



# SECTION 42A REPORT

## Hearing Stream 2 - Part 2 – Natural Features and Landscapes Report on submissions and further submissions on the Proposed Napier City District Plan

Report Date: 21<sup>st</sup> October 2024

Hearing Date: 2<sup>nd</sup> and 3<sup>rd</sup> December 2024

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## Document Information

Report for: Hearings Panel:  
Robert Schofield (Chair)  
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Subject: Annette Brosnan  
Proposed Napier City District Plan  
*Hearing Stream 2, Natural Features & Landscapes, SCHED2 - Natural Features and Landscapes Schedule*

## Executive Summary

- i. This report considers submissions received by Napier City Council in relation to the relevant objectives, policies, rules, standards, and schedule of the Proposed Napier City District Plan as they apply to the Natural Features & Landscapes chapter in the Proposed District Plan, namely the:
  - Natural Features & Landscapes,
  - SCHED2 - Natural Features and Landscapes Schedule
- ii. There were a number of submissions and further submissions received in relation to these parts of the Proposed District Plan. The submissions received were varied and sought a range of outcomes. The purpose of this report is to provide the Hearings Panel with a summary and an analysis of the submissions received on the relevant chapters and to recommend possible amendments to the Proposed Plan in response to those submissions.
- iii. The following are considered to be the key issues in contention with respect to the relevant chapters:
  - a. Natural Features & Landscapes Schedule
  - b. Consistency & Clarity
  - c. Enabling Network Utilities
  - d. Greater Provision for Network Utilities
  - e. Buildings and Structures
  - f. Greater Protection of Natural Features & Landscapes
- iv. This report addresses these key issues, as well as any other relevant issues raised in the submissions. There are a number of matters not in contention or needing further consideration, for example where no submissions were received in relation to an objective, policy, rule or standard. It is recommended that these matters are adopted as notified and no further consideration of them is required, with the exception of any consequential changes that need to be made as a result of submissions.
- v. **Appendix A** of this report sets out the recommended drafting amendments ('track changes') to the various relevant chapters in a consolidated manner. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents. References to a submitter number, submission point and abbreviation for their title provide the scope for each recommended change (including consequential changes in response to recommended relief on primary submission points). Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not referenced.
- vi. **Appendix B** of this report sets out the recommended responses to submissions by way of a summary table of submissions for each of the particular relevant chapters.
- vii. This report is to be read in conjunction with the Section 42A Report Part 1 – Strategic Direction<sup>1</sup> and with the Section 42A – Overview Report.

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<sup>1</sup> [Section-42A-Report-Strategic-Direction.pdf](#)

These reports provide background information including the review process undertaken, consultation carried out, statutory context, procedural, and administrative matters relating to the plan review to inform the Hearings Panel, submitters and general public of the steps taken to reach the hearings stage and to inform the strategic direction of the Proposed District Plan.

- viii. Where Proposed District Plan provisions are recommended for amendment as a result of submissions, the reasoning for the amendments is given in the hearing report, including the reasons outlined under Section 32AA to consider the appropriateness of the proposed provisions and the benefits and costs of any policies, rules or other methods.

## Interpretation

Abbreviations used throughout this s42 reports and supporting documents are as set out in *Tables 1 and 2* below.

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
NPS	National Policy Statement or else National Planning Standards, MFE 2019 depending upon context
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
RCEP	Regional Coastal Environment Plan 2014 (RCEP) Mahere Taiao Taha Moana ā-Rohe
RPS	Hawkes Bay Regional Policy Statement (contained in the RRMP)
RRMP	Hawkes Bay Regional Council Regional Resource Management Plan (2006)
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
the Act / the RMA	Resource Management Act 1991
the Council / NCC	Napier City Council
the Operative Plan/ODP	Operative Napier City District Plan
the Proposed Plan/PDP	Proposed Napier City District Plan

**Table 2: Abbreviations of Submitters and Further Submitters Names addressed in this report**

<b>Abbreviation</b>	<b>Means</b>
DOC	Department of Conservation Te Papa Atawhai
HBRC	Hawkes Bay Regional Council
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Fuel companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Telco	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited, and Spark New Zealand Trading Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

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**APPENDIX A** - *Recommended Amendments to Plan Provisions*

**APPENDIX B** - *Summary of Recommended Responses to Submissions and Further Submissions*



# 1. Introduction

## 1.1 Purpose of the Section 42A Report

1. This report has been prepared under section 42A of the Resource Management Act 1991 (“RMA”). It discusses the various issues raised by submissions and makes recommendations on either retaining the Proposed District Plan (“PDP”) provisions without amendment or making amendments to the PDP in response to those submissions in order to assist the Hearings Panel in drafting the Council’s decisions on the Natural Features and Landscapes.
2. It considers submissions received by Napier City Council in relation to the relevant, objectives, policies, rules, and schedules as they apply to the relevant chapters in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
3. This report discusses general issues or topics arising, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions based on the preceding assessment and evaluation contained in the report. Where necessary, other parts of the PDP have been addressed in this report.
4. The conclusions reached and recommendations made in this report are not binding on the Hearings Panel. It should not be assumed that the Hearings Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 1.2 Author, Code of Conduct and Supporting Evidence

5. My name is Jeriel Sajan and I am employed by the Council as a Policy Analyst. My qualifications include a Bachelor of Business Studies, 2019, Eastern Institute of Technology and Master of Public Policy, 2024, University of Auckland.
6. I have over 2 years’ experience working as a resource management policy analyst.
7. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
5. The scope of my evidence relates to Natural Features and Landscapes Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given the reasons for those opinions.
7. I have not omitted to consider material facts known to me that might alter or detract from the

opinions expressed.

### 1.3 Procedural Matters

8. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on Natural Features and Landscapes

## 2. Statutory Considerations and Planning Framework

### 2.1 Overview

9. As set out in the Section 42A Report Part 1 Strategic Direction, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP, including in relation to this topic. This report details all relevant consultation and includes a comprehensive assessment of the statutory considerations considered prior to public notification of the PDP, as well as changes to the planning framework in the intervening period. For efficiencies in reporting, this has not been repeated within this topic specific report. Where higher order documents are specifically relevant to the analysis on submissions, this has been addressed in the assessment of submissions by issue/theme in this report.
10. In addition to the Part 1 Strategic Direction report, the following Section 32 Evaluations Reports are relevant to the relevant provisions that will be addressed in this S42A report:
  - [www.napier.govt.nz/assets/Proposed-District-Plan/Section-32-Reports/Section-32-Report-Part-2-Natural-Features-and-Landscapes-Chapter.pdf](http://www.napier.govt.nz/assets/Proposed-District-Plan/Section-32-Reports/Section-32-Report-Part-2-Natural-Features-and-Landscapes-Chapter.pdf)

### 2.2 Section 32AA

11. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules, standards or other methods) of the proposal are to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural, historic heritage matters and the environment needs to be clearly identified and assessed as part of this examination.
12. Where changes are proposed to the as-notified provisions, a further assessment needs to be undertaken to confirm that the new provisions are appropriate at a level of detail that corresponds to the scale and significance of the changes.
13. Where there is a significant departure from the notified PDP provisions, I have undertaken a S32AA evaluation in respect to the recommended amendments in my assessment on a topic basis within the analysis of submissions.

### 2.3 Strategic Objectives

14. The strategic objectives of the Proposed District Plan provide a framework for ensuring a consistent policy direction for all chapters. The strategic objectives particularly relevant to this topic are:
  - SD-TW-O3: Sites of significance to Māori
  - SD-HCH-O1: Character, culture, heritage and landscapes
15. The above strategic objectives have been considered alongside the higher order planning documents and legislation when informing the analysis of submissions in this report, including the s32AA assessments.

## 2.4 Trade Competition

16. There are no known trade competition issues raised within the submissions.

# 3. Consideration of Submissions and Further Submissions

## 3.1 Overview

17. In total, there were 9 submissions raising 57 submission points in relation to Natural Features and Landscapes and 10 further submission points.

18. Submissions on the provisions relevant to this topic raised a number of issues which have been grouped into sub-themes within the applicable parts of this S42A report. Some of the submissions are addressed under a number of headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.

19. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with common themes that appear on the Natural Features and Landscapes chapter in the PDP as notified.

20. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. Specific recommendations on each submission / further submission are contained in **Appendix B**.

21. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves, the applicable S32 Reports, and the overlays and maps on the ePlan. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission / s, the evaluation and recommendation are set out in the body of this report. I have provided a marked-up version of the residential chapters with recommended amendments in response to submissions as **Appendix A**.

22. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission. In general, further submissions may not be specifically mentioned.

23. This report only addresses definitions that are specific to the Natural Features and Landscapes provisions in the PDP. Where Definitions relate to more than one topic they have been addressed in a future Hearing Stream and the associated S42A Report.

24. For each identified topic, the consideration of submissions has been undertaken in the following format:

- Matters raised by submitters;
- Assessment; and
- Summary of recommendations and consequential amendments in Appendix A.

## 3.2 Late submissions

25. One submission on this topic was received after the close of submissions date of 15<sup>th</sup> December 2023. This is listed in the table below.

Submitter Number	Submitter name	Date submission received
289	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	19 <sup>th</sup> December 2023

26. I recommend this late submission be accepted as it was received sufficiently in advance of preparing this report so as to not impact on the analysis undertaken.

## 4. Submissions on Natural Features & Landscapes

### 4.1 Issue #1 – Natural Features & Landscapes Schedule

#### 4.1.1 Natural Features & Landscapes Schedule

##### *Matters raised by submitters*

27. Hawke's Bay Airport Limited (198.114) seeks to amend the description and landscape values in SCHED2 for SCL01 to recognize the presence of urban form within the landscape character overlay, accurately reflecting the built-up nature of the area, including the airport and its associated business park. Royal Forest and Bird Protection Society of New Zealand Inc. (FS 442.198.114) seeks to oppose the amendment sought by Hawke's Bay Airport Limited, considering it inappropriate. Sera Chambers (FS 550.198.144) seeks to oppose the submitter's submission, referring to her full submission 150 and additional opposition to HBAL submission point 2.
28. Forest and Bird (289.80 & 289.81 - Late Submission) seeks to amend the plan to include any Outstanding Natural Landscapes (ONLs) and Outstanding Natural Features (ONFs) identified in the Isthmus Study that have not yet been carried through to the plan.

##### *Assessment*

29. In response to submissions 198.144, FS 442.198.114, and FS 550.198.144, which seek to reflect the built-up nature of the area, I acknowledge that Policy 13 of the New Zealand Coastal Policy Statement (NZCPS) recognizes that natural character may include a range of natural elements, from pristine to modified. This policy acknowledges that areas with modified elements, such as built-up features, can still possess natural character. From this perspective, it could be appropriate to consider incorporating certain modified or urban elements into the landscape descriptions, particularly where those elements coexist with natural features.

However, the intent of the Natural Features and Landscapes (NFL) chapter is specifically focused on protecting and enhancing natural and cultural values, rather than blending these with urban features. The purpose of the chapter is to preserve the core natural character of the landscape, and to protect these areas from inappropriate subdivision, use, and development. Including urban or built-up elements in the description of these landscapes could dilute the protective focus of the chapter and risk undermining the preservation of the natural character that is its primary objective.

While Policy 13 allows for natural character to include modified elements, the intent of the NFL chapter is to prioritize areas where natural values—such as natural landforms, ecological processes, and cultural heritage—are prominent. In the case of the area surrounding the airport, the infrastructure and urban development are already appropriately managed within the Special Purpose Airport Zone. This zone acknowledges and accommodates built-up features without affecting the preservation goals of the NFL chapter. Given this, I consider that retaining the current landscape values without including urban elements is more appropriate to maintain the focus on natural character.

30. In response to submission 289.81, I consider that the features and landscapes identified in the notified proposed plan are appropriate, as they are grounded in the findings of the Napier Landscape Study. After the landscape study was conducted, officers and councilors deliberated on the selection of sites from the study for inclusion in the mapped areas of the plan. This process followed the appropriate steps, and while it occurred early on, I was unable to locate documentation of these specific decisions. However, the decisions were made publicly available as part of the draft plan. To enhance clarity, I recommend including a statement in the introduction of the Natural Features and Landscapes (NFL) chapter that explicitly references this study as the source for identifying these landscapes and features. This addition would improve transparency and assist users of the plan in understanding the rationale behind the selected site.

### *Summary of recommendations*

31. Hearing Stream 2 NFL Recommendation 1: To reject 198.114 to retain existing descriptions and to accept in Part 289.81 and 289.80 to amend the NFL Chapter introduction.

## **4.2 Issue #2 – Consistency & Clarity**

### **4.2.1 General Matters**

#### *Matters raised by submitters*

32. Hawke's Bay Airport Limited (198.40) seeks an amendment to the Introduction as below to ensure the maintenance of the Te Whanganui ā Orotu Special Character Landscape is provided for within the unique context of the Airport Zone and to clarify provisions between the Airport and Natural Features and Landscape chapters. Sera Chambers (FS 550.198.40) opposes the submission from Hawke's Bay Airport Limited regarding the Te Whanganui ā Orotu Special Character Landscape within the Airport Zone.

~~The provisions that relate to Special Character Landscapes do not apply within the Special Purpose Airport Zone. The Airport Zone is located within a Special Landscape Character Overlay, however the provisions of the Natural Features and Landscape chapter do not apply within the Airport Zone. The Special Purpose Airport Zone protects the natural and cultural values of these landscapes and features while recognising the operational and functional requirements of the Airport by identifying View Shafts Control Areas and Landscape Sensitive Control Areas.~~

33. Department of Conservation (253.46) seeks an amendment to correct references from Schedule 7 to Schedule 2 in relation to the Natural Features and Landscapes listed.

## Assessment

34. In response to submission 198.40 from Hawke's Bay Airport Limited, I consider that greater clarity can be provided regarding the relationship between the Special Purpose Airport Zone and the placement of view shafts. This is particularly important if the view shafts remain under the Airport Zone chapter. This chapter already does not apply to the management of Special Character Landscapes in the Airport Zone and the suggested amendments emphasize this. This is appropriate given that the zone already addresses the protection of natural and cultural values through the identification of View Shafts Control Areas and Landscape Sensitive Control Areas. These mechanisms ensure a balance between protecting the landscapes and accommodating the operational needs of the airport. However, I recommend an amendment to the provisions to explicitly reference the airport's operational requirements, while maintaining the focus on landscape protection within the Natural Features and Landscapes (NFL) chapter. As this is not a significant departure from the notified provisions but rather a clarification of the relationship between chapters, I do not consider a full s32AA evaluation necessary.
35. In response to submission 253.46 from the Department of Conservation, I consider that the amendment to correct the reference from Schedule 7 to Schedule 2 is a minor necessary correction to ensure the plan's accuracy. This is a minor amendment and does not require a s32aa assessment.

## Summary of recommendations

36. Hearing Stream 2 NFL Recommendation 2: Accept in Part 198.40 & 253.46 in so far as no further changes occur in other parts of the plan.

## 4.3 Issue #3 – Enabling Network Utilities

### 4.3.1 Clarity & Provision for Network Utilities

#### Matters raised by submitters

37. Transpower (99.87) seeks clarification as to whether the Natural Features and Landscapes provisions are applicable to the Network Utilities provisions and requests that the applicability of the objectives and policies of the NFL chapter to the Network Utilities chapter be clarified.
38. Transpower (99.93) seeks clarification on the relationship between the NFL chapter and the Network Utilities chapter and requests that the rules of the NFL chapter be amended to exclude network utilities, which should be managed under the Network Utilities Chapter.
  - All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated. However the rules do not apply to Network Utilities. Instead Network Utilities are managed under the Network Utilities Chapter.
39. KiwiRail Holdings Limited (FS 265.99.93) supports the suggested additional matter of consideration for greater recognition of the needs of network utilities.

40. Telco (151.56) seek to move and amend the policy to recognize functional and operational needs in the Network Utilities Chapter, ensuring adverse effects on special character landscapes are mitigated while considering these needs. Transpower (FS 406.151.56) supports the amendments sought by Telco regarding the clarification of the relationship between the chapters, and seek further clarification.
- Move the policy to the NU chapter and amend it as follows:  
 Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features and special character features, while considering any functional needs or operational needs of the network utility.  
Mitigate the adverse effects of network utilities on special character landscapes, while considering any functional needs or operational needs of the network utility.  
Relates to NFL-O2 and NFL-O3
41. Transpower (99.96) seeks an amendment to the assessment criteria in NFL-AC2 to include operational or functional needs for buildings or structures within outstanding natural features and special character features and within special character landscapes. KiwiRail (FS 265.99.96) supports the suggested additional matter of consideration for greater recognition of the needs of network utilities in the assessment criteria.
- Amend NFL-AC2 as follows:  
 NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)  
 Visual impact and landscape values
    - a. The extent to which the location, scale, height, design, external appearance, and overall form of the building or structure is appropriate to the landscape context.
    - b. Whether the colours and material used for roofs, walls, and windows are of low reflectivity and integrate with the surrounding landscape.
    - c. Whether there are any practical alternatives to the location of the building or structure, and any operational or functional needs.
42. Transpower (99.94) 99.95) Request amendments to NFL-R2 to align with the National Policy Statement on Electricity Transmission (NPSET) and to adjust the activity status of network utility developments in outstanding natural features and special character landscapes. Also accepts the default restricted discretionary activity status under Rule NLF-R3 if it applies to the National Grid.
43. KiwiRail (168.66) seeks an amendment to include matters of discretion in NFL-R1B to recognize the importance and needs of network utilities if standards for earthworks within a special character landscape are not met.
- Amend as follows:  
 NFL-R1B  
 Activity Status where activity conditions are not met: Restricted Discretionary  
 Matters of discretion are:
    1. Landscape values;
    2. Cultural values,
    3. Sediment and erosion control,
    4. The functional and operational requirements of the network utility; and
    5. Impact on the safe and efficient operation of the network utility.

44. KiwiRail (168.68) seeks an amendment to Rule NFL-R3 to include special character features and to add matters of discretion recognizing the importance and needs of network utilities.
- Amend as follows:  
NFL-R3: Buildings or structures within a special character landscape or special character feature (excluding the Special Purpose Airport Zone)  
Activity Status where activity conditions are not met: Restricted Discretionary  
Matters of discretion are:
    - Visual impact;
    - Landscape values
    - Cultural values,
    - The functional and operational requirements of the network utility; and
    - Impact on the safe and efficient operation of the network utility.
45. KiwiRail (168.67) accepts the rule as proposed for Outstanding Natural Features but seeks to remove special character features from this rule and group them with special character landscapes in NFL-R3.
- Amend as follows:  
**NFL-R2: Buildings or structures within an outstanding natural feature ~~and special character feature~~**
46. KiwiRail (168.65) seeks an amendment to the policy to provide an assessment hierarchy that ensures rail corridor activities within the existing rail corridor are still provided for, especially where adverse effects cannot be avoided
- Manage the effects of network utilities  
Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features ~~and special character features.~~  
Avoid, remedy or mitigate the adverse effects of network utilities on special character landscapes and special character features.
47. Telco (151.57) seek an allowance for trenching within the rule, noting that the adverse effects are temporary and should be included in the Network Utilities Chapter.
- Amend the rule as follows and include it in the NU chapter NFL-R1A  
Activity Status: Permitted Where:
    - The maximum amount of earthworks, excluding any trenching in any 12-month period does not exceed 50 m<sup>3</sup> per site;
    - A maximum cut and fill height of 2 m, and
    - Compliance with all other earthworks permitted activity standards EW-S3 - EW-S7.
48. Telco (151.59) seek an amendment to the rule to allow telecommunication structures in special character landscapes to exceed 3 meters in height, as their functional needs require.
- Amend the rule as follows and place it in the NU chapter: NFL-R3A  
Activity Status: Permitted Where:
    - No part of a building or structure:
      - exceeds 3 m in height (except for telecommunication structures, which can be 8m in height);
49. Telco (151.58) seek an amendment to the rule to allow telecommunication structures to exceed 3 meters in height in special character landscapes, noting that a height of 8 meters is permitted in other districts.
- Amend the rule as follows and place it in the NU chapter: NFL-R2A  
Activity Status: Permitted Where:
    - No part of a building or structure:
      - exceeds 3 m in height (except for telecommunication structures, which can be 8m in height);



50. Transpower (99.89, 99.90, 99.91, 99.92) seek amendments to policies NFL-P2, P3, and P4 to align with NPSET Policy 8, which directs councils to "seek to avoid" certain effects on the National Grid. They also seek deletion or amendment of NFL-P7 to reflect a more flexible approach to managing network utilities in line with NPSET.

## Assessment

51. In response to the submissions regarding the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters, it is evident that further clarification is necessary. The NU chapter already establishes that its provisions apply across all zones, precincts, and overlays, with policies specifically aimed at managing the effects of network utilities on significant landscapes. This framework effectively balances the operational and functional requirements of utilities with the protection of natural features. Retaining relevant provisions within the NFL chapter could provide an additional layer of scrutiny for sensitive landscapes; however, this approach may complicate the usability of the plan and create unnecessary duplication of provisions. Rather than introducing new rules in the NFL chapter, which may lead to duplication, a more streamlined approach would be to add a clarifying statement in the introduction of the NFL chapter, clearly indicating that network utilities are governed by the NU chapter. This solution would maintain the integrity of the NFL chapter while ensuring that the management of network utilities is effectively addressed under the NU framework. Given this context, it is considered appropriate to relocate the relevant policy to the NU chapter and accept the proposed amendments, which ensure that adverse effects on special character landscapes are managed while considering the operational needs of network utilities.

### **S32AA Assessment**

As notified, NFL-P7 aims to manage the effects of network utilities on prominent and sensitive landscapes. The policy directs the avoidance of locating network utilities on ridgelines and prominent positions within outstanding natural features and special character landscapes, while requiring the mitigation of adverse effects on these landscapes. However, the provisions for network utilities are already comprehensively managed within the Network Utilities (NU) Chapter, and therefore this policy fits more appropriately within that chapter.

The recommended change involves relocating NFL-P7 to the NU Chapter, where it can be better aligned with other provisions governing network utilities. This change reflects the principle that network utilities should be managed holistically under the NU framework, rather than being split across multiple chapters, which could lead to unnecessary duplication or confusion. In addition, I recommend making a change to this policy to recognise the operational needs of the nature and location of network utilities. I note that the National Planning Standards (NPS) provide direction on where provisions related to network utilities should be located. Page 32 of the NPS suggests that network utility provisions should sit within the Network Utilities (NU) Chapter, while page 34 directs that natural feature and landscape (NFL) provisions belong in the NFL Chapter. However, when provisions affect both NU and NFL chapters, the standards do not provide clear guidance on how to manage overlapping issues.

The recommended change is considered a departure from the policy structure of the PDP as notified, and therefore, requires a s32AA evaluation commensurate to the scale and significance of the change. The relocation will provide clearer management of network utilities within a single chapter, avoiding overlapping provisions and enhancing the usability of the plan for both developers and planners. The main disadvantage of recognizing the operational needs of NUs is the potential for increased flexibility in areas that should ideally prioritize landscape preservation. While it is crucial to meet the needs of infrastructure, this shift might slightly weaken the landscape protection in cases where utilities argue operational necessity.

Considerations:

- Policy Structure: Moving the policy ensures consistency and avoids duplication of provisions related to network utilities.
- Plan Usability: Streamlining the provisions into the NU chapter simplifies the plan for users.
- Effectiveness: Managing all network utilities-related provisions in the NU chapter allows for more comprehensive and effective control.

I consider that the recommended approach:

- Will enable a more coherent approach to managing network utilities and landscapes;
- Will better achieve the strategic objectives and policies of both the NFL and NU chapters;
- Are not inconsistent with the relevant notified objectives and policies of the PDP; and
- Will ensure that network utilities' effects on natural landscapes are managed comprehensively under the NU framework.

The environmental, economic, social, and cultural effects, as well as costs and benefits, of the recommended amendments, as they vary from the existing PDP Evaluation Report, are as follows:

Environmental	The recommended amendments will continue to ensure that the effects of network utilities on sensitive landscapes are managed effectively. By consolidating these provisions into the NU Chapter, environmental outcomes are maintained, and any potential conflicts between chapters are minimized. However, the potential risk is that flexibility granted to utilities for operational reasons could challenge the strict preservation of natural landscapes in certain cases.
Economic	The relocation of the policy will reduce duplication and streamline processes, potentially lowering compliance costs for developers by clarifying where the rules for network utilities apply. This will lead to a more efficient consent process.
Social	By maintaining robust controls over the placement and effects of network utilities, the amendments will continue to protect the visual amenity and landscape character of significant areas, contributing to community well-being and preserving valued landscapes.
Cultural	While the operational needs of utilities are important, they must be carefully balanced with cultural values. Protecting these landscapes should not be compromised by utility requirements. This balance can be achieved through mitigation measures that respect connections to the land while still allowing essential infrastructure to function.

Having regard to s32AA, the recommended amendments to relocate NFL-P7 to the NU Chapter, along with the inclusion of operational needs, are the most effective and efficient means of achieving the objectives of the PDP. The relocation enhances the clarity and usability of the plan by streamlining provisions related to network utilities, ensuring these are managed holistically within the NU framework. Including the consideration of operational needs strikes an important balance between enabling essential infrastructure development and maintaining stringent controls over the effects of network utilities on sensitive landscapes. This approach ensures that utilities are managed comprehensively while safeguarding landscape values, providing better integration of policies.

52. In response to the submissions concerning the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters, I consider that the clarity provided by moving the policy related to network utilities to the NU chapter as discussed above will address most of the relief sought. The Network Utilities chapter already provides adequate enablement for the essential work of utilities while managing their impacts on significant landscapes. This shift would streamline the management of utilities and make the plan more user-friendly, avoiding duplication of provisions.
53. In response to Transpower (99.96), I consider that the proposed amendment to include operational or functional needs in the assessment criteria (NFL-AC2) for buildings and structures within outstanding natural features and special character landscapes is not necessary. The policy and provisions relating to NU are to be moved to the Network Utilities (NU) chapter, where such considerations are more appropriately addressed. The rules in the NFL chapter primarily focus on landscape and visual impacts, which do not require operational needs to be considered in this context.
54. In response to Transpower (99.94, 99.95, 99.89, 99.90, 99.91, and 99.92), I consider that the clarity provided by moving the policy regarding network utilities to the NU chapter resolves the concerns raised. The NU chapter is already aligned with the National Policy Statement on Electricity Transmission (NPSET), and the rule structure ensures that the development of the National Grid and similar utilities is effectively managed within the framework of district-wide utility management. There is no need for further amendments, as the current framework sufficiently meets NPSET requirements.
55. In response to KiwiRail (168.66), I consider that the clarification provided by separating the NU and NFL chapters effectively addresses the concerns raised. While KiwiRail seeks additional matters of discretion for network utilities in NFL-R1B, the current separation of Outstanding Natural Landscapes (ONLs) from Special Character Landscapes (SCLs) is appropriate. Given the higher level of protection afforded to ONLs under Section 6 of the RMA, there is no need to further amend the matters of discretion to accommodate utilities within these landscapes.
56. In response to KiwiRail (168.65), I find that while the policy should be moved to the NU chapter for clarity, the proposed amendments to provide an assessment hierarchy effectively protect ONLs while appropriately managing Special Character Features (SCFs) and Special Character Landscapes (SCLs). Therefore, these amendments are considered effective in achieving the objectives of the chapters and balancing network utility requirements with landscape protection.

### **S32AA Evaluation**

As notified, NFL-P7, which is recommended to be moved to the Network Utilities Chapter, provides general guidelines for managing the effects of network utilities, particularly in sensitive landscapes such as Outstanding Natural Features (ONFs) and Special Character Landscapes (SCLs). However, this version lacked clarity regarding how to balance landscape protection with the operational and functional needs of network utilities. The proposed amendment addresses this gap by introducing greater flexibility, allowing for the consideration of the operational needs of network utilities while still maintaining a focus on protecting key landscape features.

The recommended change departs from the original policy approach of the PDP as notified and, therefore, requires a s32AA evaluation commensurate to the scale and significance of the change. In my opinion, the recommended amendment provides a clearer and more balanced framework for achieving the objectives of both the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters. This will allow for the more effective management of network utilities without undermining landscape protection.

I consider that the proposed provisions:

- Will provide greater clarity on how to manage the effects of network utilities while still achieving landscape protection;

- Will better achieve the strategic objectives of both the Network Utilities and NFL chapters;
- Are not inconsistent with the relevant notified objectives and policies of the PDP; and
- Will provide a balanced approach between landscape protection and the functional needs of network utilities.

The effects and costs/benefits of the proposed amendment, as they differ from the notified PDP Evaluation Report, are outlined below. The effects are categorized for convenience but may have some overlap.

Environmental	The recommended amendment continues to ensure that prominent landscapes, such as ONFs and SCLs, are protected by avoiding inappropriate locations for network utilities, such as ridgelines and prominent positions. By requiring the avoidance, remedying, or mitigation of adverse effects, the amendment maintains strong environmental safeguards while also allowing for the practical needs of utilities to be considered. The environmental risk remains low, as the policy ensures that landscape impacts are adequately managed.
Economic	The recommended amendments to the PDP will support more efficient management of network utilities, reducing the likelihood of protracted consenting processes or disputes over operational needs. By allowing the consideration of the operational requirements of utilities, the proposed change ensures that the economic development of essential services is not hindered by unnecessary restrictions, balancing utility needs with landscape protection. This will result in more efficient infrastructure development and potentially lower costs for utility providers.
Social	The amendment balances the community’s need for critical infrastructure (e.g. electricity, telecommunications) with the protection of the visual and landscape values that contribute to the character and identity of the community. By mitigating adverse effects, the amendment ensures that network utility development does not unduly disrupt the social and characteristic value of the landscape.
Cultural	The recommended proposed amendments continue to respect Māori cultural values associated with natural features and landscapes. The policy still requires that adverse effects on culturally significant landscapes be avoided, remedied, or mitigated. This ensures that the development of network utilities does not compromise the cultural integrity of these important sites.

## Costs and Risks

Development Constraints:	There may be some limitations on the siting of network utilities, particularly in highly sensitive landscapes. However, these constraints are necessary to maintain the environmental and cultural integrity of these landscapes. In cases where functional needs justify it, the amendment allows flexibility.
Increased Planning Complexity:	Introducing considerations of functional needs may add some complexity to the decision-making process. However, this is balanced by the clearer framework provided for planners and developers, ensuring that the needs of both utilities and landscapes are appropriately weighted.
Risk to Amenity Values	The primary risk is that allowing the functional needs of network utilities to be considered may lead to greater impacts on landscape values. However, this risk is mitigated by the requirement to avoid, remedy, or mitigate adverse effects.

## Efficiency and Effectiveness

Having regard to s32AA, the recommended amendments to NFL-P7 are the most efficient and effective means of achieving the objectives of both the Network Utilities and NFL chapters. The proposed amendments allow for more balanced management of network utilities while maintaining robust protections for outstanding natural features and special character landscapes.

By introducing flexibility to consider operational needs, the policy better reflects the realities of utility management, making it a more practical and efficient tool for both landscape protection and infrastructure development.

57. In response to KiwiRail (168.68), I agree that the rules should distinguish between different landscape types, with ONLs remaining separate from Special Character Features (SCFs) due to their higher level of protection under Section 6 of the RMA. However, I do not consider it necessary to add additional matters of discretion related to network utilities, as the clarified relationship between the NFL and NU chapters now provides sufficient management for utilities in these areas.

## S32AA Evaluation

The notified provisions for NFL-R2 and NFL-R3 were designed to manage the height, reflectance, and floor area of buildings and structures within Outstanding Natural Features (ONFs) and Special Character Landscapes (SCLs), with a focus on maintaining visual and landscape values. However, these provisions did not fully distinguish between the different landscape types, particularly the greater protections required for ONFs under Section 6 of the RMA, compared to the more flexible considerations applicable to SCLs.

The proposed amendments to NFL-R2 and NFL-R3 aim to clearly distinguish between ONFs and SCLs, ensuring that the rules reflect the different levels of protection required for these landscapes. These changes are not a significant departure from the notified provisions but rather a refinement to improve clarity and ensure the provisions better align with the objectives of the NFL chapter and the needs of utilities.

The amendments will clearly separate ONFs from SCLs in the rule structure to ensure that ONFs are afforded the higher level of protection mandated by Section 6 of the RMA and retain the existing matters of discretion for visual, landscape, and cultural values but ensure they apply appropriately to each landscape type.

Environmental	The recommended amendments will ensure that development within ONFs and SCLs is managed appropriately, with clear distinctions between the two landscape types. This will safeguard the natural and cultural values of ONFs, where protection is paramount, while allowing for more flexible development in SCLs, provided it aligns with landscape values.
Economic	The recommended changes will provide greater clarity for developers and utility providers, reducing the potential for delays or additional compliance costs. By refining the provisions and clearly distinguishing between different landscape types, the amendments will ensure that developers can efficiently plan and execute projects within these landscapes.
Social	By balancing development with the need to protect sensitive landscapes, the amendments support both community wellbeing and the sustainable use of land. Ensuring that network utilities and buildings are appropriately managed within ONFs and SCLs helps maintain the scenic and cultural character of these areas while supporting essential infrastructure development.
Cultural	The provisions ensure that any development within these areas is sensitive to cultural values, preserving the connection between people and the land.

Having regard to s32AA, the recommended amendments to NFL-R2 and NFL-R3 are the most effective and efficient means of achieving the objectives of the PDP. The changes ensure that ONFs and SCLs are managed appropriately, with ONFs receiving the higher level of protection they require under the RMA, while SCLs are managed with greater flexibility.

The recommended changes improve both the effectiveness and efficiency of the provisions by clarifying the distinction between Outstanding Natural Features (ONFs) and Significant Cultural Landscapes (SCLs), ensuring that the appropriate level of protection is applied to each landscape type. They also align the provisions with the overarching policy direction, ensuring consistency between the rules and objectives for protecting natural and special character landscapes. Additionally, these changes provide a clear framework for managing development within these sensitive landscapes without adding unnecessary complexity to the rule structure.

58. In response to Telco (151.57), I consider that the effects of trenching for network utilities are narrow in scope and are provided for by EW-R4 and EW-R5 (noting that the NFL provisions do not apply to NU). Therefore, it is not necessary to explicitly clarify the exclusion of trenching for network utilities from the permitted rules under NFL-R1A for clarity and consistency.

59. In response to Telco (151.59 and 151.58), I consider that no change is necessary. The NFL chapter does not apply to Network Utilities (NU), as telecommunication structures and other utilities are already managed within the NU chapter. The existing relationship between the NFL and NU chapters ensures that the functional requirements of telecommunication structures are addressed appropriately within the NU framework. To clarify this distinction, I recommend inserting a note to confirm that the NFL provisions do not apply to network utilities, including telecommunication structures. No further amendments are required.

## Summary of recommendations

1. Hearing Stream 2 NFL Recommendation 4: Accept in part submissions 99.87, 99.93, FS 265.99.93, and 151.56 regarding clarifying the relationship between the Network Utilities (NU) and Natural Features and Landscapes (NFL) chapters by relocating Policy 7 to the NU chapter and amending it to recognize operational needs. Reject submission 151.57, 151.58, and 151.59. Submissions related to enabling Network Utilities are accepted in part (99.96, 99.89, 99.94, 99.95, 168.65, 168.66, 168.67, 168.68) except for submissions 151.59, 151.58 and 151.57, which are rejected.

## 4.4 Issue #4 – Buildings and Structures

### 4.4.1 Buildings & Structures

#### Matters raised by submitters

60. Napier City Council (171.33) seeks to amend the assessment criteria in the landscape overlay to require consideration of effects on identified View Shafts for any building or structure requiring resource consent (NFL-AC2). Hawke's Bay Airport Limited (FS 347.171.33) seeks to amend the submission, supporting it insofar as it aligns with HBAL's original submission for the Council to adopt alternative viewshafts and include provisions to manage those viewshafts. Sera Chambers (FS 519.171.33) seeks to amend submission 150, including sections relating to AIRPZ – Airport Zone and view shafts.
61. Angela McFlynn (189.28) seeks to amend NFL-R2 to allow for the use of natural materials in buildings within an outstanding natural feature and special character feature.
62. Forest and Bird (289.95) seeks to amend NFL-R3A to include a standard that buildings are not located in the Coastal Environment and to delete the 'Notification status' note from NFL-R3B.
  - Include the following standard in NFL-R3A: €the building is not in the Coastal Environment.  
Delete the 'Notification status' note from NFL-R3B.
63. Angela McFlynn (189.29) seeks to amend NFL-R3 to provide for windows in buildings as a permitted activity and allow the use of unpainted materials that meet the reflectance value, clarifying the requirement for no part of a building to have a reflectance value greater than 30%.
  - Amend NFL-R3:  
Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone) to provide for windows in buildings as a permitted activity, and the use of unpainted materials that meet the reflectance value. Also amend wording to clarify the requirement that no part of a building has a reflectance value no greater than 30%.
64. Forest and Bird (289.94) seeks to amend the activity to be controlled with control reserved over the location of the building, ensuring that a 3m tall building avoids adverse effects in Outstanding Natural Features (ONF) or Special Character Features (SCFs).

## Assessment

65. In response to Napier City Council (171.33) and Hawke's Bay Airport Limited (FS 347.171.33), I consider that the inclusion of view shafts in the assessment criteria for buildings and structures requiring resource consent is appropriate. This amendment would protect significant visual corridors, contributing to the unique character of the landscape and aligning with the objectives of the chapter to preserve visual amenity (NFL-O2). It would also provide consistency with HBAL's submission, ensuring that both landscape and operational needs for the airport are considered. However, there are risks, such as increased complexity in the consenting process, which could lengthen assessments and increase costs for developers. Despite this, the preservation of view shafts is important for maintaining the scenic quality of the area and balancing development with environmental values. I recommend accepting the inclusion of view shafts in the assessment criteria for buildings and structures requiring resource consent, as it appropriately protects significant visual corridors and aligns with the objectives of the Natural Features and Landscapes chapter.
66. In response to Angela McFlynn (189.28), I consider that the amendment to allow for the use of natural materials in buildings within Outstanding Natural Features (ONF) and Special Character Features (SCF) areas is not appropriate. The advantages of this amendment are that natural materials typically have lower reflectance values, helping new buildings blend into the landscape, which aligns with the objectives of the Natural Features and Landscapes chapter (NFL-O2, NFL-O3). Additionally, promoting the use of sustainable materials could enhance aesthetic cohesion and environmental sustainability. However, the risks outweigh the benefits. The term "natural materials" is open to interpretation, and defining what qualifies as natural could lead to ambiguity, undermining the consistency and integrity of the rule. Moreover, even with natural materials, there is still a risk that new buildings could alter the visual character of the landscape, potentially conflicting with the objective of protecting the distinctiveness and natural qualities of these areas (NFL-O1). Given that the current provisions already allow for the use of materials that meet the reflectance value standard, I consider that further amendments are unnecessary.
67. In response to Forest and Bird (289.95), I consider that the proposed amendment to include a condition limiting buildings in the Coastal Environment under NFL-R3A is appropriate. This condition ensures that if certain activity conditions are met (such as height, reflectance, and gross floor area limits), the building can proceed as a permitted activity, otherwise it triggers a Restricted Discretionary (RD) consent process. Given the ecological and cultural sensitivity of the Coastal Environment, this aligns well with the objectives of the chapter to protect the natural and visual qualities of special character landscapes (NFL-O3) and is consistent with the New Zealand Coastal Policy Statement (NZCPS), which seeks to safeguard natural character and landscapes in coastal areas. This condition provides an effective way to manage development while ensuring oversight for more impactful proposals.

However, I do not support the request to delete the notification status from NFL-R3B. Deleting the preclusion on public notification would increase uncertainty to Plan Users of the process and costs likely to be faced in any resource consent process. While public and limited notification could provide greater scrutiny and participation, I consider that the Restricted Discretionary pathway, as notified, already ensures an appropriate level of assessment based on the specified matters of discretion (visual impact, landscape values, and cultural values). Given that these matters are well-defined, there is limited need for broader public involvement in every case, and allowing applications to proceed without public notification supports an efficient and streamlined consent process.



68. In response to Angela McFlynn (189.29), I consider that the proposed amendments to NFL-R3 regarding windows as a permitted activity and the clarification of the reflectance value requirement are appropriate, but the inclusion of unpainted materials is unnecessary. Clarifying the reflectance value ensures consistency and simplifies compliance, aligning with the objective of maintaining the visual qualities of the landscape (NFL-O3). Allowing windows as a permitted activity also reduces unnecessary regulatory hurdles. However, unpainted materials, while potentially environmentally friendly, could present visual inconsistencies over time due to weathering, which may degrade the landscape's integrity. The existing provisions already address visual impacts through the reflectance value requirement, so the inclusion of unpainted materials does not provide additional benefit. I consider it appropriate to include the clarification on reflectance values and windows but reject the inclusion of unpainted materials. This clarification is not a significant departure from the notified provisions and provides alignment with the rest of the chapter, and therefore does not warrant a s32AA evaluation.
69. In response to Forest and Bird (289.94), I consider that the proposal to control the location of buildings to avoid adverse effects on Outstanding Natural Features (ONF) and Special Character Features (SCF) is unnecessary. While controlling building location and height could provide stronger protection for these sensitive areas, the existing framework of Restricted Discretionary (RD) activity status already ensures sufficient protection. If conditions regarding adverse effects are not met, the activity would fall under RD status, allowing appropriate scrutiny without the need for additional controls. Tightening restrictions may also limit development flexibility and impose unnecessary constraints on low-impact structures. I consider that the existing provisions are sufficient to protect ONF and SCF areas.

### **Summary of recommendations**

- Hearing Stream 2 NFL Recommendation 5: That the submission 171.33 and FS 347.171.33 is accepted, 189.28 and 289.94 are rejected, 289.95 is accepted in part.

## **4.5 Issue #5 – Greater Protection of Natural Features & Landscapes**

### **4.5.1 Greater Protection of Landscape Value**

#### **Matters raised by submitters**

70. Forest and Bird (289.103) seeks to include a new criterion under the Landscape values heading for NFL-AC2 to ensure significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied, or mitigated.

- The extent to which significant adverse effects in the coastal environment are avoided, and other effects area voided, remedied or mitigated.

KiwiRail (FS 236.289.103) opposes the proposed consideration, arguing it is too broad and could require consideration of matters beyond the effects of exceeding permitted standards.

71. Forest and Bird (289.104) seeks to include a new criterion under the Landscape values heading for NFL-AC3 to ensure significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied, or mitigated for those SNFs in the coastal environment.

- The extent to which significant adverse effects in the coastal environment are avoided, and other effects area voided, remedied or mitigated.

KiwiRail (FS 236.289.104) opposes the proposed consideration, arguing it is too broad and could require consideration of matters beyond the effects of exceeding permitted standards.

72. Forest and Bird (289.92) seeks amendments to NFL-R1A and NFL-R1B to limit earthworks in the coastal environment and ensure activities that do not meet standards are not precluded from public notification. KiwiRail (FS 236.289.92) opposes the requirement for resource consent for all earthworks and buildings/structures in the coastal environment and the non-complying activity status for earthworks in ONF and special character features.
- Amend NFL-R1A as follows:
    - a. The maximum amount of earthworks in any 12- month period does not exceed 50 m<sup>3</sup> per site;
    - b. A maximum cut and fill height of 2 m, and
    - c. Compliance with all other earthworks permitted activity standards EW-S3 - EW-S7; and
    - d. the activity is outside the Coastal Environment.
  - Delete the 'Notification status' note from NFL-R1B.
73. Department of Conservation (253.50) seeks to amend NFL-R4 to expand matters of control to include ecological and amenity values to protect the special character features from adverse effects and degradation. KiwiRail (FS 266.253.50) opposes expanding matters of control to include ecological effects, arguing it is inappropriate since provisions regarding indigenous biodiversity have been excluded from the District Plan.
- Seeks to amend wording as follows:  
Matters of control:
    1. Location of vehicle parking areas;
    2. Safe, connected, and efficient transport network;
    3. Compliance with the Transport chapter;
    4. Landscape values, and;
    5. Cultural values;
    6. Ecological values, and
    7. Amenity values
74. Forest and Bird (289.93) seeks to introduce a new rule making earthworks in ONF or SCFs non-complying, as NFL-R1 does not currently apply to these areas.
75. Forest and Bird (289.83) seeks amendments to NFL-O2 to ensure the NZCPS is given effect to and that Napier's special character features in the coastal environment are protected from inappropriate subdivision, land use, and development.
- The natural and historical characteristics and visual qualities of Napier's special character features and landscapes identified in Schedule 7 are protected from ~~inappropriate~~ subdivision, land use, and development.  
Include specific reference to SCLs and SCFs that are in the coastal environment, either here or in a separate objective.
76. Department of Conservation (253.48) seeks to amend NFL-O3 to ensure the protection of special character landscapes by avoiding, remedying, or mitigating adverse effects, setting a higher initial standard for preservation.
- Seeks to amend NFL-O3 as follows or with similar wording: NFL-O3: Protection of special character landscapes  
Protect the unique features by avoiding, remedying, or mitigating the adverse effects of subdivision, land use, and development on the natural and historical characteristics and visual qualities of Napier's special character landscapes identified in Schedule 27.
77. Forest & Bird (289.176) seeks to make all earthworks in SCLs, ONFs, SCFs, SNAs, and the Coastal Environment non-complying, as current earthworks rules lack specific management for the coastal environment, and requests that notification not be precluded in these areas, with

natural character in the coastal environment added to matters of discretion if earthworks remain restricted discretionary.

78.

79. Forest and Bird (289.84) seeks amendments to NFL-O3 to ensure significant adverse effects on SCLs in the coastal environment are avoided, and prohibited activity status is properly supported by the policy. KiwiRail (FS 266.253.48) supports the assessment hierarchy in NFL-O3, which provides a framework for managing adverse effects on special character landscapes.

- Amend as follows:

“Protect the unique features by avoiding, remedying or mitigating the adverse effects...”

Include specific reference to SCLs that are in the coastal environment, either here or in a separate objective.

80. Forest and Bird (289.87) seeks amendments to NFL-P4 to better protect special character landscapes by managing the effects of development and ensuring significant adverse effects in the coastal environment are avoided.

- Amend as follows:

~~Minimise~~ Protect special character landscapes by managing the effects of development within Napier’s special character landscapes by:

a. limiting the scale of earthworks, managing building sizes, colours, and plantation forestry; and

b. avoiding, remedying and mitigating the effects of those activities; and

c. in the Coastal Environment, avoiding significant adverse effects on the special character landscapes.

81. Forest and Bird (289.88) seeks amendments to NFL-P5 to protect outstanding natural features and special character landscapes through stricter requirements for future rezoning, structure plans, and subdivisions within landscape overlays.

- Amend as follows:

Protect Napier’s outstanding natural features, special character landscapes, and features by:

a. requiring any future rezoning and/or structure plans within landscape overlays to comply with requirements for protecting the landscape values identified in Schedule 7, and

b. requiring any subdivisions under rule SUB-R47 and SUB-R6 within landscape overlays to avoid, remedy or mitigate potential effects on the landscape values identified in Schedule 7; and

c. in the Coastal Environment, avoiding significant adverse effects on the special character landscapes.

82. Forest and Bird (289.89) seeks to extend NFL-P6 to cover special character landscapes (SCLs) to avoid extractive industries in these areas, implementing the NZCPS. KiwiRail (FS 236.289.89) opposes the suggested changes to NFL-P6, arguing infrastructure cannot always avoid adverse effects, and works within the rail corridor would not represent significant adverse effects.

- Amend as follows:

Avoid extractive industries (quarrying and mining) within or in the vicinity of outstanding natural features, special character landscapes and special character features.

83. Forest and Bird (289.9) seeks to amend NFL-P7 to avoid locating network utilities in special character landscapes, particularly in the coastal environment, and to mitigate adverse effects on special character landscapes.
- Amend as follows:  
Avoid locating network utilities:
    - ~~a. on prominent positions and/or ridgelines~~ within outstanding natural features and special character features, and
    - b. on prominent positions and/or ridgelines within special character landscapes;
    - c. anywhere in special character landscapes in the Coastal Environment.~~Mitigate the adverse effects of network utilities on special character landscapes.~~

### Assessment

84. In response to 289.103, 280.104, FS 236.289.103, and FS 236.289.104 to amend NFL-AC2, I consider it appropriate to include the amendment, as it aligns with the objectives of the NFL chapter and the New Zealand Coastal Policy Statement (NZCPS), which requires the protection of natural features in the coastal environment. While broad in nature, this amendment provides necessary protection, and I note that essential network utility activities are adequately provided for in the Network Utilities (NU) chapter. I am aware of submissions on the Coastal Environment Chapter and are taking a joint approach to ensure provisions relating to the coastal environment are more broadly addressed throughout the Plan.
85. In response to 289.92 to NFL-R1A and NFL-R1B, I agree that including a permitted rule condition that restricts activities to those outside the coastal environment is appropriate, as this aligns with the NZCPS and the objectives of the chapter. However, I consider that the deletion of the notification status is only appropriate for buildings and structures within Outstanding Natural Landscapes (ONLs), where the impacts are more significant, and not for Special Character Features (SCFs) and Special Character Landscapes (SCLs), which do not meet the same Section 6 threshold.
86. In response to 253.50 to NFL-R4, I do not find it appropriate to expand the matters of control to include ecological and amenity values. The NFL chapter is focused on landscape values, and ecological values are managed under the Ecosystems and Indigenous Biodiversity chapter which will be introduced as a Variation. Furthermore, amenity values are inherently considered under landscape values, as defined in the section 32 report and landscape assessment.
87. In response to 289.93, I agree that greater clarity is needed regarding the application of earthworks rules in ONFs versus SCFs and SCLs. It is appropriate to make an amendment that recognizes SCLs have a lower protection status than ONFs. I consider that earthworks in ONFs should have a non-complying activity status due to the significant adverse effects they could have on these sensitive areas, while earthworks in SCFs and SCLs should remain as notified.

## S32AA Evaluation

Forest and Bird (289.93) proposes a new rule to make earthworks in Outstanding Natural Features (ONFs) non-complying, as NFL-R1 does not currently cover these areas. The rationale for this request is to provide a higher level of protection to ONFs due to their sensitivity. After reviewing this submission, I consider that earthworks in ONFs should have a non-complying activity status, given the significant adverse effects such activities could have on these landscapes. Earthworks in Special Character Landscapes (SCLs) and Special Character Features (SCFs) should remain as notified, with less stringent controls.

This proposed change is necessary to align the provisions with the requirements of Section 6 of the RMA, which provides for the protection of ONFs, while recognizing that SCLs and SCFs require a lower level of protection. The proposed rule change would introduce a non-complying activity status for earthworks in ONFs while maintaining the current provisions for earthworks in SCFs and SCLs. This ensures clarity and reinforces the distinction between ONFs and SCLs, acknowledging their differing levels of sensitivity and the need for stronger protection of ONFs.

Environmental	<p>A non-complying status for earthworks in ONFs strengthens the protection of these highly sensitive landscapes. Earthworks can lead to significant adverse effects on the natural and cultural values of ONFs, including disruption of the landform and natural character. By setting a high threshold for consent, this rule will act as a deterrent for inappropriate development in ONFs, ensuring that only activities with minimal or no adverse effects can proceed.</p> <p>For SCFs and SCLs, the existing rules provide sufficient flexibility to allow earthworks, provided that they do not compromise landscape values. These landscapes, while important, do not require the same stringent protection as ONFs.</p>
Economic	<p>Provides clear guidance to developers and landowners about the constraints on earthworks in ONFs, allowing for better planning and reducing uncertainty. While the non-complying status may increase consenting costs and timelines for developers in ONFs, this is outweighed by the need to protect these unique and irreplaceable landscapes.</p> <p>In SCFs and SCLs, the economic impact remains as notified, allowing for more flexible development without imposing new constraints. This distinction ensures that development is directed away from the most sensitive areas.</p>
Social	<p>The protection of ONFs contributes to the overall wellbeing of the community by safeguarding landscapes that are valued for their natural beauty and cultural significance. This amendment ensures that development is carefully managed, preserving these landscapes for future generations.</p>

Cultural	<p>Otātara Pa holds significant cultural value for iwi and hapū, and inappropriate earthworks could disrupt these connections. The non-complying status for earthworks in ONFs ensures that any proposed development must undergo rigorous scrutiny to avoid adverse effects on cultural values.</p> <p>For SCFs and SCLs, cultural values will still be protected under the notified provisions, ensuring that developments in these areas are sensitive to cultural concerns without requiring the more stringent non-complying status.</p>
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This amendment improves the efficiency and effectiveness of the provisions by clearly distinguishing between ONFs and SCLs, ensuring that the appropriate level of protection is applied to each landscape type. The non-complying activity status for earthworks in ONFs provides a high level of control, ensuring that adverse effects on these sensitive areas are avoided. In contrast, the retention of the notified provisions for SCFs and SCLs strikes a balance between protection and development, allowing for more flexibility in areas where the environmental risks are lower.

Having regard to Section 32AA of the RMA, the introduction of a new rule to make earthworks in ONFs a non-complying activity is the most effective and efficient means of achieving the objectives of the Natural Features and Landscapes chapter. This rule provides the necessary protection for ONFs while maintaining flexibility for development in SCFs and SCLs, ensuring that the provisions align with the overarching policy direction and provide clarity for landowners and developers. The recommended changes enhance the distinction between landscape types, allowing for appropriate management.

88. In response to submission 289.83, I support including specific references to Special Character Landscapes (SCLs) and Special Character Features (SCFs) that are located within the coastal environment to better align with the NZCPS, as this strengthens the protection of these areas.
89. In response to submissions 253.48, 289.84, 289.87, 289.88, and 289.89, 289.176, I agree that it is appropriate to amend the objectives and policies to include a stronger focus on avoiding, remedying, and mitigating adverse effects in the coastal environment. These changes will align the chapter with the relevant policies of the NZCPS and achieve the protection objectives of the plan, particularly in relation to ensuring significant adverse effects are avoided. This largely impacts the Ahuriri Estuary which is mapped under the Coast Environment Overlay.
90. In response to submission 289.89, I support extending NFL-P6 to cover Special Character Landscapes (SCLs) to avoid extractive industries in these areas, especially in the coastal environment. The essential activities associated with network utilities is already provided for in the NU chapter, and avoiding extractive industries in these areas aligns with the relevant policies of the NZCPS.

91. Lastly, in response to submission 289.9, I support the amendment to NFL-P7 to avoid the location of network utilities in Special Character Landscapes, particularly in the coastal environment. This will help mitigate the adverse effects on these landscapes and is consistent with the chapter’s purpose and the relevant policies of the NZCPS. However, I believe these protections should apply while acknowledging the specific provisions for network utilities, ensuring that essential infrastructure is managed effectively without undermining the protection of significant landscapes. Therefore, this has been marked up in the chapter as “Deleted” with the included amendments so that it can be moved to NU.

### S32AA Evaluation

As notified, the Natural Features and Landscapes (NFL) chapter provides general protection for landscapes across Napier, but lacks alignment with the New Zealand Coastal Policy Statement (NZCPS). This includes insufficient provisions to avoid significant adverse effects in coastal environments and a lack of specific criteria for managing development in sensitive areas like the Ahuriri Estuary. The current provisions also do not clearly address the differentiation between Outstanding Natural Features (ONFs) and Special Character Landscapes (SCLs) in the coastal environment.

The proposed changes include amendments to several provisions, including NFL-AC2, NFL-AC3, NFL-R1A, and NFL-R1B, as well as relevant objectives and policies. These changes are designed to:

- Introduce criteria to ensure significant adverse effects in the coastal environment are avoided and that other effects are remedied or mitigated.
- Update policies to include explicit references to the coastal environment and to provide greater protection for culturally and ecologically significant landscapes, particularly those identified in the NZCPS.

The amendments will have an impact on developments within the coastal environment, requiring higher standards of assessment and stricter controls. The changes align with the core objectives of the NFL chapter by ensuring that coastal landscapes, particularly SCFs and SCLs, are protected from inappropriate development. These amendments also bring the plan into alignment with the NZCPS, which mandates the avoidance of significant adverse effects in coastal areas. By aligning local provisions with national direction, the chapter’s purpose of protecting Napier’s unique coastal landscapes is better achieved.

The recommended changes improve the effectiveness of the plan by ensuring that coastal areas, especially those within SCFs and SCLs, are protected in accordance with the requirements of the NZCPS. This alignment removes ambiguity and provides clear standards for avoiding significant adverse effects. The introduction of more stringent rules for earthworks and developments in coastal areas enhances the protection of natural and cultural values, but may increase the time and costs associated with gaining consents for developments in these areas.

Environmental	The introduction of stricter standards for development in ONFs and SCLs within the coastal environment ensures enhanced protection for sensitive ecosystems and landscapes. This is critical for maintaining the ecological integrity of areas such as the Ahuriri Estuary. The amendments provide long-term environmental sustainability and prevent degradation.
Economic	Development within coastal landscapes will likely face higher costs and more complex consenting processes, potentially deterring large-scale projects or slowing down timelines. While this may initially increase costs for developers, the long-term benefit is reduced environmental degradation, which could prevent more significant economic costs in the future, such as restoration or legal disputes.

Social	The preservation of coastal landscapes enhances the community's access to and enjoyment of these areas. It safeguards important recreational and scenic areas. By protecting coastal landscapes, the plan ensures that social and public values, such as access to natural beauty and public spaces, are preserved for future generations.
Cultural	Coastal landscapes like the Ahuriri Estuary hold significant cultural value. The amendments ensure that developments do not disrupt these culturally important areas. The provisions to avoid significant adverse effects in coastal environments directly support the protection of cultural heritage and align with the values of tangata whenua.

The proposed amendments to the NFL chapter are necessary to align with the NZCPS and provide enhanced protection for coastal landscapes, particularly ONFs and SCLs. The amendments are both effective and efficient in achieving the objectives of the chapter, as they introduce clear standards for avoiding significant adverse effects while balancing the need for development with the protection of environmental, cultural, and social values. Although the changes may result in higher compliance costs for developers, these are outweighed by the long-term benefits of sustainable coastal management and the protection of Napier's unique landscapes.

### Summary of recommendations

Hearing Stream 2 NFL Recommendation 6: to accept in part the submissions seeking better alignment with the relevant policies of the NZCPS (289.176 , 289.103, 289.104, 280.104, 289.92, 289.93, 289.83, 253.48, 289.84, 289.87, 289.88, 289.89). Reject submissions 289.9 and 253.50, which seek to address effects that fall outside the intended scope and purpose of the Natural Features and Landscapes chapter.

### 4.5.2 Protection of Indigenous Biodiversity

#### Matters raised by submitters

92. Forest and Bird (289.91) seeks to amend the entire NFL chapter, including Introduction, Objectives, Policies, and Rules, to add a statement stating that the Ecosystems and Indigenous Biodiversity chapter includes provisions that relate to natural features and landscapes, and that where there is a conflict between the Natural Features and Landscapes chapter and the Ecosystems and Indigenous Biodiversity chapter, the provisions that place greater or additional restrictions on activities with adverse effects on natural environments will apply.
93. Department of Conservation (253.47) seeks to amend the NFL chapter to include the importance of indigenous biodiversity on natural character features and landscapes, with a greater emphasis on protecting indigenous biodiversity found at these features.

#### Assessment

94. In response to submission 289.91, I consider the Ecosystems and Indigenous Biodiversity Variation is yet to be notified and that any overlaps between provisions relating to biodiversity and those relating to NFL will be addressed at the time of the variation. The intention is to not have any conflict between provisions, and therefore no need to apply a 'most restrictive status applies' rule.
95. In response to submission 253.47, I do not consider it appropriate to include additional references to indigenous biodiversity in the NFL chapter. This matter will be addressed in the Ecosystems and Indigenous Biodiversity (IB) chapter (to be released as a Variation), which will to manage and protect biodiversity, ensuring that the focus of the NFL chapter remains on the protection of natural features and landscapes.



## Summary of recommendations

96. Hearing Stream 2 NFL Recommendation 7: Reject 289.91 and 253.47.

## 5. Minor and Inconsequential Amendments

97. Pursuant to Schedule 1, Clause 16(2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

98. Any minor and inconsequential amendments relevant to the Natural Features & Landscapes will be listed in the appropriate sections of this S42A report.

99. The recommended amendments are set out in the 'track changes' versions of the applicable chapters, which are provided at **Appendix A**.

## 6. Conclusion

100. As discussed further within Parts 2 to 5 of this S42A Report, a wide range of submissions and further submissions have been received with respect to the NFL provisions within the PDP. Submissions have been analysed, with my recommendations set out at **Appendix A** and **B**.

101. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.

102. For the reasons set out in the S32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- Achieve the purpose of the Resource Management Act 1991 ("RMA") where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- Achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

### Recommendations:

103. I recommend that:

- The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
- The PDP is amended in accordance with the changes recommended in **Appendix A** of this report.

## APPENDIX A – Recommended Amendments to Plan Provisions

### NFL - Natural Features and Landscapes

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#### Introduction

Napier's rural and coastal landscapes provide a natural backdrop to the city. These special places reflect the city's geographic positioning and history and contribute to our sense of place. They help define Napier's unique identity.

This chapter relates to the management of Napier's outstanding natural features, special character landscapes, and special character features:

<b>Outstanding Natural Feature</b>	<ul style="list-style-type: none"><li>• Ōtātara</li></ul>
<b>Special Character Features</b>	<ul style="list-style-type: none"><li>• Pukekura (Sugar Loaf)</li></ul> <p>All features within Te Whanganui-a-Orotū Special Character Landscape:</p> <ul style="list-style-type: none"><li>• Ohuarau</li><li>• Poraiti Pā</li><li>• Roro-o-kuri</li><li>• Te Ihu-o-te Rei (Quarantine Island)</li><li>• Keteketerau</li><li>• Tapu-te-Ranga</li><li>• Ahuriri Estuary (including outfall channel), and</li><li>• Pukeiohio/Puka/Te Umuroimata</li></ul>
<b>Special Character Landscapes</b>	<ul style="list-style-type: none"><li>• Te Whanganui-a-Orotū</li><li>• Heipipi - Esk Hills</li><li>• Taradale Hills</li></ul>

The identified Outstanding Natural Features (ONF), Special Character Features (SCF), and Special Character Landscapes (SCL) are informed by the findings of the Napier Landscape Study 2020. The values and attributes of these features and landscapes are identified in Schedule 27 and the extent of the features and landscapes are shown on the planning maps.

Commented [JS1]: Forest & Bird 289.80; 289.81

Commented [JS2]: DOC 253.46

Other related chapters include:

- Earthworks;
- Network Utilities;
- Renewable Energy;
- Subdivision;

Zones and Specific Control Areas;

- Rural Lifestyle Zone;
- Rural Production Zone;
- Settlement Zone;
- Rural Specific Control Area;
- Wastewater Treatment Special Purpose Zone, and
- Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater Zone.

## APPENDIX A – Recommended Amendments to Plan Provisions

Other chapters of the District Plan may be relevant when considering land use and subdivision activities. It is recommended you check all District-Wide and underlying spatial chapters when considering the provisions that relate to your Zone.

Commented [JS3]: Forest and Bird (289.9)

The provisions that relate to Special Character Landscapes do not apply within the Special Purpose Airport Zone. The Special Purpose Airport Zone protects the natural and cultural values of these landscapes and features by identifying View Shafts Control Areas and Landscape Sensitive Control Areas.

The Special Purpose Airport Zone is located within a Special Character Landscape Character Overlay however, the provisions relating to Special Character Landscapes do not apply within the Airport Zone. The protection of natural and cultural landscape values is achieved through View Shafts Control Areas and Landscape Sensitive Control Areas in the Airport Zone.

Commented [JS4]: HBAL 198.40

Deleted: These measures ensure the landscapes are safeguarded, while also recognizing the operational and functional requirements of the airport.

### Issues

#### NFL-I1: Protection of outstanding natural features, special character landscapes, and special character features

Land use and subdivision are primary drivers of landscape change and if not managed carefully, can threaten to erode the values associated with special landscapes and features. Past development in the Taradale Hills and Industrial zones adjacent to Te Whanganui-a-Orotū (Ahuriri estuary) has impacted on the visual amenity of these areas, so it's important that land use and development are carefully managed to avoid, remedy, or mitigate adverse effects on outstanding natural features, special character landscapes, and special character features.

### Objectives

The objectives of the underlying zone apply in addition to those below. Where there is a conflict between the zone and overlay objectives, the overlay objectives apply.

#### NFL-O1: Protection of Ōtātara as an outstanding natural feature

The prominence and distinctiveness of Ōtātara as an outstanding natural feature as identified in Schedule 27 is preserved and protected from subdivision, land use, and development.

#### NFL-O2: Protection of special character features

The natural and historical characteristics and visual qualities of Napier's special character features identified in Schedule 27 in the Coastal Environment are protected from inappropriate subdivision, land use, and development.

Commented [JS5]: Forest & Bird 289.83

#### NFL-O3: Protection of special character landscapes

Protect the unique features by avoiding, remedying, or mitigating the adverse effects of subdivision, land use, and development on the natural and historical characteristics and visual qualities of Napier's special character landscapes identified in Schedule 27.

Commented [JS6]: DOC 253.48; Forest & Bird 289.84

## APPENDIX A – Recommended Amendments to Plan Provisions

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### Policies

#### **NFL-P1: Identification of outstanding natural features, special character landscapes, and special character features**

Identify and map the elements and values that define Napier's outstanding natural features, special character features, and special character landscapes.

*Relates to NFL-O1, NFL-O2, and NFL-O3.*

#### **NFL-P2: Protection of Ōtātara as an outstanding natural feature**

Preserve and protect the prominence and distinctiveness of Ōtātara by:

- a. avoiding the adverse effects of subdivision, use and development on the values, characteristics, and qualities of Ōtātara;
- b. maintaining the visual coherence and integrity of the landscape, and
- c. avoiding any adverse effects on mana whenua values associated with Ōtātara.

*Relates to NFL-O1*

#### **NFL-P3: Protection of special character features**

Protect the landscape values of Napier's special character features by:

- a. avoiding, where practicable, the adverse effects of subdivision, use, and development on the values, characteristics, and qualities of Napier's special character features, and
- b. limiting earthworks, managing building sizes, colours, plantation forestry, and network utilities.

*Relates to NFL-O2*

#### **NFL-P4: Protection of special character landscapes**

Protect special character landscapes by managing the effects of development through avoiding, remedying, or mitigating adverse impacts, including by:

- a. limiting the scale of earthworks, managing building sizes, colours, and plantation forestry.
- b. in the Coastal Environment, avoiding significant adverse effects on the special character landscapes.

*Relates to NFL-O3*

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**Commented [JS7]:** (Forest & Bird) (289.87)

## APPENDIX A – Recommended Amendments to Plan Provisions

### NFL-P5: Protection of outstanding natural features, special character landscapes, and special character features in future rezoning, structure plans, and subdivisions

Protect Napier's outstanding natural features, special character landscapes, and features by:

- a. requiring any future rezoning and/or structure plans within landscape overlays to comply with requirements for protecting the landscape values identified in Schedule 27, and
- b. requiring any subdivisions under rule SUB-R4 and SUB-R6 within landscape overlays to avoid, remedy, or mitigate potential effects on the landscape values identified in Schedule 27,
- c. in the Coastal Environment, avoiding significant adverse effects on the special character landscapes.

Commented [JS8]: (Forest & Bird) (289.88)

Commented [JS9]: (Forest & Bird) (289.88)

*Relates to NFL-O2 and NFL-O3.*

### NFL-P6: Avoid extractive industries

Avoid extractive industries (quarrying and mining) within or in the vicinity of outstanding natural features special character landscapes and special character features.

Commented [JS10]: (Forest & Bird) (289.89)

*Relates to NFL-O2 and NFL-O3.*

### ~~NFL-P7: Manage the effects of network utilities on Outstanding Natural Features, Special Character Landscapes and Features~~

~~Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features and special character features~~

Commented [JS11]: NFL S42a Para 47. Move Policy to NU

Commented [JS12]: Submissions 99.87, 99.93, 151.56,

~~Avoid, remedy, or mitigate the adverse effects of network utilities on special character landscapes and special character features while considering any functional or operational needs of the network utility.~~

~~*Relates to NFL-O2 and NFL-O3.*~~

### NFL-P8: Provide for Māori cultural values and conservation

Provide for customary use and conservation activities within outstanding natural features and special character features for the purpose of protecting and enhancing ecological, cultural, and historical values.

*Relates to NFL-O2 and NFL-O3.*

## APPENDIX A – Recommended Amendments to Plan Provisions

### NFL - Natural Features and Landscapes - Rules Table

All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated., with the exception of Network Utilities Activities which are managed by the Network Utilities Chapter, and Earthworks Chapter, EW-R4 and EW-R5 as they relate to Earthworks for the purposes of upgrading, maintenance, and new Network Utilities.

NFL-R1: Earthworks or land disturbance within a special character landscape <b>and special character features</b> (excluding the Special Purpose Airport Zone)	
<p><b>NFL-R1A</b></p> <p><b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The maximum amount of earthworks in any 12-month period does not exceed 50 m<sup>3</sup> per site;</li> <li>2. A maximum cut and fill height of 2 m, and</li> <li>3. Compliance with all other earthworks permitted activity standards EW-S3 - EW-S7.</li> <li>4. <u>the activity is outside the Coastal Environment Overlay.</u></li> </ol>	<p><b>NFL-R1B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Restricted Discretionary</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. Landscape values;</li> <li>2. Cultural values, and</li> <li>3. Sediment and erosion control.</li> </ol> <p><b>Notification Status:</b> Any application under this rule is precluded from being publicly notified.</p>

Commented [JS13]: Transpower 99.93

Commented [JS14]: Forest & Bird 289.93

Commented [JS16]: Add matter re Sig Ad Effect

Commented [JS15]: Forest & Bird) (289.92)

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NFL-R2: Buildings or structures within an outstanding natural feature <b>and special character feature</b>	
<p><b>NFL-R3A</b></p> <p><b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. No part of a building or structure:               <ol style="list-style-type: none"> <li>a. exceeds 3 m in height;</li> <li>b. has a reflectance value no greater than 30% within Groups A, B, or C within BS5252 standard colour palette for the exterior finish of the building or structure;</li> <li>c. gross floor area does not exceed 10 m<sup>2</sup>, and</li> <li>d. compliance with all other building permitted activity standards in the underlying zone.</li> </ol> </li> </ol>	<p><b>NFL-R3B</b></p> <p><b>Activity Status where activity conditions are not met:</b> Non-complying</p>

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Commented [JS17]: Kiwirail 168.65

## APPENDIX A – Recommended Amendments to Plan Provisions

<b>NFL-R3: Buildings or structures within a special character landscape and special character features (excluding the Special Purpose Airport Zone)</b>	
<b>NFL-R4A</b> <b>Activity Status:</b> Permitted <b>Where:</b> 1. No part of a building or structure: <ol style="list-style-type: none"> <li>exceeds 3 m in height;</li> <li>has a reflectance value no greater than 30% within Groups A, B, or C within BS5252 standard colour palette for the exterior finish of the building or structure;</li> <li>gross floor area does not exceed 300 m<sup>2</sup>, and</li> <li>compliance with all other building permitted activity standards in the underlying zone.</li> <li><b>the building or structure is not in the Coastal Environment Overlay.</b></li> </ol>	<b>NFL-R4B</b> <b>Activity Status where activity conditions are not met:</b> Restricted Discretionary <b>Matters of discretion are:</b> <ol style="list-style-type: none"> <li>Visual impact;</li> <li>Landscape values, and</li> <li>Cultural values.</li> </ol> <b>Notification Status:</b> Any application under this rule is precluded from being publicly notified.
<b>NFL-R4: Vehicle parking areas to provide public access to outstanding natural features and special character features</b>	
<b>Activity Status:</b> Controlled <b>Matters of control:</b> <ol style="list-style-type: none"> <li>Location of vehicle parking areas;</li> <li>Safe, connected, and efficient transport network;</li> <li>Compliance with the Transport chapter;</li> <li>Landscape values, and</li> <li>Cultural values.</li> </ol>	NA
<b>NFL-R5: Land use activities allowed for in a management plan required under the Reserves Act 1977 within an outstanding natural feature and special character feature</b>	
<b>Activity Status:</b> Controlled <b>Matters of control:</b> <ol style="list-style-type: none"> <li>The matters identified in the management plan for which the activity applies.</li> </ol>	NA
<b>NFL-R6: Plantation forestry within a special character landscape (excluding the Special Purpose Airport Zone)</b>	
<b>Activity Status:</b> Discretionary	
<b>NFL-R7: Quarrying or mining activities within a special character landscape (excluding the Special Purpose Airport Zone)</b>	
<b>Activity Status:</b> Non-complying	

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Commented [JS18]: Kiwirail 168.68

Commented [JS19]: Forest & Bird 289.95

## APPENDIX A – Recommended Amendments to Plan Provisions

<b><u>NFL-RX: Earthworks or land disturbance within an Outstanding Natural Feature</u></b>	
<b><u>NFL-RXA</u></b>	
<b><u>Activity Status: Non-Complying</u></b>	
<b>NFL-R8: Quarrying or mining activities within an outstanding natural feature and special character feature</b>	
<b>Activity Status: Prohibited</b>	
<b>NFL-R9: Plantation forestry within an outstanding natural feature and special character feature</b>	
<b>Activity Status: Prohibited</b>	

### Assessment criteria

When considering an application, the Council will have regard to the relevant objectives and policies of this plan, the purpose of the rules and standards, and regard will also be had to the relevant assessment criteria set out below.

#### NFL- AC1: Earthworks in NFL areas (NFL-R1 to NFL-R3)

##### Landscape values

- The extent to which the visual effects of earthworks can be mitigated through careful design, re instatement, or rehabilitation of earth and screen planting.
- The extent to which earthworks location and extent volumes are designed to reduce cut and fill heights and minimise changes to landform and visual impact.
- The extent to which significant adverse effects in the coastal environment are avoided, and other effects area voided, remedied or mitigated.

Commented [JS21]: (Forest & Bird) (289.103)

##### Erosion and sediment control

- Whether there are erosion and sediment control measures in place.

##### Cultural values

- The extent to which the proposed earthworks recognise and provide for mana whenua cultural values and tikanga practices.
- The extent to which the proposed development will impact on mana whenua values.



## APPENDIX A – Recommended Amendments to Plan Provisions

### NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)

#### Visual impact and landscape values

- a. The extent to which the location, scale, height, design, external appearance, and overall form of the building or structure is appropriate to the landscape context.
- b. Whether the colours and material used for roofs, walls, and windows are of low reflectivity and integrate with the surrounding landscape.
- c. Whether there are any practical alternatives to the location of the building.
- d. Whether building design and appearance are appropriate, taking into account the vulnerability of the landscape to accommodate change.
- e. The scale of modification to the landscape, including any indigenous vegetation removal.
- f. Whether access roads, utilities (power, phone, pipe work, and water tanks) are appropriately designed and sited to reduce their visibility.
- g. The extent to which landscape design is able to provide a visual buffer to mitigate any visual impact of the building or structure.
- h. The extent to which view shafts are accommodated in the consideration of location of a building or structure
- i. The extent to which significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied or mitigated.

Commented [JS22]: NCC 171.33; HBAL FS 347.171.33

Commented [JS23]: (Forest & Bird) (289.104)

#### Cultural values

- h. The extent to which the proposed development will impact on mana whenua values.

### NFL-AC3: Vehicle parking areas to provide public access to outstanding natural features and special character features (NFL-R4)

#### Location of vehicle parking areas

- a. The extent to which the location and scale of the car park are appropriate to the activity within the landscape context.
- b. The extent to which the landscape design of the car park provides a visual buffer to mitigate any adverse visual effects.
- c. The extent to which the car park and vehicle access to the feature will impact on mana whenua values.

#### Safe, connected, and efficient transport network

- d. Whether the car park provides for various modes of transport such as walking and cycling.
- e. The extent to which the car park meets the requirements of the Transport chapter and Code of Practice for Land Development and Subdivision Infrastructure.

#### Landscape values

- f. The extent to which the landscape design of the car park provides a visual buffer to mitigate visual impacts.

#### Cultural values

- g. The extent to which the car park and vehicle access to the feature will impact on mana whenua values.

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
NFL - Natural Features and Landscape /	Transpower New Zealand Limited	99.87	Amend	Seeks clarification as to whether the Natural Features and Landscapes provisions are applicable to the Network Utilities provisions. Based on the introductory text of the Network Utilities chapter, it is assumed that the NFL chapter does not apply. Policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.	Clarify the relationship between the chapters, and rely solely on the Network Utilities chapter to manage network utilities. The applicability of the objectives and policies of the NFL chapter to the Network Utilities chapter also requires clarification.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Policies /NFL-P1: Identification of outstanding natural features, special character landscapes, and special character features	Transpower New Zealand Limited	99.88	Support	Supports the identification and mapping of the areas.	Retain the policy.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Policies /NFL-P2: Protection of Ōtātara as an outstanding natural feature	Transpower New Zealand Limited	99.89	Amend	Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid. Should policy NLF-P2 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8.	Should policy NLF-P2 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Policies /NFL-P3: Protection of special character features	Transpower New Zealand Limited	99.90	Amend	Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.  Should policy NLF-P3 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.	Should policy NLF-P3 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.	Open Submission	Accept in Part

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
NFL - Natural Features and Landscape /Policies /NFL-P4: Protection of special character landscapes	Transpower New Zealand Limited	99.91	Amend	Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid. Should policy NLF-P4 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission.	Should policy NLF-P4 apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. Potential wording is provided in NU-P6 as sought to be amended through this submission. The policy title of NFL-P4 requires amendment to replace 'protection' with 'minimise' to more correctly articulate the policy wording.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Policies /NFL-P7: Manage the effects of network utilities	Transpower New Zealand Limited	99.92	Oppose	Clarification is sought on the relationship between the NFL chapter and the NU chapter. Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. Applicability of the objectives and policies of the NFL chapter also requires clarification. It is noted that policy NU-P3 applies to outstanding natural features and significant landscapes, and high natural character areas and significant amenity features. Notwithstanding some of these terms are not defined, the intent is that the Network Utilities chapter provide the policy consideration for effects on Natural Features and Landscapes. Specific to the National Grid, policy NU-P6 provides a specific 'seek to avoid' policy approach in respect of development of the National Grid.  Transpower seeks deletion of NFL-P7. Should policy NLF-P7 be retained or apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. The directive "avoid" wording within NFL-P7 does not give effect to the NPSET. Potential wording is provided in NU-P6 as sought to be amended through this submission.	Delete NFL-P7. Should policy NLF-P7 be retained or apply to the National Grid, Transpower seeks amendment to the policy to give effect to the 'seek to avoid' policy directive in NPSET Policy 8. The directive "avoid" wording within NFL-P7 does not give effect to the NPSET. Potential wording is provided in NU-P6 as sought to be amended through this submission.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table	Transpower New Zealand Limited	99.93	Amend	The relationship and applicability between the NFL chapter and the NU chapter is required. Based on the introductory text to the NU chapter, it is assumed that the rules of the NFL chapter to not apply. If this is not the case, this requires clarification as this is potentially contradictory to the above statement in the NFL chapter.	Amend the introductory text to the NFL rules as follows: All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated. <u>However the rules do not apply to Network Utilities. Instead Network Utilities are managed under the Network Utilities Chapter.</u>	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table	KiwiRail Holdings Limited	FS 265.99.93	Support	KiwiRail supports the suggested additional matter of consideration, which provides greater recognition of the needs of network utilities.	Allowed.		Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R2: Buildings or structures within an outstanding natural feature and special character feature	Transpower New Zealand Limited	99.94	Oppose	Based on the introductory text of the NU chapter, it is assumed that the NFL chapter does not apply to the NU chapter. If this is not the case, this requires clarification. Should Rule NLF-R2 apply to the National Grid, Transpower seeks amendment to the rule on the basis a non complying activity status for the development of the National Grid does not give effect to the NPSET.	Should Rule NLF-R2 apply to the National Grid, Transpower seeks amendment to the rule on the basis a non complying activity status for the development of the National Grid does not give effect to the NPSET.	Open Submission	Accept in Part

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	Transpower New Zealand Limited	99.95	Support	Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. If this is not the case, this requires clarification. Should Rule NLF-R3 apply to the National Grid, Transpower accepts the default restricted discretionary activity status.	Should Rule NLF-R3 apply to the National Grid, Transpower accepts the default restricted discretionary activity status.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)Visual impact and landscape values	Transpower New Zealand Limited	99.96	Amend	Based on the introductory text to the Network Utilities chapter, it is assumed the rules in the Natural Features and Landscapes ('NFL') chapter do not apply. If this is not the case, this requires clarification. Based on the above, should the NLF chapter apply to the National Grid, Transpower seeks amendment to the assessment criteria to include operational or functional need.	Amend NFL-AC2 as follows: NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2) Visual impact and landscape values a. The extent to which the location, scale, height, design, external appearance, and overall form of the building or structure is appropriate to the landscape context. b. Whether the colours and material used for roofs, walls, and windows are of low reflectivity and integrate with the surrounding landscape. c. Whether there are any practical alternatives to the location of the building or structure, and any operational or functional needs. d. Whether building design and appearance are appropriate, taking into account the vulnerability of the landscape to accommodate change. e. The scale of modification to the landscape, including any indigenous vegetation removal. f. Whether access roads, utilities (power, phone, pipe work, and water tanks) are appropriately designed and sited to reduce their visibility. g. The extent to which landscape design is able to provide a visual buffer to mitigate any visual impact of the building or structure.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)Visual impact and landscape values	KiwiRail Holdings Limited	FS 265.99.96	Support	KiwiRail supports the suggested additional matter of consideration, which provides greater recognition of the needs of network utilities.	Allowed. Accept submission.		Accept in Part
NFL - Natural Features and Landscape /	Sera Chambers	150.111	Support	Supports the protection of Napier's natural features and landscapes.	Retain provision in current form.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /	Sera Chambers	FS 549.150.111	Support	Agree with submitter. Refer full submission 150 from Sera Chambers.	Allowed		Accept in Part

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NFL - Natural Features and Landscape /Policies	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.56	Amend	Considers that recognition of functional and operational need should be provided in the policy. A similar policy should be included in the NU Chapter of the PDP.	Move the policy to the NU chapter and amend it as follows: Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features and special character features, <u>while considering any functional needs or operational needs of the network utility.</u> Mitigate the adverse effects of network utilities on special character landscapes, <u>while considering any functional needs or operational needs of the network utility.</u> Relates to NFL-O2 and NFL-O3.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Policies	Transpower New Zealand Limited	FS 406.151.56	Support	Notwithstanding the clarification sought by Transpower in its submission as to the relationship between the chapters, Transpower supports the amendments sought.	Allowed.  The whole of the submission point be allowed.		Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R1A	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.57	Amend	Considers that an allowance for trenching, which typically is narrow and is cut and covered in a short (day or two) period of time should be included in the rule as adverse effects are temporary. This should be included in the NU Chapter.	Amend the rule as follows and include it in the NU chapter NFL-R1A Activity Status: Permitted Where: 1. The maximum amount of earthworks, <u>excluding any trenching</u> in any 12-month period does not exceed 50 m3 per site; 2. A maximum cut and fill height of 2 m, and 3. Compliance with all other earthworks permitted activity standards EW-S3 - EW-S7. ....	Open Submission	Reject
NFL - Natural Features and Landscape /NFL -Natural Features and Landscapes - Rules Table/NFL-R2A	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.58	Amend	Considers that telecommunication structures in such landscapes, given their slimline nature as well as their functional and operational needs (including compliance with radiofrequency standards) should be higher than 3m. Notes that 8m is permitted in Queenstown Lakes District Council's Outstanding Natural Landscapes.	Amend the rule as follows and place it in the NU chapter: NFL-R2A Activity Status: Permitted Where: 1. No part of a building or structure: a. exceeds 3 m in height ( <u>except for telecommunication structures, which can be 8m in height</u> ); ....	Open Submission	Reject
NFL - Natural Features and Landscape /NFL -Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	151.59	Amend	Considers that telecommunication structures in such landscapes, given their slimline nature as well as their functional and operational needs (including compliance with radiofrequency standards) should be higher than 3m. Notes that 8m is permitted in Queenstown Lakes District Council's Outstanding Natural Landscapes.	Amend the rule as follows and place it in the NU chapter: NFL-R3A Activity Status: Permitted Where: 1. No part of a building or structure: a. exceeds 3 m in height ( <u>except for telecommunication structures, which can be 8m in height</u> ); ....	Open Submission	Reject

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NFL - Natural Features and Landscape /Policies /NFL-P7: Manage the effects of network utilities	KiwiRail Holdings Limited	168.65	Amend	Notes that the Network Utilities chapter does not provide specific rules for activities within overlays. The Special Character Features (Keteketerau, Ahuriri Estuary (including outfall channel)) Overlay and the Special Character Landscapes (Te Whanganui-ā-Orotu) both extend over part of the rail network. If these overlays related to ecological values only, submitter requests the overlays be removed from the long-established, developed rail corridor. However, as the two overlays are defined by natural and historical characteristics, submitter accepts the overlays but asks for provisions which ensure rail corridor activities within the existing rail corridor are still provided for. Seeks amendment to this policy to provide an assessment hierarchy where when adverse effects cannot be avoided, adverse effects are remedied or mitigated. Due to the linear nature of the existing rail corridor, it is not always possible or practicable to relocate or avoid mapped areas. Seek recognition of this in this policy.	Amend as follows: Manage the effects of network utilities Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features <del>and special character features</del> . <u>Avoid, remedy or mitigate the adverse effects of network utilities on special character landscapes and special character features.</u>	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R1: Earthworks or land disturbance within a special character landscape (excluding the Special Purpose Airport Zone)	KiwiRail Holdings Limited	168.66	Amend	Supports the Permitted Activity status of earthworks within a special character landscape, subject to standards. Seeks inclusion of two matters of discretion to recognise the importance and needs of network utilities if standards cannot be met.	Amend as follows: NFL-R1B Activity Status where activity conditions are not met: Restricted Discretionary Matters of discretion are: 1. Landscape values; 2. Cultural values, 3. Sediment and erosion control, 4. <u>The functional and operational requirements of the network utility; and</u> 5. <u>Impact on the safe and efficient operation of the network utility.</u>	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL -Natural Features and Landscapes - Rules Table /NFL-R2: Buildings or structures within an outstanding natural feature and special character feature	KiwiRail Holdings Limited	168.67	Amend	Accepts the rule as proposed for Outstanding Natural Features but seeks amendment to remove special character feature from this rule and to instead group with special character landscapes in NFL-R3.	Amend as follows: NFL-R2: Buildings or structures within an outstanding natural feature <del>and special character feature</del>	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	KiwiRail Holdings Limited	168.68	Amend	Seeks amendment to include special character features within this rule which allows for buildings or structures that cannot meet Permitted Activity standards, as a Restricted Discretionary Activity. Seeks matters of discretion to recognise the importance and needs of network utilities if standards cannot be met.	Amend as follows: NFL-R3: Buildings or structures within a special character landscape <u>or special character feature</u> (excluding the Special Purpose Airport Zone) Activity Status where activity conditions are not met: Restricted Discretionary Matters of discretion are: 1. Visual impact; 2. Landscape values 3. Cultural values, 4. <u>The functional and operational requirements of the network utility; and</u> 5. <u>Impact on the safe and efficient operation of the network utility.</u>	Open Submission	Accept in Part

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NFL - Natural Features and Landscape /	Napier City Council	171.32	Support	The specific provisions of the proposal that this submission relates to is Te Whanganui-ā-Orotu Special Character Landscape overlay. The Joint Committee supports the proposed provisions of the special character landscape overlay as they provide a clear management framework for minimising effects on the cultural landscape that includes the Site.	Retain the landscape overlay provisions.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)	Napier City Council	171.33	Amend	The specific provisions of the proposal this submission relates to is Te Whanganui-ā-Orotu Special Character Landscape overlay. The View shafts control area shown on the planning maps currently only has rules within the Airport Zone. Any new building or structure within the View Shaft Control Area within that zone requires resource consent with an assessment of visual amenity and landscape effects. We understand the control is shown over the subject site to demonstrate the wider context of the view corridors. However, there are no controls that apply within the Ahuriri Regional Park site itself. We suggest that any building triggering a resource consent under the Special Character Landscape provisions should be assessed having regard to the potential impacts on identified View Shafts, through an additional assessment criteria.	Amend the assessment criteria in the landscape overlay to require consideration of effects on identified View Shafts for any building or structure requiring resource consent (NFL-AC2).	Open Submission	Accept
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)	Hawke's Bay Airport Limited (HBAL)	FS 347.171.33	Amend	HBAL support this submission insofar as it aligns with HBAL's original submission that the Council adopt alternative viewshafts and include provisions to manage those viewshafts.	Allow in part.		Accept in Part
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)	Sera Chambers	FS 519.171.33	Amend	Amend. Refer full submission 150 from Sera Chambers, including but not limited to the sections relating to AIRPZ – Airport Zone and view shafts.	Allow in part		Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R2: Buildings or structures within an outstanding natural feature and special character feature	Angela McFlynn	189.28	Amend	Considers that no provision is made in NFL-R2: Buildings or structures within an outstanding natural feature and special character feature for the use of natural / unpainted materials in buildings.	Amend NFL-R2: Buildings or structures within an outstanding natural feature and special character feature to allow for the use of natural materials.	Open Submission	Reject

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NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone).	Angela McFlynn	189.29	Amend	The submitter considers that Clause b. of this Rule as written would require resource consent as a Restricted Discretionary activity for any building containing windows or using natural, unpainted, materials.	Amend NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone) to provide for windows in buildings as a permitted activity, and the use of unpainted materials that meet the reflectance value. Also amend wording to clarify the requirement that no part of a building has a reflectance value <del>no</del> greater than 30%.	Open Submission	Accept in Part
NFL - Natural Features and Landscape / Introduction	Hawke's Bay Airport Limited (HBAL)	198.40	Amend	Considers it is appropriate that maintenance of the Te Whanganui ā Orotu Special Character Landscape is provided for within the unique context of the Airport Zone. Amendment is required to ensure consistency between the AIRPZ Airport chapter and NFL chapter so there is clear understanding about provisions which apply in the Airport Zone.	Amend as follows: <del>The provisions that relate to Special Character Landscapes do not apply within the Special Purpose Airport Zone. The Airport Zone is located within a Special Landscape Character Overlay, however the provisions of the Natural Features and Landscape chapter do not apply within the Airport Zone.</del> The Special Purpose Airport Zone. protects the natural and cultural values of these landscapes and features while recognising the operational and functional requirements of the Airport by identifying View Shafts- Control Areas and Landscape Sensitive Control Areas.	Open Submission	Accept in Part
NFL - Natural Features and Landscape / Introduction	Sera Chambers	FS 550.198.40	Oppose	Opposes the submitter's submission. Refer full submission 150 from Sera Chambers.  Please also refer to information noted in my opposition to HBAL submission point 2.	Disallowed		Reject
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R1: Earthworks or land disturbance within a special character landscape (excluding the Special Purpose Airport Zone)	Hawke's Bay Airport Limited (HBAL)	198.41	Support	Considers it is appropriate that maintenance of the Te Whanganui ā Orotu Special Character Landscape is provided for within the unique context of the Airport Zone.	Retain as notified.	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	Hawke's Bay Airport Limited (HBAL)	198.42	Support	Considers it is appropriate that maintenance of the Te Whanganui ā Orotu Special Character Landscape is provided for within the unique context of the Airport Zone.	Retain as notified.	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes /General	Department of Conservation	253.46	Amend	Considers that references to Schedule 7 are incorrect as Schedule 2 lists the Natural Features and Landscapes.	Seeks to amend all references from Schedule 7 to Schedule 2.	Open Submission	Accept in Part



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NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes /General	Department of Conservation	253.47	Amend	Considers that several of the sites, specifically the Ahuriri estuary have ecological values that are important to their character besides just being habitats for significant indigenous and migratory species. Flora should be protected on its own to ensure proper ecosystem functioning. There should be a greater emphasis on protection of indigenous biodiversity found at the features or landscapes.	Seeks to amend the NFL chapter to include the importance of indigenous biodiversity on natural character features and landscapes.	Open Submission	Reject
NFL - Natural Features and Landscape /Objectives /NFL-O3: Protection of special character landscapes	Department of Conservation	253.48	Amend	Considers that NFL-O3 should set a higher initial standard to protect special character landscapes. Degradation of special character should be avoided first before mitigation to best preserve the character of the landscape. Including the terms 'avoiding' and 'remedying' will assist in ensuring that the RMA is given effect to in resource consent applications.	Seeks to amend NFL-O3 as follows or with similar wording: NFL-O3: Protection of special character landscapes Protect the unique features by <u>avoiding, remedying, or</u> mitigating the adverse effects of subdivision, land use, and development on the natural and historical characteristics and visual qualities of Napier's special character landscapes identified in Schedule 27.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Objectives /NFL-O3: Protection of special character landscapes	KiwiRail Holdings Limited	FS 266.253.48	Support	KiwiRail supports an assessment hierarchy.	Allowed. Accept submission.		Accept in Part
NFL - Natural Features and Landscape /Policies /NFL-P6: Avoid extractive industries	Department of Conservation	253.49	Support	Considers that NFL-P6 gives effect to the Act.	Retain as notified.	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R4: Vehicle parking areas to provide public access to outstanding natural features and special character features	Department of Conservation	253.50	Oppose	Considers that matters of control should be expanded to include ecological values and amenity. Part of the reason special character features have been defined as such is because of the ecological values on the sites. Without providing for control over the ecological values, significant cultural and landscape, the special character features may be adversely affected and thus degraded.	Seeks to amend wording as follows:Matters of control:1. Location of vehicle parking areas; 2. Safe, connected, and efficient transport network; 3. Compliance with the Transport chapter; 4. Landscape values, <del>and</del> ; 5. Cultural values; 6. <u>Ecological values, and</u> 7. <u>Amenity values</u>	Open Submission	Reject
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R4: Vehicle parking areas to provide public access to outstanding natural features and special character features	KiwiRail Holdings Limited	FS 266.253.50	Oppose	It not appropriate to make ecological effects a matter of assessment when provisions regarding indigenous biodiversity have been excluded from the notified District Plan. Objectives and policies in this chapter neither refer to ecological or amenity values. Reference to amenity values could considerably broaden the list of matters to be considered in a resource consent.	Disallowed. Reject submission.		Accept
NFL - Natural Features and Landscape /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.80 (Late Submission)	Amend	Considers the s32 report notes that the Council commissioned a Landscape Assessment Study from Isthmus. Forest & Bird has been unable to locate that Study on the Council website. Forest & Bird notes that the Plan does not include any ONLs, and only one ONF. If the Isthmus Study identified any further outstanding areas, these should be included in the plan.	Seeks to include any ONLs and ONFs identified in the Isthmus Study in the plan, that have not been already carried through to the plan.	Open Submission	Accept in Part

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NFL - Natural Features and Landscape /Objectives /NFL-O1: Protection of Ōtātara as an outstanding natural feature	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.82 (Late Submission)	Support	Supports the approach of identifying outstanding and special landscapes and features, and applying a regulatory approach to ensure their protection.	Retain as proposed.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Objectives /NFL-O2: Protection of special character features	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.83 (Late Submission)	Amend	Supports the identification and protection of special character features in the plan, along with a regulatory approach to support that. Also seeks that the provisions ensure that the NZCPS is given effect to. Currently the provisions do not clearly achieve that. We have sought changes to the policies below to reflect that, but Council should consider also reflecting this in the objectives.	Amend as follows: The natural and historical characteristics and visual qualities of Napier's special character features and landscapes identified in Schedule 7 are protected from inappropriate subdivision, land use, and development. Include specific reference to SCLs and SCFs that are in the coastal environment, either here or in a separate objective.	Open Submission	Accept
NFL - Natural Features and Landscape /Objectives /NFL-O3: Protection of special character landscapes	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.84 (Late Submission)	Amend	Considers in many circumstances, 'mitigating' effects will not be sufficient in order to achieve protection. Further, there are SCLs in the coastal environment. These must be protected by avoiding significant adverse effects (NZCPS policy 15(b)). 'Mitigation' does not reflect that requirement. Finally, certain activities are prohibited in special character landscapes. Forest & Bird supports that. However, the policy basis for prohibited activity status is not provided by only requiring mitigation.	Amend as follows: "Protect the unique features by <u>avoiding, remedying or mitigating</u> the adverse effects..." Include specific reference to SCLs that are in the coastal environment, either here or in a separate objective.	Open Submission	Accept
NFL - Natural Features and Landscape /Policies /NFL-P1: Identification of outstanding natural features, special character landscapes, and special character features	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.85 (Late Submission)	Support	Supports the approach of identifying outstanding and special landscapes and features, and applying a regulatory approach to ensure their protection.	Retain as proposed.	Open Submission	Accept
NFL - Natural Features and Landscape /Policies /NFL-P2: Protection of Ōtātara as an outstanding natural feature	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.86 (Late Submission)	Support	Support the policy approach to protection of the ONF.	Retain as proposed.	Open Submission	Accept
NFL - Natural Features and Landscape /Policies /NFL-P4: Protection of special character landscapes	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.87 (Late Submission)	Amend	Considers minimising adverse effects is not an appropriate end point for effects management. Minimised effects still need to be managed. It also does not give effect to the direction in O3, which is to protect the SCLs. Further, the policy does not give effect to NZCPS policy 15.	Amend as follows: <del>Minimise</del> <u>Protect special character landscapes by managing</u> the effects of development within Napier's special character landscapes by: a. limiting the scale of earthworks, managing building sizes, colours, and plantation forestry; <u>and</u> b. <u>avoiding, remedying and mitigating the effects of those activities; and</u> c. <u>in the Coastal Environment, avoiding significant adverse effects on the special character landscapes.</u>	Open Submission	Accept in Part

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
NFL - Natural Features and Landscape /Policies /NFL-P5: Protection of outstanding natural features, special character landscapes, and special character features in future rezoning, structure plans, and subdivisions	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.88 (Late Submission)	Amend	Considers SUB-R4 does not appear to provide for protection of SCLs. The correct reference appears to be SUB-R7. Further, mitigation is not sufficient. SCLs are meant to be protected in the plan. Further, the policy does not give effect to NZCPS policy 15.	Amend as follows: Protect Napier's outstanding natural features, special character landscapes, and features by: a. requiring any future rezoning and/or structure plans within landscape overlays to comply with requirements for protecting the landscape values identified in Schedule 7, and b. requiring any subdivisions under rule SUB-R47 and SUB-R6 within landscape overlays to <u>avoid, remedy or</u> mitigate potential effects on the landscape values identified in Schedule 7; and c. in the Coastal Environment, <u>avoiding significant adverse effects on the special character landscapes.</u>	Open Submission	Accept in part
NFL - Natural Features and Landscape /Policies /NFL-P6: Avoid extractive industries	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.89 (Late Submission)	Amend	Considers this policy should extend to SCLs. This would implement the direction in the objective to protect the SCLs. It would also give effect to the direction of the NZCPS, for those SCLs in the CE.	Amend as follows: Avoid extractive industries (quarrying and mining) within or in the vicinity of outstanding natural features, <u>special character landscapes</u> and special character features.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /Policies /NFL-P6: Avoid extractive industries	KiwiRail Holdings Limited	FS 236.289.89	Oppose	KiwiRail objects to suggested clause (c) which refers to the avoidance of effects, as infrastructure cannot always avoid all adverse effects on the environment, as recognised by the PDP. Due to the linear nature of the existing rail corridor, it is not always possible or practicable to relocate or avoid mapped areas.  The suggested change may also create interpretation difficulties as to what is a 'significant adverse effect'. KiwiRail is of the view that works to an existing rail corridor would not represent a significant adverse effect.	Disallowed.  Reject submission.		Reject
NFL - Natural Features and Landscape /Policies /NFL-P7: Manage the effects of network utilities	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.9 (Late Submission)	Amend	Strongly support the direction to avoid locating network utilities in ONFs and SCFs, however, this is weakened by the qualification. Further, for SCLs, mitigation is not sufficient. These landscapes are meant to be protected. Further, the policy does not give effect to NZCPS policy 15.	Amend as follows: Avoid locating network utilities: <del>a. on prominent positions and/or ridgelines</del> within outstanding natural features and special character features, and <del>b. on prominent positions and/or ridgelines within special character landscapes; and</del> c. anywhere in special character landscapes in the Coastal Environment. <del>Mitigate the adverse effects of network utilities on special character landscapes.</del>	Open Submission	Accept in Part
NFL - Natural Features and Landscape /General /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.91 (Late Submission)	Amend	Considers amending the Whole chapter, including Introduction, Objectives, Policies and Rules Arising from late notification of ECO-chapter	Seeks to Add: "The Ecosystems and Indigenous Biodiversity chapter includes provisions which relate to natural features and landscapes. Where there is a conflict between the Natural Features and Landscapes chapter and the Ecosystems and Indigenous Biodiversity chapter, the provisions that place greater or additional restrictions on activities with adverse effects on natural environments will apply".	Open Submission	Reject

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R1: Earthworks or land disturbance within a special character landscape (excluding the Special Purpose Airport Zone)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.92 (Late Submission)	Amend	Considers permitted activity status for earthworks in the coastal environment is unlikely to ensure that significant adverse effects are avoided. Further, does not support the preclusion from notification. An activity not meeting the permitted standards could cause adverse effects such that public participation is warranted.	Amend NFL-R1A as follows: a. The maximum amount of earthworks in any 12- month period does not exceed 50 m3 per site; b. A maximum cut and fill height of 2 m, and c. Compliance with all other earthworks permitted activity standards EW-S3 - EW-S7; and d. <u>the activity is outside the Coastal Environment.</u> Delete the 'Notification status' note from NFL-R1B.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R1: Earthworks or land disturbance within a special character landscape (excluding the Special Purpose Airport Zone)	KiwiRail Holdings Limited	FS 236.289.92	Oppose	KiwiRail objects to all earthworks and buildings/structures in the coastal environment requiring resource consent. This approach is likely to generate a high number of consents, for a level of activity that could be appropriately controlled through permitted standards. KiwiRail objects to all earthworks in ONF and special character features being made a Non-Complying Activity. Such an approach fails to recognise and provide for, regionally significant infrastructure which is already located in these areas. There is a need to provide for maintenance and upgrade of this infrastructure. A mitigation hierarchy is appropriate for infrastructure with a need to locate in sensitive locations.  Permitted standards in R2 already significantly restrict the height and footprint of new buildings and structures within ONF and special character features.  KiwiRail does not object to the deletion of the notification note, providing rules in this chapter provide an appropriate framework for the safe and efficient operation of rail activities on and near the rail corridor.	Disallowed. Reject submission.		Reject
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table/General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.93 (Late Submission)	Amend	Considers there does not appear to be any restriction on earthworks within the ONF or SCFs, as NFL-R1 only applies to SDLs. This is contrary to the objectives and policies of the NFL chapter, and also to NZCPS policy 15.	Seeks a new rule, making earthworks in the ONF or SCFs non-complying.	Open Submission	Accept in Part
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R2: Buildings or structures within an outstanding natural feature and special character feature	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.94 (Late Submission)	Amend	Considers It is not clear that a 3m tall building, albeit a small one, will avoid adverse effects in the ONF or SCFs. The rule could require that buildings are not on prominent positions and/or ridgelines. However, this is not a very clear standard. Alternatively, this could be controlled activity, with control reserved over the location of the building.	Seeks to make this activity controlled, with control reserved over the location of the building.	Open Submission	Reject
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.95 (Late Submission)	Amend	Considers permitted activity status for buildings up to 300m2 in the coastal environment is unlikely to ensure that significant adverse effects are avoided. Further, we do not support the preclusion from notification. An activity not meeting the permitted standards could cause adverse effects such that public participation is warranted.	Seeks to include the following standard in NFL-R3A: <u>e. the building is not in the Coastal Environment.</u> Delete the 'Notification status' note from NFL-R3B.	Open Submission	Accept in Part

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NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R4: Vehicle parking areas to provide public access to outstanding natural features and special character features	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.96 (Late Submission)	Support	Support	Retain	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R5: Land use activities allowed for in a management plan required under the Reserves Act 1977 within an outstanding natural feature and special character feature	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.97 (Late Submission)	Support	Support	Retain	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R6: Plantation forestry within a special character landscape (excluding the Special Purpose Airport Zone)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.98 (Late Submission)	Support	Considers this is appropriate, provided that there is adequate policy direction to manage effects appropriately. However, in the coastal environment this activity should be non-complying, in order to avoid significant adverse effects, in accordance with the NZCPS.	Seeks to retain, and ensure the policy is amended in line with above submission points. Make the activity non-complying in the Coastal Environment.	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R7: Quarrying or mining activities within a special character landscape (excluding the Special Purpose Airport Zone)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.99 (Late Submission)	Support	Considers this is appropriate, provided that there is adequate policy direction to manage effects appropriately. However, in the coastal environment this activity should be prohibited, in order to avoid significant adverse effects, in accordance with the NZCPS.	Seeks to retain, and ensure the policy is amended in line with above submission points. Make the activity non-complying in the Coastal Environment.	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R8: Quarrying or mining activities within an outstanding natural feature and special character feature	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.100 (Late Submission)	Support	Support	Retain	Open Submission	Accept
NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /NFL-R9: Plantation forestry within an outstanding natural feature and special character feature	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.101 (Late Submission)	Support	Support	Retain	Open Submission	Accept

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NFL - Natural Features and Landscape /Assessment criteria /NFL- AC1: Earthworks in NFL areas (NFL- R1 to NFL-R3)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.102 (Late Submission)	Amend	Considers The reference to the rules is incorrect. Only NFL-R1 manages earthworks.The criteria need to clearly direct the decision maker to consider the effects in the coastal environment. There also needs to be direction to consider avoiding, remedying and mitigating effects everywhere.	Amend to correctly cross-reference rules. Include the following new criterion under Landscape values: <u>The extent to which significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied or mitigated.</u> Also include the criteria in NFL-AC2.	Open Submission	Accept
NFL - Natural Features and Landscape /Assessment criteria /NFL- AC1: Earthworks in NFL areas (NFL- R1 to NFL-R3)	KiwiRail Holdings Limited	FS 236.289.102	Oppose	The matter of consideration proposed is potentially very broad and could require a consideration of matters beyond the effects of exceeding permitted standards.	Disallowed. Reject submission.		reject
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.103 (Late Submission)	Amend	Considers The criteria need to clearly direct the decision maker to consider the effects in the coastal environment. There also needs to be direction to consider avoiding, remedying and mitigating effects everywhere.	Seeks to include the following new criterion under Landscape values: <u>The extent to which significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied or mitigated.</u>	Open Submission	Accept
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC2: Buildings or structures within an outstanding natural feature and special character feature (NFL-R1); Buildings or structures within a special character landscape (NFL-R2)	KiwiRail Holdings Limited	FS 236.289.103	Oppose	The matter of consideration proposed is potentially very broad and could require a consideration of matters beyond the effects of exceeding permitted standards.	Disallowed. Reject submission.		Reject
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC3: Vehicle parking areas to provide public access to outstanding natural features and special character features (NFL-R4)	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.104 (Late Submission)	Amend	Considers the criteria needs to clearly direct the decision maker to consider the effects in the coastal environment for those SNFs that are located there.	Seeks to include the following new criterion under Landscape values: <u>The extent to which significant adverse effects in the coastal environment are avoided, and other effects are avoided, remedied or mitigated.</u>	Open Submission	Accept
NFL - Natural Features and Landscape /Assessment criteria /NFL-AC3: Vehicle parking areas to provide public access to outstanding natural features and special character features (NFL-R4)	KiwiRail Holdings Limited	FS 236.289.104	Oppose	The matter of consideration proposed is potentially very broad and could require a consideration of matters beyond the effects of exceeding permitted standards.	Disallowed. Reject submission.		Reject

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SCHED2 - Schedule of Natural Features and Landscapes /Schedule of Special Character Landscapes /	Hawke's Bay Airport Limited (HBAL)	198.114	Amend	<p>The Isthmus Napier Landscape Study (Draft for Consultation 2020) identified that "The Whanganui-ā-Orotū landscape – taken as a whole – is not natural enough to be considered an 'Outstanding Natural Landscape': It contains the airport and its associated business park, other infrastructure, and fringes of urban development."</p> <p>The description should be updated to accurately reflect the nature of the area as a whole and that the relatively built up and urbanised character of the Airport Zone is a component of the landscape.</p>	<p>Amend Description and Landscape Values to recognise the presence of urban form within the landscape character overlay, as follows:</p> <p>Te Whanganui-ā-Orotū encompasses approximately 3800ha of reclaimed land, largely through Earthquake uplift and drainage engineering, <del>making it a significant proportion of Napier's non-urban landscape.</del></p> <p>The landscape includes features such as the <u>Hawke's Bay Airport and surrounding business park, the lagoon's former seabed and islands, barrier shingle spits, western shoreline and backdrop hills, Ahuriri estuary, and Mataruahou/Napier Hill.</u></p> <p>...</p> <p>The adjacent Westshore Wildlife Reserve and Watchman Road Reserve with brackish ponds fringed by reeds and rushes contribute to wildlife values and act as a landmark at Napier's northern entrance <u>when arriving via the Hawke's Bay Airport or State Highway 2.</u></p> <p>...</p> <p>The landscape features <u>Hawke's Bay Airport and its associated business park, the fringes of urban development, undulating hills, estuary margin vegetation, tidal processes, habitat value, water quality, and the upper estuary provides</u> a sense of relative quietness and placidness.</p> <p>The estuary, shoreline, and backdrop hills form visual connections with other key landmarks, enhancing the overall Te Whanganui-ā-Orotū landscape.</p>	Open Submission	Reject
SCHED2 - Schedule of Natural Features and Landscapes /Schedule of Special Character Landscapes /	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS 442.198.114	Oppose	The amendment sought is inappropriate.	Disallowed		Accept in Part
SCHED2 - Schedule of Natural Features and Landscapes /Schedule of Special Character Landscapes /	Sera Chambers	FS 550.198.144	Oppose	<p>Opposes the submitter's submission. Refer full submission 150 from Sera Chambers.</p> <p>Please also refer to information noted in my opposition to HBAL submission point 2.</p>	Disallowed		Accept in Part
SCHED2 - Schedule of Natural Features and Landscapes /SCHED2 - Natural Features and Landscapes Schedule /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.81 (Late Submission)	Amend	Considers the s32 report notes that the Council commissioned a Landscape Assessment Study from Isthmus. Forest & Bird has been unable to locate that Study on the Council website. Forest & Bird notes that the Plan does not include any ONLs, and only one ONF. If the Isthmus Study identified any further outstanding areas, these should be included in the plan.	Seeks to include any ONLs and ONFs identified in the Isthmus Study in the plan, that have not been already carried through to the plan.	Open Submission	Accept in Part

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EW - Earthworks /EW - Earthworks - Rules Table /General	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	289.176 (Late Submission)	Amend	Seek exclusion from all Permitted activities for EW in SCLs, ONFs, SCFs, SNAs and the Coastal Environment. We note again that the CE chapter relies on the other chapters in the plan to give effect to the objectives and policies of the CE chapter, but the EW rules do not provide for specific management in the coastal environment.	Seek new rules making all earthworks in SCLs, SCFs, ONF, SNAs and the Coastal Environment non-complying. Notification should not be precluded for any activity in these areas.  Should any earthworks remain as restricted discretionary, ensure that the matters of discretion include natural character in the coastal environment.	Open Submission	Accept in Part