

SUBMISSION

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To: Hauraki District Council
P.O. Box 17
PAEROA 3640

Submission on: **Proposed Hauraki District Plan**

Submission by: **Federated Farmers of New Zealand**

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Federated Farmers wishes to be heard in support of this submission.

Federated Farmers appreciates this opportunity to submit on the proposed Hauraki District Plan. We acknowledge any submissions made by individual members of Federated Farmers.

1 GENERAL COMMENTS

Primary production activities such as dairying and horticulture make significant contributions to the economic, social and cultural well-being of the Hauraki district. These activities also have a positive impact on the economic sustainability and continued viability of many of the district's towns such as Paeroa, Ngatea and Waihi.

Federated Farmers believes that when undertaking a district plan review it is essential that Council take into account, and balance the economic, social, cultural and environmental considerations of any particular policy or provision.

2 NON-REGULATORY METHODS

Section 3 discusses significant resource management issues, and the role of the District Plan. There appears to be no provision for non-regulatory methods as a way of addressing issues.

The District Plan should include non-regulatory methods such as education and incentives rather than have a priority focus on regulation. Non-regulatory methods can be effective in engaging resource users to work with the Council towards achieving mutual goals. Non-regulatory methods are a more efficient way of achieving 'buy-in' from resource users.

Incentives can be a powerful tool to achieve positive environmental outcomes. Incentives in the form of rates relief, transferable development rights and funding assistance for landowner projects are always well-received and encourage positive behaviour change. Incentives also furnish landowners and the community with a sense of partnership with local authorities, and allow for the Council to recognise and acknowledge voluntary actions undertaken, such as QEII covenants or voluntary riparian work.

Education is an important 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 and people will be more willing to proactively engage in non-regulatory solutions.

Choosing to omit non-regulatory methods means that the Council will be perceived as a regulator and enforcer, rather than as a partner to the people of Hauraki.

SECTION 4 - DEFINITIONS

3 Provision in the proposed district plan:

Airstrip

Means an area or place set aside for the take off or landing of light aircraft for commercial or recreational activities, other than for private domestic use by the owners and occupiers of the holding on which the airstrip is sited, and approved for such purposes in terms of the current Civil Aviation Regulations. Such an airstrip shall not be used for any other aircraft purposes.

Summary of reasons for this submission:

Although this definition of **Airstrip** expressly excludes strips for private domestic use, it omits airstrips used on private land for top-dressing planes. Airstrips used for this purpose will be similar in scale and character to private domestic strips, and should therefore also be expressly excluded from the definition. Otherwise small private airstrips for top-dressing planes may be captured by Rule 5.1.4.4 D3 as a Discretionary Activity.

Relief Sought:

- That the definition for **Airstrip** is amended to read:

*Means an area or place set aside for the take off or landing of light aircraft for commercial or recreational activities, other than for **top-dressing planes on private land or** private domestic use by the owners and occupiers of the holding on which the airstrip is sited, and approved for such purposes in terms of the current Civil Aviation Regulations. Such an airstrip shall not be used for any other aircraft purposes. Or words to this effect.*

4 Provision in the proposed district plan:

Animal Feedlot

Means a standing area covered or uncovered for the purpose of intensively feeding animals. It does not include the concentrated but temporary wintering of stock normally present on the holding.

Summary of reasons for this submission:

Further clarity is required as to what activities are not intended to be captured by this definition. Normal farming practices such as stand-off pads and feed-pads should be expressly mentioned so there is no reader confusion that they are not an **Animal Feedlot** activity.

Relief Sought:

- That the definition for **Animal Feedlot** is amended to read:

*Means a standing area covered or uncovered for the purpose of intensively feeding animals. It does not include the concentrated but temporary wintering of stock normally present on the holding **and the use of stand-off pads, or feed-pads.** Or words to this effect.*

5 Provision in the proposed district plan:

Area Subject to Inundation

Means low lying parts of a property which may be subject to intermittent/temporary inundation at times of severe weather events.

Summary of reasons for this submission:

Federated Farmers notes that **Areas Subject to Inundation** are also mapped in the Planning Maps. The definition needs to link to the mapped areas to ensure reader understanding.

Relief Sought:

- That the definition of **Area Subject to Inundation** is amended to read:

*Means low lying parts of a property which may be subject to intermittent/temporary inundation at times of severe weather events **as shown on the Planning Maps**. Or words to this effect.*

6 Provision in the proposed district plan:

Boarding, Breeding and Training of Animals (Facilities)

Means any land or building where board and lodging, breeding and training is provided or intended to be provided for more than five animals (excluding off spring up to 3 months of age, and livestock farming), or where shelter is provided for five or more stray or unwanted animals. This does not include dog kennels, calf rearing sheds, stables and similar shelters for private farming uses.

Summary of reasons for this submission:

Federated Farmers supports the exclusion of normal farming activities as calf-rearing, stables, dog kennels and shelters for farming uses from the definition of **Boarding, Breeding and Training of Animals**. This will ensure that normal farming activities are not captured by Rule 5.1.4.4 D4 as a Discretionary Activity.

Relief Sought:

- That normal farming activities continue to be excluded from the definition of **Boarding, Breeding and Training of Animals**.

7 Provision in the proposed district plan:

Drainage Works

Means the maintenance and development of drains. It is held to include drains, pipes, culverts, pumps, etc. associated with land drainage and stormwater management, but does not include river control works such as stopbanks, floodgates and other control structures.

Summary of reasons for this submission:

Federated Farmers supports the definition of **Drainage Works** as including maintenance and development of drains. Drainage works are a necessary component of farming.

Relief Sought:

- That the Definition of **Drainage Works** is retained.

8 Provision in the proposed district plan:

Cleanfill

Means fill consisting of any of the following material:

- *Uncontaminated soil and/or sand*
- *Uncontaminated clay*
- *Uncontaminated gravel and or/rock*
- *Uncontaminated brick and rubble*
- *General demolition material that is not contaminated by substances subject to biological, chemical and/or physical breakdown.*

Material excluded from cleanfill, include the following:

- *Asphalt, asphaltic concrete and tarseal*
- *Sawdust or bark*
- *Combustible matter*
- *Organic matter including timber, trees and/or garden trimmings*
- *Sludges*
- *Contaminated soil*
- *Domestic, industrial and commercial waste*
- *Hazardous waste*
- *Medical or clinical waste.*

Summary of reasons for this submission:

Federated Farmers is concerned that under this definition of **Cleanfill**, normal farming activities such as maintenance of races and tracks will be captured by Rule 7.8.4.1 P4.

Relief Sought:

- That the definition of **Cleanfill** is amended so that cleanfill activities associated with **Farming** are exempt.

9 Provision in the proposed district plan:

Earthworks

Means excavation and/or placement of cleanfill to change the contour or level of a site or part of a site.

The following shall not be included within the meaning of earthworks:

- (a) Earthworks that have been specifically approved as part of a subdivision or land use consent.*
- (b) Excavations for service connections, effluent disposal systems, swimming pools, drain construction and maintenance.*
- (c) Land preparation activities associated with farming and forestry (see definitions of Farming and Forestry).*
- (d) Formation and maintenance of carparking areas, walkways and cycleways*
- (e) Turf preparation and maintenance for recreation use.*
- (f) Road, driveway and access construction with a gradient $\leq 1:8$.*
- (g) Exploration and Prospecting (see definitions for these activities)*
- (h) Drainage Works and River Control Works.*

Note: A regional consent may be required for earthworks including the exclusions listed in this definition.

Summary of reasons for this submission:

This definition refers to land preparation activities associated with **Farming** and **Forestry** as exempt from the definition of **Earthworks**. Cross-reference to **Farming** and **Forestry** definitions shows that land preparation is mentioned along with other activities. Land preparation itself is undefined and unclear as to what this includes.

The definition of **Earthworks** needs to clarify that all **Farming** and **Forestry** activities are exempt, and not just land preparation.

Relief Sought:

- That the definition of **Earthworks** is amended to read:

Means excavation and/or placement of cleanfill to change the contour or level of a site or part of a site.

The following shall not be included within the meaning of earthworks:

- (a) Earthworks that have been specifically approved as part of a subdivision or land use consent.*
- (b) Excavations for service connections, effluent disposal systems, swimming pools, drain construction and maintenance.*
- (c) ~~Land preparation~~ Activities associated with farming and forestry (see definitions of Farming and Forestry).*
- (d) Formation and maintenance of carparking areas, walkways and cycleways*
- (e) Turf preparation and maintenance for recreation use.*
- (f) Road, driveway and access construction with a gradient $\leq 1:8$.*

- (g) *Exploration and Prospecting (see definitions for these activities)*
(h) *Drainage Works and River Control Works.*

Note: A regional consent may be required for earthworks including the exclusions listed in this definition.

10 Provision in the proposed district plan:

Effluent Disposal Area

Means a continuous area of land, which in its entirety is suitable for normal domestic drainage purposes. It can include all yards and area to be used for residential activities, but excludes any area located within any identified hazard areas, or internal access.

Summary of reasons for this submission:

The definition seems to have little link to the title, as domestic drainage could refer to stormwater drainage.

If this definition is intended to refer to domestic septic tank drain fields, Federated Farmers considers that the title of this definition should be changed to Domestic Effluent Disposal Area to ensure that there is no confusion between disposal to land of livestock effluent.

Relief Sought:

- That the definition of **Effluent Disposal Area** is amended to exclude disposal of livestock effluent.

11 Provision in the proposed district plan:

Factory/Intensive Outdoor Farming

Means the production of animals or mushrooms which is not dependant on the fertility of the soils on which it is located and/or where the stocking intensity is beyond the productive capacity of the land over which it is carried out and/or precludes the maintenance of pasture or ground cover. Intensive pig farming shall be considered to be intensive outdoor farming when pigs are stocked at an intensity greater than 1 pig per 1/10th of a hectare.

This definition does not include the keeping or breeding of animals or any of the above activities where carried out on a domestic scale as an accessory use where it is clearly incidental to the use of the property as a whole. Except that, the keeping of no more than 4 pigs on a site and/or 25 head of poultry shall be deemed to be of a domestic scale.

Summary of reasons for this submission:

The title of this definition is misleading and confusing. The use of the word “Outdoor” is not usually associated with intensive farming, and can be confused with normal pastoral outdoor farming.

Many conventional pastoral farms can also require additional inputs of food and could inadvertently be caught by this definition, for example dairy farming could require additional hay, silage, maize or palm kernel to supplement the pasture diet. The qualifier of “and/or” could mean that a pastoral farm that utilises supplementary feed could become an intensive farm under “*the stocking intensity is beyond the productive capacity of the land over which it is carried out*” The qualifier “and/or” should be replaced with “and” only.

The stocking density limit for pigs as well as the domestic-scale of pigs could be interpreted to include piglets. One sow can produce a litter of more than 4 piglets, and then this would be considered outside domestic scale. For clarity reference to pigs should be to sows.

Relief Sought:

- That the definition is amended to read:

Factory Farming and Intensive Farming.

*Means the production of animals or mushrooms which is not dependant on the fertility of the soils on which it is located and/or where the stocking intensity is beyond the productive capacity of the land over which it is carried out and/or precludes the maintenance of pasture or ground cover. Intensive pig farming shall be considered to be intensive outdoor farming when pigs are stocked at an intensity greater than 1 ~~pig~~ **sow** per 1/10th of a hectare.*

*This definition does not include the keeping or breeding of animals or any of the above activities where carried out on a domestic scale as an accessory use where it is clearly incidental to the use of the property as a whole. Except that, the keeping of no more than 4 ~~pigs~~ **sows** on a site and/or 25 head of poultry shall be deemed to be of a domestic scale. Or words to this effect.*

12 Provision in the proposed district plan:

Farming

Means any type of farming being a land based activity having as its primary purpose the commercial production of any livestock (where the groundcover is maintained) or vegetative matter outdoors, relying on the productive capacity of the soil, and includes:

- *Activities associated with land preparation (eg hump/hollow, tracks, pits);*
- *Land drainage;*
- *The use of buildings for purposes accessory to farming; and*
- *Bee keeping;*
- *Outdoor (Extensive) pig farming*

but does not include land re-contouring, factory/ intensive outdoor farming or forestry.

Summary of reasons for this submission:

Land preparation in this definition needs further inclusive examples for clarity, land preparation such as vegetation clearance and cultivation are normal farming activities.

The inclusion of hump/hollow as an example of land preparation conflicts with land re-contouring as an exclusion to **Farming**. If hump/hollow work is deemed to have little adverse effect and is permitted by Rule 5.1.4.1 as part of the definition of **Farming**, then re-contouring should also be included within **Farming**.

Farm aggregate quarries should also be included with the definition of **Farming**. Small quarries for obtaining aggregates which are then used to maintain tracks and races and around troughs and pads are common farm activities. Federated Farmers has also submitted on this topic on the definitions of **Mining Operations** and **Surface Mining**.

On-farm earthworks activities such as track and race formation and maintenance, digging silage pits or offal holes should be included within the definition of **Farming**.

For comparison, the neighbouring Franklin District has expressly excluded earthworks associated with Farming and Forestry from the Earthworks Rule 15.5.2.3 in recognition that these activities are expected to occur in the Rural Zone.

Relief Sought:

- That the definition of **Farming** is amended to read

Means any type of farming being a land based activity having as its primary purpose the commercial production of any livestock (where the groundcover is maintained) or vegetative matter outdoors, relying on the productive capacity of the soil, and includes:

- *Activities associated with land preparation, **including cultivation and vegetation clearance (eg hump/hollow, tracks, pits);***
- *Land drainage;*
- *The use of buildings for purposes accessory to farming; and*
- *Bee keeping;*
- *Outdoor (Extensive) pig farming*
- ***Earthworks associated with farming activities such as tracks and races, stand-off and feed pads, silage pits, offal holes and fencing.***

*but does not include ~~land re-contouring~~, factory/ intensive outdoor farming or forestry.
Or words to this effect.*

13 Provision in the proposed district plan:

Forestry

Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting, maintenance (ie thinning, pruning, noxious weed and animal control) and harvesting of trees for commercial purposes, soil conservation, regulation of water runoff and aesthetic or scientific purposes and includes the use of buildings for purposes accessory to this land use but not the establishment and/or use of permanent sawmills and other methods of timber processing. It includes woodlots, shelter belts and the like.

Summary of reasons for this submission:

Federated Farmers supports the inclusion of all aspects of forestry from planting to harvesting as well as ancillary roading in the definition of **Forestry**.

Relief Sought:

- That the definition of **Forestry** is retained.

14 Provision in the proposed district plan:

Hazard

In relation to hazardous substances, means any intrinsic property of a substance which makes it capable of causing adverse effects to people, the environment or property.

Summary of reasons for this submission:

Federated Farmers notes that a definition is also provided for **Hazardous Substance**, rendering this definition of no use. The definition for **Hazardous Substance** is from the RMA, and more comprehensive and widely understood than this definition. Just the word **Hazard** can also be mixed up with natural hazards.

Relief Sought:

- That the definition of **Hazard** is deleted.

15 Provision in the proposed district plan:

Hazardous Facility (Facilities)

Means all activities involving hazardous substances and sites (including vehicles for their transport) at which these substances are used, stored, handled or disposed of.

It does not include:

- *the incidental use and storage of hazardous and environmentally damaging substances in minimal domestic scale quantities.*

Summary of reasons for this submission:

This definition intends to exclude domestic-scale use and storage of hazardous substances that will be used on residential sites. Federated Farmers considers that farm-scale use and storage should also be exempt from the definition of **Hazardous Facility**. Agrichemicals, animal health products and pest and weed control products that are stored and used on farms will be in quantities that will be used on site, this is different to large quantities that are intended to be sold on a commercial/whole sale scale.

Relief Sought:

- That the definition of **Hazardous Facility** is amended to exclude farm-scale use and storage of substances that are used on site for farming purposes.

16 Provision in the proposed district plan:

Indigenous Vegetation

Means an area of bush, trees and other vegetation comprising wholly or predominantly species indigenous to New Zealand and includes native forest.

Summary of reasons for this submission:

Federated Farmers considers that the definition of **Indigenous Vegetation** should not include vegetation that is only partly made up of indigenous species. The qualifier “predominantly” is open to interpretation and ambiguous.

Relief Sought:

- That the definition of **Indigenous Vegetation** is amended to read:

Means an area of bush, trees and other vegetation comprising wholly ~~or predominantly~~ species indigenous to New Zealand and includes native forest. Or words to this effect.

17 Provision in the proposed district plan:

Industrial Activity

Means any land, building or part of a building used for the processing, assembly, servicing, testing, repair, packaging, storage or manufacture of a product or produce, including the maintenance, repair and storage of vehicles, machinery, equipment and materials, and includes training activities and the storage and use of hazardous substances, associated with an industrial activity, but does not include mineral extraction.

Summary of reasons for this submission:

Federated Farmers is concerned that this definition could inadvertently capture farming as a **Industrial Activity**, as it is the manufacture of produce. Farming also requires the storage and use of hazardous substances.

Relief Sought:

- That the definition of **Industrial Activity** is amended so that farming is not included.

18 Provision in the proposed district plan:

Landfill

Means the controlled disposal of refuse by sanitary landfill operation, including the rehabilitation of the area so filled.

Summary of reasons for this submission:

Offal holes and farm dumps should not be captured by the definition of **Landfill**.

Landfills are a discretionary activity in the Rural Zone, Federated Farmers considers that common offal holes and farm dumps are not intended to be captured by this rule. Dumps and offal holes are permitted with standards in the Waikato Regional Plan.

The definition of **Landfill** needs to be clarified so that refers to only commercial or industrial landfills, rather than small-scale dumps that are intended to manage the waste generated on farms.

Relief Sought:

- That offal holes and farm dumps are excluded from the definition of **Landfill**.

19 Provision in the proposed district plan:

Mining Operations

Means operations in connection with mining (for any mineral) carried out at or near the site where the mining is carried out, and shall include the following:

- *the transport, treatment, processing and separation of any mineral; and*
- *the construction, maintenance and operation of any works, structures and other land improvements, and of any machinery and equipment connected with such operations; and*
- *the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and*
- *the deposit or discharge of any mineral, material, debris, tailings, refuse or wastewater produced from or consequent on any such operation; and*
- *the doing of all lawful acts incidental or conducive to any such operations.*

Summary of reasons for this submission:

Aggregate quarrying for on-site use should be excluded from the definition of **Mining Operations**. Many farms have small quarries for the purpose of obtaining aggregates, which are then used to maintain tracks and races and around troughs and pads. These farm quarries are of significantly smaller scale than commercial mining operations, and winnings are used on-site rather than being transported on the districts roads.

The definition of **Mining** in the Plan has the same meaning as in the Crown Minerals Act 1991, and focuses on minerals. Aggregates are not included in the definition of **Mining**, and should also therefore be excluded from the definition of **Mining Operations**.

Relief Sought:

- That farm aggregate quarries are excluded from the definition of **Mining Operations**, or
- That a new definition is included in the District Plan for farm aggregate quarries, or
- That farm aggregate quarries are included in the definition of **Farming**.

20 Provision in the proposed district plan:

Surface Mining

Means taking, winning or extraction of naturally occurring minerals from under or on the land surface utilising open pit, open cast or other recognised surface mining techniques, methods and equipment. It does not include minor surface activities (eg. removal of boulders from the surface of land) which are provided separately under the “Earthworks” provisions. It excludes “Mining Operations” (refer to separate definition).

Summary of reasons for this submission:

Aggregate quarrying for on-site use should be excluded from the definition of **Surface Mining**. Many farms have small quarries for the purpose of obtaining aggregates, which are then used to maintain tracks and races and around troughs and pads. These farm quarries are of significantly smaller scale than commercial mining operations, and winnings are used on-site rather than being transported on the districts roads.

The definition of **Mining** in the Plan has the same meaning as in the Crown Minerals Act 1991, and focuses on minerals. Aggregates are not included in the definition of **Mining**, and should also therefore be excluded from the definition of **Surface Mining**.

Relief Sought:

- That farm aggregate quarries are excluded from the definition of **Surface Mining**, or
- That a new definition is included in the District Plan for farm aggregate quarries, or
- That farm aggregate quarries are included in the definition of **Farming**.

SECTION 5.1 - RURAL ZONE

21 Provision in the proposed district plan:

5.1.1 Zone Purpose

Intensive dairying is concentrated on the plains area.

Summary of reasons for this submission:

The proposed District Plan needs to clarify the difference between intensive farming and stocking rates of normal pastoral farming, and that the correct terms are used to ensure reader understanding.

The intent of the sentence refers to pastoral dairy farming, as indoor farming of dairy cattle is extremely rare on a national scale, let alone in the district. Terms that differentiate these farming practices need to be used consistently throughout the entire Plan, to ensure that the meaning conveyed by words in the text corresponds to the meanings given in the Definitions section.

Relief Sought:

- That the sentence in 5.1.1. Zone Purpose is amended to read:
*~~Intensive dairying~~ **farming** is concentrated on the plains area.* Or words to this effect.

22 Provision in the proposed district plan:

5.1.2 Objective 1

To ensure a range of compatible rural land use activities can be undertaken, which benefit from the productive potential, location and rural character of the zone.

Summary of reasons for this submission:

Federated Farmers supports the intent of this Objective, which recognises that rural land use and production activities need to be able to occur in the rural zone.

Relief Sought:

- That Objective 1 of 5.1.2 continues to provide for rural activities and production.

23 Provision in the proposed district plan:

5.1.2 Policy (1)(a)(i)

Rural production activities that require the use of land with productive capability should be able to locate on land with such value.

Summary of reasons for this submission:

Federated Farmers supports the intent of this policy, which recognises that rural production activities need to be able to occur in the rural zone.

Relief Sought:

- That Policy (1)(a)(i) of 5.1.2 continues to provide for rural production in the rural zone.

24 Provision in the proposed district plan:

5.1.2 Policy (1)(a)(ii)

Land use activities which do not rely on land with high productive capability (including urban development and rural lifestyle activities) should not be sited on land with high productive capability, except where the character, scale and intensity of those activities ensures that the land remains available for other activities in future that can utilise its high productive capability.

Summary of reasons for this submission:

Federated Farmers considers that it is not the Council's role to determine which land is high productive capability land. The productive capacity of land comprises many components such as versatility of the soil resource, slope, temperature, water availability, electricity and labour. Hilly and stony soils could be considered "low productive capability" but could be used successfully for production such as timber, or honey. By only considering certain types of land as high productive capacity and limiting urban development here and thus directing it elsewhere, opportunities for varied primary production could be lost.

Relief Sought:

- That Policy (1)(a)(ii) of 5.1.2 is deleted and replaced with:

Land use activities shall avoid, remedy or mitigate adverse effects on rural production potential. Or words to this effect.

25 Provision in the proposed district plan:

5.1.2 Policy (1)(a)(iii)

Ensure buildings (including dwellings) and rural activities maintain the amenity value of a predominantly open rural character and the productive use of the land.

Summary of reasons for this submission:

The rural landscape is a working landscape, on which many members of the district rely on to produce food and to earn a living, the Rural Zone should not be viewed primarily as a scenic landscape. Structures such as hay barns, dairy sheds or implement sheds are vital to primary production, and are part of rural character. Buildings and rural activities contribute positively to rural amenity and also to its economic, social and cultural values.

Relief Sought:

- That Policy (1)(a)(iii) of 5.1.2 takes into account that the Rural Zone is a productive and working zone, and amenity is just one value along with social and economic values.

26 Provision in the proposed district plan:

5.1.2 Policy (1)(a)(iv)

Protect significant natural areas and outstanding natural features and landscapes.

Summary of reasons for this submission:

This Policy does not relate to the Objective to provide for rural land use, and should be deleted.

Section 6.2 already provides for significant natural areas and Section 6.3 already provides for the protection of outstanding natural features and landscapes. Therefore this Policy is not required.

Relief Sought:

- That Policy (1)(a)(iv) of 5.1.2 is deleted.

27 Provision in the proposed district plan:

5.1.2 Policy (1)(a)(v)

Activities with a functional or legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of rural production activities which are carried out in accordance with accepted management practices.

Summary of reasons for this submission:

While Federated Farmers supports policies which seek to protect rural production activities from reverse sensitivity, we are concerned that this policy could be confusing for the reader: “*Activities with a legitimate need for a rural location should **not** be established in rural area*” seems to contradict the purpose of a rural zone.

Federated Farmers also questions if only rural production activities that follow accepted management practice are the activities to be protected. “Accepted management practices” is a phrase that could become confusing as to whether it is Council, the industry or the individual resource user that accepts the management practice. Management practice should not be a concern of the District Council, unless it creates adverse effects on matters under the Council’s Resource Management Act functions.

This Policy also duplicates the provision for reverse sensitivity constraining rural production as outlined already in Policy (1)(a)(ii).

Relief Sought:

- That Policy (1)(a)(v) of 5.1.2 is amended to read:

*Activities ~~with a functional or legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without~~ **shall avoid, remedy or mitigate reverse sensitivity effects that could** ~~constraining the lawful operation of rural production activities which are carried out in accordance with accepted management practices.~~ Or words to this effect.*

28 Provision in the proposed district plan:

5.1.2 Policy (1)(a)(vi)

Protect areas of cultural, historic and archaeological significance and areas of high scenic and landscape quality.

Summary of reasons for this submission:

This Policy does not relate to the Objective to provide for rural land use, and should be deleted. The Policy does not detail what heritage items should be protected from.

Objectives and Policies in Section 6.1 of the proposed Plan comprehensively provide for protection of sites with cultural, historic and archaeological significance. Scenic landscapes in the Rural Zone are also already provided for by Section 6.3 of the proposed Plan. Therefore Policy (1)(a)(vi) is not required.

Relief Sought:

- That Policy (1)(a)(vi) of 5.1.2 is deleted.

29 Provision in the proposed district plan:

5.1.2 Objective 2

To protect, preserve and enhance the significant landscape character of the natural environment of the zone.

Summary of reasons for this submission:

This Objective implies that the landscape of the entire Rural Zone has been identified as being a matter of national importance under Section 6(b) of the Resource Management Act, and that this needs to be protected from use, and preserved in perpetuity. This is inappropriate for a zone that is for the purpose of enabling primary production.

Outstanding Natural Features and Landscapes and Significant Indigenous Vegetation are already dealt with in Sections 6.2 and 6.3 of the proposed Plan, so this Policy should be deleted from the Rural Zone section.

The term “significant landscape character” is ambiguous and inconsistent with the Resource Management Act. Terms that are consistent with the Resource Management Act need to be used, otherwise objectives are vague and uncertain.

In any case, if an Outstanding Natural Feature has been identified as being located within the Rural Zone, not all subdivision, use or development should be ruled out. Section 6(b) of the Resource Management Act also stipulates that outstanding natural features and landscapes are to be protected from only *inappropriate* subdivision, use and development. This Objective implies that no subdivision, land use or development could occur in the Rural Zone.

Relief Sought:

- That Objective 2 of 5.1.2 is deleted.

30 Provision in the proposed district plan:

5.1.2 Policy (2)(a)(i)

Ensure that natural features and landscapes of district wide significance in the District are protected.

Summary of reasons for this submission:

This Policy discusses natural features and landscapes , and Section 6.3 of the proposed Plan already deals with the topic of Outstanding Natural Features and Landscapes, so this Policy should be deleted from the Rural Zone section.

Terms need to match the Resource Management Act and also other parts of the district plan. Section 6(b) of the Resource Management Act requires that outstanding natural features and landscapes are to be protected from only *inappropriate* subdivision, use and development, not from everything. This Policy is too absolute and rules out even appropriate land use, like recreation or existing primary production, and should therefore be deleted.

Relief Sought:

- That Policy (2)(a)(i) of 5.1.2 is deleted.

31 Provision in the proposed district plan:

5.1.2 Policy (2)(a)(ii)

Ensure the erection of buildings, earthworks and removal of indigenous vegetation do not detract from the significant landscape character of the natural environment.

Summary of reasons for this submission:

This Policy discusses landscape character that is significant, and Section 6.3 of the proposed Plan already deals with the topic of Outstanding Natural Features and Landscapes so this Policy should be deleted from the Rural Zone section.

Terms need to match the Resource Management Act and also other parts of the district plan. It is unclear what the term “significant landscape character” refers to, as it seems to be a blend of Sections 6(b) and 6(c) of the Resource Management Act. The Resource Management Act only requires that Outstanding Natural Features and Landscapes are protected from *inappropriate* subdivision, use and development. Buildings, earthworks and indigenous vegetation removal can be appropriate in some cases.

Relief Sought:

- That Policy (2)(a)(ii) of 5.1.2 is deleted.

32 Provision in the proposed district plan:

5.1.2 Objective 3

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (significant natural areas).

Summary of reasons for this submission:

This Objective discusses significant indigenous vegetation and significant habitats of indigenous fauna, and Section 6.2 of the proposed Plan deals exclusively with this topic so it is inappropriate to have more objectives on the same topic located in the Rural Zone section.

Relief Sought:

- That Objective 3 of 5.1.2 is deleted.

33 Provision in the proposed district plan:

5.1.2 Policy (3)(a)(i)

Identify and protect significant indigenous vegetation ecosystems and wildlife habitats (significant natural areas) on private land.

Summary of reasons for this submission:

This Policy discusses effects on Significant Indigenous Vegetation, Section 6.2 of the proposed Plan already deals with this topic so this Policy should be deleted from the Rural Zone section.

Federated Farmers notes that SNAs have also been identified on Crown owned land, and not just privately owned land.

This Policy has two focuses, on identification, and protection. Policies (1)(a) of 6.2.3 already deal with Significant Natural Areas, so this Policy is unnecessary duplication.

Relief Sought:

- That Policy (3)(a)(i) of 5.1.2 is deleted.

34 Provision in the proposed district plan:

5.1.2 Policy (3)(a)(ii)

Encourage and facilitate private landowner initiatives to protect identified significant and other natural areas.

Summary of reasons for this submission:

This Policy discusses Significant Indigenous Vegetation, Section 6.2 of the proposed Plan already deals with this topic so this policy should be deleted from the Rural Zone section.

Policy (1)(a)(ii) of 6.2.3 already deals with incentives for landowners regarding voluntary protection of SNAs, so this policy is unnecessary duplication.

Relief Sought:

- That Policy (3)(a)(ii) of 5.1.2 is deleted.

35 Provision in the proposed district plan:

5.1.2 Policy 3(a)(iii)

Ensure the maintenance of indigenous biodiversity by avoiding, remedying or mitigating the adverse effects from use and development.

Summary of reasons for this submission:

This Policy refers to only *indigenous biodiversity* which may or may not be significant, and thus does not relate to the intent of Objective 3.

In any case, Section 6.2 of the proposed Plan already deals with the topic of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna so this Policy should be deleted from the Rural Zone section.

Relief Sought:

- That Policy 3(a)(iii) of 5.1.2 is deleted.

36 Provision in the proposed district plan:

5.1.2 Policy (3)(a)(iv)

Provide appropriate mechanisms to assess indigenous biodiversity for 'significance'.

Summary of reasons for this submission:

It is Federated Farmers understanding that SNAs have been sourced from Environment Waikato data, and have been assessed using criteria in the operative Waikato Regional Policy Statement.

This Policy duplicates Policy(1)(a)(i) of 6.2.3 in that it provides for identification of SNAs, and therefore this Policy is not required and should be deleted.

Relief Sought:

- That Policy(3)(a)(iv) of 5.1.2 is deleted.

37 Provision in the proposed district plan:

5.1.2 Objective 4

To provide for the investigation and utilisation of mineral resources including on-site processing and use of these resources by associated industries.

Summary of reasons for this submission:

Federated Farmers supports this Objective. Many farmers have aggregate quarries that are used on farm to maintain tracks and races. The scope of the Objective should be broadened to include aggregates as well as minerals.

Relief Sought:

- That Objective 4 of 5.1.2 is amended to read:

*To provide for the investigation and utilisation of mineral **and aggregate** resources including on-site processing and use of these resources by associated industries. Or words to this effect.*

38 Provision in the proposed district plan:

5.1.2 Policy (4)(a)(i)

Require that the adverse effects of mineral investigation, extraction activities (including overburden cleanfills) and associated industrial activities be avoided, remedied or mitigated.

Summary of reasons for this submission:

Federated Farmers supports the focus on adverse effects to be avoided, remedied or mitigated.

Relief Sought:

- That Policy (4)(a)(i) of 5.1.2 be retained.

39 Provision in the proposed district plan:

5.1.2 Objective 5

To ensure that any adverse effect of a land use activity on the environment or on the amenities of neighbours is avoided, remedied or mitigated.

Summary of reasons for this submission:

Federated Farmers is concerned that this Objective will include adverse effects that are commonly associated with primary production activities and can be reasonably expected in the Rural Zone. Adverse effects such as noise or odour are often part-and-parcel of farming, and requiring these to be avoided, remedied or mitigated is onerous and will prioritise neighbourhood amenity over productive use of land. This will have the result of creating unreasonable expectations of the amenity of the Rural Zone, and perpetuate reverse sensitivity issues with people unaccustomed to the rural environment complaining about normal farming activities.

Relief Sought:

- That Objective 5 of 5.1.2 is amended to read:

*To ensure that ~~any~~ **unreasonable** adverse effect of a land use activity on the environment ~~or on the amenities of neighbours~~ is avoided, remedied or mitigated. Or words to this effect.*

40 Provision in the proposed district plan:

5.1.2 Policy (5)(a)(i)

Require that all effluent is able to be safely disposed of to protect human health, and there is no associated smell nuisance from effluent or any other aspect of the activity.

Summary of reasons for this submission:

It is unclear as to if this Policy is referring to domestic effluent, or livestock effluent. Federated Farmers is concerned that this Policy indicates that smell is an unacceptable effect of primary production. This will have the result of creating unreasonable expectations of the amenity of the Rural Zone, and perpetuate reverse sensitivity issues with people unaccustomed to the rural environment complaining about normal farming activities.

Relief Sought:

- That Policy (5)(a)(i) of 5.1.2 is amended to clarify whether it refers to domestic or livestock effluent.
- That Policy (5)(a)(i) of 5.1.2 is amended to exclude smell and odour that is at a level that can be expected for primary production activities.

41 Provision in the proposed district plan:

5.1.2 Policy (5)(a)(ii)

Ensure the implications of land use activities for the roading network (especially the safety and efficiency) are properly addressed.

Summary of reasons for this submission:

This Policy is confusing, in that it is unsure whether land use could implicate the roading network, or that implications arising from roading network activities is the focus.

Section 7.4 of the proposed Plan already provides for network utilities, Federated Farmers supports recognition that network utilities activities can create adverse effects on neighbouring rural land uses.

Relief Sought:

- That Policy (5)(a)(ii) of 5.1.2 is amended to read:

*Ensure ~~the implications adverse effects of land use activities for the roading network~~ **utilities activities on existing land uses** (especially the safety and efficiency) are properly addressed **avoided, remedied or mitigated**. Or words to this effect.*

42 Provision in the proposed district plan:

5.1.2 Policy (5)(a)(iii)

Require off-street parking and loading facilities, and safe vehicle access to be provided and constructed so as to maintain the safety and efficiency of the adjacent transport network, and to prevent dust and other nuisance.

Summary of reasons for this submission:

Matters associated with parking, loading and vehicle access are already provided for comprehensively in Section 8.4 of the proposed District Plan. Therefore this Policy is not required.

Relief Sought:

- That Policy (5)(a)(iii) of 5.1.2 be deleted.

43 Provision in the proposed district plan:

5.1.2 Policy (5)(a)(iv)

Other adverse effects (eg noise, smell, glare, vibration, visual) on the environment and amenity of the District (not only the rural areas) should preferably be avoided, or at least remedied or mitigated.

Summary of reasons for this submission:

Adverse effects such as noise or odour are often part-and-parcel of farming, and requiring these to be avoided as a preference, and remedied or mitigated when all else fails is onerous and will prioritise neighbourhood amenity over productive use of land.

This will have the result of creating unreasonable expectations of the rural zone, and perpetuate reverse sensitivity issues with people unaccustomed to the rural environment complaining about normal farming activities.

Relief Sought:

- That Policy (5)(a)(iv) of 5.1.2 be deleted.

44 Provision in the proposed district plan:

5.1.2 Policy (5)(a)(v)

Control development in hazard areas.

Summary of reasons for this submission:

Some clarification is required as to what type of hazard area is the concern, whether it is hazards associated with land contaminated by hazardous substances, or natural hazards.

Until further clarification is provided, we make our submission based on the assumption that it is hazard areas associated with land contaminated by hazardous substances that this policy refers to, based on the definition of *Hazard* in the proposed District Plan.

Development is not always inappropriate for hazard areas. If the land is not being developed for a use that will be compromised by the contaminants (like a residential dwelling,) then the need for remediation is reduced or made redundant. If concerns about a contaminant in the food chain are not identified, then many land uses can occur without risk to human health.

This Policy needs to focus on the risk to human health if contaminated land is used for residential purposes.

Relief Sought:

- That Policy (5)(a)(v) of 5.1.2 is amended to read:

*Control **residential** development ~~in hazard areas~~ on land contaminated by **hazardous substances**. Or words to this effect.*

45 Provision in the proposed district plan:

Piako Flood Ponding Area

Summary of reasons for this submission:

The status of some activities in the Rural Zone are dependant on whether they occur within the Piako Flood Ponding Area.

Federated Farmers supports the Hauraki District Councils' approach of identifying and mapping areas that are subject to flooding hazard as a way of meeting obligations under Section 31(1)(b)(i) of the Resource Management Act. Mapping the Piako Flood Ponding Area provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary regulation to areas that are not at risk of flooding.

Federated Farmers considers that it is vital that only areas with a real risk of being flooded are identified so that normal farming activities do not become unreasonably captured by provisions.

The Hauraki District Council has the obligation to ensure that information to be included into the District Plan is true and correct, and to make decisions regarding the sustainable management of the District to enable people and communities to provide for their economic, social and cultural well-being. Ground-truthing is a crucial step so the real situation on the ground matches the mapped areas.

Relief Sought:

- That the Council directly engages with landowners to ensure that ground-truthing of the Piako Flood Ponding Area is carried out, and
- That only areas that have a demonstrable risk of flooding are subject to regulations.

46 Provision in the proposed district plan:

5.1.4.1 Permitted Activities

Those activities listed below are a Permitted Activity, unless otherwise specified and subject to compliance with the:

- *Zone Development Standards specified in Rule 5.1.5;*
- *Activity Specific Standards specified in Rule 5.1.6;*
- *Conservation and Heritage provisions in Section 6.0;*
- *Specific and District Wide provisions in Section 7.0; and*
- *District Wide Performance Standards in Section 8.0.*

Summary of reasons for this submission:

Rural activities such as Farming and Forestry in a Landscape Protection Area needs to be added as a Permitted Activities. Otherwise these activities will be subject to Rule 5.1.4.5 NC3 and have a Non-complying status. Landscape Protection Areas are identified over rural production land in large expanses. Primary production is not explicitly permitted in a Landscape Protection Area in Section 5.1.4.1, nor in Section 6.3.5.1. Therefore farming would become a Non-complying activity under this rule, which is extremely inappropriate for the Rural Zone.

Federated Farmers also submits in submission point 100 that Landscape Protection Areas should be deleted altogether. In the event that this relief is unsuccessful then rural activities need to be provided for as permitted in the Landscape Protection Area.

Relief Sought:

- That Section 5.1.4.1 Permitted Activities is amended to read:

*Those activities listed below are a Permitted Activity **in the Rural Zone and within a Landscape Protection Area**, unless otherwise specified and subject to compliance with the:*

- *Zone Development Standards specified in Rule 5.1.5;*
- *Activity Specific Standards specified in Rule 5.1.6;*
- *Conservation and Heritage provisions in Section 6.0;*
- *Specific and District Wide provisions in Section 7.0; and*
- *District Wide Performance Standards in Section 8.0.*

47 Provision in the proposed district plan:

5.1.4.1 Permitted Activity

P1 *Drainage Control Works and River Control Works*

Summary of reasons for this submission:

Federated Farmers supports the permitted activity status of Drainage Control Works. Constructing and maintaining drains on farms is an important component of primary production.

Relief Sought:

- That *Drainage Control Works* remains as a permitted activity.

48 Provision in the proposed district plan:

5.1.4.1 Permitted Activity

P4 *Two dwellings on each Certificate of Title containing 40 or more hectares of land (except in the Landscape Protection Area or Piako Flood Ponding Area, including additions to an existing dwelling)*

Summary of reasons for this submission:

Federated Farmers supports this rule which allows for two dwellings on properties over 40ha. Many farmers have a second dwelling on the farm as accommodation for employees, or retired parents. Allowing two dwellings will enable the social well-being of rural communities.

A further graduated scale would be more appropriate that allows for larger farms to have housing for managers and employees. The average size dairy herd is about 300 cows, and this is usually run on a 100ha farm and takes the owner and an employee to milk, and therefore two dwellings are needed. For herds larger than average, or when the land owner, a manager and an employee are present then three dwellings will be needed. Otherwise only two dwellings are permitted regardless if the farm is 40ha, or 400ha.

Relief Sought:

- That two dwellings on each Certificate of Title containing over 40 hectares of land remains as a permitted activity.
- That an additional tier allowing for three dwellings on larger properties over 100ha be added to Rule 5.1.4.1 P4.

49 Provision in the proposed district plan:

5.1.4.1 Permitted Activity

P5 *Forestry (outside the Piako Flood Ponding Area and excluding additions to and new accessory buildings where in the Landscape Protection Area)*

Summary of reasons for this submission:

Federated Farmers strongly supports forestry as a permitted activity. Forestry is a land use that is to be expected in the Rural Zone.

Federated Farmers considers that only areas with a real risk of being flooded are identified as a Piako Flood Ponding Area, so that Forestry does not become unnecessarily restricted.

Relief Sought:

- That *Forestry* remains as a permitted activity.

50 Provision in the proposed district plan:

5.1.4.1 Permitted Activity

P6 *Farming (excluding additions to and new Buildings where in the Landscape Protection Area or Piako Flood Ponding Area)*

Summary of reasons for this submission:

Federated Farmers strongly supports the permitted activity status of Farming. Farming is the essence of the purpose of the Rural Zone.

Federated Farmers notes that Section 4 of the Plan also has a definition of Rural Production Activities. Rural Production Activities should also be a permitted activity in the Rural Zone alongside Farming as the two are inextricably linked.

Federated Farmers considers that only areas with a real risk of being flooded are identified as a Piako Flood Ponding Area, so that buildings associated with Farming do not become unnecessarily restricted.

Relief Sought:

- That *Farming* remains as a permitted activity, and
- That *Rural Production Activities* be included in Rule 5.1.4.1 P6 as a permitted activity.

51 Provision in the proposed district plan:

5.1.4.1 Permitted Activity

P7 *One Produce Stall per Holding (refer to activity specific standard 5.1.6 (1)) (except in the Landscape Protection Area or Piako Flood Ponding Area)*

5.1.6 Activity Specific Standard:

(1) *PRODUCE STALL*

- (a) *No produce stall shall be operated where it obtains its access from a state highway.*
- (b) *The area of land or building used as a produce stall shall not exceed 30m² in total, excluding the area required for off-street parking and manoeuvring.*
- (c) *The produce stall and any land used in conjunction with it for retail display shall be located at least:*
 - (i) *20m from every front boundary.*
 - (ii) *10m from every other boundary of holding*

Summary of reasons for this submission:

Federated Farmers supports the permitted activity status of produce stalls. However the standards undermine the purpose of a produce stall and should be deleted. Federated Farmers asks the Council to clarify exactly why produce stalls have been a problem in the District and why such standards are required.

Produce stalls are an opportunity for consumers to purchase produce that was picked that morning; was grown locally; to meet the grower or farmer; and for a price that does not include packaging, storage or transport. Produce stalls contribute to rural amenity and allow consumers to experience the primary production purpose of the rural zone.

Federated Farmers asks why no stalls are permitted where access is from a State Highway. State Highways are managed by NZTA and we question that the Council needs to have a rule when this could potentially duplicate or counter an NZTA rule on the same subject.

Produce stalls need to be located where they are easily visible and accessible to passing motorists, commonly at the front boundary next to the driveway. Requiring stalls to be sited at least 20m from the front boundary undermines this.

Relief Sought:

- That Activity Specific Standard 5.1.6(1) is deleted.

52 Provision in the proposed district plan:

5.1.4.1 Permitted Activity

P13 *Removal or demolition of Buildings*

Summary of reasons for this submission:

Providing for removal or demolition of buildings as a permitted activity is a practical and common sense approach. Having to obtain a resource consent for this type of work would discourage it from taking place.

Relief Sought:

- That *Removal or demolition of Buildings* remains as a permitted activity.

53 Provision in the proposed district plan:

5.1.4.3 Restricted Discretionary Activity

RD1 *Matters over which Council has restricted its discretion are:*

(1) Height and Daylighting

- The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.*
- The desirability of maintaining consistency in design and appearance with existing buildings on the site.*
- The need to preserve existing trees, vegetation or important physical characteristics of the site.*
- Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.*
- Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.*
- Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.*
- The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.*
- The degree to which matters such as shading, loss of daylight, amenity value*
- The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.*
- Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.*
- Along the Firth of Thames, whether the building will detract from and/or adversely affect the natural character of the coastal environment.*

Summary of reasons for this submission:

RD1 Matter of Restricted Discretion (1)(c) discusses existing trees and vegetation, but does not link to trees or vegetation areas that have been specifically identified in the Planning Maps or in Schedules 6.2 or 6.4 of the proposed Plan. Having effects on undefined *trees and vegetation* as a matter of restricted discretion is onerous and can extend to any tree or vegetation regardless of its importance or contribution to amenity. This means that resource users have no certainty as to when RD1 Matter (1)(c) will be applied. Only trees and indigenous vegetation that are identified as being significant in Schedules 6.2.6 and 6.4.6, should be protected from adverse effects.

RD1 Matter of Restricted Discretion (1)(i) discusses *significant ridgelines and skylines* and *significant landscapes*. It is unclear as to what these terms are referring to. The terms do not link to Outstanding Natural Features in Schedule 6.3.6. and RD1 Matter(1)(i) applies to the Rural Zone only, not to Outstanding Natural Landscapes that have been zoned as Conservation. The use of the word *significant* will also lead to confusion as this term is associated with Section 6(c) of the Resource Management Act and *significant indigenous vegetation*.

Having effects on undefined *significant ridgelines and skylines* and *significant landscapes* as a matter of restricted discretion is onerous and can extend to any ridge, skyline or landscape regardless of its importance or contribution to amenity. This means that resource users have no certainty as to when RD1 Matter (1)(i) will be applied.

Only natural landscapes and features that are identified as being outstanding should be protected from adverse effects. RD1 Matter (1)(i) should be amended to refer to only identified and mapped outstanding natural landscapes or features.

RD1 Matter (1)(i) should also provide for adverse effects to be avoided, remedied or mitigated, as this will provide more information to the resource user as to how they can address adverse effects, and will be consistent with Section 5(2)(c) of the Resource Management Act.

RD1 Matters (1)(j) and (k) should be deleted because only natural landscapes and features that are identified as being outstanding should be protected from adverse effects. These Matters provide resource users with no certainty as to when they will apply.

Relief Sought:

- That 5.1.4.3 RD1 Matter of Restricted Discretion (1)(c) is amended to read:
 - (c) *The need to preserve existing trees ~~vegetation or important physical characteristics of the site~~ listed in Schedule 6.4.6 or significant indigenous vegetation in Schedule 6.2.6.*
- That 5.1.4.3 RD1 Matter of Restricted Discretion (1)(i) is amended to read:
 - (i) *The extent to which the building ~~visually intrudes on any significant ridgeline or skyline or significant landscape~~ adversely effects a Schedule 6.3.6 Outstanding Natural Feature and what measures are proposed to ~~reduce the visual effects of that intrusion~~ avoid, remedy or mitigate those adverse effects. Or words to this effect.*
- That 5.1.4.3 RD1Matters of Restricted Discretion (1)(j) and (k) are deleted.

54 Provision in the proposed district plan:

5.1.4.3 Restricted Discretionary Activity

RD1 *Matters over which Council has restricted its discretion are:*

.....

(3) Yards (Shelter Belts and Forestry)

- (a) *The extent to which the safe and efficient functioning of the street or road will be compromised, through shading and obscuring visibility.*
- (b) *The potential of the tree root system to cause damage to the road pavement.*
- (c) *The extent to which the provision of daylight and sunlight into the neighbouring properties will be affected.*

Summary of reasons for this submission:

Federated Farmers supports these matters of restricted discretion, trees can create roading costs which burdens the ratepayer, and also reduce sunlight which can inhibit pasture growth.

Relief Sought:

- That 5.1.4.3 RD1 Matters of Restricted Discretion (3) are retained.

55 Provision in the proposed district plan:

5.1.4.3 Restricted Discretionary Activity

RD3 *Buildings (including dwellings) and additions thereto in a Landscape Protection Area, where otherwise provided for in the Rural Zone as a permitted or controlled activity.*

Summary of reasons for this submission:

Federated Farmers opposes the Landscape Protection Area and subsequent rules restricting activities this Area more than in the Rural Zone.

Section 6(b) of the Resource Management Act along with associated case law requires local authorities to recognise and provide for the protection of outstanding natural landscapes and features from inappropriate subdivision, development and use as a matter of national importance.

Landscapes which are considered to contribute to *amenity* values are afforded a lesser degree of statutory protection in that particular regard must be had to amenity values as per Section 7(c) of the Resource Management Act.

The *Landscape Protection Areas* seem to be intended to address amenity values as per Section 7(c) of the Resource Management Act. *Landscape Protection Areas* have been identified in the Maps as separate from *Outstanding Natural Feature (Area)* nor are they included in Schedule 6.3.6 for Outstanding Natural Features. *Landscape Protection Areas* are therefore not a matter of national importance under Section 6(b) of the Resource Management Act.

The majority of these *Landscape Protection Areas* derive their amenity values from human activity, mainly farming. They have also been zoned as Rural, which indicates that primary production activities occur here. These areas are not Outstanding Natural Landscapes or Features.

Federated Farmers considers that the Rural zoning, subdivision and development rules are in place to help ensure that the rural landscape remains rural in character. Therefore amenity values are already being maintained and enhanced by the Rural Zone provisions *Landscape Protection Areas* are unnecessary to have regard to Section 7(c) and should be deleted. Subsequently rules should be consistent and apply throughout the entire Rural Zone, there is no need for separate *Landscape Protection Areas* rules.

Relief Sought:

- That Rule 5.1.4.3 RD3 is deleted.

56 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D3 *Helipad or Airstrip*

Summary of reasons for this submission:

Federated Farmers opposes this rule if small private airstrips for top-dressing aeroplanes are captured by the definition of *Airstrip* and become a discretionary activity.

Airstrips on rural properties used for top-dressing aeroplanes will be similar in scale and character to private domestic strips, and top-dressing is an expected and appropriate activity in the Rural Zone that has been occurring for decades. Airstrips for top-dressing aeroplanes in the Rural Zone should be a permitted activity.

Federated Farmers has also submitted on the definition of *Airstrip* in Section 4 of the proposed Plan.

Relief Sought:

- That airstrips used for top-dressing aeroplanes are a permitted activity.

57 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D7 *Depots and rural contractor depots for the maintenance, repair and storage of vehicles, machinery, equipment and materials associated with and used for rural activities.*

Summary of reasons for this submission:

Federated Farmers is concerned that this rule would capture normal situations where people are predominantly farming but supplement that operation with some agricultural contracting work. In this case, rural contracting activities are part of an overall farming enterprise and consistent with the purpose of the Rural Zone. Federated Farmers considers a discretionary status for this type of activity inappropriate for the Rural Zone.

There is no definition in Section 4 of the Plan referring to *Rural Contractor Depots*.

Relief Sought:

- That *Depots* and *rural contractor depots* are defined so that rural contracting activities are part of an overall farming enterprise do not become a Discretionary Activity.

58 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D8 *Landfills*

Summary of reasons for this submission:

Federated Farmers opposes this rule if farm dumps and offal holes are captured by the definition of *Landfill* and become a discretionary activity.

Federated Farmers considers that common dumps and offal holes are not intended to be captured by this rule. Dumps and offal holes are permitted with standards in the Waikato Regional Plan. Small-scale dumps or offal holes are intended to manage the waste generated on farms, and should be expected to occur in the Rural Zone.

Federated Farmers has also submitted on the definition of *Landfill* in Section 4 of the proposed Plan.

Relief Sought:

- That farm dumps and offal holes are a permitted activity.

59 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D10 *Underground mining, surface mining and mining operations.*

Summary of reasons for this submission:

Federated Farmers opposes this rule if farm aggregate quarries are captured by the definition of *Mining Operations* and become a discretionary activity.

Many farms have small quarries for the purpose of obtaining aggregates, which are then used to maintain tracks and races and around troughs and pads. These farm quarries are small scale, located within the property and winnings are used on-site rather than being transported on the district's roads. These farm aggregate quarries are an expected part of farming and should be anticipated to occur in the Rural Zone.

Although quarries are included in the definition of *Rural Production Activities*, *Rural Production Activities* are not listed in Rule 5.1.4.1 as a permitted activity in the Rural Zone.

Federated Farmers has also submitted on the definition of *Mining Operations* in Section 4 of the proposed Plan.

Relief Sought:

- That farm aggregate quarries are a permitted activity.

60 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D11 *Animal Feedlots*

Summary of reasons for this submission:

Federated Farmers opposes this rule if stand-off pads and feed-pads are captured by the definition of *Animal Feedlot* and become a discretionary activity.

Farming practices such as stand-off pads and feed-pads are becoming more popular as a way of reducing the adverse environmental effects of livestock trampling pasture during wet conditions, and to reduce supplementary feed losses. Farming activities like this should be expected to occur in the Rural Zone, and should be permitted.

Federated Farmers has also submitted on the definition of *Animal Feedlot* in Section 4 of the proposed Plan.

Relief Sought:

- That feed-pads and stand-off pads are a permitted activity.

61 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D12 *Intensive Outdoor Farming*

Summary of reasons for this submission:

Federated Farmers is concerned that conventional pastoral farms that require additional inputs of feed could inadvertently be caught by the definition of *Intensive Outdoor Farming* and become a discretionary activity. Conventional farming activities like the supplementary feeding of dairy cows should be expected to occur in the Rural Zone, and should be permitted.

Federated Farmers has also submitted on the definition of *Intensive Outdoor Farming* in Section 4 of the proposed Plan.

Relief Sought:

- That conventional pastoral farms that require additional inputs of food are a permitted activity.

62 Provision in the proposed district plan:

5.1.4.4 Discretionary Activity

D13 *Boarding, Breeding and Training of Animals.*

Summary of reasons for this submission:

Federated Farmers opposes this rule if normal farming activities as calf-rearing, stables, dog kennels and shelters for farming uses are captured by the definition of *Boarding, Breeding and Training of Animals* and become a discretionary activity.

Farming activities like this should be expected to occur in the Rural Zone, and should be permitted.

Federated Farmers has also submitted on the definition of *Boarding, Breeding and Training of Animals* in Section 4 of the proposed Plan.

Relief Sought:

- That normal farming activities as calf-rearing, stables, dog kennels and shelters for farming uses are a permitted activity.

63 Provision in the proposed district plan:

5.1.4.5 Non-complying Activity

NC3 *Any activity not otherwise provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited activity.*

Summary of reasons for this submission:

Federated Farmers considers that this rule is against the permissive presumption of Section 9 of the Resource Management Act. We oppose the default to non-complying status for activities not provided for on the activity lists.

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the Council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per Section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”.

Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

One conspicuous omission which could get caught up in this rule is farming in a Landscape Protection Area. Landscape Protection Areas are identified over rural production land in large expanses. Farming is not explicitly permitted in a Landscape Protection Area in Section 5.1.4.1, nor in Section 6.3.5.1. Therefore farming would become a non-complying activity under this rule, which is extremely inappropriate.

This rule which assigns a non-complying status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That Rule 5.1.4.5 NC3 is deleted.

SECTIONS 5.2 - CONSERVATION (INDIGENOUS FOREST) ZONE AND SECTION 5.3 – CONSERVATION (WETLAND) ZONE

64 Provision in the proposed district plan:

5.2.1 Zone Purpose

5.3.1 Zone Purpose

Summary of reasons for this submission:

Federated Farmers has been advised that land that has Conservation (Indigenous Forest) Zoning and Conservation (Wetland) Zoning is in Crown or Council ownership.

The Zone Purpose sections should clarify this for reader understanding.

Federated Farmers opposes these zones if they encompass farmland.

Relief Sought:

- That the Zone Purpose for Sections 5.2.1 and 5.3.1 clarify that land within these zones are Crown or Council owned
- That Conservation (Indigenous Forest) Zoning and Conservation (Wetland) Zoning does not occur on farmland.

SECTION 5.4 - COASTAL ZONE

65 Provision in the proposed district plan:

5.4.2 Objective 1

To preserve the natural character of the coastal environment and ensure its protection from inappropriate subdivision, use and development.

Summary of reasons for this submission:

Federated Farmers is concerned that the Coastal Zone has been given an elevated status on par with Outstanding Natural Landscapes as a Section 6 Matter of National Importance. Use of the words *preserve* and *protect* seek to ensure that the amenity of the coastal area does not change. The natural character of the coastal environment is not to be protected at all costs, but to be protected in terms of sustainable management.

While Federated Farmers appreciates that coastal areas and margins are often more sensitive to development than inland rural areas, the objectives of the Coastal Zone need to acknowledge that land use does occur.

Relief Sought:

- That Objective 1 of 5.4.2 is amended to read:

*To ~~preserve~~ the natural character of the coastal ~~environment~~ **is maintained** and ~~ensure its protection~~ **adverse effects arising** from inappropriate subdivision, use and development. Or words to this effect.*

66 Provision in the proposed district plan:

5.4.2(1) Policy

Summary of reasons for this submission:

Federated Farmers considers that an additional policy is needed that recognises and provides for primary production land uses in the Coastal Zone.

Along the Firth of Thames coast, the Coastal Zone extends along what appears to be an esplanade reserve. However, along the margin of the Pacific Coast the Coastal Zone encompasses a much wider area and includes rural properties. Unless primary production is recognised and provided for in the Coastal Zone, land owners may turn to residential development in order to acquire an economic use of the land. Rule 5.4.4.1 P2 provides for Farming as a permitted activity, and a corresponding policy is required to reinforce this. This policy can sit under the amended Objective 1 above.

Relief Sought:

- That a new Policy is included into Section 5.4.2 that reads:
To recognise and provide for primary production activities to continue to occur within the Coastal Zone. Or words to this effect.

67 Provision in the proposed district plan:

5.4.4.1 Permitted Activity

P1 *Farming (excluding Farm Buildings)*

Summary of reasons for this submission:

Federated Farmers strongly supports farming as a permitted activity in the Coastal Zone. Farming contributes positively to the amenity of the coastal area, and the economic and social well-being of the Hauraki District.

The definition of *Farming* includes the use of buildings as accessory to farming activities, however this rule excludes farm buildings. For properties that are mapped as entirely within the Coastal Zone, this rule would constrain their ability to continue to adapt and evolve their farming by building new sheds, shelters or other buildings. Farm buildings that meet 5.4.5 Zone Development Standards should be permitted. The use of zone development standards still allows the Council to have control over amenity factors, while reducing the need for unnecessary resource consents.

Relief Sought:

- That Rule 5.4.4.1 P1 is amended to include farm buildings as a permitted activity.

68 Provision in the proposed district plan:

5.4.4.2 Controlled Activity

C1 *One dwelling and accessory buildings on each Certificate of Title (except within the Firth of Thames area of the Coastal Zone)*

Summary of reasons for this submission:

Federated Farmers considers that this rule needs more clarity for reader understanding. The term *Accessory Building* could be interpreted to include farm buildings, in which case only allowing one farm building will constrain primary production inappropriately.

This rule also does not take into account size of the property, a large farmed property would be able to absorb the visual affects of several buildings whereas a small residential or lifestyle property may not.

The Rural Zone provides for two dwellings on a property that is over 40ha as a permitted activity, controls around the number of dwellings in the Coastal Zone should be no more onerous than those placed on other rural environments. Accepted and normal activities such as providing dwellings for farm worker accommodation have not been considered. As presently worded the rule has the potential to encourage subdivision instead.

Relief Sought:

- That Rule 5.4.4.2 C1 is amended to exclude farm buildings as a controlled activity, and
- That Rule 5.4.4.2 C1 provides for more than one dwelling on large rural properties in the Coastal Zone.

69 Provision in the proposed district plan:

5.4.4.2 Controlled Activity

C2 *Farm buildings (except within the Firth of Thames area of the Coastal Zone)*

Summary of reasons for this submission:

Federated Farmers considers that if a farm building meets the Zone Development Standards, then there is no need for the controlled status, and the building could be a permitted activity.

Buildings such as hay barns, tractor sheds and animal shelters are all coherent with rural amenity and should not be viewed as at odds with the surrounding rural land use, even if this is within sight of the sea. Permitted activity status with zone development standards would be an appropriate way to manage the visual effects of farm buildings.

The existing Zone Development Standards would allow the Council a degree of control over the level of amenity expected for the zone, while meaning that resource users do not have to go through a time-consuming resource consent process and pay the \$800 base fee for a non-notified land use consent.

Matters of concern such as setback from boundaries are already addressed by the Zone Development Standards, and relation of the building to important ridgelines can be addressed by assessing the ridgeline and identifying it as an Outstanding Natural Feature if it meets the criteria.

Relief Sought:

- That farm buildings be a permitted activity in the Coastal Zone.

70 Provision in the proposed district plan:

5.4.4.4 Discretionary Activity

D1 *Forestry*

Summary of reasons for this submission:

Federated Farmers opposes the discretionary status of Forestry in the Coastal Zone.

Changing markets in the future can drive changes in primary production. The Council does not want to create a scenario where producers are encouraged by Central Government to provide for a particular market on one hand (such as carbon credits) but then discouraged by the District Council on the other.

By restricting or discouraging certain types of primary production, there is the potential to adversely impact on the economic well-being of the Hauraki District. This could also represent a missed opportunity for the District. Unless primary production like forestry is provided for in the Coastal Zone, land owners may turn to residential development in order to acquire an economic use of the land.

Scenarios such as existing forest that is harvested would need resource consent to replant under this rule, even though overall amenity from that particular land use is not changing. Forestry is a land use that is appropriate for rural areas, and should be permitted within the Coastal Zone.

Relief Sought:

- That Rule 5.4.4.4 D1 is deleted, and
- That Forestry is a permitted activity in the Coastal Zone.

71 Provision in the proposed district plan:

5.4.4.4 Discretionary Activity

D2 *Indigenous vegetation removal.*

Summary of reasons for this submission:

Federated Farmers opposes this rule which elevates all indigenous vegetation within the Coastal Zone to a Matter of National Importance regardless of the level of significance. The proposed District Plan already makes good use of the Significant Natural Area regime, it is unnecessary and inappropriate to protect indigenous vegetation that is *not* significant by giving removal a discretionary status.

This rule will constrain normal activities like clearing seedlings from existing pasture, and maintenance of tracks and fences. Even bodies like the Council or DoC will need to obtain a resource consent for maintaining public walking tracks.

Federated Farmers notes that there are many SNAs identified within the Coastal Zone, Map No. 19 is a good example. The high proportion of land in SNAs will provide the amenity values that the Council is seeking to maintain within the Coastal Zone, and therefore Rule 5.4.4.4. D2 is unnecessary.

Relief Sought:

- That Rule 5.4.44 D2 is deleted.

72 Provision in the proposed district plan:

5.4.4.4 Discretionary Activity

D4 *More than one dwelling on each Certificate of Title containing 40 or more hectares of land.*

Summary of reasons for this submission:

The Rural Zone provides for two dwellings on a property that is over 40ha as a permitted activity, controls around the number of dwellings in the Coastal Zone should be no more onerous than those placed on other rural environments. Accepted and normal activities such as providing dwellings for farm worker accommodation have not been considered. As presently worded the rule has the potential to encourage subdivision instead.

Relief Sought:

- That two dwellings on each Certificate of Title containing 40 or more hectares of land is a permitted activity in the Coastal Zone.
- That three dwellings on properties over 100ha is a permitted activity in the Coastal Zone.

73 Provision in the proposed district plan:

5.4.4.5 Non-complying Activity

NC1 *Any activity not otherwise provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited activity.*

Summary of reasons for this submission:

Federated Farmers considers that this rule is against the permissive presumption of Section 9 of the Resource Management Act. We oppose the default to non-complying status for activities not provided for on the activity lists.

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”.

Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

This rule which assigns a non-complying status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That Rule 5.4.4.5 NC1 is deleted.

SECTION 5.16 – RESERVE (PASSIVE) ZONE

74 Provision in the proposed district plan:

Mapping of the Reserve (Passive) Zone.

Summary of reasons for this submission:

Section 5.16.1 (4) states that the Reserve (Passive) Zone is used to indicate situations where esplanade reserves are already in existence, or where Council is looking to obtain esplanade reserves in accordance with Section 7.3 when subdivision occurs.

Federated Farmers is concerned that where the Reserve (Passive) Zone is mapped as an esplanade “wish list” then members of the public may think that public access is already available. Esplanade reserves are initiated when subdivision occurs, and some landowners may not subdivide and so the land remains in private ownership and access by the public will be in fact trespass.

Relief Sought:

- That Mapping of the Reserve (Passive) Zone clearly indicates where public access is *not* obtainable.

75 Provision in the proposed district plan:

5.16.4.1 Permitted Activities.

Summary of reasons for this submission:

The Reserve (Passive) Zone may indicate where Council intends to obtain esplanade reserves if subdivision is initiated, and some landowners may not subdivide and so the land remains in private ownership.

When the land does remain in private ownership, it is likely that the area mapped as Reserve (Passive) Zone will be used for primary production activities along with the rest of the property. Farming and Forestry should be permitted activities in the Reserve (Passive) Zone to reflect a land use that is already occurring, and will continue to occur in the future if subdivision is not initiated.

Otherwise landowners may find themselves in the situation of needing a resource consent under Rule 5.16.4.5 NC1 in order to continue farming, and this would be an incentive to subdivide and intensify development in an area which benefits from the existing rural use.

Relief Sought:

- That Farming and Forestry are included in 5.16.4.1 as permitted activities.

76 Provision in the proposed district plan:

5.16.4.5 Non-complying Activity

NC1 *Any activity not otherwise provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited activity.*

Summary of reasons for this submission:

Federated Farmers considers that this rule is against the permissive presumption of Section 9 of the Resource Management Act. We oppose the default to non-complying status for activities not provided for on the activity lists.

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”.

Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

This rule which assigns a non-complying status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That Rule 5.16.4.5 NC1 is deleted.

SECTION 6.2 – INDIGENOUS BIODIVERSITY AND SIGNIFICANT NATURAL AREAS

77 Provision in the proposed district plan:

Assessing Significance of Indigenous Vegetation

Summary of reasons for this submission:

Section 6(c) of the Resource Management Act provides for protection of significant indigenous vegetation and significant habitats of indigenous fauna.

Federated Farmers supports the Hauraki District Council's approach of identifying and mapping Significant Natural Areas as a way of meeting Section 6(c) obligations. A schedule of SNAs provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary protection to areas of indigenous vegetation that are not significant.

However, for an SNA regime to be robust and achieve the purpose of the Resource Management Act, Federated Farmers considers that it is vital that only areas of true significance are identified so that normal farming activities do not become unreasonably captured by SNA provisions.

SNAs need to be identified using robust and widely accepted criteria, so that only areas with a high level of significance and value are classified and protected. Section 6.2.1(7) of the proposed District Plan states that sites are identified by aerial photography and scientific reports where available, and assessed for significance using criteria from the Operative Waikato Regional Policy Statement. Federated Farmers considers that sites should be required to meet all or the majority of criteria before being identified as significant.

The Hauraki District Council has the obligation to ensure that information to be included into the District Plan is true and correct, and to make decisions regarding the sustainable management of the District to enable people and communities to provide for their economic, social and cultural well-being. Ground-truthing is a crucial step so the real situation on the ground matches the assessed level of significance, otherwise areas that are not significant will be afforded a level of unnecessary regulation.

Relief Sought:

- That the Council directly engages with landowners to ensure that ground-truthing of SNAs is carried out, and
- That only areas of indigenous vegetation that have demonstrable significance are included in Schedule 6.2.6.

78 Provision in the proposed district plan:

Non-regulatory Methods

Summary of reasons for this submission:

Thanks to the stewardship of many landowners, Hauraki District is fortunate to have many SNAs. Federated Farmers considers that stewardship should be encouraged and recognised to ensure that the landowner ethic which has preserved these natural areas will continue. Recognition in the form of rates relief or assistance with fencing materials and pest control are options that Federated Farmers encourages councils to use. Non-regulatory methods can be an important tool that allows landowners to work with councils.

Federated Farmers supports Policy (1)(a)(ii) of 6.2.3 to provide incentives, and the Council's commitment to promote greater public awareness and support for SNAs as outlined in Objective 3 of 6.2.3. Federated Farmers considers that there is scope for further non-regulatory methods to be included into this section of the proposed District Plan.

Incentives in addition to the resource consent application fee waiver and development opportunities could include:

- Rates remissions or rebates for land identified as an SNA;
- Reimbursements or discounts for products and fencing material;
- Providing native seedlings;
- Pest and weed control assistance;
- Contestable fund for biodiversity projects.

Although costing on incentives will be discussed in the LTCCP process, mention of these options in a district plan provides more certainty to resource users that these incentives will occur.

Federated Farmers agrees with Reason 6.2.3(3)(b)(i) that co-operation of landowners with Council is essential to achieve aims.

Relief Sought:

- That further incentives to encourage voluntary actions to protect or enhance SNAs are included in Section 6.2 of the proposed Plan.

79 Provision in the proposed district plan:

6.2.3 Objective 1

To protect remnant areas of significant indigenous vegetation and habitats of indigenous fauna for the purpose of preserving their intrinsic and amenity values for the benefit and enjoyment of future generations.

Summary of reasons for this submission:

This Objective needs to echo the terms used in Section 6(c) of the Resource Management Act, in that significant indigenous vegetation and significant habitats are protected.

Relief Sought:

- That Objective 1 of 6.2.3 is amended to read:

*To protect remnant areas of significant indigenous vegetation and **significant** habitats of indigenous fauna for the purpose of preserving their intrinsic and amenity values for the benefit and enjoyment of future generations. Or words to this effect.*

80 Provision in the proposed district plan:

6.2.3 Policies (1)(a)

Summary of reasons for this submission:

An additional policy is required to provide information that the Council intends to use an SNA regime in order to achieve Objective 1 of 6.2.3, and how SNAs will be identified.

The policy should focus on identification of significant indigenous vegetation and significant habitats of indigenous fauna, and that these will be termed as *Significant Natural Areas*. The policy needs to reveal how the SNAs will be identified, and it is Federated Farmers understanding that the criteria in Appendix 3 of the Operative Waikato Regional Policy Statement.

Before anything else is done with SNAs, the first task is identification.

Relief Sought:

- That a new policy will be inserted into 6.2.3(1) that reads:

Identify significant indigenous vegetation and significant habitats of indigenous fauna as Significant Natural Areas using criteria in the Operative Waikato Regional Policy Statement. Or words to this effect.

81 Provision in the proposed district plan:

6.2.3 Policy (1)(a)(i)

Ranking Significant Natural Areas to determine levels of assistance or allocation of resources for their management.

Summary of reasons for this submission:

Federated Farmers supports the ranking of SNAs, which allows for more activities to take place within local or regional SNAs.

Relief Sought:

- That Policy (1)(a)(i) of 6.2.3 is retained.

82 Provision in the proposed district plan:

6.2.3 Policy (1)(a)(ii)

Providing incentives and development opportunities where protection and management of natural areas of ecological significance is obtained.

Summary of reasons for this submission:

Federated Farmers strongly supports the use of incentives that encourage voluntary approaches to protection and management of SNAs. Landowners are more likely to proactively adopt land management practices when they have a positive acknowledgement and a sense of partnership from Council.

This Policy links to Rule 9.3.4(2) in that subdivision of land can occur as a controlled activity if an SNA is legally protected. Federated Farmers submits that other incentives should also be available. Further incentives could be rates relief for SNAs, or funding assistance for landowner projects. Although the details of these types of Council funding is usually dealt with in LTCCPs, including them into the District Plan provides landowners with certainty and also formal acknowledgement.

Farmers often use personal time and resources to carry out active management of SNAs like weed and pest control, and a kilometre of post-and-wire fencing costs around \$9,000. Funding assistance for these activities can encourage more voluntary active management to occur.

This policy needs to clarify if it refers to SNAs as identified in the Planning Maps, or any natural areas.

Relief Sought:

- That Policy (1)(a)(ii) of 6.2.3 is amended to read:

*Providing incentives **such as rates relief and funding assistance** and development opportunities where protection and management of ~~natural areas of ecological significance~~ **Significant Natural Areas** is obtained. Or words to this effect.*

83 Provision in the proposed district plan:

6.2.3 Policy (1)(a)(iv)

By progressively improving the level and accuracy of information on Significant Natural Areas, so that it can be effectively used for information, education and regulatory methods and monitoring.

Summary of reasons for this submission:

Federated Farmers supports policies that aim to increase the level of understanding of SNAs. Ground-truthing is vital to ensure that the quality of the SNA is verified. This will also be a good opportunity for Council to interact positively with landowners. Knowing why the SNA is special could be an added incentive for voluntary actions.

Relief Sought:

- That Policy (1)(a)(iv) of 6.2.3 is retained.

84 Provision in the proposed district plan:

6.2.3 Objective 2

To maintain and enhance the life supporting capacity of ecosystems, and the extent and representativeness of the District's indigenous biological diversity.

Summary of reasons for this submission:

This Objective does not address Section 6(c) Matters of National Importance of the Resource Management Act, and instead strays into the realms of Sections 7(d) and 31(1)(b)(iii). This Objective is inappropriate for its' location in a Section of the proposed Plan that is intended to meet obligations under Section 6(c) of the RMA.

Relief Sought:

- That Objective 2 of 6.2.3 is deleted.

85 Provision in the proposed district plan:

6.2.3 Policy (2)(a)(i)

By managing the scale, intensity, and location of subdivision and land development activities in a way that avoids, remedies or mitigates adverse effects on areas of indigenous vegetation.

Summary of reasons for this submission:

Federated Farmers supports the focus on avoiding, remedying or mitigating adverse effects. This is consistent with the Resource Management Act and provides resource users with a tool-box for managing adverse effects.

Relief Sought:

- That Policy (2)(a)(i) of 6.2.3 is retained.

86 Provision in the proposed district plan:

6.2.3 Objective 3

To promote greater public awareness, support for and involvement in the protection and enhancement of remnant natural areas of ecological significance.

Summary of reasons for this submission:

This Objective should use terms that are consistent with the rest of the District Plan and refer only to Significant Natural Areas, rather than to undefined natural areas of ecological significance.

Federated Farmers supports the use of education as a method to achieve Section 6(c) aims.

Relief Sought:

- That Objective 3 of 6.2.3 is amended to read:

*To promote greater public awareness, support for and involvement in the protection and enhancement of ~~remnant natural areas of ecological significance~~ **Significant Natural Areas**.*
Or words to this effect.

87 Provision in the proposed district plan:

6.2.5 Activities

Any resource consent applications required under Rule 6.2.5 shall be exempt from Resource Consent Application processing fees.

Summary of reasons for this submission:

Federated Farmers supports the exemption from resource consent fees. This is a great example of Council working proactively with resource users to achieve sustainable management together.

Relief Sought:

- That resource consent required for activities under Rule 6.2.5 shall continue to be exempt from application fees.

88 Provision in the proposed district plan:

6.2.5.2 Permitted Activity

(2)(a) *Trimming or pruning of any tree, bush or plant, necessary because of disease or age and which will not directly result in the death, destruction or irreparable damage of the tree, bush or plant.*

Summary of reasons for this submission:

Federated Farmers supports the permitted activity status of trimming or pruning, although this does seem to be aimed at gardening-type activities rather than primary production.

Relief Sought:

- That Rule 6.2.5.2(2)(a) is retained.

89 Provision in the proposed district plan:

6.2.5.2 Permitted Activity

(2)(b) *Removal of dead or damaged trees, where this is necessary to:*

- (i) avoid the death, destruction or irreparable damage of remaining indigenous trees or vegetation*
- (ii) protect and maintain perimeter fencing of the SNA*
- (iii) maintain use of existing tracks.*

Summary of reasons for this submission:

Federated Farmers considers that indigenous vegetation removal which is necessary to maintain existing farm infrastructure such as buildings and fences should be permitted.

Indigenous vegetation that can be removed for maintenance purposes should not be limited to only dead or damaged trees. Live vegetation can cause problems by growing through or over fences and

buildings, and dead vegetation such as hardwood trees can fall and damage buildings or fences. Removal of indigenous vegetation may also need to occur to maintain productive land, where SNAs have been identified in stands of trees over pasture.

Despite that resource consent application fees will be waived, it is likely that requiring a resource consent to remove a living tree that is growing through a fence will be a disincentive to do the work, and this particular example could mean that livestock could then enter an SNA.

Relief Sought:

- That Rule 6.2.5.2(2)(b) is amended to read

*Removal of ~~dead or damaged~~ trees, **indigenous vegetation** where this is necessary to:*

- (i) avoid the death, destruction of irreparable damage of remaining indigenous trees or vegetation*
- (ii) protect and maintain perimeter fencing of the SNA*
- (iii) maintain use of existing tracks*
- (iv) **Maintain existing buildings, structures and fences***
- (v) **Maintain land that is used for production.***

Or words to this effect

90 Provision in the proposed district plan:

6.2.5.2 Permitted Activity

(2)(c) *Land management activities to maintain the ecological sustainability of the SNA (except within an identified Public Water Supply Catchment shown on the planning maps) including:*

- (i) Planting and management of indigenous vegetation*
- (ii) Removal of exotic trees and vegetation*
- (iii) Control of animal pests*
- (iv) Control and removal of invasive weeds*
- (vi) Erection and maintenance of SNA perimeter fencing*

Summary of reasons for this submission:

Federated Farmers supports the permitted status of common activities to actively manage areas of indigenous vegetation.

Relief Sought:

- That Rule 6.2.5.2(2)(c) is retained.

91 Provision in the proposed district plan:

6.2.5.2 Permitted Activity

(2)(e) *Trimming or pruning of SNA vegetation to maintain existing tracks and fencing which will not directly result in the death, destruction or irreparable damage of the vegetation.*

Summary of reasons for this submission:

This rule is impractical because it could preclude activities like clearing of seedlings from an existing track, because this would result in the death of the seedlings.

Federated Farmers supports rules which allow resource users to continue to use and maintain existing tracks and fences within an SNA, but the current rule is too restrictive for these activities to actually take place. Rule (h) allows for removal of indigenous vegetation in order to form new tracks up to 4 metres wide, this corresponding rule should allow for tracks to be appropriately maintained in working use.

The rule also needs to focus on indigenous vegetation to ensure reader understanding. Clearing exotic vegetation will not have adverse effects on the significance of the indigenous vegetation.

Relief Sought:

- That Rule 6.2.5.2(2)(e) is amended to read:

(2)(e) *Trimming or pruning **or removal** of SNA **indigenous** vegetation **within a Significant Natural Area** to maintain existing tracks and fencing ~~which will not directly result in the death, destruction or irreparable damage of the vegetation~~. Or words to this effect.*

92 Provision in the proposed district plan:

6.2.5.2 Permitted Activity

(2)(f) *Removal of SNA vegetation (except within an identified Public Water Supply Catchment shown on the planning maps) where it is carried out in accordance with the terms of a QEII National Trust or other covenant.*

Summary of reasons for this submission:

Federated Farmers supports this rule which provides for removal of indigenous vegetation within a Significant Natural Area as a permitted activity if this is in accordance with terms of a QEII or other covenant. This will prevent unnecessary duplication or conflicting provisions. Sustainable forest management plans and permits under the Forests Act 1949 should also be provided for.

Relief Sought:

- That Rule 6.2.5.2(2)(f) is retained, and that removal of indigenous vegetation in accordance with a Sustainable Forest Management Plan or a Sustainable Forest Management Permit under the Forests Act 1949 is included.

93 Provision in the proposed district plan:

6.2.5.2 Permitted Activity

(2)(g) *Removal of up to 5m³ of manuka/kanuka per 12 month period per property from any SNA ranked of local or regional significance, for domestic firewood purposes (except within an identified Public Water Supply Catchment shown on the planning maps) provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.*

Summary of reasons for this submission:

Federated Farmers supports a rule that provides for the removal of manuka and kanuka from an SNA for firewood as a permitted activity.

Federated Farmers had been concerned that the Council was informing resource users that they could rely on Section 10 of the Resource Management Act (existing use rights) for firewood collection in SNAs. Section 10 places the onus of proof onto resource users, and Federated Farmers was concerned that it would be difficult for farmers to provide evidence of their existing use right. In our mind if an activity was deemed acceptable under existing use rights, it should be given a permitted activity status in the District Plan to provide certainty to both resource users and the Council.

Federated Farmers thanks the Council for alleviating this concern.

Relief Sought:

- That removal of 5m³ of manuka/kanuka per 12 month period per property from any SNA ranked of local or regional significance, for domestic firewood purposes remains as a permitted activity.

94 Provision in the proposed district plan:

6.2.5.2 Permitted Activity:

(2)(h) *Clearing of SNA vegetation to form a new track less than 4.0m wide from any SNA ranked of local significance.*

Summary of reasons for this submission:

Federated Farmers supports this provision to allow clearance of indigenous vegetation to form new tracks. Farmers and primary producers need to be able to access parts of their land on either side of an SNA in order for sustainable management of resources to occur. An example is a stand of pines surrounded by an SNA, a track will need to be formed in order to access the pines for harvest. However this ability to create tracks should not be just limited to SNAs of only local significance, but should be extended to regional and national SNAs as well.

Relief Sought:

- That Rule 6.2.5.2(2)(h) is amended to allow clearance of SNA vegetation to form new tracks for SNAs ranked of regional or national significance as well as local.

95 Provision in the proposed district plan:

6.2.5.2 Permitted Activities.

Summary of reasons for this submission:

Federated Farmers considers that some additional permitted activities should be included. Activities such as grazing of livestock should be able to continue within SNAs. For example, remnant Kahikatea stands in pasture under which livestock are currently grazed should continue to be grazed. Otherwise this practice could run the risk of being considered a discretionary activity under Rule 6.2.5.5 as it is not provided for as permitted or controlled.

Requiring a resource consent for an activity that is so common and appropriate in the rural zone would mean that both resource users and Council would have to go through an arduous consent process for little or no benefit. Reliance on existing use rights does not provide enough certainty, and this type of activity is occurring and expected to continue to occur.

Relief Sought:

- That grazing of livestock within SNAs is permitted.

96 Provision in the proposed district plan:

6.2.5.2 Permitted Activities.

Summary of reasons for this submission:

Federated Farmers considers that some additional permitted activities should be included. Clearance of indigenous vegetation in association with a Building Permit should be a permitted activity.

Relief Sought:

- That clearance of indigenous vegetation within an SNA in association with a Building Consent is permitted.

97 Provision in the proposed district plan:

6.2.5.3 Controlled Activities

Summary of reasons for this submission:

Controlled activity status is provided for activities within SNAs and within Public Water Supply Catchments.

While Federated Farmers understands that retaining indigenous vegetation cover in an area that is used for water supply may be desirable, it is inappropriate to include rules in the Indigenous Biodiversity chapter when the purpose of the rules are to reduce adverse effects on public water supply.

Federated Farmers asks the Council if the *Public Water Supply Catchment* occurs over privately owned property. This is difficult to determine from the Planning Maps.

Relief Sought:

- That the Council provides further information as to whether *Public Water Supply Catchment* areas are mapped over privately owned property, and
- That rules concerned with effects on public water supply are deleted from the Indigenous Biodiversity and Significant Natural Areas chapter of the proposed Plan.

98 Provision in the proposed district plan:

6.2.5.5 Discretionary Activities

(1)(b) *Any other activity not otherwise provided for, that involves the destruction and/or clearance of any SNA ranked of local or regional significance.*

Summary of reasons for this submission:

Federated Farmers considers that this rule is against the permissive presumption of Section 9 of the Resource Management Act. We oppose the default to Discretionary status for activities not provided for on the activity lists.

Under Section 9 of the Resource Management Act, the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per Section 76(3) of the Resource Management Act when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by Section 77A and the types of activities can only be described as per Section 77B. There is no provision for activities to be described as “any activities not listed”.

Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

This rule which assigns a discretionary status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That Rule 6.2.5.5(1)(a) is deleted.

SECTION 6.3 - PROTECTION OF OUTSTANDING AND SIGNIFICANT NATURAL FEATURES AND LANDSCAPES.

99 Provision in the proposed district plan:

Identification of Outstanding Natural Features and Landscapes

Summary of reasons for this submission:

Federated Farmers considers that there needs to be clear distinction between subjects and correct terminology used so as to avoid reader confusion. The use of the word *Significant* has connotations of Section 6(c) indigenous vegetation, whereas this chapter is intended to deal with *Outstanding Natural Features and Landscapes* as per Section 6(b) of the Resource Management Act.

We note that the Planning Map legend refers to Outstanding Natural Landscapes as *Outstanding Natural Feature (Area)* but there are no rules relating to these identified landscapes. Any appearance on the Maps of *Outstanding Natural Feature (Area)* pertains to a Feature that is listed in Schedule 6.3.6. There is no need to have *Outstanding Natural Feature (Area)* as well as *Outstanding Natural Feature* in the Planning Maps if they just refer to the same item, creating unnecessary duplication. Mount Karangahake on Map 29 is an example, although it has the notation of an *Outstanding Natural Feature (Area)* it is also listed as ONF5.

Federated Farmers supports the Hauraki District Council's approach of identifying Outstanding Natural Features in Schedule 6.3.6 and showing Features on the Planning Maps. A schedule of Outstanding Natural Features provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary protection to features that are not considered Outstanding.

The methods for identifying, assessing and classifying landscape types at a territorial level are well defined in case law. If Council intend to undertake an assessment of the district's landscapes the Federation encourages the use of existing methods in order to provide certainty and clarity. In addition, the Federation strongly urges Council to consult with landowners, both collectively and individually on this matter.

Federated Farmers considers that it is vital that only natural features and landscapes of true outstanding quality are identified, so that normal farming activities do not become unreasonably captured by the provisions.

Relief Sought:

- That only natural features and natural landscapes that have demonstrable outstanding qualities are included in Schedule 6.3.6 and mapped.
- That correct terminology is used through out the Plan, and that the term *significant natural features and landscapes* is replaced by *Outstanding Natural Features and Landscapes* to retain consistency with the Resource Management Act and ensure consistency throughout the Plan, and increase reader understanding.
- That *Outstanding Natural Feature (Area)* is deleted from the Planning Maps.

100 Provision in the proposed district plan:

Landscape Protection Areas

Summary of reasons for this submission:

Landscape Protection Areas seem to have an amenity purpose as per Section 7(c) of the Resource Management Act and occur over rural land, although this is unclear from the proposed Plan as no mention of the purpose of this mapped area appears in Section 5 (Zones) nor Section 6 (Conservation and Heritage).

The Federation considers that *Landscape Protection Areas* are unnecessary to address amenity, as the normal Rural Zoning provisions are sufficient to maintain and enhance rural character. If these landscapes do not meet the criteria for Outstanding Natural Features and Landscapes, then they should not be afforded a status that requires a higher level of protection than the rest of the rural landscape.

Landscape Protection Areas are especially concerning where they are mapped over rural land and there is no explicate provision to ensure that primary production like farming or forestry can continue, with a default non-complying activity status for activities not otherwise provided for. This could result in a ridiculous scenario where existing production activities need to obtain a resource consent despite occurring on land that is manifestly rural.

Federated Farmers considers that the Rural Zoning, subdivision and development rules are in place to help ensure that the rural landscape remains rural in character. Therefore amenity values are already being maintained and enhanced by the Rural Zone provisions *Landscape Protection Areas* are unnecessary to have regard to Section 7(c) and should be deleted. Subsequently rules should be consistent and apply throughout the entire Rural Zone, there is no need for separate *Landscape Protection Areas* rules.

Federated Farmers opposes the *Landscape Protection Area* and subsequent rules relating to this Area.

Relief Sought:

- That *Landscape Protection Areas* are deleted from the Planning Maps
- That any rules pertaining to *Landscape Protection Areas* are deleted from the proposed District Plan.

101 Provision in the proposed district plan:

6.3.3 Objective 1

Protect the integrity and the aesthetic and intrinsic values of outstanding natural features and landscapes and the high visual amenity values of significant natural features and landscapes.

Summary of reasons for this submission:

Federated Farmers considers that there needs to be a clear distinction and correct terminology used so as to avoid reader confusion. The use of the word *Significant* has connotations of Section 6(c) indigenous vegetation, whereas this chapter is intended to deal with *Outstanding Natural Features and Landscapes* as per Section 6(b) of the RMA.

It is unclear what the phrase *significant natural features and landscapes* is referring to, as these are not identified elsewhere in the Plan or maps.

The Objective also needs to provide more information as to what the Outstanding Natural Features and Landscapes are to be protected from.

Relief Sought:

- That Objective 1 of 6.3.3 is amended to read:

Protect the integrity and the aesthetic and intrinsic values of outstanding natural features and landscapes ~~and the high visual amenity values of significant natural features and landscapes~~ from inappropriate subdivision, use and development. Or words to this effect.

102 Provision in the proposed district plan:

6.3.3 Policy (1)(a)(i)

Control the subdivision, use and development of land so that the adverse effects on aesthetic and intrinsic values and on the visual and physical integrity of outstanding landscapes and natural features are avoided.

Summary of reasons for this submission:

Providing for adverse effects to be remedied and mitigated as well as avoided provides resource users with options on how to deal with their adverse effects, and retains consistency with the purpose of the Resource Management Act. For example, adverse visual effects of a building can be mitigated by planting or sympathetic exterior design. Providing for adverse effects to be avoided, remedied or mitigated will allow subdivision, use and development to occur while still protecting the values of an Outstanding Natural Feature or Landscape.

Relief Sought:

- That Policy (1)(a)(i) of 6.3.3 is amended to read:

*Control the subdivision, use and development of land so that the adverse effects on aesthetic and intrinsic values and on the visual and physical integrity of outstanding landscapes and natural features are avoided, **remedied or mitigated.*** Or words to this effect.

103 Provision in the proposed district plan:

6.3.3 Policy (1)(a)(iii)

To ensure the significant natural coastal environment features and coastal environment landscapes are preserved and protected from inappropriate subdivision, use and development.

Summary of reasons for this submission:

It is unsure what *significant natural coastal environmental features* or *coastal environmental landscapes* are. These seem to be a blend of terms from the Resource Management Act. They are not shown on the Planning Maps or defined, nor mentioned in the Resource Management Act.

There is therefore no need for a policy addressing a feature that does not exist.

Relief Sought:

- That Policy (1)(a)(iii) of 6.3.3 is deleted.

104 Provision in the proposed district plan:

6.3.3 Policy (1)(a)(iv)

To encourage and provide for appropriate development which will remedy or mitigate the adverse effects of past land uses and enhance the natural character and amenity values of the coastal environment.

Summary of reasons for this submission:

Federated Farmers supports the view that appropriate development and use of coastal land should be provided for and encouraged, however this policy does not link back to Outstanding Natural Features and Landscapes that have been identified and mapped. This policy would perhaps be better if moved to the Coastal Zone provisions.

Relief Sought:

- That Policy (1)(a)(iv) of 6.3.3 is deleted from Section 6.3 of the proposed Plan.

105 Provision in the proposed district plan:

6.3.3 Objectives and Policies

Summary of reasons for this submission:

Federated Farmers considers that an additional policy should be inserted into Section 6.3.3, to acknowledge that primary production activities can be expected to occur in Outstanding Natural Features and Landscapes, and that these activities contribute positively to the values of these landscapes and should be provided for.

The Resource Management Act does not direct councils to protect outstanding natural landscapes and features by excluding all use or development, but only to protect from *inappropriate* use and development. The assumption is that use and development is enabled where it is compatible with the identified Outstanding Natural Feature or Landscape.

Relief Sought:

- That a new policy be added to Section 6.3.3 which reads:

To allow people and communities to provide for their social, economic and cultural well-beings by maintaining opportunities for appropriate primary production to occur within Outstanding Natural Features and Landscapes. Or words to this effect.

106 Provision in the proposed district plan:

6.3.5.1 Permitted Activity

- 1** *The following land management activities are permitted activities for all features and landscapes listed in the Schedule of Outstanding Natural Features:*

- (a) Planting and management of indigenous vegetation;*
- (b) Removal of exotic trees and vegetation;*
- (c) Pest destruction;*
- (d) Removal of weed species*
- (e) Erection and maintenance of perimeter fencing; and*
- (f) Maintenance of existing tracks and fences*

Summary of reasons for this submission:

Federated Farmers supports the inclusion of erection and maintenance of fencing, and maintenance of existing tracks as a permitted activity.

Maintenance of existing structures should also be included, as the effects of this type of activity would be the same as allowed for fencing and tracks.

Relief Sought:

- That maintenance of existing structures, fences and buildings is included as a permitted activity in Rule 6.3.5.1 (1)(f).

107 Provision in the proposed district plan:

6.3.5.5 Non-Complying Activity

NC1 *Any activity not provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity.*

Summary of reasons for this submission:

Federated Farmers considers that this rule is against the permissive presumption of Section 9 of the Resource Management Act. We oppose the default to non-complying status for activities not provided for on the activity lists.

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the Council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”.

Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

One conspicuous omission which could get caught up in this rule is farming in a Landscape Protection Area. Landscape Protection Areas are identified over rural production land in large expanses. Farming is not explicitly permitted in a Landscape Protection Area in Section 5.1.4.1, nor in Section 6.3.5.1. Therefore farming would become a non-complying activity under this rule, which is extremely inappropriate.

This rule which assigns a non-complying status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That Rule 6.3.5.5 NC1 is deleted.

108 Provision in the proposed district plan:

6.3.5.7 Assessment Criteria

(1)(a) *The reasons for inclusion of the feature within the Schedule of Outstanding Natural Features.*

Summary of reasons for this submission:

This assessment criterion does not relate back to the activity it is intended to assess.

Relief Sought:

- That Assessment Criterion 6.3.5.7(1)(a) is amended to read:

***The adverse effects that the activity creates on the ~~reasons for inclusion~~ identified values of the feature within the Schedule of Outstanding Natural Features.** Or words to this effect.*

SECTION 7.3 – RIPARIAN MARGINS AND ESPLANADES

109 Provision in the proposed district plan:

7.3.3 Objective 2

To sustainably manage the margins of water bodies and coastal water to maintain or enhance natural character, indigenous biodiversity, water quality, and aquatic and adjoining terrestrial habitats.

Summary of reasons for this submission:

The rules for Section 7.3 and under this Objective are all focussed on esplanade reserves and strips. This Objective needs to outline that sustainable management of riparian areas is intended to be achieved by utilising esplanade reserves and strips provisions.

Relief Sought:

- That Objective 2 of 7.3.3 is amended to read:

*To sustainably manage the margins of water bodies and coastal water to maintain or enhance natural character, indigenous biodiversity, water quality, and aquatic and adjoining terrestrial habitats **by obtaining esplanade reserves and strips where appropriate.** Or words to this effect.*

110 Provision in the proposed district plan:

7.3.3 Policy (2)(a)(i)

Liaison with the Waikato Regional Council, lessees and landowners in those situations where stopbanks have been constructed and public access is desirable. The purpose is to include in the lease agreements, arrangements for public access and enjoyment of the river and coastal margins for recreation activities.

Summary of reasons for this submission:

Federated Farmers is aware that the Cycleway intends to utilise stopbanks where appropriate. The Council needs to be able to tailor agreements to meet individual landowners' needs.

Relief Sought:

- That Policy (2)(a)(i) of 7.3.3 is retained.

111 Provision in the proposed district plan:

7.3.3 Policy (2)(a)(i)

Use the legislative opportunities in the Resource Management Act 1991, to secure esplanade reserves and strips on subdivision and developments.

Summary of reasons for this submission:

Federated Farmers acknowledges that the Resource Management Act provides for opportunities to take esplanade reserves.

However the Federation has seen cases where a council does not always have the resources to keep up with compensation and that the best intentions to take esplanade reserves are sometimes impractical.

Relief Sought:

- That Policy (2)(a)(i) of 7.3.3 is amended to read:

*Use the legislative opportunities in the Resource Management Act 1991, to secure esplanade reserves and strips on subdivision and developments **where appropriate**. Or words to this effect.*

112 Provision in the proposed district plan:

7.3.3 Policy (2)(a)(i)

Where subdivision or development occurs and there is no "as of right" legislative ability to acquire esplanade reserves or strips without compensation, Council will negotiate to either have the land vested or set aside on a voluntary basis, without compensation. In the event that a voluntary agreement cannot be reached, Council will negotiate to purchase the land or secure an esplanade strip (and compensate the owner).

Summary of reasons for this submission:

Section 237F of the Resource Management Act requires that where any esplanade reserve or esplanade strip of any width is required to be set aside or created on an allotment of 4 hectares or more created when land is subdivided, the territorial authority shall pay to the registered proprietor of that allotment compensation for any esplanade reserve or any interest in land taken for any esplanade strip, unless the registered proprietor agrees otherwise.

This policy contravenes Section 237F and the presumption that compensation shall be paid, unless agreed otherwise.

Rule 7.3.5 (1) of the proposed Plan requires an esplanade reserve irrespective of allotment size, and therefore Section 237F is applicable.

Relief Sought:

- That Policy (2)(a)(i) of 7.3.3 is amended to read:

*Where subdivision or development occurs and there is no "as of right" legislative ability to acquire esplanade reserves or strips without compensation, Council **will negotiate to purchase the land or secure an esplanade strip and compensate the owner, unless the owner agrees to voluntarily** ~~will negotiate to either have the land vested or set aside on a voluntary basis, without compensation. In the event that a voluntary agreement cannot be reached, Council will negotiate to purchase the land or secure an esplanade strip (and compensate the owner).~~ Or words to this effect.*

113 Provision in the proposed district plan:

7.3.3 Policies (2)(a)

Summary of reasons for this submission:

An additional policy that outlines opportunities to waive the requirement for an esplanade reserve where appropriate should be included under Objective 2.

Federated Farmers urges caution in that the District Plan should provide some flexibility as to when the Council requires esplanade reserves on lots over 4ha as although it is well-intentioned, the Council may not have the financial resources to keep up with compensation. The requirements for taking esplanade reserves should be waived if the Council is unable to pay compensation or there is no agreement to voluntarily vest a reserve.

Esplanade strips or reserves may not always be appropriate in all circumstances, including when protection of the riparian area is more appropriately achieved by an alternate protection mechanism such as a Land Transfer Act or QEII covenant, the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable. Protection mechanisms other than perpetual protection can also be appropriate. Covenants under the Land Transfer Act 1951 can be registered to maintain or enhance natural functioning of the adjacent waterbody. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.

Relief Sought:

- That a new policy outlining a waiver to require an esplanade reserve in appropriate circumstances is included.

114 Provision in the proposed district plan:

7.3.5 Rule

- (1)** *At the time of subdivision and/or development, an esplanade reserve of 20 metres width shall be surveyed and vest with the Hauraki District Council in the location and to the extent shown on the Planning Maps, in accordance with the esplanade reserve provisions of the Resource Management Act 1991. This is to apply irrespective of the size of the allotments in the subdivision or whether the subdivision is part of a road stopping procedure.*

Summary of reasons for this submission:

Federated Farmers considers that if the Council is to have a rule that requires esplanade reserves regardless of allotment size, then the Council needs to be prepared to pay compensation as per Section 237F of the Resource Management Act. Federated Farmers opposes this rule unless a rule to waive the requirements in appropriate circumstances is provided as a permitted activity.

The rule mentions that areas that require esplanade reserves have been shown on the Planning Maps. This should directly link to the name of the notation on the Maps which is *Proposed Esplanade Reserves* for reader clarity.

Relief Sought:

- That Rule 7.3.5 (1) is deleted

115 Provision in the proposed district plan:

7.3.5 Rules.

Summary of reasons for this submission:

An ability to waive the requirement for an esplanade reserve will provide the Council and resource users with more flexibility. Although Rule 7.3.5 (5) provides for a discretionary status for waivers, waivers in certain appropriate circumstances can be a permitted activity to reduce the burden of both Council and resource user having to go through a resource consent process for little benefit.

Esplanade strips or reserves may not always be appropriate in all circumstances, including when protection of the riparian area is more appropriately achieved by an alternate protection mechanism such as a Land Transfer Act or QEII covenant, the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable. Protection mechanisms other than perpetual protection can also be appropriate. Covenants under the Land Transfer Act 1951 can be registered to maintain or enhance natural functioning of the adjacent waterbody. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.

Relief Sought:

- That an additional Rule be included in 7.3.5 that reads:

Requirements for esplanade reserves or strips may be reduced or waived where:

- ***The land has little or no value in terms of enhancing public access.***
- ***Where the land is protected in perpetuity, provided that public access is secured along the margins of the coast, river or lake concerned.***
- ***Protection of the riparian area is more appropriately achieved by an alternate protection mechanism.***
- ***The subdivision involves only a minor boundary adjustment.***
- ***For reasons of public safety and/or security an esplanade reserve would be inappropriate. For example, where there are defence lands, existing road reserve, sensitive machinery, network utilities or works.*** Or words to this effect.

116 Provision in the proposed district plan:

7.3.5 Rule

- (2) *Where an esplanade reserve could be required under the provisions of the Resource Management Act 1991 or the Local Government Act 1974, but is not required under Rule 7.3.5(1) above, then no esplanade reserve is required (ie Section 230 of the Resource Management Act 1991 does not apply).*

Summary of reasons for this submission:

Federated Farmers supports this rule which provides for the requirement of esplanade reserves to be waived where the property does not border an area mapped as *Proposed Esplanade Reserve*.

Relief Sought:

- That Rule 7.3.5(2) is retained.

117 Provision in the proposed district plan:

7.3.5 Rule

- (3) *Where there are legal impediments (eg land tenure, existing encumbrances) to the land vesting as esplanade reserve, or Council is not financially in a position to pay for any additional land, Council will accept or seek to secure an esplanade strip instead. The strip is to be 20 metres wide and the contents and method of registration of the registered instrument are to be to the satisfaction of Council.*

Summary of reasons for this submission:

The Council should seek the agreement of the proprietor which will be consistent with Section 235 of the Resource Management Act. Seeking agreement will be a good opportunity for Council to interact positively with landowners.

Relief Sought:

- That Rule 7.3.5 (1) is amended to read:

*Where there are legal impediments (eg land tenure, existing encumbrances) to the land vesting as esplanade reserve, or Council is not financially in a position to pay for any additional land, Council will accept or seek to secure an esplanade strip instead **with the agreement of the proprietor**. The strip is to be 20 metres wide and the contents and method of registration of the registered instrument are to be to the satisfaction of Council. Or words to this effect.*

118 Provision in the proposed district plan:

7.3.5 Rule

- (4) *Any esplanade reserve or strip that Council wishes to secure that is in excess of that required in Rule 7.3.5(1) above (width, location or extent), may only be obtained by negotiation and agreement between the parties concerned.*

Summary of reasons for this submission:

Federated Farmers supports this rule which seeks negotiation and agreement from parties.

Relief Sought:

- That Rule 7.3.5 (4) is retained.

119 Provision in the proposed district plan:

7.3.5 Rule

- (5) *An application for a reduction in or a waiver of a requirement for an esplanade reserve or strip is a discretionary activity.*

Summary of reasons for this submission:

Federated Farmers considers that only reductions or waivers that are outside reasonable circumstances as outlined in our submission point 115 should be discretionary.

Relief Sought:

- That Rule 7.3.5 (5) is amended to read:
*An application for a reduction in or a waiver of a requirement for an esplanade reserve or strip **that does not meet a permitted activity standard** is a discretionary activity. Or words to this effect.*

SECTION 7.4 - NETWORK UTILITIES

120 Provision in the proposed district plan:

7.4.3 Objective 1

The efficient development, maintenance and upgrading of network utilities in a sustainable manner throughout the District, recognising their positive effects and benefits for the District, while avoiding, remedying or mitigating any adverse effects of network utilities on the environment.

Summary of reasons for this submission:

Federated Farmers recognises the need to recognise and provide for network utilities, but the environment is not the only aspect that network utilities can have adverse effects on. Network utilities also have the potential to encroach upon, and constrain, existing legitimately established land uses that surround the utility, such as farming.

Objective 2 recognises that surrounding land uses can have adverse effects on network utilities, and for balance there should be recognition that network utilities can have adverse effects on surrounding land uses in turn. Network utilities are not afforded a higher status in the Resource Management Act, and all land uses should be required to avoid, remedy or mitigate their adverse effects. Recognising that Network Utilities can have adverse effects on surrounding land uses will correspond with Assessment Criteria 7.4.8(2) Social/Economic Impacts.

Federated Farmers acknowledges the importance of network utilities to the district but argues that the collective activity of farmers is also important. In other words, in the planning process, the positive and negative effects of network utilities should be given no more or less consideration than the positive and negative effects of farming activities.

Relief Sought:

- That Objective 1 of 7.4.3 is amended to read:

*The efficient development, maintenance and upgrading of network utilities in a sustainable manner throughout the District, recognising their positive effects and benefits for the District, while avoiding, remedying or mitigating any adverse effects of network utilities on the environment **and surrounding land uses**. Or words to this effect.*

121 Provision in the proposed district plan:

7.4.3 Policy (1)(a)(iii)

Network utilities should be developed, operated, maintained and upgraded to avoid, remedy or minimise the generation and/or emission of nuisance effects such as noise, light, vibration, odour or hazardous substances.

Summary of reasons for this submission:

Nuisance effects are not the only adverse effects that can arise from the development, operation, maintenance and upgrading of network utilities. Work on network utilities can generate adverse effects on the surrounding land uses, and these adverse effects should also be required to be avoided, remedied or mitigated. An example is earthworks associated with maintenance of electricity pylon towers, this type of activity can adversely affect the surrounding pastoral farming.

The focus on particular nuisance effects like noise is unnecessary, and would mean that other adverse effects may not be considered when applying this policy.

Relief Sought:

- That Policy (1)(a)(iii) of 7.4.3 is amended to read:

*Network utilities should be developed, operated, maintained and upgraded to avoid, remedy or **mitigate adverse effects on surrounding land uses** ~~minimise the generation and/or emission of nuisance effects such as noise, light, vibration, odour or hazardous substances.~~ Or words to this effect.*

122 Provision in the proposed district plan:

7.4.3 Objective 2

To avoid, remedy or mitigate adverse effects of land use, development and subdivision on network utilities, to ensure their ongoing safe, effective and efficient operation.

Summary of reasons for this submission:

Federated Farmers recognises the need for existing network utilities to have confidence that reverse sensitivity issues will be dealt with in a way that allows continued operation of utilities.

This Objective needs to focus on the encroachment of new land uses, development and subdivision. Federated Farmers supports the provision that adverse effects must be avoided, remedied or mitigated.

Relief Sought:

- That Objective 2 of 7.4.3 is amended to read:

*To avoid, remedy or mitigate adverse effects of **new** land use, development and subdivision on **existing** network utilities, to ensure their ongoing safe, effective and efficient operation. Or words to this effect.*

123 Provision in the proposed district plan:

7.4.3 Policy (2)(a)(i)

Preventing the development or location of incompatible activities in close proximity to network utilities.

Summary of reasons for this submission:

This Policy is inconsistent with the corresponding Objective, in that the Objective provided for adverse effects to be addressed by avoidance, remediation or mitigation but this policy only allows for avoidance.

Relief Sought:

- That Policy (2)(a)(i) of 7.4.3 is amended to read:

~~*Preventing the development or location of incompatible activities in close proximity to network utilities*~~ ***will be required to avoid, remedy or mitigate their adverse effects on the existing network utility.*** Or words to this effect.

124 Provision in the proposed district plan:

7.4.5.1 Provision for Roads

- (1)** *The construction of any new road where not located within an existing road reserve or the realignment or widening of any existing road, where this involves works outside the existing road reserve may only be undertaken where one (or more) of the following apply:*

- (a) It is in accordance with an operative designation (refer to Section 7.5).*
- (b) It is proposed as part of an approved subdivision (refer to Rule 7.9.5(3)).*
- (c) A resource consent for a discretionary activity has been obtained.*

Summary of reasons for this submission:

This rule does not inform the reader whether the activity has permitted activity status or otherwise. Other provisions for network utilities in Section 7.4.5 clearly state that an activity is permitted if standards are met.

Provision (c) could be interpreted that any resource consent for a discretionary activity (such as for a Rural Contractor Depot under Rule 5.1.4.4 D7) would allow for a new road to be built regardless whether it is appropriate for a road or not. This provision needs to link to resource consents applied for under 7.4.5.4(4).

Relief Sought:

- That 7.4.5.1 Provision for Roads (1)(c) is amended so that only resource consents for discretionary activities under Rule 7.4.5.4(4) are subject.

125 Provision in the proposed district plan:

7.4.5.1 Provision for Roads

- (2) *The repair, upgrading and maintenance of an existing formed road within the existing road reserve, subject to the provisions of Sections 6.1 to 6.4, is a permitted activity including:*
- (a) *Bridge, culvert and drain construction, upgrading and maintenance;*
 - (b) *Official and regulatory road signage; and*
 - (c) *Activities directly related to the movement of pedestrians, cyclists and motor vehicles and shall include roadside rest areas, information boards, and weigh stations.*

Summary of reasons for this submission:

Upgrading or maintenance of the road within the reserve should still require consultation with neighbouring landowners. Activities during road maintenance and upgrading can have adverse effects on rural land uses that are alongside the road. For example, fencing may need to be removed for heavy machinery access and storage during works which can affect a farmer's use of that paddock. Access onto driveways and farm gates during and after works also needs to be considered.

Relief Sought:

- That Rule 7.4.5.1(2) is amended to require consultation with neighbouring landowners.

126 Provision in the proposed district plan:

7.4.5.3 Provision for existing electricity transmission lines

- (1) *The operation, maintenance, upgrading, relocation or removal of an existing transmission line, including other related activities are provided for in accordance with the National Environmental Standards for Electricity Transmission Activities Regulation 2009, and the provisions of Rule 7.4.5.4 specified below shall not apply to existing transmission lines.*

Summary of reasons for this submission:

Federated Farmers is concerned that upgrading and relocation of electricity transmission lines will have significant adverse effects on surrounding land uses, such as farming. These types of activities can create an injurious effect on land owners. The nature and extent of the injurious effect will differ according to the nature of the land and therefore should be considered on a case-by-case basis.

Providing for such activities as Permitted means that the ability of land owners to negotiate easement agreements is undermined. If a network utility requires additional limitations on surrounding land not already covered by an easement agreement then the network utility company should negotiate and purchase the rights it requires through easement negotiation and agreement with all affected landowners.

Federated Farmers did not support the development of *National Environmental Standards for Electricity Transmission* for the reason that activity status and standards should be negotiated on a district by district basis, and where necessary negotiated through a formal easement process as envisaged by the Electricity Act.

Relief Sought:

- That Rule 7.4.5.3(1) is deleted.

127 Provision in the proposed district plan:

7.4.5.4 (1) Permitted Activity

P1 *Any Network Utility whether located above or below ground in the Rural (excluding Landscape Protection Areas) and Industrial Zones, unless otherwise specified as discretionary activities.*

Summary of reasons for this submission:

Federated Farmers is concerned that this rule is not limited to existing network utilities, and includes new utilities as a permitted activity. This would seriously erode land owner's ability to negotiate with the respective network utilities company about easement agreements. Network utilities are often located across private land and encumber existing land uses. Network utilities companies should not be granted automatic right in a district plan to impact, cause "injurious effect", impose costs, controls or restrictions on adjacent land uses. Any such rights should be obtained through purchase or negotiation.

Relief Sought:

- That Rule 7.4.5.4 (1) P1 is amended to exclude any new network utilities.

128 Provision in the proposed district plan:

7.4.5.4 (1) Permitted Activity

P4 *Removal or replacement of existing Network Utilities*

Summary of reasons for this submission:

This rule needs further clarity that removal or replacement is permitted when the same design specifications of the existing network utility are adhered to. Rule D4 has a discretionary status when the design specifications are exceeded, but P4 should clearly outline this condition for reader understanding.

Relief Sought:

- That Rule 7.4.5.4(1) P4 is amended to read:
*Removal or replacement of existing Network Utilities **with the same Design Specifications as the original.*** Or words to this effect.

129 Provision in the proposed district plan:

7.4.5.4 (4) Discretionary Activity

D1 *Any Network Utility provided for in P4 as a Permitted Activity, where the specified maximum dimensions are exceeded, unless otherwise specified.*

Summary of reasons for this submission:

Federated Farmers supports the discretionary status of network utilities where specified maximum dimensions are exceeded. Network utilities can create significant adverse effects on primary production from the limitation of land uses near or under the utility, to activities associated with utilities disrupting farming activities for a period of time.

Relief Sought:

- That Rule 7.4.5.4(4) D1 is retained.

130 Provision in the proposed district plan:

7.4.5.4 (4) Discretionary Activity

D6 *Any pole, aerial, mast, tower or similar structure exceeding 20m in height or 5m above highest point of the building (whichever is the lesser) in the Rural and Industrial Zones.*

Summary of reasons for this submission:

This rule needs further clarity as to what it pertains to. Does the 20m height limit apply to all poles, aerials, mass and towers in the Rural Zone, even when not near a network utility? Or does this rule apply to poles, aerials, mass and towers that are associated with a network utility? There is no mention that these rules apply to network utilities only in the introduction of 7.4.5.4(4) (above the activity table) and only some of the rules mention that it applies to network utilities only.

Relief Sought:

- That Rule 7.4.5.4(4) D6 is amended to read:
*Any pole, aerial, mast, tower or similar structure **associated with a Network Utility** exceeding 20m in height or 5m above highest point of the building (whichever is the lesser) in the Rural and Industrial Zones. Or words to this effect.*

131 Provision in the proposed district plan:

7.4.5.4 (4) Discretionary Activity

D7 *Any microwave dish, antenna or similar element exceeding 5m in any dimension in the Rural and Industrial Zones.*

Summary of reasons for this submission:

This rule needs further clarity as to what it pertains to. Does the 5m dimension limit apply to all microwave dishes or antennae in the Rural Zone, even when not near a network utility? Or does this rule apply to microwave dishes or antennae that are associated with a network utility? There is no mention that these rules apply to network utilities only in the introduction of 7.4.5.4(4) (above the activity table) and only some of the rules mention that it applies to network utilities only.

Relief Sought:

- That Rule 7.4.5.4(4) D7 is amended to read:
*Any microwave dish, antenna or similar element **associated with a Network Utility** exceeding 5m in any dimension in the Rural and Industrial Zones.* Or words to this effect.

132 Provision in the proposed district plan:

7.4.5.4 (4) Discretionary Activity

D8 *Water retention dams, reservoirs and water intake structures, including ancillary components such as pump and treatment buildings, where part of a water supply system in the Rural, Reserve (Passive), Karangahake Gorge and Conservation (Indigenous Forest) Zones.*

Summary of reasons for this submission:

This rule needs further clarity that it only applies to water retention dams, reservoirs and water intake structures, including ancillary components such as pump and treatment buildings that are associated with public water supply. All these features can be present on a farm for the purpose of supplying the farm and residence with private water supply and should not be considered a network utility.

There is no mention that these rules apply to network utilities only in the introduction of 7.4.5.4(4) (above the activity table) and only some of the rules mention that it applies to network utilities only.

Relief Sought:

- That Rule 7.4.5.4(4) D8 is amended to read:
*Water retention dams, reservoirs and water intake structures, including ancillary components such as pump and treatment buildings, where part of a **public** water supply system in the Rural, Reserve (Passive), Karangahake Gorge and Conservation (Indigenous Forest) Zones.* Or words to this effect.

133 Provision in the proposed district plan:

7.4.8 Assessment Criteria

(2)(a) *Whether the siting and operation of the utility has taken into account the impact on farming activities and private airfields.*

Summary of reasons for this submission:

Federated Farmers strongly supports this assessment criterion. Network utilities can have a significant impact on farming activities. To achieve sustainable management, impacts on existing land uses need to be considered when making decisions about network utilities.

Relief Sought:

- That Assessment Criterion 7.4.8(2)(a) is retained.

SECTION 7.7 – HAZARDOUS SUBSTANCES

134 Provision in the proposed district plan:

7.7.2 Policy (4)(a)(ii)

Ensure that any application for a resource consent or requirement involving the use, storage, disposal or transportation of hazardous substances is widely circulated to agencies with an interest in the application, as well as to the public in general.

Summary of reasons for this submission:

This Policy inappropriately extends to all resource consent applications; even those that meet the hazardous substance permitted activity rules.

The provision that such applications would be widely circulated to interested parties and to the general public could be interpreted as public notification. Federated Farmers is also concerned as to who the agencies with an interest will be identified. This could potentially be extremely onerous on resource consent applicants as outside interests could severely constrain the process. Environment Waikato may not have an interest in storage facilities of hazardous substances, there are no rules pertaining to this in the Regional Plan.

For example, a Rural Contractor Depot needs a resource consent under Rule 5.1.4.4 D7. The applicant wants to build a new shed for the storage of their tractors and farm machinery that will be used in their contracting business. Also part of the shed will be a small room for storage of their pesticides used on the property, and animal health products for their horses. Although the storage for hazardous substances is not part of the contracting business and meets the permitted activity rules for hazardous substances, this application would be subject to Policy (4)(a)(ii) and publically notified for little benefit.

This policy also has no linkage to the Objective, which is about increasing user and public knowledge.

Relief Sought:

- That Policy (4)(a)(ii) of 7.7.2 is deleted

135 Provision in the proposed district plan:

7.7.5 Permitted Activity

(1)(d) *Change of land use, development or subdivision of land that is known or is likely to be potentially affected by soil contaminants, for which a report received and ratified by the Council in accordance with the Ministry for the Environment Series of Contaminated Land Management Guidelines listed in (c) above, confirms there is no evidence of soil contamination or the contamination levels are acceptable for the intended land use as defined by the relevant soil guidance value in these Guidelines.*

Note:

Land known or likely to be potentially affected by soil contaminants are those sites recorded on a Contaminated Site Register held either by the Regional or District Council and/or those on the Hazardous Activities and Industries List (HAIL) contained in Appendix 4 of the Proposed NES for Assessing and Managing Contaminants in Soil: Discussion Document, February 2010.

Summary of reasons for this submission:

If the land is not being developed for a use that will be compromised by the contaminants (like a residential dwelling,) then the need for a report is made redundant.

Some changes to land use development or subdivision on a property that is contaminated will not pose a danger to people. The term *land use* can include farming, or forestry, or other activities that will not be compromised by the contaminated soil. For example, a proposal to subdivide a large farm into 2 smaller farm blocks where the house site is a substantial distance away from a sheep dip site, or if contaminated site is capped with a stand-off pad for dairy cattle. Neither of these scenarios poses a risk to human health. A report is not always necessary, only in cases where the contaminated site will directly risk people.

The 2006 Ministry for the Environment publication *Identifying, Investigating and Managing Risks Associated with Former Sheep Dip Sites: a Guide for Local Authorities* advises that two main options for dealing with former sheep dip sites is to isolate the site (eg by fencing, or capping) or finding a lower-risk land use.

Relief Sought:

- That Rule 7.7.5(1)(d) is amended to read:

New dwellings and dwelling sites ~~*Change of land use, development or subdivision of*~~ ***on land that is known or is likely to be potentially affected by soil contaminants, for which a report received and ratified by the Council in accordance with the Ministry for the Environment Series of Contaminated Land Management Guidelines listed in (c) above, confirms there is no evidence of soil contamination or the contamination levels are acceptable for the intended land use as defined by the relevant soil guidance value in these Guidelines.***

SECTION 7.8 – EXCAVATIONS AND PLACEMENT OF FILL (EARTHWORKS)

136 Provision in the proposed district plan:

7.8.2 Objective 1

To ensure site earthworks associated with land use and subdivision activities avoid, remedy or mitigate adverse off site effects.

Summary of reasons for this submission:

Federated Farmers supports this Objective which focuses on adverse effects that go beyond the property boundary, and the provision for adverse effects to be avoided, remedied or mitigated.

Some further clarification is needed as to what off-site means, so that the site is not considered the immediate area around the works, but rather the neighbouring property that is owned by someone other than the resource user.

Relief Sought:

- That Objective 1 of 7.8.2 is amended to read:

*To ensure site earthworks associated with land use and subdivision activities avoid, remedy or mitigate adverse ~~off site~~ effects **on neighbouring properties under separate ownership**. Or words to this effect.*

137 Provision in the proposed district plan:

7.8.2 Policy (1)(a)(i)

Recognise that excavations and fills are undertaken as part of legitimate land use activities.

Summary of reasons for this submission:

Federated Farmers strongly supports this Policy. Excavation and fill are part of normal farming activities such as race and track formation and maintenance, or silage pit construction.

Relief Sought:

- That Policy (1)(a)(i) of 7.8.2 is retained.

138 Provision in the proposed district plan:

7.8.2 Policy(1)(a)(iv)

Limit the scale and location of earthworks to minimise the risk of instability and damage to other properties, network utilities and the environment and not increase the risk of potential flooding or reduce the function of ponding areas, overland flow paths, and spillways, and minimise amenity and public safety impacts.

Summary of reasons for this submission:

This Policy should echo the words used in the Objective. Instead of aiming to limit the scale and location of earthworks, the adverse effects arising from earthworks should be the focus. The terms *avoid, remedy or mitigate* should be included to provide the resource user with options of how to manage their adverse effects.

Relief Sought:

- That Policy(1)(a)(iv) of 7.8.2 is amended to read:

~~*Limit the scale and location of*~~ **Manage the adverse effects arising from** earthworks to ~~*minimise the risk of*~~ **avoid, remedy or mitigate** instability and damage to other properties, network utilities and the environment and not increase the risk of potential flooding or reduce the function of ponding areas, overland flow paths, and spillways, and ~~*minimise*~~ **avoid, remedy or mitigate adverse effects on** amenity and public safety ~~*impacts*~~.

139 Provision in the proposed district plan:

7.8.4.1 Permitted Activity

P1 *Earthworks proposed and approved as part of a subdivision application.*

Summary of reasons for this submission:

Federated Farmers supports this rule. Earthworks can be assessed during the subdivision application so that duplication of assessment is not required.

Relief Sought:

- That Rule 7.8.4.1 P1 is retained.

140 Provision in the proposed district plan:

7.8.4.1 Permitted Activity

P2 *Earthworks proposed and approved as part of a building consent application, up to and equal to the specifications for the relevant zone set out in p4, p5 & p6 below.*

Summary of reasons for this submission:

Federated Farmers supports this rule. Earthworks can be assessed during the Building Consent application so that duplication of assessment is not required.

Relief Sought:

- That Rule 7.8.4.1 P2 is retained.

141 Provision in the proposed district plan:

7.8.4.1 Permitted Activity

P4 *Excavation and movement of up to 2000m³ of minerals and/or cleanfill (not otherwise provided for in P1 to P3 above) for end use on the property of source in any one year. The details to be provided are:*

- (a) legal description of property;*
- (b) nature and source of fill;*
- (c) location of fill on site.*
- (d) depth of fill;*
- (e) compaction of fill.*

Note: compliance is also required with the activity specific standard for land 'subject to Inundation' in the rural zone rules, where the land is identified on the planning maps As 'subject to inundation', and may alter the activity status.

Summary of reasons for this submission:

Cleanfill material is often used on farms, like gravel for the base of dairy races, around troughs and gateways to prevent mud, or to maintain farm access tracks. Minerals are also used, like limestone for the wearing course layer of a dairy race. Cleanfill and minerals used for normal farming activities should be exempt from this rule.

Federated Farmers has also submitted on the definition of *Cleanfill* and *Earthworks* in Section 4 of the proposed Plan, in that earthworks and cleanfill associated with *Farming* should be exempt.

Limiting the amount of cleanfill that can be used on a rural property to only 2,000m³ per 12 months will severely impact on farmers' ability to maintain their races and tracks. 2,000m³ will allow for the construction of a race that is 0.5m deep, 5m wide, and only 800m long. This would not allow for any further use of cleanfill on the property to maintain troughs and gateways. Adverse effects of increased heavy vehicle movements on roads around the property will not occur when materials are sourced and used on site. It is likely that minerals/cleanfill activity for maintenance of tracks and races will occur in one year, and then only minor top-ups will occur for the next few years.

Federated Farmers asks what the intent of this rule is. If earthworks associated with subdivision and building are permitted under Rule Rules 7.8.4.1 P1 and 7.8.4.1 P2, is intent of the rule to limit and restrict normal farming activities that involve cleanfill? The adverse effects arising from normal farming use of cleanfill would no more than those expected by subdivision and development.

Relief Sought:

- That Rule 7.8.4.1 P4 is amended to read

Excavation and movement of up to 2000m³ 4,000m³ of minerals and/or cleanfill (not otherwise provided for in P1 to P3 above) for end use on the property of source in any one year. The details to be provided are:

- (a) legal description of property;*
- (b) nature and source of fill;*
- (c) location of fill on site.*
- (d) depth of fill;*
- (e) compaction of fill.*

Note: compliance is also required with the activity specific standard for land 'subject to Inundation' in the rural zone rules, where the land is identified on the planning maps As 'subject to inundation', and may alter the activity status.

142 Provision in the proposed district plan:

7.8.4.1 Permitted Activity

P5 *Importing up to 2000m³ of cleanfill (not otherwise provided for in P1 to P3 above) comprising topsoil, subsoil, cut material from roadworks and/or demolition rubble onto a site where council is informed of the fill action before the activity is carried out. The details to be provided are:*

- (a) legal description of property;*
- (b) nature and source of fill;*
- (c) location of fill on site.*
- (d) depth of fill;*
- (e) compaction of fill.*

Note: compliance is also required with the activity specific standard for land 'subject to Inundation' in the rural zone rules, where the land is identified on the planning maps as 'subject to inundation', and may alter the activity status.

Summary of reasons for this submission:

Cleanfill material is often used on farms, like gravel for the base of dairy races, around troughs and gateways to prevent mud, or to maintain farm access tracks. Minerals are also used, like limestone for the wearing course layer of a dairy race.

The use of the word *Cleanfill* relates back to the definition in Section 4 of the proposed Plan, however only certain aspects of Cleanfill are noted in this rule.

Federated Farmers has also submitted on the definition of *Cleanfill* and *Earthworks* in Section 4 of the proposed Plan, in that earthworks and cleanfill associated with *Farming* should be exempt.

Limiting the amount of cleanfill that can be used on a rural property will severely impact on farmers' ability to maintain their races and tracks. 2,000m³ will allow for the construction of a race that is 0.5m deep, 5m wide, and only 800m long. This would not allow for any further use of cleanfill on the property to maintain troughs and gateways. Often maintenance of races and tracks is done all at once which can result in intense activity in a short period of time, but no further works for several years afterward.

Federated Farmers asks what the intent of this rule is. If earthworks associated with subdivision and building are permitted under Rule Rules 7.8.4.1 P1 and 7.8.4.1 P2, is intent of the rule to limit and restrict normal farming activities that involve cleanfill? The adverse effects arising from normal farming use of cleanfill would no more than those expected by subdivision and development.

This rule does not have a time period for the volume limit. Rule 7.8.4.1 P4 allows for 2,000m³ every year, this rule is unclear and could mean that only 2,000m³ of cleanfill is allowed on a property for ever.

Relief Sought:

- That Rule 7.8.4.1 P5 is amended to read:

*Importing up to ~~2000m³~~ **4,000m³** of cleanfill **in any one year** (not otherwise provided for in P1 to P3 above) comprising topsoil, subsoil, cut material from roadworks and/or demolition rubble onto a site where council is informed of the fill action before the activity is carried out.*

The details to be provided are:

- (a) legal description of property;*
- (b) nature and source of fill;*
- (c) location of fill on site.*
- (d) depth of fill;*
- (e) compaction of fill.*

Note: compliance is also required with the activity specific standard for land 'subject to Inundation' in the rural zone rules, where the land is identified on the planning maps as 'subject to inundation', and may alter the activity status.

143 Provision in the proposed district plan:

7.8.4.5 Non-Complying Activity

NC1 *Any Earthworks not provided for as Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity.*

Summary of reasons for this submission:

Federated Farmers considers that this rule is against the permissive presumption of Section 9 of the Resource Management Act. We oppose the default to non-complying status for activities not provided for on the activity lists.

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why

the Council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”.

Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

This rule which assigns a non-complying status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That Rule 7.8.4.5 NC1 is deleted.

SECTION 9.1 – SUBDIVISION BACKGROUND

144 Provision in the proposed district plan:

9.1.3 Objective 1

The productive potential and use of the rural land resource is protected from fragmentation of land and associated housing and non rural development and activities.

Summary of reasons for this submission:

Fragmentation of productive land is a concern to members of Federated Farmers. However a range of site sizes can support a range of primary production activities. For example activities such as strawberry growing or honey production can occur on a small site, whereas extensive sheep farming would need a larger site.

The Objective states that productive potential of land needs to be protected from housing. Although this probably refers to high density residential development in the rural zone, wording needs to be clear so that the farmer’s house is not captured.

Relief Sought:

- That Objective 1 of 9.1.3 is amended to read:

*The productive potential and use of the rural land resource is protected from fragmentation of land **by high density residential development** ~~and associated housing~~ and non rural development and activities.*

145 Provision in the proposed district plan:

9.1.3 Policy (1)(a)(ii)

Control the scale and intensity of residential activity in the rural area in order to safeguard the life supporting capacity of the soil resource and avoid reverse sensitivity effects on rural production activities.

Summary of reasons for this submission:

Although this Policy probably refers to high density residential development in the rural zone, wording needs to be clear so that the farmer's house is not captured.

Not all dwellings in the rural zone have adverse reverse sensitivity effects on rural production. Dwellings that are used by farm employees or retired farmers will not create reverse sensitivity effects, as these people will be well aware of the level of amenity to be expected in rural areas. This Policy should focus on the adverse effects arising from residential activities rather than just scale and intensity.

Relief Sought:

- That Policy (1)(a)(ii) of 9.1.3 is amended to read:

*Control the ~~scale and intensity~~ **adverse effects** of residential activity **that is not associated with primary production** in the rural area in order to safeguard the life supporting capacity of the soil resource and avoid reverse sensitivity effects on rural production activities.*

146 Provision in the proposed district plan:

9.1.3 Objective 5

Areas of high biodiversity, heritage, cultural and landscape values are protected.

Summary of reasons for this submission:

This Objective needs to refer to the features identified on the Planning Maps so that both resource users and Council are clear as to what is intended to be protected. The Objective also needs to outline what these features will be protected from, which is the adverse effects of *inappropriate* subdivision. Subdivision that seeks to protect features would be deemed appropriate, as Policy 9.1.3(5)(a)(iii) identifies, and Rule 9.3.4 (2) provides for as a Controlled Activity.

Relief Sought:

- That Objective 5 of 9.1.3 is amended to read:

*Areas of high ~~biodiversity, heritage, cultural and landscape values~~ **identified as Heritage Feature or Areas, Significant Natural Areas or Outstanding Natural Features** are protected from adverse effects arising from *inappropriate* subdivision. Or words to this effect.*

147 Provision in the proposed district plan:

9.1.3 Policies (5)(a)

- (i) *Appropriate subdivision provisions to protect, maintain and enhance the features of the District that have been identified as being of value.*
- (ii) *Any adverse effects of subdivision on these identified features to be appropriately remedied or mitigated.*
- (iii) *Provision for the legal and physical protection of significant natural areas and scheduled heritage items through subdivision incentive.*

Summary of reasons for this submission:

Federated Farmers supports these policies. Policy (ii) seems to have omitted the option of avoiding an adverse effect along with remedying and mitigating.

Relief Sought:

- That Policies 9.1.3 (5)(a) are amended to read:
 - (i) *Appropriate subdivision provisions to protect, maintain and enhance the features of the District that have been identified as being of value.*
 - (ii) *Any adverse effects of subdivision on these identified features to be appropriately **avoided**, remedied or mitigated.*
 - (iii) *Provision for the legal and physical protection of significant natural areas and scheduled heritage items through subdivision incentive.*

148 Provision in the proposed district plan:

9.1.3 Objective 7

To provide for a range and choice of rural living environments appropriate to specific land types recognising the different lifestyle and cultural requirements of the District's inhabitants.

Summary of reasons for this submission:

Federated Farmers supports this Objective which provides for a range of rural living options. Not only farmers but also farm employees, retired farmers, and rural professionals all benefit from living in the rural zone.

Relief Sought:

- That Objective 7 of 9.1.3 is retained.

SECTION 9.3 – SUBDIVISION RULES APPLICABLE TO ALL ZONES

149 Provision in the proposed district plan:

9.3.4 Protection of Significant Heritage and Environmental Features

- (1) *Subdivision of land to create allotments that encompass significant heritage and environmental features, shall be a Controlled Activity for those features specified below, and subject to the relevant standards in Section 9.3.4(3):*
- (a) *A historic heritage feature listed and described in Sections 6.1.6.2 and 6.1.6.3*
 - (b) *Any Significant Natural Area listed and described in Section 6.2.*
 - (c) *Waahi tapu land gazetted under the Te Ture Whenua Māori Act 1993 Maori Land Act 1993.*

Summary of reasons for this submission:

Federated Farmers supports incentives that will encourage the voluntary protection of natural and cultural heritage. The controlled activity status will make subdivision under this rule an added encouragement.

Relief Sought:

- That Rule 9.3.4 (1) is retained.

150 Provision in the proposed district plan:

9.3.4 Protection of Significant Heritage and Environmental Features

- (1) *Subdivision of land to create allotment(s) for dwelling(s), where a Significant Natural Area listed in Section 6.2 is legally protected within the same holding, shall be a Controlled activity subject to the standards in Rule 9.3.4(3)(d).*

Summary of reasons for this submission:

Federated Farmers supports incentives that will encourage the voluntary protection of natural and cultural heritage. The controlled activity status will make subdivision under this rule an added encouragement. Smaller lot sizes are valuable for farm succession, and allow retired farmers to continue to live in, and contribute to, their rural community.

Relief Sought:

- That Rule 9.3.4 (2) is retained.

SECTION 9.4.1 – RURAL, COASTAL AND KARANGAHAKE GORGE ZONES SUBDIVISION.

151 Provision in the proposed district plan:

9.4.1.1 Controlled Activity

(1) *In the Rural, Coastal and Karangahake Gorge zones, land may be subdivided to create general lots as a Controlled Activity, subject to compliance with the standards set out below:*

(a) *All Areas (excluding Waihi Basin Area) (Refer to Planning Maps M1- M4*

(i) 40 hectares minimum net lot area.

Summary of reasons for this submission:

A range of site sizes is important to allow for a range of primary production to be carried out on appropriate sites, some examples would be a sheep farm on a large site, to a kiwifruit orchard on a small horticultural block.

Relief Sought:

- That Rule 9.4.1.1 is retained.

152 Provision in the proposed district plan:

9.4.1.2 Controlled Activity

(2) *All other parts of the Rural Zone (outside Landscape Protection Areas)*

(a) *For each Certificate of Title that existed at 26 September 2000, or that was issued as a result of a Resource Consent granted on or before 26 September 2000, the land may be subdivided to create a maximum of five lifestyle lots.*

(b) *The lifestyle lots provided for in (a) above shall comply with the following:*

(i) *No more than two lots shall be between 5000m² and 2 hectares, all other lifestyle lots shall be a minimum of 2 hectares.*

(ii) *The lifestyle lots shall as a minimum contain a residential area of 1000m².*

(iii) *The lifestyle lots shall not contain land with a Land Use Capability Class of Class VII or VIII. (Note: A report on the Land Use Capability Class of the site shall be prepared by a suitably qualified expert, except where the land use capability is clearly beyond doubt by reference to the New Zealand Land Resource Inventory Worksheets, the Council may waive this requirement)*

(iv) *No lifestyle lot shall be located within a quarry resource area and the associated reverse sensitivity area, as identified on the planning maps.*

(v) *The balance area of any subdivision creating one or more lifestyle lots shall comply with the requirements for General Lots (see Rule 9.4.1.1(1)), unless the balance area also complies with the requirements for creating Lifestyle Lots.*

Summary of reasons for this submission:

Federated Farmers supports the provision of subdividing up to 5 lifestyle lots as a controlled activity. Being able to subdivide lifestyle blocks will mean that retired farmers or rural professionals will be able to live in rural areas and contribute to the social well being of the community. Economic well being will be provided when a farmer has the option of subdividing and selling a lifestyle block and using the capital gain to do improvements on the farm.

Rule 9.4.1.2 (2)(b)(iv) needs further clarification, in that a lifestyle lot could be partially located within the *Quarry Resource Area*, but the house site is outside. This would address the reverse sensitivity issue as the dwelling that is sensitive to noise will be outside the identified area.

Council could also investigate “no complaints covenants” to address possible reverse sensitivity for both quarrying and primary production activities.

Relief Sought:

- That the provision to subdivide up to 5 lifestyle lots remains as a controlled activity
- That Rule 9.4.1.2 (2)(b)(iv) is amended so that only house sites have to be located outside the *Quarry Resource Area*.

153 Provision in the proposed district plan:

9.4.1.2 (3) Controlled Activity Matters

Summary of reasons for this submission:

An additional Matter of Control should be the need for “no complaints covenants” to address possible reverse sensitivity where appropriate. People moving into rural areas need to be aware of the existing levels of amenity. Activities like morning milking, calf weaning, tractors harvesting crops, silage or aerial top dressing all create noise, dust or odour at levels that are to be expected in a primary production area. Constant complaints about normal activities can erode the confidence of primary production businesses.

Relief Sought:

- That an additional Matter of Control be included in 9.4.1.2 (3) that addresses possibility of reverse sensitivity on primary production land uses surrounding the lifestyle lots, and the need for a no-complaints covenant where appropriate.

154 Provision in the proposed district plan:

9.6 Discretionary Activity Assessment Criteria

(2)(b) *Whether the cumulative effects of the subdivision will adversely effect:*

- (i) The open rural/coastal character and amenity of a particular area*
- (ii) The use of the adjoining/surrounding properties for farming and other established rural activities*

Summary of reasons for this submission:

Federated Farmers supports Criterion 9.6(2)(b)(ii) and the effect of lifestyle subdivision on the ability for farming activities to continue within the Rural Zone. One possible mechanism to address potential reverse sensitivity could be the need for “no complaints covenants” where appropriate. People moving into the Rural Zone need to be aware of the existing levels of amenity. Activities like morning milking, calf weaning, tractors harvesting crops, silage or aerial top dressing all create noise, dust or odour at levels that are to be expected in a primary production area. Constant complaints about normal activities can erode the confidence of primary production businesses.

Relief Sought:

- That Criterion 9.6(2)(b)(ii) is amended to include “no complaints covenants” as a mechanism to address potential reverse sensitivity of new lifestyle lots on rural land uses.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims 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:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks the Hauraki District Council for considering our submission to the proposed District Plan.

