

Wednesday, 30 August 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

District Planning and Bylaws Subcommittee Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Wednesday, 30 August 2023**

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: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy and Environmental Policy Manager - Rowan
Wallis**

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HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156
Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

District Planning and Bylaws Subcommittee – Terms of Reference

A Subcommittee of Council.

Fields of Activity

The District Plan Subcommittee is responsible for advising the Council by;

- Providing guidance to Council officers with regard to the drafting of the District Plan (or sections thereof) and consultation on discussion documents and drafts.
- Providing guidance to Council officers in respect of the drafting of Council's new or revised bylaws and providing oversight of the Special Consultative Procedures.
- Te Tira Toitū te Whenua – Hastings District Plan Cultural Values - to consider and advise Council how the cultural values of Waahi Taonga and Waahi Tapu are to be integrated within the District Plan.

Membership

- 6 Councillors.
- 3 Heretaunga Takoto Noa Māori Standing Committee Members appointed by Council.
- 1 externally appointed member with relevant qualifications and experience.
- 1 member of the Rural Community Board appointed by Council.
- Chair appointed by Council.
- Deputy Chair appointed by Council.

Quorum – 6 members including 3 Councillors

DELEGATED POWERS

- 1) To review and provide comment on draft new or reviewed District Plan provisions and to recommend to the Council the adoption of drafts for consultation.
- 2) To hear and consider all submissions reviewed in respect of any District Plan proposal and to recommend responses to the Council.
- 3) To recommend to the Council the final wording of any new or reviewed District Plan provisions for adoption.
- 4) To review and provide comment on draft new or reviewed bylaws, and to recommend to the Council the adoption of drafts for consultation.
- 5) To hear and consider all submissions received in respect of any bylaw proposal and to recommend responses to the Council.
- 6) To recommend to Council the final wording of any new or reviewed bylaw for adoption by the Council.

Wednesday, 30 August 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

District Planning and Bylaws Subcommittee Meeting

Kaupapataka

Agenda

Mematanga:

Membership:

Koromatua

Chair: Councillor Alwyn Corban

Ngā KaiKaunihera

Councillors: Marcus Buddo (Deputy Chair), Michael Fowler, Simon Nixon, Ann Redstone and Kevin Watkins

Rural Community Board appointee - Jonathan Stockley (RCB Chair)

Mayor Sandra Hazlehurst

3 Heretaunga Takoto Noa Māori Standing Committee appointees: Tipene Cottrell, Elizabeth Waiwiri-Hunt and 1x Vacancy

1 External appointee - Vacancy

Tokamatua:

Quorum:

6 - including 3 Councillors

Apiha Matua

Officer Responsible:

Group Manager: Planning & Regulatory – John O’Shaughnessy

Environmental Policy Manager – Rowan Wallis

*Te Rōpū Manapori me te
Kāwanatanga*

Democracy &

Governance Services:

Christine Hilton (Extn 5633)

Te Rārangi Take

Order of Business

Apologies – Ngā Whakapāhatanga

- 1.0** At the close of the agenda no apologies had been received.
At the close of the agenda no requests for leave of absence had been received.
-

2.0 *Conflict of Interest – He Ngākau Kōnatunatu*

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Manager: Democracy and Governance (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

Confirmation of Minutes – Te Whakamana i Ngā Minitī

- 3.0** Minutes of the District Planning and Bylaws Subcommittee Meeting held Wednesday 28 June 2023.
(Previously circulated)
-

- 4.0** *Election Signs Review* **7**
-

- 5.0** *National Policy Statement for Indigenous Biodiversity* **17**
-

- 6.0** *Review of Outstanding & Cultural Landscapes* **23**
-

- 7.0** *Minor Items – Ngā Take Iti*
-

8.0 Urgent Items – *Ngā Take Whakahihiri*

Wednesday, 30 August 2023

Item 4

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: **Rowan Wallis, Environmental Policy Manager**

Te Take:
Subject: **Election Signs Review**

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 Each time that there are local or general elections, the existing District Plan rules relating to election devices (signs) are questioned or challenged. This is often around the time period within which election signs can be erected, particularly as the time period differs between the Hastings District Plan and the City of Napier District Plan.
- 1.2 This year there has also been debate around the difference between temporary signs and election signs, with candidates attempting to post advertising based on the temporary signs rules as opposed to the election devices rules. This allows candidates to obtain a profile outside of the 9 week timeframe allowed for electoral devices. This raised the debate as to what elements trigger the definition of an electoral device under the Electoral Act.
- 1.3 This paper seeks guidance from the District Planning and Bylaws Subcommittee on whether a plan change should be undertaken to clarify the rules around the timing of electoral devices and also whether signs associated with candidacy should also be able to be classed as temporary signs as long as they meet the rules under the Electoral Act.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the District Planning and Bylaws Subcommittee receive the report titled Election Signs Review dated 30 August 2023
- B) That the Subcommittee provide guidance on whether any changes are required to the district plan provisions as they relate to electoral devices.

3.0 Background – *Te Horopaki*

- 3.1 Electoral advertising is managed under Clause 221B of the Electoral Act 1993, and also under rules in Section 18 of the Hastings District Plan.
 - 3.2 Section 221B of the Electoral Act 1993 places controls over advertising for campaigning purposes on public and private land. This states ;
During the period beginning 9 weeks before polling day and ending with the close of the day before polling day, the display of an advertisement of a specified kind is not subject to—
 - (a) any prohibition or restriction imposed in any other enactment or bylaw, or imposed by any local authority, that applies in relation to the period when an advertisement of a specified kind may be displayed; or
 - (b) any prohibition or restriction imposed in any bylaw, or imposed by any local authority, that applies in relation to the content or language used in an advertisement of a specified kind.
 - 3.3 Section 221B also places restrictions over the size of the adverting devices (max 3m2) and excludes newspaper and media advertising from these limitations.
 - 3.4 The purpose of this section of the Act is to enable an advertising sign for campaign purposes to be erected 9 weeks before polling day where district plan or by law rules imposed by local authorities might otherwise not allow it.
 - 3.5 Section 221(b)(3) also makes it clear that nothing in the section prevents the earlier display of advertising if the district plan rules or by laws allow for it.
- Hastings District Plan
- 3.6 The Hastings District Plan includes rules that manage the display of advertising for election purposes. There is a differentiation between signs for parliamentary elections and local body elections to reflect the stipulation in the Electoral Act that signs must be removed one day prior to the final polling day. For local body elections signs are to be removed within 7 days after the final polling day.
 - 3.7 The District Plan rules for the time period within which signs may be erected is two months from the final polling day with no differentiation between parliamentary and local body elections.
 - 3.8 A copy of the district plan rules is attached (**Attachment 1**).

4.0 Discussion – *Te Matapakitanga*

- 4.1 At each election cycle there are a number of complaints received around election signs. The main issues are;
 - Debate over the time at which the signs can be erected. Hastings rules don't align with those of Napier and there is debate over the Electoral Act interpretations.
 - Whether electoral signs can fit within the temporary signs rules to overcome the time limitations imposed on the electoral signs rules.
 - The size of the signs.
- 4.2 It is clear that there are differing performance standards for election signs for the Hastings and Napier District Plans. The operative City of Napier District Plan allows for election signs to be erected 3 months prior to the final polling day whereas the Hastings District Plan has adopted two months which is closer to the 9 week length provided for under the Electoral Act 1993.
- 4.3 The City of Napier District Plan is currently under review and is due to be publicly notified towards the end of September 2023. The Draft Plan identifies that changes are to be made to the current

provisions as they relate to election signs. They are introducing rules that apply specifically to temporary signs for electioneering, election advertisement and similar purposes. They differentiate between postal ballots and election day polling. For postal ballots signs may be erected from the first day of candidate nominations and for election day polling they have adopted the 9 week period set down in the Electoral Act. They do not place any limitations on the size of the signs. A copy of the Draft Rules is attached at **(Attachment 2)**.

- 4.4 It would seem sensible that our rules are aligned with the timeframes set down in the Electoral Act and to avoid inconsistencies where the electoral boundaries do not align with the territorial ones e.g. the Napier electoral boundary includes large parts of Hastings and Wairoa Districts.

Temporary Signs

- 4.5 One of the more controversial issues that has arisen in the build up to the general election in October is the use of the temporary devices category for signs, as a means of candidates raising their profile ahead of the period within which election devices are permitted in the district plan.
- 4.6 The District Plan provides for temporary devices as a permitted activity within all zones. Temporary devices are defined as; *means all [signs](#) established for the purpose of advertising a single forthcoming [temporary event](#) including garage sales; jubilees; the sale or auction of real estate; advertising of cultural, religious, educational, community and sporting events; and does not include advertising business activities. Such devices shall be erected for a period not exceeding three months.*
- 4.7 Temporary devices can be erected up to 12 weeks prior to the event that is being advertised and must be removed within 7 days after the event. Candidates have been advertising their community meeting dates as temporary events for a number of months now and are posting new locations and dates as a means of retaining the signs.
- 4.8 The question arises as to whether electioneering is an appropriate use of the temporary devices provisions. The philosophy behind temporary devices is to provide for signage associated with community events, property auctions and sales etc. The key phrase in the definition is “*a **single** forthcoming temporary event*”. While polling day is a single event the advertising is for multiple meetings at multiple locations. Should there be further clarity around what constitutes a temporary device/sign? As an example we could exclude electioneering as an activity under the temporary devices definition.
- 4.9 The draft City of Napier District Plan refers to their elections signs as “Temporary signs on Private Property for electioneering, election advertisement and similar purposes”. The only other temporary signs provided for in the draft Napier plan are for the sale or auction of property. This raises the question as to whether consideration should be given as to how we define election signs and whether they should be treated as temporary devices to better link into the single forthcoming event criteria or whether they are better as a separate activity as we have them now, to more closely align to the Electoral Act?

Sign Sizes

- 4.10 The Hastings District Council plan allows for election signs up to 3m² which is aligned with the provisions of the Electoral Act. However, the draft Napier District Plan does not have any limitations on the size of temporary election signs or the number of them on private property.
- 4.11 The philosophy behind the management of signs and advertising devices is to ensure that both the safety of road users and the amenity of the environment is safeguarded. Providing a maximum size for election signs is an important part of managing these effects and this is also recognised under the Electoral Act which provides for 3m² as the maximum sign size for electoral devices. Should the District Plan continue to provide a maximum sign size, or should we be aligning with the no limitation approach adopted in the draft Napier District Plan?

5.0 Options – *Ngā Kōwhiringa*

Option One – Discuss the points raised in the agenda item and provide direction for the Council staff Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

5.1

Advantages

- This will assist in understanding the issues that are being experienced in the lead up to the election.
- This will help to identify what is needed to align with the electoral Act and the draft City of Napier District Plan.

Disadvantages

- This could add to the workload of the environmental policy team and could have an effect on the set priorities.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

5.2

- This will not address the issues that need to be responded to.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 Provide direction to staff on the provisions for election devices and they can draft the necessary changes that are required to be made to the District Plan and bring them back to the sub-committee for their consideration.

Attachments:

1↓	Excerpt from Hastings District Plan	CG-17-13-00013
2↓	Excerpt from City of Napier District Plan	CG-17-13-00014

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the environmental wellbeing of communities in the present and for the future by ensuring that the election signs are managed to reduce their impact on the visual amenity.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

It is not considered that this issue will have any direct impact on cultural matters wider than those on the general community.

Sustainability - *Te Toitūtanga*

The Resource Management Act requires the sustainable management of the natural and physical resources of the district. Signs can have a negative impact on the environment, however the provision for election advertising is also an important for the social wellbeing of the community to the sustainable management of this resource requires that a suitable balance be found.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The resolution of this issue should not have significant impacts on existing budgets :

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of medium significance.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Consultation is not required at this stage

Risks

Opportunity: To provide consistency and certainty on how election signs are provided for in the district plan :

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<p>Rules that are consistent with the adjoining local authorities and with the Electoral Act.</p> <p>Certainty for all candidates and the community on what they rules are for election signs</p>	<p>Continued non- compliance if we do not proceed.</p>

Rural Community Board – *Te Poari Tuawhenua-ā-Hāpori*

It is considered that this issue does not require the direct input of the Rural Community Board :

Excerpt from Hastings District Plan

28.1 Advertising Devices & Signs

Operative: 25/07/2023

- (c) Have a depth of more than 1.0m; and/or
- (d) Have its lower edge less than 2.5m above the footpath/ground.
- (e) Obscure any architectural features on the front façade of buildings in the Flaxmere and Havelock North Village Centres or in the commercial nodes of the Iona Special Character Zone.

28.1.7E ADVERTISING DEVICES LOCATED ON LAND ADJOINING A STATE HIGHWAY IN THE RURAL OR PLAINS PRODUCTION ZONES OR THE SPECIAL PURPOSE ZONE: REGIONAL SPORTS PARK

- (a) Advertising Devices shall have a minimum lettering height of 120mm in areas of up to 70km/hr speed limit and of 160mm in areas above 70km per hour speed limit.
- (b) Advertising Devices shall not be located within 15 metres of an existing official sign or traffic signal.
- (c) The message area should cover no more than 60% of the Advertising Device.

28.1.7F ADVERTISING DEVICES AND SIGNS LOCATED WITHIN THE SPECIAL PURPOSE ZONE: REGIONAL SPORTS PARK

- (a) No Advertising Device or Sign shall project above the highest part of the building to which it is attached.
- (b) Advertising devices or signage on buildings shall not have a depth of more than 200mm.
- (c) Illuminated Advertising Devices or signage shall not flash.

Outcome

Advertising devices and signs associated with the Special Purpose Zone: Regional Sports Park shall not cause a hazard to traffic or pedestrians, or detract from the visual amenities of the area where they are located.

28.1.8 SPECIFIC PERFORMANCE STANDARDS AND TERMS

The following Specific Performance Standards and Terms shall apply to the activities specified below:

28.1.8A TEMPORARY DEVICES

1. Temporary Devices advertising community, educational, cultural or sporting events

Devices may be erected up to 12 weeks prior to the event and shall be removed within 7 days after the event has occurred.

Outcome

Temporary Advertising Devices will maintain the visual amenity of the area as they are not permanent.

2. Temporary Devices advertising the sale or auction of real estate

All devices shall be located on the site to which they relate. There shall be no limit on the duration of the devices provided that once the property is sold, Devices shall be removed within 1 month.

3. Size

All Devices are limited to 2.5m² per site.

Device(s) must be contained solely within the property boundary.

28.1.8B PARLIAMENTARY ELECTORAL DEVICES

1. Electoral Devices for public elections may be erected up to two months prior to polling day and all Devices shall be removed one day before the polling day or, in the case of a postal ballot, one day prior to the final polling day.

2. Advertising Device is limited to 3m² in size.

3. Device(s) must be contained solely within the property boundary.

Outcome

Temporary Advertising Devices for public elections will maintain the visual amenity of the area as they are not permanent.

28.1.8C LOCAL GOVERNMENT ELECTORAL DEVICES

Excerpt from Hastings District Plan

28.1 Advertising Devices & Signs

Operative: 25/07/2023

1. Electoral Devices may be erected up to two months prior to polling day and all shall be removed within 7 days after polling day.
2. Advertising Device is limited to 3m² in size.
3. Device(s) must be contained solely within the property boundary.

Outcome
Temporary Advertising
Devices for public
elections will maintain
the visual amenity of the
area as they are not
permanent.

28.1.8D ADVERTISING DEVICES ON BUILDINGS WITHIN THE CENTRAL CHARACTER PRECINCT

TABLE 28.1.8D ADVERTISING DEVICES ON BUILDINGS WITHIN THE CENTRAL CHARACTER PRECINCT	
LOCATION OF DEVICE (Refer to the Signage Diagram in Appendix 64 to determine the relevant standard for the proposed sign from the table below.)	REQUIREMENTS
1. Verandah Fascia	<p>(a) Individual letters shall be applied directly to the fascia, or be painted directly on the fascia.</p> <p>(b) Any lettering shall be fully contained within the fascia mouldings.</p> <p>(c) Lettering shall not extend beyond the height or length of the fascia.</p> <p>(d) There is to be no third party advertising on the verandah fascia.</p> <p>(e) There is to be no advertising device(s) above verandah fascia.</p> <p>(f) There shall not be more than one sign mounted on the verandah fascia per business premises, except where:</p> <ul style="list-style-type: none"> • The business premises has frontage to more than one road. • The business premise has more than one entrance.
2. Under Verandah	<p>(a) Signs shall have a minimum 2.5 metre clearance to the footpath.</p> <p>(b) Signs shall have a minimum 0.5 metre setback from the kerb.</p> <p>(c) There shall be no more than one sign under the verandah per business premises, except where;</p> <ul style="list-style-type: none"> • The business premises has frontage to more than one road. • The business premises has more than one entrance.
3. Building Side Wall	<p>(a) Signage or lettering shall be set back from the corner of the wall a minimum distance of 0.5m.</p> <p>(b) Unpainted surfaces shall remain unpainted.</p> <p>(c) There shall be no more than one Advertising Device on a side wall per business premises.</p> <p>(d) The area of the sign shall not exceed 5% of the exposed side wall area or 8m², whichever is the lesser.</p> <p>(e) There is to be no third party advertising.</p>
4. Windows	<p>(a) Individual letters, gilt or shadow outline only.</p> <p>(b) Where a verandah exists, lettering shall not be applied to ground-level windows.</p> <p>(c) Where there is no verandah, lettering may be applied to windows at ground-level.</p>

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 Print Date: 25/07/2023

Excerpt from Draft City of Napier District Plan

SIGN - Signs

Draft: 06/08/2021

<p>7. The sign is removed within one week of the sale of the property.</p> <p>Notes: These provisions for temporary signs are in addition to provisions for permanent signage, and the maximum sign area for each zone in the standards</p>	
<p>SIGN-R18 Signs for roadside stalls in the General Rural or Rural Lifestyle Zone.</p>	
<p>SIGN-R18A</p> <p>Activity Status: Permitted</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> 1. The sign must not exceed 2.5m² in area. 2. Any sign not located on the site to which it relates must be within 1 kilometre of the roadside stall that it advertises. 3. Each roadside stall shall only erect one temporary sign, which shall be displayed for no more than four months in a calendar year. 4. Signs must not be located on, or over, a road including the road reserve, or land vested as reserve under the Reserves Act 1977. 5. Written permission shall be obtained from the landowner prior to any temporary sign being attached to the landowners' fence. 	<p>SIGN-R18B</p> <p>Activity Status where conditions and standards are not met: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any effects (including cumulative) of signs on the amenity of the area 2. The effects on heritage values 3. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians. 4. The impact on the appearance of the building 5. The design and appearance of the sign 6. The dimensions of the sign 7. The duration of the sign placement
<p>SIGN-R19 Temporary signs on private property for electioneering, election advertisement and similar purposes</p>	
<p>SIGN-R19A</p> <p>Activity Status: Permitted</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> 1. For a postal ballot, signs must not be in place prior to the first day of candidate nominations, and must be removed by 12 noon on the Friday immediately following the final polling day. 2. In the event of an election day, not more than nine weeks prior to the polling day and must be removed one day prior to the polling day. 	<p>SIGN-R19B</p> <p>Activity Status where conditions and standards are not met: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any effects (including cumulative) of signs on the amenity of the area 2. The effects on heritage values 3. Any hazard, safety risk or

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Print Date: 13/01/2022

Excerpt from Draft City of Napier District Plan

SIGN - Signs

Draft: 06/08/2021

<p>3. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on privately owned land.</p> <p>4. No sign is to be erected or placed in a way as to cause an obstruction, or a public safety or traffic hazard</p> <p>5. No sign can obstruct architectural features of heritage buildings</p> <p>6. The sign complies with the rules and standards for signs on or adjacent to a State Highway.</p>	<p>obstruction to vehicular traffic or pedestrians.</p> <p>4. The impact on the appearance of the building</p> <p>5. The design and appearance of the sign</p> <p>6. The dimensions of the sign</p> <p>7. The duration of the sign placement</p>
SIGN-R20 Any sign, other than an official sign, constructed using reflective materials; or located on or over a road, including the road reserve; and any banner in the Napier City Heritage Precinct, with the exception of banners located on the Municipal Theatre	
Activity Status: Discretionary	
SIGN-R21 Any electronic, flashing or animated sign including revolving lights	
Activity Status: Discretionary	
SIGN-R22 Any sign which is used to advertise any services, goods or products that are not directly related to the primary use or activities occurring on the site of the sign (excluding temporary signs for legitimately established road side stalls within the General Rural and Rural Lifestyle zones).	
Activity Status: Non-complying	
SIGN-R23 Activities not otherwise provided for	
Activity Status: Non-complying	

Signs - Standards Table

SIGN-S1 Sign position		
All Zones and Precincts Purpose: Signs meet the communication, education and health and safety needs of the community, and do not detract	<ol style="list-style-type: none"> 1. All signs (other than a moveable, footpath sign) must be contained solely within the site boundaries. 2. Where a building has no veranda, the minimum vertical clearance to the base of any sign (other than a moveable, footpath sign) attached at right angles to the building facade from the footpath must be 2.5 metres. 	Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. Purpose of the standard 2. Any effects (including cumulative) of signs on the amenity or character of the area. 3. The effects on heritage values. 4. The design and appearance of the sign. 5. The dimensions of the sign.

Wednesday, 30 August 2023

Item 5

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: James Minehan, Senior Environmental Planner, Policy

Te Take:
Subject: National Policy Statement for Indigenous Biodiversity

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

- 1.1 The purpose of this report is to give an overview and explanation of the National Policy Statement for Indigenous Biodiversity (NPS-IB) and to outline the potential implications for Council.

2.0 Background – *Te Horopaki*

- 2.1 The Government has released the National Policy Statement for Indigenous Biodiversity (NPS-IB) to protect and maintain indigenous biodiversity across the country. The NPS-IB came into force on 4 August 2023 and will direct local authorities to update their policies, plans and strategies to reflect the NPS-IB requirements.
- 2.2 Indigenous biodiversity is defined as “the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats”.
- 2.3 The country’s indigenous biodiversity has been decreasing. The NPS-IB responds to this issue by requiring at least no overall loss in indigenous biodiversity and by promoting and providing for the restoration of indigenous biodiversity.
- 2.4 There has been a lack of guidance regarding how to protect indigenous biodiversity in the Resource Management Act 1991. This means it has been applied inconsistently across the nation. The NPS-IB is intended to set clear and consistent criteria for identifying and managing indigenous biodiversity across different districts and regions.
- 2.5 It applies to the terrestrial (land) environment and specified highly mobile fauna whether or not they use areas outside the terrestrial environment.

- 2.6 The coastal marine area and freshwater are provided for separately in the New Zealand Coastal Policy Statement 2010 and the National Policy Statement for Freshwater Management. The NPS-IB specifies that where there is a conflict between the NPS-IB, and the NPS-FM or NZCPS, the NPS-FM and NZCPS prevail.

3.0 Implications Nationwide

- 3.1 The NPS-IB sets requirements for district and regional councils to amend their policies, plans and strategies. There may be some districts and regions councils will already be administering their plans consistently with the NPS-IB.
- 3.2 District Councils will be required to undertake a district-wide assessment of Significant Natural Areas (SNAs) and notify a plan or plan change to include SNAs in their plans including by mapping each SNA and describing its attributes by 4 August 2028. Private land is able to be included as forming all or part of an SNA.
- 3.3 Prior to plans being amended to give effect to the NPS-IB, the NPS-IB will still be relevant to consents for activities that may have adverse effects on indigenous biodiversity
- 3.4 Established activities (being activities that are in or affect a SNA and are not a new subdivision, use or development) will be allowed to continue provided they are no greater in intensity, scale, or character over time than at 4 August 2023; and do not result in the loss of extent, or degradation of ecological integrity, of an SNA
- 3.5 Except in the case of special circumstances (including specified infrastructure that provides significant national or regional public benefit) the following adverse effects of any new use, subdivision or development must be avoided:
- loss of ecosystem representation and extent:
 - disruption to sequences, mosaics, or ecosystem function:
 - fragmentation of SNAs or the loss of buffers or connections within an SNA:
 - a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:
 - a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.
- 3.6 Significant adverse effects of new subdivision, use, or development on indigenous biodiversity outside of SNAs are also required to be managed by applying the “effects management hierarchy” included in the NPS-IB. This involves managing the adverse effects of an activity on indigenous biodiversity so that:
- adverse effects are avoided where practicable; then
 - where adverse effects cannot be avoided, they are minimised where practicable; then
 - where adverse effects cannot be minimised, they are remedied where practicable; then
 - where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then
 - where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then
 - if biodiversity compensation is not appropriate, the activity itself is avoided.

4.0 New resource management system

- 4.1 The NPS-IB has been developed under RMA, which the Government plans to repeal and replace with the Natural and Built Environments Bill (**NBA**). The NPS-IB will be transitioned into the proposed National Planning Framework developed under the NBA

5.0 Implications for Hastings District Council

- 5.1 Council made submissions on the Proposed NPSID (released Nov 2019) and on the Exposure Draft (released June 2022).
- 5.2 Council highlighted a number of issues:
- The District Plan currently lists 58 recommended areas for protection (RAP sites). Checking these for accuracy will be expensive and time consuming due to their dispersed geographical extent.
 - The need to secure a suitably trained ecologist to do the assessment work in a timely manner will be difficult. This is because the NPS IB will create a high demand for ecologists (expert advice is required to assess the 58 RAP sites identified in the District Plan and any sites).
 - The Council is interested in the proposed pilot schemes (two are planned but these could be extended) as these would assist with funding and provide practical guidance.
 - Council is already involved with regional biodiversity (HDC is a sponsor of the Hawkes Bay Biodiversity Strategy) so ongoing co-operation with the HBRC is important.
- 5.3 It can be noted that with the release of the National Policy Statement for Indigenous biodiversity (NPS-IB) there is also an Implementation Plan. This gives a more detailed implementation timeline and what planning guidance and resourcing may be available (**Attachment 1**).
- 5.4 Of note is the identification of a separate Iwi/Māori implementation plan.
- 5.5 Councils are also required to partner with Iwi/ Māori and this process needs to begin immediately. It is suggested that an agenda item be put to the Heretaunga Takoto Noa Māori Standing Committee seeking guidance on the best means of partnering with hapu on this project.
- 5.6 It is important to note that the 58 Recommended Areas of Protection (RAP) are treated as SNA's under the NPS-IB until such time that they are assessed under the criteria set down in the NPS by a suitably qualified ecologist and determined not to be an SNA.
- 5.7 Also of note is that the NPS-IB places requirements on local authorities to manage the effects of any new subdivision, use or development on indigenous biodiversity outside of identified SNA's and councils must change their plans to be consistent with this clause in the NPS-IB.

6.0 Central Hawke's Bay District Council's experience in addressing indigenous biodiversity in their District Plan

- 6.1 A discussion was had with the Central Hawke's Bay District Council (CHBDC) to learn from their experience in dealing with indigenous biodiversity and identifying Significant Natural Areas (SNAs) through the recent review process of their District Plan.
- 6.2 Like Hastings CHBDC already had 62 indigenous biodiversity sites identified in the old District Plan. Through a desktop exercise carried out by an ecologist this expanded to over 500 SNAs but included sub-sets of existing sites. Nothing under ½ ha was considered.

- 6.3 It was recognised that there was less indigenous vegetation remaining in CHB compared to the region overall (7 percent compared to 22 percent).

Consultation Process

- 6.4 Letters were sent to landowners that were recognised as potential SNAs. Public meetings were also organised. No affected landowners expressed support for SNAs identified on their land.
- 6.5 Central Hawke's Bay District Plan land uses controls relating to identified SNAs range from restricted discretionary, discretionary to non-complying status. The non-complying status was applied to some more important wetland areas.

Lessons Learnt

- 6.6 Comments included:
- Need for incentives i.e. rates rebates and other forms of compensation to get landowner support but noting that funding is difficult to find.
 - Need to better integrate the relevant information using the Council's Geographic Information System (GIS).
 - Need to undertake more site visits ('ground truth'). Time and resources were seen as limiting factors.
 - Need to consult Māori specifically and give them time to identify areas rather than relying on a separate database.
 - There is a problem with determining where wetlands best fit i.e. the NPSIB or the National Policy Statement for Fresh Water Management (NPSFM).

7.0 Summary and Conclusion

- 7.1 The Government has released the National Policy Statement for Indigenous Biodiversity (NPS-IB). This will require councils to start the implementation of the NPS-IB.
- 7.2 There are requirements for councils to identify, map and notify SNAs in their respective areas of jurisdiction. The implementation documentation indicates that there will be an implementation plan, supporting guidance and biodiversity incentive pilots. Regional councils are obliged to assist local councils if requested to do so.
- 7.3 The actual implications will be apparent as the implementation plan is rolled out.
- 7.4 Council will need to consider how to inform and collaborate with its rural constituents including mana whenua.
- 7.5 It is likely that the NPS will be controversial as the identification of SNAs will potentially affect private property rights and could curtail land from future development. This will depend on how

and what land is classified, what existing rights apply, and how Council applies the consenting process.

7.6 The date for territorial authorities to have identified and mapped and notified their SNA's is 2028.

7.7 It is worth noting a series of points made in the LGNZ submission on the Draft NPS in 2020

- *Prioritisation will be important in recognition that different regions face very different issues and threats.*
- *Success in biodiversity requires engaging with landowners, enlisting their support and offering them support. A combative approach with landowners or a solely government-led approach will not deliver long-term, durable outcomes for biodiversity. The availability of resources to be able to support landowners is not 'a nice to have' but will be an essential part of a successful implementation of the NPSIB.*
- *Successful interaction with landowners requires building of trust. That can take some time and should not be rushed. It requires using the right process and the right people/attitude. In some parts of New Zealand, past experiences have resulted in low levels of trust and the effort and time required to rebuild that trust should not be under-estimated. Accordingly, councils need flexibility in the process and timelines they employ.*

7.8 It is important to note that Federated Farmers have recently highlighted that farmers are facing the highest level of stress for some time and this is particularly so in the Hawke's Bay following Cyclone Gabrielle. For this reason it is recommended that our first step should be to commence partnership discussions with manawhenua and also look to seek the guidance of the Rural Community Board on forming an engagement strategy with the rural community.

7.0 Recommendations - Ngā Tūtohunga

- A) That the District Planning and Bylaws Subcommittee receive the report titled National Policy Statement for Indigenous Biodiversity dated 30 August 2023.
- B) That the Subcommittee approve that staff continue to monitor the roll out of the NPS-IB Implementation Plan and that staff continue to liaise with the Hawke's Bay Regional Council.
- C) That the Subcommittee endorses officers taking a report to the Heretaunga Takoto Noa Māori Standing Committee seeking guidance on partnership arrangements.
- D) That the Subcommittee endorses officers taking a report to the Rural Community Board seeking guidance in regard to a pathway of engagement with the rural community.

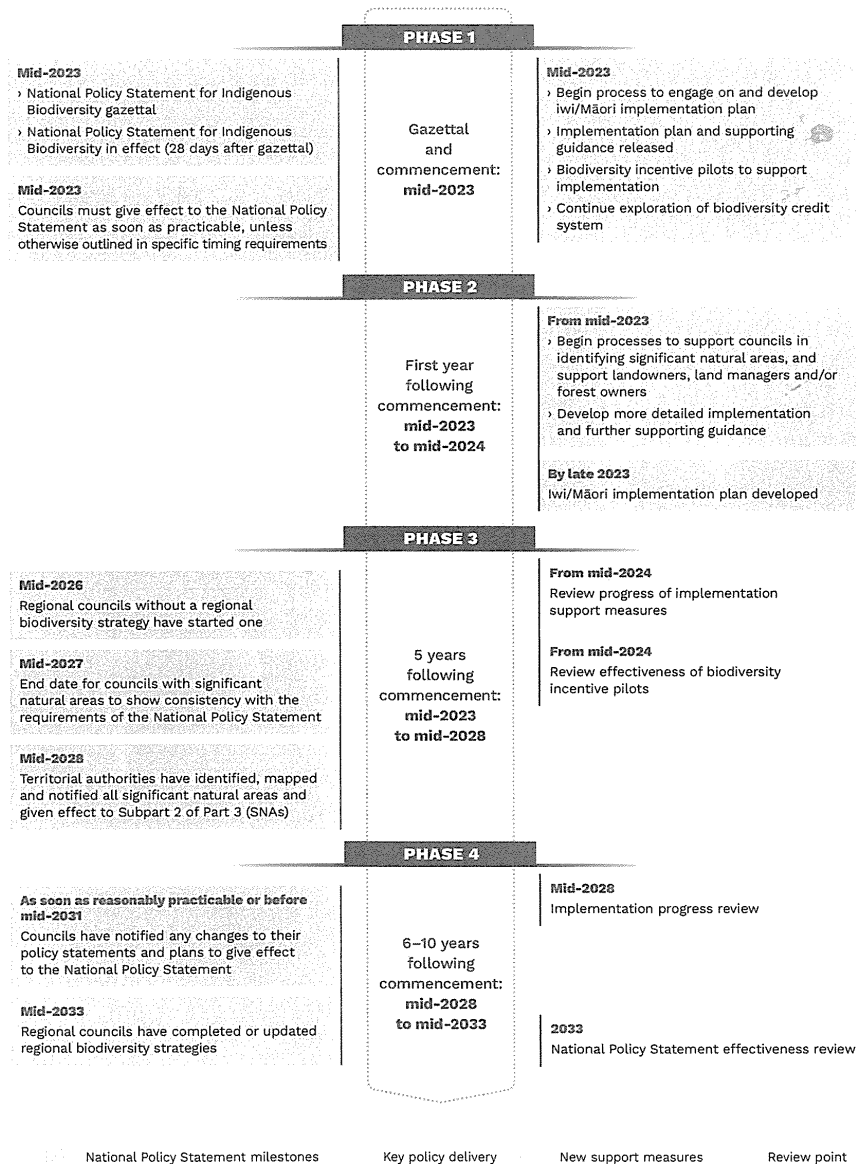
Attachments:

1 [↓](#) NPSIB Implementation timeline

CG-17-13-00015

NPSIB Implementation timeline

Figure 1: Implementation timeline



Wednesday, 30 August 2023

Item 6

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: **Rowan Wallis, Environmental Policy Manager**

Te Take:
Subject: **Review of Outstanding & Cultural Landscapes**

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 At the last District Planning and Bylaws Subcommittee meeting the priorities were set for the environmental policy workstream. One of the highest priorities established by the sub-committee was to review the Outstanding and Cultural Landscapes to ascertain if greater levels of protection need to be afforded to these landscapes.
- 1.2 Recently the Subcommittee steered Plan Change 4 (Te Matā) through a process that properly recognised the mana of the maunga and provided assurance to hapu that its cultural values will be protected for the future. This was only able to be achieved with the co-operation of the landowners on the eastern face of Te Matā.
- 1.3 This item outlines some of the issues associated with the wider review of the identified outstanding and cultural landscapes and seeks guidance from the sub-committee on the preferred process for commencing this important tranche of work.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the District Planning and Bylaws Subcommittee receive the report titled Review of Outstanding & Cultural Landscapes dated 30 August 2023.
- B) That the Subcommittee provide guidance on the process to be adopted for the review of the Outstanding and Cultural Landscapes.

- C) That the Subcommittee endorses officers taking a report to the Heretaunga Takoto Noa Māori Standing Committee seeking guidance in regard to resourcing capabilities and the priority areas for cultural assessment.

3.0 Background – *Te Horopaki*

- 3.1 The District Plan identifies a total of 8 Outstanding landscapes, and they are, in no particular order of priority. (The numbering of the outstanding landscapes is not a prioritisation but is a unique identifier for mapping purposes):
- Te Matā ONFL1
 - Kahurānaki – ONFL2
 - Kōhinerākau (Mt Erin) – ONFL3
 - Cape Kidnappers and Rangaiika Coast- ONFL4
 - Whakaari Headland- Tangoio Bluff- ONFL5
 - Maungaharuru Range, Titiokura and Te Waka- ONFL6
 - Kaweka and Ruahine Ranges- ONFL7
 - Moto-o -Kura (Bare Island) and the Waimārama Coast- ONFL8
- 3.2 All of the above landscapes are also Outstanding Cultural Landscapes. Te Matā is identified in the district plan as the Outstanding Landscape of primary importance in the district plan and there is policy to recognise this in the plan. However, the cultural values of Te Matā were not evident nor were they given the appropriate level of recognition in the District Plan.
- 3.3 The construction of the Craggy Range Track became the driver of change for protection of the values of the eastern side of Te Matā. Prior to Plan Change 4 only the western side of Te Matā was protected, and this was by way of a building prohibition for residential and visitor accommodation above the 240m contour mark. The eastern side was protected to some extent by the Outstanding Landscape provisions, but these allowed for the construction of buildings up to 50m² as a permitted activity and non-complying above this floor area. Similarly, the earthworks provisions that were provided for as a permitted activity could have significant cultural and visual impacts.
- 3.4 The remaining outstanding and cultural landscapes are managed under a set of rules with little consistency around the activity status that apply to activities across the seven outstanding landscapes and this needs to form part of the considerations of the review.

4.0 Discussion – *Te Matapakitanga*

- 4.1 The review of the outstanding landscapes section of the plan will require careful consideration of the individual values of the each of the landscapes both from a cultural and visual perspective, what land use activities are being undertaken on the landscapes, and identifying what the likely level of risk is for potential development.
- 4.2 The first step in the considerations is to undertake the cultural assessment for each of the landscapes. Without this work the consultants will not be able to properly consider the full landscape effects. Cultural assessment is a specialist area and must be undertaken by parties acceptable to the hapu of the area for it to be accurate and meaningful. Sufficient time must also be allowed to ensure that the appropriate level of engagement with hapu is achieved.
- 4.3 The work that was undertaken on the Te Matā Plan Change also provided evidence that getting landowners involved at the outset of the discussions contributes significantly to achieving the outcomes.

- 4.4 In previous discussions with the District Planning and Bylaws Subcommittee their preference was that the review of the remaining landscapes should be undertaken as a package. This has been investigated and proceeding on this basis would raise a number of issues that require the consideration of the subcommittee.
- 4.5 The first of these is the ability to obtain cultural assessments for all of the landscapes at the one time. As previously stated, this is a specialist area with a very limited number of people able to undertake this work. Due to the complexity of this work and the length of time that is required to complete, it can also be costly, and this cost has not been budgeted for at this volume.
- 4.6 The second issue is that many of these outstanding landscapes are also supported by significant amenity landscapes which currently have few, if any, rules attached to them. The rules that do apply are principally around plantation forestry. If council is proposing to revisit the extent of what is considered to be an outstanding landscape, especially in a cultural context, and apply additional rules to them, the majority of these landscapes are privately owned and are working farms. Each landowner will need to be consulted from the outset of the project and again the amount of resource that will need to be applied will be significant. While expert landscape advice will need to be engaged this will still have implications for in-house staff resources because of the amount of engagement required with landowners. The budget implications will also be significant.
- 4.7 Consideration needs to be given to whether a staged approach to the review of these landscapes may be required both to ensure that the cultural assessment is undertaken in a thorough and appropriate way and to ensure that the budgetary planning can be made.
- 4.8 The Cultural Assessment report for Te Matā identified that there is a strong relationship between Te Matā, Kōhinerākau, and Kahurānaki and it is suggested that this would be a good first stage for the landscape review work. These landscapes are also the ones that have the potential to be under the most development pressure, being closer to the urban environment and in a highly valued landscape where rural lifestyle development is already occurring. Landscapes such as Cape Kidnappers and Whakaari Headland-Tangoio Bluff are more remote. Furthermore, the Environment Court case on the Mangaharuru Range has only recently been settled.

5.0 Options – Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 To undertake a staged approach to the outstanding landscape review:

Advantages

- Can be managed under existing budgetary and staff resources.
- Allows landowners to be worked with more closely.
- Cultural assessments likely to be more manageable.
- Better recognises the uniqueness of each of the outstanding landscapes.

Disadvantages

- Extends the time period for review.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāiane

- 5.2 Review all remaining Seven Outstanding landscapes at once.

Advantages

- Faster process requiring only one plan change.

Disadvantages

- The review will be governed by the availability of authors for the cultural assessment reports.
- Budget limitations

6.0 Next steps – *Te Anga Whakamua*

Seek guidance from the Heretaunga Takoto Noa Māori Standing Committee on the ability to achieve cultural assessments, whether staging is more appropriate, and which landscapes should be addressed as a priority.

Start the procurement process for the engagement of the landscape consultants on the landscape review.

Attachments:

There are no attachments for this report.

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the cultural wellbeing of communities in the present and for the future by ensuring that the cultural values of the landscapes are promoted and protected in the district plan.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

This outstanding and cultural landscapes are of high significance to iwi and hapu,

Sustainability - *Te Toitūtanga*

The sustainable management of the natural and physical resources of the district includes our natural landscapes. Furthermore Council has a duty under section 6 of the Resource Management Act to protect our outstanding and cultural landscapes.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

There is budget under the Environmental Policy district plan review workstream to do some of this work. Further budget is likely to be needed to do all of the work required. :

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of high significance.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho:*

The project will require significant consultation with the owners of the land with the outstanding landscapes. Similarly the Cultural Assessment Report will require extensive engagement with hapu.

Risks

Opportunity: There will be real benefits in ensuring that the cultural values of the outstanding landscapes are properly recognised, and appropriate protection measures are included in the district plan.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Cultural safety, council reputation and safeguarding the environment	Legal compliance if we do not proceed. Risk of landowners not being supportive of additional protection measures.

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

The Rural Community Board will be advised of the strategy adopted for the review and guidance will be sought on the engagement strategy with the rural landowners:
