

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

Kaupapataka

Agenda

Private Plan Change 8 - HBRC Earthworks Exemption (RMA20250089)

Te Rā Hui: **Monday, 23 February 2026**
Meeting date:

Te Wā: **9.30am**
Time:

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

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

Te Āpiha Matua: **Group Manager: Planning & Regulatory Services - John O'Shaughnessy**
Responsible Officer:

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

Membership - Up to 10 Hearings Commissioners (comprising up to 7 elected members of Council and at least 3 external appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including external appointed members.
- Deputy Chair appointed by the Council from the membership including external appointed members.
- Under s. 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on:
 - Applications for Resource Consents.
 - Notice of Requirements given under s. 168 or 189 of the Resource Management Act.
 - Requests under clause 21(1) of Schedule 1 of the Resource Management Act for a change to be made to a Plan (Private Plan Changes).
 - Reviews of Resource Consents.
 - Applications to change or cancel Resource Consent Conditions.
 - Any hearing of an objection under s. 357C of the Resource Management Act.
 - Proposed Policy Statements and plans that have been notified (Council Initiated Plan Changes).

Quorum

- a) For Hearings other than Council Initiated and Private Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Private Plan Change hearings a maximum of five members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- c) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
- d) For Hearings other than Council Initiated and Private Plan Change hearings the quorum shall be two members.
- e) For Council Initiated and Private Plan Change Hearings, the quorum shall be three members.
- f) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.

- g) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

Casting Vote

- a) In line with Council's Standing Orders (19.3) the Chair would have a casting vote at all hearings, in the event that the vote of the panel was tied.

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

Kaupapataka

Agenda

Hearing Panel Members:

Ngā mema o te Komiti

Panel Members:

Chair: George Lyons (Commissioner Chair - External appointee)

Councillors Alwyn Corban (Deputy Chair), Hana Montaperto-Hendry and Heather Te Au-Skipworth

Apiha Matua

Officer Responsible:

Group Manager: Planning and Regulatory Services - John O'Shaughnessy

Reporting Planner

Environmental Planner, Policy – Junior Tuakana

Te Rōpū Manapori me te

Kāwanatanga

Democracy

Governance Services

Christine Hilton (chrisah@hdc.govt.nz)

Te Rārangi Take **Order of Business**

Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui

1.0 No apologies or Leaves of Absence had been received from the panel members by the time the agenda was created.

Private Plan Change 8 - HBRC Earthworks Exemption (RMA20250089)

2.0 Documents circulated for hearing - compiled as two separate documents

The following attachments are included in this document.

Document 1	The covering administrative report	Pg 1
Attachment A	PPC8 Earthworks Standards relating to Flood Protection Works - Section 42a Report	Pg 3
Attachment B	pdf version of Section 27.1 Earthworks with changes by HBRC	Pg 25
Attachment C	Submission 1 - Marcel van Hooijdonk	Pg 53
Attachment D	Submission 2 - Matt and Jamie Rae	Pg 57
Attachment E	Submission 3 - Maori Trustee	Pg 61
Attachment F	Submission 4 - John Loughlin	Pg 63
Attachment G	Submission 5 - Transpower	Pg 67
Attachment I	pdf version Summary of submissions by submitters	Pg 71

The agenda documents can be viewed on the Council website.

NOTE: No parties involved in this hearing had indicated that they wished to speak at the hearing.

Therefore, unless this situation changes once the parties have read the agenda documents, it is intended that the Hearings Committee will go on a site visit and then undertake its Public Excluded (Confidential) deliberations starting at 9.30am on the meeting date (23 February).

Monday, 23 February 2026

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

Te Rārangi Take

Report to Hearings Committee

Item 2

Nā:
From: **Christine Hilton, Democracy and Governance Advisor**

Te Take:
Subject: **Private Plan Change 8 - HBRC Earthworks Exemption**

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

- 1.1 This is a covering report relating to the Proposed Hastings District Plan hearing – Private Plan Change 8 – HBRC Earthworks Exemption.
- 1.2 The agenda documents and submissions can be viewed on the Council’s website.
- 1.3 The recommendations are included in the relevant section/s of the agenda documents and are not summarised in this covering report.

2.0 Recommendations - *Ngā Tūtohunga*

This covering report titled Private Plan Change 8 - HBRC Earthworks Exemption, the hearings report and associated attachments, dated 23 February 2026, are to be put onto the Council website so it can be viewed by the public.

Attachments:

A	PPC8 Earthworks Standards relating to Flood Protection Works - Section 42a Report	RMA20250089#0048
B	pdf version of Section 27.1 Earthworks with changes by HBRC	RMA20250089#0049
C	Submission 1 - Marcel van Hooijdonk	RMA20250089#0029
D	Submission 2 - Matt and Jamie Rae	RMA20250089#0030
E	Submission 3 - Maori Trustee	RMA20250089#0031
F	Submission 4 - John Loughlin	RMA20250089#0047

G	Submission 5 - Transpower	RMA20250089#0033
H	Section 32 evaluation report	RMA20250089#0045
I	pdf version Summary of submissions by submitters	RMA20250089#0044
J	HBRC - Environmental Code of Practice for Rivers and Waterways 2017	RMA20250089#0046

Item 2

SECTION 42A RMA REPORT: OPERATIVE HASTINGS DISTRICT PLAN 2024

SUBJECT: Private Plan Change 8, Hawke's Bay Regional Council Earthworks Exemption for River Control and Drainage Purposes.

HEARING DATE: 23RD FEBRUARY 2026.

1.0 INTRODUCTION

1.1 Purpose of this Report

- 1.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA)
- 1.1.2 This report considers and assesses the submissions and further submissions that have been received in relation to Private Plan Change 8 (PPC8) which is a request by Hawkes Bay Regional Council to make amendments to the Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction section of the Hastings District Plan (the Plan). The report assesses all submissions and further submissions received against the relevant provisions of the RMA and concludes by recommending whether each submission should be accepted, accepted in part or rejected. Where submissions are recommended to be accepted or accepted in part, the report also recommends the amendments required to be made to the Plan.
- 1.1.3 This report should be read alongside the tracked changes version of Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction of the Plan which shows the recommended amendments resulting from the assessment of submissions in **Attachment B**. This report should also be read alongside the Section 32 Report supporting PPC8 which contains background information and the rationale for the notified provisions.
- 1.1.4 The matters raised in submissions have been grouped by topic to aid assessment of similar concerns. Full copies of all submissions can be viewed in **Attachments C - G**. An analysis of the submission points raised by each submitter is provided in the following sections of this report.

1.2 Statement of Experience

- 1.2.1 This Section 42A report has been prepared by Junior Tuakana, an Environmental Planner in the Environmental Policy Team at HDC. Junior has over 18 years' experience in local government and holds a Bachelor of Social Sciences qualification.

1.3 Code of Conduct

- 1.3.1 The reporting officer confirms that he has read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and has complied with it when preparing this report. The evidence stated in the analysis of the submissions is within

the areas of expertise of the reporting officer, other than when it expressly stated that reliance is on the advice of another person.

- 1.3.2 The data, information, facts and assumptions that have been considered in forming the writers' opinions are set out within the submissions analysis. Where opinions have been given, the reasons for those opinions are stated. The writers of this report have not omitted to consider material facts known that might alter or detract from the opinions expressed.
- 1.3.3 The reporting officer is authorized to give this evidence on the Council's behalf in relation to PPC8.

1.4 Conflict of Interest

- 1.4.1 It is confirmed that the officer who prepared this report has no real or perceived conflicts of interest.

1.5 Preparation of the Report

- 1.5.1 This report addresses the following parts of the operative plan:

- Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction

- 1.5.2 PPC8 proposes amendments to the above section of the Plan including a new anticipated outcome, a new policy, and an exemption to the rule table in 27.1.5.
- 1.5.3 These amendments would enable the Regional Authority (HBRC) to carry out earthworks for river control and drainage purposes without the need to comply with the District Plan performance standards or obtain a resource consent.
- 1.5.4 However, the exemption would only apply to the earthworks chapter of the District Plan and would not negate the need for such works to meet the requirements of other District-wide chapters including Section 16.1 Wāhi Tāonga, Section 17.1 Natural features and Landscapes, Section 18.1 Heritage items and Notable Trees, Section 22.1 Network Utilities.
- 1.5.5 The provisions of Section 27.1 apply across all Zones within the District and therefore any amendments to this section would also apply on a District-wide basis.
- 1.5.6 The purpose of PPC8 is to reduce the need for multiple resource consents for earthworks to undertake river control and drainage purposes and thereby reduce cost and improve efficiency in carrying out this essential infrastructure maintenance work.

2.0 BACKGROUND AND OVERVIEW OF PPC8 AS NOTIFIED

- 2.1.1 This private plan change request from the Hawke's Bay Regional Council was lodged with the Hastings District Council on 20th March 2025.

2.1.2 PPC8 was publicly notified by Hastings District Council on 6th September 2025 with submissions closing 3rd October 2025. Five submissions were received. A summary of submissions was notified on 8th November 2025 and further submissions closed on 21st November 2025 with no further submissions received.

2.1.3 Currently under the Operative Hastings District Plan, earthworks for river control and drainage activities are permitted activities subject to compliance with the performance standards and terms in 27.1.6. The performance standards seek to manage the effects of activities and include controls on the following matters:

- the extent of earthworks(volume limits)
- vegetation
- slope
- excavation
- noise
- flood protection works
- location of fill
- sediment control
- earthworks within ONFLs for the maintenance of existing farm tracks, maintenance of existing farm drains and maintenance of existing fence lines
- earthworks in the Iona terraces neighbourhood of the Iona special character zone.

2.1.4 The District Plan also currently permits all vegetation modification associated with flood control activities under Sections 19.1 (Riparian Land Management and Public Access) and 20.1 (Indigenous Vegetation and Habitats of Indigenous Fauna). Additionally, river control and drainage work within the river hazard overlay are permitted activities under Section 15.1 (Natural Hazards) and are not subject to any performance standards or terms within this section of the District Plan. As a result, these activities do not require resource consents and can be undertaken as of right.

2.1.5 Under Rule EM4 in Section 27.1, the general performance standards and terms for all earthworks apply (e.g., earthworks volume limits and those matters outlined above in 2.1.3). Earthworks associated with flood protection improvements will often not meet the permitted activity standards, meaning under the current rule framework HBRC will require multiple individual resource consents for earthworks from Hastings District Council (HDC) in order to undertake river control and drainage works, including for example, the maintenance of existing stopbanks and/or the construction of new stopbanks.

2.1.6 The maintenance and upgrade of stop banks tends to exceed the earthwork limits of 100m³ per hectare of site in the Plains Zone and 2000m³ per hectare of site in the Rural Zone. For this reason, resource consent is often currently needed for these activities.

2.1.7 PPC8 seeks an amendment to the earthworks provisions to exempt earthworks undertaken by HBRC for river control and drainage purposes from the requirement to comply with the general performance standards and terms in 27.1.6. This change will ensure these works are consistently provided for as a permitted activity within the District Plan.

2.1.8 The plan change will align the Hastings District Plan with the operative (rule 52A.6) and proposed (Rule EW-R2) of the Napier City Council (NCC) District Plans, which permit earthworks for river control and drainage activities carried out by a local authority exercising its powers, functions, and duties under any enabling legislation, including the Soil Conservation and Rivers Control Act 1941 or the Land Drainage Act 1908 without the need to comply with performance standards and terms such as volumes.

2.1.9 The key provisions of Section 27.1 that are sought to be amended are as follows with the additional text underlined and in italics:

- EMA05 Flood protection of rivers *is able to be carried out efficiently and* is sustainable managed including the reduction of sedimentation into waterbodies, watercourses and riparian areas.
- Objective EM01 relates to outcome EMA01, EMA02, EMA03, *and EMA04* *and EMA05*.

To enable earthworks within the Hastings District while 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.

- *Policy EMP15: Relates to objective EM01*

Enable earthworks activities associated with river control and drainage works to be carried out by, or on behalf of, the regional authority.

Explanation: River control and drainage works provide significant benefits to the community and it is important that earthworks associated with river control and drainage activities can be undertaken efficiently.

- 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 walkways and cycleways, except when located within any ONFL area, where standards relating to ONFL's in 27.1.5 and 27.1.6 shall still apply.
- (e) *Earthworks for river control and drainage purposes undertaken by or on behalf of a regional authority under rule EM4, except when located within any ONFL or SAL where the performance standards in 27.1.6 shall still apply.*

2.1.10 These changes are sought by HBRC to recognise and strengthen provisions for earthworks undertaken by or on behalf of HBRC for river control and drainage purposes.

2.1.11 The proposed plan change is sought on the basis that it will enable HBRC to deliver flood protection improvements more efficiently, by reducing the time and costs of obtaining resource consents. In turn, these projects will have health and safety, social and economic benefits for the community.

2.1.12 It is considered by HBRC that the proposed plan change will align with section 6(h) of the RMA in that the management of significant risk from natural hazards will be achieved by recognising and making it easier and more efficient for HBRC to deliver flood protection outcomes.

2.1.13 HBRC has submitted its Section 32 evaluation report and supporting documents for the proposed amendment to Section 27.1. The evaluation addresses relevant legislation requirements, assesses the environmental effects of river control and drainage works, and outlines the public engagement that occurred prior to lodgement of the PPC.

2.1.14 The HBRC's Section 32 Report appended the following technical reports which provide specific expert evaluation of the potential landscape, visual and ecological effects:

- Appendix B - Landscape & Visual Effects Assessment Heretaunga Plains Flood Control & Drainage Scheme Flood Protection Upgrades Hawke's Bay Regional Council prepared by Wayfinder, Revision 4 - March 2025.
- Appendix C – Ecological effects assessment: Proposed Plan Change to the Hastings District Plan prepared by Whirika, Revision 4 - 9 December 2025.

2.1.15 HBRC have contacted Ngāti Kahungunu Iwi, Te Taiwhenua o Heretaunga, Ngāti Hineuru, Mana Ahuriri, Tamatea Pōkai Whenua and Maungaharuru-Tangitū for feedback on the proposed change to the District Plan. A summary of feedback and responses from these mana whenua groups has been included within section 5.1 of the HBRC's Section 32 assessment.

2.1.16 HBRC has also included their Mana whenua engagement framework which explains HBRC's process used for the Infrastructure Resilience Program.

2.1.17 Other groups that had been contacted and engaged with include Transpower Ltd, New Zealand Transport Agency (NZTA), KiwiRail Limited, Forest and Bird, Fish and Game, Department of Conservation (DoC), Ministry for the Environment (MfE) and HDC Asset Management Group.

2.1.18 The full list with responses can be viewed under table 5.1 of the evaluation 32 report and support documents. This report is included as **Attachment H**.

3.0 STATUTORY CONSIDERATIONS

3.1.1 In assessing the submissions on PPC8, this report has been prepared in accordance with the RMA which requires consideration to be given to a number of matters. These relevant matters include:

- Part 2, purpose and principles;
- Section 31, the functions of territorial authorities under the Act
- Section 32, consideration of alternatives, benefits and costs;
- Section 74, matters to be considered by territorial authorities
- Section 75, contents of district plans

3.1.2 Subject to the consideration of submissions as outlined below, I generally agree with, and adopt, the analysis of the above matters as set out in Plan change request and section 32 evaluation report.

3.1.3 Since PPC8 was lodged there have been amendments to some of the National Policy Statements referenced in section 2.4.2 of the Section 32 evaluation report, and also new national policy statements have been gazetted. Of these, it is considered that the only one of relevance is the National Policy Statement on Infrastructure (NPS-I) which comes into effect on 15 January 2026. A district plan is required to give effect to a national policy statement (s 75(3)(a)) so the consistency of PPC8 with this new document is considered below.

National Policy Statement – Infrastructure

3.1.4 The NPS-I recognises infrastructure as a matter of national significance under the RMA and provides national direction to support the development, maintenance and upgrade of infrastructure across New Zealand (see Explanatory Note to NPS-I). It adopts an expanded definition of 'infrastructure' to cover all infrastructure as defined by the RMA and 'additional infrastructure' which includes "flood control and protection works carried out by, or on behalf of, a local authority".

3.1.5 The objective of the NPS-I is:

2.1 Objective

(1) The objective of this National Policy Statement is to:

- (a) ensure the national, regional and local benefits of infrastructure are provided for;
- (b) enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;
- (c) enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;
- (d) ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and
- (e) ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.

3.1.6 Policy 1 requires that decision-makers (which includes any person exercising a function under the RMA) ensure the benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for, with sub clause (2)(g) *relevantly requiring recognition of the benefits of “reducing the risks from, and improving resilience to, natural hazards and climate change”*. PPC8 enables HBRC to plan and implement Flood protection infrastructure (e.g., stopbanks, floodways, drainage systems) which directly reduces risks from flooding.

3.1.7 Policy 2 requires that decision makers recognise that infrastructure may have an operational or functional need in particular environments, with *sub clause (2)(a) requiring services to be provided to people and communities in a timely, effective and efficient manner*. Flood protection works often need to be located near river corridors or floodplains to function effectively. Their placement in these environments is essential to protect communities and maintain lifeline services during flood events

3.1.8 Policy 4 requires the enabling the efficient and timely operation and delivery of infrastructure activities. *Subclause (1)(a) Enables the efficient and timely delivery of all infrastructure activities*. PPC8 ensures Flood protection upgrade and maintenance must occur promptly to prevent failures during high-risk storm events.

3.1.9 *Subclause (1)(f)(i) enables the upgrading of infrastructure where this will improve the reliance of infrastructure to the risks from natural hazards and effects of climate change*. PPC8 will enable the upgrading stopbanks or installing alternative measures enhances resilience against flooding events.

3.1.10 *Subclause (2)(a) recognises the importance of infrastructure supporting activities to enable the benefits of infrastructure activities to be realised*. PPC8 enables flood protection supports other infrastructure (roads, utilities) by reducing flood damage risks, which enables continued services.

3.1.11 *Policy 8 provides for the operation, maintenance and minor upgrade of existing infrastructure*. PPC8 ensures flood protection assets can ensure ongoing maintenance (e.g., vegetation control, erosion repairs) to remain effective. This policy ensures such work is enabled across all environments, provided effects are managed.

3.1.12 Policy 11: requires assessing and managing the interface between infrastructure and other activities. *Subclause (1)(a) requires when assessing and managing the interface between existing and planned infrastructure with other activities decision-makers must: recognise that noise, vibration, dust and visual effects are all typical effects associated with infrastructure activities that can be managed where practicable but not completely avoided.* HBRC's Ecological Management and Enhancement Plans (EMEP) for Tukituki, Ngaruroro and Tukituki Rivers which provides guidelines for river control and drainage works. The guidelines set out to protect and improve river and braided riverbed habitats, especially for threatened shorebirds, by integrating ecological, cultural, and recreational values, using guidelines within the Regional Resource Management Plan (RRMP) and Code of Practice for river works any effect during construction or maintenance will be reduced.

3.1.13 Overall, these policies collectively recognise flood protection as essential infrastructure that reduces natural hazard risks, supports community resilience, and ensures continuity of services. They enable timely upgrades and maintenance while balancing environmental considerations. In my view, PPC8 responds to NPS-I by better enabling HBRC to carry out flood control and protection works to reduce the adverse impacts of flooding on people's safety, property and Infrastructure through the management of stopbanks, river controls and drainage purposes.

3.1.14 It is considered that PPC8 is of benefit to NPS-I They enable timely upgrades and maintenance while balancing environmental considerations. It is considered that PPC8 aligns with these policies to enable HBRC to deliver on protection measures to reduce risk to other infrastructure needed for a community's well-being.

3.1.15 In considering submissions below, I have identified where the directions to decision-makers in the NPS-I may be relevant.

Conclusion on statutory tests

3.1.16 After reviewing the information contained within Section 2.0 of the applicants s32 report, I agree with the analysis of the application and consider that the Plan change meets all statutory requirements, including the RMA 1991, national direction and all relevant policies and plans. Further to this, I consider the Plan Change meets the requirements of the NPS-I which was gazetted following the lodgement of the Plan Change.

4.0 SUBMISSIONS

4.1.1 A total of five (5) submissions and no further submissions were received during the submission and further submission periods.

4.1.2 Originally, submitter five (Transpower) was the only party that requested to speak at the hearing. Following discussions between Transpower and the requestor's consultant planner, Transpower has withdrawn its request to speak but continues to support its submission points to protect the national grid line and supporting structures from activities including earthworks activities relating to flood protection and river control.

4.1.3 Given that there are no submitters or further submitters requesting to be heard, the application can proceed without a hearing. This report is a requirement of the Act and has been prepared to assist the hearings committee in considering this private plan change request and also to assist the committee in their decision-making on this application.

4.1.4 Original Submissions

A total of five submissions, resulting in seven submission points, were received and are summarised under the summary of submissions document contained in **Attachment I**. Full copies of each original submission are contained in **Attachments C - G**.

4.1.5 Further Submissions

There were no further submissions received.

4.1.6 Submissions Analysis

4.1.7 Due to the nature of submissions, the submission analysis has been broken down into topics.

4.1.8 This report outlines the topics raised by the submitters. Each of the topics specifically identified by submitters will be considered with a recommendation made on each topic (or decision requested).

4.1.9 The topics included in this report are as follows:

- Topic 1 – Plan Change in its entirety (support, opposition, neutral)
- Topic 2 – Proactive, regular maintenance carried out to prevent blockages
- Topic 3 – Responsible placement of spoil, above flood levels and away from sensitive habitats.
- Topic 4 - Entity contacted as an affected party if any of the proposed flood works impact land under their administration.
- Topic 5 – Earthwork rules standards under NU7, NU11, NU16 and 22.1.7B continue to apply.

4.1.10 My assessment of the various topics is set out below. Where I have recommended changes to PPC8 as a result of submissions to the Plan, these will be assessed in accordance with Section 32AA requirements.

Topic No.	Issue	Submitter Name	Section of this Report
Topic 1	Plan Change in its entirety (support, oppose)	Marcel Van Hoijdonk (S) John Loughlin (S)	5.0

		Maori Trustee (S) John Loughlin (S) Transpower NZ (S)	
Topic 2	Proactive, regular maintenance carried out to prevent blockages.	Jamie and Matt Rae (S)	6.0
Topic 3	Responsible placement of spoil, above flood levels and away from sensitive habitats.	Jamie and Matt Rae (S)	7.0
Topic 4	Entity contacted as an affected party if any of the proposed flood works impact land under her administration, not the rate payer.	Group Representing Māori (S)	8.0
Topic 5	Earthwork rules standards under NU7, NU11, NU16 and 22.1.7B continue to apply.	Transpower NZ (S)	9.0

5.0 TOPIC 1: PLAN CHANGE IN ITS ENTIRETY (SUPPORT, OPPOSITION)

5.1 Table of Submitters

Sub. No.	Submitter (S) Further Submitter (FS)	Sub. Point	Submission Type	Summary of Decision Requested	Summary Rec
1	Marcel van Hooijdonk (S)	S1.1	Support	Support plan change in full.	Accept
2	Matt and Jamie Rae (S)	S2.1	Support in part	Support apart from specific points 2.2. and 2.3 discussed below	Accept
4	John Loughlin (S)	S4.1	Support	Support the plan change.	Accept

5.2 ANALYSIS

5.2.1 Submitters 1, 2 and 4 supported the plan change. Where submitters sought changes, they are discussed below in other topics. This section considers their general support only.

5.2.2 Reasons identified in the submissions for support of PPC8 include:

- Ease and cost for HBRC to undertake necessary works (S1.1)
- Flood resilience is necessary and urgent for the wider Haumoana community. We therefore strongly support HBRC being enabled to carry out these works efficiently (S2.1);
- HBRC should be empowered to easily take all steps they consider necessary to protect my family, my property and my business (S4.1).

5.2.3 These benefits of adopting the plan change as sought by HBRC are acknowledged and agreed. They echo the results of the statutory assessment undertaken above, which largely adopted HBRC's assessment, and further considered new national direction which is supportive of PPC8. For those reasons, I agree with the relief sought in the submissions and recommend they be accepted.

RECOMMENDATION: PLAN CHANGE IN ITS ENTIRETY

- A) That the submission of **Marcel van Hooijdonk (submission point 1.1)**; **be accepted**; insofar as the submitter supports PPC8 in full on the basis that this request will enable HBRC to undertake flood protection works without unnecessary delay.
- B) That the submission of **Jamie and Matt Rae (submission point 2.1)**; **be accepted**; insofar as the submitter supports PPC8 on the basis that this request will enable HBRC to undertake flood protection works efficiently.
- C) That the submission of **John Loughlin (submission point 4.1)**; **be accepted**; insofar as the submitter supports PPC8 in full on the basis that this request will enable HBRC to undertake flood protection works without unnecessary delay.

5.3 REASONS: PLAN CHANGE IN ITS ENTIRETY

1. That submission points 1.1 and 4.1 support PPC8 in full, and submission 2.1 supports the plan change subject to some comments discussed below in section 6.0 and 7.0, on the basis that the changes proposed will more efficiently enabling flood protection work to be undertaken by HBRC.
2. The plan change will enable HBRC to deliver on flood protection without the need of requiring additional consents from HDC saving cost and time.
3. The implementation of flood protection measures in a timely manner minimizes exposure to hazards during extreme weather events and promotes greater community resilience to flood hazard.

6.0 TOPIC 2: PROACTIVE AND REGULAR MAINTENANCE

6.1 Table of Submitters

Sub. No.	Submitter (S) Further Submitter (FS)	Sub. Point	Submission Type	Summary of Decision Requested	Summary Rec
2	Jamie and Matt Rae (S)	S2.2	Support in part	HBRC to be proactive and regular maintenance carried out at appropriate intervals to prevent blockages, rather than infrequent large-scale works.	Reject

6.2 ANALYSIS

6.2.1 Submission point 2.2 from Jamie and Matt Rae support in principle the proposed plan change to allow HBRC to carry out flood protection works efficiently. However, the submitter requests that “[HBRC] ensures robust safeguards are in place so that flood protection works do not cause unnecessary disruption to the natural environment”. In particular, the submitter states that they support the following works:

- *Targeted and small scale excavation, timed carefully (eg outside breeding seasons for fish and birds) to minimise disruption to ecosystems.*
- *Proactive, regular maintenance carried out at appropriate intervals to prevent blockages, rather than infrequent large-scale works.*
- *Responsible placement of spoil, above flood levels and away from sensitive habitats.*

6.2.2 Under the current District Plan rules, there is no requirement imposed by the Earthworks or other provisions requiring HBRC to undertake maintenance of the flood protection scheme. HBRC has a works program which regulates this, but it is not a matter within the scope of PPC8, or the District Plan more generally. I therefore do not consider there is scope for the relief sought to be granted.

6.2.3 HBRC in their application (section 2.2 of the overview report), have outlined the process that is undertaken to identify and plan for future flood protection methods, and the location and timing of future flood protection works as these decisions are yet to be made. This process and the steps HBRC will take in planning future flood protection works are reproduced below:

Steps	Description of process
Step 1	Complete an assessment of all scheme review information and recommendations
Step 2	Prioritise the projects to be progressed
Step 3	Early engagement with mana whenua, affected landowners and the community in relation to a project
Step 4	Optioneering and concept design

Step 5	Continuing engagement with mana whenua, affected landowners and the community in relation to a project.
Step 6	Site investigations and assessments and development of a preferred option;
Step 7	Continuing engagement with mana whenua, affected landowners and the community as the design develops
Step 8	Detailed design and construction

6.2.4 Step 1 of this process is undertaking an assessment of all review information and recommendations of the Heretaunga Plains Flood Control and Drainage Scheme. It is assumed that such an assessment would assist to guide future maintenance and operational requirements needed for the existing scheme to perform optimally. In addition, the engagement and consultation with mana whenua, affected landowners and the community generally will provide opportunities for these matters to be raised with HBRC and addressed.

6.2.5 Furthermore, HBRC have also stated that they follow the relevant standards within their Environmental Code of Practice for River Control and Waterway Works 2017 (**Attachment J**). The purpose of this environmental code of practice is to define the range of operational activities undertaken by HBRC and its contractors, and to describe best practice environmental standards that apply to river control and drainage works regardless of whether an activity requires a resource consent or not.

6.2.6 The code of practice states:

"Specifically, this CoP will:

- Identify a range of values for the region's waterways, to be considered as activities are designed, authorized and undertaken.*
- Adopt best practice standards to avoid, mitigate and minimise an activity's effect on the environment.*
- Define activities and reasons for activities.*
- Specify methodologies for each activity.*
- List the procedures for consultation and notification, monitoring and reporting;*
- Ensure works undertaken under the Environmental Code of Practice will acknowledge water body values and work in a way that does not adversely impact on those values.*

Embedded in this Code of Practice are descriptions of the type of works carried out on riverbeds and waterways associated with these operations in order that there is a fuller explanation of the issues that arise and how these are managed as best practicable options."

6.2.7 Therefore, in my opinion, while there is no scope within this private plan change request to address the submitters' concerns, there is opportunity for HBRC to address such concerns, regarding regular and frequent maintenance, through the specific consultation and engagement process identified in 6.2.3.

6.2.8 In addition, existing operating protocols and guidance contained in the Environmental Code of Practice for River Control and Waterway Works 2017 (**Attachment J**) are considered sufficient to ensure that impacts on ecosystems, flora, fauna and natural habitats raised by the submitter will be managed by HBRC, and I am satisfied that this is the appropriate method as opposed to additional controls through the District Plan. For this reason, while acknowledging the Rae's concerns, it is recommended that submission point 2.2 of Jamie and Matt Rae is rejected.

6.3 RECOMMENDATION: PROACTIVE AND REGULAR MAINTENANCE.

A) That the submission of **Jamie and Matt Rae (submission point 2.2)** that requests HBRC to be proactive in carrying out regular maintenance of the drainage scheme at appropriate intervals to prevent blockages, rather than infrequent large-scale works in principle, be **rejected**; insofar as the concerns raised in the submission point 2.2 can be addressed by HBRC through the consultation and engagement processes for proposed new works outlined in 6.2.3 and additionally through the guiding operating protocols outlined in the Environmental Code of Practice for River Control and Waterway Works 2017.

6.4 REASONS

1. That the request of the submitter is addressed through:
 - a. HBRC consistently implementing the guidance and operating protocols outlined in the Environmental Code of Practice for River Control and Waterway Works 2017; and
 - b. The consultation and engagement undertaken by HBRC with mana whenua, relevant communities and affected landowners which will enable input into proposed river control and drainage works that affect them.
2. That any additional District Plan controls relating to these matters would fall outside the scope of PPC8 and if imposed, would impact the efficiency of undertaking earthworks for river control and drainage purposes and would not result in improved outcomes compared to reliance on HBRC's operating protocols as described above.
3. That the plan change will protect and enable the maintenance of infrastructure as required under the National Policy Statement Infrastructure.

7.0 TOPIC 3: RESPONSIBLE PLACEMENT OF SPOIL, ABOVE FLOOD LEVELS AWAY FROM SENSITIVE HABITATS.

7.1 Table of Submitters

Sub. No.	Submitter (S) Further Submitter (FS)	Sub. Point	Submission Type	Summary of Decision Requested	Summary Rec
2	Jamie and Matt Rae (S)	2.3	Support in part	Responsible placement of spoil, above flood levels and away from sensitive habitats.	Reject

7.2 ANALYSIS

- 7.2.1 Jamie and Matt Rae's submission point 2.3 supports the plan change but requires that the placement of spoil is above flood levels and away from sensitive habitats.
- 7.2.2 As noted above, the current rules do not regulate placement of spoil, therefore this would be an additional control on HBRC works which was not sought through the amendment requested in PPC8 and is therefore outside the scope of the plan change.
- 7.2.3 In any event, HBRC advises that for any work regarding flood levels and sensitive habitats, HBRC uses the Ecological Management and Enhancement Plans (EMEP) for Tukituki, Ngaruroro and Tutaekuri Rivers which provide guidelines for river control and drainage works. This includes provision for edge retreat and channel diversions which may require earthworks on land. The purpose of the guidelines is to protect and improve river and braided riverbed habitats, especially for threatened shorebirds, by integrating ecological, cultural, and recreational values, using guidelines within the Regional Resource Management Plan (RRMP) and Code of Practice for river works. For example, if these activities occur during the nesting season the guidelines recommend that an ecologist inspect the site for nesting 'At Risk' or 'Threatened' riverbed bird species, and if found, setbacks are established.
- 7.2.4 I consider that the above operating practices of HBRC are a more appropriate method of addressing the submitters' concerns, and that adding additional requirements to the District Plan would be out of scope, and would not materially assist in achieving appropriate environmental outcomes.
- 7.2.5 On that basis, it is recommended that the submission from Jamie and Matt Rae is rejected.

7.3 RECOMMENDATION: RESPONSIBLE PLACEMENT OF SPOIL, ABOVE FLOOD LEVELS AND AWAY FROM SENSITIVE HABITATS.

- A) That the submission of **Jamie and Matt Rae (submission point 2.3)** requesting responsible placement of spoil, above flood levels and away from sensitive habitats **be rejected**; insofar as the requested change is out of scope of the plan change.

7.4 REASONS

1. That request is out of scope of the plan change.
2. The effect on sensitive habitats will be addressed through the use of the Ecological Management and Enhancement Plans (EMEP) for Tukituki, Ngaruroro and Tutaekuri Rivers which provide guidelines and operating protocols for river control and drainage works.

8.0 TOPIC 4: ENTITY CONTACTED AS AN AFFECTED PARTY IF ANY OF THE PROPOSED FLOOD WORKS.

8.1 Table of Submitters and Further Submitters

Sub. No.	Submitter (S) Further Submitter (FS)	Sub. Point	Submission Type	Summary of Decision Requested	Summary Rec
3	Māori Trustee (S)	3.1	Not stated	The Māori Trustee wishes to emphasise that she administers the land on behalf of the owners and should be the entity contacted as an affected party if any of the proposed flood works impact land under her administration, not the rate payer	Reject

8.2 ANALYSIS

8.2.1 Submission points 3.1 does not provide comments on specific changes to the proposed plan change. However, the submitter emphasises that the Māori Trustee administers the land on behalf of the owners and should be the primary point of contact as an affected party if any proposed flood works impact land under their administration, rather than contacting the ratepayer.

8.2.2 There is no current requirement under the District Plan to contact any particular parties, and PPC8 will exempt certain earthworks from requiring consent at all.

8.2.3 The responsibility for contacting affected landowners is the responsibility of HBRC as the body undertaking the work, as and when specific works are proposed on or near particular landholdings, and this is separate from the land use consent / RMA process.

8.2.4 For the reasons covered it is recommended that the submission from the Māori Trustee is noted but ultimately rejected as it is not within the scope of this plan change process.

8.3 RECOMMENDATION: ENTITY TO BE CONTACTED AS AN AFFECTED PARTY FOR PROPOSED FLOOD WORKS.

A) That the submission of **Maori Trustee (3.1)** requesting administers the land on behalf of the owners and should be the entity contacted **be rejected**; insofar as the request is out of scope of the plan change.

8.4 REASONS:

1. That the request is out of scope of this plan change.

2. That the planning and consultation relating to any future works is a separate process which the Regional Authority (HBRC) will undertake. The process outlined for any future work is included in the plan change application and outlined in 6.2.3 and would provide opportunity for HBRC to address the issue that the submitter has raised.

**9.0 TOPIC 5: EARTHWORKS STANDARDS UNDER NU7, NU11, NU16 AND 22.1.7B
CONTINUE TO APPLY.**

9.1 Table of Submitters

Sub. No.	Submitter (S) Further Submitter (FS)	Sub. Point	Submission Type	Summary of Decision Requested	Summary Rec
5	Transpower NZ (S)	5.1	Oppose in part	Transpower is neutral on Proposed Plan Change 8 (PPC8) provided that the existing earthworks rules and standards (NU7, NU11, NU16, and 22.1.7B) continue to apply. If these provisions are not retained, Transpower would oppose PPC8 due to non-compliance with the NPSET.	Accept

9.2 ANALYSIS

9.2.1 Submission point 5.1 (Transpower) is recorded as being neutral on the plan change provided that the existing earthworks rules and stands (NU7, NU11, NU16 and standard 22.1.7B) continue to apply. If these provisions are not retained, Transpower would oppose PPC8 due to the non-compliance with the National Policy Statement – Electricity Networks (Formerly NPS for Electricity Transmission).

9.2.2 In their submission Transpower states:

A key component of ensuring the ongoing operation of the National Grid is to ensure activities undertaken by other parties, including earthworks, do not compromise National Grid assets. Earthworks and land disturbance can compromise the operation and safety of the National Grid. More specifically, earthworks have the potential to undermine transmission line structures, generate dust (which can cause a number of issues for conductors), and reduce the clearances between the ground and conductors.

Earthworks also have the potential to restrict Transpower's ability to access the line and locate the heavy machinery required to maintain support structures around the lines and may lead to potential tower failure and constraints on the operation of the line.

Based on the above, Transpower supports the provisions in the operative Hastings District Plan (specifically permitted rule NU7, the default restricted rule NU11 and non-complying rule NU16, and performance standard 22.1.7B) which manages earthworks within proximity to existing National Grid assets. The operative rules and standard give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) and in particular policy 10 which requires that councils, through their district plans, manage third-party development and activities (which includes earthworks) that

would compromise the operation, maintenance, upgrading and development of the electricity transmission network.

- 9.2.3 HBRC's application includes an assessment of environmental effects, outlining the purpose of the plan change and identifying which provisions of the District Plan will be exempt and which will still apply.
- 9.2.4 The exemption requested as part of PPC8 will only provide for exemptions from assessment of the standards and terms identified in 27.1.6 of the plan, this does not include exemptions under other Sections such as 22.1.
- 9.2.5 The earthworks provisions will continue to apply where a site is identified as an Outstanding Natural Feature or Significant Landscape Area. Additionally, exemptions exclude sites which contain wāhi taonga, heritage items, notable trees, or network utilities (including the National Grid Yard), as the remaining District-Wide chapter provisions will take priority and continue to apply.
- 9.2.6 The "Methods" section of the Earthworks chapter (at 27.1.4) clarifies that the Network Utilities provisions continue to apply to earthworks:

"Network Utilities DWA (Section 22.1): Includes Performance Standards relating to the disturbance of land and vegetation by earthworks".
- 9.2.7 It is considered that the submission point raised by Transpower has merit, but is already reflected in the district plan and no further changes are required. This had been discussed and agreed with HBRC in their pre-lodgement consultation.
- 9.2.8 As such, the amendments proposed to be made to the plan will not negate the requirement to comply with the provisions of section 22.1 rules NU7, NU11, NU16, and performance standard 22.1.7B.
- 9.2.9 In my view, the retention and implementation of the rules and performance standards give effect to the National Policy Statement for Electricity Networks 2008. For this reason, it is recommended that the submission from Transpower is accepted.
- 9.2.10 Additional wording could be included in the exemption clause 27.1.5(e) to reinforce and clarify this matter if the panel thought that additional clarification was necessary. However, in my opinion I do not consider it necessary to do so.

9.3 RECOMMENDATION: EARTHWORKS STANDARDS UNDER NU7, NU11, NU16 AND 22.1.7B CONTINUE TO APPLY.

- A) That the submission of **Transpower (5.1)** requesting that National Grid provisions of the District Plan still apply **be accepted**; insofar as the provisions of section 22.1 Network Utilities (specifically rules NU7, NU11, NU16, and performance standard 22.1.7B) will be retained and their compliance remains a requirement for earthworks undertaken for river control and drainage purposes by or on behalf of the Regional Authority (HBRC).

9.4 REASONS

1. That any earthworks within the national grid yard, corridor or support structure will still need to comply with the rules and performance standards under Section 22.1 Network Utilities and that the proposed amendments to Section 27.1 of the Plan will not alter this requirement.
2. That the safe supply of power from the national grid will not be compromised.
3. That the National Policy Statement for Electricity Networks will be maintained and given effect to by the District Plan rules.
4. That the acceptance of this submission acknowledges that efficient transmission of electricity plays a vital role in the well-being of New Zealand, its people and the environment.

10. OVERALL CONCLUSION OF SUBMISSION ANALYSIS

- 10.1 Primarily submissions received on the plan change request were in support of HBRC being able to undertake earthworks associated with river control and drainage purposes more efficiently. There was strong support for flood protection works to be facilitated in order to protect people, property and businesses.
- 10.2 While some submissions requested controls on the timing and scope of maintenance work, location of spoil material and additional safeguards for natural habitat, these concerns can be addressed through current Code of Practice guidance that HBRC uses. In addition, engagement and consultation relating to the planning of future river control and drainage work will provide opportunities for mana whenua, affected landowners and relevant communities to have input into the nature of future flood protection works.
- 10.4 Overall, it is considered that the plan change request has merit and the amendments sought to Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction of the District Plan as stated in the plan change request are recommended without change.

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;

- 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.

EMAO4 The amenity of the environment, including adjoining land uses, is not compromised by earthworks or mineral extraction.

EMAO5 Flood protection of rivers is able to be carried out efficiently and 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 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.

EMO1 Relates to Outcome EMA01, EMA02, EMA03, and EMA04 and EMA05

OBJECTIVE To ensure that investigations into the Hastings 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.

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

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

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 *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.*
EMP5

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 *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.*
EMP6

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

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

POLICY EMP7	<i>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.</i>
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	<i>Prevent exploration or mining activities in areas where adverse effects on the environment cannot be avoided, remedied, or mitigated.</i>
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 EMAO9	

POLICY EMP9	<i>Prohibit oil and gas extraction activities, including all associated structures and substances, whose effects have</i>
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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** Relates to Objective EMO3 *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.*

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** Relates to Outcome EMA05, EMA07, EMA08 *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.*

POLICY **EMP11** Relates to Objective EMO3 *Ensure future settlement strategies and proposals take into account the location of known mineral resources.*

Explanation

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

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

Relates to
Outcome
EMAO10

POLICY *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.*
EMP13

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

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.

POLICY
EMP15 Enable earthworks activities associated with river control and drainage works to be carried out by, or on behalf of, the regional authority

Relates to
Objective
EM01 Explanation

River control and drainage works provide significant benefits to the community and it is important that earthworks associated with river control and drainage activities can be undertaken efficiently.

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.

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 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.

Hawke's Bay Regional Policy 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.

Statement and 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.

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.

Land Information Memoranda 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.

Heritage New Zealand Pouhere Act 2014 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.

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.
- (e) Earthworks for river control and drainage purposes undertaken by or on behalf of a regional authority under rule EM4, except when located

within any ONFL or SAL where the performance standards in 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 Rivers Controls Act 1941, or The Land Drainage Act 1908 and ancillary activities involved with the relocation of the extracted material	P
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 prohibited building 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 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.

Outcome
Any significant adverse effects of earthworks on people, 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 27.1.6I	per site within ONFL
	ONFL1 (eastern face)	200m 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 27.1.6I	per site within that portion of ONFL1 (eastern face) within the identified prohibited building area.
	SAL6 (eastern face)	200m ³	per site within that area of SAL6 within the identified prohibited building area.
	SAL6 (eastern face)	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 27.1.6I	per site within that area of SAL6 within the identified prohibited building 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
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 8.2.6l.

* 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

- Where vegetation clearance occurs (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks and drainage channels),

Outcomes
The visual amenity of the environment is restored and the erosion

disturbed areas shall be repastured or revegetated as soon as practicable within 18 months of the activity ceasing.	<i>susceptibility of disturbed ground is reduced.</i>
2. Where soil is disturbed by prospecting, such areas will be restored and rehabilitated within 6 months of the activity ceasing.	<i>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. -</i>

27.1.6C SLOPE

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)

Outcome
Large scale cuts will be avoided where they are highly visible in nature

(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.

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

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 MAINTENANCE 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.

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.
- (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.

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:

- (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 Matā and the relationship that hapū 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.
- (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:

- (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.

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.

(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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SUBMISSION FORM 5

Submission on Private Plan Change 8 to the Hastings District Plan – Hawke's Bay Regional Council

Submissions can be:

Electronic: www.myvoicemychoice.co.nz
Posted to: Plan Change 8, Environmental Policy Manager, Hastings District Council, Private Bag 9002, Hastings 4156
Delivered to: Civic Administration building, Lyndon Road East, Hastings
Emailed to: policyteam@hdc.govt.nz

We need to receive your submission by 5pm, Friday 3 October 2025

1. Your details:

Full Name:

Marcel van Hooijdonk

Postal Address:

2/23 Orange Road North Haumoana

Email: marcel@attic.co.nz

Phone: 06 2417557

2. The specific parts of Plan Change 8 that my submission relates to are: (Give Details).

consent process

3. My submission is that:

(State the nature of your submission, clearly indicating whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please continue on separate sheet(s) if necessary).

I fully support this plan change for
ease and costly to get on with the job

Please use additional sheets if necessary

4. I/We seek the following decision: (Please give precise details, this section must be completed to ensure a valid submission).

to eliminate the time and cost
of complying with performance standards
and consents

5. Please indicate whether you wish to be heard in support of your submission:

I wish to speak at the Hearing in support of my submission; or
 I do not wish to speak at the Hearing in support of my submission.

6. Please indicate if you wish to make a joint case:

If others make a similar submission, please tick this box if you would consider presenting a joint case with them at the Hearing.

Please use additional sheets if necessary.

7. Signature of person making submission or person authorised to sign on behalf of person making submission

(A signature is not required if you make your submission by electronic means).


Date: 8/9/25

If you have used extra sheets for this submission, please attach them to this form and indicate this below:

Yes, I have attached extra sheets

No, I have not attached extra sheets

PLEASE NOTE: ALL SUBMISSIONS ARE MADE AVAILABLE TO THE PUBLIC.

Please use additional sheets if necessary.

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 Delivered to: Civic Administration building, Lyndon Road East, Hastings
 Emailed to: policyteam@hdc.govt.nz

We need to receive your submission by 5pm, Friday 3 October 2025

1. Your details:

Full Name:

Jamie and Matt Rae

Postal Address:

20 Grange Rd 5th, Haumoana

Email: mattandjamie@hotmail.co.nz Phone: 0275042239

2. The specific parts of Plan Change 8 that my submission relates to are: (Give Details).

HBRC Earthworks Exemption

3. My submission is that:

(State the nature of your submission, clearly indicating whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please continue on separate sheet(s) if necessary).

We support the proposed plan change to allow HBRC to carry out earthworks for flood protection in principle - please see attached.

Please use additional sheets if necessary

4. I/We seek the following decision: (Please give precise details, this section must be completed to ensure a valid submission).

That the proposed plan change is approved to allow HBRC to carry out flood protection works efficiently but that safeguards are in place so that works do not cause unnecessary disruption to the natural habitat. For example: targeted and small scale excavation timed carefully to minimise disruption to ecosystems, proactive, regular maintenance, and responsible placement of spoil to prevent contamination of other habitats.

(see attachment)

5. Please indicate whether you wish to be heard in support of your submission:

I wish to speak at the Hearing in support of my submission; or
 I do not wish to speak at the Hearing in support of my submission.

6. Please indicate if you wish to make a joint case:

If others make a similar submission, please tick this box if you would consider presenting a joint case with them at the Hearing.

Please use additional sheets if necessary.

7. Signature of person making submission or person authorised to sign on behalf of person making submission

(A signature is not required if you make your submission by electronic means).

f. J. Rae

Date: 5/19/25

If you have used extra sheets for this submission, please attach them to this form and indicate this below:

Yes, I have attached extra sheets

No, I have not attached extra sheets

PLEASE NOTE: ALL SUBMISSIONS ARE MADE AVAILABLE TO THE PUBLIC.

Please use additional sheets if necessary.

We support the proposed plan change to allow HBRC to carry out earthworks for river control and drainage, without needing a resource consent, in principle.

Our property neighbours the small lagoon on Grange Road South (number 20) which essentially is the final catchment point for Haumoana's increasing wastewater runoff. This lagoon suffers the back flow of water when the Haumoana Pump Station cannot keep up. Our property was severely affected in Cyclone Gabrielle.

We recently advocated for maintenance to be carried out on this waterway (funded through our rates) – which had not been done for years. The excavation of the lagoon/pond last year to remove debris/raupo and minimize flooding was extremely successful. It prevented flooding onto our property in subsequent heavy rain events, and improved water quality. We are grateful this work was finally undertaken but we stress the need for regular, ongoing maintenance to ensure flood resilience.

This is not just an issue for our family – it is clear from Cyclone Gabrielle that flood resilience is necessary and urgent for the wider Haumoana community. We therefore strongly support HBRC being enabled to carry out these works efficiently.

At the same time, we ask that Council ensures robust safeguards are in place so that flood protection works do not cause unnecessary disruption to the natural environment. In particular we support:

- Targeted and small-scale excavation, timed carefully (e.g outside breeding seasons for fish and birds) to minimize disruption to ecosystems
- Proactive, regular maintenance carried out at appropriate intervals to prevent blockages, rather than infrequent large-scale works
- Responsible placement of spoil, above flood levels and away from sensitive habitats

We want to reinforce the importance of these measures to ensure this plan change delivers the best possible outcomes for both flood protection and the natural environment.

Thank you for the opportunity to provide feedback and for the hard work being done by Council staff on this important issue.

Sincerely,

Jamie and Matt Rae

Junior Tuakana

From: Wufoo <no-reply@wufuu.com>
Sent: Thursday, 18 September 2025 9:19 AM
To: Policy Team
Subject: HDC - Private Plan Change 8 [#1]

1. Your Māori Trustee details

Name: *

Postal address: * PO Box 5038
Wellington, Wellington 6140
New Zealand

Email: * resource.management@tetumupaeroa.co.nz

Phone: * 044744600

2. The N/A specific parts of Plan Change 8 that my submission relates to are: (Give details) *

3. My submission is that:

(State the nature of your submission, clearly indicating whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. *)

The Māori Trustee understands the purpose of the plan change and has no comments on the specific changes proposed at this time.

The Māori Trustee administers, as trustee or agent, Māori freehold land on behalf of about 7,783 individual Māori landowners in the Hastings District Council. Te Tumu Paeroa – the Office of the Māori Trustee, is the organisation that supports the Māori Trustee to carry out her statutory and other legal functions, roles, and responsibilities.

The majority of her portfolio is leased. In her experience, there have been instances under the current resource management system where; despite being named as the owner of the property on its record of title, the Māori Trustee did not receive notification as an affected person, and in some but not all instances the lessee did. The Māori Trustee therefore wishes to emphasise that she administers the land on behalf of the owners and she should be contacted as an affected party if any of the proposed flood works impact land under her administration, not the rate payer.

4. I/We seek The Māori Trustee wishes to emphasise that she administers the land on behalf of the owners and the following should be the entity contacted as an affected party if any of the proposed flood works impact land under her administration, not the rate payer.

decision:

(Please give For completeness, her contact details are as follow as indicated on the form.

precise

details, this

section

must be

completed

to ensure a

valid

submission).

*

5. Please I do not wish to speak at the Hearing in support of my submission.

indicate

whether you

wish to be

heard in

support of

your

submission:

*

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SUBMISSION FORM 5

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Delivered to: Civic Administration building, Lyndon Road East, Hastings
Emailed to: policyteam@hdc.govt.nz

We need to receive your submission by 5pm, Friday 3 October 2025

1. Your details:

Full Name:

John James Loughlin

Postal Address:

P.O. Box 8368, Havelock North 4157

Email: john.loughlin@loughlinbbs.co.nz Phone: 0275 422 405

2. The specific parts of Plan Change 8 that my submission relates to are: (Give Details).

All

3. My submission is that:

(State the nature of your submission, clearly indicating whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please continue on separate sheet(s) if necessary).

I support the Plan Change.
I want to see HBRC empowered to easily take
all steps they consider necessary to protect my family, my
property and my business

Please use additional sheets if necessary

4. I/We seek the following decision: (Please give precise details, this section must be completed to ensure a valid submission).

I support the plan change as presented

5. Please indicate whether you wish to be heard in support of your submission:

I wish to speak at the Hearing in support of my submission; or

I do not wish to speak at the Hearing in support of my submission.

6. Please indicate if you wish to make a joint case:

If others make a similar submission, please tick this box if you would consider presenting a joint case with them at the Hearing.

Please use additional sheets if necessary.

7. Signature of person making submission or person authorised to sign on behalf of person making submission

(A signature is not required if you make your submission by electronic means).

Date: 21/09/2025

If you have used extra sheets for this submission, please attach them to this form and indicate this below:

Yes, I have attached extra sheets

No, I have not attached extra sheets

PLEASE NOTE: ALL SUBMISSIONS ARE MADE AVAILABLE TO THE PUBLIC.

Please use additional sheets if necessary.

Office Use Only
Date Received:



SUBMISSION FORM 5

Submission on Private Plan Change 8 to the Hastings District Plan –
Hawke's Bay Regional Council

Submissions can be:

Electronic: www.myvoicemychoice.co.nz

Posted to: Plan Change 8, Environmental Policy Manager, Hastings District Council, Private Bag 9002, Hastings 4156

Delivered to: Civic Administration building, Lyndon Road East, Hastings

Emailed to: policyteam@hdc.govt.nz

We need to receive your submission by 5pm, Friday 3 October 2025

1. Your details:

Full Name: Transpower New Zealand Limited ("Transpower")

Postal Address: 31 Gilberthorpes Road, Islington 8042, PO Box 21154, Edgeware, Christchurch

Email: environment.policy@transpower.co.nz

Phone: [\(03\) 590 6926](tel:(03)5906926)

2. The specific parts of Plan Change 8 that my submission relates to are: (Give Details).

[The plan change in its entirety](#)

3. My submission is that:

[Refer attached](#)

4. I/We seek the following decision: (Please give precise details, this section must be completed to ensure a valid submission).

[Retain or amend the provisions of Private Plan Change 8 to give effect to the NPSET as set out in attached including such further alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.](#)

5. Please indicate whether you wish to be heard in support of your submission:

[Transpower wishes to speak at the Hearing in support of its submission; or](#)

[I do not wish to speak at the Hearing in support of my submission.](#)

6. Please indicate if you wish to make a joint case:

If others make a similar submission, please tick this box if you would consider presenting a joint case with them at the Hearing.

7. Signature of person making submission or person authorised to sign on behalf of person making submission

(A signature is not required if you make your submission by electronic means).

Date: 25 / September / 2025

If you have used extra sheets for this submission, please attach them to this form and indicate this below:

Yes, attached are two extra sheets No, I have not attached extra sheets

PLEASE NOTE: ALL SUBMISSIONS ARE MADE AVAILABLE TO THE PUBLIC.



Submission by Transpower New Zealand Limited on Private Plan Change 8 to the Hastings District Plan

Background to Transpower

Transpower New Zealand Limited (Transpower) is a State-Owned Enterprise that plans, builds, maintains and operates New Zealand's National Grid, the high voltage transmission network for the country. The National Grid links generators directly to distribution companies and major industrial users, feeding electricity to the local networks that distribute electricity to homes and businesses. The National Grid comprises a high voltage network (some 11,000 kilometres of transmission lines (including underground and submarine cables) supported by towers and poles) which runs the length of the country and links major generation (such as the South Island hydro lakes and central North Island hydro and thermal generation sources) to major loads in New Zealand's main urban centres.

Relevance of Private Plan Change 8 to Transpower

Private Plan Change 8 (PPC8) would amend the Hastings District Plan rules to enable Hawkes Bay Regional Council to carry out essential earthworks for river control and drainage without the need to comply with the district plan performance standards or obtain resource consent. The performance standards generally relate to matters such as volumes of earthworks.

Transpower has existing National Grid assets within Hastings District that are within proximity of, and in some places traverse the rivers and regional council stopbanks (specifically along the Ngaruroro River, Tutaekuri River and the Karamu Stream) where the proposed regional council permitted earthworks could be undertaken. The image below to the left shows existing National Grid assets, and the image below on the right shows the stopbanks.



Reasoning for Relief Sought

A key component of ensuring the ongoing operation of the National Grid is to ensure activities undertaken by other parties, including earthworks, do not compromise National Grid assets.

Earthworks and land disturbance can compromise the operation and safety of the National Grid. More specifically, earthworks have the potential to undermine transmission line structures, generate dust (which can cause a number of issues for conductors), and reduce the clearances between the ground and conductors. Earthworks also have the potential to restrict Transpower's ability to access the line and locate the heavy machinery required to maintain support structures around the lines and may lead to potential tower failure and constraints on the operation of the line.

Based on the above, Transpower supports the provisions in the operative Hastings District Plan (specifically permitted rule NU7, the default restricted rule NU11 and non-complying rule NU16, and performance standard 22.1.7B) which manages earthworks within proximity to existing National Grid assets. The operative rules and standard give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) and in particular policy 10 which requires that councils, through their district plans, manage third-party development and activities (which includes earthworks) that would compromise the operation, maintenance, upgrading and development of the electricity transmission network.

Relief Sought

Transpower understands from the documentation supporting PPC8 (specifically the Plan Change Overview Report) and earlier consultation with Transpower that the National Grid earthworks rules NU7, NU11 and NU16 (and associated Specific Performance Standard and Term 22.1.7B) within the Network Utilities Chapter 22.1, will continue to apply.

On the basis rule NU7, NU11 and NU16 and performance standard 22.1.7B will continue to apply to the proposed works subject to the plan change, **Transpower is neutral on PPC8**.

Should the above provisions not continue to apply, Transpower would oppose the plan change as it applies to National Grid assets on the basis it would not give effect to the NPSET.



Reader's Guide

Private Plan Change 8: Hawke's Bay Regional Council Earthworks Exemption was notified on 6 September 2025, with the submission period being open through to 3 October 2025. Hastings District Council received five submissions.

This document is a summary of those submissions, and the relief sought/requested. The submission points have been ordered by submissions received as there weren't many issues raised or requested. Should you wish to read a submission in its entirety, refer to the submissions list on the Council website (<https://www.myvoicemychoice.co.nz/hdc/private-plan-change-8-to-the-hastings-district-plan/>).

Within this document, each submitter has been allocated a submitter number. Alongside this each submission point is referenced by a unique reference number.

How to read this summary

The submission points in this document are ordered by submissions received. Each submission point has a unique number. A submitter's entire submission can be read on Council's website.

The document may include abbreviations. These, and their meanings, include:

- HDC – Hastings District Council
- HBRC – Hawke's Bay Regional Council
- PC8 – Plan Change 8: Hawke's Bay Regional Council Earthworks Exemption
- RMA – Resource Management Act 1991

SUBMITTERS

Submission Number	Submitter	Contact Details
1	Marcel van Hooijdonk	marcel@att.co.nz
2	Matt and Jamie Rae	mattandjamie@hotmail.co.nz
3	Māori Trustee	Resource.management@tetumupaeroa.co.nz
4	John Loughlin	John.loughlin@loughlingibbs.co.nz
5	Transpower (Environment Policy)	Environment.Policy@transpower.co.nz

Submitter

This document categorises submission points received into relevant topics. These topics are as follows:

Topic	Page Number
1. Marcel Van Hooijdonk	3
2. Jamie and Matt Rae	3
3. Māori Trustee	3
4. John Loughlin	4
5. Transpower NZ (Environment Policy)	4

1. Marcel Van Hoijdonk

Submission Point	Support / Oppose / Support in Part / Support with amendment	Submission Summary	Decision Requested
S1.1	Support	I fully support this plan change for ease and cost to get on with the job.	

2. Jamie and Matt Rae

Submission Point	Support / Oppose / Support in Part	Submission Summary	Decision Requested
S2.1	Support	Support HBRC's ability to act efficiently but safeguards are in place so that works do not cause unnecessary disruption to the natural habitat. Targeted, small-scale excavation, timed to avoid disrupting fish and bird breeding seasons.	
S2.2	Support	Proactive, regular maintenance carried out at appropriate intervals to prevent blockages, rather than infrequent large-scale works.	
S2.3	Support	Responsible placement of spoil, above flood levels and away from sensitive habitats.	

3. Māori Trustee

Submission Point	Support / Oppose / Support in Part	Submission Summary	Decision Requested
S3.1	Neutral	The Māori Trustee understands the purpose of the plan change and has no comments on the specific changes proposed at this time. The Māori Trustee wishes to emphasise that she administers the land on behalf of the owners and should be the entity contacted as an affected party if any of the proposed flood works impact land under her administration, not the rate payer.	

4. John Loughlin

Submission Point	Support / Oppose / Support in Part	Submission Summary	Decision Requested
S4.1	Support	Support the plan change. I want to see HBRC empowered to easily take all steps they consider necessary to protect my family, my property and my business.	

5. Transpower NZ – Environment Policy

Submission Point	Support / Oppose / Support in Part	Submission Summary	Decision Requested
S5.1	Neutral	Transpower is neutral on Proposed Plan Change 8 (PPC8) provided that the existing earthworks rules and standards (NU7, NU11, NU16, and 22.1.7B) continue to apply. If these provisions are not retained, Transpower would oppose PPC8 due to non-compliance with the NPSET.	