

SUBMISSION

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To: Opotiki District Council

Submission on: Proposed Opotiki District Plan.

Date: 23 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 apologise for this additional late submission, the Federated Farmers Wellington office was closed for three days as a result of the Kaikoura Earthquake on 14 November 2016.

This late submission is to be read in conjunction with our main submission, as it only addresses points that were previously left out.

CHAPTER 8: RURAL ZONE

1. Subject matter and provision in the Plan:

Discretionary Rule 8.3.4.1. 4. Keeping or farming of goats not provided for as a Permitted Activity

Summary of reasons for this submission:

Federated Farmers submits that Rule 8.3.4.1.4. for goats be deleted, for the reason that it is an internal inconsistency within the Plan. Rule 8.3.3.1.4 provides a restricted discretionary status for goat farming that is not permitted, yet Rule 8.3.4.1.4 provides a discretionary status for the same activity.

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on private property, as Section 20 *Special provisions relating to goats* of the Wild Animal Control Act 1977 has been repealed. The Animal Identification Act 1993 referred to in article 2 of the standard has been superseded by the National Animal Identification Act 2012 (NAIT).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 Rule 8.3.4.1.4 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.

2. Subject matter and provision in the Plan:

Discretionary Rule 8.3.4.1.15. Mining and quarrying.

Summary of reasons for this submission:

Federated Farmers submits that on-farm quarries are excluded from the definition of Quarrying, and therefore not a discretionary activity under this rule.

Farm quarries are significantly smaller size, have only intermittent use and create lesser adverse effects which are confined to the property, compared to commercial quarries, and therefore the level of regulation required is much less.

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

Federated Farmers submits that on-farm quarries are given a permitted status, because they are a farming activity and appropriate in the Rural Zone.

Relief Sought:

- That on-farm quarries are excluded from the definition of *Quarrying* and therefore not a discretionary activity under Rule 8.3.4.1.15, and
- On-farm quarries are permitted.

CHAPTER 13: LANDSCAPES AND VEGETATION

3. Subject matter and provision in the Plan:

Permitted Rule 13.3.2.1 4. Maintenance and pruning of pohutukawa trees where such maintenance or pruning is necessary for the health of the tree or the safety of people and a report from a suitably qualified and experienced person is lodged with the Council before work commences, confirming that the work is necessary and outlining the methodology.

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.2.1.4 for pohutukawa pruning is deleted, for the reason that it is unnecessary and superfluous.

This level of protection for every pohutukawa tree in the district is unreasonable, and will be an impediment to people and communities providing for their wellbeing. There are many situations where the pruning or even total removal of a pohutukawa tree will be necessary, and requiring a resource consent is a significant imposition on both the Council and the community for marginal benefit.

Federated Farmers reminds the Council of section 76 of the RMA, which directs councils away from blanket tree protection rules.

Individual pohutukawa trees will already be managed by the heritage provisions in Chapter 14 if they have been assessed and meet the criteria to be listed in 14.10 Appendix 2 as a Notable Tree. This approach is acceptable to Federated Farmers and is also consistent with Section 76(4A)(a) of the RMA.

Relief Sought:

- That Rule 13.3.2.1.4 for pohutukawa pruning is deleted.

4. Subject matter and provision in the Plan:

Permitted Rule 13.3.2.1.5. Rehabilitation of wetlands, wetland networks, and natural drainage channels, with indigenous vegetation that naturally occurs (or would have been likely to have naturally occurred in the past) in the locality

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.2.1.5 for wetland rehabilitation be deleted, for the reason that it is a deterrent.

Although the rule gives permitted status, Federated Farmers is concerned that the presence of such a rule implies that consent will be needed if permitted standards aren't met, and this will be a deterrent to landowners wanting to carry out wetland rehabilitation.

Federated Farmers submits that wetland rehabilitation be an unregulated activity, and that other methods are used to encourage this activity instead of regulate it.

Relief Sought:

- That Rule 13.3.2.1.5 for wetland rehabilitation is deleted, and
- That wetland rehabilitation is encouraged by non-regulatory methods.

5. Subject matter and provision in the Plan:

Controlled Activity 13.3.2.1.1. Relocation of pohutukawa including for enhancement or protective purposes, provided that a report from a suitably qualified and experienced person has been provided to Council before work commences

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.2.1.4 for pohutukawa relocation is deleted, for the reason that it is unnecessary and superfluous.

This level of protection for every pohutukawa tree in the district is unreasonable, and will be an impediment to people and communities providing for their wellbeing. There are many situations where the removal of a pohutukawa tree will be necessary, and such regulation is a significant imposition on both the Council and the community for marginal benefit.

Federated Farmers reminds the Council of section 76 of the RMA, which directs councils away from blanket tree protection rules.

Individual pohutukawa trees will already be managed by the heritage provisions in Chapter 14 if they have been assessed and meet the criteria to be listed in 14.10 Appendix 2 as a Notable Tree. This approach is acceptable to Federated Farmers and is also consistent with Section 76(4A)(a) of the RMA.

Relief Sought:

- That Rule 13.3.2.1.1 for pohutukawa relocation is deleted.

6. Subject matter and provision in the Plan:

Controlled Rule 13.3.2.1.2. *Within a site listed in 13.9.1 or 13.9.2, earthworks and vegetation clearance and disturbance for the construction of new walking and cycling tracks.*

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.2.1.2 for new walking and cycle tracks is deleted, for the reason that it is inequitable.

New farm tracks are proposed to be a discretionary activity, yet walking and cycle tracks are afforded a much lesser status although the earthworks will have similar effects.

Relief Sought:

- That Rule 13.3.2.1. Rule 13.3.2.1.2 for new walking and cycle tracks is deleted, and
- That tracks for walking, cycling or farming are all afforded equal permitted status.

7. Subject matter and provision in the Plan:

Controlled Rule 13.3.2.1.3. *Except for a site listed in 13.9.1 or 13.9.2, or in the Coastal, Coastal Settlement or Ohiwa Harbour zones, indigenous vegetation clearance and disturbance on sites, where necessary to provide for a stable building platform and access, and no alternative location are available within the site.*

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.2.1.3 for building platform and access clearance in specific zones is deleted. 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. The rule is also uncertain in that it introduces the subjective factor *no alternative location available*.

Relief Sought:

- That Rule 13.3.2.1.3 for building platform and access clearance in Coastal, Coastal Settlement, and Ohiwa Harbour zones is deleted.

8. Subject matter and provision in the Plan:

Restricted Discretionary Rule 13.3.3.1.2.

Within a site in the Coastal, Coastal Settlement and Ohiwa Harbour zones, indigenous vegetation clearance and disturbance for new buildings and building platforms not provided for above, subject to:

- (a) Vegetation clearance for a house site and its curtilage shall be no more than 250m² on land contained in one title or partition order, where a building consent has been issued and where there is no existing building and no suitable previously cleared land.*
- (b) An access way up to 30m in length and 3m wide may be cleared to service the house site.*
- (c) There shall be no disturbance of individual pohutukawa, or other coastal species greater than 3.5m in height.*

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.3.1.2 for building platform and access clearance in specific zones is deleted. 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. The rule is also onerous in that it has more standards than RD Rule 13.3.3.1.1 for ONFLs, which have RMA Section 6 status.

Relief Sought:

- That Rule 13.3.2.3.1.2 for building platform and access clearance in Coastal, Coastal Settlement, and Ohiwa Harbour zones is deleted.

9. Subject matter and provision in the Plan:

Restricted Discretionary Rule 13.3.3.1.3.

Indigenous vegetation clearance and disturbance over 100m² within a 12 month period, within a site in the Coastal, Coastal Settlement and Ohiwa Harbour zones, except as otherwise provided for as a Permitted or Controlled Activity.

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.3.1.3 for indigenous vegetation clearance in specific zones is deleted. 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. The rule is also too restrictive for normal farming activities to occur.

Relief Sought:

- That Rule 13.3.3.1.3 for indigenous vegetation clearance in Coastal, Coastal Settlement, and Ohiwa Harbour zones is deleted.

10. Subject matter and provision in the Plan:

Restricted Discretionary Rule 13.3.3.1.4.

Modification, infilling or drainage up to 100 metres² of a wetland.

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.3.1.3 for activities up to 100m² in a wetland is deleted for the reason that the rule does not enable people and communities to provide for their wellbeing.

It is unclear what modification means. The absence of a permitted activity rule means that even 1m of modification will require resource consent, which is onerous.

Relief Sought:

- That Rule 13.3.3.1.4 for activities <100m² of a wetland is deleted.

11. Subject matter and provision in the Plan:

Discretionary Rule 13.3.4.1.1. Clearance or disturbance of any pohutukawa tree in the Coastal, Coastal Settlement and Ohiwa Harbour zones or not provided for above.

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.4.1.1 for pohutukawa tree clearance or disturbance is deleted, for the reason that it is unnecessary and superfluous. It is unclear what disturbance means.

This level of protection for every pohutukawa tree in the district is unreasonable, and will be an impediment to people and communities providing for their wellbeing. There are many situations where the removal of a pohutukawa tree will be necessary, and such regulation is a significant imposition on both the Council and the community for marginal benefit.

Federated Farmers reminds the Council of section 76 of the RMA, which directs councils away from blanket tree protection rules.

Individual pohutukawa trees will already be managed by the heritage provisions in Chapter 14 if they have been assessed and meet the criteria to be listed in 14.10 Appendix 2 as a Notable Tree. This approach is acceptable to Federated Farmers and is also consistent with Section 76(4A)(a) of the RMA.

Relief Sought:

- That Rule 13.3.4.1.1 for removal or disturbance of a pohutukawa tree is deleted.

12. Subject matter and provision in the Plan:

Discretionary Rule 13.3.4.1.2. *Disturbance of indigenous estuarine vegetation or more than 100m² of coastal dune land vegetation.*

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.4.1.2 for estuarine and coastal dune vegetation is deleted, for the reason that no certainty is provided as to where these vegetation areas occur.

Estuarine vegetation will already be subject to Regional Council management in the Coastal Plan.

Relief Sought:

- That Rule 13.3.4.1.2 for estuarine and coastal dune vegetation is deleted.

13. Subject matter and provision in the Plan:

Discretionary Rule 13.3.4.1.4. *Within a site listed in 13.9.1 or 13.9.2, new buildings and structures where the highest point of the building or structure is within 10 metres vertical distance of natural ground level on a ridge.*

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.4.1.4 is deleted for the reason that it is uncertain and unnecessary.

Uncertainty arises in the application of the definition of ridgeline on the ground. 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 rule is unnecessary in that it seeks 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 Rule 13.3.4.1.4 for new buildings on ridgelines is deleted.

14. Subject matter and provision in the Plan:

Discretionary Rule 13.3.4.1.9. *Removal of vegetation within wetlands.*

Summary of reasons for this submission:

Federated Farmers submits that Rule 13.3.4.1.9 for vegetation removal in wetlands is deleted, for the reasons that it is unnecessary and contrary to Policy 13.2.3.2 which seeks to encourage enhancement.

The rule applies to even exotic weed removal in wetlands. Landowners will not be able to comply with the Regional Pest Management Plan, nor carry out voluntary restoration and enhancement activities that involve clearance. It is unclear if the purpose of this rule is to protect exotic wetland vegetation, which is not a matter of concern; or to protect natural character, which will not be achieved via this rule.

Relief Sought:

- That Rule 13.3.4.1.9 for vegetation removal in wetlands is deleted.

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

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

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

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

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

