

SUBMISSION

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Form 5

Submission on publicly notified proposal for policy statement or plan Clause 6 of First Schedule, Resource Management Act 1991

To: Waitomo District Council
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Via email: districtplan@waitomo.govt.nz

Submission on: **Proposed Waitomo District Plan**

Date: 23 December 2022

Submission by: Federated Farmers of New Zealand – Waikato

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1. Federated Farmers of New Zealand – Waikato (Federated Farmers) could not gain an advantage in trade competition for this submission.
2. Please refer to the attached table for the specific provisions of the Proposed Waitomo District Plan that our submission relates to. The table also contains the details of Federated Farmers' submission and whether we support or oppose the specific provisions on which we have submitted.
4. The decisions sought by Federated Farmers are outlined in the table attached to this submission.
5. We wish to be heard in support of this submission.

6. If others make a similar submission, Federated Farmers will consider presenting a joint case with them at a hearing.
7. Federated Farmers seeks any consequential changes necessary to give effect to the relief sought in each of the individual submission points made.

1.0 Introduction

- 1.1 Federated Farmers of New Zealand – Waitomo Branch (**Federated Farmers**) supported by Federated Farmers Waikato welcomes the opportunity to submit on Waitomo District Council's (**Council**) proposed district plan.
- 1.2 Federated Farmers acknowledges any submissions that have been made by individual members.
- 1.3 Federated Farmers are a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
- 1.4 Farming has a strong presence in the Waitomo district and contributes significantly to the wider Waikato and Bay of Plenty regions. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region.
- 1.5 Federated Farmers aim to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - (a) our members may operate their business in a fair and flexible commercial environment;
 - (b) our members' families and their staff have access to services essential to the needs of the rural community; and
 - (c) our members adopt responsible management and environmental practices.
- 1.6 Federated Farmers is actively involved in district plan reviews across New Zealand. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
- 1.8 A lot of regulation has come at a significant cost on financial and mental health within the primary sector. Many of the costs are unnecessary and place additional pressure on the primary industry for questionable environmental gain. Planning provisions designed to meet central government directions for climate change, biodiversity, outstanding natural features, and rural land use activities need to be carefully considered to ensure that decision making strikes the right balance between resource use and resource protection.

2.0 General Comments

- 2.1 In general, Federated Farmers members want a district plan that:
 - (a) balances environmental, cultural, social, and economic values;
 - (b) ensures rules are equitable, cost-effective, pragmatic and effects based;
 - (c) is written in plain English, is consistent and follows a clear, user-friendly format;
 - (d) acknowledges and rewards the positive impacts farming has on conservation, and
 - (e) recognises the importance of collaborating with communities to achieve desired environmental outcomes.
- 2.2 There is an expectation that Councils, when undertaking a plan review, will adopt a no-frills approach and only target what is necessary to manage and resolve any issues occurring in the district and to meet their responsibilities under the Resource Management Act 1991 (RMA).
- 2.3 Federated Farmers can appreciate that given the uncertainty in future planning frameworks that will be required through the current resource management reforms, a focus on the parts of the district plan that have the most issues at present is a practical and pragmatic approach.

- 2.4 Our members who work and live rurally play a critical role for the community contributing in economic, environmental, social, and cultural aspects of the district. It is essential that the Council takes this into consideration when making decisions impacting rural people.
- 2.5 Rural ratepayers are constantly interacting with both natural and built resources and rely heavily on these resources. Farmers and primary producers are very aware of the importance of managing these resources effectively, responsibly, and sustainably in order to provide for the viability of both their businesses and the resources for future generations.
- 2.6 It is important that Councils use every means available to them to keep the costs imposed on farmers as low as possible. Farmers and growers are price takers and cannot pass on rising costs to consumers. Rising farming costs (including Council costs) and high rural inflation are the key driver behind farmers needing to continually raise farm productivity in order to remain viable. This usually results in intensification and, in turn, may place additional pressure on the district's resources.
- 2.7 The importance of the economic use of land needs to be recognised throughout the District Plan. A sizable proportion of the district earns a living off the land, which provides not only for those families, but also to district and regional wealth.
- 2.8 A district plan should not be unnecessarily restrictive and should also focus on non-regulatory methods such as education and partnerships rather than having a priority focus on regulation. Non-regulatory methods are effective in engaging resource users to collaborate with Councils towards achieving mutual goals and is a more efficient way of achieving 'buy-in' from resource users.
- 2.9 Resource users are more likely to engage and work proactively in partnership with Council when they have a sense of ownership of and responsibility for the targets and activities being conducted. It is important that resource users feel that they have played an active role in the decision-making process.
- 2.10 Education is a valuable tool, particularly for issues that are not well-known or where perceptions need adjusting. As people gain more accurate knowledge about issues important in the region, misconceptions will reduce. As a result, people will be more willing to proactively engage in non-regulatory solutions.
- 2.11 The need for some regulation is accepted but the Council needs to ensure that it is the most appropriate method before introducing a rule, or a requirement for landowners to adhere to.
- 2.12 In respect of our submissions, our suggested amendments are shown with strikeout for deletions and underlining for additional wording. In each of the individual submission points made, the decision sought includes any consequential amendments that may be required to any and all other related elements in the proposed plan.

3.0 Public Access across Farmlands

- 3.1 Federated Farmers understands the desire of the Council and the necessity under the provisions of the Resource Management Act 1991 to provide public access to the coastal marine area and margins of lakes and rivers. We also understand Council is under increasing pressure to use district plan provisions to require access across private land for other Section Two matters of national importance.
- 3.2 In addition, the act of identifying and scheduling any sites as being significant or outstanding or special in some way can increase public interest in the sites and their desire for access.
- 3.2 Whilst we understand why other parties may seek access to resources on private land, the only way that can work is with express and willing permission from the private landowner. Any public access across private property must involve the willing consent of the landowner and a formal agreement between the landowner and Council or other relevant parties.
- 3.3 Public access over farms has created and continues to create conflicts for farmers. Farms are a business and farmers need to have control over what happens on their farms and when. Farmers

have experienced safety and security issues from people using public access tracks with people wandering off the track and gates being left open resulting in damage to farmland and the areas being protected.

- 3.4 Federated Farmers also has concerns over where liability potentially would lie if a person using public access across a farm was injured and needed help. Farmers should not be able to be held liable for hazards that may be encountered on a working farm and that have the potential to change on a daily basis. The creation of public access across farms creates health and safety issues.
- 3.5 Federated Farmers recognizes SASM-P10 and its promotion of agreements and arrangements between mana whenua and landowners to access scheduled sites. Federated Farmers would like to see this approach expanded to all scheduled sites on private property. This would mitigate misunderstandings and provide recognition that these sites are not publicly accessible as of right and that agreement from the landowner is required.
- 3.6 In addition, Federated Farmers believes that the Council is in the best position to support both the landowners and mana whenua to reach agreement if access to specific scheduled sites is sought.

Relief sought (Submission point 1)

- 3.5 **Federated Farmers seeks the following relief in respect of public access across private property in the appropriate provisions of the Proposed District Plan:**
 - (a) **that no public access across private property is allowed without the permission of the landowner**
 - (b) **where public access or limited access by other specified parties is sought and is required to meet RMA legislated obligations , the Council will engage with the relevant landowners to reach an acceptable agreement about the terms of the access; and**
 - (c) **that all public access agreements reached are formalized between the Council and the landowner and any other relevant parties; and**
 - (d) **issues in respect of health and safety related to people using public access or access tracks across private property are comprehensively addressed so that there is no liability for the landowner of the land across which the public access / access occurs; and**
 - (e) **any other consequential amendments required as a result of the relief sought in paragraph 3.5(a) to (c) above.**

4.0 Overlays, Scheduled Sites, Areas and Features

- 4.1 Overlays and Scheduled sites, areas and features are predominately mapped over private land. The notified plan was the first time many landowners were put on notice about these overlays and given the opportunity to try and understand the implications of them.
- 4.2 Given the lack of pre-notification consultation with landowners, on many of these overlays and scheduled sites, Council needs to ensure there are options going forward to ensure landowners, who are vested stakeholders, are involved, educated, and knowledgeable of the area of significance they host.
- 4.3 It is also important to build room for movement in the Schedule one process to ensure mapping errors or accuracy issues are able to be fully addressed without relying on individual landowners to seek that relief via individual submissions. Farmers are not planning experts and the timing of this notified plan has hit at a particularly busy time on farm. Council has a duty of care for these landowners who are uniquely impacted by scheduled sites, beyond expecting them to fully understand the implications of the planning approach and accuracy of mapping for themselves.

- 4.4 Providing the opportunity for on-going mapping refinement and ground-truthing of scheduled sites, particularly SNAs, will provide that duty of care.

Relief sought (Submission point 2)

- 4.5 **Federated Farmers seeks the following relief in respect of overlays, scheduled sites and features identified on private property:**

(a) Provide the opportunity for on-going mapping refinement and ground-truthing of scheduled sites, particularly SNAs including where a proposed activity requires a resource consent solely as a result of an area being identified as a significant natural area (SNA) and the site has not been ground-truthed, Council will meet the costs of the ground-truthing assessment to confirm the status and boundaries of the significant natural area. The assessment will be carried out by a Council approved suitably qualified and experienced ecologist prior to an application for resource consent being lodged.

(b) ensure no changes are made to sites without landowner involvement.

PROPOSED WAITOMO DISTRICT PLAN

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
|---|------------------|------------------|---|---|
| General | | | | |
| Entire Plan | 3 | Support in part | <p>Federated Farmers would like to congratulate Waitomo District Council for producing a quality version of its proposed district plan. The proposed district plan is easy to understand and to navigate around.</p> <p>Federated Farmers seeks that the District Plan contains a resource management policy framework that enables primary production in rural areas to occur as existing uses where it is already established and with as few barriers where it is sought to establish new primary production activities. The Council appears to have focused on the essential matters for its district which includes rural industry and the rural environment. Federated Farmers is generally supportive of the direction that has been in respect of rural industry, farming and the rural environment. Some amendments are sought in our submission and are intended to provide clarity to some provisions and strengthen others.</p> <p>In respect of the issues of public access and access across private property, it is recommended that the Council undertakes more work on how this access can be provided in agreement with the private landowners and how health and safety issues that may occur will be addressed so that liability does not fall back on the landowner.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the retention of the proposed direction for rural industry, farming and rural environments in the proposed district plan subject to the amendments sought by Federated Farmers in its submission; and (b) that Council comprehensively addresses the issue of public access / access across private property and the related health and safety issues that result from this access being provided; and (c) any consequential amendments required as a result of the relief sought. |
| Part 1 Introduction and General – Interpretation | | | | |
| HOW THE PLAN WORKS General Approach | 4 | Oppose | <p>Federated Farmers opposes this type of ‘catch all’ advice note. We consider it to be poor planning practice and requires a plan to be read for what is not there as well as for what is there. It has potential to create perverse consequences.</p> <p>Of relevance to this plan, we think this has potential to cause significant issues for land disturbance and cultivation activities. The definition of earthworks “excludes gardening, cultivation, and disturbance of land for the installation of fence posts”. This is a standard definition and supported by Federated Farmers. However, since gardening, cultivation and disturbance of land for the installation of fenceposts is not expressly provided for within relevant rule frameworks, they default to being a non-complying activity.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) Delete following advice note on page 5 of 8 Any activity not expressly provided for within this plan is a non-complying activity. (b) any consequential amendments required as a result of the relief sought. |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | <p>We believe the catch all is not required as Section 17(1) establishes that every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, whether or not the activity is in accordance with a rule in a plan.</p> <p>This duty to avoid, remedy or mitigate adverse effects along with the enforcement options under Section 17(3) and option to notify a plan change or variation provide council with the appropriate opportunities to deal with unforeseen circumstances which may arise.</p> | |
| 9. Definitions | 5 | Support | <p>Federated Farmers supports the proposed definitions for the following terms:</p> <ul style="list-style-type: none"> • agricultural, pastoral and horticulture activities; • farm airstrips and farm helipads; • farm quarrying; • functional need; • rural industry. | <p>Federated Farmers seeks the following relief:</p> <p>(a) the retention of definitions for agricultural, pastoral and horticulture activities; farm airstrips and farm helipads; farm quarrying; functional need; and rural industry as currently drafted in the proposed district plan or with wording to similar effect; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| 9. Definitions conservation activities | 6 | Support in part | <p>Federated Farmers supports the definition of conservation activities but submits that weed and pest control should be included more broadly, rather than singling out plant pests identified in the Waikato Regional Pest Management Plan. The control of any plants and animals that detract from the indigenous biodiversity values of a site should be recognised as a conservation activity.</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of the definition of conservation activities to include the control and / or removal of any plants and animals that detract from the indigenous biodiversity values; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| 9. Definitions regionally significant industry | 7 | Support in part | <p>Federated Farmers supports the intention of the definition of 'regionally significant industry' but notes that which industries are considered 'regionally significant' is not evident.</p> <p>Federated Farmers submits that primary production is a regionally significant industry in the Waitomo District and wider Waikato Region. Primary production should be explicitly included in the Plan's definition of 'regionally significant industries' or elsewhere in the Plan to ensure that primary production is given regionally significant industry status.</p> | <p>Federated Farmers seeks the following relief:</p> <p>That primary production is given regionally significant industry status through:</p> <p>(a) the inclusion of primary production in the definition of regionally significant industries; or</p> <p>(b) the recognition of primary production as a regionally significant industry in the definition of primary production; or</p> <p>(c) the recognition of primary production as a regionally significant industry elsewhere in the plan; and</p> |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | | (d) any consequential amendments required as a result of the relief sought. |
| Part 2 District wide matters | | | | |
| Strategic Direction 16. Strategic direction, urban form and development – SD - Objectives | 8 | Support in part | Federated Farmers seeks the inclusion of an objective in this chapter that provides recognition for farming and the importance of the rural environment for primary production and the district’s economy. While some objectives such as SD-05 seek to recognise existing lawful activities and protect their ongoing operation from incompatible activities, there is not an objective that focuses on the important role that farming plays. | Federated Farmers seeks the following relief: (a) the addition of a new objective as outlined below or with wording to similar effect: <u>SD-OX – Rural industry and rural environments are recognised for the important role they play in the district’s economy and are protected from any negative effects from sensitive or incompatible activities that seek to establish adjacent to them</u> and (b) any consequential amendments required as a result of the relief sought. |
| Strategic Direction 16. Strategic direction, urban form and development – SD - Objectives | 9 | Support in part | Federated Farmers supports the intention of SD-010, however it submits that the “buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute to the district’s sense of place and identity” do not require wholesale ‘protection’, (which may be unreasonably restrictive). Rather they require protection from inappropriate subdivision, use and development. | Federated Farmers seeks the following relief: (a) The buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute to the district’s sense of place and identity, are protected <u>from inappropriate subdivision, use and development.</u> and (b) any consequential amendments required as a result of the relief sought. |
| Strategic Direction 16. Strategic direction, urban form and development – SD - Objectives | 10 | Support in part | Federated Farmers supports the intention of SD-011, however it submits that the “components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural and spiritual values accorded by mana whenua, are recognised and protected” do not require wholesale ‘protection’ (which may be unreasonably restrictive). Rather, Section 6 only requires that are protected from inappropriate subdivision, use and development. In addition, Federated Farmers submits that SD-011 is confusing. Is it intended that each of the section 6 matters across the District are covered by SD-011 or just when they are in the coastal environment? SD-011 has | Federated Farmers seeks the following relief: (a) The components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural and spiritual values accorded by mana whenua, are recognised and protected <u>from inappropriate subdivision, use and development;</u> and (b) SD-011 is reworded to more clearly state whether the matters only apply in the coastal environment or more widely; and (c) any consequential amendments required as a result of the relief sought. |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | combined a number of section 6 matters that each have a distinct responsibility for the Council. | |
| Strategic Direction 16. Strategic direction, urban form and development – SD - Objectives | 11 | Oppose | Federated Farmers submits that SD-018 is unnecessary as section 33 already provides for the transfer of powers to iwi and other authorities. | Federated Farmers seeks the following relief: (a) the deletion of SD-018; and (b) any consequential amendments required as a result of the relief sought. |
| Strategic Direction 16. Strategic direction, urban form and development – SD - Objectives | 12 | Support in part | Federated Farmers supports the intention of SD-030 but submits that without changes to ensure primary production is defined in the plan as being a regionally significant industry this will do little to provide for primary production. | Federated Farmers seeks the following relief: (a) implement the relief sought by Federated Farmers for the definition of ‘regionally significant industry’ above; and (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 17. Energy – ENGY - Policies | 13 | Support | Federated Farmers support proposed policy ENGY-07 as it recognises the need to manage new development and land use activities near existing renewable electricity generation activities in order to minimise reverse sensitivity effects | Federated Farmers seeks the following relief: (a) the retention of policy ENGY-07 as proposed or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 17. Energy – ENGY - Policies | 14 | Support in part | Federated Farmers seeks the amendment of policy ENGY-10 so that there needs to be a functional need for co-generation or waste to energy conversion to be located within the rural production or general rural zones. While acknowledging the national importance of energy and energy generation, recognition is required of the impacts that generation activities can have on their surrounding environment/s. It is important that this is recognised in this chapter of the proposed district plan. | Federated Farmers seeks the following relief: (a) the amendment of policy ENGY-10 to require a functional need for co-generation and waste to energy conversion to be in the rural production and general rural zones; and (b) and any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 18. National Electricity and Gas Transmission - NEGT | 15 | Support | Federated Farmers supports the chapter as it is currently proposed. The chapter achieves the appropriate balance between providing for national electricity and gas transmission and allowing for certain activities to occur as permitted activities near the transmission corridors. | Federated Farmers seeks the following relief: (a) the retention of chapter 18 as currently drafted or with wording with similar intent; and (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport | 16 | Support | Federated Farmers supports objective NU-O2 as it is currently drafted. The objective recognises that network utilities can have adverse effects on the environment that need to be avoided, remedied or mitigated whilst recognising the positive effects and functional and operational needs of | Federated Farmers seeks the following relief: (a) the retention of objective NU-O2 as currently drafted or with wording with similar effect; and |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| 19. Network Utilities – NU – Objectives | | | network utilities. The objective achieves an appropriate balance between addressing impacts on the environment and recognising the functional and operational needs of network utilities. | (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 19. Network Utilities – NU - Policies | 17 | Support in part | Federated Farmers supports the intent of policy NU-P10 but seeks clarification as to what the Council regards to be a sensitive activity. Network utilities have the potential to adversely affect existing activities through their location and operation. It is important that this is recognised and addressed for activities in the rural environment and that the continued operation of farms is provided for. It is unclear what is encompassed by the term sensitive activity as it is not defined in the proposed district plan. | Federated Farmers seeks the following relief: (a) the addition of a definition for the term ‘sensitive activity’; or (b) the inclusion in policy NU-P10 of an explanation of what is a sensitive activity within the scope of the policy; and (c) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 19. Network Utilities – NU – Policies | 18 | Oppose | Policy NU-P22 is opposed as it is currently drafted. The policy does not recognise that the operation and location of network utilities can adversely impact on rural activities located in the rural environment. There needs to be recognition in the policy that where [possible adverse effects on rural activities should be avoided, remedied or mitigated. | Federated Farmers seeks the following relief: (a) the inclusion in policy NU22 (3) of a clause that specifically refers to avoiding adverse effects on rural activities lawfully established in the rural environment; and (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 19. Network Utilities – NU - Rules | 19 | Support in part | Federated Farmers supports the intent of the rules for network utilities but queries why there is no consideration required of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. Council, by classifying many network utility activities as permitted activities has removed the ability for reverse sensitivity impacts on existing rural activities and operations to be taken into consideration. This places an additional burden on landowners in the rural environment to work out how they can continue their operations around the restrictions network utilities bring with them. | Federated Farmers seeks the following relief: (a) the reconsideration of the permitted activity classification for rules which allow network utility activities to occur which will adversely impact on existing rural activities and operations; and (b) the addition of a new matter of discretion for restricted discretionary and discretionary activities that reads (or with wording to similar effect): <u>the potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural production zones</u> and (c) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport | 20 | Support | Objective TRAN-O4 is supported by Federated Farmers as it recognises and provides for adverse effects from transport to be avoided, remedied or mitigated. | Federated Farmers seeks the following relief: (a) the retention of objective TRAN-O4 as currently drafted or with similar wording that achieves the same intent; and |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| 20. Transport – TRAN – Objectives | | | | (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 20. Transport – TRAN - Policies | 21 | Support in part | Federated Farmers seeks the addition of a new policy that is focused on avoiding, remedying or mitigating the adverse effects from transportation activities on the adjacent environments. | Federated Farmers seeks the following relief: (a) the addition of a policy that requires adverse effects from transportation activities on adjacent environments to be avoided, remedied or mitigated; and (b) any consequential amendments required as a result of the relief sought. |
| Energy, infrastructure and transport 20. Transport – TRAN - Rules | 22 | Oppose in part | Federated Farmers is unclear what is captured by TRAN-R9 as ‘indicative road’ is not defined. Farmers must be able to continue farming their land, this includes being able to erect structures such as fences (including boundary fences) and stockyards and maintain or replace existing structures. Without a clear understanding of what an indicative road / corridor is and where they are located it is difficult to understand what the impact of this rule will be on farmers. Federated Farmers requests that this rule is amended to clearly articulate what an indicative road is and their locations. The rule should also be amended to ensure that primary production activities are not unduly restricted by this rule. | Federated Farmers seeks the following relief: (a) that ‘indicative road’ is defined, and all indicative roads are mapped; and (b) that structures supporting primary production activities (such as fences) are permitted; and (c) the maintenance and replacement of existing structures is permitted |
| Energy, infrastructure and transport 20. Transport – TRAN - Rules | 23 | | Federated Farmers seeks the amendment of TRAN-R17 (4) and (10) to exclude the rural zone. Federated Farmers submits that these standards could not be easily met or are necessary in rural zone. | Federated Farmers seeks the following relief: (a) that the rural zone is included in the list of zones excluded from the requirements of standard TRAN-R17(4); and (b) that the rural zone is excluded from the requirements of standard TRAN-R17(10); and (c) any consequential amendments required as a result of the relief sought. |
| 21. Contaminated Land | 24 | Support | Federated Farmers supports the planning approach adopted in response to contaminated land. | Retain as notified |
| 22. Hazardous substances | 25 | Support | Federated Farmers supports the planning approach adopted in response to hazardous substances | Retain as notified |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| Hazards and Risks 23. Natural Hazards – NH - Entire Chapter | 26 | Support in part | <p>The Natural Hazards chapter does not provide any recognition for buildings such as barns and sheds that have a functional need to be located within a natural hazard area.</p> <p>On farms, there are ancillary buildings located across the farm. These buildings are for many different uses including feed storage, machinery storage etc. The buildings are located close to where they are needed and are not capable of residential habitation. The district plan needs to provide for buildings such as these and realise that farmers are aware of the risk of locating buildings in certain areas and have undertaken appropriate mitigation measures.</p> <p>We are unsure, for example, why there are extra conditions imposed on farm buildings and accessory buildings with a floor.</p> <p>In our view, the focus should be on habitable vs non-habitable structures. It is important that the regulatory response to these potential hazards is appropriate to the risk of the hazard to human life and community assets. It is important to recognise the resilience of farming activities to natural hazards with simple farm structures (implement sheds with a concrete base for example) and fences are exempt from natural hazards rules, unless these structures are significantly contributing to or exacerbating the effects of an adverse event.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the addition of a permitted framework in the natural hazards chapter of the proposed district plan that recognises and provides for buildings and structures that have a functional need to be located within a natural hazard area; and (b) any consequential amendments required as a result of the relief sought. |
| Hazards and Risks 23. Natural Hazards – NH - Rules | 27 | Oppose | <p>Federated Farmers seeks an exemption for primary production activities from the earthworks thresholds in NH-R6. While the natural hazards overlays do not seem to capture vast areas of primary production, the threshold of 20m³ per site or 50m³ over the lifetime of the plan would be unworkable in any farming setting.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) primary production activities be exempt from the earthworks thresholds in NH-R6; and (b) and consequential amendments required as a result of the relief sought. |
| Historical and cultural values 24. Historic heritage – HH - Policies | 28 | Oppose in part | <p>Federated Farmers seeks the addition of a new policy for significant archaeological sites that recognises that by identifying sites, public interest in them is increased alongside a desire to access the sites, often across private property. A balance needs to be obtained so that private landowners, particularly in rural environments are not adversely impacted on by members of the public and other parties thinking they have access to a site just because information about the sites is publicly available.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the addition of a new policy in the Historic heritage chapter that provides plan users with a clear understanding that access to significant archaeological sites, or sites of significance to Māori identified on private land will only be enabled with the express consent of the private landowner. The policy should also provide direction to plan users that potential adverse effects on private landowners must be avoided; and |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | <p>Access to sites raises issues of security and safety for farmers who have experienced uninvited people wandering around their homes and ancillary buildings as well as gates being left open.</p> <p>It is not just about protecting significant archaeological sites. The Council also needs to consider how access to the sites can be controlled so that private landowners are still able to continue with their existing and lawfully established activities and operations.</p> <p>As well there is a need to consider health and safety issues and who will be liable if a person using an access track encounters a hazard and/or is injured while using a public access track.</p> | (b) any consequential amendments required as a result of the relief sought. |
| <p>Historical and cultural values</p> <p>24. Historic heritage - HH - Rules</p> | 29 | Oppose | <p>Federated Farmers opposes the discretionary activity status that has been assigned to the following rules:</p> <ul style="list-style-type: none"> • HH-13 Earthworks • HH-14 Erection of a new building or structure • HH-R15 Repositioning or removal of an existing building or structure. <p>It would be more appropriate if the activity status for the three rules was amended to restricted discretionary with the Council taking the time to determine the matters of discretion any resource consent application would be assessed against.</p> <p>In addition, for certainty, it is appropriate that an additional rule providing permitted activity status for the erection, repair, maintenance and replacement of fences and the cultivation of land for primary production or protection purposes is included.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the amendment of the activity status for rules HH-13, HH-14 and HH-15 from discretionary to restricted discretionary; and (b) the inclusion of matters of discretion for rules HH-13, HH14 and HH15; and (c) the inclusion of a new rule providing permitted activity status for the erection, repair, maintenance and replacement of fences and the cultivation of land for primary production or protection purposes; and (d) any consequential amendments required as a result of the relief sought. |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM - Objectives</p> | 30 | Oppose in part | <p>Federated Farmers supports the intent of the objectives for this chapter but requests that the Council adds an additional objective which focuses on consultation with private landowners where sites and areas of significance are located.</p> <p>A balance needs to be obtained so that private landowners, particularly in rural environments are not adversely impacted on by members of the public and other parties seeking access. Access raises issues of security and safety for farmers who have experienced uninvited people wandering around their homes and ancillary buildings as well as gates being left open.</p> <p>The Council also needs to consider how access to the sites can be controlled so that private landowners are still able to continue with their</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the addition of a new objective that reads (or with wording with similar effect): <u>SASM 0X Ensure private landowners who host sites and areas of significance to Māori are identified as stakeholders and supported through any proposals to access sites and values on their properties. This may include negotiating formal access agreements, iwi liaison support or providing contestable funding for maintenance and enhancement works including forming track access if necessary.</u> and |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | <p>existing and lawfully established activities and operations. This is to ensure that appropriate access and protection of the site/area can be agreed amongst all relevant parties.</p> <p>As well there is a need to consider health and safety issues and who will be liable if a person using an access track encounters a hazard and/or is injured while using a public access track.</p> | (b) any consequential amendments required as a result of the relief sought |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM - Policies</p> | 31 | Support in part | Federated Farmers submits that given the wide range of activities that may be considered ‘earthworks’, earthworks should be managed to avoid ‘significant’ adverse effects on the values of scheduled sites. | <p>Federated Farmers seeks the following relief:</p> <p>(a) SASM-P7. Earthworks must be managed to avoid significant adverse effects on the values of scheduled sites; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM - Policies</p> | 32 | Support in part | <p>Federated Farmers seeks the amendment of policy SASM-P9 which states that the Council will work with landowners to manage, maintain and preserve scheduled sites. However, we seek that the Council plays a role in facilitating the engagement between mana whenua and landowners until a sound relationship has been established. Council has existing relationships with mana whenua and their initial involvement will positively assist other parties who are looking to engage with iwi and establish sound relationships.</p> <p>Federated Farmers supports policy SASM-P10 as it is currently proposed. It is proactive and logical.</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) the inclusion in policy SASM-P9 of a new clause that requires the Council’s initial involvement with landowners seeking to engage and establish relationships with mana whenua; and</p> <p>(b) the retention of policy SASM-P10 as currently drafted of with wording to similar effect; and</p> <p>(c) any consequential amendments required as a result of the relief sought.</p> |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM - Policies</p> | 33 | | Federated Farmers submits that SASM-P11 should only apply to Māori land, public land and reserves. It is inappropriate to transfer powers to mana whenua to manage sites on privately owned land. Federated Farmers submits that it should be Council’s responsibility to work with landowners to manage, maintain and preserve scheduled sites while facilitating the engagement between mana whenua and landowners until a good working relationship has been established. | <p>Federated Farmers seeks the following relief:</p> <p>(a) amend SASM-P11. to read - Investigate opportunities for Māori and by Māori, which facilitate improved management of scheduled sites <u>on Māori land, reserves or public land</u>, including the transfer of powers to mana whenua to manage cultural heritage resources; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| <p>Historical and cultural values</p> | 34 | Oppose in part | Federated Farmers is confused by using the term ‘minor earthworks’ for activities that have been excluded from the definition of ‘earthworks’. SASM-R7 lists a number of permitted activities, some of which are covered | Federated Farmers seeks the following relief: |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| 25. Sites and areas of significance to Māori – SASM – Rules | | | <p>by the definition of earthworks and some that are excluded including fencing, gardening and cultivation.</p> <p>Federated Farmers considers that these activities should be defined separately and provided for as a permitted activity both within the SASM chapter and throughout the plan. It is noted that elsewhere these activities are not provided for as a permitted activity and therefore default to being non-complying activities – which is opposed by Federated Farmers.</p> | <p>(a) That activities provided for in SASM-R7 as ‘minor earthworks’ but are excluded from the definition of ‘earthworks’ are provided for as a separate permitted activity; and</p> <p>(b) Any consequential amendments required as a result of the relief sought.</p> |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM – Rules</p> | 35 | Support in part | <p>Federated Farmers supports the permitted activity status for SASM-R7 3. and 4. but submits that, for practicality and/or accuracy reasons, the maintenance or upgrading of existing fences and tracks may require some alteration of the alignment.</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) That SASM-R7 3. and 4. are amended as follows:</p> <p>3. The earthworks are for maintaining or upgrading existing fences on the same <u>or similar</u> alignment; and</p> <p>4. The earthworks are for maintenance of existing driveways and existing farm tracks on the same <u>or similar</u> alignment; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM – Rules</p> | 36 | Support | <p>Federated Farmers supports the planning response taken for the range of activities listed as permitted activities SASM-R7(5-10)</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) retention of the proposed permitted activities SASM-R7(5-10)</p> |
| <p>Historical and cultural values</p> <p>25. Sites and areas of significance to Māori – SASM – Rules</p> | 37 | Oppose in part | <p>Federated Farmers considers that SASM-R8(f) provides enough scope for Council to consider access as well as the other values “commensurate with the scale and nature of the proposal”. Because of this, and in this context, SASM-R8(e) is not necessary.</p> <p>SASM-R8(e) does not have any requirements to be commensurate with the scale and nature of the proposal, and considering the low triggers for usual farming activities (such as the earthworks required to create a new track or new fence), it is probable that farmers would be required to concede more access and use rights than they are comfortable with, particularly if a good working relationship with mana whenua is not yet fully established.</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) the deletion of SASM-R8(e); and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | Matters such as SASM-R8(e) should only be applied to land use change, not activities undertaken in the rural zone for rural purposes. | |
| Natural Environment Values 26. Ecosystems and indigenous biodiversity – ECO – Entire Chapter | 38 | Support | Federated Farmers supports the permitted activity framework set out in the chapter which provides for identified permitted activities where the effects will have no more than minor effects on the on the values of significant natural areas. This approach allows for existing, lawfully established activities and operations to continue. For clarity the permitted activity framework includes: <ul style="list-style-type: none"> • Objective ECO-03 • Policy ECO-P03 • Rules ECO-R3, ECO-R4, ECO-R5, ECO-R6, ECO-R7. | Federated Farmers seeks the following relief: <ol style="list-style-type: none"> the retention of the proposed permitted activity rules and standards as outlined in the chapter; and any consequential amendments required as a result of the relief sought. |
| Natural Environment Values 27. Natural Character – NATC – Policies | 39 | Support in part | Policy NATC-P2, clause 4 seeks to avoid the significant adverse effects of subdivision, use and development where these would damage, diminish or compromise natural character. Federated Farmers supports the intent of the clause but notes that it applies a higher bar than what is set out in s6 of the Resource Management Act 1991 which applies the protection of the coastal environment, outstanding natural features and landscapes and areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use, and development. It would be more appropriate of the clause reflected the legislative requirement rather than seeking to impose a higher level of protection. | Federated Farmers seeks the following relief: <ol style="list-style-type: none"> the amendment of clause 4 of policy NATC-P2 to refer to inappropriate subdivision, use and development; and any consequential amendments required as a result of the relief sought. |
| Natural Environment Values 27. Natural Character – NATC – Rules | 40 | Oppose in part | Federated Farmers recognises the need to control cultivation near water bodies but submits that the effects of cultivation and mitigation measures can be identified to allow this activity to occur as a restricted discretionary activity where the permitted activity standard cannot be met. This would allow landowners to understand more clearly what measures and controls would be required should they wish to undertake cultivation within 5m of a waterbody. | Federated Farmers seeks the following relief: <ol style="list-style-type: none"> Amend NATC-R3. to default to restricted discretionary status rather than discretionary status where cultivation is to occur within 5 m of a waterbody. Any consequential amendments required as a result of the relief sought. |
| Natural Environment Values 27. Natural Character – NATC – Rules | 41 | Support in part | Federated Farmers supports the permitted activities listed in NATC-R4 but submits that earthworks for environmental protection purposes should also be permitted e.g. bunding. | Federated Farmers seeks the following relief: <ol style="list-style-type: none"> Amend NATC-R4. to include environmental protection and enhancement activities. Any consequential amendments required as a result of the relief sought. |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| Natural Environment Values 28. Natural Features and Features and Landscapes – NFL – Entire Chapter | 42 | Support | Federated Farmers is broadly supportive of the planning response and considers a relatively good balance has been achieved between the protection of natural features and landscapes and providing for activities such as farm quarrying as a permitted activity. | Federated Farmers seeks the following relief: (a) the retention of the permitted activity rules and performance standards unless other more specific relief is sought in the chapter; and (b) any consequential amendments required as a result of the relief sought. |
| Natural Environment Values 28. Natural Features and Features and Landscapes – NFL – Landscapes of high amenity value. | 43 | Oppose | Federated Farmers understand the intent of this policy is to meet Waikato Regional Policy Statement (WRPS) Policy 12.3 direction. However, the WRPS does not explicitly require the amenity values of rural landscapes to be identified and managed. In Federated Farmers’ view, the extra overlay of landscapes of high amenity value and associated objectives, policies and rules (as they relate to rural activities on private land) serve no useful purpose. They impose an extra layer of restriction for some usual and expected activities that would otherwise be enabled in the rural zone. Federated Farmers is concerned at the lack of landowner involvement in the process of identifying these amenity landscapes and understand that substantial areas of farmland have been included. | Federated Farmers seeks the following relief: (a) Delete all objectives, policies and rules relating to landscapes of high amenity value and replace with the following: <u>new objective – Recognise the attributes which contribute to identified Landscapes of high amenity value.</u> <u>This objective will be implemented by the relevant zone rules which control effects of land use relative to the zone,</u> And/ or include the following advice note <u>Note: There are no rules relating specifically to high amenity landscapes. However, where discretionary or non-complying activity resource consents are required under rules of this Plan, and where those activities are located within these landscapes the proposed activities will be assessed in terms of their consistency with this objective.</u> (b) any consequential amendments required as a result of the relief sought. |
| Natural Environment Values 28. Natural Features and Features and Landscapes – NFL – Rules | 44 | Support in part | As noted elsewhere in this submission, Federated Farmers is concerned that activities that are excluded from the definition of ‘earthworks’ – gardening, cultivation, and disturbance of land for the installation of fence posts have not been provided for as a permitted activity and therefore default to being a non-complying activity. Federated Farmers requests that an additional rule be included in the Natural Features and Landscapes chapter providing for gardening, cultivation, and disturbance of land for the installation of fence posts as permitted activities. | Federated Farmers seeks the following relief: (a) that an additional rule is included in NFL-Rules that allows for gardening, cultivation, and disturbance of land for the installation of fence posts as permitted activities; and (b) any consequential amendments required as a result of the relief sought. |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| Subdivision 29. Subdivision- SUB - Objectives | 45 | Support in part | <p>Federated Farmers supports in part objective SUB-07 and supports in their entirety objectives SUB-08 and SUB-011.</p> <p>Objective SUB-07 seeks to ensure that the overall primary productive potential of the rural land resource is retained to support the use of the general rural zone as a productive working environment.</p> <p>Federated Farmers supports the intent of the objective as the value of primary production land is important to be retained. However, it is also important that rural landowners can subdivide their land into smaller lots to realise some of the monetary value of that land. It is important that an objective recognises this fact and defines it as part of a required outcome.</p> <p>Objective SUB-08 which seeks to ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision is supported in its entirety by Federated Farmers.</p> <p>Federated Farmers supports Objective SUB-011 as it is drafted as it addresses reverse sensitivity effects and seeks to ensure new allotments created close to the boundary of a rural production zone/indicative rural production area or an established site of intensive indoor primary production have an identified building platform(s) in a location which minimises reverse sensitivity effects.</p> <p>The management of reverse sensitivity effects in the rural environment is important as it allows for the continued operation of existing, lawfully established activities that are essential for rural production activities to continue.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the amendment of objective SUB-07 so that it is not as absolute in the retention of the primary productive potential of rural land (b) the amendment of objective SUB-07 to allow for appropriate subdivision of rural land used for primary production; and (c) the retention of objectives SUB-08 and SUB-011 as drafted or with wording to similar effect; and (d) any consequential amendments required as a result of the relief sought. |
| Subdivision 29. Subdivision- SUB - Policies | 46 | Support | <p>Federated Farmers supports policy SUB-P10 as drafted. Policy SUB-P10 seeks to ensure that subdivision does not compromise the predominant function character and amenity of the general rural zone and then lists what is to be avoided. The policy is clear and provides clarity of what type of subdivision will be inappropriate in the general rural zone.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the retention of policy SUB-P10 as drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Subdivision 29. Subdivision- SUB - Policies | 47 | Support | <p>Federated Farmers supports policy SUB-P11 as drafted. The policy seeks to ensure that subdivision in the general rural zone maintains or enhances the attributes that contribute to rural character and amenity values. The policy includes providing for the providing for the continued and efficient operation of rural activities and productive working landscapes.</p> | <p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the retention of policy SUB-P11 as drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| Subdivision 29. Subdivision- SUB - Policies | 48 | Support | Federated Farmers supports the restricted discretionary activity status given in SUB - Table 1 - Activities Rules for subdivisions in the rural production and general rural zones and the fact that there is no minimum or maximum net site area requirements. The default activity status to discretionary if the requirements for restricted discretionary activity status can not be complied with is also supported. | Federated Farmers seeks the following relief: (a) the retention of the restricted discretionary activity status for subdivision in the general rural and rural production zones; and (b) the retention of no requirements for minimum or maximum net site areas; and (c) the retention of the default activity status of discretionary for subdivision in the general rural and rural production zones; and (d) any consequential amendments required as a result of the relief sought. |
| Subdivision 29. Subdivision- SUB - Policies | 49 | Support in part | Federated Farmers understands the intention of the policy but considers the RMA provisions relating to esplanade reserves and strips are the most appropriate method to achieve outcomes. | Federated Farmers seeks the following relief: (a) amend SUB-P27 as follows - Unless specifically protecting a scheduled site or feature or archaeological site, <u>council will consider taking esplanade reserves or strips when subdivision of land adjoining water bodies and the coastline is proposed.</u> |
| Subdivision 29. Subdivision- SUB - Rules | 50 | Oppose in part | The relief is required to give effect to concerns raised in previous submission points regarding access to scheduled sites over private land. | Federated Farmers seeks the following relief: (a) delete SUB-R3 matters over which discretion is restricted (g) (b) amend SUB-R3 matters over which discretion is restricted (f) as follows: The resulting legal and physical access to allotments affected by the subdivision, <u>including vehicle access point(s) location and formation.</u> |
| Activities on surface of water | 51 | Support | Federated Farmers supports the exemptions listed under ASW-R7 | Federated Farmers seeks the following relief: (a) the retention of ASW-R7 as drafted; and (b) any consequential amendments required as a result of the relief sought. |
| General district-wide matters | 52 | Support in part / | Federated Farmers supports the following subclauses in policy CE-P1: | Federated Farmers seeks the following relief: (a) the retention of policy CE-P1, subclauses 3 and 13 as drafted or with wording to similar effect; and |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| 32. Coastal Environment – CE - Policies | | Oppose in part | <p>CE-P1. <i>When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by: ...</i></p> <p><i>3. Assessing the functional and operational need of the activity being located in the coastal environment; ...</i></p> <p><i>13. Providing for the continued operation of lawfully established farming activities; ...</i></p> <p>These subclauses provide for existing, lawfully established activities which have a functional and operational need to be located within the coastal environment as well as providing the continued operation of lawfully established farming activities. Federated Farmers appreciates these acknowledgements from the Council.</p> <p>Federated Farmers has concerns over subclause 7 of the policy which reads:</p> <p><i>7. Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or compromise natural character or public access to the coastline; ...</i></p> <p>Federated Farmers has concerns over the impact of maintaining and enhancing public access to the coastline. Public access can and does occur over private property. This raises issues of security and safety for private landowners. Farmers have and still are experiencing public access users leaving open gates and/or straying off the public access paths.</p> <p>A balance needs to be obtained so that private landowners, particularly in rural environments are not adversely impacted on by members of the public and other parties seeking access. Access raises issues of security and safety for farmers who have experienced uninvited people wandering around their homes and ancillary buildings as well as gates being left open.</p> <p>Any policy that seeks to maintain and enhance public access needs to recognise that public access does occur over private property and the adverse effects that may result need to be addressed. The Council also needs to consider how access to the sites can be controlled so that private landowners are still able to continue with their existing and lawfully established activities and operations.</p> | <p>(b) amend subclause 7 of policy CE-P1 to address the issues related to public access across private property and the related health and safety issues; and</p> <p>(c) any consequential amendments required as a result of the relief sought.</p> |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | As well there is a need to consider health and safety issues and who will be liable if a person using an access track encounters a hazard and/or is injured while using a public access track. | |
| General district-wide matters 32. Coastal Environment – CE – Objectives and Policies - Coastal Environment | 53 | Oppose | <p>The intent of policy CE-P2 is supported but Federated Farmers has concerns over the impact of maintaining and enhancing public access to the coastline. Public access can and does occur over private property. This raises issues of security and safety for private landowners. Farmers have and still are experiencing public access users leaving open gates and/or straying off the public access paths.</p> <p>A balance needs to be obtained so that private landowners, particularly in rural environments are not adversely impacted on by members of the public and other parties seeking access. Access raises issues of security and safety for farmers who have experienced uninvited people wandering around their homes and ancillary buildings as well as gates being left open.</p> <p>Any policy that seeks to maintain and enhance public access needs to recognise that public access does occur over private property and the adverse effects that may result need to be addressed. The Council also needs to consider how access to the sites can be controlled so that private landowners are still able to continue with their existing and lawfully established activities and operations.</p> <p>As well there is a need to consider health and safety issues and who will be liable if a person using an access track encounters a hazard and/or is injured while using a public access track.</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of policy CE-P2 to add an additional clause that reads as outlined below or with wording to similar effect 6. <u>Engage with private landowners over which public access is sought so that a formal agreement can be reached on what suitable and appropriate public access should be developed.</u> and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| General district-wide matters 32. Coastal Environment – CE – Objectives and Policies - Natural Character | 54 | Support in part | <p>Federated Farmers support objective CE-02 as it is currently drafted. The objectives recognises that it needs to recognise and protect the values and character of the areas of outstanding natural character identified in the relevant schedule from inappropriate subdivision, use and development. The assumption is that existing and lawfully established activities such as farming will be able to continue.</p> <p>However, we have concern that none of the policies for natural character appear to provide for the on-going operation of farms in a natural character area other than for track maintenance and fencing.</p> | <p>Federated Farmers seeks the following relief:</p> <p>(a) clarification that the wording of objective CE-02 does in fact encompass on-going farming operations; and</p> <p>(b) if the answer to (a) above is yes then Federated Farmers seeks the retention of objective CE-02 as it is currently drafted or with wording to similar effect; or</p> <p>(c) if the answer to (a) is no, Federated Farmers seeks the amendment of objective CE-02 so that it specifically refers to the on-going operation of existing and lawfully established activities such as farming; and</p> <p>(d) the inclusion of a policy for natural character which provides for the on-going operation of existing and</p> |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | It is important that there is a policy framework that allows for the on-going operations of farms which means it needs to be specifically spelt out in relevant objectives and policies. | lawfully established activities such as farming within natural character areas; and (e) any consequential amendments required as a result of the relief sought. |
| General district-wide matters 32. Coastal Environment – CE – Objectives and Policies - Coastal Hazards | 55 | Oppose in part | Federated Farmers has concerns that the objectives and policies do not recognise and provide for: <ul style="list-style-type: none"> the functional need of certain activities to be in areas where the resource is located; and existing and lawfully established activities to continue to operate. It is important that there is a framework that allows for the on-going operations of farms which means it needs to be specifically spelt out in relevant objectives and policies. There also needs to be recognition and provision for activities with a functional need to be able to locate in coastal hazard areas. | Federated Farmers seeks the following relief: <ul style="list-style-type: none"> (a) the amendment of the objectives and policies for coastal hazards to recognise and provided for <ul style="list-style-type: none"> (i) the functional need of certain activities to be in areas where the resource is located; and (ii) existing and lawfully established activities to continue to operate; and (b) any consequential amendments required as a result of the relief sought. |
| 32. Coastal Environment – CE – Objectives and Policies - Rules | 56 | Oppose in part | Federated Farmers has concerns over the rules for buildings, tanks and silos, earthworks, quarrying activities and indigenous vegetation removal. While some of the rules provide for permitted activities, the matters to be complied with are unrealistic and will not allow for existing and lawfully established activities such as farming to continue. <p>For example, in rule CE-R1 a building in an area of high/very high natural character and coastal environment is permitted if it is less than or equal to 5m in height and /or less than or equal to 30m² in size. In an area of outstanding natural character this activity requires a discretionary activity consent. The size of the building under rule CE-R1 is unrealistic and does not reflect the reality of farming operations. Ancillary farm buildings will typically be a lot bigger than 30m² and some will be in areas of natural character.</p> <p>For existing and lawfully established activities, there needs to be more realistic building sizes, earthwork volumes etc that reflect the practicalities and realities of existing activities and operations.</p> | Federated Farmers seeks the following relief: <ul style="list-style-type: none"> (a) the amendment of the rule framework to provide for more realistic building sizes, earthwork volumes etc for existing and lawfully established activities and operations; and (b) any consequential amendments required as a result of the relief sought. |
| General district-wide matters 33. Earthworks | 57 | Support | Federated Farmers supports the proposed earthwork volumes for the rural production and general rule zones in rule EW-R5 and the performance standards in EW-R6. As well we support the exemption to rule EW-R7 | Federated Farmers seeks the following relief: <ul style="list-style-type: none"> (a) the retention of rules EW-R6 and EW-R7 as currently drafted (subject to the following submission points) or with wording to similar effect; and |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | <p>which states that rule does not apply to lawfully established underground tanks and septic systems where the replacement is 'like for like'.</p> <p>The planning response takes a pragmatic and logical approach to the volume of earthworks in the rural production and general rule zones as well as the issue of excavation and filling.</p> | (b) any consequential amendments required as a result of the relief sought. |
| General district-wide matters 33. Earthworks – performance standards | 58 | Support in part | New performance standard required as consequential relief for previous submission points. | <p>Federated Farmers seeks the following relief:</p> <p>EW - Table 2 - Performance Standards</p> <p>(a) amend EWR6 volume of earthworks to include a new standard in all zones and scheduled sites: This rule does not apply to land disturbance</p> |
| General district-wide matters 33. Earthworks | 59 | Addition al Rule | As noted elsewhere in this submission, Federated Farmers is concerned that activities that are excluded from the definition of 'earthworks' – gardening, cultivation, and disturbance of land for the installation of fence posts have not been provided for as a permitted activity and therefore default to being a non-complying activity. Federated Farmers requests that an additional rule be included in the Earthworks chapter, or elsewhere in the plan, providing for gardening, cultivation, and disturbance of land for the installation of fence posts as permitted activities throughout the District. | <p>Federated Farmers seeks the following relief:</p> <p>(c) that an additional rule is included in the Earthworks chapter or elsewhere in the Plan that allows for gardening, cultivation, and disturbance of land for the installation of fence posts as permitted activities throughout the District; and</p> <p>(d) any consequential amendments required as a result of the relief sought.</p> |
| General district-wide matters 37. Noise | 60 | Support | Federated Farmers supports NOISE-O1 and the enabling of activities compatible with the role, function and predominant character of each zone. | <p>Federated Farmers seeks the following relief:</p> <p>(a) the retention of NOISE-O1 as currently drafted or with wording to similar effect; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| General district-wide matters 37. Noise | 61 | Support | Federated Farmers supports NOISE-P1 in that it recognises that noise from rural activities is an accepted part of these environments. | <p>Federated Farmers seeks the following relief:</p> <p>(a) the retention of NOISE-P1 as currently drafted or with wording to similar effect; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p> |
| General district-wide matters 37. Noise | 62 | Support | Federated Farmers supports NOISE-P2 in that it reduces the potential for reverse sensitivity and manage new noise-sensitive activities in proximity to areas that consistently experience higher noise levels. | <p>Federated Farmers seeks the following relief:</p> <p>(a) the retention of NOISE-P2 as currently drafted or with wording to similar effect; and</p> |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| | | | | (b) any consequential amendments required as a result of the relief sought. |
| General district-wide matters 37. Noise | 63 | Support | Federated Farmers supports NOISE-P3 in that it recognises that some noisy activities are important for economic and social well-being and may exceed specified noise levels on a temporary or irregular basis. For example, agricultural aviation activities. | Federated Farmers seeks the following relief: (a) the retention of NOISE-P3 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| General district-wide matters 37. Noise | 64 | Oppose | Federated Farmers opposes NOISE-R8 in that it inhibits the intermittent use of farm helipads and helicopter landing area that provide critical support to primary production and conservation. NOISE-R8 should not apply to the general rural and rural production zones | Federated Farmers seeks the following relief: (a) amend NOISE-R8 as follows: 2. This activity may only be undertaken in the general rural, rural production and general rural, rural production and tourism zones; and (b) include agricultural aviation activities in the list of exemptions to the noise rules; and (c) any consequential amendments required as a result of the relief sought. |
| General district-wide matters 37. Noise | 65 | Support in part | Federated Farmers supports the Exemptions in the Advice Notes but submits that the noise rules should also not apply to agricultural aviation activities. Federated Farmers also submits that for clarity, consideration should also be given to providing for the exemptions as a permitted activity rather than an advice note. | Federated Farmers seeks the following relief: (a) the retention of the Exemptions with the inclusion of agricultural aviation activities; or (b) provisions for the exemptions (including agricultural aviation activities) through a permitted activity; and (c) any consequential amendments required as a result of the relief sought. |
| Part 3 Area Specific Matters | | | | |
| Zones Precincts 42. General Rural Zone - Overview | 66 | Support | Federated Farmers supports the recognition given to farming and rural production activities in the overview to the chapter. As the Council will be aware, farming and other rural industries make a significant contribution to the district and regional economies and it is important that this is acknowledged. | Federated Farmers seeks the following relief: (a) the retention of the recognition of farming and rural production activities in the overview to chapter 42 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts | 67 | Support | Federated Farmers supports the objectives for the general rural zone as outlined in the chapter. The objectives recognise the need to allow for | Federated Farmers seeks the following relief: |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| 42. General Rural Zone - Objectives | | | existing and lawfully established activities to continue (objective GRUZ-O10) and the promotion of rural viability (objective GRUZ-O3). | (a) the retention of the objectives for the general rural zone as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts 42. General Rural Zone - Policies | 68 | Support | Federated Farmers supports the policies for the general rural zone as outlined in the chapter. The policies recognise the need to allow for existing and lawfully established activities to continue (as well as minimising potential adverse effects on and by rural industries). | Federated Farmers seeks the following relief: (a) the retention of the objectives for the general rural zone as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts 42. General Rural Zone – rules | 69 | Support | Federated Farmers supports the following rules and the specified permitted activity status: <ul style="list-style-type: none"> • GRUZ-R1 - Agricultural, pastoral and horticultural activities and stock underpasses. • GRUZ-R2 -Residential units, minor residential units and farm worker residential units. • GRUZ-R3 - Marae complex and papakāinga housing development. • GRUZ-R4 - Tanks and silos. • GRUZ-R5 - Shelterbelts and artificial screens. • GRUZ-R6 - Outdoor (extensive) pig farming. • GRUZ-R7 - Visitor accommodation and residential based visitor accommodation. • GRUZ-R8 - Emergency services facilities. • GRUZ-R9 - Mineral prospecting and exploration. • GRUZ-R10 - Continuous cover forestry and/or sustainable forest management/sustainable harvesting outside of a Significant Natural Area. • GRUZ-R11 - Urupa under Te Ture Whenua Māori Act 1993 and private cemeteries under the Burial and Cremation Act 1964. • GRUZ-R12 - Accessory buildings ancillary to any permitted activity. • GRUZ-R13 - Construction, addition and alteration of buildings for any permitted activity. • GRUZ-R14 - Recreational hunting. • GRUZ-R15 - Vegetation clearance outside of an identified significant natural area | Federated Farmers seeks the following relief: (a) the retention of the rules GRUZ-01 to GRUZ-15 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |

| Proposed District Plan provision | Submission Point | Support / Oppose | Federated Farmers Submission | Relief Sought |
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| Zones Precincts 42. General Rural Zone - Policies | 70 | Support | Federated Farmers supports the performance standards outlined in Table 2 of chapter 42. | Federated Farmers seeks the following relief: (a) the retention of performance standards GRUZ-R37 to GRUZ-R48 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts 42. General Rural Zones - Rules | 71 | Oppose | Federated Farmers is unfamiliar with a provision such as GRUZ-R17 in district plans and is unsure of its intention. Afforestation is covered by the National Policy Statement for Plantation Forestry (NPS-PF) and additional requirements in district plans, outside the Council's NPS-PF requirements are not necessary. | Federated Farmers seeks the following relief: (a) delete GRUZ-R17; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts 43. Rural Production Zone – Entire Chapter | 72 | Support | The intent and content of chapter 43 Rural Production Zone is supported by Federated Farmers. | Federated Farmers seeks the following relief: (a) the retention of chapter 43 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts 44. Rural Lifestyle Zone - Objectives | 73 | Support | Federated Farmers supports objectives RLZ-O1, RLZ-03 to RLZ-07 as they are currently drafted. The objectives recognise the need to preserve the district's rural character and functions. | Federated Farmers seeks the following relief: (a) the retention of objectives RLZ-O1, RLZ-03 to RLZ-07 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |
| Zones Precincts 44. Rural Lifestyle Zone - Policies | 74 | Support | Federated Farmers supports policies RLZ-P1 to RZL-P5, RLZ-P10 and RLZ-P22 as they are currently drafted. | Federated Farmers seeks the following relief: (a) the retention of policies RLZ-P1 to RZL-P5, RLZ-P10 and RLZ-P22 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought. |