

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of an appeal under clause 14 of
Schedule 1 to the Act

BETWEEN OCEAN BEACH WILDERNESS
PROPERTY LIMITED, OCEAN BEACH
LAND HOLDINGS LIMITED,
TENNYSON OB LIMITED and A LOWE
(ENV-2015-WLG-000060)

Appellants

AND HASTINGS DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the parties' amended draft consent order received 4 August 2017.

[2] Heritage New Zealand Pouhere Taonga, New Zealand Motor Caravan Assn Inc, and the Future Ocean Beach Trust Inc gave notice of an intention to become a party to the appeal under s 274 of the Act, and have signed the memorandum setting out the relief sought.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



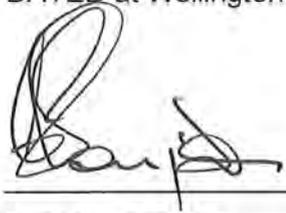
Order

[4] The Court orders, by consent, that Sections 5.5 and 17 of the Proposed Hastings District Plan and associated Figures be amended as shown in **Annexure A** (with a clean version attached at **Annexure B**).

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 12th day of October 2017



C J Thompson
Environment Judge



Annexure A – Track Change Versions of Sections 5.5 and 17 and Figures



5.5 NATURE PRESERVATION ZONE

5.5.1 INTRODUCTION

This Zone relates to a specific area which includes Cape Kidnappers and the majority of Ocean Beach. This area is considered special by many for a number of reasons, often due to the experiences of people from visiting the Cape via the Department of Conservation reserve, and Ocean Beach via the road access to the Surf Club reserve and the Waipuka bach settlement.

The area has a long association of Maori history and therefore includes many sites of significance to Maori, including wāhi taonga and archaeological sites relating to Maori settlement and occupation. In te reo Maori, Hawke Bay (of which Cape Kidnappers marks the south eastern extent) is known as Te Matau a Maui (the hook of Maui). The Cape itself is known as Te Kauwae a Maui. Heading south from Te Kauwae a Maui is Puapua (also known as Flat Rock), the bay known as Rangaiika, a section of beach known as Matarau, then Whakapau (being the headland defining the northern end of what is commonly known as Ocean Beach). The long stretch of beach to the south of Whakapau is known as Haupouri (literally meaning 'sad wind', a reference to the beach's exposure to the south). The Waipuka land block is located at the southern extent of Haupouri. This includes the Waipuka bach settlement, the Waipuka Stream and the end of Ocean Beach Road, all of which are located beyond the southern boundary of the Nature Preservation Zone.

The landscape backdrops are significant (and include land mapped as an outstanding landscape see the Natural Features and Landscapes Section of the Plan) and for the most part fall within private property. A feature unique to this Zone is that the owners of the two largest properties within the Zone have a vision and commitment to the ecological preservation and enhancement of the environment within it. This is exemplified by their investment in a predator proof fence and predator control program, which has resulted in the virtual elimination of introduced predators from the wider Cape Kidnappers (Te Kauwae a Maui) peninsular area within the fence, which stretches from the dunes of Haupouri, across the hills to the cliffs forming the southern extent of Te Matau a Maui (Hawke Bay).

The success of this dedication to ecological enhancement and predator control has resulted in permissions being granted for the release of rare native bird species into the 'Cape Sanctuary' (ecological preserve). The area within the predator proof fence is unique to such areas within New Zealand, insofar as it is not solely an area preserved for wildlife. The Nature Preserve Zone also includes working pastoral farms, and at Cape Kidnappers an international golf course and tourist lodge. At immediately south of the Ocean Beach end of the Zone, a range of existing buildings are established, including the surf club and a small bach community. Further to the north within the Zone there is an established woolshed and equestrian centre, along with various farm buildings, stock yards, dwellings and visitor accommodation units. On the natural side it includes a significant area of sand dunes, a regenerating Kanuka/Manuka forest and fragile coastal environments. Other areas of significance include the paleofaunal significance of the sand dunes and surrounds which have preserved the remains of previous flora and fauna to occupy the area. This area is also culturally rich and, as well as the Maori history referred to above, is also important to early European history.

This area has previously been included within the Rural Zone. However, the unique circumstances and opportunities of the area necessitate a special specific zoning which both protects its special values and supports the preservation, and conservation initiatives and existing farming and commercial operations of the owners, as well as providing additional eco-tourism, eco-education and eco-residential opportunities that are respectful of the environment. Overall therefore, the basis for creation of the Nature Preservation Zone was to encompass the multiple values present in this area, and to ensure a balance between appropriate social and cultural interaction with the environment, continued economic sustainability, and ecological preservation, restoration and conservation.



The biodiversity being conserved and enhanced in this area represents part of the natural heritage of New Zealand. Most people have few chances to experience this in their everyday lives. This separation of people from their natural heritage has been the dominant philosophy of conservation policies in the past. Because of this separation, few New Zealanders have accepted responsibility for caring for this heritage which has resulted in conservation being left to government agencies. The universal presence of introduced predators and weeds means that conserving native biodiversity requires active intervention and considerable cost. Enhancing the depleted biodiversity ~~however, carries~~ carries far higher costs. It is only through the actions of concerned people and finance from responsible developments that this situation will be reversed as is happening in this Zone. Accommodating people and enhancing their interaction with their natural heritage as well as achieving income from such interactions in a way that sustains the natural and cultural heritage values that are present, are key parts to ensuring the future of New Zealand's special biodiversity.

Eco-tourism is a mechanism by which this unique area and its wildlife can be visited and experienced by people. The regulatory provisions of this Zone are therefore designed to allow the continuation of the existing uses and to provide opportunity for the development of buildings and facilities that support the conservation initiatives in providing shelters and facilities for volunteers, along with buildings and facilities to support eco-tourism and eco-education.

Planning controls set thresholds or consent requirements to ensure that such activities sustain and do not undermine, ecological, archaeological, Maori-cultural and landscape values. This combination of unique values also means that some activities that are permitted in the Rural Zone (Industrial Activities being an example) are not appropriate in the more sensitive environment of the Nature Preservation Zone.



5.5.2 ANTICIPATED OUTCOMES

It is anticipated that the following Outcomes will be achieved:

- NPAO1** A nationally renowned Ecological Preserve with habitats of the highest value, providing educational and eco-tourism opportunities that respect the environment within which they are based.
- NPAO2** ~~An accessible~~ A sustainable eco-tourism and eco-education destination, that includes infrastructure, buildings and facilities to support these activities.
- NPAO3** A continuously improving ecological environment, where Maori cultural, archaeological, historic heritage and landscape values are all acknowledged and maintained.
- NPAO4** A variety of compatible land use activities that includes land based primary production eco-tourism, eco-residential, eco-education and recreation working in concert with endangered species protection to assist in sustaining the viability of the ecological preserve.
- NPAO5** Endangered species are returned to mainland New Zealand in an environment supported by and co-existing with human habitation, recreation and land based primary production.
- NPAO6** The long term protection, conservation and management of significant landscape areas, significant natural areas, and areas of cultural value (including archaeological sites and wāhi taonga) from inappropriate subdivision, use and development.
- NPAO7** Activities in the Nature Preservation Zone that are site appropriate and respect and enhance the features of this unique zone.



5.5.3 OBJECTIVES AND POLICIES

OBJECTIVE NPO1 To support the enhancement of the ecological preserve, including the restoration of flora and fauna.
Relates to Outcomes 1, 2, 3, 5, 6, and 7

POLICY NPP1 *To enable conservation enhancement and management activities as well as the development of supporting infrastructure such as enclosure fencing and structures for wildlife and shelters and facilities for those working or volunteering in conservation activities.*

Explanation

The ecological preserve area is unique in that it has developed as a private initiative on a voluntary basis. Regulatory support can be provided by ensuring that the continuing development and enhancement of the flora and fauna within the preserve area can take place as a Permitted activity. Provision is also required for infrastructure and facilities for the workers/volunteers involved with the conservation work in the preserve. These facilities and infrastructure include access tracks, day shelters, toilets and appropriately scaled and designed overnight hut accommodation.

OBJECTIVE NPO2 To recognise that the ecological preserve is located upon private land, and to provide for the continuation of pastoral farming operations, golf course, lodge and tourism activities.
Relates to Outcomes 1, 2, 4, 5, and 6

POLICY NPP2 *To enable farming and commercial activities to continue, while discouraging the development of new activities that will not complement or sustain the conservation and ecological enhancement functions of the ecological preserve.*

Explanation

The preserve has developed on private land in a manner that provides for existing activities to continue. For this reason there are existing pastoral farms, forestry, an international class golf course and tourist lodge and commercial gannet tour operations that are located within the predator proof fenced preserve area. Due to the large land areas involved there is significant scope to enhance the ecology within the preserve area without affecting these other existing activities. These aforementioned activities are to some extent all reliant upon the natural resources of the location. Activities that are not complementary to, or which would detract from, the natural environment of the area, are discouraged.

OBJECTIVE NPO3 To enable the development of eco-tourism, eco-education, and eco-residential activities, where they assist to sustain the ecological preserve in a manner that maintains or enhances the significant ecological, archaeological, paleofaunal, historic ~~histori~~ heritage, Maori cultural, landscape and natural character values of the area.
Relates to Outcomes 1, 3, 4, 6, and 7

POLICY NPP3 *To enable eco-tourism, eco-education, and eco-residential activities in the Zone, with a preference that building development associated with such activities is predominantly located in identified development nodes.*

Explanation

Maintaining natural sites such as the ecological preserve, and improving New Zealand's biodiversity in general, relies heavily on the interest and understanding of people visiting and interacting within it. For this reason, eco-tourism, eco-education, and specified eco-residential ~~activities~~ activities are appropriate in this Zone as this will



allow the public to view and become involved with the ecological preserve area. This may result in increased community pride in the area and an active desire to get involved in protecting, maintaining and enhancing it, or to participate in other conservation initiatives.

To ensure that eco-tourism, eco-education and eco-residential activities are not developed to the point where they undermine the natural character or significant ecological, archaeological, paleofaunal, historic heritage, Maori cultural and landscape values of this Zone; the primary buildings and infrastructure for such activities will be encouraged to locate in identified development (areas) nodes.

–There is a differentiation between the development nodes in terms of landscape sensitivity and natural coastal character, with the Cape Kidnappers Station development node being carefully located to avoid identified sensitive features, and respond to the natural topography. Eco-residential development on lifestyle sites within the Cape Kidnappers Building and Infrastructure Development Nodes shown in Appendix 23: Figure 1 is specifically provided for. There is potential for sensitively located eco-tourism, eco-education and eco-residential activities to establish outside of these development nodes provided they do not adversely affect the qualities that underpin the Outstanding Natural Landscape areas, Recommended Areas for Protection and archaeological sites.

Learning to live as part of nature rather than apart from nature can be an important part of sustaining reserve areas. Accordingly, provision is made in the Ocean Beach Camping Ground and Building and Infrastructure Development Nodes shown in Appendix 23: Figures 2 and 3 for overnight accommodation, along with opportunities (subject to resource consents being granted) for visitors to stay outside these nodes. It may also be appropriate to have some accommodation units within areas containing special wildlife such as within the predator proof fence (i.e. outside of the identified development nodes), which can assist in promoting the conservation and experience of nocturnal birds and invertebrates.

POLICY NPP4

To enable the owners of the ecological preserve area to undertake commercial activities that provide the opportunity for people to experience the rural and natural character values of the wider Zone, while avoiding adverse effects on the ONFL and otherwise avoiding, remedying or mitigating adverse effects on the environment.

Explanation

Conservation in New Zealand requires active management, which is costly. As a consequence, and because the ecological preserve is on privately owned land, the owners should be allowed a degree of freedom over the activities they may pursue, where those activities are complementary to and sustain the enhancement of the ecological preserve and do not undermine the special natural and cultural values of the area. This includes the opportunity to recoup some of the costs incurred in the process of developing and maintaining the preserve through commercial activities. These activities also provide the opportunity for income to be generated from and invested back into the conservation initiatives of the preserve. As well as eco-tourism, eco-education, and eco-residential opportunities mentioned in the previous policy, the potential exists to establish a coastal camp ground facility. This would provide a formal opportunity for camping at the Waipuka end of Ocean Beach and would potentially allow for better control over informal or unauthorised camping near the beach which has the potential to negatively impact on the preserve.



OBJECTIVE NPO4 The protection of the ecological, archaeological, paleofaunal, historic heritage, Maori cultural, landscape and natural character values of the area.
Relates to Outcome 3, 6 and 7

POLICY NPP5 *To ensure that any future development or land use activities do not undermine the ecological, archaeological, paleofaunal, historic heritage, Maori cultural, landscape and natural character values of the area, nor adversely ~~affected~~affect areas of identified outstanding natural character or landscape value.*

Explanation

The construction of the predator proof fence, pest control and other conservation initiatives have significantly enhanced the ecological values of the area. It is however important to ensure that the future development and management of the area is undertaken in a manner that respects and does not undermine the other unique values in the area. Although ecological, paleofaunal, landscape and natural character values are at their most significant within the preserve behind the predator proof fence, there are significant wāhi taonga and archaeological sites both within and to the south of this fence. Any buildings or earthworks either side of the fence, need to be undertaken in a manner that does not adversely affect the unique combination of values that created the special character of the Nature Preservation Zone and the places within it. Appropriately located and designed buildings and earthworks that maintain and support the characteristics and qualities that contribute to the special character and values of the landscape are not considered adverse in respect of landscape and natural character values, nor in the context of Objective NP06.

OBJECTIVE NPO5 To only enable subdivision and development that supports the values of the ecological preserve and protects the natural character of the environment.
Relates to Outcome 3, 6 and 7

POLICY NPP6 *To carefully manage any subdivision in the Zone to ensure that it is complementary to the purposes of the Zone.*

Explanation

Much of the Zone is located within the Coastal Environment, within which even complying subdivisions have a 'Discretionary activity' status and are subject to assessment criteria seeking to protect natural character values. As this area was previously within the Rural Zone, the subdivision provisions of that Zone have been carried over to this new Zone with some amendments. Ocean Beach (exempting the Waipuka Bach settlement) is specifically identified within the Heretaunga Plains Urban Development Strategy (HPUDS) as an area where future residential growth will be prevented, with future residential growth in coastal areas being directed to other coastal locations.

OBJECTIVE NPO6 To protect the values of the outstanding natural features and landscapes, and identified special amenity landscapes, from inappropriate subdivision, use and development.
Relates to Outcome 3, 6 and 7



POLICY NPP7

To ensure that future development does not undermine the identified landscape values of the area.

Explanation

In accordance with the District Wide Outstanding Landscapes Review undertaken by Boffa Miskell titled 'Review of Landscape Areas and Implications for Plan Review, April 2013', the Nature Preservation Zone includes areas identified as Outstanding Natural Features, Outstanding Natural Landscapes, Amenity Landscapes and Coastal Landscape Character Areas. Outside of these identified areas both the wider Cape Kidnappers and Ocean Beach areas also have high landscape values at a local level which are appreciated by the many visitors to these areas. The Rules, Standards and criteria of this Plan section recognise both the local and regional landscape significance of the Zone and the combination of other values that give the area its special character.



5.5.4 RULES

In addition to the activity status and Performance Standard requirements provided for by these Rules, activities may also be subject to additional regulation via the District Wide Activities (DWA) sections of the Plan, for example the Landscapes and Indigenous Vegetation. It will be necessary to check the Planning Maps first to see whether the activity is located within an area subject to additional DWA regulation because any activity must comply with the DWA provisions first, before applying the following Rules.

Note:

Given the significant cultural landscape, [wāhi taonga](#) and recorded (and unrecorded) archaeological sites present within the Nature Preservation Zone, an archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, may be required for developments within the Zone. Such an authority is not automatically granted, and can be declined under certain circumstances, even when an activity is permitted in the District Plan or by resource consent. Heritage New Zealand Pouhere Taonga should be contacted for guidance if any activity such as earthworks, fencing or landscaping may modify or destroy any archaeological site. Prior involvement and consultation with mana whenua (including the Waimarama Maori Committee for activities in the Zone at Ocean Beach) is also a good practice expectation, and is envisaged by the rules and assessment criteria.

RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
ACROSS THE WHOLE ZONE (INSIDE AND OUTSIDE THE NODES IDENTIFIED IN APPENDIX 23)		
NP1	Land Based Primary Production (excluding deer or goat farming and feedlots) and conservation plantings	P
NP2	One Residential / Eco Residential Building per site 20 ha or less	P
NP3	Two Residential Buildings on sites 20 ha or above	P
NP4	One Supplementary Residential Building <u>per site</u>	P
NP5	Buildings for: <ul style="list-style-type: none"> Land Based Primary Production; Residential / Eco-Residential dwellings permitted under Rule NP2 and NP3 and supplementary residential units permitted under Rule NP4. 	P
NP6	Commercial Activities ancillary to any activity permitted in this Zone, including Cape Kidnappers Golf Course	P
NP7	Temporary Events and Recreation Activities	P
NP8	Conservation Enhancement and Management Activities	P
NP9	Eco-tourism and eco-education activities	RD-NN <u>P</u>



RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
WITHIN THE CAPE KIDNAPPERS FARM LODGE NODE:		
NP10	Buildings for visitor accommodation and associated facilities ancillary to the Farm Lodge, within the Farm Lodge Node identified within Appendix 23.	RD-NN
WITHIN THE OCEAN BEACH CAMPING GROUND NODE:		
NP11	Camping and Camping Grounds within the Camping Ground Node identified within Appendix 23 <u>Figure 2</u> .	P
NP12	Buildings, structures and on-site development involving earthworks ancillary to for camping grounds within the Camping Ground Node identified with ground activities generally in accordance with Appendix 23 <u>Figure 2</u> .	RD-NN
NP12A	Buildings for camping ground activities not provided for under Rule NP12.	RD
NP12B	Buildings for camping ground activities exceeding the maximum cumulative gross floor area specified in Rule 5.5.5D1(a).	D
WITHIN THE OCEAN BEACH BUILDING & INFRASTRUCTURE DEVELOPMENT NODE:		
NP13	Buildings for Conservation Enhancement and Management Activities.	P
NP14	Buildings for permitted activities (excluding those provided for in Rules NP5 and NP13) generally in accordance with Appendix 23 <u>Figure 3</u>	RD-NN
NP14NP15	Buildings for: overnight hut accommodation ancillary to conservation enhancement and management activities; commercial activities ancillary to any permitted activity in this zone; recreation activities; and eco-tourism and eco-education activities; Provided the maximum cumulative gross floor area (excluding those provided for the Node is in Rules NP5 and NP13) not exceeded, being 5,000m² (irrespective of whether the Development Node consists of more than one site (property title)), provided for under Rule NP14.	RD-NN
NP15NP15A	Buildings for: overnight hut accommodation ancillary to conservation enhancement and management activities; commercial activities ancillary to any permitted activity in this zone; recreation activities; and eco-tourism and eco-education activities; Exceedingexceeding the maximum cumulative gross floor area for those activities in the Node, being specified in Rule 5,000m²	D



RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
	(irrespective of whether the Development Node consists of more than one site (property title)). <u>5.5.5D1(b).</u>	
ACROSS THE WHOLE ZONE (OUTSIDE <u>ONFL 4 AND THE OCEAN BEACH BUILDING & INFRASTRUCTURE DEVELOPMENT AND CAMPING GROUND NODES</u>):		
NP16	Buildings for conservation enhancement and management activities, provided: <ol style="list-style-type: none"> i) The gross floor area of any aviary enclosure is no greater than 1,000m². ii) The gross floor area of any other buildings for conservation enhancement and management activities is no greater than 100m². 	P
NP17	Buildings for conservation enhancement and management activities, where the gross floor area of: <ol style="list-style-type: none"> i) any aviary enclosure exceeds 1,000m², or ii) any other buildings for conservation enhancement and management activities exceeds 100m². 	RD-NN
NP18	Buildings with a gross floor area of no greater than 100m² for: <ul style="list-style-type: none"> • overnight hut accommodation ancillary to permitted activities (excluding buildings for conservation enhancement and management activities; commercial activities ancillary to any permitted activity, and those provided for in this zone, including commercial activities ancillary to Cape Kidnappers Golf Course; and Rule NP5), provided: • eco-tourism and eco-education activities, including ancillary accommodation; where located outside of the Ocean Beach Dunes Area or Ocean Beach Hills Restoration Area identified in Appendix 23 – Figure 4. <ol style="list-style-type: none"> <u>i) Each building has a gross floor area of no greater than 100m².</u> 	RD-NN
NP19	Buildings with for permitted activities as provided for under Rule NP18, that have a gross floor area exceeding 100m² for: <ul style="list-style-type: none"> • overnight hut accommodation ancillary to conservation enhancement and management activities; • commercial activities ancillary to any permitted activity in this zone, including commercial activities ancillary to Cape Kidnappers Golf Course; and eco-tourism and eco-education activities, including ancillary accommodation greater than 100m². 	D
ACROSS THE WHOLE ZONE (INSIDE AND OUTSIDE THE NODES):		



RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
NP20	Any Except as specified in Rules NP12B, NP15A and NP19, any Permitted, Controlled or Restricted Discretionary – Non Notified activity that does not meet one of more of the General Performance Standards in section 5.5.5 <u>or relevant Specific Performance Standards in section 5.5.6.</u>	RD
NP21	Any activity that is not provided for as a Permitted, Restricted Discretionary Non-Notified, Restricted Discretionary or Discretionary activity, <u>including under sections 17 and 27 of the District Plan.</u>	NC

Note: For the avoidance of doubt, where the term 'building' is used in Table 5.5.4, it is inclusive of 'relocated buildings'.

Note: For the purpose of the Rules in this table, the term 'generally in accordance with' means that buildings must be constructed within the Building Platform Zones shown on Appendix 23 – Figures 2 to 3.



5.5.5 GENERAL PERFORMANCE STANDARDS AND TERMS

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

5.5.5A BUILDING HEIGHT**All buildings and structures**

- (a) Maximum height within the Building and Infrastructure Development Nodes identified in ~~Appendix 23, Figures 1 and 2:~~ 10 metres:
- Appendix 23, Figure 1: 10 metres
 - Appendix 23, Figure 2: 8 metres
- (b) Maximum height -within Ocean Beach Dunes Area identified in Appendix 23, Figure 45: 6 metres
- (c) Maximum height within Ocean Beach ~~Hills~~Hill Restoration Area identified in Appendix 23, Figure 45: 8 metres
- (d) In all other areas 8 metres

Outcome

The amenity value of the Nature Preservation Zone will be maintained by preventing tall, obtrusive structures or buildings.

5.5.5B YARDS

- ~~1. Commercial buildings ancillary to any activity permitted in this Zone (including Accommodation, Eco-tourism and Eco-education buildings)~~

~~Front yard – 15 metres~~

~~All other boundaries – 15 metres~~

- ~~2. All other buildings~~

~~Front yard – 7.5 metres~~

~~All other boundaries – 5.0 metres~~

Outcome

The open character and amenity of the Nature Preservation Zone will be maintained. Buildings will be separated from adjoining sites to ensure that potential conflicts between adjoining land uses are avoided.

5.5.5C5B LIGHT AND GLARE

All external lighting of any buildings established under Rules NP16 to NP19 shall be shaded or directed away from Waimarama (the area shown on Planning Map 58) and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at any point along the 'Light and Glare Compliance line' shown marked on Appendix 23 Figure 5 which is visible from Waimarama Beach.

Outcome

Residents including mana whenua of Waimārama Beach will not be adversely affected by light or glare from adjacent activities in the Nature Preservation Zone. The intent is that light not be visible



from Waimarama to avoid adverse cultural effects (the fires of Whakapou).

5.5.5D TRAFFIC SIGHTLINES, PARKING ACCESS AND LOADING

~~Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.~~

Outcome

The outcomes of Section 26.1 of the District Plan on Transport and Parking will be achieved.

5.5.5E5C 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.

5.5.5F5D SHADING OF LAND, BUILDINGS AND ROADS

~~1. Trees forming a shelterbelt for a distance of more than 20 metres on a side or rear boundary:~~

~~(i) shall be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and~~

~~(ii) where planted between 5m and 10m from an adjoining property boundary shall be maintained at a height of no more than their distance from the boundary + 4m (e.g. at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).~~

~~2. Trees Adjoining Public Roads~~

~~Trees forming a shelterbelt for a distance of more than 20 metres within 5 metres of a public road shall be maintained at a height of less than 9 metres.~~ **ADDITIONAL CONTROLS FOR OCEAN BEACH WITH THE EXCEPTION OF PT LOT 2 DDP 915 (CAPE KIDNAPPERS STATION LTD)**

1. Maximum cumulative gross floor area:

(a) Within the Camping Ground Node as shown on Appendix 23 Figure 2 – 1,500m².

(b) Within the Ocean Beach Building and Infrastructure Development Node as shown on Appendix 23 Figure 3 - buildings for all activities except as provided for under Rules NP 5 and 13 – 10,000m².



2. An archaeological assessment must be prepared prior to any development (involving buildings, structures, and ancillary earthworks) in the Zone commencing.

Note: For the purpose of this rule an archaeological assessment accepted by Heritage New Zealand Pouhere Taonga under section 47 of the Heritage New Zealand Pouhere Taonga Act 2014 as meeting the requirements of section 46 of the Act, including in relation to maori cultural values, and whether for specific development within any part of the Zone at Ocean Beach, or for development within the Zone at Ocean Beach as a whole, will be accepted as meeting this requirement.

3. All buildings, structures, and onsite development involving ancillary earthworks must avoid (including any disturbance, modification or destruction of) recorded archaeological sites, and areas where the archaeological assessment identifies that there is reasonable cause to suspect unrecorded archaeological sites are present, except as authorised through an authority granted under the Heritage New Zealand Pouhere Taonga Act 2014.
4. Until the Coastal Tree Planting area shown on Appendix 23 Figures 2 and 3 is established and has achieved canopy closure, as well as an average minimum height of 5 metres, the line of Existing Trees immediately to the south of the Amenity Area must be retained, and no building development within the Ocean Beach Building and Infrastructure Development Node shall occur to the south of these Existing Trees. For clarity, no exotic pine trees (Pinus radiata or similar) are to be planted.

5.5.6 SPECIFIC PERFORMANCE STANDARDS AND TERMS

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

5.5.6A COMMERCIAL ACTIVITIES

1. Hours of Operation

Activities which involve the retailing of goods to the public shall be restricted to the following hours of operation:

Any day of the week 8.00am-10.00pm.

Outcome

The effects of activities will be mitigated by limiting the hours of operation of commercial activities in the Nature Preservation Zone.

5.5.6B RESIDENTIAL ACTIVITIES

1. Residential Buildings

Outcomes



- (a) One residential building shall be allowed per site with an area greater than 2,500m² and less than 20 hectares.
- (b) One additional residential building shall be allowed per site with an area of 20 hectares or greater.

The potential to utilise the land resource in a manner that supports the life supporting capacity of the soil resource, will be facilitated by providing for residential accommodation.

2. Supplementary Residential Buildings

- (a) One supplementary residential building shall be allowed per site.
- (b) The supplementary residential building shall be clearly incidental to the residential building on the site.
- (c) The maximum gross floor area including integral garage shall be 100m².

Flexibility to provide supplementary accommodation in association with the sustainable management of the soil resource and the natural character of the Zone.

Supplementary residential buildings will have minimal effects and result in the loss of only a small area of land and will result in the efficient use of services.



5.5.6C TEMPORARY EVENTS**TEMPORARY EVENTS (OTHER THAN RECREATION ACTIVITIES AND TEMPORARY EVENTS ANCILLARY TO ANY PERMITTED ACTIVITY IN THE ZONE)**

- (a) Only six temporary events shall take place on a site over any 12 month calendar period (January to December) except that any temporary military training exercise may operate for 7 days per year.
- (b) Maximum attendance at any one time shall be 1000 persons.
- (c) Temporary events shall only be operated consecutively for up to a maximum of three days.
- (d) The Hastings District Council shall receive notification of Temporary Events at least 10 days prior to the event taking place.
- (e) All parking associated with the temporary event shall occur on site.
- (f) ~~Other than Noise (refer Standard 25.1) and Traffic Safe Sightline Distances (refer Standard 26.1.6B) the~~ The General and Specific performance Standards for the Zone do not apply to Temporary Events.
- (g) All structures and other works accessory to an event shall be removed and the site returned to its original condition 5 working days after the activity has ceased.

Outcomes

It will be possible for temporary events to take place on larger areas of land where it is possible to address adverse effects.

The temporary nature of the events will ensure that any effects are for a short time only.

The temporary nature of the event will be ensured and the site returned to its original state.

5.5.6D RELOCATED BUILDINGS

Any damage to the building arising from the relocation shall be repaired within six months of the date of relocation.

Outcome

Relocated buildings will be integrated into the amenity of the local environment.



5.5.7 ASSESSMENT CRITERIA

For Restricted Discretionary activities (including RDNN), the following General and relevant Specific Assessment Criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications, in addition to an assessment of the Outcomes of any Standards that the activity fails to meet.

For Discretionary activities, the following General and relevant Specific Assessment Criteria identify those matters which Council may assess the activity against. However, for Discretionary activities, Council's assessment is not restricted to these matters, but may consider them.

5.5.7A GENERAL ASSESSMENT CRITERIA

- i) The extent to which the buildings or structures (and associated earthworks) are located so that they do not adversely affect ~~archaeological sites³~~, paleofaunal sites, or significant ecological values. Where the location of the building or structure (and associated earthworks) potentially threatens such sites or values a report from a relevant technical expert should accompany the application assessing the effects of the activity on that site or value and recommending any appropriate mitigation measures.
- ii) The extent to which the location and design (including external cladding and colour) of buildings and structures ~~responds to the criteria set out in 5.5.7B to F below (as applicable to each area referenced in those criteria)~~ so ensures that they blend in with and do not undermine the landscape or natural character values, and are not prominent from public viewpoints, including the beach.
- iii) In relation to any building or structure outside of the Building and Infrastructure Development Nodes identified in Appendix 23, ~~Figures 1 and 2, or Figure 3,~~ the Camping Ground Node Appendix 23, Figure 2, or the Outer Node identified on Appendix 23 Figure 6, the extent to which the activity accommodated by the building or structure needs to be established outside of those nodes to sustain or support Ecotourism and eco-education, conservation management or conservation enhancement activities.
- iv) Applications for buildings or structures exceeding the height limit or building floor area standards will need to include a landscape plan prepared by a professional Landscape Architect. The landscape plan should have regard to the natural coastal character of the surrounds and the landscape character of the particular location. The landscape plan should also have regard to criteria (i) to (ii) above.
- v) The use of Low Impact Urban Design and Development techniques in terms of ensuring that infrastructure such as sewerage and stormwater disposal and water supplies from and to, any new building, mitigates or avoids adverse effects on the environment and where possible enhances the environment.
- vi) Consideration of the environmental effects of the activity with particular regard to water supply and wastewater and stormwater disposal and traffic access and safety.
- vii) Consideration of the amenity of existing residents.

~~Notes: Council holds records of more detailed mapping and reporting on archaeological sites in the Ocean Beach area as a result of development proposals in the 2000's. These documents are public record and are held under the following Council Trim file references: STR 14 10 07 218 (C. Phillips, 2007); and 58041#0309 – 58041#0313 (D. Harlow~~



~~5.5.7B CAMPING GROUNDS WITHIN THE CAMPING GROUND NODE IDENTIFIED IN APPENDIX 23~~

~~A landscape plan prepared by an appropriately qualified landscape architect should be submitted with any application to establish a camping ground. This plan should give specific consideration to the siting of permanent activities associated with camping – being any buildings, car parking areas and vehicular access. Consideration must also be given to height and the appropriateness of building design in this sensitive location, applying the building design criteria in 5.5.7C below (as for the Ocean Beach Building and Infrastructure Development Node). Overall site layout must be considered. This will need to give consideration to wider site issues such as buffers between uses and the integration of the area proposed for camping into the wider landscape. When considering applications they must be able to demonstrate that they do not adversely affect –~~

~~i) The part these flats play as the foreground view to the northern end of the beach~~

~~viii) Views The extent to which adverse effects to Maori cultural, archaeological and heritage values are avoided, or otherwise managed through mitigation, remediation and cultural offsetting, including through provision for an Accidental Discovery Protocol, in accordance with a cultural and heritage values management plan prepared in partnership with mana whenua (including the Waimarama Maori Committee for activities in the Zone at Ocean Beach) and in consultation with Heritage New Zealand Pouhere Taonga.~~

~~ix) Measures to minimize or reduce the extent of glare and illumination of the sky at night, from external lighting, through application of lighting methods, design, and location, consistent with health and safety requirements for people occupying land within the Nature Preservation Zone.~~

~~x) The extent to which development (involving buildings, structures, and ancillary earthworks) is located so that it does not adversely affect archaeological sites. Where an archaeological authority has been applied for and/or a determination made under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, Council will consider the result of that application and/or determination.~~

~~i) from the beach towards the coastal slopes and ridgeline~~

~~ii) Maintaining the integrity of the dune system – particular consideration to access~~

~~ii) Maintain the visual integrity coastal slopes and ridgeline~~

~~iii) Consider the existing clustered nature of the intense activity areas in the wider landscape~~

~~iv) Must ensure that temporary activities do not become permanent creating visual clutter (eg caravans and awnings occupying a campsite on a permanent basis)~~

~~v) Maintain the integrity of the existing landform~~

~~vi) An archaeological assessment should be submitted by an appropriately qualified archaeologist with any application to establish a camping ground. The assessment should cover the effects of the proposed camping ground on the archaeology of the area recommending appropriate mitigation measures.~~

~~vii) A cultural impact assessment should be submitted with any application to establish a camping ground. The assessment should cover the effects of the proposed camping ground on the cultural values of the area recommending appropriate mitigation measures.~~



~~viii) Consideration of the ecological impact of the proposed camping ground on the dune eco system in particular.~~

~~ix) Consideration of the environmental effects of the camping ground with particular regard to water supply and wastewater and stormwater disposal and traffic access and safety.~~

~~5.5.7C~~ **5.5.7B OCEAN BEACH BUILDING AND INFRASTRUCTURE DEVELOPMENT NODE AND CAMPING GROUND NODE IDENTIFIED IN APPENDIX 23**

In addition to those matters set out under the General Assessment Criteria above, the proposed activity will be assessed with particular regard to:

(a) A plan or plans which shall be prepared by or in association with an appropriately qualified landscape architect which will ensure buildings are designed and located to sit within the landscape and the vegetation framework, not 'on' it, including through minimising the extent of earthworks or landform modification needed, i.e. working with the contour of the land, not against it. The plan shall also address the following matters:

i) As to development within the Camping Ground Node, maintaining foreground views to the northern end of the beach.

ii) Maintaining views from the beach towards the coastal slopes and ridgeline.

iii) Maintaining the integrity of the dune system – particular consideration to access.

~~iv) Buildings should be~~ Maintaining the visual integrity of coastal slopes and ridgelines.

~~iii)v) Ensuring buildings are~~ Ensuring buildings are in the style of working rural New Zealand buildings such as woolsheds, sheds, rural houses. New Zealand rural vernacular architecture should be applied as a reference. Use of materials such as corrugated iron painted rural red, exposed timbers, are considered appropriate, and dark colours are required.

~~iv)vi) Buildings should be~~ Ensuring buildings are sited and designed as appropriate to their function.

~~v)vii) Buildings should~~ Ensuring buildings, where practicable, have limited visibility from Ocean Beach and the sea.

~~vi)viii) Where~~ Ensuring buildings, where practicable, buildings should be set back into the existing framework of vegetation for visual integration.

~~ix) Buildings should be designed and located to sit within the landscape and the vegetation framework, not 'on' it, including through minimising the extent of earthworks or landform modification needed, i.e.~~ Planting of individual trees of indigenous coastal tree species generally in the locations shown as "Indicative coastal tree planting" on Appendix 23 Figures 2 and 3 to provide shelter, shading and habitat for indigenous species as well as dispersed screening of views.

(b) Ensuring that temporary activities do not become permanent creating visual clutter (eg caravans and awnings occupying a campsite on a permanent basis).

(c) Avoiding ecological impacts, on the dune eco system in particular.

(d) For the area shown on Appendix 23 Figure 2, as "Archaeological Interpretation Area ", an Archaeological Interpretation Plan shall be prepared in consultation with mana whenua



(including the Waimarama Maori Committee and Heritage New Zealand) and submitted with the first application to establish any buildings within the Camping Ground node. The Council will have regard to the Archaeological Interpretation Plan in deciding whether to grant or refuse resource consent, and what conditions to impose upon granting consent.

~~vii) working with the contour of the land, not against it.~~

~~(a)–~~

5.5.7D CAPE KIDNAPPERS BUILDING AND INFRASTRUCTURE DEVELOPMENT NODES IDENTIFIED IN APPENDIX 23

In addition to those matters set out under the General Assessment Criteria above, the proposed activity will be assessed with particular regard to:

- i) "The Guide" Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District (Isthmus 2005).

5.5.7E OCEAN BEACH DUNES AREA IDENTIFIED IN APPENDIX 23 – FIGURE 5

The landscape is open and is strongly connected to the dunes, the beach and the sea. Buildings within this landscape type should draw on the beach/bach vernacular and should not be highly visible in the dynamic mosaic of shifting sand and dune plant communities.

- i) Buildings (other than any structures for viewing wildlife on the foreshore) must be located behind the first line of dunes.
- ii) Buildings should be light in their form and colour in keeping with the local hues, and similar to the vernacular New Zealand bach design: applying light connection to the ground (refer 5iv below), exposed silvered timbers, small scale units, which are visually permeable, with a light roof form, and strong horizontal patterning.
- iii) Buildings should be low slung i.e. wider than they are tall.
- iv) Buildings- should be semi mobile – i.e. on sleds or of a modular nature so they can be moved in response to local sand movement and any long term coastal hazards.
- v) Buildings- must be sited as appropriate to support the ecological restoration efforts and to give access, shelter or accommodation throughout the preservation zone, that is, they must be -sited to assist with ecological restoration, or to allow visitors to experience particular faunal habitats in relative comfort (including through providing food and refreshments), not simply for enjoying beach views, etc.
- vi) Tracks and outdoor areas should be developed ~~off~~ using the existing network throughout the dunes and ~~are~~ be logical in their placement and design. Track formation should be low key – sand surface.

5.5.7F OCEAN BEACH HILL RESTORATION AREA IDENTIFIED IN APPENDIX 23 – FIGURE 5

The hills and planting restoration areas behind the dunes and at the north end of the property are the more heavily vegetated parts of the site and can accommodate a different style and scale of building.

- i) Buildings should be located on natural shelves in the landscape, minimising the extent of earthworks required.



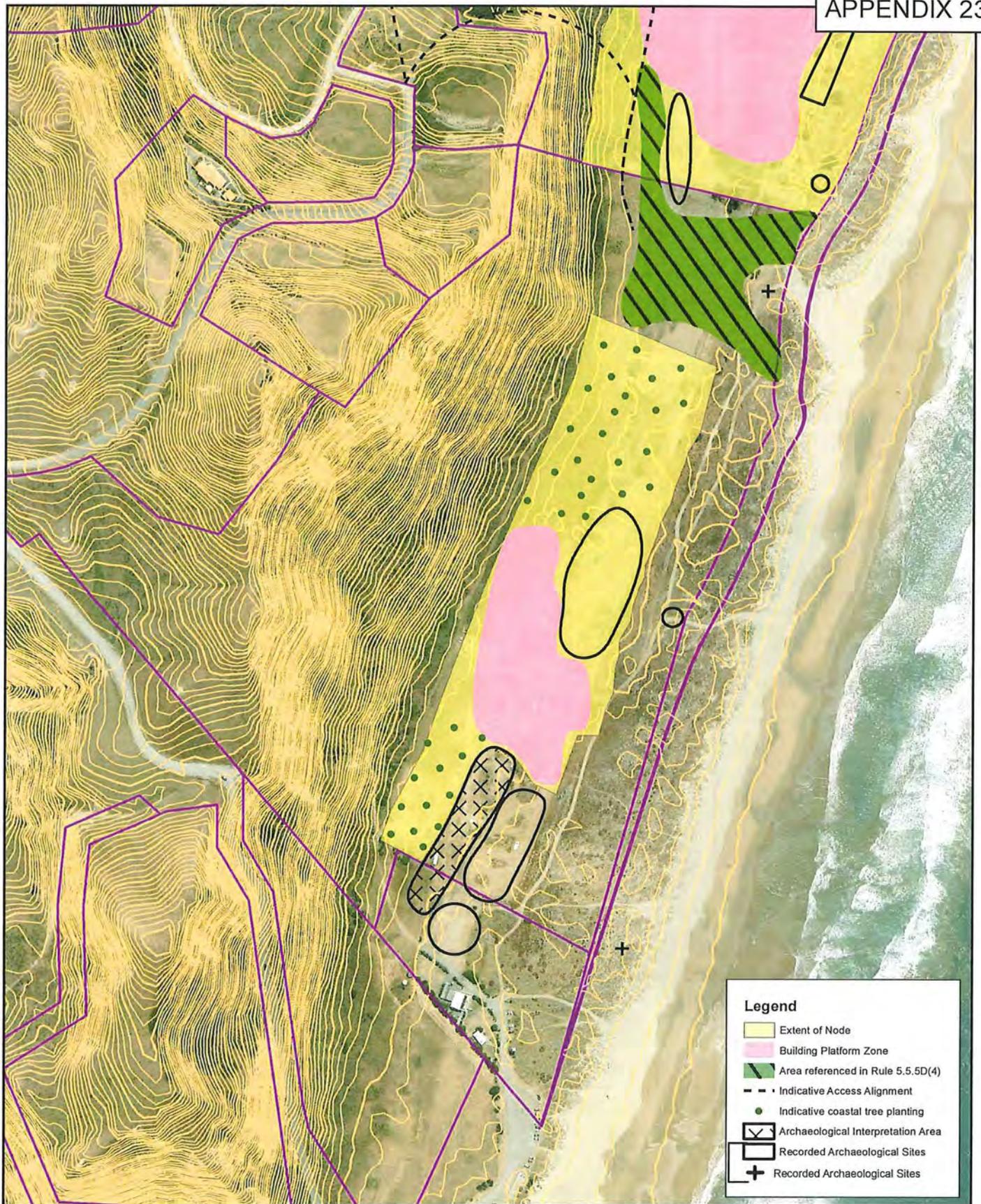
- ii) Buildings should be light in their form – similar to the vernacular New Zealand bush hut design: i.e. small scale units, with a light roof form, and strong vertical patterning to complement the vegetation patterns.
- iii) Buildings should be sited and designed to respond to the scale of the landform and the vegetation.
- iv) Buildings should be designed and located to sit within the landscape and the vegetation framework, not on it, including through minimising the extent of earthworks or landform modification needed, i.e. working with the contour of the land, not against it.
- v) Buildings should be sited as appropriate to support the ecological restoration efforts and to give access, shelter or accommodation throughout the preservation zone, that is, they should be sited to assist with ecological restoration, or to allow visitors to experience particular faunal habitats in relative comfort (including through providing food and refreshments).
- vi) ~~Tacks~~Tracks and outdoor areas should be developed ~~offusing~~ the existing network throughout the planted areas and ~~are~~ be logical in their placement and design. Track formation should be of a forestry access standard.

CONSEQUENTIAL AMENDMENTS TO OTHER SECTIONS OF THE PROPOSED PLAN

SECTION 33.1 DEFINITIONS

Conservation Enhancement and Management Activity: means activities, including construction of buildings and structures, that support the maintenance and enhancement of the nature preserve. This may include for example, the construction of enclosures or shelters to aid the establishment, enhancement and welfare of a particular species. It can also include construction of shelter, amenity and ~~dayovernight~~ hut facilities for people working on conservation enhancement activities and flora, fauna and paleo faunal ecological research. This definition does not cover activities associated with eco-tourism or eco-education.





Legend

- Extent of Node
- Building Platform Zone
- Area referenced in Rule 5.5.5D(4)
- Indicative Access Alignment
- Indicative coastal tree planting
- Archaeological Interpretation Area
- Recorded Archaeological Sites
- + Recorded Archaeological Sites

Nature Preservation Zone - Development Nodes
 Figure 2: Ocean Beach Camping Ground Node

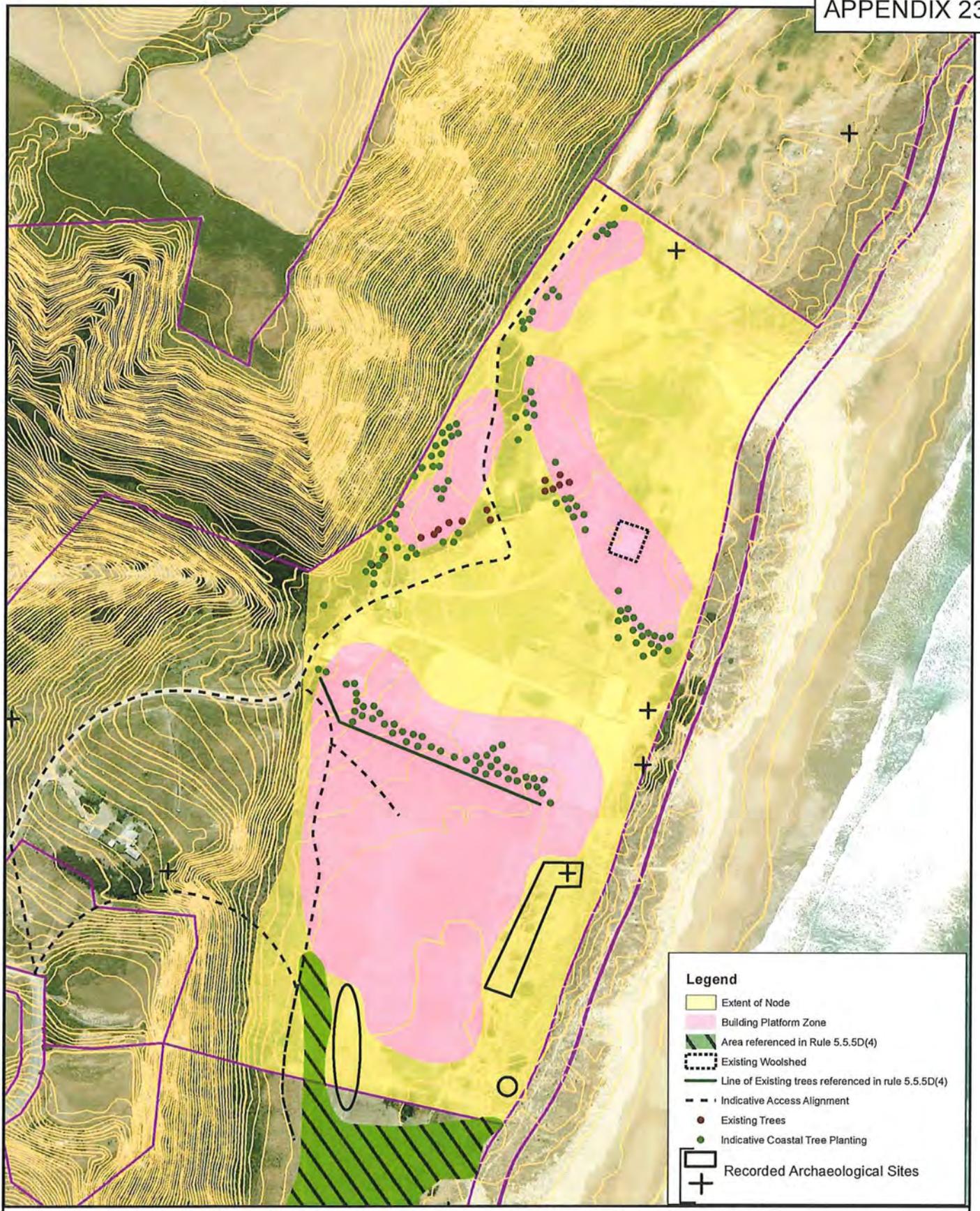


Version: As Revised
Date: 30 June 2017
Scale: 1:4,000

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS). CROWN COPYRIGHT RESERVED

COPYRIGHT: Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.

DISCLAIMER: The Hastings District Council cannot guarantee that the data obtained from third party companies and shown on this map is 100% accurate.



Nature Preservation Zone - Development Nodes

Figure 3: Ocean Beach Building and Infrastructure Development Node

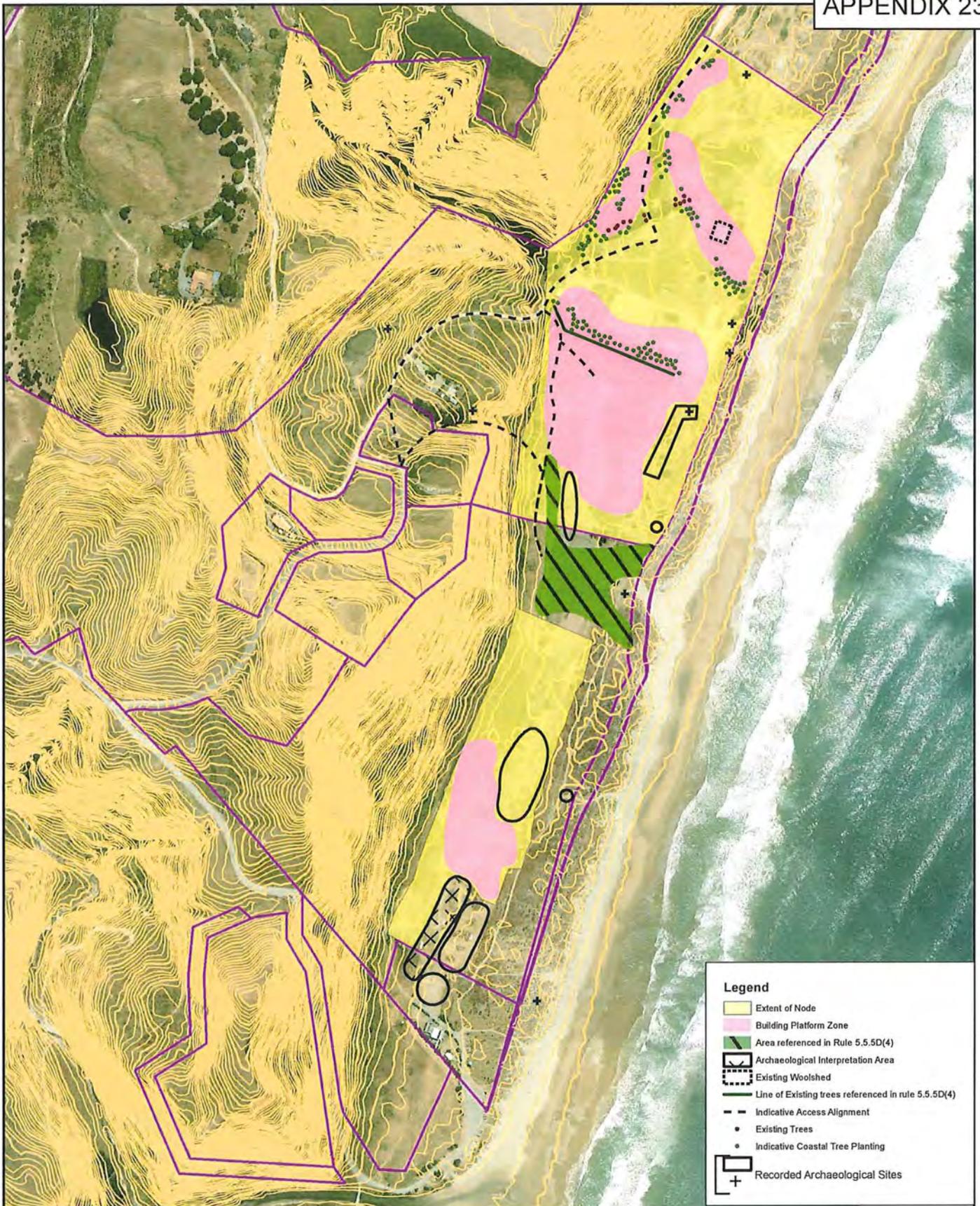


Version: As Revised
 Date: 30 June 2017
 Scale: 1:3,500

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).
 CROWN COPYRIGHT RESERVED

COPYRIGHT: Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.

DISCLAIMER: The Hastings District Council cannot guarantee that the data obtained from third party companies and shown on this map is 100% accurate.



Legend

- Extent of Node
- Building Platform Zone
- Area referenced in Rule 5.5.5D(4)
- Archaeological Interpretation Area
- Existing Woolshed
- Line of Existing trees referenced in rule 5.5.5D(4)
- Indicative Access Alignment
- Existing Trees
- Indicative Coastal Tree Planting
- Recorded Archaeological Sites

Nature Preservation Zone - Development Nodes
 Figure 4: Ocean Beach Camping Ground and Building and Infrastructure Development Nodes



Version: As Revised
Date: 30 June 2017
Scale: 1:6,500

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS). CROWN COPYRIGHT RESERVED

COPYRIGHT: Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.

DISCLAIMER: The Hastings District Council cannot guarantee that the data obtained from third party companies and shown on this map is 100% accurate.



 Dunes Area
 Hill Restoration Area

Nature Preservation Zone - Ocean Beach Landscape Restoration Areas

Figure 5: Ocean Beach Dune and Hill Restoration Area



Version: Council Decisions on Submissions

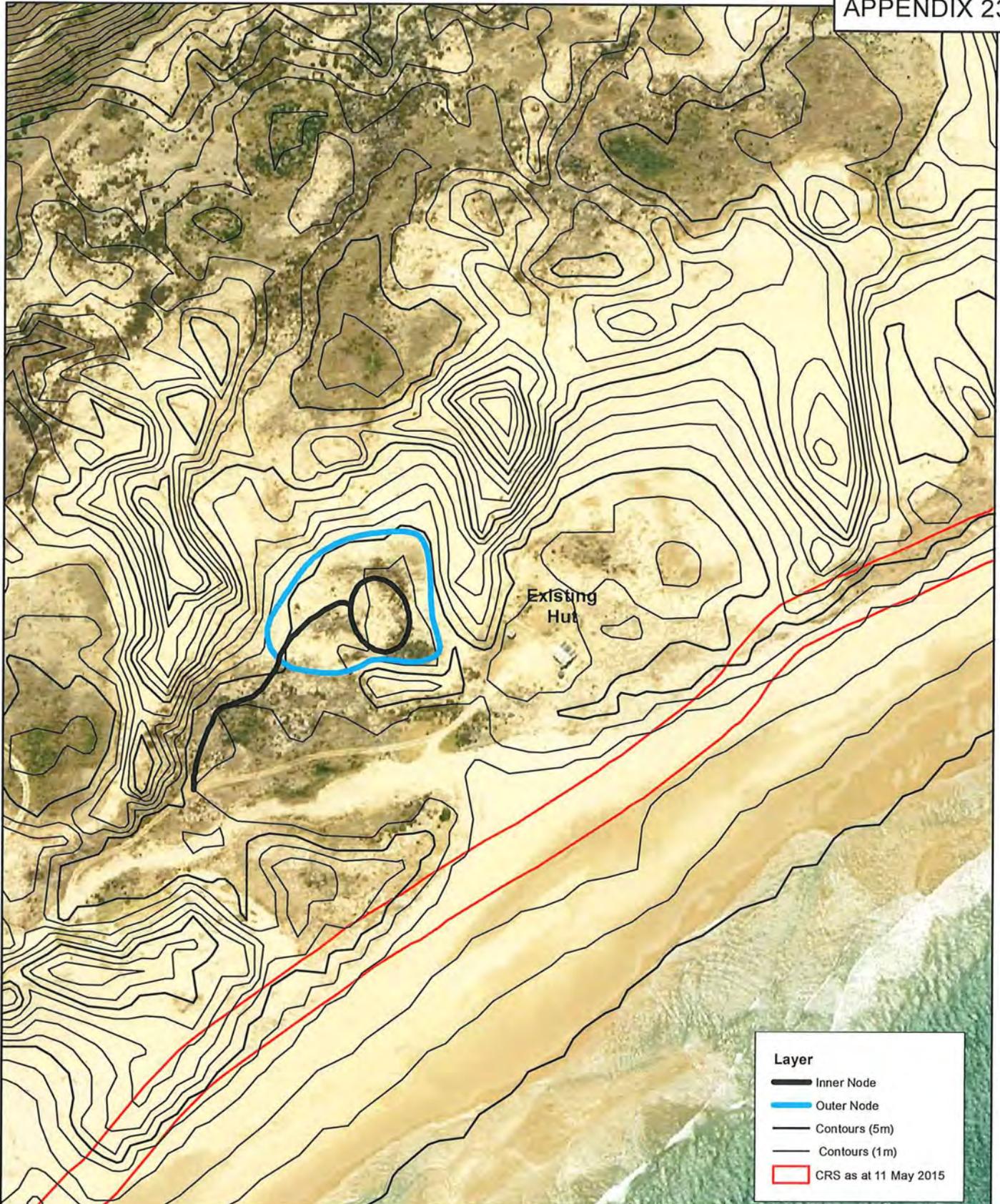
Date: 12 September 2015

Scale: 1:30,000

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).
CROWN COPYRIGHT RESERVED

COPYRIGHT: Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.

DISCLAIMER: The Hastings District Council cannot guarantee that the data obtained from third party companies and shown on this map is 100% accurate.



Nature Preservation Zone - Ocean Beach Landscape Restoration Areas

Figure 6: Ocean Beach Dune Development Nodes



Version: Council Decisions on Submissions

Date: 12 September 2015

Scale: 1:2,000

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).
CROWN COPYRIGHT RESERVED

COPYRIGHT: Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.

DISCLAIMER: The Hastings District Council cannot guarantee that the data obtained from third party companies and shown on this map is 100% accurate.

17.1 NATURAL FEATURES AND LANDSCAPES

17.1.1 INTRODUCTION

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

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

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

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

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

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

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



circumstances the most appropriate control is generally at the time of subdivision where development and land use can be most effectively influenced for the long term.

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



17.1.2 ANTICIPATED OUTCOMES

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

- LSAO1** The values of important natural features and landscapes are not compromised by inappropriate building development, earthworks and the siting of building development or plantations.
- LSAO2** A range of contrasting landscape types continues to provide a rich mixture of landscape amenity throughout the District.
- LSAO3** There is a greater public awareness of the different landscape areas throughout the District, and the activities that could have an adverse effect on the key elements, patterns and character that contribute to the significance of those landscape areas.
- LSAO4** Buildings do not visually intrude on the natural form of rural and coastal ridgelines and spurs.
- LSAO5** Large scale earthworks do not visually intrude on the natural form of rural and coastal ridgelines, spurs, and hill faces.
- LSAO6** Plantations are visually integrated with underlying landforms and the surrounding landscape.
- LSAO7** Compact forms of urban settlement enhance the distinction between 'town' and 'country', and reinforce the identity of the settlements in the rural context in which they are located.



17.1.3 OBJECTIVES AND POLICIES

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

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

Natural Science Factors**(i) Representativeness**

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

(ii) Research and Education

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

(iii) Rarity

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

Aesthetic Value**(iv) Coherence**

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

(v) Vividness

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

(vi) Naturalness

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

(vii) Intactness

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



Expressiveness (Legibility)

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

Transient Values

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

Shared and Recognised Values

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

Mana Whenua Values

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

Historical Associations

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

Explanation

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

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



POLICY LSP2

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

Explanation

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

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

POLICY LSP3

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

Explanation

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

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

POLICY LSP4

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

Explanation

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



POLICY LSP5

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

Explanation

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

The Council has sought to adopt a pro-active approach by promoting *'The Guide – Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District'* (Isthmus Group, August 2005). This design guideline illustrates design solutions for avoiding or mitigating adverse visual and landscape effects associated with development. It demonstrates ways to integrate development into the landscape to assist the public in recognising and promoting sensitive subdivision and development.

POLICY LSP6

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

Explanation

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

POLICY LSP7

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

Explanation

The identification of an outstanding natural landscape does not result in blanket restrictions on activities that can be undertaken within the identified landscape. There are instances where the type of activity that is undertaken within a landscape contributes to the values that are recognised. Agricultural activities are an example of land uses that can fit well within identified landscapes. Plantations can also be appropriate activities provided that they are consistent with values of the landscapes.



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

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

Explanation

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

POLICY LSP8A *To maintain the values associated with the District’s Significant Amenity Landscapes, having regard to the following matters when assessing applications for resource consent:*

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

POLICY LSP8B *To identify opportunities to enhance natural values associated with Significant Amenity Landscapes when preparing applications for resource consent, and to recognise the positive effects arising where such enhancement is offered.*

Explanation

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

POLICY LSP9 *Subdivision, use and development on Rural Residential Zoned land in the Significant Amenity Landscapes identified in Appendix 44 of the District Plan should be of a type, scale, design, and location that*



maintains the key landscape elements, patterns and character which contribute to the landscape character of these areas.

Explanation

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



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

POLICY LSP10 *To identify, recognise, and maintain the Districts Rural and Coastal Landscape Character Areas, where broad areas are highly valued for their cultural patterns of land use, including rural patterns, rather than their natural landscape values.*

Explanation

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



17.1.4 METHODS

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

HASTINGS DISTRICT PLAN

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

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

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

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

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

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

IDENTIFICATION OF HASTINGS LANDSCAPE AREAS

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

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

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



IDENTIFICATION OF THE MAORI CULTURAL SIGNIFICANCE OF OUTSTANDING LANDSCAPE AREAS	<p>This has been achieved by the report titled: <i>A Maori Cultural Review of Current Schedule of Outstanding Natural Landscapes</i> (Ipurangi Developments Limited, 2012).</p> <p>This report provides a korero of each of the District’s Outstanding Landscapes from a Maori Cultural perspective. It also identifies the hapu who exercise kaitiaki over that area and landscape. It also provides comment on the general significance of landscapes and natural features to Maori.</p>
LANDSCAPE DESIGN GUIDES	<p>A Design Guide for building development, earthworks and subdivision, in the rural landscape is provided. The design guideline illustrate possible design solutions for avoiding or mitigating adverse visual and landscape effects associated with buildings, earthworks and subdivision.</p> <p>The design guidelines will assist applicants for Resource Consent to achieve the Objectives and Policies for Landscapes and Natural Features. The design guidelines will also promote improved landscape outcomes for activities that do not require Resource Consent.</p> <p><i>Ref : “The Guide – Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District” – August 2005</i></p>
INFORMATION ON MANAGING PLANTATIONS IN THE HAWKE’S BAY LANDSCAPE	<p>The District Council will work with foresters, horticulturists, the Ministries of Primary Industries, the Forest Owners Association, the Farm Forestry Association, Scion, the Institute of Forestry, and Landcare to identify forestry and shelter planting practices that avoid or mitigate adverse visual and landscape effects. The Council will ensure that best practices are disseminated to interested parties.</p>
LAND AND PROJECT INFORMATION MEMORANDA	<p>Where a Land or Project Information Memorandum is requested, existing and prospective owners of land comprising the Outstanding Natural Features and Landscapes, and Significant Amenity Landscapes and Rural and Coastal Landscape Character Areas will be informed of the nature and significance of those features and the types of activity, including building development, earthworks and plantations that would have an adverse visual effect on them.</p>
HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014	<p>This Act makes it an offence to destroy or modify an archaeological site without first obtaining an ‘archaeological authority’. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any planned building or development takes this issue into account and an archaeological assessment may be required. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify damage or destroy any archaeological site. An archaeological site is defined in Section 33.1 of this District Plan.</p>



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



17.1.5 RULES

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

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

RULE TABLE 17.1.5 – NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS1	Any activity not defined as a Controlled, Restricted Discretionary, Discretionary, Non-complying or Prohibited activity by the landscape area Rules.	ONFL 1-8 SAL1-8 RCL 1-7 CCL 1-5	P
LS2	Tree planting and plantations carried out by or with the Hawke's Bay Regional Council in accordance with its functions under section 30 of the Resource Management Act and the Soil and Conservation and Rivers Control Act provided the plantation is established and maintained by any authority which has statutory responsibility for soil conservation.	ONFL2-8	P
LS3	Plantations up to a vertical distance of 40 metres below the ridgeline	SAL1, SAL4, and SAL5	P
LS4	Underground lines associated with Network Utilities provided that; <ul style="list-style-type: none"> The excavation is no more than 1m in depth and 300mm in width. That the rules of the indigenous vegetation section of plan are met. That the ground shall be re-instated to the condition prior to the commencement of the work. 	ONFL2-8 and SAL 1-8	P
LS5	Operation, maintenance, refurbishment and minor upgrading of all existing network utilities, provided that: <ul style="list-style-type: none"> associated structures are less than 50m² gross floor area, and earthworks are less than 2 metres exposed vertical cut). 	ONFL2-8	P
LS5A	<u>Buildings for conservation enhancement and management activities up to 10m² in gross floor area</u>	ONFL4	P
LS6	A single residential dwelling and/or a building greater than 50m ² gross floor area and associated earthworks on any of lots 5,6,7 or 8 DP24792, or Pt Lot 1 DP453509 or Pt Lot 2 DP453509.	ONFL1	C



RULE TABLE 17.1.5 – NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS7	Buildings greater than 50m ² gross floor area associated with any activity.	ONFL6, and sites zoned Rural Residential within SAL1-9)	C
LS8	Plantations	ONFL6 (up to a vertical distance of 40m below the Maungahururu Range ridgeline)	C
LS9	Replacement and upgrading of all existing network utilities including any support structures and associated earthworks	ONFL2-6 & 8	C
LS10	Plantations	SAL1 SAL4 SAL5 ONFL2 ONFL3 ONFL5 ONFL6 (within 40m vertical distance of the Maungahururu Range ridgeline) ONFL8	RDNN
<u>LS10A</u>	<u>Buildings for permitted activities within the Nature Preservation Zone located wholly within the inner node shown on Appendix 23 Figure 6, where the maximum cumulative gross floor area for the inner and outer node does not exceed 100m².</u>	<u>ONFL4</u>	<u>RDNN</u>
<u>LS10B</u>	<u>Buildings for permitted activities within the Nature Preservation Zone located partly or wholly outside the inner node but within the outer node shown on Appendix 23 Figure 6, and where the maximum cumulative gross floor area for the inner and outer node does not exceed 100m².</u>	<u>ONFL4</u>	<u>D</u>
LS11	Buildings greater than 50 m ² gross floor area associated with any activity	ONFL2	D
LS12	Network utilities including any support structures and associated earthworks not otherwise provided for as permitted or controlled activities in the landscape area rules.	ONFL2-6 & 8	D



RULE TABLE 17.1.5 – NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS13	Buildings associated with any activity except residential activities and visitor accommodation	ONFL1 Within the Prohibited Building Area <i>(Above and including the 240m contour line as shown on the Planning Maps)</i>	NC
LS14	Buildings greater than 50m ² gross floor area associated with any activity	ONFL1 <i>(Below the 240m contour line as shown on the Planning Maps)</i> ONFL4 ONFL5	NC
LS15	Plantations	ONFL1 ONFL4 ONFL8	NC
LS16	Network utilities including any support structures and associated earthworks	ONFL1	NC
<u>LS16A</u>	<u>Buildings other than those provided for under Rules LS5A, LS10A and LS10B</u>	<u>ONFL4</u>	<u>NC</u>
LS17	Buildings associated with residential activities and visitor accommodation	ONFL1 Within the Prohibited Building Area <i>(Above and including the 240m contour line as shown on the Planning Maps)</i>	Prohibited



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

EXPLANATION OF ASSESSMENT CRITERIA

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

1. Buildings

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

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

- (a) Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs, and should not dominate the landscape.
- (b) Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
- (c) Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- (d) Be designed to minimise cuttings across hill faces and through spurs.
- (e) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- (f) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- (g) Avoid disturbance of archaeological sites.

2. Earthworks

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

In particular the extent to which any such development will:

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



3. Plantations

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

In particular, the location and layout of plantations should:

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

4. Network Utilities

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

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

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

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

In considering activities within Outstanding Natural Features and landscapes the following should be regarded:



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

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

- i) Buildings within this node should draw on the beach/bach vernacular.
- ii) Buildings should not be highly visible within the dynamic dune environment.
- iii) Buildings must be located behind the first line of dunes.
- iv) Buildings should be light in their form and colour in keeping with the local hues, and similar to the vernacular New Zealand bach design: applying light connection to the ground (refer vi below), exposed silvered timbers, small scale units, which are visually permeable, with a light roof form, and strong horizontal patterning.
- v) Buildings should be low slung i.e. wider than they are tall.
- vi) Buildings should be semi mobile – i.e. on sleds or of a modular nature so they can be moved in response to local sand movement and any long term coastal hazards.



vii) Buildings must be sited as appropriate to support the ecological restoration efforts and to give access, shelter or accommodation throughout the preservation zone, that is, they must be sited to assist with ecological restoration, or to allow visitors to experience particular faunal habitats in relative comfort (including through providing food and refreshments), not simply for enjoying beach views, etc.

viii) Tracks and outdoor areas should be developed using the existing network throughout the dunes and be logical in their placement and design. Track formation should be low key – sand surface.

vix) For applications under rule LS10B, buildings should also be designed and located so as not to be conspicuous when viewed from the beach.





Annexure B – Clean Versions of Sections 5.5 and 17



5.5 NATURE PRESERVATION ZONE

5.5.1 INTRODUCTION

This Zone relates to a specific area which includes Cape Kidnappers and the majority of Ocean Beach. This area is considered special by many for a number of reasons, often due to the experiences of people from visiting the Cape via the Department of Conservation reserve, and Ocean Beach via the road access to the Surf Club reserve and the Waipuka bach settlement.

The area has a long association of Maori history and therefore includes many sites of significance to Maori, including wāhi taonga and archaeological sites relating to Maori settlement and occupation. In te reo Maori, Hawke Bay (of which Cape Kidnappers marks the south eastern extent) is known as Te Matau a Maui (the hook of Maui). The Cape itself is known as Te Kauwae a Maui. Heading south from Te Kauwae a Maui is Puapua (also known as Flat Rock), the bay known as Rangaiika, a section of beach known as Matarau, then Whakapau (being the headland defining the northern end of what is commonly known as Ocean Beach). The long stretch of beach to the south of Whakapau is known as Haupouri (literally meaning 'sad wind', a reference to the beach's exposure to the south). The Waipuka land block is located at the southern extent of Haupouri. This includes the Waipuka bach settlement, the Waipuka Stream and the end of Ocean Beach Road, all of which are located beyond the southern boundary of the Nature Preservation Zone.

The landscape backdrops are significant (and include land mapped as an outstanding landscape see the Natural Features and Landscapes Section of the Plan) and for the most part fall within private property. A feature unique to this Zone is that the owners of the two largest properties within the Zone have a vision and commitment to the ecological preservation and enhancement of the environment within it. This is exemplified by their investment in a predator proof fence and predator control program, which has resulted in the virtual elimination of introduced predators from the wider Cape Kidnappers (Te Kauwae a Maui) peninsular area within the fence, which stretches from the dunes of Haupouri, across the hills to the cliffs forming the southern extent of Te Matau a Maui (Hawke Bay).

The success of this dedication to ecological enhancement and predator control has resulted in permissions being granted for the release of rare native bird species into the 'Cape Sanctuary' (ecological preserve). The area within the predator proof fence is unique to such areas within New Zealand, insofar as it is not solely an area preserved for wildlife. The Nature Preserve Zone also includes working pastoral farms, and at Cape Kidnappers an international golf course and tourist lodge. Immediately south of the Ocean Beach end of the Zone, a range of existing buildings are established including the surf club and a small bach community. Further to the north within the Zone there is an established woolshed and equestrian centre, along with various farm buildings, stock yards, dwellings and visitor accommodation units. On the natural side it includes a significant area of sand dunes, a regenerating Kanuka/Manuka forest and fragile coastal environments. Other areas of significance include the paleofaunal significance of the sand dunes and surrounds which have preserved the remains of previous flora and fauna to occupy the area. This area is also culturally rich and, as well as the Maori history referred to above, is also important to early European history.

This area has previously been included within the Rural Zone. However, the unique circumstances and opportunities of the area necessitate a special specific zoning which both protects its special values and supports the preservation, and conservation initiatives and existing farming and commercial operations of the owners, as well as providing additional eco-tourism, eco-education and eco-residential opportunities that are respectful of the environment. Overall therefore, the basis for creation of the Nature Preservation Zone was to encompass the multiple values present in this area, and to ensure a balance between appropriate social and cultural interaction with the environment, continued economic sustainability, and ecological preservation, restoration and conservation.



The biodiversity being conserved and enhanced in this area represents part of the natural heritage of New Zealand. Most people have few chances to experience this in their everyday lives. This separation of people from their natural heritage has been the dominant philosophy of conservation policies in the past. Because of this separation, few New Zealanders have accepted responsibility for caring for this heritage which has resulted in conservation being left to government agencies. The universal presence of introduced predators and weeds means that conserving native biodiversity requires active intervention and considerable cost. Enhancing the depleted biodiversity carries far higher costs. It is only through the actions of concerned people and finance from responsible developments that this situation will be reversed as is happening in this Zone. Accommodating people and enhancing their interaction with their natural heritage as well as achieving income from such interactions in a way that sustains the natural and cultural heritage values that are present, are key parts to ensuring the future of New Zealand's special biodiversity.

Eco-tourism is a mechanism by which this unique area and its wildlife can be visited and experienced by people. The regulatory provisions of this Zone are therefore designed to allow the continuation of the existing uses and to provide opportunity for the development of buildings and facilities that support the conservation initiatives in providing shelters and facilities for volunteers, along with buildings and facilities to support eco-tourism and eco-education.

Planning controls set thresholds or consent requirements to ensure that such activities sustain and do not undermine, ecological, archaeological, Maori-cultural and landscape values. This combination of unique values also means that some activities that are permitted in the Rural Zone (Industrial Activities being an example) are not appropriate in the more sensitive environment of the Nature Preservation Zone.



5.5.2 ANTICIPATED OUTCOMES

It is anticipated that the following Outcomes will be achieved:

- NPAO1** A nationally renowned Ecological Preserve with habitats of the highest value, providing educational and eco-tourism opportunities that respect the environment within which they are based.
- NPAO2** A sustainable eco-tourism and eco-education destination, that includes infrastructure, buildings and facilities to support these activities.
- NPAO3** A continuously improving ecological environment, where Maori cultural, archaeological, historic heritage and landscape values are all acknowledged and maintained.
- NPAO4** A variety of compatible land use activities that includes land based primary production eco-tourism, eco-residential, eco-education and recreation working in concert with endangered species protection to assist in sustaining the viability of the ecological preserve.
- NPAO5** Endangered species are returned to mainland New Zealand in an environment supported by and co-existing with human habitation, recreation and land based primary production.
- NPAO6** The long term protection, conservation and management of significant landscape areas, significant natural areas, and areas of cultural value (including archaeological sites and wāhi taonga) from inappropriate subdivision, use and development.
- NPAO7** Activities in the Nature Preservation Zone that are site appropriate and respect and enhance the features of this unique zone.



5.5.3 OBJECTIVES AND POLICIES

OBJECTIVE NPO1 To support the enhancement of the ecological preserve, including the restoration of flora and fauna.
Relates to Outcomes 1, 2, 3, 5, 6, and 7

POLICY NPP1 *To enable conservation enhancement and management activities as well as the development of supporting infrastructure such as enclosure fencing and structures for wildlife and shelters and facilities for those working or volunteering in conservation activities.*

Explanation

The ecological preserve area is unique in that it has developed as a private initiative on a voluntary basis. Regulatory support can be provided by ensuring that the continuing development and enhancement of the flora and fauna within the preserve area can take place as a Permitted activity. Provision is also required for infrastructure and facilities for the workers/volunteers involved with the conservation work in the preserve. These facilities and infrastructure include access tracks, day shelters, toilets and appropriately scaled and designed overnight hut accommodation.

OBJECTIVE NPO2 To recognise that the ecological preserve is located upon private land, and to provide for the continuation of pastoral farming operations, golf course, lodge and tourism activities.
Relates to Outcomes 1, 2, 4, 5, and 6

POLICY NPP2 *To enable farming and commercial activities to continue, while discouraging the development of new activities that will not complement or sustain the conservation and ecological enhancement functions of the ecological preserve.*

Explanation

The preserve has developed on private land in a manner that provides for existing activities to continue. For this reason there are existing pastoral farms, forestry, an international class golf course and tourist lodge and commercial gannet tour operations that are located within the predator proof fenced preserve area. Due to the large land areas involved there is significant scope to enhance the ecology within the preserve area without affecting these other existing activities. These aforementioned activities are to some extent all reliant upon the natural resources of the location. Activities that are not complementary to, or which would detract from, the natural environment of the area, are discouraged.

OBJECTIVE NPO3 To enable the development of eco-tourism, eco-education, and eco-residential activities, where they assist to sustain the ecological preserve in a manner that maintains or enhances the significant ecological, archaeological, paleofaunal, historic heritage, Maori cultural, landscape and natural character values of the area.
Relates to Outcomes 1, 3, 4, 6, and 7

POLICY NPP3 *To enable eco-tourism, eco-education, and eco-residential activities in the Zone, with a preference that building development associated with such activities is predominantly located in identified development nodes.*

Explanation

Maintaining natural sites such as the ecological preserve, and improving New Zealand's biodiversity in general, relies heavily on the interest and understanding of people visiting and interacting within it. For this reason, eco-tourism, eco-education, and specified eco-residential activities are appropriate in this Zone as this will allow the public to view and become involved with the ecological preserve area. This may



result in increased community pride in the area and an active desire to get involved in protecting, maintaining and enhancing it, or to participate in other conservation initiatives.

To ensure that eco-tourism, eco-education and eco-residential activities are not developed to the point where they undermine the natural character or significant ecological, archaeological, paleofaunal, historic heritage, Maori cultural and landscape values of this Zone; the primary buildings and infrastructure for such activities will be encouraged to locate in identified development (areas) nodes.

There is a differentiation between the development nodes in terms of landscape sensitivity and natural coastal character, with the Cape Kidnappers Station development node being carefully located to avoid identified sensitive features, and respond to the natural topography. Eco-residential development on lifestyle sites within the Cape Kidnappers Building and Infrastructure Development Nodes shown in Appendix 23: Figure 1 is specifically provided for. There is potential for sensitively located eco-tourism, eco-education and eco-residential activities to establish outside of these development nodes provided they do not adversely affect the qualities that underpin the Outstanding Natural Landscape areas, Recommended Areas for Protection and archaeological sites.

Learning to live as part of nature rather than apart from nature can be an important part of sustaining reserve areas. Accordingly, provision is made in the Ocean Beach Camping Ground and Building and Infrastructure Development Nodes shown in Appendix 23: Figures 2 and 3 for overnight accommodation, along with opportunities (subject to resource consents being granted) for visitors to stay outside these nodes. It may also be appropriate to have some accommodation units within areas containing special wildlife such as within the predator proof fence (i.e. outside of the identified development nodes), which can assist in promoting the conservation and experience of nocturnal birds and invertebrates.

POLICY NPP4

To enable the owners of the ecological preserve area to undertake commercial activities that provide the opportunity for people to experience the rural and natural character values of the wider Zone, while avoiding adverse effects on the ONFL and otherwise avoiding, remedying or mitigating adverse effects on the environment.

Explanation

Conservation in New Zealand requires active management, which is costly. As a consequence, and because the ecological preserve is on privately owned land, the owners should be allowed a degree of freedom over the activities they may pursue, where those activities are complementary to and sustain the enhancement of the ecological preserve and do not undermine the special natural and cultural values of the area. This includes the opportunity to recoup some of the costs incurred in the process of developing and maintaining the preserve through commercial activities. These activities also provide the opportunity for income to be generated from and invested back into the conservation initiatives of the preserve. As well as eco-tourism, eco-education, and eco-residential opportunities mentioned in the previous policy, the potential exists to establish a coastal camp ground facility. This would provide a formal opportunity for camping at the Waipuka end of Ocean Beach and would potentially allow for better control over informal or unauthorised camping near the beach which has the potential to negatively impact on the preserve.



OBJECTIVE NPO4 **The protection of the ecological, archaeological, paleofaunal, historic heritage, Maori cultural, landscape and natural character values of the area.**
Relates to Outcome 3, 6 and 7

POLICY NPP5 *To ensure that any future development or land use activities do not undermine the ecological, archaeological, paleofaunal, historic heritage, Maori cultural, landscape and natural character values of the area, nor adversely affect areas of identified outstanding natural character or landscape value.*

Explanation

The construction of the predator proof fence, pest control and other conservation initiatives have significantly enhanced the ecological values of the area. It is however important to ensure that the future development and management of the area is undertaken in a manner that respects and does not undermine the other unique values in the area. Although ecological, paleofaunal, landscape and natural character values are at their most significant within the preserve behind the predator proof fence, there are significant wāhi taonga and archaeological sites both within and to the south of this fence. Any buildings or earthworks either side of the fence, need to be undertaken in a manner that does not adversely affect the unique combination of values that created the special character of the Nature Preservation Zone and the places within it. Appropriately located and designed buildings and earthworks that maintain and support the characteristics and qualities that contribute to the special character and values of the landscape are not considered adverse in respect of landscape and natural character values, nor in the context of Objective NPO6.

OBJECTIVE NPO5 **To only enable subdivision and development that supports the values of the ecological preserve and protects the natural character of the environment.**
Relates to Outcome 3, 6 and 7

POLICY NPP6 *To carefully manage any subdivision in the Zone to ensure that it is complementary to the purposes of the Zone.*

Explanation

Much of the Zone is located within the Coastal Environment, within which even complying subdivisions have a 'Discretionary activity' status and are subject to assessment criteria seeking to protect natural character values. As this area was previously within the Rural Zone, the subdivision provisions of that Zone have been carried over to this new Zone with some amendments. Ocean Beach (exempting the Waipuka Bach settlement) is specifically identified within the Heretaunga Plains Urban Development Strategy (HPUDS) as an area where future residential growth will be prevented, with future residential growth in coastal areas being directed to other coastal locations.

OBJECTIVE NPO6 **To protect the values of the outstanding natural features and landscapes, and identified special amenity landscapes, from inappropriate subdivision, use and development.**
Relates to Outcome 3, 6 and 7



POLICY NPP7

To ensure that future development does not undermine the identified landscape values of the area.

Explanation

In accordance with the District Wide Outstanding Landscapes Review undertaken by Boffa Miskell titled 'Review of Landscape Areas and Implications for Plan Review, April 2013', the Nature Preservation Zone includes areas identified as Outstanding Natural Features, Outstanding Natural Landscapes, Amenity Landscapes and Coastal Landscape Character Areas. Outside of these identified areas both the wider Cape Kidnappers and Ocean Beach areas also have high landscape values at a local level which are appreciated by the many visitors to these areas. The Rules, Standards and criteria of this Plan section recognise both the local and regional landscape significance of the Zone and the combination of other values that give the area its special character.



5.5.4 RULES

In addition to the activity status and Performance Standard requirements provided for by these Rules, activities may also be subject to additional regulation via the District Wide Activities (DWA) sections of the Plan, for example the Landscapes and Indigenous Vegetation. It will be necessary to check the Planning Maps first to see whether the activity is located within an area subject to additional DWA regulation because any activity must comply with the DWA provisions first, before applying the following Rules.

Note:

Given the significant cultural landscape, wāhi taonga and recorded (and unrecorded) archaeological sites present within the Nature Preservation Zone, an archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, may be required for developments within the Zone. Such an authority is not automatically granted, and can be declined under certain circumstances, even when an activity is permitted in the District Plan or by resource consent. Heritage New Zealand Pouhere Taonga should be contacted for guidance if any activity such as earthworks, fencing or landscaping may modify or destroy any archaeological site. Prior involvement and consultation with mana whenua (including the Waimarama Maori Committee for activities in the Zone at Ocean Beach) is also a good practice expectation, and is envisaged by the rules and assessment criteria.

RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
ACROSS THE WHOLE ZONE (INSIDE AND OUTSIDE THE NODES IDENTIFIED IN APPENDIX 23)		
NP1	Land Based Primary Production (excluding deer or goat farming and feedlots) and conservation plantings	P
NP2	One Residential / Eco Residential Building per site 20 ha or less	P
NP3	Two Residential Buildings on sites 20 ha or above	P
NP4	One Supplementary Residential Building per site	P
NP5	Buildings for: <ul style="list-style-type: none"> • Land Based Primary Production; • Residential / Eco-Residential dwellings permitted under Rule NP2 and NP3 and supplementary residential units permitted under Rule NP4. 	P
NP6	Commercial Activities ancillary to any activity permitted in this Zone, including Cape Kidnappers Golf Course	P
NP7	Temporary Events and Recreation Activities	P
NP8	Conservation Enhancement and Management Activities	P
NP9	Eco-tourism and eco-education activities	P



RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
WITHIN THE CAPE KIDNAPPERS FARM LODGE NODE:		
NP10	Buildings for visitor accommodation and associated facilities ancillary to the Farm Lodge, within the Farm Lodge Node identified within Appendix 23.	RD-NN
WITHIN THE OCEAN BEACH CAMPING GROUND NODE:		
NP11	Camping and Camping Grounds within the Camping Ground Node identified within Appendix 23 Figure 2.	P
NP12	Buildings for camping ground activities generally in accordance with Appendix 23 Figure 2.	RD-NN
NP12A	Buildings for camping ground activities not provided for under Rule NP12.	RD
NP12B	Buildings for camping ground activities exceeding the maximum cumulative gross floor area specified in Rule 5.5.5D1(a).	D
WITHIN THE OCEAN BEACH BUILDING & INFRASTRUCTURE DEVELOPMENT NODE:		
NP13	Buildings for Conservation Enhancement and Management Activities.	P
NP14	Buildings for permitted activities (excluding those provided for in Rules NP5 and NP13) generally in accordance with Appendix 23 Figure 3	RD-NN
NP15	Buildings for: permitted activities (excluding those provided for in Rules NP5 and NP13) not provided for under Rule NP14.	RD
NP15A	Buildings for eco-tourism and eco-education exceeding the maximum cumulative gross floor area for those activities in the Node specified in Rule 5.5.5D1(b).	D
ACROSS THE WHOLE ZONE (OUTSIDE ONFL 4 AND THE OCEAN BEACH BUILDING & INFRASTRUCTURE DEVELOPMENT AND CAMPING GROUND NODES):		
NP16	Buildings for conservation enhancement and management activities, provided: <ul style="list-style-type: none"> i) The gross floor area of any aviary enclosure is no greater than 1,000m². ii) The gross floor area of any other buildings for conservation enhancement and management activities is no greater than 100m². 	P
NP17	Buildings for conservation enhancement and management activities, where the gross floor area of:	RD-NN



RULE TABLE 5.5.4 - NATURE PRESERVATION ZONE		
RULE	LAND USE ACTIVITIES	ACTIVITY STATUS
	i) any aviary enclosure exceeds 1,000m ² , or ii) any other buildings for conservation enhancement and management activities exceeds 100m ² .	
NP18	Buildings for permitted activities (excluding buildings for conservation enhancement and management activities, and those provided for in Rule NP5), provided: i) Each building has a gross floor area of no greater than 100m ² .	RD-NN
NP19	Buildings for permitted activities as provided for under Rule NP18, that have a gross floor area greater than 100m ² .	D
ACROSS THE WHOLE ZONE (INSIDE AND OUTSIDE THE NODES):		
NP20	Except as specified in Rules NP12B, NP15A and NP19, any Permitted, Controlled or Restricted Discretionary – Non Notified activity that does not meet one or more of the General Performance Standards in section 5.5.5 or relevant Specific Performance Standards in section 5.5.6.	RD
NP21	Any activity that is not provided for as a Permitted, Restricted Discretionary Non-Notified, Restricted Discretionary or Discretionary activity, including under sections 17 and 27 of the District Plan .	NC

Note: For the avoidance of doubt, where the term 'building' is used in Table 5.5.4, it is inclusive of 'relocated buildings'.

Note: For the purpose of the Rules in this table, the term 'generally in accordance with' means that buildings must be constructed within the Building Platform Zones shown on Appendix 23 –Figures 2 to 3.



5.5.5 GENERAL PERFORMANCE STANDARDS AND TERMS

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

5.5.5A BUILDING HEIGHT

All buildings and structures

- (a) Maximum height within the Building and Infrastructure Development Nodes identified in:
 - Appendix 23, Figure 1: 10 metres
 - Appendix 23, Figure 2: 8 metres
- (b) Maximum height within Ocean Beach Dune Area identified in Appendix 23, Figure 5: 6 metres
- (c) Maximum height within Ocean Beach Hill Restoration Area identified in Appendix 23, Figure 5: 8 metres
- (d) In all other areas 8 metres

Outcome

The amenity value of the Nature Preservation Zone will be maintained by preventing tall, obtrusive structures or buildings.

5.5.5B LIGHT AND GLARE

All external lighting of any buildings established under Rules NP16 to NP19 shall be shaded or directed away from Waimarama (the area shown on Planning Map 58) and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at any point along the 'Light and Glare Compliance line' shown marked on Appendix 23 Figure 5 which is visible from Waimarama Beach.

Outcome

Residents including mana whenua of Waimārama Beach will not be adversely affected by light or glare from adjacent activities in the Nature Preservation Zone. The intent is that light not be visible from Waimarama to avoid adverse cultural effects (the fires of Whakapou).

5.5.5C 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.

5.5.5D

ADDITIONAL CONTROLS FOR OCEAN BEACH WITH THE EXCEPTION OF PT LOT 2 DDP 915 (CAPE KIDNAPPERS STATION LTD)



1. Maximum cumulative gross floor area:
 - (a) Within the Camping Ground Node as shown on Appendix 23 Figure 2 – 1,500m².
 - (b) Within the Ocean Beach Building and Infrastructure Development Node as shown on Appendix 23 Figure 3 – buildings for all activities except as provided for under Rules NP 5 and 13 – 10,000m².
2. An archaeological assessment must be prepared prior to any development (involving buildings, structures, and ancillary earthworks) in the Zone commencing.

Note: For the purpose of this rule an archaeological assessment accepted by Heritage New Zealand Pouhere Taonga under section 47 of the Heritage New Zealand Pouhere Taonga Act 2014 as meeting the requirements of section 46 of the Act, including in relation to maori cultural values, and whether for specific development within any part of the Zone at Ocean Beach, or for development within the Zone at Ocean Beach as a whole, will be accepted as meeting this requirement.

3. All buildings, structures, and onsite development involving ancillary earthworks must avoid (including any disturbance, modification or destruction of) recorded archaeological sites, and areas where the archaeological assessment identifies that there is reasonable cause to suspect unrecorded archaeological sites are present, except as authorised through an authority granted under the Heritage New Zealand Pouhere Taonga Act 2014.
4. Until the Coastal Tree Planting area shown on Appendix 23 Figures 2 and 3 is established and has achieved canopy closure, as well as an average minimum height of 5 metres, the line of Existing Trees immediately to the south of the Amenity Area must be retained, and no building development within the Ocean Beach Building and Infrastructure Development Node shall occur to the south of these Existing Trees. For clarity, no exotic pine trees (*Pinus radiata* or similar) are to be planted.

5.5.6 SPECIFIC PERFORMANCE STANDARDS AND TERMS

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

5.5.6A COMMERCIAL ACTIVITIES

1. Hours of Operation

Outcome



Activities which involve the retailing of goods to the public shall be restricted to the following hours of operation:

Any day of the week 8.00am-10.00pm.

The effects of activities will be mitigated by limiting the hours of operation of commercial activities in the Nature Preservation Zone.

5.5.6B RESIDENTIAL ACTIVITIES

1. Residential Buildings

- (a) One residential building shall be allowed per site with an area greater than 2,500m² and less than 20 hectares.
- (b) One additional residential building shall be allowed per site with an area of 20 hectares or greater.

Outcomes

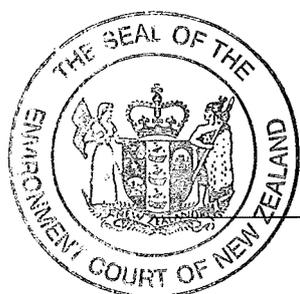
The potential to utilise the land resource in a manner that supports the life supporting capacity of the soil resource, will be facilitated by providing for residential accommodation.

2. Supplementary Residential Buildings

- (a) One supplementary residential building shall be allowed per site.
- (b) The supplementary residential building shall be clearly incidental to the residential building on the site.
- (c) The maximum gross floor area including integral garage shall be 100m².

Flexibility to provide supplementary accommodation in association with the sustainable management of the soil resource and the natural character of the Zone.

Supplementary residential buildings will have minimal effects and result in the loss of only a small area of land and will result in the efficient use of services.



5.5.6C TEMPORARY EVENTS (OTHER THAN RECREATION ACTIVITIES AND TEMPORARY EVENTS ANCILLARY TO ANY PERMITTED ACTIVITY IN THE ZONE)

- (a) Only six temporary events shall take place on a site over any 12 month calendar period (January to December) except that any temporary military training exercise may operate for 7 days per year.
- (b) Maximum attendance at any one time shall be 1000 persons.
- (c) Temporary events shall only be operated consecutively for up to a maximum of three days.
- (d) The Hastings District Council shall receive notification of Temporary Events at least 10 days prior to the event taking place.
- (e) All parking associated with the temporary event shall occur on site.
- (f) The General and Specific performance Standards for the Zone do not apply to Temporary Events.
- (g) All structures and other works accessory to an event shall be removed and the site returned to its original condition 5 working days after the activity has ceased.

Outcomes

It will be possible for temporary events to take place on larger areas of land where it is possible to address adverse effects.

The temporary nature of the events will ensure that any effects are for a short time only.

The temporary nature of the event will be ensured and the site returned to its original state.

5.5.6D RELOCATED BUILDINGS

Any damage to the building arising from the relocation shall be repaired within six months of the date of relocation.

Outcome

Relocated buildings will be integrated into the amenity of the local environment.



5.5.7 ASSESSMENT CRITERIA

For Restricted Discretionary activities (including RDNN), the following General and relevant Specific Assessment Criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications, in addition to an assessment of the Outcomes of any Standards that the activity fails to meet.

For Discretionary activities, the following General and relevant Specific Assessment Criteria identify those matters which Council may assess the activity against. However, for Discretionary activities, Council's assessment is not restricted to these matters, but may consider them.

5.5.7A GENERAL ASSESSMENT CRITERIA

- i) The extent to which the buildings or structures (and associated earthworks) are located so that they do not adversely affect paleofaunal sites, or significant ecological values. Where the location of the building or structure (and associated earthworks) potentially threatens such sites or values a report from a relevant technical expert should accompany the application assessing the effects of the activity on that site or value and recommending any appropriate mitigation measures.
- ii) The extent to which the location and design (including external cladding and colour) of buildings and structures ensures that they blend in with and do not undermine the landscape or natural character values, and are not prominent from public viewpoints, including the beach.
- iii) In relation to any building or structure outside of the Building and Infrastructure Development Nodes identified in Appendix 23, Figure 3, the Camping Ground Node Appendix 23, Figure 2, or the Outer Node identified on Appendix 23 Figure 6, the extent to which the activity accommodated by the building or structure needs to be established outside of those nodes to sustain or support Ecotourism and eco-education, conservation management or conservation enhancement activities.
- iv) Applications for buildings or structures exceeding the height limit or building floor area standards will need to include a landscape plan prepared by a professional Landscape Architect. The landscape plan should have regard to the natural coastal character of the surrounds and the landscape character of the particular location. The landscape plan should also have regard to criteria (i) to (ii) above.
- v) The use of Low Impact Urban Design and Development techniques in terms of ensuring that infrastructure such as sewerage and stormwater disposal and water supplies from and to, any new building, mitigates or avoids adverse effects on the environment and where possible enhances the environment.
- vi) Consideration of the environmental effects of the activity with particular regard to water supply and wastewater and stormwater disposal and traffic access and safety.
- vii) Consideration of the amenity of existing residents.
- viii) The extent to which adverse effects to Maori cultural, archaeological and heritage values are avoided, or otherwise managed through mitigation, remediation and cultural offsetting, including through provision for an Accidental Discovery Protocol, in accordance with a cultural and heritage values management plan prepared in partnership with mana whenua (including the Waimarama Maori Committee for activities in the Zone at Ocean Beach) and in consultation with Heritage New Zealand Pouhere Taonga.



- ix) Measures to minimize or reduce the extent of glare and illumination of the sky at night, from external lighting, through application of lighting methods, design, and location, consistent with health and safety requirements for people occupying land within the Nature Preservation Zone.
- x) The extent to which development (involving buildings, structures, and ancillary earthworks) is located so that it does not adversely affect archaeological sites. Where an archaeological authority has been applied for and/or a determination made under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, Council will consider the result of that application and/or determination.

5.5.7B OCEAN BEACH BUILDING AND INFRASTRUCTURE DEVELOPMENT NODE AND CAMPING GROUND NODE IDENTIFIED IN APPENDIX 23

In addition to those matters set out under the General Assessment Criteria above, the proposed activity will be assessed with particular regard to:

- (a) A plan or plans which shall be prepared by or in association with an appropriately qualified landscape architect which will ensure buildings are designed and located to sit within the landscape and the vegetation framework, not 'on' it, including through minimising the extent of earthworks or landform modification needed, i.e. working with the contour of the land, not against it. The plan shall also address the following matters:
 - i) As to development within the Camping Ground Node, maintaining foreground views to the northern end of the beach.
 - ii) Maintaining views from the beach towards the coastal slopes and ridgeline.
 - iii) Maintaining the integrity of the dune system – particular consideration to access.
 - iv) Maintaining the visual integrity of coastal slopes and ridgelines.
 - v) Ensuring buildings are in the style of working rural New Zealand buildings such as woolsheds, sheds, rural houses. New Zealand rural vernacular architecture should be applied as a reference. Use of materials such as corrugated iron painted rural red, exposed timbers, are considered appropriate, and dark colours are required.
 - vi) Ensuring buildings are sited and designed as appropriate to their function.
 - vii) Ensuring buildings, where practicable, have limited visibility from Ocean Beach and the sea.
 - viii) Ensuring buildings, where practicable, are set back into the existing framework of vegetation for visual integration.
 - ix) Planting of individual trees of indigenous coastal tree species generally in the locations shown as "Indicative coastal tree planting" on Appendix 23 Figures 2 and 3 to provide shelter, shading and habitat for indigenous species as well as dispersed screening of views.
- (b) Ensuring that temporary activities do not become permanent creating visual clutter (eg caravans and awnings occupying a campsite on a permanent basis).
- (c) Avoiding ecological impacts, on the dune eco system in particular.



- (d) For the area shown on Appendix 23 Figure 2, as “Archaeological Interpretation Area”, an Archaeological Interpretation Plan shall be prepared in consultation with mana whenua (including the Waimarama Maori Committee and Heritage New Zealand) and submitted with the first application to establish any buildings within the Camping Ground node. The Council will have regard to the Archaeological Interpretation Plan in deciding whether to grant or refuse resource consent, and what conditions to impose upon granting consent.

5.5.7C CAPE KIDNAPPERS BUILDING AND INFRASTRUCTURE DEVELOPMENT NODES IDENTIFIED IN APPENDIX 23

In addition to those matters set out under the General Assessment Criteria above, the proposed activity will be assessed with particular regard to:

- i) “The Guide” Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District (Isthmus 2005).

5.5.7D OCEAN BEACH DUNES AREA IDENTIFIED IN APPENDIX 23 – FIGURE 5

The landscape is open and is strongly connected to the dunes, the beach and the sea. Buildings within this landscape type should draw on the beach/bach vernacular and should not be highly visible in the dynamic mosaic of shifting sand and dune plant communities.

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

5.5.7E OCEAN BEACH HILL RESTORATION AREA IDENTIFIED IN APPENDIX 23 – FIGURE 5

The hills and planting restoration areas behind the dunes and at the north end of the property are the more heavily vegetated parts of the site and can accommodate a different style and scale of building.

- i) Buildings should be located on natural shelves in the landscape, minimising the extent of earthworks required.

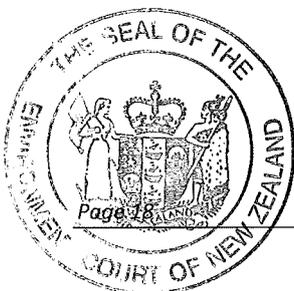


- ii) Buildings should be light in their form – similar to the vernacular New Zealand bush hut design: i.e. small scale units, with a light roof form, and strong vertical patterning to complement the vegetation patterns.
- iii) Buildings should be sited and designed to respond to the scale of the landform and the vegetation.
- iv) Buildings should be designed and located to sit within the landscape and the vegetation framework, not on it, including through minimising the extent of earthworks or landform modification needed, i.e. working with the contour of the land, not against it.
- v) Buildings should be sited as appropriate to support the ecological restoration efforts and to give access, shelter or accommodation throughout the preservation zone, that is, they should be sited to assist with ecological restoration, or to allow visitors to experience particular faunal habitats in relative comfort (including through providing food and refreshments).
- vi) Tracks and outdoor areas should be developed using the existing network throughout the planted areas and be logical in their placement and design. Track formation should be of a forestry access standard.

CONSEQUENTIAL AMENDMENTS TO OTHER SECTIONS OF THE PROPOSED PLAN

SECTION 33.1 DEFINITIONS

Conservation Enhancement and Management Activity: means activities, including construction of buildings and structures, that support the maintenance and enhancement of the nature preserve. This may include for example, the construction of enclosures or shelters to aid the establishment, enhancement and welfare of a particular species. It can also include construction of shelter, amenity and overnight hut facilities for people working on conservation enhancement activities and flora, fauna and paleo faunal ecological research. This definition does not cover activities associated with eco-tourism or eco-education.



17.1 NATURAL FEATURES AND LANDSCAPES

17.1.1 INTRODUCTION

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

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

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

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

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

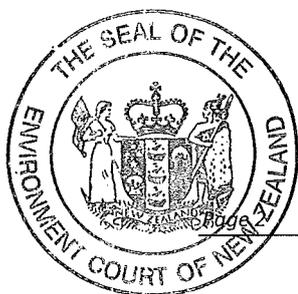
The policies that follow from the assessment of landscape values form a hierarchy ranging from landscapes considered "outstanding" or "significant" which display relatively high levels of naturalness, to those that are valued more for their cultural patterns.

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



circumstances the most appropriate control is generally at the time of subdivision where development and land use can be most effectively influenced for the long term.

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



17.1.2 ANTICIPATED OUTCOMES

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

- LSAO1** The values of important natural features and landscapes are not compromised by inappropriate building development, earthworks and the siting of building development or plantations.
- LSAO2** A range of contrasting landscape types continues to provide a rich mixture of landscape amenity throughout the District.
- LSAO3** There is a greater public awareness of the different landscape areas throughout the District, and the activities that could have an adverse effect on the key elements, patterns and character that contribute to the significance of those landscape areas.
- LSAO4** Buildings do not visually intrude on the natural form of rural and coastal ridgelines and spurs.
- LSAO5** Large scale earthworks do not visually intrude on the natural form of rural and coastal ridgelines, spurs, and hill faces.
- LSAO6** Plantations are visually integrated with underlying landforms and the surrounding landscape.
- LSAO7** Compact forms of urban settlement enhance the distinction between 'town' and 'country', and reinforce the identity of the settlements in the rural context in which they are located.



17.1.3 OBJECTIVES AND POLICIES

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

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

Natural Science Factors

(i) Representativeness

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

(ii) Research and Education

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

(iii) Rarity

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

Aesthetic Value

(iv) Coherence

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

(v) Vividness

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

(vi) Naturalness

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

(vii) Intactness

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



Expressiveness (Legibility)

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

Transient Values

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

Shared and Recognised Values

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

Mana Whenua Values

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

Historical Associations

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

Explanation

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

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



POLICY LSP2

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

Explanation

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

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

POLICY LSP3

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

Explanation

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

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

POLICY LSP4

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

Explanation

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



POLICY LSP5

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

Explanation

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

The Council has sought to adopt a pro-active approach by promoting 'The Guide – Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District' (Isthmus Group, August 2005). This design guideline illustrates design solutions for avoiding or mitigating adverse visual and landscape effects associated with development. It demonstrates ways to integrate development into the landscape to assist the public in recognising and promoting sensitive subdivision and development.

POLICY LSP6

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

Explanation

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

POLICY LSP7

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

Explanation

The identification of an outstanding natural landscape does not result in blanket restrictions on activities that can be undertaken within the identified landscape. There are instances where the type of activity that is undertaken within a landscape contributes to the values that are recognised. Agricultural activities are an example of land uses that can fit well within identified landscapes. Plantations can also be appropriate activities provided that they are consistent with values of the landscapes.



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

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

Explanation

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

POLICY LSP8A *To maintain the values associated with the District’s Significant Amenity Landscapes, having regard to the following matters when assessing applications for resource consent:*

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

POLICY LSP8B *To identify opportunities to enhance natural values associated with Significant Amenity Landscapes when preparing applications for resource consent, and to recognise the positive effects arising where such enhancement is offered.*

Explanation

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

POLICY LSP9 *Subdivision, use and development on Rural Residential Zoned land in the Significant Amenity Landscapes identified in Appendix 44 of the District Plan should be of a type, scale, design, and location that*



maintains the key landscape elements, patterns and character which contribute to the landscape character of these areas.

Explanation

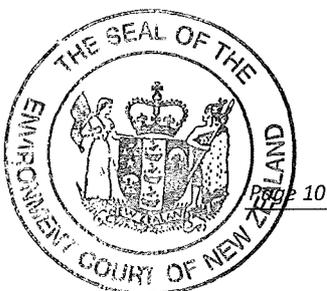
Significant Amenity Landscapes have been identified across the Hastings District. These areas strongly represent the types of landscape found in the different landscape units and are listed in Appendix 44 of the District Plan. Proposed subdivisions and buildings erected on existing sites in these areas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



- OBJECTIVE LSO3** **The values that define the District’s Rural and Coastal Landscape Character Areas are identified and maintained.**
- POLICY LSP10** *To identify, recognise, and maintain the Districts Rural and Coastal Landscape Character Areas, where broad areas are highly valued for their cultural patterns of land use, including rural patterns, rather than their natural landscape values.*

Explanation

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



17.1.4 METHODS

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

HASTINGS DISTRICT PLAN

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

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

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

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

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

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

IDENTIFICATION OF HASTINGS LANDSCAPE AREAS

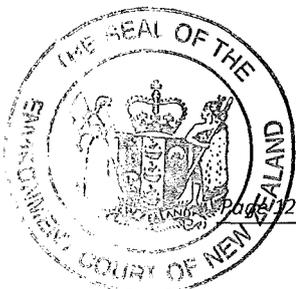
This has been achieved by the report titled: *'Review of Landscape Areas and Implications for Plan Review – April 2013'* (Boffa Miskell).

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

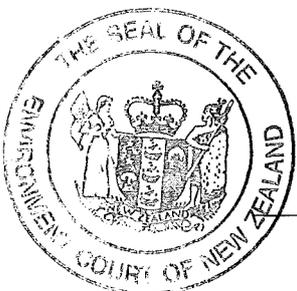
The report identifies key values and management issues that are relevant to each landscape area that should be included in the planning and design of development and in the consideration of any Resource Consent applications.



IDENTIFICATION OF THE MAORI CULTURAL SIGNIFICANCE OF OUTSTANDING LANDSCAPE AREAS	<p>This has been achieved by the report titled: <i>A Maori Cultural Review of Current Schedule of Outstanding Natural Landscapes</i> (Ipurangi Developments Limited, 2012).</p> <p>This report provides a korero of each of the District’s Outstanding Landscapes from a Maori Cultural perspective. It also identifies the hapu who exercise kaitiaki over that area and landscape. It also provides comment on the general significance of landscapes and natural features to Maori.</p>
LANDSCAPE DESIGN GUIDES	<p>A Design Guide for building development, earthworks and subdivision, in the rural landscape is provided. The design guideline illustrate possible design solutions for avoiding or mitigating adverse visual and landscape effects associated with buildings, earthworks and subdivision.</p> <p>The design guidelines will assist applicants for Resource Consent to achieve the Objectives and Policies for Landscapes and Natural Features. The design guidelines will also promote improved landscape outcomes for activities that do not require Resource Consent.</p> <p><i>Ref : “The Guide – Good Practice Landscape Guidelines for Subdivision and Development in the Hastings District” – August 2005</i></p>
INFORMATION ON MANAGING PLANTATIONS IN THE HAWKE’S BAY LANDSCAPE	<p>The District Council will work with foresters, horticulturists, the Ministries of Primary Industries, the Forest Owners Association, the Farm Forestry Association, Scion, the Institute of Forestry, and Landcare to identify forestry and shelter planting practices that avoid or mitigate adverse visual and landscape effects. The Council will ensure that best practices are disseminated to interested parties.</p>
LAND AND PROJECT INFORMATION MEMORANDA	<p>Where a Land or Project Information Memorandum is requested, existing and prospective owners of land comprising the Outstanding Natural Features and Landscapes, and Significant Amenity Landscapes and Rural and Coastal Landscape Character Areas will be informed of the nature and significance of those features and the types of activity, including building development, earthworks and plantations that would have an adverse visual effect on them.</p>
HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014	<p>This Act makes it an offence to destroy or modify an archaeological site without first obtaining an ‘archaeological authority’. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any planned building or development takes this issue into account and an archaeological assessment may be required. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify damage or destroy any archaeological site. An archaeological site is defined in Section 33.1 of this District Plan.</p>



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



17.1.5 RULES

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

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

RULE TABLE 17.1.5 – NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS1	Any activity not defined as a Controlled, Restricted Discretionary, Discretionary, Non-complying or Prohibited activity by the landscape area Rules.	ONFL 1-8 SAL1-8 RCL 1-7 CCL 1-5	P
LS2	Tree planting and plantations carried out by or with the Hawke's Bay Regional Council in accordance with its functions under section 30 of the Resource Management Act and the Soil and Conservation and Rivers Control Act provided the plantation is established and maintained by any authority which has statutory responsibility for soil conservation.	ONFL2-8	P
LS3	Plantations up to a vertical distance of 40 metres below the ridgeline	SAL1, SAL4, and SAL5	P
LS4	Underground lines associated with Network Utilities provided that; <ul style="list-style-type: none"> The excavation is no more than 1m in depth and 300mm in width. That the rules of the indigenous vegetation section of plan are met. That the ground shall be re-instated to the condition prior to the commencement of the work. 	ONFL2-8 and SAL 1-8	P
LS5	Operation, maintenance, refurbishment and minor upgrading of all existing network utilities, provided that: <ul style="list-style-type: none"> associated structures are less than 50m² gross floor area, and earthworks are less than 2 metres exposed vertical cut). 	ONFL2-8	P
LS5A	Buildings for conservation enhancement and management activities up to 10m ² in gross floor area	ONFL4	P
LS6	A single residential dwelling and/or a building greater than 50m ² gross floor area and associated earthworks on any of lots 5,6,7 or 8 DP24792, or Pt Lot 1 DP453509 or Pt Lot 2 DP453509.	ONFL1	C



RULE TABLE 17.1.5 – NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS7	Buildings greater than 50m ² gross floor area associated with any activity.	ONFL6, and sites zoned Rural Residential within SAL1-9)	C
LS8	Plantations	ONFL6 (up to a vertical distance of 40m below the Maungahururu Range ridgeline)	C
LS9	Replacement and upgrading of all existing network utilities including any support structures and associated earthworks	ONFL2-6 & 8	C
LS10	Plantations	SAL1 SAL4 SAL5 ONFL2 ONFL3 ONFL5 ONFL6 (within 40m vertical distance of the Maungahururu Range ridgeline) ONFL8	RDNN
LS10A	Buildings for permitted activities within the Nature Preservation Zone located wholly within the inner node shown on Appendix 23 Figure 6, where the maximum cumulative gross floor area for the inner and outer node does not exceed 100m ² .	ONFL4	RDNN
LS10B	Buildings for permitted activities within the Nature Preservation Zone located partly or wholly outside the inner node but within the outer node shown on Appendix 23 Figure 6, and where the maximum cumulative gross floor area for the inner and outer node does not exceed 100m ² .	ONFL4	D
LS11	Buildings greater than 50 m ² gross floor area associated with any activity	ONFL2	D
LS12	Network utilities including any support structures and associated earthworks not otherwise provided for as permitted or controlled activities in the landscape area rules.	ONFL2-6 & 8	D



RULE TABLE 17.1.5 – NATURAL FEATURES AND LANDSCAPES			
RULE	ACTIVITY	LANDSCAPE AREA	STATUS
LS13	Buildings associated with any activity except residential activities and visitor accommodation	ONFL1 Within the Prohibited Building Area (Above and including the 240m contour line as shown on the Planning Maps)	NC
LS14	Buildings greater than 50m ² gross floor area associated with any activity	ONFL1 (Below the 240m contour line as shown on the Planning Maps) ONFL5	NC
LS15	Plantations	ONFL1 ONFL4 ONFL8	NC
LS16	Network utilities including any support structures and associated earthworks	ONFL1	NC
LS16A	Buildings other than those provided for under Rules LS5A, LS10A and LS10B	ONFL4	NC
LS17	Buildings associated with residential activities and visitor accommodation	ONFL1 Within the Prohibited Building Area (Above and including the 240m contour line as shown on the Planning Maps)	Prohibited



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

EXPLANATION OF ASSESSMENT CRITERIA

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

1. Buildings

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

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

- (a) Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs, and should not dominate the landscape.
- (b) Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
- (c) Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- (d) Be designed to minimise cuttings across hill faces and through spurs.
- (e) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- (f) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
- (g) Avoid disturbance of archaeological sites.

2. Earthworks

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

In particular the extent to which any such development will:

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



3. Plantations

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

In particular, the location and layout of plantations should:

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

4. Network Utilities

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

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

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

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

In considering activities within Outstanding Natural Features and landscapes the following should be regarded:



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

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

- i) Buildings within this node should draw on the beach/bach vernacular.
- ii) Buildings should not be highly visible within the dynamic dune environment.
- iii) Buildings must be located behind the first line of dunes.
- iv) Buildings should be light in their form and colour in keeping with the local hues, and similar to the vernacular New Zealand bach design: applying light connection to the ground (refer vi below), exposed silvered timbers, small scale units, which are visually permeable, with a light roof form, and strong horizontal patterning.
- v) Buildings should be low slung i.e. wider than they are tall.
- vi) Buildings should be semi mobile – i.e. on sleds or of a modular nature so they can be moved in response to local sand movement and any long term coastal hazards.



vii) Buildings must be sited as appropriate to support the ecological restoration efforts and to give access, shelter or accommodation throughout the preservation zone, that is, they must be sited to assist with ecological restoration, or to allow visitors to experience particular faunal habitats in relative comfort (including through providing food and refreshments), not simply for enjoying beach views, etc.

viii) Tracks and outdoor areas should be developed using the existing network throughout the dunes and be logical in their placement and design. Track formation should be low key – sand surface.

vix) For applications under rule LS10B, buildings should also be designed and located so as not to be conspicuous when viewed from the beach.



