
Tuesday, 4 October 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council
Council Meeting

Kaupapataka

Supplementary Agenda

Te Rā Hui:
Meeting date: **Tuesday, 4 October 2022**

Te Wā:
Time: **1.00pm**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Chief Executive - Nigel Bickle**

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Tuesday, 4 October 2022

Te Hui o Te Kaunihara ā-Rohe o Heretaunga

Hastings District Council

Council Meeting

Kaupapataka

Agenda

Tiamana

Chair: Mayor Sandra Hazlehurst

Mematanga:

Membership:

Ngā KaiKaunihera

Councillors: Bayden Barber, Alwyn Corban, Malcolm Dixon, Damon Harvey, Tania Kerr (Deputy Chair), Eileen Lawson, Simon Nixon, Henare O’Keefe, Peleti Oli, Ann Redstone, Wendy Schollum, Sophie Siers, Geraldine Travers and Kevin Watkins

Tokamatua:

Quorum:

8 members

Apiha Matua

Officer Responsible:

Chief Executive – Nigel Bickle

*Te Rōpū Manapori me te
Kāwanatanga*

Democracy and

Governance Services:

Louise Stettner (Extn 5018)

Te Rārangī Take

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Tuesday, 4 October 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Item 1

Te Rārangi Take

Report to Council

Nā:
From: Rowan Wallis, Environmental Policy Manager

Te Take:
Subject: Summary of Recommendations of the District Planning and Bylaws Subcommittee meeting held on Monday, 5 September 2022 to consider Proposed Plan Change 4

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to advise that the recommendations from the District Planning and Bylaws Subcommittee meeting held on 05 September 2022 require consideration and decision by Council.
- 1.2 The District Planning and Bylaws Subcommittee made a series of recommendations that are as follows:

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Council Meeting receive the report titled Summary of Recommendations of the District Planning and Bylaws Subcommittee meeting held on Monday, 5 September 2022 to consider Proposed Plan Change 4 dated 4 October 2022.
- B) That Council adopt the following recommendation from the District Planning and Bylaws meeting on 5 September 2022:

Item 7 “Plan Change 4 – Te Matā Eastern Escarpment”

- C) *That Proposed Plan Change 4 - Te Matā Eastern Escarpment be adopted and notified.*

Attachments:

- 1 [↓](#) Section 32 Evaluation Report Plan Change 4 Te Mata Eastern Face - Sept 2022 CG-16-13-00070
- 2 [↓](#) Proposed Plan Change 4 Section 17 Amendments CG-16-13-00071
- 3 [↓](#) Proposed Plan Change 4 Section 27.1 Amendments CG-16-13-00069
- 4 [↓](#) Proposed Plan Change 4 Appendix 43 Amendments CG-16-13-00072
- 5 [↓](#) Proposed Plan Change 4 Appendix 44 Amendments CG-16-13-00073
- 6 [↓](#) Te Mata Landscape Review - Map of Prohibition Area Aug 2022 ENV-12-22-157

Partially Operative Hastings District Plan

Proposed Plan Change 4: Te Mata Cultural Landscape Protection

Section 32 Summary Evaluation Report

**Prepared
by:**

Rowan Wallis
Hastings District Council

**Reviewed
by:**

Megan Gaffaney
Team Leader Environmental
Policy, Hastings District
Council

**Date:
File Ref:
Status:**

Draft

Section 32 Evaluation: Plan Change 4 to the Partially Operative Hastings District Plan

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1 Introduction

1.1 Purpose of this Report

This report presents the summary evaluation of proposed Plan Change 4 to the Partially Operative Hastings District Plan in accordance with Section 32 of the Resource Management Act 1991 (RMA).

Proposed Plan Change 4 provides for a greater level of recognition and protection of the highly significant cultural landscape that is Te Matā....Te Mata te Tipuna. The Plan Change will provide for increased protection under both the Natural Landscapes and Earthworks sections of the Partially Operative District Plan.

This report is required to accompany proposed Plan Change 4 at the time of public notification under Schedule 1 of the RMA.

1.2 Outline of Proposed Plan Change 4 to the Partially Operative Hastings District Plan

Te Matā....Te Mata te Tipuna is currently identified in the district plan as an Outstanding Natural landscape and recognised as the most iconic of any of the landscapes within the district. Its cultural significance extends beyond any natural values and a large number of Ngā Hapū o Heretaunga whakapapa to Te Mata te Tipuna (Te Mata).

The current provisions within the district plan do not give the maunga the appropriate level of significance or protection, particularly in regard to its significance to Maori. This was evidenced with consent being given to construct a track on the eastern face of the maunga in December 2017. This has resulted in the Council in collaboration with Hapu o Heretaunga looking at the essence of Te Mata and what is required to restore its mauri and better protect it in the future.

The intent of Plan Change 4 is to recognise the importance of the eastern face of Te Mata which previously had lower protection mechanisms in the district plan than the western side. The pressure for development had all been on the western side of Te Mata and protection of the landscape values in the Plan had focused on this area. However the eastern face of Te Mata arguably has greater values with little to no development and land based primary production being the principal activity. Visually the only impacts on the maunga on the eastern side are fences, stock water reticulation and farm tracks. Culturally the entire maunga is of significance, and tangata whenua are anxious to ensure that the appropriate levels of protection are in place to prevent a reoccurrence of the Craggy Range walking track. The plan change has been informed by a significant amount of information that has been gathered on the eastern side of Te Mata since the construction and remediation of the Craggy Range track. The Options Development Report was a collaborative investigation between Council and hapu on the values of the eastern escarpment of Te Mata and the identification of options for its future. This report was drafted by Boffa Miskell and it incorporated and mapped values associated with landscape, cultural, ecological and land use capability among others. The maps and descriptions in the Options Development Report provided a baseline of identified values and characteristics for defining a draft prohibition line on the eastern face of Te Mata. Boffa Miskell have undertaken further field analysis and discussions with the authors of the individual assessments eg ecology

The Proposed Plan Change amends the provisions of the Natural Features and Landscapes Section, the Earthworks section (Sections 17.1 and 27.1), and the planning maps to ensure that the appropriate level of protection is afforded to Te Mata. Currently the plan provisions

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do not offer the level of protection from building and earthworks development on the eastern face that is required. There is a building prohibition line shown on the planning maps but this is aligned to the 240m contour. The effect of this protects the rocky outcrop which is the natural feature running along the ridgeline of the maunga. Building development within this contour is highly unlikely to occur in any event. A new building prohibition line is proposed at a much lower level and aligned with this is a greater level of control of the earthworks that are provided for on the maunga. These new provisions have taken into account the existing land based primary production activity that occurs on the eastern face.

In summary, the proposed variation involves:

- i) Reviewing the policy for cultural landscape values and earthworks on Te Matā...Te Mata te Tipuna
- ii) Reviewing the performance standards for earthworks in the ONFL1 on the eastern face.
- iii) Reviewing the standards and terms and assessment criteria for building and earthworks activities.
- iv) Mapping a new prohibited building line on the eastern face of Te Mata.

2 Section 32 Evaluation Requirements

Clause 5(1) of Schedule 1 of the RMA, requires preparation of an evaluation report for any proposed plan (including any proposed variation to a proposed plan) in accordance with section 32, and for Council to have particular regard to that report when deciding whether to proceed with the statement or plan.

Section 32 evaluations effectively 'tell the story' of what is proposed and the reasoning behind it. The Section 32 evaluation aims to communicate the thinking behind the proposal to the community and to decision-makers. The evaluation also provides a record for future reference of the process, including the methods, technical studies, and consultation that underpin it, including the assumptions and risks.¹

An evaluation report is required to examine both:

- the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
- whether the provisions in the proposal are the most appropriate way in which to achieve the objectives in terms of their efficiency and effectiveness by identifying other reasonably practicable options for achieving the objectives; assessing the efficiency and effectiveness of the provisions in achieving the objectives; and summarizing the reasons for deciding on the provisions (s32(1)(b)).

The evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c)).

Such an evaluation must take into account:

- the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for

¹ Ministry for the Environment. 2014. *A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Management Amendment Act 2013*. Wellington: Ministry for the Environment.

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economic growth and employment that are anticipated to be provided or reduced (s32(2)(a)) and, if practicable, quantify them (s32(2)(b)); and

- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s32(2)(c)).

In this case, proposed Plan Change 4 (the proposal) does not, for the main part, contain 'objectives'. Therefore, pursuant to section 32(6), 'objectives' in this setting relate to 'the purpose of the proposal', which is:

Purpose of the Proposal:

To provide a greater level of protection for the eastern face of Te Mata...Te Mata te Tipuna with its high level of cultural significance, and at the same time recognise the land based primary production nature of the landscape.

Similarly, the 'provisions' to be evaluated are essentially:

Provisions: i) the Outstanding Landscapes and Natural features provisions as they relate to activities on Te Mata te Tipuna;
ii) The Earthworks provisions as they relate to activities on Te Mata te Tipuna;

The first part of the evaluation has to address whether the purpose of the proposal, as set out above, is the most appropriate way to achieve the purpose of the RMA.

Secondly, the evaluation must consider whether the provisions are the most appropriate way to achieve the purpose of the proposal, by identifying other reasonably practicable options for achieving the purpose, assessing the provisions' efficiency and effectiveness in achieving the purpose, and must summarise the reasons for deciding on the provisions.

The following evaluation fulfils Council's statutory obligations under Clause 5(1) of Schedule 1 of the RMA, in accordance with section 32, for proposed Plan Change 4 to the Proposed Plan.

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3 Statutory Basis for Proposed Plan Change 4 in the District Plan

Section 74 of the RMA outlines the requirements for District Councils in terms of the preparation of, and any change to, their district plan in accordance with their functions under section 31 and the provisions of Part 2 of the RMA.

3.1 Part 2 (Purpose & Principles) of the RMA

Managing the provision for long term land-use and recognising cultural elements aligns closely with the purpose of the RMA, which is *'the sustainable management of natural and physical resources'*. Section 5 of the RMA defines 'sustainable management' as:

"managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Proposed Plan Change 4 directly relates to section 5 in that it seeks to protect Te Mata as natural and physical resource, which is also hugely significant to the cultural wellbeing of a large number of hapu within the Heretaunga area. Part 2 requires that sustainable management of this natural and physical resource occurs in a way and at a rate which enables people and communities to provide for their social, economic and cultural wellbeing, and meeting the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil and ecosystems; and addressing adverse effects on the environment. As a result Plan Change 4 recognises the cultural importance of Te Mata both from a spiritual perspective to Maori and as an outstanding landscape in the environment. There are a number of matters of National Importance under Section 6 of the RMA that need to be taken into account and these are as follows;

- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous flora.*
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.*

Te Mata has been identified as an Outstanding Landscape and the rock formation at the top of the eastern face is also identified as an outstanding natural feature. Most importantly it is one of the most significant ancestral sites for tangata whenua on the Heretaunga Plains. The eastern face of Te Mata is also home to some rare habitats of indigenous flora that were identified through an ecological survey carried out as part of the track remediation process. Plan Change 4 will give a greater level of protection to all of the above matters of national importance.

Section 7 identifies other matters requiring particular regard. Of particular relevance are:

- b) the efficient use and development of natural and physical resources;*
- c) the maintenance and enhancement of amenity values;*

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- f) *maintenance and enhancement of the quality of the environment;*
- g) *any finite characteristics of natural and physical resources.*

The purpose of Plan Change 4 is to ensure that the earthworks and outstanding landscapes sections of the partially operative district plan properly recognise the cultural importance of Te Mata while acknowledging that the long standing land use on the eastern face of Te Mata is based around land based primary production activities. The Proposed Plan Change provisions will recognise the existing use of the land for primary production activities and ensuring that there is proper protection of the cultural and landscape environment.

The functions of the District Council in section 31 of the RMA also provide a clear mandate for addressing the integrated management of natural and physical resources in a District Plan.

In particular:

- “(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (iii) the maintenance of indigenous biological diversity*
- (2) the methods used to carry out any functions under subsection (1) may include the control of subdivision.”*

Proposed Plan Change 4 expressly seeks to establish and implement plan provisions to achieve integrated management of a highly valued cultural landscape.

The plan change will also assist in achieving the protection of areas of the eastern face of Te Mata that having been identified as having ecological value. The ecological report identifies important wetland values together with ecosystems of rare value among the rocky faces of Te Mata.

3.2 Hawke’s Bay Regional Policy Statement

In addition, Section 75 of the RMA states that a district plan ‘must give effect to’ any regional policy statement (RPS).

The Key Regional Policies are;

OBJ 1 To achieve the integrated sustainable management of the natural and physical resources of the Hawke’s Bay region, while recognising the importance of resource use activity in Hawke’s Bay, and its contribution to the development and prosperity of the region.

OBJ 2 To maximise certainty by providing clear environmental direction.

OBJ 3 To avoid the imposition of unnecessary costs of regulation on resource users and other people.

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Plan Change 4 is considered consistent with Objective 1 as the plan provisions proposed to protect the cultural landscape of Te Mata also give consideration to the valuable contribution that the land based primary production undertaken on the site makes to the economic prosperity of the region and forms part of the sustainable management of Te Mata as a physical resource.

The plan change provisions also take into account the cost to land owners associated with the greater level of restrictions around earthworks and building activity on the land.

Objective 34 To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC's roles as guardians, as established under the RM, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions.

Objective 35 To consult with Maori in a manner that creates effective resource management outcomes.

Objective 36 To protect and where necessary aid the preservation of wāhi tapu, and tauranga waka.

The principal objective of Plan Change 4 is to give greater recognition and protection of the cultural values of Te Mata te Tipuna and ensure that tangata whenua's role as kaitiaki of the maunga is appropriately recognised. There are a number of wāhi tapu identified on the eastern face of Te Mata and the provisions of Plan Change 4 will also ensure that these sites are properly identified. Plan Change 4 is entirely consistent with Objectives 34-36 of the Regional Policy Statement.

Through its objectives the RPS ensures that the cultural values of the region and the kaitiaki role of the Regional Council and tangata whenua are properly taken into account in any development proposals. The district plan's role is to make certain that any land based activity also recognises and protects those values in a manner which accords with the principles of kaitiakitanga and manakitanga.

'Giving effect to' the RPS is addressed in section 6 of this report.

4 Background – Current status of Activities on the Eastern Face of Te Matā....Te Mata te Tipuna

4.1.1 Rural Zone

The eastern face of Te Mata is zoned Rural in the Partially Operative District Plan. On top of this zone are the following overlays;

- The prohibited building area
- The outstanding natural feature and outstanding natural landscape areas,
- The special amenity landscape (SAL6)
- Archaeological sites

The activities permitted within the Rural Zone are principally around land based primary production and do not pose any significant threats to the mana of the maunga. However it is the building development that is associated with the land based primary production activities that has the potential for negatively impacting on the cultural and landscape values of Te Mata.

While there is a current building prohibition area on the eastern side of Te Mata it is aligned with the 240m contour line which only extends as far as the rock outcrop at the top of the eastern face where buildings development is largely unfeasible. As such the level of effectiveness on the eastern face is drawn into question. Establishing an appropriate boundary for the prohibition building area on the eastern face has been a focus of the plan change investigations and negotiations with landowners.

In addition to the zoning provisions in the plan there are district wide provisions that also apply to land uses on Te Mata te Tipuna and these are Section 17.1 (Natural Features and Landscapes) , and Section 27.1 (Earthworks, Mineral Aggregate and Hydrocarbon Extraction)

Of importance in considering these effects is that The Natural Features and Landscapes provisions override the provisions of the underlying Rural Zone.

4.1.2 Section 17.1 Natural Features and Landscapes

This section of the Plan outlines the landscapes that have been identified in accordance with Section 6() of the RMA as outstanding either from either a cultural or visual aspect or both. The provisions of this section of the Plan set out to manage each of the identified landscapes to ensure the values are appropriately protected.

Te Mata is the only Outstanding Natural Feature Landscape that has a specific policy in Section 17.1 of the Plan. Policy LSP2 affords it the status as the highest priority for protection within the District Plan.

The provisions in the Natural Features and Landscapes section of the plan ensures that residential buildings above and including the 240m contour are prohibited and that other buildings (such as those associated with farming activities or network utilities are non-complying. However as mentioned in section 4.1.1 of this report the appropriateness of the building prohibition being set at the 240m contour for the eastern face is questionable.

An analysis of other provisions relating to the ONFL1 shows that the assessment criteria in section 17.1.8 requires amendment to ensure that the effects of any activity on the cultural landscape in particular are properly considered.

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An amendment to Appendix 43 of the District Plan which lists the Outstanding Landscapes is also required to ensure that the specific management issues relating to Te Mata are outlined. Currently there is no reference to the cultural significance of the maunga in the Appendix.

4.1.3 Section 27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction

The earthworks section of the district plan is an important one in the landscape context. Visual effects are a significant aspect of any adverse impacts on both Outstanding landscapes and cultural landscapes. It is important that there is a link between these sections of the plan to ensure that the relationship between the objectives and policies of the landscapes section of the plan are tied to the provisions of the earthworks section.

It is evident that the strong policy direction in Section 17.1 of the Plan has not been carried forward into the rules applying to earthworks in Section 27.1 of the Plan. It needs to be clearly established that there is no permitted baseline approach to be taken in regard to the volume of earthworks that is permitted. The Plan Change attempts to avoid the situation whereby the total volume of earthworks permitted cannot be used cumulatively over a shorter timeframe. Given the potential visual effects the volume of earthworks permitted for outstanding landscapes may not be appropriate for the eastern face of Te Mata te Tipuna.

4.2 Strategies and Plans relevant to Plan Change 4

The Tangata Whenua and Mana Whenua section (3.1) of the Partially Operative District Plan is particularly relevant to Plan Change 4 as it recognises the that hapu with mana whenua have responsibilities as kaitiaki over outstanding landscapes, wāhi tapu and other taonga.

These areas of responsibility directly relate to the following matters under the Resource Management Act;

Section 6 (e) It is a matter of national importance to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

Section 6 (f) It is a matter of national importance to protect historic heritage from inappropriate subdivision, use, and development.

Section 7 (a) That particular regard is to be had to kaitiakitanga.

Section 7(aa) That particular regard is to be had to the ethic of stewardship.

Section 8 Council has a duty to take into account the principles of the Treaty of Waitangi.

Section 3.1.11 of the District Plan outlines the importance of landscapes to hapu and acknowledges the role that the plan takes in protecting these cultural landscapes for tangata whenua with mana whenua.

4.2.1 Review of Landscape Areas & Implications for Plan Review April 2013

The review of what makes Landscape Areas outstanding was based upon a set of evaluative factors. One of the evaluative questions is asking how important the landscape is to tangata whenua?

However in undertaking the review of the landscapes it was decided to undertake a separate report on the cultural landscapes of the district. These were identified through historical records and korero with kaumatua.

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4.2.2 Hastings Long Term Plan 2018-2028

The recently adopted Long Term Plan 2018-2028 sets out the following objective for Future Focus and Investment.

“District heritage is conserved for future generations.”

Te Mata te Tipuna has significant heritage value for both hapu and the wider community. Its links to the past cannot be disputed and the principles of kaitiakitanga and guardianship are central to the values that hapu adhere to for this maunga. Plan Change 4 aims to give a greater level of protection to Te Mata so that future generations are able to experience the same attributes that accompany this landscape today.

5 Community Engagement Process & Results

Community Engagement on Plan Change 4 is vital given the community response to the recent track formation on the eastern face of Te Mata. This response was polarizing and resulted in people either opposing the track or fighting for its retention. There were very few people that were indifferent to its construction.

As a result any changes to the current district plan provisions relating to the eastern side of Te Mata will need to be carefully articulated to the wider community. Plan Change 4 has been promulgated in response to the cultural impacts of the craggy range track. The track had a profound effect on hapu as well as the visual impacts on the landscape. For this reason engagement with hapu has been an integral part of the preparation of the plan change. Obtaining feedback from the landowners directly affected by the proposed plan changes has also been an integral part of the plan preparation as land based primary production remains the principal land use activity.

5.1.1 Specific engagement with key stakeholders

At the outset of commencing the process for assessing what changes would need to be made to the district plan a working group with Māori representatives was established to provide feedback on the proposed plan change provisions. The group comprises representatives from Taiwhenua O Heretaunga, and Ngati Kahungunu Iwi Inc as well as the Principal Advisor Relationships Responsiveness and Heritage and members of the Maori Standing Committee.

One of the principal protection mechanisms identified for the eastern face is the lowering of the building prohibition line. The outcomes from this could have a significant effect on the current land use activities and therefore consulting with the affected landowners has been an important part of the engagement process on the plan change.

5.1.2 What the engagement told us

The landowners have been very understanding of the need to recognise the cultural values of the eastern face of Te Matā and to better protect it from undue activity.

The landowner negotiations have been completed and these have resulted in a number of positive outcomes which will assist in protecting the mauri of Te Matā...Te Mata te Tipuna. These include the relocation of the dwellings on the existing Certificate of Compliance to locations that are less visible and the relocation of the supplementary dwelling, again to a less visible location. Agreements have also been reached to prevent shelterbelts, plantations and fencing that may obscure the views of Te Matā.

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Most importantly there has been agreement from the landowners to lowering the building prohibition line down to Waimārama Road. This is contingent on the issuing of a new Certificate of Compliance to amend the location of the dwellings to less prominent positions and to include provision for a new woolshed and implement shed.

The owners of the adjoining property at 344 Waimārama Road have also agreed to have the building prohibition area applied to the flat land adjoining Waimārama Road.

6 Matters for Consideration

6.1 Regional Policy Statement (RPS) Considerations

The RPS has objectives and policies for the territorial authorities to consider during preparation of any variation or plan change for development of land within the Region. This plan change is not concerned with urban development per se nor does it impact on any water or ground water resource. It is largely a landscape issue which the Regional Policy Statement does not address. The RPS does however recognise that matters of significance to Iwi/hapu is a regionally significant issue that must be recognised in the consideration of the sustainable development of resources. The Maori dimension is set out in Section 1.5 of the RPS and there are a number of Iwi Concepts of Resource Management outlined in Section 1.6 that are directly relevant to Plan Change 4.

These are:

WAIRUATANGA (spirituality)– *This is not only the foundation for Maori values but also the bond that ties together the other value concepts of rangatiratanga, whanaungatanga, kotahitanga, and manaakitanga.*

RANGATIRATANGA – *Devolves from whakapapa in the first instance and continues to be addressed through the Treaty of Waitangi and thence to the Resource Management Act. This results in the kaitiakitanga that Maori practise through their mana whenua over the natural and physical resources of the land.*

WHANAUNGATANGA – *this is the concept that embraces relationships based on both spiritual and physical origins of Maori. It embraces common interests between people usually evidenced through whakapapa. Whanaungatanga is also the concept that recognises the position and intertwined relationship of Maori in respect of the natural and physical world.*

KOTAHITANGA – *This concept denotes unity. It is a concept upon which diplomacy and understanding is based and implies conciliation and bridge building. It is a process through which communities can strike a balance of values and a means to mutual advantage.*

MANAAKITANGA – *In philosophical terms they represent the bestowal or grant of benefits through the exercise of rangatiratanga rights /responsibilities.*

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In 'giving effect to' the RPS, consideration needs to be given to the above concepts as they relate to Te Mata te Tipuna. This will ensure that Plan Change 4 is entirely consistent with Objective 34 in the RPS "To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC's roles as guardians, as established under the RM, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions".

6.2 Benefits and Costs

Section 32 requires consideration of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated as a result of adoption of the plan change, including opportunities for economic growth and employment that are anticipated to be provided or reduced (s32(2)(a)). These are considered for each option in the tables to follow.

The environmental benefits of Plan Change 4 result from the indirect protection that a number of ecosystems and flora which have been identified through an ecological assessment of the effects of the Craggy Range track. This indirect benefit results from the lowering of the building prohibition line which will ensure that there is no new building development that can affect the ecology of the area over and above that which is experienced at the present time through land based primary production. The basis of the plan change is built around the construct of kaitiakitanga, therefore there are no identifiable environmental costs arising out of the Plan Change.

Te Mata is a landscape that is closely linked to the economy of the area. It features on many sites capturing the essence of Hawke's Bay and is therefore important to the tourist and wider economy of the region. The eastern face which is the focus of this plan change is especially iconic and there are likely to be real benefits to the economy from maintaining the landscape values of this area. The cultural values associated with Te Matā also play a part in supporting the economy of the district. However land based primary production and in this case grazing of the upper slopes and cropping of the flatter land adjacent to Waimarama Road has been the long standing land use activity on the eastern side of Te Mata. Land based primary production is the backbone of the districts economy. As a result, part of the considerations in the drafting of the Plan Change has been to ensure that the land can continue to be used for land based primary production in a sustainable manner. It is recognised that the building prohibition line will have a minor impact on the landowners rights to put buildings on their land, although given the terrain it is unlikely that the demand would be significant.

The social aspects of this plan change relate back to the activity that triggered the plan change which is the construction of a walking track. The community views Te Mata as one of the primary recreation areas of the district and as result it is part of the social fabric of the district where people meet and undertake recreation activities together. The land on the eastern face of Te Mata is in private ownership and therefore the level of community interaction is not as high as on the western face. However the Craggy Range track did raise expectations around the potential to link the eastern side of Te Mata with the existing track system. There could therefore be perceptions of social costs associated with Plan Change 4. Equally it could be perceived that there are social benefits from better protection of this landscape.

It is the cultural benefits which will be most evident from this plan change. The Plan change gives an increased level of protection to the maunga which means that the cultural values that were identified through the Cultural Assessment Report remain intact with kaitiaki responsibilities being met.

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6.3 Conclusion as to Appropriateness of the Plan Change

The above assessment confirms that there are significant benefits to Plan Change 4 with a prohibition on building development proposed to a defined level and also controls on the volumes of earthworks that can be undertaken as a permitted activity. These protection mechanisms are backed up by a strengthening of the objectives and policies associated with Te Mata. While there are some costs associated with the Plan change, the benefits that arise from the protection of a hugely significant cultural and visual landscape and also previously unknown ecological values outweigh those costs.

7 Appropriateness, Efficiency & Effectiveness of Proposed Plan Change 4 in Achieving the Purpose of the RMA

7.1 Is the Proposal the Most Appropriate Way to Achieve the Purpose of the RMA?

As outlined in section 2 of this report, the first part of this evaluation is whether the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA. The purpose of the proposal is:

Purpose of the Proposal:

To give proper recognition to the cultural and landscape values of Te Mata ... Te Mata te Tipuna and to give greater protection of those values to ensure that the sustainable management of the natural and physical resources of the district are achieved.

The assessments above in section 3 to 6 of this report, demonstrate the following:

1. The proposal will assist in ensuring that the cultural values associated with Te Mata te Tipuna are properly recognised, provided for and protected to ensure that the cultural matters set out under Sections 6 & 7 of the Act can be met.
2. The provision of greater certainty for land owners on activities that can be undertaken on their land without impacting on the cultural and landscape values.
3. The proposal amends the Proposed Plan in a way that will achieve integrated management of the effects and use of the land, by ensuring that the ability to sustainably manage the Rural zone is provided for while giving appropriate protection to the cultural values. In this way the proposal seeks to enable people and communities to provide for their cultural and economic wellbeing.
4. The requirement to 'protect' the outstanding landscape and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga appropriately balances the sustainable management of the Rural zone.
5. The results of the stakeholder engagement process during preparation of proposed Plan Change 4 suggests general overall acceptance and a level of support for the proposal.

Ultimately, the proposal gives effect to the RPS, and is efficient and effective in providing for the sustainable management of the natural and physical resources of the district and particularly the matters of national importance on landscapes and the relationship of Maori to the land and sites of significance. The proposal will enable people and communities to provide for their social, economic and cultural wellbeing; meet the reasonably foreseeable needs of future generations; safeguard the life-supporting capacity of air, water, soil and ecosystems; and avoid, remedy or mitigate adverse effects on the environment.

The proposal is confirmed as representing the most appropriate way to achieve the purpose of the RMA, specifically by recognising and providing for the cultural significance of Te Mata te Tipuna while ensuring the sustainable management of the land resource.

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7.2 Are the Provisions the Most Appropriate Way to Achieve the Purpose of the Proposal?

The following evaluation examines whether the provisions in the proposal are the most appropriate way in which to achieve the purpose of the proposal as well as the existing relevant objectives of the District Plan.

Case law on s 32 has interpreted 'most appropriate' to mean "suitable, but not necessarily superior"². Therefore, the most appropriate option does not need to be the most optimal or best option, but must demonstrate that it will meet the objectives in an efficient and effective way.

As a Plan Change to the Partially Operative District Plan, this is regarded as an 'amending proposal' under Section 32(3) of the RMA. In terms of section 32(1)(a) no new objectives are proposed and the existing objectives of Section 17.1 Natural Features and Landscapes, and Section 27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction are relevant.

The focus of this evaluation is on the differences between what was adopted under the Partially Operative District Plan and what is now being proposed under Plan Change 4.

It is important to note that the provisions of Section 17.1 Natural Features and Landscapes, and Section 27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction that are not being altered by the Plan Change do not need to be reconsidered.

This evaluation will assess the following aspects of the Plan Change:

- The lowering of the building prohibition line on the eastern face of Te Mata te Tipuna.
- The permitted activity thresholds for earthworks on the eastern face of Te Mata te Tipuna.
- The assessment criteria for earthworks in outstanding and cultural landscapes.
- The types of land use activities not appropriate on the eastern face of Te Mata te Tipuna.
- Referencing cultural significance as a specific management issue in Appendix 43 of the Plan.
- Strengthening of policies to better reference the cultural significance of landscapes.

And is at a level of detail that corresponds to the scale and significance of the effects anticipated from implementation of the proposal.

Much of the background and assessment in the preceding sections of this report contributes to the overall evaluation of the specifics of this proposal.

7.2.1 The lowering of the Building Prohibition line on the Eastern Face.

7.2.1.1 Options

Options are:

1. **Do Nothing** – this option would involve retaining the existing prohibited building line at the 240m contour point. This line runs along the rocky outcrop near the top of the cliff;

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2. **Lower the building prohibition line below the current level as recommended in the Cultural Assessment Report** – this option involves amending the building prohibition line to align with the 200m contour line as recommended in the cultural report;
3. **Work with landowners to ascertain the most appropriate line for the building prohibition line.** - this option involves engaging in discussions with landowners to ensure the most culturally appropriate line is established and mapped.

7.2.2 Amend the plan provisions for earthworks on Te Mata te Tipuna

7.2.2.1 Options

Options are:

1. **Do Nothing** – this option would involve retaining the current earthworks limits for outstanding landscapes of 200m³ per site per year and 500m³ per site per year for the maintenance of existing farm tracks and 2000m³ per hectare of the site per year in the significant amenity landscape (SAL6);
2. **Lower the earthworks thresholds** - this option involves lowering the limits on the volume of earthworks that could be undertaken as a permitted activity; or
3. **Provide for Restricted Discretionary activity status for earthworks on the eastern face** - this option involves amending the provisions applying to earthworks on Te Mata te Tipuna and making any earthworks a resource consent application.

7.2.3 Amend the assessment criteria for earthworks

7.2.3.1 Options

Options are:

1. **Do Nothing** – this option would involve no changes to the existing provisions which would not take into account the cultural matters required to be addressed; or
2. **Add criteria in the matters to which discretion is restricted that ensure that the cultural importance of Te Mata te Tipuna to hapu forms part of the assessment for resource consent applications.** this option involves amending the provisions for the Earthworks section of the Plan.

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7.2.3.2 Evaluation of Options

Table 1: Issue: The Lowering of the Building Prohibition Line: Option Evaluation:

	OPTION 1: NO CHANGE Retain the existing prohibited building line at the 240m contour.	OPTION 2: LOWER TO 200M CONTOUR Amend the Building Prohibition Line to approximately align with the 200m contour as recommended in the Cultural Assessment report.	OPTION 3: ON SITE ASSESSMENT WITH LANDOWNERS AND TANGATAWHENUA INPUT Establish a new Prohibited Building Line by means of working with the landowners to ascertain a prohibition line that recognises the strong cultural and landscape values.
<p>EFFECTIVENESS</p> <p>In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.</p>	<p>Objective LSO1 states that the factors and values that define the district’s Outstanding Features and Landscapes are identified and protected. In undertaking that identification process Te Mata was identified as the pre-eminent cultural and visual landscape in the district and the following policy demonstrates its importance ; Policy LSP2 “Protection of the present landscape qualities of Te Mata Peak shall be afforded the highest priority through the District Plan”.</p> <p>While the importance of Te Mata is clearly espoused in the Policy the rules and assessment criteria that accompany the policy do not reflect the level of importance. The current building prohibition line is based on a contour that does not protect the majority of the eastern face of Te Mata. There is no recognition in the management issues in Appendix 43 of the Plan of the cultural importance of Te Mata to hapu. For a number of land use activities the assessment matters do not include consideration of the cultural matters.</p> <p>The Purpose of the Proposal is “To give proper recognition to the cultural and landscape values of Te Matā... Te Mata te Tipuna and to give greater protection to those values to ensure that the sustainable management of the natural and physical resources of the district, are achieved.”</p> <p>The assessment of the provisions above shows that the current landscape and earthworks provisions do not meet the purpose of the proposal above</p> <p>While Option 1 does provide landowners with flexibility in the use of their land it does not properly recognise the cultural importance of the landscape and it does not meet the matters of national importance and sections 7 and 8 matters.</p> <p>Option 1: Status Quo is considered to be ineffective in achieving the relevant objectives of the Partially Operative District Plan for this Outstanding cultural</p>	<p>One of the major assessments resulting from the construction of the Craggy Range track was the cultural wellbeing assessment. This work was undertaken by Te Manaaki Taiao, Te Taiwhenua o Heretaunga in association with Te Toi Ōhanga.</p> <p>There were a large number of recommendations arising from the cultural impact assessment. These recommendations were based upon the need to have certain impacts dealt with immediately such as the removal of the Craggy Range Track and then longer term mechanisms put in place to protect Te Mata from any further impacts.</p> <p>One of the principal recommendations for the district plan that arose out of the cultural assessment was a widening of the prohibited building area from the 240m contour to the 200m contour. The assessment report recommended the amendment to the 200m contour to make it possible to include the known location of former Pa sites, the escarpment and key wahi tapu located on the northern most end of the ridgeline.</p> <p>The mapping of this option at the 200m contour (shown in Appendix 1) highlighted some issues in fully meeting both the purpose of the plan change and the reasons for the recommendations. The lowering of the contour from 240m to 200m would not fully meet the objective of protecting the eastern escarpment. When mapped, the 200m contour does not project much below the craggy outcrop at the top of the escarpment. It does not include the midscarp or any of the highly visible parts of the lower foothills.</p> <p>Option 2 is considered to be a partially effective way to achieve the purpose of the proposal, but the effects that are seeking to be avoided.</p>	<p>In identifying that the 200m contour did not fully encompass all of the most visible parts of the eastern escarpment it became obvious that the solution to identifying the most appropriate prohibition line lay in an on the ground assessment in conjunction with the affected landowners.</p> <p>The Council therefore engaged a landscape architect to work with mana whenua and the authors of the cultural assessment report to identify where buildings would have an adverse effect on the landscape that could not be avoided. The landscape architect read through the cultural impact assessment report and then walked the land to determine the features/areas that needed to be included. Discussion was had with the authors of the report to ensure that the right interpretation was being made.</p> <p>This information was shared with the landowners and discussions with an independent mediator engaged by the Council were begun. Councillors tasked the mediator with raising the possibility of achieving a prohibition line lower than that identified by the landscape architect. After some negotiation agreement was reached with the owners of 282 Waimarama Road which resulted in some amendments to an existing Certificate of Compliance held by them to amend the locations of two dwellings and a supplementary unit to less visible locations and most importantly an offer to move the prohibition line down to Waimarama Road.</p> <p>The owners of 344 Waimarama Road similarly agreed to move the building prohibition line down to Waimarama Road to ensure that they adjoined. The prohibition area is shown in Appendix 2.</p> <p>Option 3 is considered effective in meet the relevant objectives of the Partially Operative District Plan and also the purpose of the plan change in giving a greater level of protection to Te Matā te Tipuna than currently exists while having the acceptance of the affected landowners.</p>

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	OPTION 1: NO CHANGE Retain the existing prohibited building line at the 240m contour.	OPTION 2: LOWER TO 200M CONTOUR Amend the Building Prohibition Line to approximately align with the 200m contour as recommended in the Cultural Assessment report.	OPTION 3: ON SITE ASSESSMENT WITH LANDOWNERS AND TANGATAWHENUA INPUT Establish a new Prohibited Building Line by means of working with the landowners to ascertain a prohibition line that recognises the strong cultural and landscape values.
	Landscape and the purpose of the Proposal as it does not provide for the sustainable management of the landscape under Part 2 of the RMA. -		
COSTS Effects anticipated from implementation, including: - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural	The costs that arise from this option are those associated with the cultural harm that could potentially arise. This was evidenced as a result of the construction of the Craggy Range track and to leave the building prohibition line at the 240m mark there is the potential for resource consent applications to be made for the construction of buildings below the 240m on the eastern escarpment. There are also environmental costs associated with this option. There are some rare and site specific flora on this eastern face and the potential for building development afforded by the current building prohibition line could come at a significant cost to the environment. The potential for building on this eastern face would have significant adverse effects on the landscape environment with visual effects likely to be more than minor. These types of effect can impact as a cost on the cultural fabric of the wider community especially where this landscape is seen as an iconic one in the Hawke's Bay environment.	The costs associated with Option 2 are very similar in nature to those associated with Option 1. The only difference is the level of scale of the effects as this option protects a greater area of the eastern face than Option 1, so in terms of the environmental costs they are lower with a greater level of protection given. This option could also lead to a loss of opportunity associated with the inability to undertake further activities involving buildings on the eastern face of Te Mata, so this option would come as a greater costs to the owners of the land.	This option will have the lowest level of both environmental and cultural costs as the area of building prohibition is significantly larger than either of the other two options. This option will have the largest cost on the two property owners affected by the new prohibited building line. This results from the inability to build anything further on the identified land. As for Option 2 there will be a loss of opportunity for social (recreational) activities involving buildings as a result of the extended building prohibition line.
BENEFITS Effects anticipated from implementation, including: - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural	The potential benefits of this option are principally around the flexibility that it offers to use the land for recreation and farming purposes. The area of the land within the Te Mata Park Reserve would result in social benefits and the greater level of flexibility offered to the land owners would result in economic benefits. There are cost benefits to the community for this option as there would not be any need to enter into a plan change process.	This option also results in the same type of benefits though to a lesser degree as a larger area of land would be included in the prohibited building area. This option has a higher degree of social benefit in that the landscape values of the eastern face would have a greater level of protection. Similarly there will be cultural benefits from this option as a greater area of Te Mata te Tipuna would be protected from building development.	Option 3 affords the greatest benefits for the environment and from a social and cultural perspective. The landscape assessment undertaken for this option identifies that while the ridgeline of Te Mata te Tipuna is properly recognised through the outstanding natural feature, the wider context of this landscape is not and the prohibition line will achieve this landscape and cultural context. There will be environmental benefits too with a greater level of protection given to the rare flora that has been identified on this eastern face.
EFFICIENCY In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	<u>Low level of Efficiency</u> This option is considered to have a low level of efficiency as it does not meet to purpose of the proposal in recognising the cultural importance of the eastern face of Te Mata te Tipuna.	<u>Medium level of Efficiency</u> While this option goes some way to giving greater recognition to the cultural and landscape values of Te Mata it is not totally efficient as gaps will still remain and the purpose of the proposal could not be fully met.	<u>High level of Efficiency</u> This option is highly efficient in meeting the purpose of the proposal and also the relevant objectives of the district plan which seeks to give recognise Te Mata te Tipuna as the preeminent cultural and visual landscape in the district.

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	OPTION 1: NO CHANGE Retain the existing prohibited building line at the 240m contour.	OPTION 2: LOWER TO 200M CONTOUR Amend the Building Prohibition Line to approximately align with the 200m contour as recommended in the Cultural Assessment report.	OPTION 3: ON SITE ASSESSMENT WITH LANDOWNERS AND TANGATAWHENUA INPUT Establish a new Prohibited Building Line by means of working with the landowners to ascertain a prohibition line that recognises the strong cultural and landscape values.
OVERALL APPROPRIATENESS In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	Not Appropriate	Not Appropriate	Appropriate
RISK OF ACTING OR NOT ACTING (if uncertain or insufficient information)	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).
<p>CONCLUSION: The above evaluation demonstrates that establishing a new Prohibited building line by means of a landscape architect working alongside tangata whenua and the landowners (option 3), is the most efficient and effective way to ensure that the cultural values of Te Mata te Tipuna are recognised and protected for future generations.</p>			

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7.2.3.3 Evaluation of Options

Table 2: Issue: Rules within Building Prohibition line and Outstanding Natural Features and Landscape Area

	OPTION 1: Utilise the rules that apply on the western face of Te Mata te Tipuna on the eastern face- Status Quo	OPTION 2: Draft rules that recognise both the cultural and landscape significance and also the existing land uses.	OPTION 3: Prohibit all building activity within an identified viewshaft of the eastern face of Te Mata te Tipuna.
<p>EFFECTIVENESS</p> <p>In achieving:</p> <ul style="list-style-type: none"> - the purpose of the Proposal; and - relevant objectives of the District Plan. 	<p>The existing rules that apply on the western face of Te Mata were drafted in response to the creep of residential lifestyle development further and further up the maunga on the western side.</p> <p>The rules that have been applied to the western face result in the prohibition being only applied to residential and visitor and accommodation within the 240m contour. Other buildings are a non-complying activity.</p> <p>Buildings below the prohibited building line</p> <p>This option would result in <u>any</u> building under 50m2 being a permitted activity within the Outstanding Natural Landscape and buildings of any size within the Significant Amenity Landscape area.</p> <p>This option would not be effective in meeting the purpose of the proposal as it would not provide a greater level of protection for the eastern face of Te Matā.</p> <p>It is partially effective in meeting the objectives in the district plan for Te Matā as it remains the only Outstanding Landscape where activities are prohibited.</p>	<p>Option 2 proposes rules that expand on those applying to the western face of Te Matā. This would result in all buildings other than an allowance for small scale farm buildings being prohibited within the boundary of the building prohibition line.</p> <p>Option 2 gives consideration to the land based primary production activities that are undertaken on the eastern face. There is a need to consider the operational requirements of the land owners in farming this land while at the same time protecting the cultural and landscape values.</p> <p>As a result there is provision for small scale building that are accessory to land based primary production activities both within the prohibition area and also within the area of Outstanding landscape which falls outside of the prohibition area.</p> <p>Previously there were no controls over the Significant Amenity Landscape which adjoins the Outstanding landscape and the potential effects that building development could have on the mauri of the maunga need to be taken into account. Controls within the SAL are not as stringent within this area but require appropriate assessment.</p> <p>Option 2 is considered effective in meeting the purpose of the proposal as it provides for both a greater level of protection for the eastern face of Te Matā while also recognising the operational needs of the landowners.</p>	<p>This option places a blanket prohibition for any building development within the viewshaft of the eastern face of Te Matā.</p> <p>While this option would be effective in giving a much greater level of protection to the eastern face thereby giving the greatest level of protection to the cultural and landscape values, it does place significant constraints on the landowners and the ability to provide buildings for the farming operation of their land.</p> <p>However the landowners have requested that the building prohibition line be moved down to Waimarama Road to secure on-going protection of the land.</p> <p>While this option may place limitations on the sustainable management of the land for primary production purposes, this has been accepted by the landowners and as result could be considered effective in achieving both the purpose of the proposal and the relevant objectives of the district plan.</p>
<p>COSTS</p> <p>Effects anticipated from implementation, including:</p> <ul style="list-style-type: none"> - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural 	<p>The cost to the cultural and landscape values of not prohibiting all buildings except those that are essential to the land based primary production function of the land.</p> <p>Potential economic cost to the landowners as a result of limitations to the size of buildings.</p> <p>Would require landowners to make resource application for buildings on their land over 50m2 in gfa.</p> <p>This option has costs for the cultural and landscape values as it does not provide any level of control over the</p>	<p>This option will result in a higher level of monitoring costs to the Council.</p> <p>This option could result in economic costs to the landowners as a result of reduced flexibility of land use.</p> <p>This option has higher consenting costs for the landowners.</p>	<p>This option has a high economic cost to the landowner as a result of the building prohibition on the land.</p> <p>No flexibility for the landowners in how they manage their land.</p>

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	OPTION 1: Utilise the rules that apply on the western face of Te Mata te Tipuna on the eastern face- Status Quo	OPTION 2: Draft rules that recognise both the cultural and landscape significance and also the existing land uses.	OPTION 3: Prohibit all building activity within an identified viewshaft of the eastern face of Te Mata te Tipuna.
	Significant Amenity Landscape area and lower levels within the building prohibition line.		
BENEFITS Effects anticipated from implementation, including: - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural	The benefits of this option include; <ul style="list-style-type: none"> • Providing certainty for the landowner in that the same rules apply across the entire area of Te Matā . • Ease of administering one set of rules. • Has lower compliance costs for the landowner. 	The benefits of this option include; <ul style="list-style-type: none"> • Appropriately recognises the cultural and landscape values of Te Matā. • The ability to impose conditions on building development to mitigate any adverse cultural and landscape effects. • Strikes a balance between protection of cultural and landscape values and the ability of the landowners to manage their land in a sustainable manner. 	The benefits of this option include; <ul style="list-style-type: none"> • Protects the cultural and landscape values to the greatest degree. • Providing certainty to the community that the landscape will remain free of buildings beyond those approved under the existing Certificate of Compliance
EFFICIENCY In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	A moderately efficient way of achieving the Proposal and objectives of the Plan.	This is a true effects based approach whereby the effects of development on the cultural and landscape environment can be appropriately assessed and at the same time there is a level of certainty for the applicant. An efficient way of achieving the Proposal and objectives of the Plan.	This is not a totally efficient way of achieving the purpose as the costs heavily outweigh the benefits in terms of the sustainable management of the land use.
OVERALL APPROPRIATENESS In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	Not Appropriate	Highly Appropriate	This option would not normally be appropriate, but is highly appropriate in this case as it has the support of the landowners.
RISK OF ACTING OR NOT ACTING (if uncertain or insufficient information)	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).
CONCLUSION: The above evaluation identifies that Option 3 is the most efficient and effective option in meeting the purpose of the proposal and the objectives and policies of the partially operative district plan.			

	OPTION 1: Status Quo	OPTION 2: Providing for building development and on site earthworks with controls on the location.	OPTION 3: Seek to have the building prohibition area extended over the SAL6 on the properties at 282 and a portion of 344 Waimarama Road
EFFECTIVENESS In achieving: - the purpose of the Proposal; - and - relevant objectives of the District Plan.	<p>Under Option 1 there are currently no rules or performance standards that apply to building with Significant Amenity Landscape 6 (SAL6 Te Matā). The Significant Amenity Landscape adjoins the Outstanding Natural Landscape and the landscape assessment states that the management issues for SAL 6 Te Matā are;</p> <ul style="list-style-type: none"> the risk of significant human induced landscape [[change and that the lower slopes is where management methods should be focused and, retention of the open character of the mid to lower slopes. <p>The cultural values associated with Te Matā do not differentiate between landscape boundaries and therefore it is appropriate that the effects of building development should be considered over the extent of the eastern face.</p> <p>There are controls over the volume of earthworks in the SAL6. These are the provisions that apply in the Rural zone, which equate to 2000m³ of earthworks per ha per year, which allows for very large volumes of earthworks as a permitted activity. The effects of this volume on the cultural and visual values of Te Matā could be significant.</p> <p>This option is not effective in achieving the purpose of giving a greater level of protection to Te Matā.</p>	<p>Option 2 recognises that buildings within the SAL could have an adverse effect on the maunga but that they are necessary for the management of the long established land based primary production that has been undertaken on the land, particularly with properties that have a large proportion of their land are affected by the building prohibition area.</p> <p>This option does not exclude any of the building options that are provided for under the Rural Zoning but places controls over where they are sited on the property to prevent obstruction of the eastern escarpment when viewed from Waimarama Road. In order to prevent these visual impacts a view shaft has been identified on the planning maps and it is proposed that controls will be put on buildings, structures and shelter belts within the view shaft to prevent the visual obstruction of the maunga by these types of activities.</p> <p>SAL6 also immediately adjoins the Outstanding Landscape and therefore the location of buildings, structures and shelter belts within the significant amenity landscape area has the potential to impact negatively on the outstanding landscape behind.</p> <p>Similarly the volume of earthworks within the SAL could have a significant impact on the wairua of the maunga and have a visual effect. There is also the need to balance the requirements of landowners in managing their rural land resource. Finding that balance is the challenge. This option proposes the adoption of the rule that applies to ONFL's which is, 200m³ per site, per year, and 500m³ per site, per year, for the maintenance of existing farm tracks, fencing, and drains.</p> <p>Option 2 is effective in achieving the purpose of the proposal as it will <i>provide a greater level of protection for the eastern face of Te Matā....Te Mata te Tipuna with its high level of cultural significance, and at the same time recognise the land based primary production nature of the landscape.</i></p>	<p>Currently there are no controls over buildings within the SAL6 on the eastern face of Te Matā. An education approach is taken to mitigating the effects of building development within the SAL. Option 3 places a high level of constraint over the landowner than that of Option 2. It would prevent any further building development on the land.</p> <p>For earthworks this option would adopt the earthworks rules that are proposed for ONFL1 on the eastern side of Te Matā which is 50m³ per site per year and 500m³ per site per year for the maintenance of existing farm tracks, fencing and drains.</p> <p>This option would be very effective in achieving the purpose of the proposal as it would ensure a much greater level of protection for the eastern face. However this option may not be so effective in achieving the objectives of the Rural Zone over which the significant amenity landscape lies. The effectiveness of this option in achieving Objective RZO3 " <i>To enable the flexible use of land while not limiting the ability of land uses relying on the productivity of the land or soils to undertake their activities.</i>", may be questionable.</p>
COSTS Effects anticipated from implementation, including: - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural	<p>The costs associated with this option relate to the potential landscape and cultural costs that would eventuate if building development was to take place within this area of the significant amenity landscape without some measure of control.</p>	<p>The Rural Zoning does provide for building development within the Significant Amenity Landscape and there are no standards that are applied to SAL6 Te Matā. The costs associated with this option are therefore those associated with the loss of flexibility by the landowner with the need to obtain resource consent for buildings located within the view shaft and earthworks exceeding the maximum volume.</p>	<p>The costs associated with Option 3 are the same as for Option 2 with the exception that there will be an even larger economic cost for the landowner as the flexibility for them to have buildings other than farm buildings as permitted activities is removed and greater limits placed on the volume of earthworks that can be undertaken as of right.</p>
BENEFITS Effects anticipated from implementation, including: - Environmental	<p>The benefits of this option include;</p> <ul style="list-style-type: none"> Economic savings for the Council by not having to make changes to the District Plan. 	<p>The benefits of Option 2 are that it provides cultural benefits by reducing the impact on the wairua of the maunga. There will be visual benefits by exercising control over the location of buildings within the SAL to ensure that they do not negatively</p>	<p>Like Option 2, this option has significant benefits in achieving improved protection of the landscape values and the cultural values of the eastern face.</p>

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<ul style="list-style-type: none"> - Economic (incl. on economic growth & employment) - Social - Cultural 	<ul style="list-style-type: none"> • Economic savings to landowners by no restrictions on buildings over and above those applying under the Rural zoning. 	impact on the outstanding landscape area of the eastern face. The potential for visual effects resulting from earthworks will also be reduced as a result of this option.	
EFFICIENCY In achieving: <ul style="list-style-type: none"> - the purpose of the Proposal; and - existing relevant objectives of the District Plan. 	An inefficient way of achieving the Proposal as a greater level of protection is not achieved.	An efficient way of achieving the Proposal and objectives of the Plan as the total cost of this option taking into account all aspect is lower than the other two options.	This option is not efficient as there is a cost to the landowner of not being able to use the land in a flexible manner however there is significant benefit achieved from an environmental and cultural perspective over Option 2.
OVERALL APPROPRIATENESS In achieving: <ul style="list-style-type: none"> - the purpose of the Proposal; and - existing relevant objectives of the District Plan. 	Not Appropriate	Appropriate	Highly Appropriate but only because it has the support of the affected landowners.
RISK OF ACTING OR NOT ACTING (if uncertain or insufficient information)	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).
CONCLUSION: The above evaluation identifies that Option 3 is the most efficient and effective option in meeting the objectives of the proposal and the objectives and policies of the partially operative district plan.			

7.2.3.4 Evaluation of Options

Table 3: Issue: Controls in the Significant Amenity Landscape Area

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7.2.3.5 Evaluation of Options

Table 4 Issue Reduction of the Earthworks Volumes within the Eastern Face of ONFL1

	OPTION 1: Retain the status quo whereby the earthworks volumes are retained as 200m ³ per site per year and 500m ³ for maintenance of existing tracks.	OPTION 2: Reduce the permitted earthworks volumes to 50m ³ per site per year and 500m ³ for maintenance of existing tracks.	OPTION 3: Make any new earthworks within ONFL1 a non-complying activity and reduce the permitted earthworks volumes for the maintenance of existing tracks to 200m ³ per site per year. Lower the volume of earthworks permitted in the significant amenity landscape (SAL6) to 200m ³ per site per year and 500m ³ for maintenance of existing tracks
EFFECTIVENESS In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	The purpose of the plan change is <i>“to provide a greater level of protection for the eastern face of Te Matā...Te Mata te Tipuna with its high level of cultural significance, and at the same time recognise the land based primary production nature of the landscape.”</i> This option is the status quo and as such is not effective in meeting the purpose of the proposal as it does not provide any greater level of protection over that which currently exists. This option is partially effective in meeting the objectives of the Earthworks section of the district plan and particularly Objective EMOS <i>To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).</i> While this rule does offer a level of protection to the outstanding landscape and cultural site of Te Matā the construction of the track showed that the current rules do not offer a sufficient level of protection and therefore it is not effective in meeting Objective EMOS.	The reduction in the volume of earthworks provided for as a permitted activity would be effective in meeting the purpose of the proposal. A small volume of earthworks able to be undertaken as a permitted activity along with the existing volume for maintenance of existing tracks, should allow the landowner to undertake most farming activities without the need to obtain resource consent and should also better protect the cultural values of Te Matā. This option is partially effective in meeting the objectives of the Earthworks section of the district plan and particularly Objective EMOS <i>To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).</i>	Option 3 recognises the significant visual impact of earthworks on the cultural values of Te Mata. This is considered to be partially effective in meeting the purpose of the proposal in that, while the protection of the cultural values will be best achieved by this option the ability of property owners to carry out land based primary production activities could be curtailed to some degree. The ability to undertake a limited volume of earthworks to maintain existing farm tracks will assist in meeting Objective EMOS
COSTS Effects anticipated from implementation, including: - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural	The costs associated with this option are the cultural costs associated with a volume of earthworks that could have a significant impact on the mana of Te Matā. There are also environmental costs associated with the natural wetlands and the ecology on the eastern side of Te Matā. The outstanding landscape values could also be affected by the retention of this option.	This option will result in increased economic costs to the landowners as a result of the reduced level of flexibility in the amount of earthworks they can undertake as of right. Beyond the 50m ³ volume they will need to make resource consent application which will add to the economic costs of the landowners.	The cultural and environmental costs that apply to the previous two options do not apply here. There are in fact significant benefits arising. However there are costs which relate to the economic cost to the landowners associated with the making a resource consent application if they wish to do any new earthworks in ONFL1 or exceed the 200m ³ earthworks volume within SAL6.
BENEFITS Effects anticipated from implementation, including: - Environmental - Economic (incl. on economic growth & employment) - Social - Cultural	The benefits from this option are that there would be no cost to the community from changing the district plan. The landowners would also not incur any additional cost to undertake earthworks up to the 200m ³ volume.	This option would have environmental benefits over the status quo (Option1) as there are flora and fauna on the eastern side of the maunga that could be adversely affected by earthworks and this option provides the greatest level of control and protection to the ecological values.	Option 3 does provide real environmental and cultural benefits over and above the status quo as it gives a much higher level of certainty.

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	OPTION 1: Retain the status quo whereby the earthworks volumes are retained as 200m ³ per site per year and 500m ³ for maintenance of existing tracks.	OPTION 2: Reduce the permitted earthworks volumes to 50m ³ per site per year and 500m ³ for maintenance of existing tracks.	OPTION 3: Make any new earthworks within ONFL1 a non-complying activity and reduce the permitted earthworks volumes for the maintenance of existing tracks to 200m ³ per site per year. Lower the volume of earthworks permitted in the significant amenity landscape (SAL6) to 200m ³ per site per year and 500m ³ for maintenance of existing tracks
EFFICIENCY In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	Inefficient as does not achieve the balance between protecting the cultural and landscape values of Te Matā and providing for the operational requirements of the landowners.	Efficient in meeting the purpose of the proposal which is to achieve a greater level of protection to the cultural landscape values of Te Matā.	Efficient in meeting the purpose of the proposal which is to achieve a greater level of protection to the cultural landscape values of Te Matā.
OVERALL APPROPRIATENESS In achieving: - the purpose of the Proposal; and - existing relevant objectives of the District Plan.	Inappropriate as the purpose of the proposal is not met.	Moderately Appropriate	Appropriate
RISK OF ACTING OR NOT ACTING (if uncertain or insufficient information)	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).	N/A (information is sufficient and certain).
CONCLUSION: The above evaluation demonstrates that Option 3 which requires resource consent as a non-complying activity for new earthworks is an efficient and effective way to manage the effects of earthworks on Te Matā which is a highly significant cultural landscape within the district. Option 3 is considered the most appropriate way to achieve the purpose of the proposal as it gives a greater level of protection against the effects of earthworks but still allows the landowners to undertake a level of works for maintenance of existing tracks without the need for resource consent.			

8 Risk of Acting or not Acting

Section 32 (2) (c) of the Resource Management Act requires that the assessment of the efficiency and effectiveness of the provisions in achieving the objectives must assess the risks of acting or not acting if there is insufficient information about the subject matter of the provisions.

In this case there is considered to be sufficient information, so this consideration does not arise.

9 Summary & Conclusions

Amending the provisions of the Partially Operative District Plan to ensure that the cultural and landscape values of the eastern face of Te Matā are better protected is an outcome that was sought following the impact assessment of the now remediated Craggy Track. The Cultural Assessment Report informed the amendments required to the plan provisions to a significant degree. The current prohibited building line only protects the natural outcrop feature at the top of the maunga and it proposed to lower the building prohibition line and also introduce additional provisions on building scale within the Outstanding and Significant Amenity Landscapes. Coupled with this will be amendments to the maximum volume of earthworks allowed for as a permitted activity.

This section 32 summary evaluation confirms the following:

1. That recognising the cultural values of Te Matā ...Te Mata te Tipuna are important in achieving the sustainable management of the natural and physical resources of the district.
2. That greater protection of the cultural and landscape values can be achieved without adversely impacting on the land based primary production activities of the landowners.
3. Prohibiting buildings on the eastern face of Te Matā provides certainty to manawhenua that the landscape will remain unaltered and cultural values remain intact to properly recognise and provide for them under Section 6 (e) of the Resource Management Act.
4. That the proposed amendments are appropriate in ensuring that Policy LSP2 "*Protection of the present landscape qualities of Te Matā Peak shall be afforded the highest priority through the District Plan*" is met.
5. That it is important to have some control over activities within the Significant Amenity Landscape (SAL6) which is contributory to the adjoining Outstanding Landscape.

Therefore, adoption of proposed Plan Change 4 to the Partially Operative Hastings District Plan is efficient, effective, and appropriate in terms of section 32 of the RMA and in achieving the objectives of the proposal and the purpose of the Resource Management Act.

Appendices

9.1

17.1 NATURAL FEATURES AND LANDSCAPES

17.1.1 INTRODUCTION

Landscape is the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations.

The Resource Management Act 1991 requires councils to protect Outstanding Natural Features and Landscapes from inappropriate subdivision, use, and development (RMA 6(b)). The amenity values of landscapes are also to be protected as an Other Matter (RMA 7(c)). The New Zealand Coastal Policy Statement also provides a framework for considering landscapes values in the coastal environment. Regional policies are also relevant matters in developing an integrated approach to landscape management. The objectives seek to give effect to these higher level planning instruments.

A description of the Hastings District Landscape is provided in a report 'Review of Landscape Areas and Implications for Plan Review - April 2013' (Boffa Miskell). The Report sets out the issues of strategic background and statutory considerations, and an identification of Hastings landscape values, and implications for the District Plan. An evaluation of issues and options for management of natural features and landscapes is provided in a separate but related report 'Landscape Provisions for District Plan Review February 2013' (Boffa Miskell). This report provides an explanation of the objectives, policies, rules, and other methods that have been included in the District Plan.

The Review concluded that the landscape management framework for Hastings District should be a combined regulatory/non-regulatory approach. Regulation should provide the primary framework with explicit objectives, policies and rules that clearly define rights and obligations for affected land owners and the benefitting community. Non-regulatory methods should best be viewed as an adjunct to regulation, potentially lifting outcomes above a bottom line achieved via regulation, or assisting to resolve equity issues for affected land owners. Non-regulatory methods are summarised in the Methods below.

The method of assessment for Outstanding Natural Features and Landscapes in Policy LSP 1 is based firmly in case law and best practice methodologies. This is the most fundamental component of the Policy. The assessment method focuses on the landscapes' broad biophysical, sensory and associative values. A cultural assessment has been incorporated into the review through the assessment of the Tangata Whenua values component of the assessment criteria. The value placed upon the landscape is based on the information provided within a specialist report titled: 'A Māori Cultural Review of Current Schedule of Outstanding Natural Landscapes' (Ipurangi Developments Limited, 2012).

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The policies that follow from the assessment of landscape values form a hierarchy ranging from landscapes considered "outstanding" or "significant" which display relatively high levels of naturalness, to those that are valued more for their cultural patterns."

This hierarchy of landscape values provides a basis for setting priorities for the regulation of effects of development. Activities (land use and subdivision) that result in changes to: significant landscapes, or in particular to outstanding landscapes and natural features; warrant a rigorous assessment that also allows for appropriate public scrutiny. For landscapes that are valued more for their cultural patterns, the expectation is that the landscape will continue to evolve over time, and that the needs of working landscapes should be clearly recognised. In these circumstances the most appropriate control is generally at the time of subdivision where development and land use can be most effectively influenced for the long term.

Proposals for urban extensions through Plan changes should take into account the Objectives and Policies for landscape management. Promoting a compact urban form offers an effective method for long term protection of important landscape values.

17.1.2 ANTICIPATED OUTCOMES

It is anticipated that the following specific Outcomes will be achieved:

- LSAO1** The values of cultural landscapes and important natural features and landscapes are not compromised by inappropriate building development, earthworks and the siting of building development or plantations.
- LSAO2** A range of contrasting landscape types continues to provide a rich mixture of landscape amenity throughout the District.
- LSAO3** There is a greater public awareness of the different landscape areas throughout the District, and the activities that could have an adverse effect on the key elements, patterns and character that contribute to the significance of those landscape areas.
- LSAO4** Buildings do not visually intrude on the natural form of rural and coastal ridgelines and spurs.
- LSAO5** Large scale earthworks do not visually intrude on the natural form of rural and coastal ridgelines, spurs, and hill faces.
- LSAO6** Plantations are visually integrated with underlying landforms and the surrounding landscape.

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LSA07 Compact forms of urban settlement enhance the distinction between 'town' and 'country', and reinforce the identity of the settlements in the rural context in which they are located.

17.1.3 OBJECTIVES AND POLICIES

OBJECTIVE LSO1 The factors, values and associations that define the District's Outstanding Natural Features and Landscapes are identified, and are protected from inappropriate subdivision, use, and development.

POLICY LSP1 To identify and recognise the District's Outstanding Natural Features and Landscapes by the following criteria, factors, values and associations:

Natural Science Factors

(i) Representativeness

Natural features and landscapes are clearly and recognisably characteristic of the area, district or region. The key components of the landscape will be present in a way that more generally defines the character of the place, but which distils this character exceptionally and in essence. Natural features in a good state of preservation are representative and characteristic of the natural geological processes and diversity of the region.

(ii) Research and Education

Natural features and landscapes are valued for the contribution they make to research and education.

(iii) Rarity

Natural features are unique or rare in the district, region or nationally, and few comparable examples exist.

Aesthetic Value

(iv) Coherence

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The patterns of land cover and land use are largely in harmony with the underlying natural pattern of the landform of the area and there are no significant discordant elements of land cover or land use.

(v) Vividness

Natural features and landscapes are widely recognised across the community and beyond the local area and remain clearly in the memory; striking landscapes are symbolic of an area due to their recognisable and memorable qualities.

(vi) Naturalness

Natural features and landscapes appear largely uncompromised by modification and appear to comprise natural systems that are functional and healthy.

(vii) Intactness

Natural systems are intact and aesthetically coherent and do not display significant visual signs of human influence, modification, intervention or manipulation.

Expressiveness (Legibility)

Natural features and landscapes clearly demonstrate the natural processes that formed them. Exceptional examples of natural process in landscape exemplify the particular processes that formed that landscape.

Transient Values

The consistent occurrence of transient features (for example the seasonal flowering of pohutukawa) contributes exceptionally to the character, qualities and values of the landscape. Landscapes are widely recognised for their transient features and the contribution these make to the landscape.

Shared and Recognised Values

Natural features and landscapes are widely known and exceptionally valued by the immediate and wider community for their contribution to a sense of place leading to a strong community association with or high public esteem for the place.

Mana Whenua Values

Natural features and landscapes are clearly special or widely known and exceptionally influenced by their connection to the Māori values inherent in the place.

Historical Associations

Natural features and landscapes are clearly and widely known and exceptionally influenced by their connection to the historical values inherent in the place.

Explanation

In implementing its Landscape Areas Policy the District Plan has targeted those landscapes which are considered to be pre-eminent in the District. This includes the cultural landscapes of the district. The District Plan schedules Outstanding Natural Features and landscapes (and ranks below this the Significant Amenity Landscapes, Rural Character Landscapes, and Coastal Character Landscapes), identified as a result of the Landscapes Assessment, as well as listing the key elements, patterns and character that contribute to their significance. All the identified landscapes are listed in Appendices 43 (ONFL), 44 (SAL), 45 (RCL), and 46 (CCL), and are shown on the Planning Maps.

Outstanding Natural Features and landscapes are listed in Appendix 43. Provision has been made for the protection of the particular factors, values and associations that make an area an outstanding natural feature and landscape from the adverse effects of inappropriate subdivision, use and development, throughout the District Plans rules, standards and assessment criteria.

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POLICY LSP2 *Protection of the present landscape qualities of Te Mata Peak shall be afforded the highest priority through the District Plan.*

Explanation

Te Mata Peak is a significant landscape icon in Hawke's Bay, having District, Regional and National significance. It is the most prominent landmark in the eastern Heretaunga Plains with a distinctive silhouette skyline. It is a source of identity for hapu, Ngati Kahungunu, and the Districts residents.

In order to ensure the protection and integrity of the landscape, the Plan prohibits buildings in a number of areas. On the eastern face all buildings are prohibited over a large area of land down to Waimarama Road. On the Western face the Plan prohibits buildings associated with residential activities and visitor accommodation above and including the 240 metre contour line of the Peak. In addition, it requires that resource consent for a Non-Complying activity be obtained for all other buildings above and including the 240 metre contour line, and for all buildings greater than 50m², network utilities, earthworks and plantations within ONFL1. The Prohibited and Non-Complying activity status of these activities provides a clear signal to the community and Council that the present landscape qualities of Te Mata Peak will be afforded the highest levels of protection.

POLICY LSP3 *Buildings, Plantations, Earthworks and Network Utilities will be regulated on identified Outstanding Natural Features and Landscapes throughout the District taking into account the ability of the activity to integrate into the receiving landscape and the sensitivity of that landscape.*

Explanation

The impact of different activities on the Outstanding Natural Features and Landscapes identified in Appendices 43 will vary depending on both the ability of the activity to integrate into the receiving landscape and the sensitivity of that landscape. The Plan addresses each activity differently for each of the landscape features in the District.

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The scale, location, and effects of existing network utilities on outstanding natural features and landscapes are recognised, and work to mitigate these effects should be considered when the opportunity arises.

POLICY LSP4 *Subdivision on land within an Outstanding Natural Feature and Landscape identified in Appendix 43 of the District Plan shall have regard to the impact of the subdivision or possible activities that may occur as a result of the subdivision undertaken.*

Explanation

Land subdivision often precedes land development. Subdivision activities, while not a direct use of land will involve the identification of access, building platforms, and other land development works, which may have significant impact in key landscape areas.

POLICY LSP5 *All subdivision land development activities will be encouraged to have regard to the landscape features and character of the site and locality.*

Explanation

Undeveloped skyfines and hill faces are an important feature of the rural and coastal landscapes. Buildings and larger scale earthworks on ridgelines, spurs and hill faces can result in significant visual intrusion. Visual effects will differ on a case by case basis, depending upon the location, design and scale of the proposed building or earthworks and the shape, prominence or slope of the particular ridgeline, spur or hill face. In many cases the need for extensive earthworks for building platforms, and roading and private accessways stems directly from the design of a subdivision. Forest plantations, and extensive shelter planting, largely associated with horticulture, have been established in parts of the District for many years. If undertaken sensitively, planting can be integrated with the surrounding landscape in a way that avoids or mitigates adverse visual and landscape effects.

The Council has sought to adopt a pro-active approach by promoting *'The Guide - Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District'* (Isthmus Group, August 2005). This design guideline illustrates design solutions for avoiding or

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mitigating adverse visual and landscape effects associated with development. It demonstrates ways to integrate development into the landscape to assist the public in recognising and promoting sensitive subdivision and development.

POLICY LSP6 *Planned extensions to the urban and rural settlements of the Hastings District will give due consideration to landscape effects.*

Explanation

The Heretaunga Plains Urban Development Strategy has identified areas for growth around the District's existing settlements. The landscape implications of any proposed growth or development areas will need to be considered as and when they are sought to be implemented.

POLICY LSP7 *Activities that are consistent with the values and factors of Outstanding Natural Landscapes will be provided for and their contribution to the landscape recognised.*

Explanation

The identification of an outstanding natural landscape does not result in blanket restrictions on activities that can be undertaken within the identified landscape. There are instances where the type of activity that is undertaken within a landscape contributes to the values that are recognised. Agricultural activities are an example of land uses that can fit well within identified landscapes. Plantations can also be appropriate activities provided that they are consistent with values of the landscapes. The Environment Court has also acknowledged that, with due consideration given to effects on the environment, a windfarm is an appropriate land use activity on the Mangaharuru Range, in an area now recognised as ONFL6.

OBJECTIVE LSO2 **The values that define the District's Significant Amenity Landscapes are identified, maintained, and enhanced.**

POLICY LSP8 *To identify the District's Significant Amenity Landscapes, being landscapes where the landscape characteristics or values are not such as to meet the threshold for being classified as an Outstanding Natural Landscape.*

Explanation

Significant Amenity Landscapes are listed in Appendix 44. Further information regarding the landscape characteristics and values can be found in Boffa Miskell, 'Review of Landscape Areas and Implications for Plan Review: Hastings District Council', April 2013.

POLICY LSP9 *To maintain the values associated with the District's Significant Amenity Landscapes, having regard to the following matters when assessing applications for resource consent:*

- Any specific values and/or management issues identified for the particular natural feature or landscape, including rural and primary production values where these are identified as relevant to the Landscape;
- The character or degree of modification, damage, loss or destruction that will result from the activity;
- The duration and frequency of the effect of the activity (for example long-term or recurring effects);
- The magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context);
- Cumulative effects (for example the loss of multiple features or values);
- Need for, or purpose of, the works having regard to the underlying zoning, noting that many Significant Amenity Landscapes comprise working farms.

POLICY LSP10

To identify opportunities to enhance natural values associated with Significant Amenity Landscapes when preparing applications for resource consent, and to recognise the positive effects arising where such enhancement is offered.

Explanation

Applicants for consent are not required to provide for enhancement of Significant Amenity Landscapes and activities that are consistent with the underlying zoning and existing land uses could in some circumstances be considered as enhancing amenity values. Where an application provides the opportunity for a Significant Amenity Landscape to be enhanced, the positive effects associated with that enhancement will be taken into account in any assessment of the application.

POLICY LSP11

Subdivision, use and development on Rural Residential Zoned land in the Significant Amenity Landscapes identified in Appendix 44 of the

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District Plan should be of a type, scale, design, and location that maintains the key landscape elements, patterns and character which contribute to the landscape character of these areas.

Explanation

Significant Amenity Landscapes have been identified across the Hastings District. These areas strongly represent the types of landscape found in the different landscape units and are listed in Appendix 44 of the District Plan. Proposed subdivisions and buildings erected on existing sites in these areas will be required to have regard to the key elements, patterns and character that contribute to their significance.

OBJECTIVE LSO3 The values that define the District's Rural and Coastal Landscape Character Areas are identified and maintained.

POLICY LSP12 To identify, recognise, and maintain the District's Rural and Coastal Landscape Character Areas, where broad areas are highly valued for their cultural patterns of land use, including rural patterns, rather than their natural landscape values.

Explanation

Rural Character Landscapes and Coastal Character Landscapes are identified in Appendices 45 and 46. Maintaining the character and amenity values that make an area a Rural or Coastal Landscape Character Areas shall be guided by controlling site development and layout where appropriate, where there may be significant effects or cumulative effects on those values.

17.1.4 METHODS

The Objectives and Policies in 17.1.3 will be implemented through the following Methods:

Hastings District Plan Landscape and Natural Features Identification : Outstanding Natural Features and Landscapes, Significant Amenity Landscapes, and Rural and Coastal Character Landscapes are identified and described in Appendices 43, 44, 45 and 46 of the District Plan, and are shown on the relevant Planning Maps.

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Landscape and Natural Features Rules : Rules modify activities' classification and/or establish Standards and Terms against which any Resource Consent sought in an identified Landscape and Natural Feature Area will be assessed, generally as follows:

Protection of the iconic landscape factors, values and associations of Te Mata Peak by Prohibiting buildings on the eastern face, and on the western face prohibiting buildings associated with residential activities and visitor accommodation above and including the 240 metre contour line of the Peak.

Protection of the present landscape factors, values and associations of outstanding natural features and landscapes by classifying buildings and other significant activities, and subdivision in these areas as Discretionary or Non-Complying Activities.

Maintenance and enhancement of the present landscape values of Significant Amenity Landscape by classifying buildings in Rural Residential Zones and other significant activities, and subdivision in these areas as Controlled Activities.

Maintenance of the present landscape values of Rural and Coastal Landscape Character Areas by classifying subdivision in these areas as a Controlled Activity. The assessment of subdivision applications in these Character Areas will have reference to: *The Guide - Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District* - August 2005.

Identification of Hastings Landscape Areas This has been achieved by the report titled: *Review of Landscape Areas and Implications for Plan Review - April 2013* (Boffa Miskell).

This report provides a comprehensive assessment and evaluation of the Hastings District landscape, and the analysis that supports identification of Outstanding Natural Features and Landscapes, Significant Amenity Landscapes, and Rural and Coastal Landscape Character Areas.

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The report identifies key values and management issues that are relevant to each landscape area that should be included in the planning and design of development and in the consideration of any Resource Consent applications.

Identification of the Māori Cultural Significance of Outstanding Landscape Areas This has been achieved by the report titled: 'A Māori Cultural Review of Current Schedule of Outstanding Natural Landscapes' (Ipurangi Developments Limited, 2012).

This report provides a korero of each of the District's Outstanding Landscapes from a Māori Cultural perspective. It also identifies the hapu who exercise kaitiaki over that area and landscape. It also provides comment on the general significance of landscapes and natural features to Māori.

Landscape Design Guides A Design Guide for building development, earthworks and subdivision, in the rural landscape is provided. The design guideline illustrate possible design solutions for avoiding or mitigating adverse visual and landscape effects associated with buildings, earthworks and subdivision.

The design guidelines will assist applicants for Resource Consent to achieve the Objectives and Policies for Landscapes and Natural Features. The design guidelines will also promote improved landscape outcomes for activities that do not require Resource Consent.

Ref: 'The Guide - Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District' - August 2005

Information on Managing Plantations in the Hawke's Bay Landscape The District Council will work with foresters, horticulturists, the Ministries of Primary Industries, the Forest Owners Association, the Farm Forestry Association, Scion, the Institute of Forestry, and Landcare to identify forestry and shelter planting practices that avoid or mitigate adverse visual and landscape effects. The Council will ensure that best practices are disseminated to interested parties.

Land and Project Information Memoranda Where a Land or Project Information Memorandum is requested, existing and prospective owners of land comprising the Outstanding Natural Features and Landscapes, and Significant Amenity Landscapes and Rural and Coastal Landscape Character Areas will be informed of the nature and significance of those features and the types of activity,

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including building development, earthworks and plantations that would have an adverse visual effect on them.

This Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority'. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any planned building or development takes this issue into account and an archaeological assessment may be required. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify damage or destroy any archaeological site. An archaeological site is defined in Section 3.3.1 of this District Plan.

Voluntary Methods Existing and prospective owners of land comprising Outstanding Natural Features and Landscapes, and Significant Amenity Landscapes and Rural and Coastal Landscape Character Areas will also be informed of voluntary methods available for protecting those features. In particular, the Council will seek to negotiate protective covenants with landowners, to achieve legal and physical protection of the outstanding features.

17.1.5 RULES

Note that rules relating to subdivision and land development involving the identified landscapes in Appendix 43, 44, 45 and 46 are in Section 30.1 and rules relating to earthworks in these identified landscapes are in Section 27.1.

The following table sets out the status of activities involving landscape areas:

RULE TABLE 17.1.5 - NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS1	Any activity not defined as a Controlled, Restricted Discretionary, Discretionary, Non-complying or Prohibited activity by the landscape area Rules.	ONFL1-8 SAL1-8 RCL 1-7 CCL 1-5	P
LS2	Tree planting and plantations carried out by or with the Hawke's Bay Regional Council in accordance with its functions under section 30 of the Resource Management Act and the Soil and Conservation and Rivers Control Act provided the plantation is established and maintained by any authority which has statutory responsibility for soil conservation.	ONFL2-8	P
LS3	Plantations up to a vertical distance of 40 metres below the ridgeline	SAL1, SAL4, and SAL5	P

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LS4	Underground lines associated with Network Utilities provided that; <ul style="list-style-type: none"> • The excavation is no more than 1m in depth and 300mm in width. • That the rules of the indigenous vegetation section of plan are met • That the ground shall be re-instated to the condition prior to the commencement of the work. 	ONFL2-8 and SAL1-8	P
LS5	Operation, maintenance, refurbishment and minor upgrading of all existing network utilities, provided that: <ul style="list-style-type: none"> • associated structures are less than 50m² gross floor area, and • earthworks are less than 2 metres exposed vertical cut). 	ONFL2-8	P
LS5A	Buildings for conservation enhancement and management activities up to 10m ² in gross floor area	ONFL4	P
LS6	A single residential dwelling and/or a building greater than 50m ² gross floor area and associated earthworks on any of lots 5,6,7 or 8 DP24792, or Pt Lot 1 DP453509 or Pt Lot 2 DP453509.	ONFL1	C
LS7	Buildings greater than 50m ² gross floor area associated with any activity.	ONFL6, and sites zoned Rural Residential within SAL1-9)	C
LS8	Plantations	ONFL6 (up to a vertical distance of 40m below the Maungahururu Range ridgeline)	C
LS9	Replacement and upgrading of all existing network utilities including any support structures and associated earthworks.	ONFL2-6 & 8	C
LS10	Plantations	SAL1 SAL4 SAL5 ONFL2 ONFL3	RDNN

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		ONFL5 ONFL6 <i>(within 40m vertical distance of the Maungahururu Range ridgeline)</i>	
LS10A	Buildings for permitted activities within the Nature Preservation Zone located wholly within the inner node shown on Appendix 23 Figure 6, where the maximum cumulative gross floor area for the inner and outer node does not exceed 100m ² .	ONFL4	RDNN
LS10B	Buildings for permitted activities within the Nature Preservation Zone located partly or wholly outside the inner node but within the outer node shown on Appendix 23 Figure 6, and where the maximum cumulative gross floor area for the inner and outer node does not exceed 100m ² .	ONFL4	D
LS11	Buildings greater than 50m ² gross floor area associated with any activity	ONFL2	D
LS12	Network utilities including any support structures and associated earthworks not otherwise provided for as permitted or controlled activities in the landscape area rules.	ONFL2-6 & 8	D
LS13	Buildings associated with any activity except residential activities and visitor accommodation	ONFL1 Within the Prohibited Building Area <i>(Above and including the 240m contour line as shown on the Planning Maps)</i>	NC
LS14	Buildings greater than 50m ² gross floor area associated with any activity	ONFL1 <i>(Below the 240m contour line as shown on the Planning Maps)</i> ONFL5	NC
LS15	Plantations	ONFL1 ONFL4 ONFL8	NC

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LS16	Network utilities including any support structures and associated earthworks	ONFL1	NC
LS16A	Buildings other than those provided for under Rules LS5A, LS10A and LS10B	ONFL4	NC
LS17	Buildings associated with residential activities and visitor accommodation	ONFL1 (Western Face) Within the Prohibited Building Area (Above and including the 240m contour line as shown on the Planning Maps)	Prohibited
LS18	<i>All Buildings</i>	<i>ONFL1 and a portion of SAL6 (Eastern Face) identified as Prohibited Building Area on planning maps.</i>	<i>Prohibited</i>

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17.1.6 ASSESSMENT CRITERIA - CONTROLLED, RESTRICTED DISCRETIONARY, AND DISCRETIONARY ACTIVITIES

EXPLANATION OF ASSESSMENT CRITERIA

For all activities, the consideration of matters of assessment and/or Objectives and Policies shall take into account the place specific Management Issues identified for scheduled ONFL, SAL, RCL, and CCL in Appendices 43, 44, 45 and 46.

1. Buildings

The location, layout and design of the development to ensure that it does not have adverse visual or landscape effects. This shall include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form and appearance of building development.

In particular, the location, layout and design of buildings should:

- (a) Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs, and should not dominate the landscape.
- (b) Avoid large scale earthworks on rural ridgelines, hill faces and spurs.

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- (c) Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- (d) Be designed to minimise cuttings across hill faces and through spurs.
- (e) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- (f) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- (g) Avoid disturbance of archaeological sites.

2. Earthworks

The design and location of earthworks associated with the development to minimise any adverse visual effects.

In particular the extent to which any such development will:

- (a) Avoid where practicable and minimise the location of large scale earthworks on rural ridgelines, hill faces and spurs.
- (b) Minimise cuttings across hill faces and spurs.
- (c) Be designed to achieve a finished contour that is not out of character with natural contour.
- (d) Demonstrate what visual mitigation is proposed to minimise the visual intrusion of the work, including proposals to ensure the successful establishment of any plantings.
- (e) Avoid disturbance of archaeological sites and not result in any impact on the cultural values of the landscape or feature.

3. Plantations

The design of plantations to ensure they do not have any adverse visual impact on the key landscape elements, patterns or character of the Outstanding Natural Feature and Landscape.

In particular, the location and layout of plantations should:

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- (a) Avoid disrupting the visual integrity and coherence of landforms;
- (b) Avoid disrupting the visual continuity and integrity of main skyline ridges;
- (c) Not result in key public views being obscured over time as trees grow;
- (d) Not obscure views of significant surface features such as significant rock outcrops;
- (e) Not compromise open character where that is essential to the outstanding natural feature or landscape.
- (f) Avoid disturbance of archaeological sites

4. Network Utilities

The design of network utilities to ensure they do not have any adverse visual impact on the key landscape elements, patterns or character of the Outstanding Natural Feature and Landscape.

In particular, the location, design and layout of network utilities should:

- (a) Integrate any building into the site, to protect the visual qualities of the site.
- (b) Minimise the visual presence of any structure, including the impact of any structure on any main skyline ridges;
- (c) Locate access tracks away from visually exposed faces and ridges;
- (d) Recognises the location and technical constraints of regionally significant infrastructure.
- (e) Minimise earthworks on the site;
- (f) Consider the suitability of the site, and alternative sites or locations in order to minimise adverse effects.
- (g) Consider the benefits any proposed Network Utility may bring to the community and beyond.

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(h) Consider any special technical requirements and constraints of Network Utilities including those associated with their scale, location, design or operation.

(i) Avoid disturbance of archaeological sites

5. General Criteria Relating to the Assessment of Activities within Outstanding Natural Features and Landscapes

In considering activities within [Cultural Landscapes and Outstanding Natural Features](#) and landscapes the following should be regarded:

- (a) Place specific management issues identified for the particular [cultural landscape](#), natural feature or landscape;
- (b) The character and degree of modification, damage, loss or destruction that will result from the activity;
- (c) The duration and frequency of effect (for example long-term or recurring effects);
- (d) The magnitude or scale of effect (for example the number of sites affected, spatial distribution, landscape context);
- (e) The irreversibility of the effect (for example loss of unique or rare features, limited opportunity for remediation, the technical feasibility of remediation or mitigation);
- (f) The resilience of heritage value or place to change (for example the ability of the feature to assimilate change, the vulnerability of the feature to external effects);
- (g) The opportunities to remedy or mitigate pre-existing or potential adverse effects (for example restoration or enhancement), where avoidance is not practicable;
- (h) The probability of the effect (for example the likelihood of unforeseen effects, ability to take a precautionary approach);
- (i) Cumulative effects (for example the loss of multiple features or values);
- (j) Need for, or purpose of, the works; and

(k) Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure.

(l) Avoid disturbance of archaeological sites.

6. Ocean Beach Dune Node Identified on Appendix 23 - Figure 6

- i. Buildings within this node should draw on the beach/bach vernacular.
- ii. Buildings should not be highly visible within the dynamic dune environment.
- iii. Buildings must be located behind the first line of dunes.
- iv. Buildings should be light in their form and colour in keeping with the local hues, and similar to the vernacular New Zealand bach design: applying light connection to the ground (refer vi below), exposed silvered timbers, small scale units, which are visually permeable, with a light roof form, and strong horizontal patterning.
- v. Buildings should be low slung i.e. wider than they are tall.
- vi. Buildings should be semi mobile i.e. on sleds or of a modular nature so they can be moved in response to local sand movement and any long term coastal hazards.
- vii. Buildings must be sited as appropriate to support the ecological restoration efforts and to give access, shelter or accommodation throughout the nature preservation zone, that is, they must be sited to assist with ecological restoration, or to allow visitors to experience particular faunal habitats in relative comfort (including through providing food and refreshments), not simply for enjoying beach views, etc.
- viii. Tracks and outdoor areas should be developed using the existing network throughout the dunes and be logical in their placement and design. Track formation should be low key - sand surface.
- ix. For applications under Rule LS10B, buildings should also be designed and located so as not to be conspicuous when viewed from the beach.

27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction

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27.1 EARTHWORKS, MINERAL, AGGREGATE AND HYDROCARBON EXTRACTION

27.1.1 INTRODUCTION

Earthworks, mineral, aggregate and hydrocarbon extractions are essential parts of the on-going utilisation and management of the land resource in the District.

Mineral resources include all metallic and non-metallic and fuel minerals, precious stones, industrial rocks and building stones that occur beneath or at the surface of the earth. They play a vital role in the social, economic and cultural wellbeing of the District's communities. Buildings, roads and many surfaces used for business, land based primary production, education and recreation depend on a continuing supply of aggregates of various kinds. Aggregates of appropriate types must be located within a reasonable distance from centres of population and points of use. Land uses such as viticulture may also compete for mineral resources, such as gravel resources on the Heretaunga Plains which are recognised as valuable for growing high quality grapes.

In the Hastings District, there are no known economically viable metallic mineral, oil or gas deposits. However this does not preclude the discovery of such deposits in the future. The primary mineral resources in the District are greywacke gravel and limestone, and most gravel extracted in the District is from river sources.

Earthworks involve the disturbance of land by moving, removing, placing or replacing earth, or by excavation, cutting, scraping, filling or backfilling. It can include, for example, the creation of building platforms for housing, the creation of vehicle access onto sites, or the preparation of silage pits for farming activities.

When land contours are disturbed or altered through earthworks, mineral, aggregate and hydrocarbon extraction, this can have significant environmental effects on:

- The surface drainage patterns of land;
- Visual amenity values;
- Soil erosion potential;

27.1 Earthworks Mineral Aggregate and Hydrocarbon
Extraction

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- The life-sustaining capacity of soils;
- The disturbance of ecosystems, watercourses and waterbodies;
- The disturbance of areas of natural, cultural and heritage values; and
- The safety of people and the community where earthworks could cause subsidence, slippage or inundation of land.

While Section 5 of the Resource Management Act 1991 provides for natural and physical resources to be utilised for community benefit, it clearly requires that such utilisation be in a form that protects resources for future generations, safeguards the life supporting capacity of air, water, soil and ecosystems, and avoids, remedies or mitigates adverse environmental effects.

The Act acknowledges that the concept of sustainability cannot be applied with respect to protecting mineral resources for future generations (their very use reduces the quantities of mineral resources available for the future), but that the other concepts of sustainability still apply and need to be provided for. The Plan is not intended to prevent earthworks and mineral extraction, but is intended to control such activities so that sediment run-off and dust created during the process is minimised, that revegetation of the earthworked area occurs and the visual impact following the work does not significantly detract from the visual amenity of the area.

27.1.2 ANTICIPATED OUTCOMES

It is anticipated that the following environmental outcomes will be achieved:

- EMAO1** The risks of soil erosion, subsidence or inundation on people and property are avoided.
- EMAO2** The life-supporting capacity of soils is safeguarded.
- EMAO3** The visual amenity and character of the District's landscape is not reduced or compromised by earthworks or mineral extraction activities.

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- EMAO4** The amenity of the environment, including adjoining land uses, is not compromised by earthworks or mineral extraction.
- EMAO5** Flood protection of rivers is sustainably managed including the reduction of sedimentation into waterbodies, watercourses and riparian areas.
- EMAO6** The District's economy is diversified and enhanced by the efficient and effective use of the District's mineral resources.
- EMAO7** Current and future extraction of the District's mineral resources are not compromised by urban development.
- EMAO8** Landowners in the Rural and Plains Production Zones sustainably utilise aggregates and minerals for use within their own properties.
- EMAO9** The water quality and life-supporting capacity of the Heretaunga Plains Unconfined Aquifer is safeguarded.
- EMAO10** There are no adverse visual effects from large scale earthworks within the District's Outstanding Landscapes.

27.1.3 OBJECTIVES AND POLICIES

OBJECTIVE To enable earthworks within the Hastings District while

EMO1 ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety are avoided, remedied or mitigated.

Relates to
Outcome
EMAO1,
EMAO2,
EMAO3 and
EMAO4

OBJECTIVE To ensure that investigations into the Hastings

EMO2 District's mineral resources, and their utilisation, occur in such a manner that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects on the environment are avoided, remedied or mitigated.

Relates to
Outcome
EMAO5,
EMAO6

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POLICY EMP1 *Require the repasture or revegetation of land where vegetation is cleared in association with earthworks, prospecting and extraction of aggregates or other minerals.*

Relates to Objective EMO1

Explanation

Where vegetation clearance occurs, except where a pavement or permitted building is constructed, disturbed areas will be required to be repastured or revegetated in plant species which are in harmony with those existing in the area to avoid the risk of soil erosion, and to ensure that the life-supporting capacity of the soil is safeguarded. It will also help to ensure that adverse effects on the character and visual amenity of the area are avoided.

POLICY EMP2 *To avoid duplication in regulation by District Plan Rules and Standards where earthworks activities are already subject to regulatory assessment.*

Relates to Objective EMO1

Explanation

Subdivision and Land Development and Designation Sections of the District Plan and the Building Act 2004 have their own control regarding the controls and safety of Earthworks. Such assessments are more specific for the associated activities. Where possible, the District Plan aims to reduce duplications in regulatory control.

POLICY EMP3 *Protection of productive soils within the District from large-scale stripping, stockpiling, alteration and removal to ensure the land can still support a range of productive land uses.*

Relates to Objective EMO1 and EMO2

Explanation

Areas in Hastings District are widely regarded for having highly productive soils. Where possible such soils, particularly topsoils, should be protected from stripping, stockpile and removal off-site. Any alteration to such soils will generally decrease the productivity of fertile soils. Where

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alterations to productive soils occur, all efforts should be undertaken to rehabilitate the land to a productive state.

**POLICY
EMP4** *Allow earthworks and the prospecting of minerals where the adverse effects on the environment will be minor.*

Relates to
Objective

EMO1 and Explanation
EMO2

District Plan Rules and Standards are incorporated to control the scale, operation and location of earthworks and prospecting activities to ensure that any potential adverse effects are avoided, remedied or mitigated.

**POLICY
EMP5** *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 and mitigated.*

Relates to
Objective
EMO1 and
EMO2

Explanation

Large scale earthworks, exploration and mining activities are recognised as having the potential to cause significant adverse effects on the environment, including the safety of people and property, and on the visual amenity and character of the area where it occurs.

**POLICY
EMP6** *Allow for specific activities such as forestry to be exempt from the rules and standards for earthworks and mining, where large scale earthworks are known to be essential to the continued operation of the activity, and the effects on the environment are likely to be minor.*

Relates to
Objective
EMO1

Explanation

Specific Activities are known to require large scale earthmoving to ensure day to day operation of their activities. Many of these activities are governed by their own industry Code of Practice. Where activities are likely to constantly breach earthworks standards and terms, but is

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generally expected to be anticipated by the general public, exemption from earthworks provisions may be afforded.

POLICY EMP7 *Recognise the importance of river based gravel extraction for river and flood management purposes and the concurrent need for gravel supplies to be conveniently located and be of appropriate quality.*

Relates to Objective EMO2

Explanation

In the interests of sustainably managing rivers, it is appropriate that extraction of river based gravel resources be enabled where appropriate. It is however recognised that market demand will ultimately influence whether gravel extractors will wish to utilise available river based resources or not. The need for aggregate supplies to be located within a reasonable distance from centres of population and points of use and the quality of the aggregate supply to meet the economic needs of the community are also matters that must be balanced in recognising the importance of river based gravel extraction.

POLICY EMP8 *Prevent exploration or mining activities in areas where adverse effects on the environment cannot be avoided, remedied, or mitigated.*

Relates to Objective EMO2

Explanation

In assessing proposals, consideration will be given to whether they will result in permanent or irreversible damage to the environment, or whether the site can be reinstated so that it will be capable of supporting other land use activities.

OBJECTIVE EMO3 *The water quality and life supporting capacity of the Heretaunga Plains Unconfined Aquifer Water Resource is not compromised by the effects of land use activities occurring over it, including activities associated with the extraction of oil and gas.*

Relates to Outcome EMA09

POLICY EMP9 *Prohibit oil and gas extraction activities, including all associated structures and substances, whose effects have*

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Relates to Objective EMO3 *the potential to cause irrevocable damage to the Heretaunga Plains Unconfined Aquifer*

Explanation

Oil and Gas extraction activities have the potential to create catastrophic effects to the Hawke's Bay water supply if there were to be a well leak or blowout above the unconfined aquifer. Contaminants from any accident could potentially leach through the soil and into the aquifer system.

POLICY EMP10 *Control exploration and mining activities (excluding oil and gas extraction) on land located over the Heretaunga Plains unconfined aquifer, to ensure the protection of the potability of the underlying water resource.*

Relates to Objective EMO3

Explanation

Exploration and mining activities are recognised as having the potential to permanently threaten the quality of the Heretaunga Plains unconfined aquifer. The depth of any excavations in this area will need to be limited to ensure that the water table is protected. Applications for Resource Consents for exploration or mining activities will also be required to demonstrate that the land can be rehabilitated to ensure that it will support a range of productive land use activities.

OBJECTIVE EMO4 *To enable the efficient and economic use and extraction of the District's mineral resources to be protected from reverse sensitivity effects of potentially conflicting future land use development, in order to contribute to the social and economic wellbeing of Hastings District.*

Relates to Outcome EMA05, EMA07, EMA08

POLICY EMP11 *Ensure future settlement strategies and proposals take into account the location of known mineral resources.*

Relates to Objective EMO3

Explanation

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The mineral extraction industry is seen as an important part of the Hastings District economy. In order to meet international, national and District demands for such resources, they need to be protected from reverse sensitivity issues caused by residential development. Future residential activities need to be located away from existing mineral extraction operations to protect the interests of both local communities and mineral reliant industries.

**POLICY
EMP12** *Provide for the needs of landowners to extract small quantities of aggregates or minerals for use on their sites.*

Relates to
Objective
EMO3

Explanation

It is recognised that landowners in all zones may need to extract small quantities of aggregates or minerals from their properties for uses ancillary to Permitted Activities on their properties.

**OBJECTIVE
EMO5** *To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).*

Relates to
Outcome
EMAO10

**POLICY
EMP13** *Permanent visual scars resulting from earthworks and mineral extraction and the impact that they may have on cultural values will be restricted on identified Cultural Landscapes and Outstanding Natural Landscapes throughout the District.*

Relates to
Objective
EMO4

Explanation

The impact of earthwork activities on the Outstanding and Cultural Landscapes and Natural Features identified in Appendix 43 will vary depending on both the ability of the activity to integrate into the receiving landscape and the sensitivity of that landscape.

**POLICY
EMP14** *Historic Heritage Features will be protected from the effects of earthworks and mining activities.*

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Relates to Objective EM04

Explanation

Prevention measures are required to ensure historic heritage sites are not destroyed by earthworks and mineral extraction activities. While controls can be created around known historic heritage areas, land disturbance and vegetation clearance can often unveil archaeological and cultural heritage sites/remains. If any new archaeological sites are located, particular care must be undertaken to protect the heritage items and notify Heritage New Zealand Pouhere Taonga.

27.1.4 METHODS

The Anticipated Environmental Outcomes set out in Section 27.1.2 will be achieved and the Objectives and Policies set out in Section 27.1.3 will be implemented through the following Methods:

Hastings District Plan Wāhi Taonga DWA (Section 16.1): Includes Rules to recognise and protect wāhi taonga sites from the effects of earthworks.

Network Utilities DWA (Section 22.1): Includes Performance Standards relating to the disturbance of land and vegetation by earthworks.

Heritage Items and Notable Trees (Section 18.1): This section contains provisions relating to the identification and protection of Heritage Items, including provisions for earthworks.

Subdivision and Land Development (Section 30.1): Includes Performance Criteria for setting conditions for earthworks on subdivisions.

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Hazardous Substances DWA (Section 29.1): This Section controls the storage, handling and use of hazardous substances. Any hazardous substances employed as part of any extraction activity will need to comply with the provisions of the Rules contained in that section.

Designations (Section 31.1): Includes Performance Standards relating to designated works.

Hastings District Council Engineering Code of Practice The Engineering Code establishes standards and guidelines for land development and the provision of roading and service infrastructure which can be used as a means of compliance with the Objectives, Policies and Rules of the District Plan.

Subdivision and Infrastructure Development In Hastings: Best Practice Design Guide ('Best Practice Design Guide') This document promotes innovative and sustainable land development, subdivision and infrastructure solutions which aim to create high quality urban environments. Earthworks are inherently a component of such development. The Guide incorporates examples and pictorial layouts from best practice within New Zealand and encourages landowners and developers to explore designs that will deliver improved living environments for our community. Guidance within this document will help landowners and developers meet the assessment criteria for land development and subdivision.

The Hastings District Council is required to 'give effect to' the Hawke's Bay Regional Council's Regional Policy Statement, and 'have regard to' its regional plans.

Industry Codes of Practice The New Zealand Forest Road Engineering Manual 2012 and the New Zealand Environmental Code of Practice in Plantation Forestry

Industry Code of Practice Documents for Forestry Activities provides standards to ensure that methods of best practice are undertaken when conducting forestry in the Hastings District. Code of Practice standards incorporate regulations for earthworks which the forestry industry must adhere to.

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Monitoring and Information Requirements Monitoring will be undertaken to ensure that the Methods outlined continue to achieve the Objectives and Policies of the District Plan. Monitoring of the conditions of Resource Consents will also be undertaken by Council in accordance with Section 35 of the Resource Management Act 1991, and the Resource Consent Monitoring Strategy.

Building Act (2004) The Building Act has controls regarding the quality and structural safety of soils to be built on. These controls provide measures to prevent slippage and subsidence for buildings.

National Environmental Standards (NES) All activities must be assessed against National Environmental Standards. Where any NES provision is triggered, these outweigh any District Plan provisions. The activity may still require assessment against District Plan provisions.

Network Utility Operations Plans Information available from Network Utility Operators on the location of their underground services which may be affected by earthworks.

When Land Information Memoranda (LIM) are requested for sites located within 500m of an existing mineral, aggregate or hydrocarbon extraction or processing site, the LIM shall identify the activity being undertaken and any particular conditions regarding its use and operation. The LIM shall also state that mineral production activities are dependent on particular resources and residents moving into the area will need to recognise that extraction and processing are accepted activities, when operating in accordance with the provisions of the District Plan or any relevant Resource Consent.

This Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority'. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any planned building or development takes this issue into account and an archaeological assessment maybe required. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site. An archaeological site is defined in Section 33.1 of this District Plan.

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27.1.5 RULES

The following table sets out the status of activities involving earthworks, and mineral, aggregate and hydrocarbon extraction:

When assessed under Rule table 27.1.5, earthworks will be considered a Permitted Activity and not have to comply with the Performance Standards and Terms in Section 27.1.6, provided they are:

- (a) Earthworks assessed with any Subdivision Consent and Designations.
- (b) Earthworks in association with a Building Consent, where the area of earthworks includes no more than 150% of the area of the associated building footprint. Note that Rules and Standards are applied once the 150% threshold is exceeded.
- (c) Earthworks in association with Forestry Activities; Network Utility Operations; and the replacement and /or removal of a fuel storage system as defined by the Resource Management Regulations 2011 (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health)
- (d) Earthworks in association with the creation of public walk ways and cycleways, except when located within any ONFL area, where the standards relating to ONFL's in 27.1.5 and 27.1.6 shall still apply.

RULE TABLE 27.1.5 - EARTHWORKS, AND MINERAL, AGGREGATE AND HYDROCARBON EXTRACTION

RULE	ACTIVITIES	ACTIVITY STATUS
EM1	Earthworks	P
EM2	Prospecting	P
EM3	The removal offsite of less than 25m ³ of topsoil, sand, gravel, metal and earth in the Plains Production Zone and less than 100m ³ of topsoil, sand, gravel, metal and earth per site per year from sites in all other zones	P
EM4	The removal of river berm silt, gravel or other river control or drainage works carried out by a local or regional authority, exercising its powers, functions and duties under The Soil Conservation and	P

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	Rivers Controls Act 1941, or The Land Drainage Act 1908 and ancillary activities involved with the relocation of the extracted material	
EM5	The burial of material from biosecurity incursions of an unwanted organism	P
EM6	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6	RD
EM7	Earthworks within the Iona Plateau Neighbourhood of the Iona Special Character Zone	RD
EM8	Exploration	D
EM9	Mining	D
EM10	The removal offsite of more than 100m ³ of earth (including topsoil) per site per year from sites in any Zone (excluding Plains Production Zone)	D
EM11	The removal offsite of more than 25m ³ topsoil, sand, gravel, metal or earth from any site in the Plains Production Zone	D
EM12	Cuts with overall vertical extent greater than 1 metre in ONFL1	D
EM12A	New earthworks within that portion of ONFL1 (eastern face) within the identified building prohibition line area	NC
EM13	Oil and Gas Exploration, Extraction and Production over the Heretaunga Plains Unconfined Aquifer	Prohibited

27.1.6 GENERAL PERFORMANCE STANDARDS AND TERMS

The following General Performance Standards and Terms apply to all activities.

27.1.6A EXTENT OF EARTHWORKS

1. For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites in these sub zones, the volume shall be calculated by multiplying the

Outcome
 Any significant adverse effects of earthworks on people,

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volume threshold (listed in 27.1.6A) by the total area of the subject site in hectares, over any 12 month period.

2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified in the Table in 27.1.6A shall be reduced by 50% in determining the volume permitted in any 12 month period.

property and the environment will be avoided, including effects on the character and visual amenity of the area.

TABLE 27.1.6A EXTENT OF EARTHWORKS			
STRATEGIC MANAGEMENT AREA (SMA)	ZONE	VOLUME	CRITERIA (for any 12 Month period)
Rural	Rural	2000m ³	per hectare of site
	Rural Residential/Tuki Tuki	100m ³	per hectare of site
	Nature Preservation	2000m ³	per hectare of site
	ONFL	200m ³	per site within ONFL
	ONFL	500m ³ for the maintenance of existing farm tracks, the maintenance of existing farm drains and the maintenance of existing fence lines, subject to compliance with performance standards in 27.1.6f	per site within ONFL
	<u>ONFL1 (eastern face)</u>	<u>200m³ for the maintenance of existing farm tracks, the maintenance of existing farm drains and the maintenance of existing fence lines, subject to</u>	<u>per site within that portion of ONFL1 (eastern face) within the identified building</u>

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		compliance with performance standards in 27.1.6I	prohibition line area
	SAL6 (eastern face)	200m ²	per site within that area of SAL6 within the identified building prohibition line area
	SAL6 (eastern face)	500m² for the maintenance of existing farm tracks, the maintenance of existing farm drains and the maintenance of existing fence lines, subject to compliance with performance standards in 27.1.6I	per site within that area of SAL6 within the identified building prohibition line area
Plains	Production	100m ³	per hectare of site
	Settlement	50m ³	per site
Flaxmere	All Zones	50m ³	per site
Hastings	All Zones	50m ³	per site
Havelock North	Residential	*50m ³	per site
	Rural Residential	100m ³	per hectare of site
	ONFL	50m ³	per site within ONF
	Te Mata Special Character	50m ³	per hectare of site
	Village Centre	50m ³	per site
Clive	All Zones	50m ³	per site
Haumoana/Te Awanga	All Zones	50m ³	per site

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Coastal Settlements	All Zones	50m ³	per site
Industrial	Industrial	50m ³	per site
Open Space	All Zones	200m ³	per site

*Except within the Restricted Building Area of Havelock North Character Residential zone, wherein no earthworks are permitted. Refer to Specific Performance Standard and Term 8.2.6I.

* Except within the Iona Plateau Neighbourhood of the Iona Special Character Zone, wherein no earthworks are permitted within the 'No build/Earthworks Area' or 'No build/Earthworks Restricted Planting Area' identified on Lots 12, 13, 14, and 15 of the Iona Plateau Masterplan (Appendix 13A Figure 3). Refer to Specific Performance Standard and Term 8.3.7E

27.1.6B VEGETATION

1. Where vegetation clearance occurs (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks and drainage channels), disturbed areas shall be repastured or revegetated as soon as practicable within 18 months of the activity ceasing.
2. Where soil is disturbed by prospecting, such areas will be restored and rehabilitated within 6 months of the activity ceasing.

Outcomes

The visual amenity of the environment is restored and the erosion susceptibility of disturbed ground is reduced.

Any significant adverse effects of earthworks on the life-supporting capacity of the soil and on the character and visual amenity of the area will be avoided. -

27.1.6C SLOPE

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Rural SMA: Earthworks shall not be undertaken on land with a slope of greater than 45° above horizontal.

Outcome
Land that is particularly prone to erosion or slippage because of its steepness will be protected from the effects of earthworks so that the visual amenity of the area will be protected and soil erosion avoided.

All other SMA: Earthworks shall not be undertaken on land with a slope of greater than 22° above horizontal.

27.1.6D EXCAVATION

1. No earthworks shall have a cut/fill face (see Appendix 68) of overall vertical extent greater than:

- (i) 5 metres in Rural Zone, Nature Preservation Zone & ONFL 7 (excluding ONFL 2 – 6 & 8)
- (ii) 2.5 metres in all other Zones.
- (iii) 2 metres in ONFL 2 – 6 & 8.

2. No excavations shall be of greater than 1 metre vertical extent of cut/fill face, where the top of the excavation is within 10 metres of buildings or surcharge loads.

Outcome
Large scale cuts will be avoided where they are highly visible in nature and have potential safety issues.

27.1.6E NOISE

Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.

Outcome
The Outcomes of Section 25.1 of the District Plan on Noise will be achieved.

27.1.6F FLOOD PROTECTION WORKS

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1. No exploration or mining activities is to occur within 50 metres of any flood protection or river control structure (excluding activities in relation to Rule EM4).

2. No significant change is to occur to existing flood overflow paths.

Outcome
Flooding protection and drainage patterns will not be adversely affected by mining.

27.1.6G LOCATION OF FILL

Except when associated with fill faces on rural farm tracks, any fill of over:

(a) 100m³ volume; or

(b) 0.5 metres total depth

Shall only be permitted if a site plan is provided to Hastings District Council showing the location and extent of the fill.

Outcome
The location of any uncontrolled fill shall be provided to ensure that the safety of future development can be provided by not building on land prone to slipping and subsidence.

27.1.6H SEDIMENT CONTROL

Sediment run-off into a Council reticulated network shall not cause any conspicuous change in colour or visual clarity of water after reasonable mixing.

Note: All other stormwater runoff across property boundaries and sediment entering waterbodies may be subject to rules administered by the Hawke's Bay Regional Council.

Outcome
The adverse effects of sediment run-off shall be contained within a controlled environment to reduce the risk of adverse effects to the surrounding environment.

27.1.6I EARTHWORKS WITHIN ONFLs FOR THE MAINTENANCE OF EXISTING FARM TRACKS, MAINTENANCE OF EXISTING FARM DRAINS AND

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MAINTENANCE OF EXISTING OF EXISTING FENCE LINES

1. For the maintenance of tracks only, the landowner shall take, and provide to Council on request, photos of the location of the earthworks before and after completion, sufficient to show the width of the existing formed track;
2. Tracks shall not exceed the existing width of the formed track;
3. Exposed vertical cuts or batter faces shall not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal;
4. All remaining slopes shall be remediated to marry in with the surrounding landform and be replanted with either grass or planting to match the surrounding vegetation cover (excluding weed species).

27.1.6J EARTHWORKS IN THE IONA TERRACES NEIGHBOURHOOD OF THE IONA SPECIAL CHARACTER ZONE.

Any earthworks within the Iona Terraces Neighbourhood along the boundary of Lot 3 DP28810 shall be undertaken in accordance with Appendix 13A Figure 4.

*Outcome
To ensure the retention of existing land contours and vegetation on Lot 3 DP 28810 which assists in the mitigation of urban development of the Iona Terraces Neighbourhood.*

27.1.7 ASSESSMENT CRITERIA RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications. For Discretionary Activities, Council's assessment is not restricted to these matters, but may consider them.

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27.1.7A LAND DISTURBANCE AND VEGETATION CLEARANCE

(a) The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:

- (i) The life-supporting capacity of soils.
- (ii) Soil erosion and stability.
- (iii) Soil Runoff and Sedimentation.
- (iv) Natural landforms and contours.
- (v) Flora and fauna.
- (vi) Significant cultural, ecological and historic heritage sites (including archaeological sites).
- (vii) Composition and characteristics of any fill used.

(b) In making an assessment, regard will be had to the following:

- (i) The extent of removal of vegetation, topsoil and subsoils at any one time.
- (ii) Methods to separate soil horizons during stripping.
- (iii) Measures to safeguard the life supporting capacity of stockpiled soils.
- (iv) The potential or increased risk of hazards from the activity, including potential risk to people or the community.
- (v) Sediment control measures, including measures to prevent sediment run-off into Council's reticulated network.
- (vi) Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, repasturing and revegetation).
- (vii) Land capability and potential end uses of the site.

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- (viii) Information on any relocation of fill on or offsite.
- (ix) Siting, construction and maintenance of internal access roads.
- (x) Effect on flow paths and floodways.
- (xi) Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand Pouhere Taonga Act 2014).

27.1.7B VISUAL IMPACT

- (a) The visual effects of the activity will be assessed in terms of its potential effect on:
 - (i) The residential or recreational (including tourism) use of land in the vicinity of the activity.
 - (ii) The existing character of the locality and amenity values.
 - (iii) Whether the land is covered by Outstanding or Significant Landscape Areas will be assessed under the Assessment Criteria 27.1.7F.
- (b) In making that assessment regard shall be had to:
 - (i) Planting, screening and other amenity treatment to minimise visual impact.
 - (ii) Site location including locality, topography, geographical features, adjoining land uses.
 - (iii) Height of soil stockpiles and cuttings.
 - (iv) Rehabilitation of the site, including contouring, landscaping and re-vegetation.
 - (v) Duration, rate and extent of extraction.
 - (vi) Lighting - intensity, direction and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

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27.1.7C EFFECTS ON OTHER LAND USES AND ADJOINING PROPERTIES

The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses. Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects. Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the Zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

27.1.7D NOISE

In assessing the impact of noise, regard shall be had to the noise sensitivity of the receiving environment, including adjacent land uses, where it is proposed to undertake the activity. Consideration will also be given to hours of operation of the activity.

27.1.7E EFFECTS ON SPECIFIC DISTRICT WIDE ACTIVITIES AND LOCATIONS

The extent to which the activity will interfere with, or adversely affect:

- (a) Access to and along watercourses and waterbodies.
- (b) Recreation, Conservation or Natural Areas (see District Plan Section 13.1 Open Space Environments).

27.1.7F EARTHWORKS WITHIN OUTSTANDING NATURAL LANDSCAPES (ONFL)

Earthworks within an ONFL will be designed and located to minimise adverse visual effects. In particular, the extent to which any such development will:

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- (a) Where practicable, minimise the location of large scale earthworks on prominent rural ridgelines, hill faces and spurs.
- (b) Be designed to minimise cuttings across hill faces and spurs.
- (c) Where practicable, minimise the number of finished contours that are out of character with the natural contour.
- (d) Demonstrate what visual mitigation is proposed to minimise the visual intrusion of the work, including proposals to ensure the successful establishment of any plantings.

[ONFL1 \(eastern face\) in addition to the matters above the following matter will also form part of the assessment:](#)

- [The impacts on the cultural values of Te Mata and the relationship that hapu have with the maunga.](#)

27.1.7G ADDITIONAL SPECIFIC ASSESSMENT CRITERIA FOR MINING AND EXPLORATION ACTIVITIES ONLY

1. VIBRATION

The extent of the effects of vibration from the activity, particularly in respect of the use of explosives.

2. ROADING AND TRANSPORTATION

(a) The effects of transportation related to the activity will be assessed in terms of its potential effect on the sustainable management of the roading network including:

- (i) Disruption to traffic in the area.
- (ii) Traffic safety.
- (iii) Impact on the District roading network.

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- (b) In making the assessment, regard shall be had to:
- (i) Design of access.
 - (ii) On-site parking and turning.
 - (iii) The siting and construction standards of on-site roads and tracks.
 - (iv) Maintenance or upgrading of roads or intersections in the vicinity of the activity.
 - (v) Use of speed limits.
 - (vi) Timing of work shifts.

3. FIRE HAZARD MITIGATION

The ability of the activity to meet fire safety requirements including the possession of public liability insurance to cover the risk of fire.

4. HERETAUNGA PLAINS UNCONFINED AQUIFER

The following criteria relates to land located over the Heretaunga Plains Unconfined Aquifer, but excludes activities related to oil and gas exploration, extraction and production.

- (a) The depth of any excavation in order to achieve a maximum height for the water table below the surface of the land of 5 metres. The maximum height of the water table will be identified as the highest recorded at the site, or at the closest point to the site.
- (b) The ability of the site to be rehabilitated to enable the land to continue to support a range of productive land use activities after the exploration or mining activity has ceased.

5. OIL AND GAS EXPLORATION, EXTRACTION AND PRODUCTION ACTIVITIES

The following criteria relates to specific assessment involved with Oil and Gas Exploration, Extraction and Production. Assessment must be provided on the following:

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- (a) The cumulative effects of multiple oil and gas wells and platforms
- (b) Lighting and flaring and the extent to which alternative methods have been considered for controlling the adverse effects of these activities.
- (c) The location of oil and gas wells and platforms and their associated accesses, in relation to:
 - (i) Dwellings on adjoining properties.
 - (ii) Sensitive activities.
 - (iii) Areas of cultural value
- (d) The location of infrastructure associated with the transmission of oil and gas.
- (e) Consideration as to the likely length of each different stage of the proposal, and details on the processes in place once the well site is abandoned.
- (f) The consideration of the different effects between the exploration stage, and the production stage for oil and gas extraction.
- (g) The ability to provide a bond or contingency plan to the Council for the purpose of rehabilitating operation areas in the event of early closure.
- (h) The suitability and maintenance of access, including on public roads, to and from the oil and gas well or platform, for all stages of the exploration, production and extraction process

27.1.7H EARTHWORKS IN THE IONA SPECIAL CHARACTER ZONE

- a. Whether any earthworks and / or recontouring of the site will ensure compliance with the approved stormwater management plan for the Iona Structure Plan area; and
- b. For the Iona Plateau Neighbourhood, whether earthworks are restricted to those necessary to form the upper portion of the Spine Road and the twenty residential building platforms.

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27.1.8 INFORMATION REQUIREMENTS FOR DISCRETIONARY ACTIVITIES

Any application for a Resource Consent for a Discretionary Activity shall include a management plan describing the scope and nature of the operation including methods to control the effects of extraction and processing. Any application for a Resource Consent shall include an assessment of the effects of the proposed activity. Applications shall address the matters listed below:

(a) An assessment of the actual or potential effects of the proposed activity on the environment, in accordance with the Fourth Schedule to the Resource Management Act 1991.

(b) Site layout including:

- Extraction areas and a programme for any staged development;
- areas for processing, stockpiling, distribution of aggregate, overburden disposal, topsoil storage.

(c) Proposals to avoid, remedy or mitigate adverse effects of the activities, particularly in regard to noise, ground vibration, traffic, dust, visual impact and land stability.

(d) Impact on the District roading network.

(e) For mining proposals, alternative sites and sources of material that have been considered.

(f) Description of permits and consents required under the Crown Minerals Act 1991 and other legislation and from the Hawke's Bay Regional Council and other relevant Local Authorities. For privately owned minerals, proof that the consent of the landowner has been obtained.

(g) Proposals for the clearance of vegetation, including the location (maps and plans may be required).

(h) Fire Safety requirements.

(i) Possible future use of the property.

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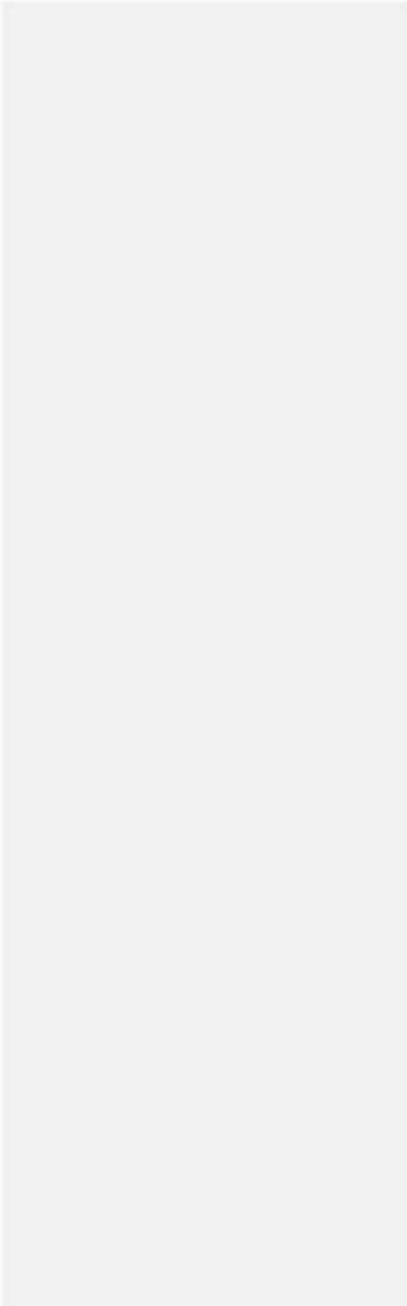
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(j) Proposals and timeframes for progressive restoration of parts of, and the whole of, the site to a reasonably natural state, or appropriate modified state, including levelling and backfilling, planting of grass, trees or other vegetation, and the removal of structures, plant and machinery.

(k) Details addressing emergency management procedures.

Council may require applicants to provide more detailed investigations of potential effects on the environment by way of environmental impact reports (prepared at the expense of the applicant). The level of detail required will depend on the scale and nature of the proposal as well as the magnitude and extent of anticipated effects on the environment.

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Appendix 43 Outstanding Natural Features and Landscapes

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**APPENDIX 43:
OUTSTANDING NATURAL FEATURES AND LANDSCAPES**

The *Outstanding Natural Features and Landscapes* are the most significant natural features and landscapes in Hastings District.

The location and extent of the features are shown on the Planning Maps and place specific management issues are identified which should be considered in the assessment of any new activities.

AREA	LANDSCAPE REPORT REF	NAME	PROPERTY ID	PLACE-SPECIFIC MANAGEMENT ISSUES
ONFL1	4.2.5	<ul style="list-style-type: none"> • Te Mata Peak • Te Mata Peak East Face 	<ul style="list-style-type: none"> • 59185 • 59186 • 59220 • 80304 • 94035 • 94893 • 94894 • 94899 • 95608 • 95612 • 96181 • 96190 • 96496 • 96767 • 96778 • 96780 • 96782 • 97017 • 98504 • 98505 • 98521 • 98989 • 98990 • 98991 • 98992 • 98993 • 98994 • 98995 • 99797 	<p>Risks of significant human induced landscape change the upper slopes of Te Mata Peak are minimal, however it is the lower slopes where management methods should be focused.</p> <p>Management of the elevation on Te Mata for built development to maintain the open rural context of the steep slopes.</p> <p>Retention of the open uninterrupted skyline between Te Mata and Mt Erin.</p> <p>Land use change in particular forestry or other vegetation cover, can disrupt the legibility of the geology. Management of new forestry or plantings is needed.</p> <p><u>Retention of the significant cultural values of Te Matā</u></p>

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			<ul style="list-style-type: none"> • 101542 • 101543 • 101545 • 102944 • 102945 • 103595 • 103816 	<p><u>and the risk of land use to those values.</u></p>
ONFL2	4.2.6	Mt Erin-Kahuranaki	<ul style="list-style-type: none"> • 58103 • 58104 • 58105 	<p>Retention of the open character of the upper and mid- slopes.</p> <p>Retention of the open uninterrupted skyline.</p> <p>Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the geology. Management of new forestry or plantings is needed to ensure the natural landscape patterns are maintained.</p> <p>Integration of built form with landform to retain open rural landscape values.</p> <p>Placement of built form on the lower slopes, avoiding the mid to upper slopes.</p> <p>Access and earthworks on the mountain can disrupt the natural landform patterns.</p> <p>Kahuranaki is a registered Wahi Tapu under the Heritage New Zealand Taonga Act 2014.</p>

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				Earthworks can disturb archaeological sites in this culturally significant landscape.
ONFL3	4.2.6	Mount Erin - Kohinerakau	<ul style="list-style-type: none"> • 59038 • 59039 • 59065 • 59068 • 59092 • 59220 • 92024 • 96487 • 100225 • 102662 • 102912 • 103796 • 104449 	<p>Retention of the open character of the upper and mid slopes.</p> <p>Retention of the open uninterrupted skyline between Te Mata and Mt Erin.</p> <p>Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the geology. Management of new forestry or plantings is needed to ensure the natural landscape patterns are maintained.</p> <p>Integration of built form with landform to retain open rural landscape values.</p>
ONFL4	4.2.8	Cape Kidnappers and Rangaiika Coast	<ul style="list-style-type: none"> • 57160 • 57162 • 57222 • 96992 • 103385 	<p>Retention of the open uninterrupted skyline particularly at the eastern end of the feature, including the Amenity Landscape Area.</p> <p>Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the feature.</p> <p>Access and earthworks on the edges of the feature</p>

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				<p>can disrupt the natural landform patterns.</p> <p>Avoidance of dominant built form, incongruent with the rural and coastal character, along the edge of the feature.</p> <p>Earthworks can disturb archaeological sites in this culturally significant landscape.</p>
ONFL5	4.2.4	<p>Whakaari Headland - Tangoio Bluff</p> <p>Legal Description: (Part Secs 17, 3A, 12, 38, 39, 19 Blk 1 Tangoio SD, Pt Lot 1 and Lot 2 DP 13479)</p> <p><i>NB: Survey Plans are available to define the area covered by ONF6 - See LT 27055.</i></p>	<ul style="list-style-type: none"> • 50244 • 50389 • 50390 • 50391 • 50394 • 50475 • 50477 • 50478 • 50479 • 50482 • 50487 • 50489 • 50493 • 94710 • 95136 • 99534 • 101397 • 103067 • 103381 • 103611 	<p>Land use change in particular productive forestry should respond to the natural landform and avoid visually obscuring the distinctive bluffs which dominate the landscape.</p> <p>Visual coherence of the entire landform should be maintained.</p> <p>Buildings should avoid dominating the skyline along the cliff tops and integrate with the natural landform.</p> <p>Earthworks should avoid traversing the bluffs and steeper headlands.</p> <p>The natural coastal processes and landscape patterns should continue to dominate this landscape.</p> <p>Buildings on the tombolo should be avoided with the natural tombolo landform dominating the headland.</p>

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ONFL6	4.2.3	Maungaharuru Range, Titiokura, and Te Waka	<ul style="list-style-type: none"> • 50002 • 50007 • 50008 • 50009 • 50010 • 50027 • 50029 • 50037 • 50042 • 50045 • 50050 • 50052 • 50077 • 50079 • 50574 • 50626 • 50627 • 50630 • 50631 • 50633 • 59748 • 94280 • 96845 • 103420 • 103581 • 104072 • 104163 • 104346 	<p>Land use change in particular productive forestry should respond to the natural landform and avoid visually obscuring the distinctive rock outcrops which dominate the landscape.</p> <p>Visual coherence of the entire landform should be maintained.</p> <p>The skyline and land formations that highlight the skyline are integral to this landscape. Visual integrity of this feature should be retained.</p> <p>Built form should be managed to integrate and not dominate the landscape.</p> <p>Earthworks should be minimised, particularly on the steeper slopes and the dominant ridgeline.</p> <p>The visual connection from State Highway 5 should be maintained particularly from distant viewpoints.</p> <p>Large structures, e.g. Electricity transmission, should be sited to avoid dominating the skyline and integrate visually with the dominant features of the landscape.</p>
ONFL7	4.2.1		<ul style="list-style-type: none"> • 50001 	

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		<p>Kaweka and Ruahine Ranges</p> <p><i>(NB: Not shown on Planning Maps - but comprises all of the land within the Forest Park boundaries)</i></p>	<ul style="list-style-type: none"> • 50002 • 50578 • 50587 • 50604 • 50606 • 50614 • 51106 • 51108 • 51109 • 51111 • 51112 • 51113 • 51114 • 51117 • 51118 • 51119 • 51179 • 51181 • 51198 • 52603 • 52604 • 52609 • 52611 • 52625 • 53761 • 53762 • 53763 • 53764 • 53767 • 53768 • 53780 • 53785 • 53786 • 53792 • 53793 • 53794 • 53795 • 53796 • 53797 • 53806 • 53817 • 59451 • 59634 	<p>There is minimal risk to this landscape as much of the land resides within DoC estate, however productive forestry and adjoining land use change can affect the intactness of the native bush cover. Fragmentation of the contiguous bush network, for both biophysical and sensory attributes, must be managed carefully.</p> <p>Loss of contiguous bush cover from land use change.</p> <p>Retain mature and 'untouched' vegetation cover.</p> <p>Maintenance of a dominant 'regional' skyline.</p>
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			<ul style="list-style-type: none"> • 59637 • 59677 • 60001 • 60004 • 60008 • 60016 • 60018 • 60020 • 60029 • 60030 • 60032 • 60036 • 60039 • 60047 • 60053 • 60054 • 60055 • 60060 • 80187 • 93625 • 93677 • 94245 • 94246 • 94260 • 94431 • 99744 • 100540 • 101287 • 102002 • 102024 • 104161 • 104294 	
ONFL8	4.2.9	Motu O Kura - Bare Island and Waimarama Coast	<ul style="list-style-type: none"> • 58581 • 59499 • 96229 • 102352 • 102353 • 102354 	Retention of the open uninterrupted skyline and Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the feature.

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				<p>Access and earthworks on the edges of the feature can disrupt the natural landform patterns.</p> <p>Avoidance of dominant built form, incongruent with the rural and coastal character, along the edge of the feature.</p>
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Appendix 44 Significant Amenity Landscapes

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APPENDIX 44: SIGNIFICANT AMENITY LANDSCAPES				
<p>The following <i>Significant Amenity Landscapes</i> have been identified within each of the inland and coastal landscape units comprising the Hastings District. These areas, while not meeting the classification of "outstanding", are significant natural landscapes that warrant the maintenance and enhancement of amenity values. Although natural values are degraded, rural or coastal amenity and recreational values offset the degradation of those natural values. The relevant management issues are identified and the location and extent of the features are shown on the Planning Maps.</p>				
SAL	LANDSCAPE REPORT REF	NAME	PROPERTY ID	MANAGEMENT ISSUES
SAL1	4.2.8	Cape Kidnappers Headland	<ul style="list-style-type: none"> • 57160 • 57222 	<ul style="list-style-type: none"> • Retention of the open uninterrupted skyline on the headland. • Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the feature. • Access and earthworks on the edges of the feature can disrupt the natural landform patterns. • Avoidance of dominant built form, incongruent with the rural and coastal character, on the headland. • Earthworks can disturb archaeological sites in this culturally significant landscape.
SAL2	4.2.2	Lake Tutira Basin	<ul style="list-style-type: none"> • 50316 • 50317 • 50318 • 50322 • 50323 • 50324 • 50325 • 50326 • 50327 	<ul style="list-style-type: none"> • Erosion control and water quality management will change the aesthetic qualities of the Lake Tutira basin. Careful management of the type of methods should be integrated to maintain the landscape character of the

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			<ul style="list-style-type: none"> • 50328 • 50330 • 50331 • 50335 • 50336 • 50339 • 50341 • 50342 • 50369 • 50398 • 59924 • 80425 • 94059 • 94060 • 94474 • 94833 • 98360 • 98361 • 98362 • 98843 • 98844 • 99651 • 103104 • 103531 • 104366 • 104367 • 104685 	<p>area.</p> <ul style="list-style-type: none"> • Land use change within productive farm land should consider the integration with the natural landform and character of the Lake Tutira basin. • Built form should be managed to integrate and not dominate the landscape. • Earthworks should be minimised, particularly on the steeper slopes surrounding the lake. • The visual connection from State Highway 2 should be maintained.
SAL3	4.2.3	Maungaharuru Range, Titiokura, and Te Waka	<ul style="list-style-type: none"> • 50001 • 50002 • 50007 • 50008 • 50009 • 50010 • 50027 • 50050 • 59748 • 94280 • 96845 • 102590 • 102881 • 103420 • 103581 • 104072 	<ul style="list-style-type: none"> • Land use change in particular productive forestry should respond to the natural landform and avoid visually obscuring the distinctive rock outcrops which dominate the landscape. • Visual coherence of the entire landform should be maintained. • The land formations that highlight mountain range are integral to this landscape. Visual integrity

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				<p>of this landscape should be maintained.</p> <ul style="list-style-type: none"> • Built form should be managed to integrate and not dominate the landscape. • Earthworks should be minimised, particularly on the steeper slopes. • Large structures, e.g. Electricity transmission, should be sited to avoid dominating the landscape and integrate visually with the dominant features of the landscape.
SAL4	4.2.11	Roy's Hill - Hills surrounding Heretaunga Plains	<ul style="list-style-type: none"> • 54008 • 54009 • 54010 • 54013 • 54014 • 54015 • 54016 • 54030 • 54033 • 54034 • 54035 • 54050 • 80228 • 94364 • 94980 • 96223 • 96664 • 96665 • 96666 • 97103 • 98740 • 99565 • 99566 • 99836 • 99838 	<ul style="list-style-type: none"> • Retention of the open uninterrupted skyline along the hillside. • Land use change can disrupt the legibility of the skyline and open rural character of the hillsides. • Access and earthworks on the ranges can disrupt the natural landform patterns. • Avoidance of dominant built form, incongruent with the rural character, along the edge of the feature.

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SAL5	4.2.10	Te Aute Valley including Lake Poukawa, Te Aute Hill, Raukawa Range and Kaokaoroa Range	<ul style="list-style-type: none"> • 55703 • 55707 • 55761 • 55762 • 56033 • 56038 • 56041 • 56043 • 56044 • 56055 • 56056 • 56067 • 56078 • 56079 • 56084 • 56115 • 56117 • 56164 • 56166 • 56167 • 56168 • 56169 • 56170 • 56171 • 56174 • 56175 • 56178 • 56179 • 56180 • 56250 • 56251 • 56252 • 56255 • 56256 • 56257 • 56258 • 56259 • 56260 • 56262 • 56263 • 56264 • 56267 • 56268 	<ul style="list-style-type: none"> • Retention of the open uninterrupted skyline along the ranges. • Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the skyline. • Access and earthworks on the ranges can disrupt the natural landform patterns. • Avoidance of dominant built form, incongruent with the rural character, along the edge of the feature.
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			<ul style="list-style-type: none">• 56269• 56270• 56271• 56272• 56273• 56274• 56275• 56276• 56277• 56280• 56281• 56282• 56283• 56284• 56326• 56329• 56330• 56331• 56338• 56340• 56342• 56343• 56362• 56383• 58978• 59021• 59036• 59094• 59101• 59103• 59105• 59106• 59222• 59224• 59230• 59249• 59250• 59253• 59255• 59258• 59262• 59272• 59276	
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			<ul style="list-style-type: none"> • 59277 • 59284 • 59287 • 59297 • 59298 • 59305 • 59308 • 59313 • 59316 • 59317 • 59319 • 59321 • 59322 • 59324 • 59329 • 59330 • 59332 • 59333 • 59334 • 59335 • 59340 • 59341 • 59350 • 94494 • 94814 • 94902 • 95037 • 95312 • 95816 • 95819 • 98352 • 98374 • 98388 • 98389 • 98891 • 99616 • 100594 • 100610 • 101769 • 101797 • 101798 • 101869 • 102275 	
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			<ul style="list-style-type: none"> • 103133 • 104018 • 104027 • 104226 • 104377 • 104781 • 104883 	
SAL6	4.2.5	Te Mata Peak Surrounds	<ul style="list-style-type: none"> • 58773 • 58941 • 58943 • 58947 • 58954 • 58964 • 58965 • 58967 • 58968 • 58969 • 58970 • 58976 • 59185 • 59186 • 59190 • 59203 • 59204 • 80304 • 92030 • 92031 • 92033 • 93513 • 93516 • 94035 • 94445 • 94455 • 94627 • 94796 • 94898 • 94899 • 95612 • 95627 • 95789 • 95813 • 96181 • 96190 	<ul style="list-style-type: none"> • Human induced landscape changes to the lower slopes of Te Mata Peak have potential to affect the landscape's aesthetic coherence. Management methods should be focused to maintain the aesthetic coherence of the landform. • Retention of the open character of the mid to lower slopes. • Management of a restricted elevation for built development to maintain the open rural context of the steep slopes. • Land use change in particular forestry or other vegetation cover, can disrupt the legibility of the geology. Management of new forestry or plantings is needed. • <u>Retention of the significant cultural values of Te Matā and the risk of land use to those values.</u>

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			<ul style="list-style-type: none">• 96496• 96778• 96782• 97017• 98493• 98494• 98504• 98505• 98507• 98508• 98509• 98510• 98511• 98512• 98513• 98514• 98515• 98516• 98517• 98518• 98520• 98521• 98898• 98899• 98981• 98982• 98983• 98984• 98985• 98986• 98987• 98988• 99680• 99681• 99797• 99864• 99865• 100706• 101492• 101542• 101543• 101545• 102687	
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			<ul style="list-style-type: none"> • 102944 • 102945 • 103593 • 103594 • 103595 • 103815 • 103816 • 103818 • 103819 • 104271 • 104272 • 104612 • 104613 • 104761 • 104762 	
SAL7	4.2.6	Mount Erin - Kohinerakau Surrounds	<ul style="list-style-type: none"> • 58592 • 59029 • 59038 • 59043 • 59051 • 59053 • 59055 • 59065 • 59068 • 59069 • 59088 • 59092 • 59114 • 59217 • 59218 • 59220 • 59556 • 59766 • 59790 • 59791 • 59836 • 80078 • 80101 • 80306 • 92024 • 93516 • 93550 • 94035 	<ul style="list-style-type: none"> • Retention of the open character of the mid slopes. • Land use change, in particular forestry or other vegetation cover, can disrupt the legibility of the geology. Management of new forestry or plantings is needed to ensure the natural landscape patterns are maintained. • Integration of built form with landform to retain open rural landscape values.

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			<ul style="list-style-type: none">• 94420• 94468• 94508• 94733• 94805• 95173• 95177• 95418• 95419• 95420• 95421• 95422• 95423• 95424• 95425• 95801• 96181• 96307• 96485• 96486• 96488• 96496• 96783• 96810• 99225• 99226• 99227• 99228• 99229• 99230• 99231• 99232• 99233• 99234• 99235• 99236• 99237• 99238• 99239• 99240• 99241• 99242• 99243	
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Appendix 44 Significant Amenity Landscapes

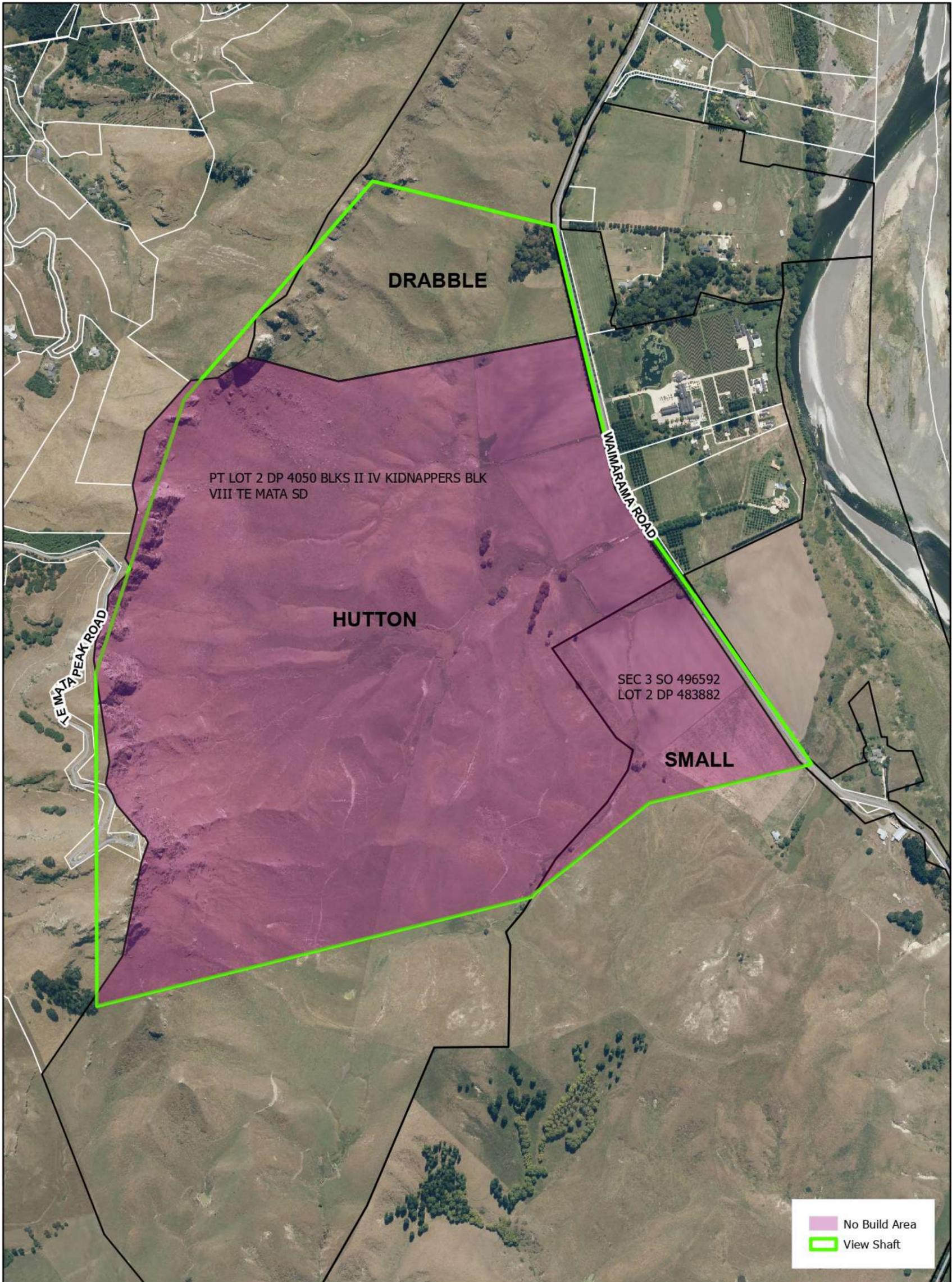
Operative: 23/05/2022

			<ul style="list-style-type: none">• 99244• 99245• 99246• 99247• 99256• 99258• 99259• 99797• 100225• 101091• 101094• 101095• 101096• 101097• 101098• 101177• 101268• 101269• 101372• 101965• 102262• 102573• 102662• 102847• 102912• 103108• 103796• 103807• 103946• 103947• 103948• 103949• 103950• 103951• 103952• 103953• 103954• 103955• 103956• 103957• 103958• 104168• 104448	
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			<ul style="list-style-type: none"> • 104449 • 104465 	
SAL8	4.2.12	Waitangi	<ul style="list-style-type: none"> • 56576 • 56577 • 56602 • 56603 • 56605 • 56606 • 56607 • 56831 • 93537 • 93538 • 101498 • 103538 • 103728 • 103738 	<ul style="list-style-type: none"> • Maintenance and enhancement of the natural elements, patterns and processes. • Retention of untouched areas. • Avoidance of dominant built form around the area that is incongruent with the natural character attributes. • Management of 'tourist activities' and their impact on the natural environment.



HASTINGS
DISTRICT COUNCIL
Te Kaunihera ā-Rohē o Heretaunga

Map Produced using ArcGIS Pro

Te Matā Peak Eastern Escarpment - 26th July 2022

Projection: NZTM
Datum: D_NZGD_2000



Original Size: A3

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