

# SUBMISSION

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To: Opotiki District Council

Submission on: Proposed Opotiki District Plan.

Date: 18 November 2016

Submission by: Federated Farmers of New Zealand

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Federated Farmers appreciates this opportunity to submit on the proposed Opotiki District Plan.

We acknowledge any submissions made by individual members of Federated Farmers.

We wish to be heard in support of the submission.

Our submission is ordered on the same chronological order that provisions appear in the proposed District Plan.

For ease of the reading of each of our submission points, we have incorporated the wording of each provision as proposed in the *Subject Matter and Provision in the Plan* section, and our suggested wording amendment are shown below in the *Relief Sought* section. Our suggested amendments are shown with ~~strikeout~~ for deletions and underlining for additional wording.

## CHAPTER 8: RURAL ZONE

### 1. Subject matter and provision in the Plan:

#### **8.1 Resource Management Issues**

##### Summary of reasons for this submission:

Federated Farmers submits that a new Rural Zone issue is needed acknowledging the principle purpose of the rural zone is to provide for primary production, and protecting a “right to farm” principle. Primary production is vital to the Opotiki District and needs to be enabled in all its forms in the rural zones.

The effects arising from legitimate primary production activities need to be recognised in the District Plan as being appropriate and acceptable, ensuring that primary production is protected from reverse sensitivity. There is no other zone where primary production can occur, so it is vital that it is not marginalised from the Rural Zone.

##### Relief Sought:

- That a new issue is included reading:

*The principle purpose of the Rural Zone is to provide for primary production, and the right to farm must be protected.*

### 2. Subject matter and provision in the Plan:

**Objective 8.2.1** *A rural environment that contributes to the economic and social wellbeing of the District and region through a range of rural activities, where the effects of activities are managed to maintain the rural character of the zone.*

##### Summary of reasons for this submission:

Federated Farmers submits in support of Objective 8.2.1 which recognises the economic and social contribution of the rural zone.

We submit that the objective recognises that a level of effects will be appropriate, as evidenced by the permitted activity rules.

Relief Sought:

- That Objective 8.2.1 is amended to read:

*A rural environment that contributes to the economic and social wellbeing of the District and region through a range of rural activities, where the effects of primary production activities are ~~managed to maintain~~ acknowledged as contributing to the rural character of the zone.*

3. Subject matter and provision in the Plan:

**Policy 8.2.1.1** *Recognise the Rural Zone as a working rural environment and ensure that residential activities do not result in reverse sensitivity effects on rural production activities.*

Summary of reasons for this submission:

Federated Farmers submits in support of Policy 8.2.1.1 which recognises the rural zone as a working zone and protects primary production from reverse sensitivity.

Relief Sought:

- That Policy 8.2.1.1 is retained.

4. Subject matter and provision in the Plan:

**Policy 8.2.1.2** *Manage the density of subdivision and development to maintain the rural characteristics of the zone and the quality of the rural environment and the District's natural and physical resources*

Summary of reasons for this submission:

Federated Farmers submits in support of Policy 8.2.1.2 which seeks to maintain rural characteristics by managing subdivision and development.

Relief Sought:

- That Policy 8.2.1.2 is retained.

5. Subject matter and provision in the Plan:

**Policy 8.2.1.5** *Ensure that sensitive activities, including new residential activities, that may lead to reverse sensitivity effects on existing lawfully established activities, including infrastructure, are appropriately located and managed.*

Summary of reasons for this submission:

Federated Farmers submits in support of Policy 8.2.1.5 which seeks to appropriately locate and manage sensitive activities for reverse sensitivity purposes.

We submit that existing lawfully established activities are specified as being rural, to avoid situations where a non-rural activity which was lawfully established via resource consent being protected.

Relief Sought:

- That Policy 8.2.1.5 is amended to read:  
*Ensure that sensitive activities, including new residential activities, that may lead to reverse sensitivity effects on existing lawfully established rural activities, including infrastructure, are appropriately located and managed.*

6. Subject matter and provision in the Plan:

**Objective 8.2.2** *The productive potential of versatile land is sustained for rural production activities and protected from incompatible subdivision, use and development that would adversely affect its versatility and availability for rural production activities.*

Summary of reasons for this submission:

Federated Farmers submits in support of Objective 8.2.2. Caution is needed to ensure the Objective and associated provisions remain within District Council functions when it comes to sustaining versatile land resources.

Relief Sought:

- That Objective 8.2.2 is retained.

7. Subject matter and provision in the Plan:

**Policy 8.2.2.3** *The productive potential of versatile land should not be compromised by activities that do not rely on the productive potential of the land.*

Summary of reasons for this submission:

Federated Farmers submits that support is given for the desire to retain productive land for productive purposes, however other rural activities that contribute positively to primary production should not be excluded.

Activities like food and beverage processing and rural support can be appropriate in the rural zone, and although they take up the soil resource they still enable and support productive potential. These activities need to be differentiated from other industrial or service activities that have no link to primary production and can be more appropriately located in other zones. We note that there is a definition for *Rural Industries* so perhaps this can be used.

Relief Sought:

- That Policy 8.2.2.3 is amended to read  
*The productive potential of versatile land should not be compromised by activities that do not rely on or directly support the productive potential of the land.*

8. Subject matter and provision in the Plan:

**Objective 8.2.3** *Avoid, remedy, or mitigate adverse environmental effects of activities undertaken within the Rural Zone.*

Summary of reasons for this submission:

Federated Farmers submits in support of Objective 8.2.3 and its consistency with Section 5(2)(c) of the RMA. The focus on adverse effects must recognise that some effects will be inherent to primary production, and acceptable as they are appropriate occurring in the Rural Zone.

Relief Sought

- That Objective 8.2.3 is amended to read

*Avoid, remedy, or mitigate adverse environmental effects of activities undertaken within the Rural Zone, while recognising and appropriately providing for primary production and associated effects.*

9. Subject matter and provision in the Plan:

**Policy 8.2.3.1** *Provide for the use, storage and transport of hazardous substances that is compliant with the requirements of the relevant legislation and industry standards.*

Summary of reasons for this submission:

Federated Farmers submits in support of hazardous substances provisions in the Plan being consistent with relevant legislation and industry standards.

Support is given for this hands-off approach which reduces unnecessary duplication for the benefit of both Council and farmers. We note that hazardous substance provisions in the Rural Zone are limited to a Matter for Controlled Activities 8.4.1.7, and we submit that this be deleted to further advance a hands-off approach.

As an example, Hastings District Plan also takes a similar hands-off approach to hazardous substances in Policy HSP4 which reads: *To not regulate the use, storage or transportation of hazardous substances, in the District Plan where adequate levels of community and environmental protection is already provided by the Hazardous Substances and New Organisms Act 1996 or other legislation and regulation.*

Relief Sought

- That Policy 8.2.3.1 is amended to read:  
*~~Provide for~~ Recognise that the use, storage and transport of hazardous substances that is compliant with the requirements of the relevant legislation and industry standards does not need District Plan regulation and*
- That Matter for Controlled Activities 8.4.1.7 is deleted.

10. Subject matter and provision in the Plan:

**Policy 8.2.3.2** *Ensure that any site within the zone is of sufficient size to avoid or mitigate any potential effects of on-site effluent disposal.*

Summary of reasons for this submission:

Federated Farmers notes that Standard 8.6.11 refer to septic tanks and intensive farm effluent. This needs to be specified in Policy 8.2.3.2 to avoid applying to pastoral farming effluent.

Relief Sought:

- That Policy 8.2.3.2 clarifies that it refers to domestic and intensive farming effluent only.

11. Subject matter and provision in the Plan:

**Policy 8.2.3.3** *Screening of storage and service areas where appropriate so that these do not detract from the character of the Rural Zone.*

Summary of reasons for this submission:

Federated Farmers assumes that this policy is referring to screening of industrial or commercial storage areas, as opposed to rural or around dwellings.

Relief Sought:

- That Policy 8.2.3.3 clarifies that it refers to screening of industrial or commercial storage and service areas.

12. Subject matter and provision in the Plan:

**Permitted Rule 8.3.1.1.1 Farming**

Summary of reasons for this submission:

Federated Farmers submits that *rural production activities* are included as a permitted activity. The definition for *rural production activity* is broader and a better description of all relevant activities, of which *farming* is a subset. The Rural Zone is the appropriate location for *rural production activities* to occur.

Relief Sought:

- That Rule 8.3.1.1.1 is amended to provide for both *Farming* and *Rural Production Activities* as permitted.

13. Subject matter and provision in the Plan:

**Permitted Rule 8.3.1.1.2**

*Keeping or farming goats on sites located outside the goat management areas as shown on the Planning Maps:*

Summary of reasons for this submission:

Federated Farmers submits that goat farming is included as a *rural production activity* and therefore permitted under Rule 8.3.1.1.1. There is no need to separate out goat farming from other types of farming.

Regulating goat farming for the purpose of conservation management is no longer necessary. The Department of Conservation no longer has an interest in farmed goats on private property, as Section 20 *Special provisions relating to goats* of the Wild Animal Control Act 1977 has been repealed. There is no need for the Council to regulate something that DoC no longer considers an issue.

Relief Sought:

- That goat farming is included under the definition of *farming or rural production activity*, and therefore permitted by Rule 8.3.1.1.1.

14. Subject matter and provision in the Plan:

**Permitted Rule 8.3.1.1.3 Deer Farming**

Summary of reasons for this submission:

Federated Farmers submits that deer farming is included as a *rural production activity* and therefore permitted under Rule 8.3.1.1.1. There is no need to separate out deer farming from other types of farming.

There are a number of factors already ensuring that farmed deer do not threaten conservation values, meaning that the Council does not need to regulate. Currently the Department of Conservation has the legal responsibility to manage deer farming under the Wild Animal Control Act (1977). A Gazette Notice for Deer Farming in 2008 sets out designated areas where deer farming is non regulated, permitted or prohibited designated. Opotiki is in the non-regulated area, meaning that DoC has no interest in restricting deer farming here. The National Animal Identification and Tracing Act 2012 (NAIT) requires farmed deer to be tagged and registered, and farmers have a high incentive not to let their highly valuable stock be lost, nor to contaminate breeds or bloodlines they have worked hard to improve. Deer farming today must not be confused with deer farming from last century.

Relief Sought:

- That Deer farming is included under the definition of *farming or rural production activity*, and therefore permitted by Rule 8.3.1.1.1.

15. Subject matter and provision in the Plan:

**Permitted Rule 8.3.1.1.4 Production Forestry**

Summary of reasons for this submission:

Federated Farmers supports the permitted status of production forestry.

Relief Sought:

- That production forestry is permitted.

16. Subject matter and provision in the Plan:

**Permitted Rule 8.3.1.1.17**

*Official signs, or signs denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.*

Summary of reasons for this submission:

Federated Farmers submits that signs required by other legislation such as under the HSNO Act 1996, the Health and Safety in Employment Acts, The Biosecurity Act 1993, both on private property and on public land are also permitted. Federated Farmers also submits on this subject on the definition of *Official Sign*.

Relief Sought:

- That signs required under legislation are permitted.

17. Subject matter and provision in the Plan:

**Restricted Discretionary Rule 8.3.3.1**

*1. Rural selling places.*

Summary of reasons for this submission:

Federated Farmers submits that rural selling places be permitted. Restricted discretionary status for a minor activity that brings many benefits will create an unnecessary compliance burden on both the Council and farmers.

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.

Hauraki District Plan permits one produce stall per property in the Rural Zone under Rule 5.1.4.1 P16. Whakatane District Plan permits the retailing of the produce processed on the site under rural zone rule 7.2.10.1.

Relief Sought:

- That rural selling places are permitted.

18. Subject matter and provision in the Plan:

***Restricted Discretionary Rule 8.3.3.1***

*4. Keeping or farming goats that is not provided for as a Permitted Activity*

Summary of reasons for this submission:

As with our submission regarding Rule 8.3.1.1.2 , is included as a *rural production activity*.

Relief Sought:

- That goat farming is permitted.

19. Subject matter and provision in the Plan:

***8.4.1.7 Hazardous substances***

- 1. The type and volume of the hazardous substances to be used or stored on the site.*
- 2. The spill containment system proposed for the activity.*
- 3. The proposed drainage system for the activity site.*
- 4. The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.*

Summary of reasons for this submission:

As with our submission regarding Policy 8.2.3.1, Federated Farmers submits that Matter for Controlled Activities 8.4.1.7 is deleted to reduce unnecessary HSNO duplication for the benefit of both Council and farmers.

As an example, Hastings District Plan also takes a similar hands-off approach to hazardous substances in Policy HSP4 which reads: *To not regulate the use, storage or transportation of hazardous substances, in the District Plan where adequate levels of community and environmental protection is already provided by the Hazardous Substances and New Organisms Act 1996 or other legislation and regulation.*

Relief Sought

- That Matter for Controlled Activities 8.4.1.7 is deleted.

20. Subject matter and provision in the Plan:

***Standard 8.6.4.2 Building setback from roads***

*1. All buildings shall be set back at least 9m from the road boundary*

Summary of reasons for this submission:

Federated Farmers submits that on-farm yards should not be subject to the setbacks from the road boundary. We are unclear whether yards would be captured by the definition of *building* and therefore subject to this rule. Yards are appropriately located next to the road boundary for ease of access by vehicles.

Relief Sought:

- That Standard 8.6.4.2 does not apply to on-farm yards.

21. Subject matter and provision in the Plan:

***Standard 8.6.4.3 Building setback from waterbodies***

*1. No building shall be located closer than 25m from any waterbody where the waterbody has an average width of at least 3m.*

Summary of reasons for this submission:

Federated Farmers submits that farming buildings should not be subject to the setbacks from waterbodies standards.

The purpose of the standards is to avoid putting buildings at risk from flooding. This makes sense when the building is a dwelling, but not when it is a simple dirt-floor farm structure. Risk-tolerance should be allowed for. Some buildings are appropriately located close to a waterbody, such as pump sheds.

Relief Sought:

- That Standard 8.6.4.3 does not apply to farm buildings.

22. Subject matter and provision in the Plan:

***Standard 8.6.4.4 Building setback from forestry***

*1. Buildings shall be set back a minimum of 30m from the boundary of an existing forestry in order to mitigate potential fire risk to forestry and residential buildings.*

Summary of reasons for this submission:

This rule notes that it is intended to reduce fire risk to residential buildings, however the rule is not limited to residential buildings. The setback should only apply to adjacent properties that are under different ownership, because creating adverse effects on oneself should not be a matter of concern to the Council. The rule needs to be clear whether the setback applies to the edge of the forest, or to the property boundary.

Relief Sought:

- That Standard 8.6.4.4 is limited to residential buildings, and the setback applies only to properties under separate ownership.

23. Subject matter and provision in the Plan:

**Standard 8.6.6.1** *Areas used for storage shall be screened from any public place and from any adjoining residential activity site.*

Summary of reasons for this submission:

As with our submission regarding to Policy 8.2.3.3, Federated Farmers assumes that this is referring to screening of industrial or commercial storage areas, as opposed to rural or around dwellings.

Relief Sought:

- That Standard 8.6.6.1 clarifies that it refers to screening of industrial or commercial storage and service areas.

24. Subject matter and provision in the Plan:

**Standard 8.6.7.1** *All activities on a site shall be designed and conducted to meet the following noise limits at any point within the boundary of any site zoned Rural*

Summary of reasons for this submission:

Federated Farmers submits that rural production noise is exempt from the standards, and acknowledged as being part of the rural environment. This will ensure consistency with Policy 8.2.1.1 which seeks to recognise the Rural Zone as a working environment and avoid reverse sensitivity. Noise from agricultural vehicles, livestock, and seasonal activities such as docking lambs should not be expected to comply with noise standards, as this will perpetuate a view that such noise is unacceptable.

Many district plans expressly exempt farming noise. Horowhenua District Plan exempts farming noise in 19.6.8(d)(iii) *Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.* Hastings District Plan also exempts vehicles and machinery used during land based primary production in 25.1.6B (a).

Relief Sought:

- That rural production activity noise is exempt from Standard 8.6.7.1 for noise.

25. Subject matter and provision in the Plan:

**Standard 8.6.14 Goat Farming**

- 1 *Goat farming shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.*
- 2 *The goats shall be formally identified in accordance with the Animal Identification Act 1993, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.*
- 3 *The goats shall be contained on site at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 8.9.2 or tethered, which may include a running wire.*
- 4 *Written advice of the location of the goat farming activity shall be provided to Council at the time of the establishment of the goat farming operation.*

Summary of reasons for this submission:

Federated Farmers submits Standard 8.6.14 is deleted, and that goat farming is included as a *rural production activity* and therefore permitted under Rule 8.3.1.1.1. There is no need to separate out goat farming from other types of farming.

Regulating goat farming for the purpose of conservation management is no longer necessary. The Department of Conservation no longer has an interest in farmed goats on private property, as Section 20 *Special provisions relating to goats* of the Wild Animal Control Act 1977 has been repealed. The Animal Identification Act 1993 referred to in article 2 of the standard has been superseded by the National Animal Identification Act 2012 (NAIT). Goats are not required to be tagged under NAIT 2012, so Council is overstepping what the legislation requires.

Modern goat farming is very different to the 1980s and 1990s. Goat breeds today are domestic and used to being handled. Dairy goats are unlikely to stray because they will need to be milked daily. Farmers have a high incentive to contain their goats on their property to avoid financial losses, or contaminating breeds.

Relief Sought:

- That Standard 8.6.14 is deleted, and
- That goat farming is included under the definition of *farming* or *rural production activity*, and therefore permitted by Rule 8.3.1.1.1.

26. Subject matter and provision in the Plan:

**8.6.15 Deer Farming**

1. *Deer shall be kept in accordance with the Wild Animal Control Act 1977.*
2. *Deer shall be identified in accordance with the Animal Identification Act 1993.*
3. *Deer shall be contained on site at all times by a boundary fenced area in accordance with the deer fencing standard set out in Appendix 8.9.1.*
4. *Written advice of the location of the deer farming activity shall be provided to Council at the time of the establishment of the deer farming operation.*

Summary of reasons for this submission:

Federated Farmers submits that Standard 8.6.15 is deleted. There is no need to separate out deer farming from other types of farming.

There are a number of factors already ensuring that farmed deer do not threaten conservation values, meaning that the Council does not need to regulate. Fencing standards are provided in the Gazette Notice for Deer Farming in 2008 in Schedule 3, these are required by farms in regulated areas, and good practice in non-regulated areas.

The National Animal Identification and Tracing Act 2012 (NAIT) requires farmed deer to be tagged and registered, and farmers have a high incentive not to let their highly valuable stock be lost, nor to contaminate breeds or bloodlines they have worked hard to improve. Deer farming today must not be confused with deer farming from last century.

Relief Sought:

- That Standard 8.6.15 is deleted.

## CHAPTER 9: COASTAL ZONE

27. Subject matter and provision in the Plan:

**9.1 Resource Management Issues**

Summary of reasons for this submission:

Federated Farmers submits that a new issue in the Coastal Zone issue is needed, that recognises the continuation of primary production as an appropriate land use.

Some land within the Coastal Zone is used for primary production activities, and the zone provisions need to provide for such uses. Primary production is vital to the Opotiki District and needs to be enabled in all its forms in the rural zones.

The effects arising from legitimate primary production activities need to be recognised in the District Plan as being appropriate and acceptable, and production is protected from reverse sensitivity. There is no other zone where primary production can occur, so it is vital that it is not marginalised from the Rural Zone.

Relief Sought:

- That a new issue is included reading:

*Some land within the Coastal Zone is used for primary production, rural production and farming activities need to be recognised as appropriate and provided for.*

28. Subject matter and provision in the Plan:

**Objective 9.2.1** *Retain and protect the distinctive natural character of the Ōpōtiki coastal environment for the enjoyment of the community and visitors to the District.*

Summary of reasons for this submission:

Federated Farmers recognises that the BoP Regional Coastal Environment Plan identifies a coastal zone and that the District Plan must be consistent. The RCEP identifies different levels of natural character (high, very high and outstanding) so the proposed District Plan should not be providing blanket protection to the entire coastal zone as if it were all outstanding. We oppose over-regulation on areas within the zone that do not meet either of the Set 1 or Set 2 criteria in the Bay of Plenty RPS Appendix F.

The Coastal Zone contains land that is used for primary production, and so the objective of retaining and protecting natural character must be in conjunction with enabling people and communities to provide for their wellbeing. RMA Section 6(a) states that protection is from inappropriate activities, meaning that appropriate activities can be enabled.

Federated Farmers submits that Objective 9.2.1 is amended to focus more on encouraging voluntary actions to improve natural character, while Objective 9.2.2 can focus more on managing adverse effects from activities.

Relief Sought:

- That Objective 9.2.1 is amended to read:

~~*Retain and protect the distinctive*~~ *Encourage voluntary actions to maintain, enhance or protect the natural character of the Ōpōtiki coastal environment for the enjoyment of the community and visitors to the District.*

29. Subject matter and provision in the Plan:

**Policy 9.2.1.1** *Require setback for structures and buildings from the coast to ensure maintenance of the coastal ecosystem and the natural character of the coastline, and to enable esplanade reserves, or esplanade strips to be set aside for the future.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 9.2.1.1 is amended to focus more on encouraging voluntary actions to improve coastal ecosystems and natural character. This will be consistent with Methods 9.7.1.1, 6, 7 and 8.

The Section 32 Report notes that a benefit from Policy 9.2.1.1 is the environmental benefits from protecting coastal ecosystems and the natural character of area. Federated Farmers suggests that policies supporting non-regulatory methods will be useful here and compliment (rather than duplicate) the regulatory focus of Objective 9.2.2.

Relief Sought:

- That Policy 9.2.1.1 is amended to read:

~~Require setback for structures and buildings from the coast to ensure~~ Encourage voluntary actions that contribute to maintenance of the coastal ecosystem and the natural character of the coastline, and to enable esplanade reserves, or esplanade strips to be set aside for the future.

30. Subject matter and provision in the Plan:

**Policy 9.2.1.2** *Ensure that the subdivision, use and development of land within the District's coastal areas avoids as far as practicable significant adverse effects on the coastal ecosystem, waterbodies, riparian areas, indigenous vegetation, indigenous habitats, natural character and on areas of historical or cultural value.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 9.2.1.2 is deleted, as it is a repeat of policies under Objective 9.2.2.

Relief Sought:

- That Policy 9.2.1.2 is deleted.

31. Subject matter and provision in the Plan:

***New policy***

Summary of reasons for this submission:

Federated Farmers submits that a new policy is included under Objective 9.2.2 to provide for the setting of standards which enable appropriate activities to occur with the Coastal Zone, allowing people and communities to provide for their economic, social and cultural wellbeing.

This policy will be consistent with the approach taken in the rules section, which enables some activities to occur as permitted, within limits. This recognises that land use, development and activities are necessary, and the limits inform the resource user as to what level is appropriate, any exceedances of these limits need resource consent.

Relief Sought:

- That a new policy be included under Objective 9.2.2 which read:

*Set standards which enable appropriate activities to occur as permitted within the Coastal Zone, allowing people and communities to provide for their economic, social and cultural wellbeing.*

32. Subject matter and provision in the Plan:

**Objective 9.2.2** *The adverse effects of subdivision, use and development within the coastal environment on the natural character are avoided, or are confined to areas better able to absorb the effects of the development than other areas of the coast.*

Summary of reasons for this submission:

Federated Farmers submits that Objective 9.2.2 is amended to be consistent with Sections 5(2)(c) and 6(a) of the RMA, allowing for avoidance, remediation and mitigation of adverse effects of inappropriate activities on natural character. For example, some subdivision will be appropriate in that it will result in esplanade reserves and achieve Policy 9.2.1.1.

This objective focusses on the single aspect of natural character of the zone, however the policies include other aspects like natural hazards or amenity.

Relief Sought:

- That Objective 9.2.2 is amended to read:

*The adverse effects of inappropriate subdivision, use and development within the coastal environment on the natural character values of the Coastal Zone are avoided, remedied or mitigated. or are confined to areas better able to absorb the effects of the development than other areas of the coast.*

33. Subject matter and provision in the Plan:

**Policy 9.2.2.3** *Require building setback from MHWS as a means of avoiding, remedying, or mitigating the adverse effects of potential coastal hazard risks.*

Summary of reasons for this submission:

Federated Farmers submits that policy 9.2.2.3 does not apply to farm buildings.. Federated Farmers notes that much of the Coastal Zone consists of farmland, therefore uninhabited farming structures should be permitted here.

Rules intended to manage coastal hazard risk should not accidentally regulate farm building or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make coastal hazards worse. There is no need to regulate a shed used to park tractors with a dirt floor in the same manner as a residential building: no lives are at risk and there will be no displacement of people compared to a house being at risk of erosion. Rural properties have plenty of space available for managed retreat of buildings and structures too.

Relief Sought:

- That Policy 9.2.2.3 is amended to read:

*Require residential, commercial or industrial building setback from MHWS as a means of avoiding, remedying, or mitigating the adverse effects of potential coastal hazard risks.*

34. Subject matter and provision in the Plan:

**Policy 9.2.2.4** *Ensure that any site within the zone is of a sufficient size to avoid or mitigate any potential effects of the on-site disposal of effluent, and to ensure that there are no adverse effects on the coastal environment.*

Summary of reasons for this submission:

Federated Farmers notes that Standard 9.6.10 refer to septic tanks and intensive farm effluent. This needs to be specified in Policy 9.2.2.4 to avoid applying to pastoral farming effluent.

Relief Sought:

- That Policy 9.2.2.4 clarifies that it refers to domestic and intensive farming effluent only.

35. Subject matter and provision in the Plan:

***New Objective and policy***

Summary of reasons for this submission:

Federated Farmers submits that the Coastal Zone must recognise and provide for rural production and farming. Although farming is a permitted activity, there are no objectives and policies that acknowledge existing rural land uses. Much of the land within the Coastal Zone is currently used for primary production, and this is an appropriate activity.

Relief Sought:

- That a new objective and policy is included in the Coastal Zone:

*To enable rural production activities and farming in the Coastal Zone.*

*To provide for the continued operation of rural production activities and farming, including associated buildings and structures, recognising that these activities are an integral part of the rural environment and contribute to the rural character of Coastal Zone.*

36. Subject matter and provision in the Plan:

***Permitted Rule 9.3.1.1.1 Farming***

Summary of reasons for this submission:

Federated Farmers submits in support of farming being a permitted activity. However Rural Production Activities also need to be permitted. Because of the wide extent of the Coastal Zone and that some farming properties will be entirely within this zone, these activities will be currently occurring on many rural properties anyway, bringing the positive benefits of rural character to the zone.

Relief Sought:

- That *Rural Production Activities* are permitted along with *Farming* in Rule 9.3.1.1.1.

37. Subject matter and provision in the Plan:

***Permitted Rule 9.3.2.1.2***

*Keeping or farming goats on sites located outside the goat management areas as shown on the Planning Maps.*

Summary of reasons for this submission:

Federated Farmers submits that goat farming is included as a *rural production activity* and therefore permitted under Rule 9.3.2.1.2. There is no need to separate out goat farming from other types of farming.

Regulating goat farming for the purpose of conservation management is no longer necessary. The Department of Conservation no longer has an interest in farmed goats on private property, as Section 20 *Special provisions relating to goats* of the Wild Animal Control Act 1977 has been repealed. There is no need for the Council to regulate something that DoC no longer considers an issue.

Relief Sought:

- That goat farming is included under the definition of *farming* or *rural production activity*, and therefore permitted by Rule 9.3.2.1.2

38. Subject matter and provision in the Plan:

***Permitted Rule 9.3.2.1.11 Signs as stated in 9.6.7***

Summary of reasons for this submission:

Federated Farmers submits that signs required by other legislation such as under the HSNO Act 1996, the Health and Safety in Employment Acts, The Biosecurity Act 1993, both on private property and on public land are also permitted. Federated Farmers also submits on this subject on the definition of *Official Sign*.

Relief Sought:

- That signs required under legislation are permitted.

39. Subject matter and provision in the Plan:

***Controlled Rule 9.3.3.1.2 Rural selling places.***

Summary of reasons for this submission:

Federated Farmers submits that rural selling places be permitted. Controlled status for a minor activity that brings many benefits will create an unnecessary compliance burden on both the Council and farmers.

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.

Hauraki District Plan permits one produce stall per property in the Rural Zone under Rule 5.1.4.1 P16. Whakatane District Plan permits the retailing of the produce processed on the site under Rural Zone Rule 7.2.10.1.

Relief Sought:

- That rural selling places are permitted.

40. Subject matter and provision in the Plan:

***Discretionary Rule 9.3.5.1.1***

*Goat farming in the Goat Management Areas identified on Planning Maps.*

Summary of reasons for this submission:

As with our submission regarding Rule 9.3.2.1.2, goat farming be included as a *rural production activity*.

Relief Sought:

- That Rule 9.3.5.1.1 is deleted, and
- Goat farming is included under the definition of *farming or rural production activity*, and therefore permitted by Rule 9.3.2.1.2.

41. Subject matter and provision in the Plan:

***Discretionary Rule 9.3.5.1.15.***

*Production forestry except the replanting within one calendar year of harvesting a forest existing at the time of notification of the District Plan.*

Summary of reasons for this submission:

Federated Farmers submits in opposition to production forestry requiring a resource consent in the Coastal Zone.

Because of the wide extent of the Coastal Zone and that some farming properties will be entirely within this zone, this rule is unnecessarily restricting land use options for farmers. Forestry is

encouraged by the regional council for the purposes of carbon sequestration, providing animal shelter, stabilising soils, reducing nutrient losses, contributing to biodiversity.

Forestry is not identified as an issue in 9.1.1. Forestry occurring on ONFLs is already managed in Chapter 13, so there is no need to over-regulate the entire Coastal Zone for the purpose of protecting ONFLs from forestry.

Relief Sought:

- That Production Forestry is a permitted activity.

42. Subject matter and provision in the Plan:

**9.4.1.9 Hazardous substances**

1. *The degree of risk of spillage and the potential adverse effects of spillage both on and off the site including the effects posed to the coastal environment.*
2. *The type and volume of the hazardous substances to be used or stored on the site.*
3. *The spill containment system proposed for the activity.*
4. *The proposed drainage system for the activity site.*
5. *The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.*
6. *The potential effects on the coastal environment from any point or non-point contamination originating from the activity.*
7. *The potential effects of the activity and the affect that this may have on the quality of coastal, inland and ground water resources.*

Summary of reasons for this submission:

Federated Farmers submits that Matter for Controlled Activities 9.4.1.9 is deleted to reduce unnecessary HSNO duplication for the benefit of both Council and farmers.

As an example, Hastings District Plan also takes a similar hands-off approach to hazardous substances in Policy HSP4 which reads: *To not regulate the use, storage or transportation of hazardous substances, in the District Plan where adequate levels of community and environmental protection is already provided by the Hazardous Substances and New Organisms Act 1996 or other legislation and regulation.*

HSNO has a whole classification and controls on ecotoxic substances, so concerns about hazardous substances affecting the coastal ecosystem are already addressed.

Relief Sought

- That Matter for Controlled Activities 9.4.1.9 is deleted.

43. Subject matter and provision in the Plan:

**Standard 9.6.2.2 Building setback from roads**

*All buildings shall be set back at least 9m from the road boundary.*

Summary of reasons for this submission:

Federated Farmers submits that on-farm yards should not be subject to the setbacks from the road boundary. We are unclear whether yards would be captured by the definition of *building* and therefore subject to this rule. Yards are appropriately located next to the road boundary for ease of access by vehicles.

Relief Sought:

- That Standard 9.6.2.2 does not apply to on-farm yards.

44. Subject matter and provision in the Plan:

**Standard 9.6.2.3 Building setback from coast and waterbodies**

*No building shall be located closer than 25m from MHWS or any stream with an average width of at least 3m. Buildings located between 25m-50m from MHWS may require site landscaping to mitigate the visual effects from the seaward side.*

Summary of reasons for this submission:

Federated Farmers submits that Standard 9.6.2.3 does not apply to farm buildings. Federated Farmers notes that much of the Coastal Zone consists of farmland, therefore uninhabited farming structures should be permitted here.

Rules intended to manage coastal hazard risk should not accidentally regulate farm building or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make coastal hazards worse. There is no need to regulate a shed used to park tractors with a dirt floor in the same manner as a residential building: no lives are at risk and there will be no displacement of people compared to a house being at risk of erosion. Rural properties have plenty of space available for managed retreat of buildings and structures too.

Relief Sought:

- That Standard 9.6.2.3 does not apply to farm buildings.

45. Subject matter and provision in the Plan:

**Standard 9.6.3.1 Screening from storage areas**

*Areas used for storage shall be screened from any public place and from any adjoining Residential Activity site so as to mitigate the adverse effects of the storage area on residential amenity values.*

Summary of reasons for this submission:

Federated Farmers assumes this referring to screening of industrial or commercial storage areas, as opposed to rural storage areas or around dwellings.

Relief Sought:

- That Standard 9.6.3.1 clarifies that it refers to screening of industrial or commercial storage and service areas.

46. Subject matter and provision in the Plan:

**Standard 9.6.4.1**

*All activities on a site shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Coastal Zone site*

Summary of reasons for this submission:

Federated Farmers submits that rural production noise is exempt from the standards, and acknowledged as being part of the rural environment. The Coastal Zone contains farms and needs to be acknowledged as a working environment and reverse sensitivity avoided. Noise from agricultural vehicles, livestock, and seasonal activities such as docking lambs should not be expected to comply with noise standards, as this will perpetuate a view that such noise is unacceptable.

Many district plans expressly exempt farming noise. Horowhenua District Plan exempts farming noise in 19.6.8(d)(iii) *Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.* Hastings District Plan also exempts vehicles and machinery used during land based primary production in 25.1.6B (a).

Relief Sought:

- That rural production activity noise is exempt from Standard 9.6.4.1 for noise.

47. Subject matter and provision in the Plan:

**Standard 9.6.7 Signs**

Summary of reasons for this submission:

Federated Farmers submits that signs required by other legislation such as under the HSNO Act 1996, the Health and Safety in Employment Acts, The Biosecurity Act 1993, both on private property and on public land are permitted with no limits. The Council should not be impeding the ability of farmers to comply with other legislation.

Relief Sought:

- That signs required under legislation are permitted with no limits.

## CHAPTER 11: OHIWA HARBOUR ZONE

### 48. Subject matter and provision in the Plan:

#### ***Ohiwa Harbour Zone***

##### Summary of reasons for this submission:

Federated Farmers submits that the Ohiwa Harbour Zone be deleted as it is unnecessary and does not adequately provide for the existing land uses within it. All the issues given in Chapter 11 for the Ohiwa Harbour Zone are already managed elsewhere in the proposed Plan.

The zone appears to have been identified for the purpose of landscape, natural character and ecological protection. However all three of these aspects are already well managed by virtue of the Harbour being identified as an ONL and via landscape and provisions in Chapter 13. Surface of Water activities are already managed by provisions in Chapter 12, Heritage and Cultural values in Chapter 14, and Natural hazards in Chapter 18. The control of the use of land for the purpose of managing water quality is a regional council function. The Ohiwa Harbour Zone is unjustifiably much larger than the coastal environment zone shown in the BoP Regional Coastal Environment Plan.

The Ohiwa Harbour zone does not acknowledge rural production in the objectives and policies. Provisions do not appear to be markedly different from the Rural Zone. There appears to be no need for a separate Ohiwa Harbour Zone, and the area can be divided into rural or coastal settlement zones instead.

##### Relief Sought:

- That the Ohiwa Harbour Zone is deleted, for the reason that surface of water activities, ONFLs, ecological values, heritage values and natural hazards are already managed in other Chapters of the proposed Plan.

### 49. Subject matter and provision in the Plan:

#### ***11.1 Resource Management Issues***

##### Summary of reasons for this submission:

Federated Farmers submits that a new issue in the Ohiwa Harbour Zone issue is needed, that recognises continuation of primary production as an appropriate land use.

Some land within the Ohiwa Harbour Zone is used for primary production activities, and the zone provisions need to provide for such uses. Primary production is vital to the Opotiki District and needs to be enabled in all its forms in the rural zones.

The effects arising from legitimate primary production activities need to be recognised in the District Plan as being appropriate and acceptable, and production is protected from reverse sensitivity. There is no other zone where primary production can occur, so it is vital that it is not marginalised from the Rural Zone.

Relief Sought:

- That a new issue is included reading:

*Some land within the Ohiwa Harbour Zone is used for primary production, rural production and farming activities need to be recognised as appropriate and provided for.*

50. Subject matter and provision in the Plan:

***Objective 11.2.1 and associated Policies 11.2.2.1, 11.2.2.2 and 11.2.2.3.***

Summary of reasons for this submission:

Federated Farmers submits that zoning as a technique should not be used as a method to manage RMA Section 6 matters of ONFLs and Natural Character, because it will create over-regulation on areas within the zone that do not meet either of the Set 1 or Set 2 criteria in the Bay of Plenty RPS Appendix F.

While there may be areas of high natural character or ONFLs within this zone, these will already be adequately managed by provisions in Chapter 13 of the Plan. This objective and policies are a repeat of Objectives 13.2.1 and 13.2.4 and their associated policies in Chapter 13.

Relief Sought:

- That Objective 11.2.1, and associated Policies 11.2.2.1, 11.2.2.2 and 11.2.2.3 are deleted.

51. Subject matter and provision in the Plan:

***New Objective and policy***

Summary of reasons for this submission:

Federated Farmers submits that the Ohiwa Harbour Zone must recognise and provide for rural production and farming. Although farming is a permitted activity, there are no objectives and policies that acknowledge existing rural land uses. Much of the land within the Ohiwa Harbour Zone is currently used for primary production, and this is an appropriate activity compared to industrial or more dense land uses.

Relief Sought:

- That a new objective and policy is included in the Ohiwa Harbour Zone:

*To enable rural production activities and farming in the Ohiwa Harbour Zone.*

*To provide for the continued operation of rural production activities and farming, including associated buildings and structures, recognising that these activities are an integral part of the rural environment and contribute to the rural character of Ohiwa Harbour Zone.*

52. Subject matter and provision in the Plan:

***Permitted Rule 11.3.2.1. Farming***

Summary of reasons for this submission:

Federated Farmers submits in support of farming being a permitted activity. However Rural Production Activities also need to be permitted. Because of the wide extent of the Coastal Zone and that some farming properties will be entirely within this zone, these activities will be currently occurring on many rural properties anyway, bringing the positive benefits of rural character to the zone.

Relief Sought:

- That *Rural Production Activities* are permitted along with *Farming* in Rule 9.3.1.1.1.

53. Subject matter and provision in the Plan:

***Permitted Rule 11.3.2.1***

*Keeping or farming goats on sites located outside the goat management areas as shown on the Planning Maps:*

Summary of reasons for this submission:

Federated Farmers submits that goat farming is included as a *rural production activity* and therefore permitted under Rule 11.3.2.1. There is no need to separate out goat farming from other types of farming.

Regulating goat farming for the purpose of conservation management is no longer necessary. The Department of Conservation no longer has an interest in farmed goats on private property, as Section 20 *Special provisions relating to goats* of the Wild Animal Control Act 1977 has been repealed. There is no need for the Council to regulate something that DoC no longer considers an issue.

Relief Sought:

- That goat farming is included under the definition of *farming or rural production activity*, and therefore permitted by Rule 11.3.2.1.1

54. Subject matter and provision in the Plan:

***Permitted Rule 11.3.2.1.3 Deer Farming***

Summary of reasons for this submission:

Federated Farmers submits that deer farming is included as a *rural production activity* and therefore permitted under Rule 11.3.2.1.1. There is no need to separate out deer farming from other types of farming.

Relief Sought:

- That Deer farming is included under the definition of farming or rural production activity, and therefore permitted by Rule 11.3.2.1.1

55. Subject matter and provision in the Plan:

***New Permitted Rule***

Summary of reasons for this submission:

Federated Farmers notes that there are Standards 11.7.9.2 for signs in the Ohiwa Harbour Zone, however no corresponding Permitted Rule in Section 11.3.2.1.

Federated Farmers submits that signs required by legislation such as under the HSNO Act 1996, the Health and Safety in Employment Acts, The Biosecurity Act 1993, both on private property and on public land are also permitted.

Relief Sought:

- That signs required under legislation are permitted.

56. Subject matter and provision in the Plan:

***Discretionary Rule 11.3.5.1 Production Forestry***

Summary of reasons for this submission:

Federated Farmers submits in opposition to production forestry requiring a resource consent in the Ohiwa Harbour Zone.

Because of the wide extent of the Ohiwa Harbour Zone and that some farming properties will be entirely within this zone, this rule is unnecessarily restricting land use options for farmers. Forestry is encouraged by the regional council for the purposes of carbon sequestration, providing animal shelter, stabilising soils, reducing nutrient losses, contributing to biodiversity.

Forestry is not identified as an issue in 11.1.1. Forestry occurring on ONFLs is already managed in Chapter 13, so there is no need to over-regulate the entire Ohiwa Harbour Zone for the purpose of protecting ONFLs from forestry. Nor should a change from pastoral to forestry be considered “land use change” as both a forms of primary production which is appropriate in a rural area.

Relief Sought:

- That Production Forestry is a permitted activity.

57. Subject matter and provision in the Plan:

**Standard 11.7.3.2 Building setback from roads**

*All buildings shall be set back at least 9m from the road boundary.*

Summary of reasons for this submission:

Federated Farmers submits that on-farm yards should not be subject to the setbacks from the road boundary. We are unclear whether yards would be captured by the definition of *building* and therefore subject to this rule. Yards are appropriately located next to the road boundary for ease of access by vehicles.

Relief Sought:

- That Standard 11.7.3.2 does not apply to on-farm yards.

58. Subject matter and provision in the Plan:

**Standard 11.7.3.3 Building setback from coast and water bodies**

*No building shall be located closer than 50m from MHWS or 25m from any stream with an average width of at least 3m.*

Summary of reasons for this submission:

Federated Farmers submits that Standard 11.7.3.3 does not apply to farm buildings. Federated Farmers notes that much of the Coastal Zone consists of farmland, therefore uninhabited farming structures should be permitted here.

Rules intended to manage coastal hazard risk should not accidentally regulate farm building or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make coastal hazards worse. There is no need to regulate a shed used to park tractors with a dirt floor in the same manner as a residential building: no lives are at risk and there will be no displacement of people compared to a house being at risk of erosion. Rural properties have plenty of space available for managed retreat of buildings and structures too.

Relief Sought:

- That Standard 11.7.3.3 does not apply to farm buildings.

59. Subject matter and provision in the Plan:

**Standard 11.7.4 Landscaping**

*Areas used for storage shall be screened from any public place and from any adjoining residential activity site.*

Summary of reasons for this submission:

Federated Farmers assumes this referring to screening of industrial or commercial storage areas, as opposed to rural storage areas or around dwellings.

Relief Sought:

- That Standard 9.6.3.1 clarifies that it refers to screening of industrial or commercial storage and service areas.

60. Subject matter and provision in the Plan:

**Standard 11.7.5** *All activities on a site shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Ohiwa Harbour Zone site*

Summary of reasons for this submission:

Federated Farmers submits that rural production noise is exempt from the standards, and acknowledged as being part of the rural environment. The Ohiwa Harbour Zone contains farms and needs to be acknowledged as a working environment and reverse sensitivity avoided. Noise from agricultural vehicles, livestock, and seasonal activities such as docking lambs should not be expected to comply with noise standards, as this will perpetuate a view that such noise is unacceptable.

Many district plans expressly exempt farming noise. Horowhenua District Plan exempts farming noise in 19.6.8(d)(iii) *Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.* Hastings District Plan also exempts vehicles and machinery used during land based primary production in 25.1.6B (a).

Relief Sought:

- That rural production activity noise is exempt from Standard 11.7.5 for noise.

61. Subject matter and provision in the Plan:

**Standard 11.7.9.2 Signs**

Summary of reasons for this submission:

Federated Farmers submits that signs required by other legislation such as under the HSNO Act 1996, the Health and Safety in Employment Acts, The Biosecurity Act 1993, both on private property and on public land are permitted with no limits. The Council should not be impeding the ability of farmers to comply with other legislation.

Relief Sought:

- That signs required under legislation are permitted with no limits.

62. Subject matter and provision in the Plan:

**Standard 11.7.15 Goat Farming**

1. *Goat farming shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.*
2. *The goats shall be formally identified in accordance with the Animal Identification Act 1993, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.*
3. *The goats shall be contained on site at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 8.9.2 or tethered, which may include a running wire.*
4. *Written advice of the location of the goat farming activity shall be provided to Council at the time of the establishment of the goat farming operation.*

Summary of reasons for this submission:

Federated Farmers submits Standard 11.7.15 is deleted, and that goat farming is included as a *rural production activity* and therefore permitted under Rule 11.3.2.1.1. There is no need to separate out goat farming from other types of farming.

Regulating goat farming for the purpose of conservation management is no longer necessary. The Department of Conservation no longer has an interest in farmed goats on private property, as Section 20 *Special provisions relating to goats* of the Wild Animal Control Act 1977 has been repealed.

The Animal Identification Act 1993 referred to in article 2 of the standard has been superseded by the National Animal Identification Act 2012 (NAIT).

Modern goat farming is very different to the 1980s and 1990s. Goat breeds today are domestic and used to being handled. Dairy goats are unlikely to stray because they will need to be milked daily. Farmers have a high incentive to contain their goats on their property to avoid financial losses, or contaminating breeds.

Relief Sought:

- That Standard 11.7.15 is deleted, and
- That goat farming is included under the definition of *farming* or *rural production activity*, and therefore permitted by Rule 11.3.2.1.1.

63. Subject matter and provision in the Plan:

**Standard 11.7.16 Deer Farming**

1. *Deer shall be kept in accordance with the Wild Animal Control Act 1977.*
2. *Deer shall be identified in accordance with the Animal Identification Act 1993.*

3. *Deer shall be contained on site at all times by a boundary fenced area in accordance with the deer fencing standard set out in Appendix 8.9.1.*
4. *Written advice of the location of the deer farming activity shall be provided to Council at the time of the establishment of the deer farming operation.*

Summary of reasons for this submission:

Federated Farmers submits that Standards 11.7.16 are deleted. There is no need to separate out deer farming from other types of farming.

There are a number of factors already ensuring that farmed deer do not threaten conservation values, meaning that the Council does not need to regulate. Fencing standards are provided in the Gazette Notice for Deer Farming in 2008 in Schedule 3, these are required by farms in regulated areas, and good practice in non-regulated areas.

The Animal Identification Act 1993 referred to in article 2 of the standard has been superseded by the National Animal Identification Act 2012 (NAIT).

The National Animal Identification and Tracing Act 2012 (NAIT) requires farmed deer to be tagged and registered, and farmers have a high incentive not to let their highly valuable stock be lost, nor to contaminate breeds or bloodlines they have worked hard to improve. There is no need for the Council to also enforce this when the MPI are already doing so. Deer farming today must not be confused with deer farming from last century.

Relief Sought:

- That Standards 11.7.16 are deleted, and
- That deer farming is included under the definition of *farming or rural production activity*, and therefore permitted by Rule 11.3.2.1.1.

## CHAPTER 13: LANDSCAPE AND VEGETATION

### 64. Subject matter and provision in the Plan

#### **Identification of ONLs and ONFs**

Summary of reasons for this submission:

Federated Farmers is greatly concerned at the extent of land that is identified as either an ONL or and ONF in the district. Criteria being used must be too unrefined if so much of the district is captured. Ground-truthing is essential to ensure the areas identified by a desk-top exercise are an accurate reflection of what is occurring on the ground.

ONFs are of such a large scale that they appear to be landscapes. Normally Federated Farmers expects ONFs to be small discrete features such as a rock outcrop, as opposed to whole bays or headlands. We question if criteria are being applied correctly or if it needs to be refined further to reduce the amount of land captured and classified as an ONFL, potentially resulting in over-regulation of land that isn't a matter of national importance under RMA Section 6.

The method Mapping of ONFs and ONLs needs to be improved, currently they are shown on the maps using the same green diagonal lines. As the rules for ONLs are different to ONFs, they need to be clearly differentiated on the maps so landowners know what rules apply to what land.

Maps need to be zoomed-in enough for landowners to see where the boundary of an ONFL lies on the land in order to comply with regulation.

Support is given to the description of each ONFL in Appendix 13.9. Included in this description should be predominant land uses, to ensure that when aiming to maintain existing amenity the existing land uses are recognised.

Relief Sought:

- That criteria used to identify ONFLs is refined to reduce the amount of land captured,
- That ground-truthing is carried out to further refine boundaries of ONFLs,
- That mapping differentiates between ONFs and ONLs by using separate legends for each,
- That mapping is of zoomed-in scale so landowners can easily identify ONFL boundaries, and
- That the existing land uses and values of ONFLs are included in the Appendix 13.9 descriptions, particularly where farming occurs.

65. Subject matter and provision in the Plan:

**Objective 13.2.1** *To protect outstanding natural features and landscapes from the adverse effects of inappropriate subdivision, use and development.*

Summary of reasons for this submission:

Federated Farmers supports the Objective's focus on inappropriate subdivision, use and development and its consistency with Section 6(b) of the RMA.

Mapping of ONFs and ONLs needs to be improved, currently they are shown on the maps using the same green diagonal lines. As the rules for ONLs are different to ONFs, they need to be clearly differentiated on the maps so landowners know what rules apply to what land.

Relief Sought:

- That Objective 13.2.1 is retained.

66. Subject matter and provision in the Plan:

**Policy 13.2.1.1** *The adverse effects of inappropriate subdivision, use, and development, including buildings, structures and earthworks, on the values of outstanding natural features are avoided.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 13.2.1.1 is deleted, because it is a repeat on Policy 13.2.1.2. Federated Farmers prefers Policy 13.2.1.2 because it provides for adverse effects to be remedied and mitigated as well as avoided, consistent with Sections 5(2)(c) and 17 of the RMA.

Relief Sought:

- That Policy 13.2.1.1 is deleted.

67. Subject matter and provision in the Plan:

**Policy 13.2.1.2** *Adverse effects of inappropriate subdivision, use, and development, including buildings, structures and earthworks, on the values of outstanding natural landscapes are avoided, and where avoidance is not practicable, remedied or mitigated.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 13.2.1.2 is amended to be simplified, and to provide for remediation and mitigation as equal options to avoidance. Elevating “avoid” to the first preference will mean “to not allow” or “prevent the occurrence of” and unnecessarily restrict the economic opportunities of the Opotiki District, particularly in the light of the large area of land identified as an ONL. Seeking to avoid as first preference leads to an internal inconsistency within the Plan, because level of adverse effect is accepted as appropriate, evidenced by the permitted activities and standards.

Relief Sought:

- That Policy 13.2.1.2 is amended to read:  
*Adverse effects of inappropriate subdivision, use, and development, including buildings, structures and earthworks, on the values of outstanding natural landscapes are avoided, ~~and where avoidance is not practicable,~~ remedied or mitigated.*

68. Subject matter and provision in the Plan:

**Policy 13.2.1.3** *Continuation of existing rural production activities is recognised and provided for.*

Summary of reasons for this submission:

Federated Farmers submits in support of Policy 13.2.1.3, which seeks to recognise and provide for the continuation of rural production activities. The policy can be improved by not limiting production activities to only those that are existing, such as existing cropping must remain as cropping, but to include changes within *rural production* as per the definition. This will allow for minor changes such as between pastoral, horticulture, cropping, while retaining the overall land use of rural production. If the definition of *rural production activities* allows for a scale of activities that the Council are not comfortable with occurring in ONFLs, then we recommend that *farming* is used instead.

Relief Sought:

- That Policy 13.2.1.3 is amended to allow for changes within rural production activities.

69. Subject matter and provision in the Plan:

**Policy 13.2.1.4** *Change in vegetation patterns as a result of land use change associated with new activities such as production forestry or other crops is managed to minimise adverse effects on natural contours and avoid straight lines to maintain or enhance the landscape values of identified natural features and landscapes.*

Summary of reasons for this submission:

Federated Farmers submits that changes within farming and rural production, such as between pastoral to cropping, or to forestry, should not be considered land use change. Land use change should only refer to changes between land use types, such as from rural to residential, or from rural to industrial/commercial.

Change to production forestry or other crops is still within the definition of rural production so will be in keeping with underlying zoning and in keeping with existing land uses, and should be considered appropriate. In order to be consistent with Objective 13.2.1 the focus should be on inappropriate activities. The zone standards will already manage such wholesale land use change, for example commercial services are discretionary under Rural Zone rule 8.3.4.1.9.

Relief Sought:

- That Policy 13.2.1.4 is amended to read:  
*~~Change in vegetation patterns as a result of land use change associated with new inappropriate activities such as production forestry or other crops is managed to minimise adverse effects on natural contours and avoid straight lines to maintain or enhance the landscape values of identified~~ outstanding natural features and landscapes.*

70. Subject matter and provision in the Plan:

**New Policy**

Summary of reasons for this submission:

Federated Farmers submits that a new policy is included under Objective 13.2.1 to provide for the setting of standards which enable appropriate activities to occur with ONFLs, allowing people and communities to provide for their economic, social and cultural wellbeing.

This policy will be consistent with the approach taken in the rules section, which enables some activities to occur as permitted, such as indigenous vegetation clearance and earthworks, within limits. This recognises that vegetation clearance and earthworks are necessary, and the limits inform the resource user as to what level is appropriate, any exceedances of these limits need resource

consent. This new policy will complement Policy 13.2.1.5 which enables development of Maori land through compliance with standards.

Relief Sought:

- That a new policy under Objective 13.2.1 is included that reads:

*Set standards which enable appropriate activities to occur as permitted with ONFLs, allowing people and communities to provide for their economic, social and cultural wellbeing.*

71. Subject matter and provision in the Plan:

**Objective 13.2.2** *The sustainable management of indigenous vegetation and habitats of indigenous fauna to maintain and, where appropriate, enhance biodiversity of the District.*

Summary of reasons for this submission:

Federated Farmers submits in support of Objective 13.2.2 which aims for sustainable management of indigenous vegetation, consistent with Sections 5 and 31(1)(b)(iii) of the RMA.

Relief Sought:

- That Objective 13.2.2 is retained.

72. Subject matter and provision in the Plan:

**New method for Indigenous Vegetation**

Summary of reasons for this submission:

Federated Farmers submits that the general clearance regulatory approach to indigenous vegetation in Opotiki could benefit from a system that has worked for similar rural councils in the North Island, by inclusion of a new method in Section 13.7.

The proposed Opotiki general clearance rules operate on the assumption that indigenous vegetation over certain thresholds (like rule 13.3.2.1.7(a) has a height limit of 3.5m, or rule 13.3.2.1.6(a) has a 100m<sup>2</sup> area limit for coastal dunes) as proxies for significance. Meaning that indigenous vegetation that is under these height or area limits is deemed to be not significant, and over the limits is significant and requires resource consent. This results in a regulatory regime that might inadvertently protect indigenous vegetation that is of poor quality, and also results in a lack of certainty for the Council and resource users alike as to where significant areas are located. Assessment of indigenous vegetation and its significance only occurs at the expense of a resource user when applying for consent, even though this is information needed for the council to uphold RMA S.6(c) responsibilities.

Federated Farmers proposes an alternative approach which is cost effective for both the Council and resource users. The alternative approach is characterised by an on-application, cost-share system, which has been adopted by Waitomo, Otorohanga and Hauraki District Councils.

It consists of permitted rule with standards, and a consented status for clearance if permitted standards are not met, similar to what is already proposed in the Opotiki District Plan. An additional method is included to provide guidance on how to determine the significance of the indigenous vegetation, and how this will be shared between the Council and resource user.

The method allows for an informal application outside the resource consent process to be made to Council when the proposed activity does not meet the permitted standards. Council will fund an ecological assessment for the subject site to determine significance assessed against criteria in the Plan. If the site is deemed to not be significant, then the activity can proceed in the knowledge that s.6(c) is not being contravened. If the site is deemed significant, then there are two options open: not to proceed with the activity to acknowledge the value of the site; or apply for resource consent at the resource users cost.

This ensures that costs fall on the party that receives benefit. Cost of assessment falls on Council because it needs to know where the resource is located in order to protect it as an obligation under S.6(c) of the RMA, but without the burden of a district-wide ecological assessment project. Cost of the resource consent falls on the individual resource user as they benefit from a resource consent application.

Relief Sought:

- That an additional method is included which provides for an on-application, cost-share regime to determine the significance of indigenous vegetation when permitted standards are not met.

73. Subject matter and provision in the Plan:

**Policy 13.2.2.1** *To protect significant indigenous vegetation and habitats of indigenous fauna, where significance is assessed in accordance with the criteria in Appendix 13.9.3, by avoiding adverse effects of inappropriate subdivision, land use, or development and, where avoidance is not practicable, adverse effects are remedied or mitigated.*

Summary of reasons for this submission:

Federated Farmers submits in support of the policy's consistency with Section 6(c) of the RMA to protect significant indigenous vegetation and habitats. However we submit that remediation and mitigation are given equal status to avoidance. We support the use of criteria for assessing significance.

Relief Sought:

- That Policy 13.2.2.1 is amended to read:  
*To protect significant indigenous vegetation and habitats of indigenous fauna, where significance is assessed in accordance with the criteria in Appendix 13.9.3, by remedying or mitigating adverse effects of inappropriate subdivision, land use, or*

~~development. and, where avoidance is not practicable, adverse effects are remedied or mitigated.~~

74. Subject matter and provision in the Plan:

**Policy 13.2.2.2** *Where appropriate, to require restoration and rehabilitation of significant indigenous vegetation and habitants of indigenous fauna on or off the site, where avoidance of adverse effects is not possible, giving priority to the sites listed in 13.9.4 and by reference to the criteria in Appendix 13.9.3.*

Summary of reasons for this submission:

Federated Farmers submits that this policy requiring restoration and rehabilitation does not adequately acknowledge the voluntary efforts of landowners and risks damaging that goodwill. Policy 13.2.2.3 is preferred.

The policy is also not limited to adverse effects experienced from a resource consented activities, but could apply to adverse effects that are accepted as appropriate from permitted activities. We assume that this is not the intention.

Relief Sought:

- That Policy 13.2.2.2 is deleted.

75. Subject matter and provision in the Plan:

**Policy 13.2.2.3** *To encourage the restoration and rehabilitation of degraded indigenous vegetation through plant and animal pest control and revegetation, using genetically suitable indigenous flora where appropriate and considering the habitat requirements of indigenous fauna.*

Summary of reasons for this submission:

Federated Farmers submits in support of encouragements of voluntary actions. However the policy could be improved by simply stating that encouragement will occur and being less conditional. We hope that encouragement will be in the form of partnerships and financial assistance. Recognition of existing efforts is recommended.

Acknowledgement of the contribution that private landowners make to positive biodiversity outcomes is needed. In the Bay of Plenty region there is 9,539 hectares of private land that is protected by QEII Covenants as of June 2015. There will be many more hectares that are informally protected or about to start a formal covenant process that are not included in this statistic.

The policy appears to be stand-alone and no methods or provisions are offered to enact it.

Relief Sought:

- That Policy 13.2.2.3 is amended to read:

*To encourage and recognise the restoration and rehabilitation of degraded indigenous vegetation through plant and animal pest control and revegetation. ~~using genetically suitable indigenous flora where appropriate and considering the habitat requirements of indigenous fauna.~~*

- That provisions are included to enact this policy.

76. Subject matter and provision in the Plan:

**Policy 13.2.2.4** *To encourage the protection, restoration and management of ecosystems that are rare and threatened at a local (ecological district), regional or national level.*

Summary of reasons for this submission:

Federated Farmers submits in support of encouragement of actions, provided these actions are voluntary. There need to be provisions that enact this policy.

Relief Sought:

- That Policy 13.2.2.4 is amended to read:

*To encourage the voluntary protection, restoration and management of ecosystems that are rare and threatened at a local (ecological district), regional or national level.*

77. Subject matter and provision in the Plan:

**Policy 13.2.2.5** *To avoid, or, where this is not practicable, remedy, mitigate or offset the adverse effects of activities on indigenous biodiversity, including protecting indigenous ecosystems, rare, at risk, or threatened species and their habitats.*

Summary of reasons for this submission:

Federated Farmers submits that this policy will be difficult to impliment because the Plan does not identify where the rare, at risk or threatened species and their habitats are located. Avoidance of adverse effects is inconsistent with the rule regime proposed, where clearance can occur if it is within the permitted standards, meaning that a level of adverse effects is accepted as being appropriate in order to achieve sustainable management.

As with our submission regarding Policy 13.2.2.1 we recommend a cost-share, on-application management regime to identify areas of significance.

Relief Sought:

- That Policy 13.2.2.5 is deleted, and
- That a cost-share on-application system is introduced to assess the significance of indigenous vegetation at the time of an activity proposal.

78. Subject matter and provision in the Plan:

***New Policy***

Summary of reasons for this submission:

Federated Farmers submits that a new policy is introduced under Objective 13.2.2 to provide for the setting of standards which enable appropriate indigenous vegetation clearance activities to occur, allowing people and communities to provide for their economic, social and cultural wellbeing.

This policy will be consistent with the approach taken in the rules section, which enables some activities to occur as permitted, such as indigenous vegetation clearance for fence lines. This recognises that some clearance is necessary, and the limits inform the resource user as to what level is appropriate, any exceedances of these limits need resource consent.

Relief Sought:

- That a new policy under Objective 13.2.2 is included that reads:

*Set standards which enable appropriate indigenous vegetation clearance activities to occur as permitted, allowing people and communities to provide for their economic, social and cultural wellbeing*

79. Subject matter and provision in the Plan:

***Objective 13.2.3 Wetlands within the District continue to support indigenous flora and fauna habitats as part of a wider ecological system and the natural character of the wetlands is maintained and enhanced.***

Summary of reasons for this submission:

The purpose of the wetland provisions appears to be twofold: Section 6(c) of the RMA and that wetlands in general have been identified as a significant habitat for indigenous flora and fauna; and Section 6(a) natural character.

Federated Farmers recognises that wetlands are a nationally scarce resource, however we consider that provisions are narrowed in their focus to specific wetlands rather than all wetlands. This will ensure that methods are targeted at sites that will most benefit or have most value.

The twofold purpose needs to be clearly expressed and differentiated in policies and rules, as the RMA directions are different: the preservation of natural character from inappropriate activities; and the protection of areas of significant indigenous vegetation and significant habitats.

Significant wetlands need to be identified using robust criteria and a robust consultation process with landowners, to ensure that everyone knows where the provisions apply.

Relief Sought:

- That Objective 13.2.3 is amended to read:

*Significant Wetlands within the District are identified and non-regulatory methods are used to maintain or enhance ~~continue to support~~ indigenous flora and fauna habitats as part of a wider ecological system and the natural character of the wetlands is maintained and enhanced.*

80. Subject matter and provision in the Plan:

**Policy 13.2.3.1** *To protect the natural character and habitat values of wetlands, including maintaining their extent and ability to sustain indigenous species.*

Summary of reasons for this submission:

Federated Farmers submits Policy 13.2.3.1 is deleted, for the reason that it is inconsistent with the RMA by combining natural character and indigenous vegetation purposes in an unclear manner.

Relief Sought:

- That Policy 13.2.3.1 is deleted.

81. Subject matter and provision in the Plan:

**Policy 13.2.3.2** *To promote the restoration and enhancement of riparian management areas and best practice land use as a means of reducing and mitigating the adverse effects of activities on wetlands.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 13.2.3.2 is deleted for the reason that it is isolated from any other methods or provisions.

As with our submission point regarding the definition of *riparian management area*, we are concerned that the term only appears three times in the body of the Plan in an isolated manner.

While the intent of this policy is supported, methods in Section 13.7.1 revolve around the *investigation* of rates relief and the Natural Heritage Fund, which do not provide assurance for landowners that these will be implemented. Promoting best practice land use seems as if it is a water quality action, which is best left to the Regional Council.

Caution is needed to ensure the definition of riparian management areas and associated provisions remain within District Council functions. Riparian management for the purpose of water quality is firmly a regional council function.

Relief Sought:

- That Policy 13.2.3.2 is amended, and associated methods given more certainty.

*To promote the restoration and enhancement of riparian management areas ~~and best practice land use as a means of reducing and mitigating the adverse effects of activities on wetlands.~~*

82. Subject matter and provision in the Plan:

**Policy 13.2.3.3** *To avoid, remedy or mitigate, or offset adverse effects of inappropriate activities on wetlands, including maintaining the overall extent of wetlands.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 13.2.3.3 is deleted, for the reason that Federated Farmers new policy in submission point 84 will address the issue of sustainable wetland management.

Relief Sought:

- That Policy 13.2.3.3 is deleted.

83. Subject matter and provision in the Plan:

**Policy 13.2.3.4** *To require the restoration and rehabilitation of wetlands on or off sites, where the avoidance of adverse effects is not possible.*

Summary of reasons for this submission:

Federated Farmers is not sure what this policy is intending to achieve. If restoration or rehabilitation of the wetland site occurs after adverse effects have been experienced, this is *remedying*. Restoration of an off-site area to compensate for adverse effects is off-setting.

We submit that instead of requirement in any situation where avoidance is not possible, off-setting should be encouraged during resource consents. Off-setting might be an option to compensate for adverse effects so no net loss occurs, and should only be presented as an option that applicants might like to include in their application. A level of adverse effects is accepted as evidenced by permitted rules.

Relief Sought:

- That Policy 13.2.3.4 is amended to read:  
*To ~~require~~ encourage the restoration and rehabilitation of wetlands ~~on or off site during resource consent applications,~~ where the avoidance, remediation or mitigation of adverse effects is not possible.*

84. Subject matter and provision in the Plan:

***New policy***

Summary of reasons for this submission:

Federated Farmers submits that a new policy is included under Objective 13.2.3 to provide for the setting of standards which enable appropriate activities to occur within wetlands, allowing people and communities to provide for their economic, social and cultural wellbeing.

This policy will be consistent with the approach taken in the rules section, which enables some activities to occur as permitted, such as Rule 13.3.2.1.5, within limits. This recognises that some activities are necessary, and the limits inform the resource user as to what level is appropriate, any exceedances of these limits need resource consent.

Relief Sought:

- That a new policy under Objective 13.2.3 is included that reads:  
*Set standards which enable appropriate activities to occur as permitted within wetlands, allowing people and communities to provide for their economic, social and cultural wellbeing.*

85. Subject matter and provision in the Plan:

**Objective 13.2.4** *Coastal and estuarine margins, wetlands and riparian areas within the District continue to support indigenous flora and fauna as part of a wider ecological system; and their natural character is maintained and enhanced.*

Summary of reasons for this submission:

Federated Farmers recognises that the Council has obligations under Section 6(a) of the RMA around natural character, and also that Policy MN 1B(b) of the BoP RPS directs the Council to recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values in terms of natural character. However article (a) of Policy MN1B requires that the resources first need to be identified using the criteria given.

Federated Farmers is concerned that the Natural Character objective and policies do not apply to specific areas, and there are no associated provisions or methods. The definition of natural character is not very informative either. We noticed that Appendix 13.9.2 has high, very high, or outstanding natural character listed as an attribute for some ONFs, and the original of these natural character classifications is the Bay of Plenty RPS.

It appears that when assessing ONFs, the natural character areas in Appendix I of the RPS has been used as a basis, which explains why the ONFs are of much larger scale and are more like landscapes as opposed to features compared to other districts.

Federated Farmers is concerned that ONF regulation is inappropriately applied over a much larger Natural Character Area, leading to unclear purpose, risking not meeting objectives and policies, and over-regulating.

Federated Farmers recommends that ONFs are completely separated from natural character areas. There may be areas where they both occur on the same landscape, but they should be clearly identified and mapped as being separate and showing their respective extents. We expect that features will be much smaller and discrete in extent than natural character areas.

Federated Farmers submits that regulation for natural character clearly identifies and focuses on only managing inappropriate activities, to be consistent with Policy MN 1B(b) of the BoP RPS. Activities such as farming and rural production where they already occur on natural character areas need to be recognised and provided for as appropriate and consistent with natural character values.

Relief Sought:

- That Objective 13.2.4 is deleted.

86. Subject matter and provision in the Plan:

**Activity Status 13.3**

Summary of reasons for this submission:

Federated Farmers submits that the rules for Chapter 13 are very confusing and need clarification. The organisation of the rules is poor with no clear presentation of rules that apply to ONLs, those that apply to ONFs, to particular zones and what are district-wide. These are all jumbled together and the reader has to comb through all before trying to work out what applies to them. This will lead to the risk of misinterpretation or the reader overlooking a rule.

Currently it is very difficult for a landowner to work out what activities they can carry out as permitted and what need resource consent. For example, what is the status of agriforestry on ONFs? Does an on-farm quarry come under PA rule 13.3.3.1.1 as a rural production activity, or under Discretionary rule 13.3.4.1.7?

Landowners and resource users will likely want to look at the rules based on the type of site they have – either an ONL or ONF, and see all the rules apply to that specific site.

A clear progression of the activity status should be presented, to enable the reader to see at what level an activity is permitted and at what scale that activity becomes controlled or higher status.

Federated Farmers strongly opposes the inclusion of rules pertaining to certain zones in this chapter. All rules for the Coastal, Coastal Settlement, and Ohiwa Harbour zones should be located in their respective zones chapters.

Relief Sought:

- That the rules are organised by what category they apply to (ONL, ONF, indigenous vegetation) and show rule progression, and
- That rules pertaining to the Coastal, Coastal Settlement, and Ohiwa Harbour zones are deleted from Chapter 13 and are located in their respective zones chapters, and

87. Subject matter and provision in the Plan:

***Permitted Rule 13.3.2.1.1 Existing rural production activities including production forestry***

Summary of reasons for this submission:

Federated Farmers submits that this rule is amended to provide more certainty as it appears to create internal inconsistencies with the Plan.

Currently it appears to conflict with Rules 13.3.4.1.6 and 7 which have a discretionary status for production forestry and quarrying, yet they are permitted by this rule, quarrying being included in the definition for rural production activity.

It is also unclear as to where this rule applies. If it is district-wide then we object to it being limited to *existing* production, this is especially a concern for the Coastal, Coastal Settlement and Ohiwa Harbour zones which consist of well-established farms. The rule should apply to ONLs and ONFs only.

We submit that the rule is unnecessarily limiting when it permits only existing activities. This does not provide for change within the land use type, such as from pastoral to orcharding. We recommend that this rule is amended to apply to *Farming*, as this does not include the wider range of activities provided for under the definition of *rural production activities* which may be a concern on ONFLs.

Relief Sought:

- That Rule 13.3.2.1.1 is amended to permit farming and production forestry on ONLs and ONFs, and permits changes within this land use type.
- That the rules are organised by what category they apply to (ONL, ONF, indigenous vegetation) and show rule progression, and
- That rules pertaining to the Coastal, Coastal Settlement, and Ohiwa Harbour zones are deleted from Chapter 13 and are located in their respective zones chapters.

88. Subject matter and provision in the Plan:

**Permitted Rule 13.3.2.1.6** *Except for sites listed in 13.9.2 and as provided for in 7 below, indigenous vegetation clearance and disturbance, where:*

- (a) *It is up to 100m<sup>2</sup> of coastal dune vegetation;*
- (b) *Within sites listed in 13.9.1, it affects an area less than 100m<sup>2</sup> in any 12 month period;*
- (c) *In the Coastal, Coastal Settlement and Ohiwa Harbour zones, it affects an area less than 100m<sup>2</sup> in any 12 month period; and otherwise*
- (d) *In the Ōpōtiki or Taneatua Ecological Districts, the sum of all clearance in any five year period shall not exceed 400m<sup>2</sup> ; or*
- (e) *In the Waioeka, Motu or Pukeamaru Ecological Districts, the sum of all clearance in any five year period shall not exceed 2000m<sup>2</sup>.*

Summary of reasons for this submission:

Rule 13.3.2.1.6 seems to be addressing the Council's functions under Section 6(c) of the Resource Management Act. Council needs to apply more robust criteria when assessing significant indigenous vegetation rather than just an area provision. This gives patches of bush regardless of their quality or importance for biological diversity, automatic protection.

Federated Farmers submits that the area limits do not adequately provide for sustainable management, and that more clarity is needed to ensure the activity-based rules in 13.3.2.1.7 are not subject to these area limits. Article (b) only applies to ONLs, it is unclear where ONFs fit in.

Rules applying to ecological districts must be deleted, as there is no information provided within the District Plan as to where these are located. Resource users do not know where rules (d) and (e) apply. Any rules pertaining to the Coastal, Coastal Settlement, and Ohiwa Harbour zones need to be deleted from Chapter 13 and should be located in their respective zone chapters.

Relief Sought:

- That Rule 13.3.2.1.6 is deleted.

89. Subject matter and provision in the Plan:

***Permitted Rule 13.3.2.1.7. Indigenous vegetation clearance and disturbance, unless otherwise specified in this chapter, subject to compliance with 13.4.1, where:***

- (a) It is naturally regenerating indigenous scrubland that is less than 3.5 metres in height and that has been cleared in the past ten years for farming purposes and further clearance is required to maintain an existing farming operation.*
- (b) It is required to maintain an existing fence line and is within 2m of the fence line.*
- (c) It is for maintenance of open space within 5m from an existing lawfully established building.*
- (d) It is indigenous vegetation under an existing production forest, including skid sites.*
- (e) It is within the existing formation width to maintain existing walking and cycling tracks, driveways, public or public roads, farm and forestry tracks, and network utilities.*
- (f) The sustainable harvest of plant material for rongoa Māori (customary medicine), raranga (weaving) and mahi whakairo (carving).*
- (g) It is in accordance with a Conservation Management Strategy or a management plan under Reserves Act 1977, Conservation Act 1987, or Te Ture Whenua Māori Act 1993.*

Summary of reasons for this submission:

Federated Farmers submits that activities permitted by Rule 13.3.2.1.7 are not subject to the limits Permitted Rule 13.3.2.1.6 and can occur with no area limits.

Standard 13.4.1 is impractical as it requires the area cleared to be replanted, which negates the purpose of the clearance. 5m is not sufficient open space around a building in article (c), 30 meters is required to reduce fire risk in rural areas as recommended by the National Rural Fire Authority.

Other activities that will have similar scale environmental effects and have similar economic, social and cultural benefits need to be included, such as new and maintenance clearance for stream crossings and bridges, firebreaks and new fences.

Clearance should also be permitted when it is in accordance with a QEII covenant or a Sustainable Forestry Permit.

Federated Farmers also submits on the definition of *Disturbance in Relation to Vegetation*, seeking consistency with this rule and to change the term to *indigenous vegetation clearance*.

Relief Sought:

- That Rule 13.3.2.1.7 is amended to be unconstrained by the area limits in 13.3.2.1.6 and to read:

*Indigenous vegetation clearance ~~and disturbance~~ with no area limits, unless otherwise specified in this chapter, subject to compliance with 13.4.1, where:*

- It is naturally regenerating indigenous scrubland ~~that is less than 3.5 metres in height and that has been cleared in the past ten years for farming purposes and further clearance is required to maintain an existing farming operation.~~*
- It is required to maintain an existing fence line, or the formation of a new fenceline and is within 2m of the fence line.*
- It is for maintenance of open space within ~~5m~~ 30m from an existing lawfully established building.*
- It is indigenous vegetation under an existing production forest, including skid sites.*
- It is ~~within the existing formation width~~ for new or to maintain existing walking and cycling tracks, driveways, public or public roads, farm and forestry tracks, ~~and~~ network utilities, firebreaks and stream crossings and bridges*
- The sustainable harvest of plant material for rongoa Māori (customary medicine), raranga (weaving) and mahi whakairo (carving).*
- It is in accordance with a Conservation Management Strategy or a management plan under Reserves Act 1977, Conservation Act 1987, ~~or~~ Te Ture Whenua Māori Act 1993, QEII covenant, or a Sustainable Forestry Permit.*

90. Subject matter and provision in the Plan:

**Permitted Rule 13.3.2.1.8.** *Agriforestry on sites listed in 13.9.1, including establishment and/or harvesting of manuka.*

Summary of reasons for this submission:

This is the only instance Agriforestry appears in the proposed District Plan, other than the definition. Federated Farmers therefore questions whether this rule and definition are needed at all.

Managed crops of Manuka could instead be included in the definition of farming, similar to horticulture.

Relief Sought:

- That Rule 13.3.2.1.8 is deleted, and

- Managed crops of Manuka are instead included in the definition of *Farming* or *Rural Production Activities* and therefore permitted by Rule 13.3.2.1.1

91. Subject matter and provision in the Plan:

***Permitted Rule 13.3.2.1.9***

*Within sites listed in 13.9.1 and 13.9.2, earthworks for the following purposes:*

- (a) In a site listed in 13.9.1, affecting an area less than 400m<sup>2</sup> or 200m<sup>3</sup> in any 12 month period.*
- (b) Ploughing and maintenance of drains associated with normal pastoral farming practices (definition) within a pastoral landscape.*
- (c) Troughs, and their associated pipe networks, and realignment of fencelines, associated with normal farming practices.*
- (d) Earthworks in association with an approved subdivision or for an activity which is authorised by resource consent.*
- (e) Earthworks including land preparation and vegetation clearance undertaken as part of an existing production forest.*
- (f) Maintenance of existing roads and accessways within the same formation width*
- (g) Maintenance, upgrading and replacement of existing infrastructure including high voltage transmission lines*

Summary of reasons for this submission:

Federated Farmers appreciates agricultural earthmoving activities like ploughing, pipes and fences being permitted, however there is an internal inconsistency where earthworks for ploughing and normal agricultural practices are excluded from the definition and in theory not subject to this rule. The provision of these normal agricultural earthworks as permitted activities also means that when standards are not met, resource consent will be required.

Federated Farmers submits that a better approach which reduces compliance costs for both farmers and Council is to exclude these small farming activities from the definition of earthworks so they become unregulated. This will be consistent with Objective 8.2.1.

It is also unclear whether the volume limit in (a) for ONLs is to be in conjunction with the activities in the rest of the rule, resulting in farmers being limited to only 400m<sup>2</sup>/200m<sup>3</sup> and also limited to the named activities. Federated Farmers opposes the volume limit in ONLs for the reason it is too restrictive and will not allow for many normal agricultural activities.

ONLs are often identified over productive land, and also steep terrain. Activities like farm tracks will occur in these areas and the limits need to allow for such as activities as permitted. Farmers need safe tracks to prevent accidents. 200m<sup>3</sup> is too small to even provide for maintenance of existing tracks. This volume will be reached in a few hours of work and is not sufficient as the yearly limit.

Relief Sought:

- That the definition of earthworks excludes agricultural and horticultural earthmoving practices such as cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping, digging of post holes, drilling bores, digging offal pits, and burials of dead stock and plant waste and installation of services like water pipes to troughs, and therefore not subject to Rule 13.3.2.1.9, and
- That the volume limit for earthworks in ONLs is increased to 2,000m<sup>3</sup> per 12 months and no area limit.

92. Subject matter and provision in the Plan:

**Permitted Rule 13.3.2.1.11.** *Within a site listed in 13.9.1, new buildings accessory to existing farming activities, subject to compliance with 13.4.4.*

Summary of reasons for this submission:

Federated Farmers submits in support of permitted status for farming buildings as permitted within ONLs. However we note that there appears to be no Standard 13.4.4, we assume this is intended to refer to 13.4.3, which we also submit on.

Relief Sought:

- That Permitted Rule 13.3.2.1.11 is amended to read:  
*Within a site listed in 13.9.1, new buildings accessory to existing farming activities, ~~subject to compliance with 13.4.4.~~*

93. Subject matter and provision in the Plan:

**Performance Standard 13.4.1.1** *Where vegetation clearance is undertaken in an Outstanding Natural Feature and Landscape, the following performance standard shall apply:*

1. *The area cleared and not otherwise surfaced shall be replanted with locally sourced indigenous species within the next growing season.*
2. *Pohutukawa trees shall not be removed or trimmed as part of vegetation disturbance under this rule.*

Summary of reasons for this submission:

Federated Farmers submits that Standard 13.4.1.1 for indigenous vegetation is deleted, for the reason that it is impractical and unnecessary.

The standard is impractical because replanting negates the clearance. Clearance for activities like fire safety around buildings in Rule 13.3.2.17(c) would be negated by having to replant the area cleared.

The standards do not add any more value than the rules themselves when it comes to managing indigenous vegetation clearance.

Relief Sought:

- That Standard 13.4.1.1 is deleted.

94. Subject matter and provision in the Plan:

**Performance Standard 13.4.2.1** *Where earthworks are undertaken in an Outstanding Natural Feature and Landscape, the following performance standards shall apply:*

1. *The total area shall not exceed 400m<sup>2</sup> ; and*
2. *The total volume shall not exceed 200m<sup>3</sup> ; and*
3. *The maximum cut and/or fill face shall not exceed 3m; and*
4. *Where the earthworks are visible from a public road, public reserve, coastal marine area or the foreshore, bare surfaces shall be stabilised with mulch, hydroseeding or similar stabilisation mechanism; or where the earthworks are not visible from these areas, bare surfaces shall be revegetated in the next growing season.*

Summary of reasons for this submission:

Federated Farmers submits that Standard 13.4.2.1 is deleted for the reason that it is unnecessary. It does not add any value over what the rules already provide for, and in some cases is a repeat. Federated Farmers opposes the limits as being too restrictive for normal farming activities and will prevent farmers from creating and maintaining tracks for safe travel around their properties.

Relief Sought:

- That Standard 13.4.2.1 is deleted.

95. Subject matter and provision in the Plan:

**Performance Standard 13.4.3.1** *The following performance standards shall apply:*

1. *All external surfaces of buildings shall have a maximum reflectivity value of 35% or shall be finished in natural materials that fall within this range; and*
2. *The highest point of new buildings and structures, including rooflines, shall be a minimum of 10m below the natural ground level of any ridge; and*
3. *Where the building or structure is to be located within an established vegetation canopy, the highest point of the building or structure shall not be higher than the existing canopy; and*
4. *The maximum height of new buildings and structures shall be 7m.*

Summary of reasons for this submission:

Federated Farmers submits that Standard 13.4.3.1 is deleted for the reason that it is impractical and will be a burden for Council and resource users alike.

Reflectivity value rules can impact on the warranty of some buildings as they require the use of finishing that may not be suitable for the structure. Federated Farmers also questions whether the cost of monitoring and enforcing will outweigh the benefits.

Standards 2 and 3 are uncertain and difficult to apply on the ground.

The limit of 7m is insufficient for primary production buildings, 10m is more appropriate.

Relief Sought:

- That Performance Standards 13.4.3.1 1, 2 and 3 are deleted, and 4 is increased from 7m to 10m in height.

## CHAPTER 15: SUBDIVISION

### 96. Subject matter and provision in the Plan:

**Objective 15.2.2** *Subdivision of land does not adversely affect the safe and efficient functioning of regionally significant infrastructure and the National Grid and the capacity of roads and infrastructure to service new development*

Summary of reasons for this submission:

Federated Farmers submits that Objective 15.2.2 must be consistent with the National Policy Statement on Electricity Transmission, which is limited to the National Grid only. It is inappropriate to apply a national policy direction to other infrastructure when that was not intended by the NPS.

Relief Sought:

- That Objective 15.2.2 is amended to read:

*Subdivision of land does not adversely affect the safe and efficient functioning ~~of regionally significant infrastructure and the National Grid and the capacity of roads and infrastructure to service new development.~~*

### 97. Subject matter and provision in the Plan:

**Policy 15.2.2.4** *To manage subdivision within the National grid corridor and within 20m of the boundary of a designated National Grid substation to avoid sensitive land use or inappropriate activities from compromising the operation, maintenance, upgrading and development (including access) of the National Grid.*

Summary of reasons for this submission:

Federated Farmers submits that farming subdivision will not impact on the National Grid and therefore does not need to be managed in the same manner as urban development. Subdivision or boundary adjustments for farming purposes creates low density properties that are of large size which means buildings will be sufficiently located away from the Grid.

Relief Sought:

- That farming subdivision is recognised as not the cause of reverse sensitivity to the National Grid.

98. Subject matter and provision in the Plan:

**15.4.6 Subdivision of land where part or all of the site is located within the national grid corridor**

1 A building platform for each new lot shall be identified that complies with minimum standards for the zone and that is fully located outside the National Grid Yard.

Summary of reasons for this submission:

Federated Farmers considers that farming subdivision will likely always meet this standard due to low density and large property sizes, and therefore the activity status should not be stricter than a normal farming subdivision.

Relief Sought:

- That when a buildings site is identified outside the National Grid Yard, the status of the subdivision should not be stricter than otherwise provided for.

## CHAPTER 17: NETWORK UTILITIES

99. Subject matter and provision in the Plan:

**Policy 17.2.3.1** *To ensure that new subdivision, buildings and activities do not compromise the maintenance, upgrade, replacement, development and operation of existing network utilities, including the National Grid.*

Summary of reasons for this submission:

Federated Farmers submits that Policy 17.2.3.1 seeking to restrict subdivision, buildings or activities should be limited to the National Grid, and not to all network utilities. The reason for this is because the purpose of the policy is to be consistent with the National Policy Statement on Electricity Transmission, which is limited to only the National Grid, being assets owned and operated by Transpower. Policy 10 and 11 of NPSET are also concerned with reverse sensitivity, and subdivision building and activities associated with farming will not cause reverse sensitivity.

Relief Sought:

- That Policy 17.2.3.1 is amended to apply only to the National Grid:

*To ensure that new subdivision, buildings and activities do not result in reverse sensitivity which could compromise the maintenance, upgrade, replacement, development and operation of existing network utilities, including the National Grid.*

100. Subject matter and provision in the Plan:

**Policy 17.2.3.3** *To manage subdivision, land use activities and vegetation within the electricity transmission corridors, including the National Grid.*

Summary of reasons for this submission:

Federated Farmers submits that vegetation is already adequately managed by the Vegetation is managed through the Hazard from trees Regulations and therefore it is not necessary for the District Plan to.

Federated Farmers submits that Policy 17.2.3.3. be limited to subdivision only, to be internally consistent with the regulation proposed in the Plan.

Relief Sought:

That Policy 17.2.3.3 is amended to read:

*To manage inappropriate subdivision, ~~land use activities and vegetation within the electricity transmission corridors, including the National Grid~~ for the purpose of avoiding reverse sensitivity.*

## CHAPTER 18: NATURAL HAZARDS

101. Subject matter and provision in the Plan:

**Permitted Activity Rule 18.3.1.1**

1. *Structures located within the ponding areas, as identified on Planning Maps 5A, 5C, and 5D and 5e that have a floor level of 3.6m or higher above Moturiki datum.*

Summary of reasons for this submission:

Federated Farmers notes that the southernmost ponding area appears to be farmland on Map 5a. Therefore uninhabited farming structures should be permitted here.

Rules intended to manage flood risk should not accidentally regulate farm building or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make flooding worse. There is no need to require a resource consent for a shed used to park tractors with a dirt floor: no lives are at risk if it floods; and there will be minimal damage compared to a house being flooded.

The Building Consent process and Building Codes already manage a building's resilience to natural hazards and ensures that buildings will be constructed sufficiently to withstand natural hazards and keep people safe. For example please refer to *Compliance Document for New Zealand Building Code Clause E1 Surface Water* which aims to safeguard people from injury or illness, and other property from damage, caused by surface water. There is no need for further regulation in the District Plan when concerns are already met by current building codes.

Relief Sought:

- That uninhabited farm buildings are permitted within ponding areas, with no floor level limit.

## CHAPTER 19: DEFINITIONS

### 102. Subject matter and provision in the Plan:

***Agriforestry*** Means planting species such as mānuka for honey and oil production and includes mechanical harvesting.

#### Summary of reasons for this submission:

Agriforestry appears only once in the proposed District Plan, in Chapter 13 Rule 13.3.2.1.8. Federated Farmers therefore questions whether this definition and rule are needed at all.

Managed crops of Manuka, either as a permanent crop for honey or temporary crop for oil, could instead be included in the definition of farming, similar to horticulture.

#### Relief Sought:

- That *Agriforestry* is deleted, and crops of Manuka are instead included in the definition of *Farming or Rural Production Activities*.

### 103. Subject matter and provision in the Plan:

***Biodiversity*** The variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part, this includes diversity within and between species

#### Summary of reasons for this submission:

Federated Farmers submits that biodiversity is limited to indigenous biodiversity to be consistent with Section 31(1)(b)(iii) of the RMA which says the maintenance of indigenous biological diversity is a district council function.

#### Relief Sought:

- That *Biodiversity* is amended to refer only to indigenous biodiversity.

### 104. Subject matter and provision in the Plan:

***Coastal dune land vegetation*** Means vegetation on sand dunes, including mixtures of indigenous and exotic species, but excluding plant species identified in the *Regional Pest Management Plan* and *National Pest Plant Accord*.

#### Summary of reasons for this submission:

Federated Farmers submits that the definition for coastal dune land vegetation is deleted, for the reason that it is uncertain.

Uncertainty is initiated by the mixed terminology throughout the plan to *coastal dune land vegetation* and *coastal dunelands* and *coastal dune vegetation*. The inclusion of exotic vegetation is contrary to RMA Section 6(c) and resource users have no certainty as to where it occurs as it is not mapped.

Federated Farmers submits that if some areas of coastal dune land are important under Section 6(c) of the RMA because they meet significance criteria, then they need to be clearly identified and mapped as opposed to relying on a general unspecific definition.

Relief Sought:

- That the definition and associated provisions for *coastal dune land vegetation* are deleted.

105. Subject matter and provision in the Plan:

**Conservation planting** Means the planting and management of vegetation to contribute to the protection of conservation values, including for water and soil conservation purposes, recreational, aesthetic, amenity, or ecological purposes.

Summary of reasons for this submission:

Federated Farmers notes that the only instance this term is used in the Plan is for permitted rule 13.3.2.1.2. This indicates that the term is not necessary. Conservation planting should be an unregulated activity, and Council's involvement should be limited to non-regulatory methods.

Relief Sought:

- That the definition for *Conservation Planting* is deleted.

106. Subject matter and provision in the Plan:

**Contaminant** Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Summary of reasons for this submission:

Federated Farmers submits in support of consistency with the RMA definition of contaminant. We suggest that the full RMA definition is included in the Plan so the reader does not have to go looking in another document.

Relief Sought:

- That the definition of *Contaminant* is retained.

107. Subject matter and provision in the Plan:

**Contractor's depots** Means land and/or buildings used for administration, and/or the storage, maintenance of equipment and machinery used in relation to a contracting business, and includes trades, agricultural and horticultural services.

Summary of reasons for this submission:

Federated Farmers submits that ag/hort contractor depots need to be separated from other trades. When all trades are included in the definition, this results in unnecessarily restrictive rules for agricultural contractor depots occurring appropriately in rural zones.

Contractor depots appear as discretionary activity rule 8.3.4.1.12 in the Rural Zone. While contractor depots for civil works, freight, building and construction may be inappropriate in the rural zones and unnecessarily take up the productive soil resource, agricultural and horticultural contractor depots are more appropriate because this is where their work originates from.

We submit that it would be more appropriate to have rural contractor depots included in the definition of *Rural Industries*.

Relief Sought:

- That trade contractor depots are separated from rural contractor depots.
- That rural contractors are included in the definition of *rural industries*.

108. Subject matter and provision in the Plan:

***Disturbance in relation to vegetation*** Means the clearance, cutting, crushing, desiccation (herbicide treatment) or burning, removal or damage to indigenous vegetation, except:

1. For normal domestic-scale trimming and maintenance; and
2. The day-to-day maintenance of existing vehicle and walking tracks; and
3. The collection of plant material for scientific purposes; and
4. The collection of plant material by the Tangata Whenua for maintaining traditional practices of rongoa (medicinal purposes), raranga (weaving), and mahi whakairo (carving); and
5. The removal of indigenous vegetation planted for shelter belts; and
6. The removal of indigenous vegetation beneath a production forest; and
7. The removal of vegetation that is less than 5m in height and that has regenerated following repeated clearance for production purposes, eg. forestry, farming; where the disturbance is to maintain an existing rural production activity.

Summary of reasons for this submission:

Federated Farmers submits that this definition needs to refer to indigenous vegetation only, not any vegetation, to be consistent with Section 30(1)(b)(iii) of the RMA. The term *clearance* is more understandable than *disturbance*.

We are unclear why there is a rule for permitting indigenous vegetation disturbance under production forest in 13.3.2.1.7(d) when this very activity is excluded in the definition. Likewise maintenance of tracks and Permitted Rule 13.3.2.1.7(e) and collection of material by Tangata Whenua and Permitted Rule 13.3.2.1.7(f). Disturbance for maintaining productive farm land is excluded in the definition up to 5m in height, yet the Permitted Rule 13.3.2.1.7(a) only allows for 3.5m in height. The definition is more generous towards farming than the actual rule.

Relief Sought:

- That the definition is amended to refer to *Indigenous Vegetation Clearance*, and
- That the definition is consistent with Permitted Rule 13.3.2.1.7, where either: the activities are excluded from the definition and therefore unregulated; or are included in the definition and are permitted.

109. Subject matter and provision in the Plan:

**Earthworks** Means the alteration of land contours on any site including, without limitation, deposition, disturbance of land by moving, removing, placing or replacing soil by excavating, cutting, filling or back-filling and re-compacting existing ground, but does not include domestic and reserve gardening, quarrying and normal agricultural and horticultural practices

Summary of reasons for this submission:

Federated Farmers submits in support of the exclusion of normal agricultural and horticultural practices from the definition of earthworks.

However there is an internal inconsistency where earthworks for ploughing and normal agricultural activities like pipe laying are permitted activities under Rule 13.3.2.1. yet they are excluded from the definition.

There are a lot of ubiquitous small scale earthmoving activities that are part and parcel of farming. Exempting these small scale activities from the definition of earthworks will mean that earthworks regulations do not get snagged up by such insignificant activities. As a useful example, the Horowhenua District Plan now exempts cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping, digging of post holes, drilling bores, digging of offal pits, and burials of dead stock and plant waste and installation of services like water pipes to troughs from the definition of earthworks. This was the result of an appeal ENV-2013-WLG-000089 that Federated Farmers was party to.

Relief Sought:

- That the definition of earthworks excludes agricultural and horticultural earthmoving practices such as cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping, digging of post holes, drilling bores, digging of offal pits, and burials of dead stock and plant waste and installation of services like water pipes to troughs.

110. Subject matter and provision in the Plan:

**Farming** Means a land based activity having as its primary purpose the commercial production of any livestock or vegetative matter other than forestry. Farming includes horticulture, but excludes intensive farming

Summary of reasons for this submission:

Federated Farmers submits in support of the definition of farming. We submit that managed crops of Manuka are included in the definition so as *Agriforestry* can be deleted.

Relief Sought:

- That Manuka as a crop be included in the definition of *farming*.

111. Subject matter and provision in the Plan:

**Hazardous facility** Means any activity involving hazardous substances and sites, including vehicles for their transport, at which these substance are used, stored, handled and disposed.

Summary of reasons for this submission:

Federated Farmers submits that this definition is deleted as it is not a term used in the proposed Plan.

Relief Sought:

- That the definition of *Hazardous Facility* is deleted.

112. Subject matter and provision in the Plan:

**Hazardous substances** Has the same meaning as Section 2(1) of the Hazardous Substances and New Organisms Act 1996.

Summary of reasons for this submission:

Federated Farmers supports consistency with the definition found in the HSNO Act.

However we note that there are not many provisions in the proposed Plan for hazardous substances, mainly limited to a matter of control/discretion and enabling policies. Given that hazardous substances are already heavily regulated by HSNO Act and the Regional Council also has functions under Section 30(1)(c)(v) of the RMA, the District Council could do away with hazardous substances in the proposed Plan altogether.

Relief Sought:

- That the definition of *hazardous substance* and all associated provisions are deleted.

113. Subject matter and provision in the Plan:

**Indigenous estuarine vegetation** Means indigenous vegetation in estuaries and on their margins, where periodic inundation by brackish or saltwater is a key determinant of habitat character.

Summary of reasons for this submission:

Federated Farmers submits that a vegetation resource that is in the Coastal Marine Area is the subject of regional council functions under Section 30(1)(c)(iiia) of the RMA.

Relief Sought:

- That the definition of *Indigenous estuarine vegetation* is deleted.

114. Subject matter and provision in the Plan:

**Intensive farming** Means raising or keeping plants or animals substantially within buildings or enclosures, and includes but not limited to; poultry farming, intensive pig farming (within buildings or

*outdoors without ground cover being maintained), rabbit farming, mushroom farming, commercial kennels, commercial composting activities and catteries, but excludes growing horticultural plants or produce under cover*

Summary of reasons for this submission:

Federated Farmers submits that the definition of intensive farming needs to refer more clearly to permanent housing of stock indoors and that the activity is not dependant on the soil resource.

This will avoid common pastoral farming practices such as temporarily sheltering stock indoors during winter, bad weather or when young. Practices such as covered feedpads are considered to be environmentally beneficial so the District Council should not discourage these activities by accidentally capturing them in the intensive farming rules.

Relief Sought:

- That the definition of *intensive farming* is amended to apply to permanently raising stock in buildings and not dependent on the soil resource.

115. Subject matter and provision in the Plan:

***Maintenance, upgrading and replacement*** Means any work any work necessary to continue the operation and/or functioning of an existing network utility and/or structure and shall include the replacement of an existing line, pipe, structure or other facility with another of the same or similar height, size and scale within the same or similar position and for the same or similar purpose. It shall also include erosion and flood control, weed and sediment control, the maintenance of access and monitoring operations.

Summary of reasons for this submission:

There is an unnecessary overlap between *maintenance, upgrading and replacement* and *minor upgrading*, and *Replacement of Network Utility Structures*. All three refer to network utilities, however throughout the Plan maintenance sometimes refers to other activities, like maintenance of fencelines or tracks in the indigenous vegetation rule 13.3.2.1.7.

Relief Sought:

- That a definition for *maintenance* is provided for activities other than network utilities.
- That the three definitions for *maintenance, upgrading and replacement* and *minor upgrading*, and *Replacement of Network Utility Structures* are streamlined.

116. Subject matter and provision in the Plan:

***Minor upgrading*** Means an increase in the power carrying capacity, efficiency, or security of electricity and associated telecommunication facilities, utilising the existing support structures or structures of a similar scale or character and includes:  
or alteration of an existing telecommunication antenna.

1. *the addition of circuits and/or conductors;*
2. *the re-conductoring of the line with higher capacity conductors;*
3. *the re-sagging of conductors;*

4. *the addition of longer more efficient insulators;*
5. *the addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods);*
6. *the replacement*

Summary of reasons for this submission:

Federated Farmers submits in support of *minor upgrading* being limited to similar in scale or character, being close to what Federated Farmers considers as minor upgrading based on the Electricity Act 1992 section 23(3)(b). We submit that minor upgrading does not result in injurious affection.

Relief Sought:

- That the definition of minor upgrading is amended to read:

***Minor upgrading*** Means an increase in the power carrying capacity, efficiency, or security of electricity and associated telecommunication facilities, utilising the existing support structures or structures of a similar scale or character and does not result in injurious affection and includes....etc

117. Subject matter and provision in the Plan:

***National Grid*** Means the assets used or owned by Transpower New Zealand Limited

Summary of reasons for this submission:

Federated Farmers submits in support of the definition of National Grid being limited to assets owned by Transpower, as being consistent with the National Policy Statement on Electricity Transmission.

Relief Sought:

- That the definition of National Grid is retained.

118. Subject matter and provision in the Plan:

***National Grid Yard*** Means any land located within 12m of the centreline of a National Grid Transmission line, or within 12m of the visible outer edge of any National Grid Support Structure. The National Grid Yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower.

Summary of reasons for this submission:

Federated Farmers submits that the definition of *National Grid Yard* be amended to be the *National Grid Subdivision Corridor*, due to the term only being used in relation to subdivision activities.

Relief Sought:

- That the definition of *National Grid Yard* be amended to be the *National Grid Subdivision Corridor*.

119. Subject matter and provision in the Plan:

**Natural character** *Those attributes of the environment that give New Zealand its particular, natural and distinctive character. These qualities may be ecological, physical, spiritual, cultural, or aesthetic in nature. They include natural and modified environs*

Summary of reasons for this submission:

Federated Farmers submits that instead of a general definition of natural character, that areas of special Natural Character are identified using criteria and mapped. This will ensure that any provisions intending to manage natural character as a Section 6(a) matter of national importance apply to identified areas. This makes it easier for landowners and the Council to understand where the resource is located.

Relief Sought:

- That areas of special Natural Character are identified using criteria and mapped.

120. Subject matter and provision in the Plan:

**Natural features and landscapes** *For the purposes of Chapter 13, include headlands and peninsulas; scarps and cliffs; rocky coast lines; bays; dunelands and spits; outwash plains; estuaries and harbours; indigenous vegetation; wetlands, rivers, and streams; valleys and gorges*

Summary of reasons for this submission:

Federated Farmers submits this definition is amended to refer to *outstanding natural features and landscapes* to be consistent with provisions elsewhere in the Plan and with Section 6(b) of the RMA. The definition should also direct the reader to the identified ONFLs in Appendix 13.9 of Chapter 13.

Relief Sought:

- That the definition is amended to read:  
*Outstanding Natural features and landscapes have been identified according to the criteria in Appendix F of the Bay of Plenty Regional Policy Statement and are listed in Appendix 13.9 of For the purposes of Chapter 13, include headlands and peninsulas; scarps and cliffs; rocky coast lines; bays; dunelands and spits; outwash plains; estuaries and harbours; indigenous vegetation; wetlands, rivers, and streams; valleys and gorges.*

121. Subject matter and provision in the Plan:

**Official signs** *Means all regulatory traffic and official signs approved by a road controlling authority or provided for under any legislation and which are erected on a legal road or motorway.*

Summary of reasons for this submission:

Federated Farmers submits that this definition includes official signs required by HSNO Act, WorkSafe, or other legislation, that may be required on private property as well as in public places.

Relief Sought:

- That the definition of *Official signs* is amended to read:

*Official signs* Means all regulatory traffic and official signs approved by a road controlling authority ~~or provided for under any legislation~~ and which are erected on a legal road or motorway, or required on private property under other legislation such as the Hazardous Substances and New Organisms Act 1996 or Health and Safety Acts.

122. Subject matter and provision in the Plan:

**Quarrying** Means the extraction of minerals from the earth and includes that removal of overburden and the erection and maintenance of machinery and buildings and other work connected with such activities.

Summary of reasons for this submission:

Federated Farmers submits that on-farm quarries are excluded from this definition, being of significantly smaller size, intermittent use and lesser adverse effects confined to the property, compared to commercial quarries.

Activity:	Defining features:
Commercial Quarry	<ul style="list-style-type: none"><li>• Large scale</li><li>• Winnings are transported off the property and on roads</li><li>• Winnings are for sale</li><li>• Used daily/weekly, presence of equipment and employees</li><li>• Commercial enterprise in own right</li><li>• Effects can extend beyond the site/property.</li></ul>
Farm quarries	<ul style="list-style-type: none"><li>• Small scale</li><li>• Winnings are used on the property</li><li>• Winnings not for sale but for personal use</li><li>• Used intermittently when needed</li><li>• Ancillary to existing land use</li><li>• Effects contained within the property.</li></ul>

Relief Sought:

- That on-farm quarries are excluded from the definition of *Quarrying*.

123. Subject matter and provision in the Plan:

**Reverse Sensitivity** Means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity

Summary of reasons for this submission:

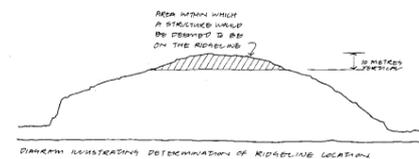
Federated Farmers submits in support of consistency with the RPS definition of reverse sensitivity.

Relief Sought:

- That the definition of *reverse sensitivity* is retained.

124. Subject matter and provision in the Plan:

**Ridgeline**



Summary of reasons for this submission:

Federated Farmers submits that the definition of ridgeline and associated provisions are deleted, for the reasons that they are uncertain and unnecessary.

Uncertainty arises in the application of the definition on the ground. The rules in Chapter 13 that require buildings to not be within 10m of the ridgeline is very difficult to apply on the ground with certainty, and this diagram in the definition does not provide any assistance. Working out the vertical distance when walking on the sloping ground is very difficult, and the definition and rules seems to apply to any hilltop and not prominent “skyline” ridges.

The definition and rules are unnecessary in that they seek to give greater protection within an already protected area of ONFLs. ONFLs are identified as a whole because they meet criteria, the criteria do not identify an extra category of ridgelines within the ONFL category.

Relief Sought:

- That the definition of ridgeline and associated provisions are deleted.

125. Subject matter and provision in the Plan:

**Riparian management area** Means an area of direct interaction between land and water ecosystems; that land immediately bordering or adjoining any water body.

Summary of reasons for this submission:

Federated Farmers submits that the definition of *riparian management area* and associated provisions are deleted as being unnecessary and an unhelpful cross-over of functions with eth regional council.

The term *riparian management area* is only used three times in the Plan: Method 12.7.1.4 to encourage Landcare programmes in the Surface of Water Activities chapter; and in Chapter 13 Policy 13.2.2.9 to manage whitebait habitats and Policy 13.2.3.2 to promote restoration. Given that there is such limited and isolated use of the term, Federated Farmers submits that they are deleted.

Caution is needed to ensure the definition of riparian management areas and associated provisions remain within District Council functions. Riparian management for the purpose of water quality is firmly a regional council function.

Relief Sought:

- That the definition of *riparian management area* and associated provisions are deleted.

126. Subject matter and provision in the Plan:

**Rural industry** Means an industry undertaken within the rural areas of the district, and where the industrial activity is associated with the predominant rural activity undertaken on the site.

Summary of reasons for this submission:

Federated Farmers submits that rural industries need to include processing, packing and storage of primary products to ensure that they are classed as rural industry. As with our submission on the definition of *Contractors Depots*, we submit that rural contractor depots should also be included.

Rural industries should be directly related to primary production, and it is not necessary to limit it to production only on that site. Rural industry can be associated with production in the district.

Relief Sought:

- That the definition of *Rural Industry* is amended to read:  
Means an industry undertaken within the rural areas of the district and where the activity is directly related to rural production activities including facilities for the processing, packing and storage of primary products, and rural contractor workshop or yards.

127. Subject matter and provision in the Plan:

**Rural Production Activity** Means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining. Also included in this definition are processing and research facilities that directly service or support those rural land use activities.

Summary of reasons for this submission:

Federated Farmers submits in support of the definition for rural production activity.

Relief Sought:

- That the definition for *rural production activity* is retained.

128. Subject matter and provision in the Plan:

**Sensitive Activities** Means activities which suffer adverse effects typically associated with some lawful activities. Activities considered to be sensitive include but are not limited to residential activities, visitor accommodation, entertainment facilities, any childhood education centre, healthcare facilities and community facilities.

Summary of reasons for this submission:

Federated Farmers notes that a term used in the Plan refers to both noise sensitive activities and reverse sensitivity issues. Defined terminology in the Plan needs to be consistent and relevant to the regulation.

Relief Sought:

- That the definition for *sensitive activities* is clarified as to whether it applies to noise sensitivity or reverse sensitivity.

129. Subject matter and provision in the Plan:

**Wetlands** *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the avoidance of doubt, the term 'wetland' applies to water bodies, and intermittently wet areas. The term does not apply to dry land that does not support a natural ecosystem of plants and animals that are adapted to wet conditions, and that occurs within an area commonly referred to in its entirety as a wetland. For the purposes of this plan, 'wetland' excludes:*

1. *Wetted pasture and pasture with patches of rushes.*
2. *Oxidation ponds.*
3. *Artificial water bodies used for wastewater or stormwater treatment. This includes wetlands that have been developed primarily for effluent or stormwater treatment or disposal, but are managed to appear 'natural'.*
4. *Artificial Farm dams and detention dams.*
5. *Land drainage canals and drains.*
6. *Artificial Reservoirs for firefighting, domestic or municipal water supply.*
7. *Temporary ponded rainfall over areas that would not otherwise be considered a wetland. 8. Artificial water bodies that are not in the bed of a stream, river or lake; and are not degraded natural wetlands that have been modified. This includes artificial water bodies that are managed to appear 'natural'. The edge of a wetland (i.e. where a wetland becomes land) should be determined by a person with appropriate expertise.*

Summary of reasons for this submission:

Federated Farmers submits that this definition is confusing and unnecessary. The RMA definition for wetland should be used instead. The Regional Council relies on the RMA definition, so the District Council should not seek to be more specific.

Provisions for wetlands in the proposed Plan is limited to education and incentives. As with our submission points regarding wetlands in Chapter 13, Federated Farmers submits that significant wetlands are identified using criteria and consultation occurs with landowners. This will avoid having general provisions applying across the district which risks overregulating insignificant areas and diverting resources away from wetlands that could benefit from being concentrated on.

Relief Sought:

- That the definition of *wetland* is replaced with the RMA definition, and
- That significant wetlands under RMA Section 6(c) are identified using criteria and consultation takes place with landowners.

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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.

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

