protected. Further checks are required to ensure the area is not significant and does not meet SNA criteria.
	ECO-R5	ECO-R5 Trimming or clearance of indigenous vegetation not otherwise provided for			Support	
	ECO-R6	ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5			Support	
Natural Environmental Values ECO – Ecosystems	ECO-AM1	ECO-AM1 Removal of Manuka or Kanuka...			Support	Support that this matter is not exhaustive.
	ECO-AM2	ECO-AM2 Trimming and Clearance of Indigenous Vegetation...			Support	Support that this matter is not exhaustive.

and Indigenous Biodiversity				
Assessment matters				
Natural Environmental Values	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.	Support	Support, provided this means any new SNAs that meet the criteria are added. We also assume this means all SNAs, whether on private or public land, have been/will be identified.
ECO – Ecosystems and Indigenous Biodiversity	ECO-M2	Other Provisions in the District Plan ...	Neutral	Retain.
Methods	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)).	Support	Retain and ensure other provisions that reference offsetting are consistent in approach with the recommendations of these documents and best practice. Internal cross-reference should also be made here to ECO-APP2 ‘Principles for Biodiversity Offsetting’ in the plan.
	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: <ol style="list-style-type: none"> 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. 	Support with amendment	Clarification is needed as to where/when rates relief or other financial assistance would be granted
	ECO-M5	Advocacy, Education and Information Sharing	Support	Retain.

		<ol style="list-style-type: none"> 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. 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	<p>Hawke's Bay Biodiversity Accord</p> <p>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.</p>	Support	Retain.
<p>Natural Environmental Values</p> <p>ECO – Ecosystems and Indigenous Biodiversity</p> <p>Anticipated Environmental Results</p>	ECO-AER	<p>ECO-AER1</p> <p>Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas.</p> <p>ECO-AER2</p> <p>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.</p> <p>ECO-AER3</p> <p>Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay.</p> <p>ECO-AER4</p>	Support in part.	<p>It is unclear how ECO-AER5 fits into this chapter and how it will be achieved by the rules and methods above.</p> <p>Retain all but delete ECO-AER5 or amend to clarify how it fits into the framework.</p>

		<p>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.</p> <p>ECO-AER5 Avoidance, remediation, and mitigation of potential conflicts between surface water activities and adjoining activities.</p> <p>ECO-AER6 Maintenance of the natural amenity and intrinsic values of waterbodies.</p>		
ECO-APP1 – Quantifying Thresholds and Attribute Assessment Guidance		<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 Representativeness:</p> <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 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 <p>CRITERION 3 Diversity and Pattern: It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.</p> <p>CRITERION 4 Rarity – Species: It is vegetation or habitat (including exotic vegetation or braided river bed for highly mobile fauna species), that is currently regularly</p>	Oppose	<p>Forest & Bird are largely supportive of the criteria/guidance used here. We are also support of the notion in Policy 1 that an area only needs to meet one of the criteria to qualify as an SNA.</p> <p>However, in APP1, it appears that to qualify as significant an area needs to meet one of the criteria from 2-7 AND that the area currently be, or is recommended to be, set aside “specifically for the protection of biodiversity” (i.e. meet Criteria 1). We assume this is not the intention of the plan and it needs amending for consistency with P1. Otherwise this is not an appropriate test – i.e. significance should be able to be recognised in any area, regardless of whether that area is on private or public land, or has been recognised (or recommended) for protection before.</p>

		<p>utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are:</p> <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 Hawkes Bay Region, or ○ at the limit of their natural range. <p>CRITERION 5 <u>Rarity - Ecosystems</u>: It is indigenous vegetation or habitat that is, and prior to human settlement was nationally uncommon.</p> <p>CRITERION 6 <u>Distinctiveness</u>:</p> <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. <p>CRITERION 7 <u>Ecological Context</u>: It is an area of indigenous vegetation or naturally occurring habitat that:</p> <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 Hawkes 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 		<p>Amend the criteria to be clear that an area only needs to meet one of any of the criteria from 1-7 to be an SNA.</p>
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		<p>areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.</p> <p>OR</p> <ul style="list-style-type: none"> 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. <p>Qualifying Thresholds & Attribute Assessment Guidance:</p> <ol style="list-style-type: none"> All areas to be assessed using these criteria must be undertaken by a suitably qualified and experienced ecologist. For an area to be significant, and ranked as a significant natural area, one or more of criteria 2-7 is to be met. <p>[continued in ECO-APP1 - Quantifying Thresholds and Attribute Assessment Guidance]</p>		
ECO-APP2 – Principles for Biodiversity Offsetting	ECO-APP2	<p>The following sets out a framework of principles for the use of biodiversity offsets. Principles 1–12 must be complied with for an action to qualify as a biodiversity offset. Principles 13–14 should be met for an action to qualify as a biodiversity offset...</p> <p>[principles then reflect Draft National Policy Statement for Indigenous Biodiversity, November 2019]</p>	Support	Retain
ECO-SCHED5 – Schedule of Significant Natural Areas		<p>ECO-SCHED5 – Schedule of Significant Natural Areas</p> <p>...</p>	Support	Retain as proposed, including all listed SNAs.
NFL – Natural Features and Landscapes Objectives	NFL-O1	<p>NFL-O1</p> <p>Outstanding natural features and landscapes that are important to the identity of the District are retained and protected from inappropriate subdivision, use and development.</p>	Support with amendment	<p>Amendment is required for consistency with the RMA, and to ensure all outstanding features are protected, not just those deemed ‘important’:</p> <p><i>Outstanding natural features and landscapes that are important to the</i></p>

				<i>identity of the District are retained and protected from inappropriate subdivision, use and development.</i>
	NFL-O2	NFL-O2 The qualities and values of significant amenity features identified within the District are recognised and provided for, and considered when undertaking new subdivision, use and development.	Neutral	
NFL – Natural Features and Landscapes Policies	NFL-P1	To identify the District's outstanding natural features and landscapes having regard to the following criteria: <ul style="list-style-type: none"> 1. natural science factors such as geology, biology, ecology and hydrology, including its rarity and variability; 2. perceptual factors, including legibility/expressiveness (such as how obviously the landscape demonstrates the formative processes leading to it), transient values (including the occasional presence of wildlife or other values at certain times of the day or year) and aesthetic values (including memorability and naturalness); and 3. associational factors, including historical associations, value to tangata whenua, and whether the values are shared and recognised. 	Neutral	
	NFL-P2	To allow activities within the District's outstanding natural features and landscapes where they are for existing land uses, for conservation purposes and customary activities.	Oppose in part	Clarity is required in terms of what constitutes an “existing land use”
	NFL-P3	To protect the District's outstanding natural features and landscapes by: <ul style="list-style-type: none"> 1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural landscape in the coastal environment; 2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of all other outstanding natural landscapes or features; 3. ensuring the erection of structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes, do not compromise the values present; and 	Support in part	We support the explicit avoid policy in (1) as consistent with NZCPS P11. We are neutral on the remainder of the policy.

		4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.		
NFL-P4	To require that buildings, structures or earthworks locating within the District's outstanding natural landscapes or features avoid adverse visual effects in the coastal environment, and avoid, remedy or mitigate adverse visual effects in all other outstanding natural landscapes or features by:	<ol style="list-style-type: none"> 1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location; 2. integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials; 3. limiting the prominence or visibility of built form, including by integrating it into the outstanding natural landscape or feature; and 4. restoring or reinstating the site following earthworks. 	Oppose in part	It is not clear when buildings will or will not be allowed in the coastal environment or in an ONFL. Clarity should be provided that this policy would need to be read with other policies, which may prevent the construction of a building in the coastal environment, e.g. to meet the requirements of NZCPS P11.
NFL-P5	To recognise the regional social and economic significance of water storage within ONF-4 (Mākāroro Gorge) .		Oppose	This is inappropriate and inconsistent with the RMA and NPSFM (2020). There are significant conservation values in the gorge and the Public Conservation Land upstream. An ONFL policy should not be carved out specifically for water storage in an ONFL – that would not be consistent with ‘protection’ as per the RMA and other national direction, including the NPSFM (2020). Delete policy.
NFL-P6	To identify the District's significant amenity features, being features where the landscape characteristics or values are significant but do not meet the threshold for outstanding natural features.		Neutral	
NFL-P7	To avoid, remedy or mitigate potential adverse effects of subdivision, use and development on the District's significant amenity features, including having regard to the following matters:	<ol style="list-style-type: none"> 1. any specified values and/or management issues identified for the particular amenity feature; 2. the character or degree of modification, damage, loss or destruction that will result from the activity; 	Neutral	

		<ol style="list-style-type: none"> 3. the duration and frequency of the effect of the activity (for example long-term or recurring effects); 4. the magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context); 5. the cumulative effects (for example the loss of multiple features or values); and 6. the need for, or purpose of, the works having regard to the underlying zoning, noting that many significant amenity features comprise working farms. 		
	NFL-P8	To identify opportunities to enhance natural values associated with significant amenity features, and to recognise the positive effects where enhancement is offered.	Support	Retain.
NFL Rules	NFL-R1	NFL-R1 New buildings, relocated buildings, or alterations to existing buildings within an ONL or ONF identified in NFL-SCHED6	Oppose	<p>These rules are extremely permissive.</p> <p>It would be more appropriate to allow only alteration to existing buildings within ONFLs as a permitted activity, provided there is no change in floor area or height, i.e:</p> <p><u>The activity is an alteration to an existing building, where the following conditions are met:</u></p> <ol style="list-style-type: none"> a. Gross floor area of the building or, <u>including any alteration/extension,</u> is less than 25m². b. Maximum height of any <u>building, including any alteration/extension,</u> is less than 3m.
NFL-SCHED6 – Schedule of Outstanding Natural	NFL-SCHED6	...	Support	Retain listed NFLs

Features and Landscapes and Significant Amenity Features				
General District Wide Matters – CE	CE-O1	<p>Preservation of the natural character of the coastal environment of Central Hawke’s Bay, comprising the following distinctive landform of:</p> <ol style="list-style-type: none"> 1. rugged eroding grey mudstone cliffs; 2. steep limestone outcrops; 3. remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation; 4. wide sweeping beaches; and 5. small settlements, recessed into bays, adjoining a number of sheltered beaches. 	Support	<p>We support use of the word “preservation” as consistent with NZCPS.</p> <p>Retain.</p>
Coastal Environment Objectives	CE-O2	Protection of the natural character of the coastal environment of Central Hawke’s Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.	Support	<p>Support. Consistent with NZCPS.</p> <p>Retain.</p>
	CE-O3	Activities that have a functional need to locate in the coastal environment are provided for, where they do not compromise other significant values in the coastal environment.	Support in part	<p>Amend for consistency with NZCPS:</p> <p><i>Activities that have a functional need to locate in the coastal environment are provided for in appropriate locations, where they do not compromise other significant values in the coastal environment.</i></p>
	New Objective CE-O4	<p>Insert new objective:</p> <p><u>“Maintenance and enhancement of public access to and along the coast, where any new access is provided in a way that does not compromise other values within the coastal environment.”</u></p>	Seeking amendment	<p>Insert new objective for consistency with NZCPS Objective 4:</p> <p><u>“Maintenance and enhancement of public access to and along the coast, where any new access is provided in a</u></p>

				<u>way that does not compromise other values within the coastal environment.”</u>
General District Wide Matters – CE Coastal Environment Policies	CE-P1	To identify and map the coastal environment area of Central Hawke’s Bay consistent with the Hawke’s Bay Regional Coastal Environment Plan.	Support	Retain
	CE-P2	To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the natural character of the coastal environment area (particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7); including adverse effects resulting from the following activities: <ol style="list-style-type: none"> 1. drainage of coastal flats and wetlands; 2. earthworks within dunes and coastal escarpments; 3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment; 4. plantation forestry; and 5. use of vehicles on beaches and adjacent public land; particularly where these have been identified as a threat to the values of a particular area of high natural character.	Oppose in part	Drainage of wetlands is non-complying/prohibited under the NES Freshwater. This policy should not suggest that it is an activity that could occur. Otherwise we are reasonably comfortable with this policy and support the reference to avoiding “effects” rather than “activities”. Remove reference to drainage of wetlands from the policy and ensure it is consistent with NES Freshwater.
	CE-P3	To avoid sprawling or sporadic subdivision and development in the coastal environment area.	Neutral	
	CE-P4	To manage the activities that can occur in the coastal environment area, including: <ol style="list-style-type: none"> 1. expansion and consolidation of existing coastal settlements; 2. the scale, location, design and use of structures, buildings and infrastructure; 3. earthworks; and 4. subdivision. 	Neutral	
	CE-P5	To recognise that there are activities which have a functional need to locate and operate within the coastal environment, and provide for those activities in appropriate places.	Support	Consistent with NZCPS. Retain as proposed.
	CE-P6	To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to: <ol style="list-style-type: none"> 1. the particular natural character, ecological, historical or recreational values of the area; 2. the extent to which the values of the area are sensitive or vulnerable to change; 	Support with amendment	We largely support the policy, particularly the reference to effects in (7). However, there should also be a requirement to demonstrate functional need to be in the CE. Amend policy:

		<ol style="list-style-type: none"> 3. opportunities to restore or rehabilitate the particular values of the coastal environment of the area; 4. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it; 5. the impacts of climate change; 6. appropriate opportunities for public access and recreation; and 7. the extent to which any adverse effects are avoided, remedied or mitigated. 		<i>To require that proposed activities within the coastal environment area demonstrate <u>a functional need to be located in the coastal environment area</u>, and that the activity is located appropriately, having regard to its effects and...</i>
	CE-P7	<p>To require that proposed activities within the coastal environment area minimise any adverse effects by:</p> <ol style="list-style-type: none"> 1. ensuring the scale, location and design of any built form or land modification is appropriate in the location; 2. integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms; 3. limiting the prominence or visibility of built form; and 4. limiting buildings and structures where the area is subject to the impacts of climate change and the related impacts of sea level rise, sea temperature rise and higher probability of extreme weather events; and 5. restoring or rehabilitating the landscape, including planting using local coastal plant communities. 	Support	Retain as proposed.
	CE-P8	To encourage restoration and rehabilitation of natural character, indigenous vegetation and habitats, landscape features, dunes and other natural coastal features or processes.	Support.	Retain as proposed.
CE - RULES	CE – ALL RULES	These rules are too permissive. Amendments are required for consistency with NZCPS and RMA, and NPS-IB (should it be notified between now and decisions on the plan)	Oppose	Amend for consistency with NZCPS and RMA in particular (and NPS-IB if notified).
CE-SCHED7 – Schedule of Areas of High Natural Character	CE-SCHED7	...	Support.	Retain listed areas of high natural character as proposed.
EW - Earthworks	EW-O1	Protect the safety of people and avoid, remedy or mitigate the adverse environmental effects of earthworks.	Support	Retain as proposed.

Objectives				
	EW-O2	Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.	Oppose	The objective should not pre-empt use. Amend to read: <i>Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.</i>
EW – Earthworks Policies	EW-P1	To avoid, remedy or mitigate the adverse effects of earthworks which: <ul style="list-style-type: none"> 1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse effects on natural coastal processes; and 2. result in adverse effects on the stability of land, structures or buildings. 	Support	Retain.
	EW-P2	To ensure earthworks are appropriately located and designed to avoid, remedy or mitigate adverse effects by: <ul style="list-style-type: none"> 1. controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties and the environment; and 2. controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system. 	Support	Retain
	EW-P3	To ensure that earthworks are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.	Support	Retain.
	EW-P4	To require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.	Support	Retain

	EW-P5	To protect the highly productive land of Central Hawke’s Bay from large-scale stripping, stockpiling, and removal to ensure the land can still support a range of primary production activities.	Support	Retain
	EW-P6	To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory assessment, such as through subdivision provisions and Building Act 2004 controls.	Neutral	
	EW-P7	To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses and culturally sensitive sites are avoided, remedied or mitigated.	Neutral	
EW – Earthworks Policies Mining, Quarrying and Hydrocarbon Extraction	EW-P8	To enable prospecting and exploration of minerals where the adverse effects on the environment will be minor.	Oppose	Policy should not begin with “enable”. This is much too permissive and inconsistent with NZCPS and RMA. It should be constructed around the premise that effects will be “avoided, remedied, or mitigated” (or a similar approach). E.g. To enable <i>Avoid, remedy, or mitigate the adverse effects of prospecting and exploration of minerals where the adverse effects on the environment will be minor.</i>
	EW-P9	To enable quarries ancillary to farming and forestry activities to be established in rural areas.	Oppose	An enable policy is not appropriate, particularly without reference to environmental limits or avoiding/remediating/mitigating effects. Delete.
	EW-P10	To avoid, remedy or mitigate adverse effects on the environment associated with mining, quarrying and hydrocarbon extraction activities.	Neutral	

	EW-P11	<p>To require proposals for new mining, quarrying or hydrocarbon extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate:</p> <ol style="list-style-type: none"> 1. the size and scale of extraction activities and the expected length of operation of the extraction site; 2. the design and layout of the site, the access roads and supporting facilities; 3. that adequate measures will be used to: <ol style="list-style-type: none"> a. manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time; b. manage adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site; c. avoid, remedy or mitigate adverse effects on soil and water quality, including impacts on watercourses within the extraction site and the effects of discharges from the site into the neighbouring environment; d. maintain land stability; e. protect identified Outstanding Natural Landscapes and Features, and avoid or mitigate adverse effects on visual and landscape values; f. protect historic heritage; and g. protect wahi tapu, wahi taonga and sites of significance to tangata whenua. 4. options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the extraction site. 	Oppose	Reference should be made to SNAs (in a similar way that ONFLs are referred to in the policy). Coastal environmental should also be referred to for protection.
	EW-P12	To require a quarry management plan to be prepared to address operational matters associated with the activities on the extraction site, including management of adverse effects and actions to avoid, remedy, mitigate these effects.	Neutral	

ENDS