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*Partially Operative Hastings District Plan*

# **Proposed Plan Change 4: Te Mata Cultural Landscape Protection**

## **Section 32 Summary Evaluation Report**

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# 1 Introduction

## 1.1 Purpose of this Report

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

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

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

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

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

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

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

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

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

In summary, the proposed variation involves:

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

## 2 Section 32 Evaluation Requirements

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

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

An evaluation report is required to examine both:

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

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

Such an evaluation must take into account:

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

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

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

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

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

***Purpose of the Proposal:***

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

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

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

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

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

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

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

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

#### 3.1 Part 2 (Purpose & Principles) of the RMA

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

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

*(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*

*(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

*(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

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

***b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.***

***c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous flora.***

***e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.***

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

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

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***b) the efficient use and development of natural and physical resources;***

***c) the maintenance and enhancement of amenity values;***

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

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

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

In particular:

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

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

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

### 3.2 Hawke’s Bay Regional Policy Statement

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

The Key Regional Policies are;

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

*OBJ 2 To maximise certainty by providing clear environmental direction.*

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

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

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

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

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

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

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

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

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



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

### 4.1.1 Rural Zone

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

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

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

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

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

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

### 4.1.2 Section 17.1 Natural Features and Landscapes

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

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

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

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

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

#### 4.1.3 Section 27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction

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

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

## 4.2 Strategies and Plans relevant to Plan Change 4

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

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

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

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

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

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

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

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

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

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

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

#### 4.2.2 Hastings Long Term Plan 2018-2028

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

***“ District heritage is conserved for future generations.”***

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

## 5 Community Engagement Process & Results

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

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

### 5.1.1 Specific engagement with key stakeholders

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

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

### 5.1.2 What the engagement told us

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

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

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

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

## 6 Matters for Consideration

### 6.1 Regional Policy Statement (RPS) Considerations

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

These are:

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

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

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

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

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

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

## 6.2 Benefits and Costs

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

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

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

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

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

### 6.3 Conclusion as to Appropriateness of the Plan Change

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

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

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

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

***Purpose of the Proposal:***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 7.2.1.1 Options

Options are:

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



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

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

### 7.2.2.1 Options

Options are:

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

## 7.2.3 Amend the assessment criteria for earthworks

### 7.2.3.1 Options

Options are:

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

### 7.2.3.2 Evaluation of Options

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

	<p><b>OPTION 1: NO CHANGE</b> Retain the existing prohibited building line at the 240m contour.</p>	<p><b>OPTION 2: LOWER TO 200M CONTOUR</b> Amend the Building Prohibition Line to approximately align with the 200m contour as recommended in the Cultural Assessment report.</p>	<p><b>OPTION 3: ON SITE ASSESSMENT WITH LANDOWNERS AND TANGATAWHENUA INPUT</b> Establish a new Prohibited Building Line by means of working with the landowners to ascertain a prohibition line that recognises the strong cultural and landscape values.</p>
<p><b>EFFECTIVENESS</b></p> <p><b>In achieving:</b></p> <ul style="list-style-type: none"> <li>- the purpose of the Proposal; and</li> <li>- existing relevant objectives of the District Plan.</li> </ul>	<p>Objective LSO1 states that the factors and values that define the district’s Outstanding Features and Landscapes are identified and protected. In undertaking that identification process Te Mata was identified as the pre-eminent cultural and visual landscape in the district and the following policy demonstrates its importance ; Policy LSP2 “Protection of the present landscape qualities of Te Mata Peak shall be afforded the highest priority through the District Plan”.</p> <p>While the importance of Te Mata is clearly espoused in the Policy the rules and assessment criteria that accompany the policy do not reflect the level of importance. The current building prohibition line is based on a contour that does not protect the majority of the eastern face of Te Mata. There is no recognition in the management issues in Appendix 43 of the Plan of the cultural importance of Te Mata to hapu. For a number of land use activities the assessment matters do not include consideration of the cultural matters.</p> <p>The Purpose of the Proposal is “To give proper recognition to the cultural and landscape values of Te Matā... Te Mata te Tipuna and to give greater protection to those values to ensure that the sustainable management of the natural and physical resources of the district, are achieved.”</p> <p>The assessment of the provisions above shows that the current landscape and earthworks provisions do not meet the purpose of the proposal above</p> <p>While Option 1 does provide landowners with flexibility in the use of their land it does not properly recognise the cultural importance of the landscape and it does not meet the matters of national importance and sections 7 and 8 matters.</p> <p>Option 1: Status Quo is considered to be <b>ineffective</b> in achieving the relevant objectives of the Partially Operative District Plan for this Outstanding cultural</p>	<p>One of the major assessments resulting from the construction of the Craggy Range track was the cultural wellbeing assessment. This work was undertaken by Te Manaaki Taiao, Te Taiwhenua o Heretaunga in association with Te Toi Ōhanga.</p> <p>There were a large number of recommendations arising from the cultural impact assessment. These recommendations were based upon the need to have certain impacts dealt with immediately such as the removal of the Craggy Range Track and then longer term mechanisms put in place to protect Te Mata from any further impacts.</p> <p>One of the principal recommendations for the district plan that arose out of the cultural assessment was a widening of the prohibited building area from the 240m contour to the 200m contour. The assessment report recommended the amendment to the 200m contour to make it possible to include the known location of former Pa sites, the escarpment and key wahi tapu located on the northern most end of the ridgeline.</p> <p>The mapping of this option at the 200m contour (shown in Appendix 1) highlighted some issues in fully meeting both the purpose of the plan change and the reasons for the recommendations. The lowering of the contour from 240m to 200m would not fully meet the objective of protecting the eastern escarpment. When mapped, the 200m contour does not project much below the craggy outcrop at the top of the escarpment. It does not include the midscarp or any of the highly visible parts of the lower foothills.</p> <p>Option 2 is considered to be a <b>partially effective</b> way to achieve the purpose of the proposal, but the effects that are seeking to be avoided.</p>	<p>In identifying that the 200m contour did not fully encompass all of the most visible parts of the eastern escarpment it became obvious that the solution to identifying the most appropriate prohibition line lay in an on the ground assessment in conjunction with the affected landowners.</p> <p>The Council therefore engaged a landscape architect to work with mana whenua and the authors of the cultural assessment report to identify where buildings would have an adverse effect on the landscape that could not be avoided. The landscape architect read through the cultural impact assessment report and then walked the land to determine the features/areas that needed to be included. Discussion was had with the authors of the report to ensure that the right interpretation was being made.</p> <p>This information was shared with the landowners and discussions with an independent mediator engaged by the Council were begun. Councillors tasked the mediator with raising the possibility of achieving a prohibition line lower than that identified by the landscape architect. After some negotiation agreement was reached with the owners of 282 Waimarama Road which resulted in some amendments to an existing Certificate of Compliance held by them to amend the locations of two dwellings and a supplementary unit to less visible locations and most importantly an offer to move the prohibition line down to Waimarama Road.</p> <p>The owners of 344 Waimarama Road similarly agreed to move the building prohibition line down to Waimarama Road to ensure that they adjoined. The prohibition area is shown in Appendix 2.</p> <p>Option 3 is considered <b>effective</b> in meet the relevant objectives of the Partially Operative District Plan and also the purpose of the plan change in giving a greater level of protection to Te Matā te Tipuna than currently exists while having the acceptance of the affected landowners.</p>

	<p><b>OPTION 1: NO CHANGE</b> Retain the existing prohibited building line at the 240m contour.</p>	<p><b>OPTION 2: LOWER TO 200M CONTOUR</b> Amend the Building Prohibition Line to approximately align with the 200m contour as recommended in the Cultural Assessment report.</p>	<p><b>OPTION 3: ON SITE ASSESSMENT WITH LANDOWNERS AND TANGATAWHENUA INPUT</b> Establish a new Prohibited Building Line by means of working with the landowners to ascertain a prohibition line that recognises the strong cultural and landscape values.</p>
	<p>Landscape and the purpose of the Proposal as it does not provide for the sustainable management of the landscape under Part 2 of the RMA. -</p>		
<p><b>COSTS</b> Effects anticipated from implementation, including:</p> <ul style="list-style-type: none"> <li>- Environmental</li> <li>- Economic (incl. on economic growth &amp; employment)</li> <li>- Social</li> <li>- Cultural</li> </ul>	<p>The costs that arise from this option are those associated with the cultural harm that could potentially arise. This was evidenced as a result of the construction of the Craggy Range track and to leave the building prohibition line at the 240m mark there is the potential for resource consent applications to be made for the construction of buildings below the 240m on the eastern escarpment.</p> <p>There are also environmental costs associated with this option. There are some rare and site specific flora on this eastern face and the potential for building development afforded by the current building prohibition line could come at a significant cost to the environment. The potential for building on this eastern face would have significant adverse effects on the landscape environment with visual effects likely to be more than minor. These types of effect can impact as a cost on the cultural fabric of the wider community especially where this landscape is seen as an iconic one in the Hawke’s Bay environment.</p>	<p>The costs associated with Option 2 are very similar in nature to those associated with Option 1. The only difference is the level of scale of the effects as this option protects a greater area of the eastern face than Option 1, so in terms of the environmental costs they are lower with a greater level of protection given.</p> <p>This option could also lead to a loss of opportunity associated with the inability to undertake further activities involving buildings on the eastern face of Te Mata, so this option would come as a greater costs to the owners of the land.</p>	<p>This option will have the lowest level of both environmental and cultural costs as the area of building prohibition is significantly larger than either of the other two options.</p> <p>This option will have the largest cost on the two property owners affected by the new prohibited building line. This results from the inability to build anything further on the identified land.</p> <p>As for Option 2 there will be a loss of opportunity for social (recreational) activities involving buildings as a result of the extended building prohibition line.</p>
<p><b>BENEFITS</b> Effects anticipated from implementation, including:</p> <ul style="list-style-type: none"> <li>- Environmental</li> <li>- Economic (incl. on economic growth &amp; employment)</li> <li>- Social</li> <li>- Cultural</li> </ul>	<p>The potential benefits of this option are principally around the flexibility that it offers to use the land for recreation and farming purposes. The area of the land within the Te Mata Park Reserve would result in social benefits and the greater level of flexibility offered to the land owners would result in economic benefits.</p> <p>There are cost benefits to the community for this option as there would not be any need to enter into a plan change process.</p>	<p>This option also results in the same type of benefits though to a lesser degree as a larger area of land would be included in the prohibited building area.</p> <p>This option has a higher degree of social benefit in that the landscape values of the eastern face would have a greater level of protection.</p> <p>Similarly there will be cultural benefits from this option as a greater area of Te Mata te Tipuna would be protected from building development.</p>	<p>Option 3 affords the greatest benefits for the environment and from a social and cultural perspective.</p> <p>The landscape assessment undertaken for this option identifies that while the ridgeline of Te Mata te Tipuna is properly recognised through the outstanding natural feature, the wider context of this landscape is not and the prohibition line will achieve this landscape and cultural context.</p> <p>There will be environmental benefits too with a greater level of protection given to the rare flora that has been identified on this eastern face.</p>
<p><b>EFFICIENCY</b> In achieving:</p> <ul style="list-style-type: none"> <li>- the purpose of the Proposal; and</li> <li>- existing relevant objectives of the District Plan.</li> </ul>	<p><u>Low level of Efficiency</u></p> <p>This option is considered to have a low level of efficiency as it does not meet to purpose of the proposal in recognising the cultural importance of the eastern face of Te Mata te Tipuna.</p>	<p><u>Medium level of Efficiency</u></p> <p>While this option goes some way to giving greater recognition to the cultural and landscape values of Te Mata it is not totally efficient as gaps will still remain and the purpose of the proposal could not be fully met.</p>	<p><u>High level of Efficiency</u></p> <p>This option is highly efficient in meeting the purpose of the proposal and also the relevant objectives of the district plan which seeks to give recognise Te Mata te Tipuna as the preeminent cultural and visual landscape in the district.</p>

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

### 7.2.3.3 Evaluation of Options

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

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

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

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

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

**CONCLUSION:**  
 The above evaluation identifies that Option 3 is the most efficient and effective option in meeting the objectives of the proposal and the objectives and policies of the partially operative district plan.

### 7.2.3.4 Evaluation of Options

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



### 7.2.3.5 Evaluation of Options

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

	<p><b>OPTION 1:</b>                      Retain the status quo whereby the earthworks volumes are retained as 200m<sup>3</sup> per site per year and 500m<sup>3</sup> for maintenance of existing tracks.</p>	<p><b>OPTION 2:</b>                      Reduce the permitted earthworks volumes to 50m<sup>3</sup> per site per year and 500m<sup>3</sup> for maintenance of existing tracks.</p>	<p><b>OPTION 3:</b>                      Make any new earthworks within ONFL1 a non-complying activity and reduce the permitted earthworks volumes for the maintenance of existing tracks to 200m<sup>3</sup> per site per year.                      Lower the volume of earthworks permitted in the significant amenity landscape (SAL6) to 200m<sup>3</sup> per site per year and 500m<sup>3</sup> for maintenance of existing tracks</p>
<p><b>EFFECTIVENESS</b>                      In achieving:</p> <ul style="list-style-type: none"> <li>- the purpose of the Proposal; and</li> <li>- existing relevant objectives of the District Plan.</li> </ul>	<p>The purpose of the plan change is “to provide a greater level of protection for the eastern face of Te Matā...Te Mata te Tipuna with its high level of cultural significance, and at the same time recognise the land based primary production nature of the landscape.”</p> <p>This option is the status quo and as such is not effective in meeting the purpose of the proposal as it does not provide any greater level of protection over that which currently exists.</p> <p>This option is partially effective in meeting the objectives of the Earthworks section of the district plan and particularly Objective EMO5 <i>To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).</i></p> <p>While this rule does offer a level of protection to the outstanding landscape and cultural site of Te Matā the construction of the track showed that the current rules do not offer a sufficient level of protection and therefore it is not effective in meeting Objective EMO5.</p>	<p>The reduction in the volume of earthworks provided for as a permitted activity would be effective in meeting the purpose of the proposal. A small volume of earthworks able to be undertaken as a permitted activity along with the existing volume for maintenance of existing tracks, should allow the landowner to undertake most farming activities without the need to obtain resource consent and should also better protect the cultural values of Te Matā.</p> <p>This option is partially effective in meeting the objectives of the Earthworks section of the district plan and particularly Objective EMO5 <i>To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).</i></p>	<p>Option 3 recognises the significant visual impact of earthworks on the cultural values of Te Mata. This is considered to be partially effective in meeting the purpose of the proposal in that, while the protection of the cultural values will be best achieved by this option the ability of property owners to carry out land based primary production activities could be curtailed to some degree.</p> <p>The ability to undertake a limited volume of earthworks to maintain existing farm tracks will assist in meeting Objective EMO5</p>
<p><b>COSTS</b>                      Effects anticipated from implementation, including:</p> <ul style="list-style-type: none"> <li>- Environmental</li> <li>- Economic (incl. on economic growth &amp; employment)</li> <li>- Social</li> <li>- Cultural</li> </ul>	<p>The costs associated with this option are the cultural costs associated with a volume of earthworks that could have a significant impact on the mana of Te Matā.</p> <p>There are also environmental costs associated with the natural wetlands and the ecology on the eastern side of Te Matā. The outstanding landscape values could also be affected by the retention of this option.</p>	<p>This option will result in increased economic costs to the landowners as a result of the reduced level of flexibility in the amount of earthworks they can undertake as of right. Beyond the 50m<sup>3</sup> volume they will need to make resource consent application which will add to the economic costs of the landowners.</p>	<p>The cultural and environmental costs that apply to the previous two options do not apply here. There are in fact significant benefits arising. However there are costs which relate to the economic cost to the landowners associated with the making a resource consent application if they wish to do any new earthworks in ONFL1 or exceed the 200m<sup>3</sup> earthworks volume within SAL6.</p>
<p><b>BENEFITS</b>                      Effects anticipated from implementation, including:</p> <ul style="list-style-type: none"> <li>- Environmental</li> <li>- Economic (incl. on economic growth &amp; employment)</li> <li>- Social</li> <li>- Cultural</li> </ul>	<p>The benefits from this option are that there would be no cost to the community from changing the district plan. The landowners would also not incur any additional cost to undertake earthworks up to the 200m<sup>3</sup> volume.</p>	<p>This option would have environmental benefits over the status quo (Option1) as there are flora and fauna on the eastern side of the maunga that could be adversely affected by earthworks and this option provides the greatest level of control and protection to the ecological values.</p>	<p>Option 3 does provide real environmental and cultural benefits over and above the status quo as it gives a much higher level of certainty.</p>

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

## 8 Risk of Acting or not Acting

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

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

## 9 Summary & Conclusions

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

This section 32 summary evaluation confirms the following:

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

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

# Appendices

9.1