

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU**

**ENV-2022-AKL-**

**IN THE MATTER**

**of the Resource Management Act  
1991**

**A N D**

**IN THE MATTER**

**of an appeal pursuant to clause 14(1)  
of the First Schedule of the Act**

**BETWEEN**

**FEDERATED FARMERS OF NEW  
ZEALAND INC**

Appellant

**A N D**

**WAIKATO DISTRICT COUNCIL**

Respondent

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**NOTICE OF APPEAL**

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Hamilton  
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Contact: Peter Matich

**FORM 7 NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISIONS ON THE PROPOSED WAIKATO DISTRICT PLAN**

To: The Registrar  
Environment Court  
Auckland

1. Federated Farmers of New Zealand Inc (“**Federated Famers**”) appeals against a decision (or parts of the decision) of Waikato District Council (“**Council**”) on the following plan change:

**Proposed Waikato District Plan (“Proposed Plan”)**

2. Federated Farmers made a submission on the Proposed Plan.
3. Federated Famers is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (“**Act**”).
4. Federated Farmers received notice of the decision on 17 January 2022. The appeal period closes 1 March 2022.
5. The decision was made by the Waikato District Council.

**The decision (or parts of the decision) that Federated Farmers is appealing:**

6. Federated Farmers appeals the parts of the decision to adopt the Proposed Plan (as amended by the Independent Hearings Panel) (“**Decisions Version**”) as identified in the table attached at Schedule 1.

**The reasons for the appeal are as follows:**

7. The reasons for the appeal with respect to specific provisions are set out in the table attached at Schedule 1.

**Federated Farmers seeks the following relief:**

8. The relief sought with respect to each provision are set out in the table attached at Schedule 1.

**Attachments**

9. Federated Farmers attaches the following documents to this notice:

- a) Schedule 1 Table of Relief sought by Provision (with reasons)
- b) a copy of the FFNZ submission and further submission for both Stage one and Stage two of the proposed Waikato District Plan.
- c) a copy of the decision can be accessed here <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/decisions/proposed-waikato-district-plan>
- d) A copy of this appeal has been served on the Respondent and copied to the email addresses of persons who made submissions and further submissions on the Proposed Plan – as sent to the Court.

Dated: 1 March 2022

Signature of Person authorised to sign on behalf of the appellant

A photograph of a handwritten signature in black ink on a white background. The signature is stylized and appears to be 'P. Matich'.

Peter Matich  
For Federated Farmers of New Zealand Inc

Address for service of appellant: 444 Anglesea Street, Hamilton 3240

Telephone: 0800 327 646

Email: pmatich@fedfarm.org.nz

Contact person: Peter Matich, Senior Policy Advisor

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## Schedule 1 - Table of Relief sought by Provision (with reasons)

Provision appealed	Reasons for appeal	Relief sought
<b>Part one – definitions</b>		
<p><i>National Grid Yard</i></p> <p>Means the area located within:</p> <p>(a) 12 metres in any direction from the visible outer edge of a national grid support structure foundations; and</p> <p>(b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and</p> <p>(c) 12 metres either side of the centre line of any above-ground national grid line on towers.</p> <p>The National Grid yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the</p>	<p>The National Grid Yard definition needs to be amended so it is consistent with NZECP34 Code of Practice for Electrical Safe Distances, particularly Section 2.4.1 around support structures. This definition and the yard widths are not consistent and unnecessarily onerous compared to the Code. The National Grid is hosted on private property in the rural zone, with farmers being disproportionately affected by any regulation that exceeds the Code.</p> <p>Transpower has a range of different National Grid lines running through the Waikato District, including 110kv,220kv and 400kv lines, some of which are on poles and others on towers. This range of National Grid lines will require a range of appropriate Yard distances and setbacks, which is currently not achieved with the single 12m fits-all yard width.</p> <p>The Code requires a safe distance of 8m around a 110kv pole. Requiring a yard of 12m in the District Plan is excessive. Towers may have the safe distance of 12m, as this is consistent with the Code requirements.</p> <p>The reason the National Grid Yard must be consistent with, and not more onerous than, the Code, is to stop a regulatory anomaly where an activity is permitted</p>	<p><b>Amend definition as follows:</b></p> <p>Means the area located within:</p> <p>(a) 12 metres in any direction from the visible outer edge of a national grid support structure tower foundations; <u>or</u></p> <p>(b) <u>8 metres in any direction from the visible outer edge of a national grid pole; and</u></p> <p><del>(b)</del> <u>(c)</u> 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and</p> <p><del>(c)</del> <u>(d)</u> 12 metres either side of the centre line of any above-ground 220kv or above national grid line on towers.</p> <p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought												
<p>two support structures at each end of the span.</p>	<p>by the Code but not by the District Plan. There is no reason why the Council should require or decline consent when the Code permits the activity and the National Grid operator cannot refuse permission.</p> <p>.</p> <p>TABLE 1 MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES</p> <table border="1" data-bbox="801 547 1420 655"> <thead> <tr> <th>Circuit Voltage</th> <th>Pole</th> <th>Tower (pylon)</th> </tr> </thead> <tbody> <tr> <td>11 kV to 33 kV</td> <td>2 m</td> <td>6 m</td> </tr> <tr> <td>Exceeding 33 kV to 66 kV</td> <td>6 m</td> <td>9 m</td> </tr> <tr> <td>Exceeding 66 kV</td> <td>8 m</td> <td>12 m</td> </tr> </tbody> </table> <p>Section 2.1.1 of NZECP34 states one of its purposes is to ensure that the support structures can be accessed for inspection and maintenance. These setbacks have been developed by engineers, and there is nothing to suggest that the Code's setback distances are deficient.</p>	Circuit Voltage	Pole	Tower (pylon)	11 kV to 33 kV	2 m	6 m	Exceeding 33 kV to 66 kV	6 m	9 m	Exceeding 66 kV	8 m	12 m	
Circuit Voltage	Pole	Tower (pylon)												
11 kV to 33 kV	2 m	6 m												
Exceeding 33 kV to 66 kV	6 m	9 m												
Exceeding 66 kV	8 m	12 m												
<p><i>Significant Natural Area</i></p> <p>Means an area identified as a Significant Natural Area on the planning maps.</p>	<p>FFNZ supports the identification of SNAs on planning maps however they should also be listed on a schedule which summaries the associated values. This schedule would form part of the plan and could only be amended via a Schedule One process.</p>	<p><b>Amend definition of Significant Natural Area:</b></p> <p>Means an area of significant indigenous biodiversity that is identified as a Significant Natural Area on the planning maps <u>and listed in Appendix XX and described in the individual assessment sheet</u></p>												

Provision appealed	Reasons for appeal	Relief sought
		<p><b>And make any consequential changes needed to support this</b></p>
<p><b>Part 2 – Strategic Directions</b></p>		
<p>SD -O2 Tangata whenua. Tangata whenua's relationships, interests, including commercial interests, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.</p>	<p>Federated Farmers does not consider it appropriate for a district plan to prioritise recognising and providing for tangata whenua's commercial interests as distinct from any other resource user within the district. Federated Farmers considers this to be beyond the functions of the council and considers that these issues are more appropriately addressed at a national not local government level</p>	<p><b>Amend SD-O2 as follows</b></p> <p>Tangata whenua. Tangata whenua's relationships, interests, <del>including commercial interests</del>, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.</p> <p><b>And make any consequential changes needed to support this</b></p>
<p><b>Part two – Energy, infrastructure and transports</b></p>		
<p>AINF-O4 National Grid.</p> <p>The national significance of the National Grid is recognised, and protected and provided</p>	<p>Federated Farmers submitted on this objective in the proposed district plan (Objective 6.2.1) seeking amendments to ensure consistency with the National Policy Statement for Electricity Transmission 2010 ('NPSET'). A district plan is not the right instrument to</p>	<p>Amend AINF-O4 as follows:</p> <p>AINF-O4 National Grid.</p>

Provision appealed	Reasons for appeal	Relief sought
for.	<p>protect the assets used or owned by Transpower NZ Ltd on private land – easement agreements are designed, in part, to achieve that outcome.</p> <p>The objective of the NPSET is:</p> <p>To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</p> <ul style="list-style-type: none"> <li>•managing the adverse environmental effects of the network; and</li> <li>•managing the adverse effects of other activities on the network.</li> </ul>	<p>The national significance of the National Grid is recognised, <del>and protected</del> and provided for.</p> <p><b>And make any consequential changes needed to support this</b></p>
<b>Part two – Hazards and Risks</b>		
<p>NH-O2 Areas at risk from natural hazards.</p> <p>Subdivision, use and development within areas at risk from natural hazards are managed so that natural hazard risks on people, property and infrastructure are avoided, remedied or mitigated.</p>	<p>Federated Farmers submitted on this objective in the Proposed Plan (Objective 15.2.1 as notified) seeking a more granular approach to managing risks from natural hazards, over the blunt blanket approach. There will be land uses and buildings, particularly in rural areas, that are within flood prone areas. However, some important farm buildings are ‘work buildings’ (such as fodder storage barns and</p>	<p><b>Amend Objective NH-O2 as follows:</b></p> <p>Subdivision, use and development within areas at risk from natural hazards are managed so that natural hazard risks on people, property and infrastructure are <u>appropriately</u> avoided, remedied or mitigated.</p>



Provision appealed	Reasons for appeal	Relief sought
	<p>implement sheds with earth floors) and these are not as vulnerable to flood hazard risk as habitable buildings are. Therefore, the manner of risk management needs to be appropriate to the type of land use.</p>	<p><b>And make any consequential changes needed to support this</b></p>
<p>NH-P11 Areas defended by stopbanks adjacent to the Waikato River.</p> <p>(1) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:</p> <p>(a) Assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision, use and development occurs; and</p> <p>(b) Requiring that consideration be given to appropriate mitigation to reduce any residual risk identified to acceptable levels; and</p> <p>(c) Ensuring that any residual risk is not transferred to neighbouring sites; and</p> <p>(d) Recognising the functional needs and operational needs of the National Grid.</p>	<p>Federated Farmers submitted on this policy in the Proposed Plan (Policy 15.2.1.10 as notified) seeking that management of inundation risk in areas that are defended by stopbanks be commensurate with a level of risk that is tolerable, and that ancillary rural earthworks for day-to-day farming activities (which are of a minor nature) should not be subject to minimum setbacks that other types of land use and development should be subject to. There are likely to be many farms that need to undertake minor earthworks for things such as maintenance of farm tracks (to enable livestock welfare/movement of stock when there is inundation)</p>	<p><b>Amend Policy NH-P11 as follows:</b></p> <p>(1) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:</p> <p>(a) Assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision, use and development occurs; and</p> <p>(b) Requiring that consideration be given to appropriate mitigation <u>and tolerance for inundation risk when considering mitigation</u> to reduce any residual risk identified to acceptable levels; and</p> <p>(c) Ensuring that any residual risk is not transferred to neighbouring sites; and</p> <p>(d) Recognising the functional needs and operational needs of the National Grid.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>(2) Specify minimum setbacks for buildings and earthworks from stopbanks to:</p> <p>(a) Protect the structural integrity of the stopbanks; and</p> <p>(b) Provide a buffer to reduce the potential risk to life and damage to property from deep and fast-flowing flood waters in the event of a breach.</p>		<p>(2) Specify minimum setbacks for buildings and earthworks from stopbanks to:</p> <p>(a) Protect the structural integrity of the stopbanks; and</p> <p>(b) Provide a buffer to reduce the potential risk to life and damage to property from deep and fast-flowing flood waters in the event of a breach.</p> <p><u>(c) Enable occasional minor earthworks that are appropriate to maintain well-being and prevent harm from inundation, such as for maintenance of farm tracks to enable movement of livestock when there is flooding.</u></p> <p><b>And make any consequential changes needed to support this</b></p>
<p>NH-P13 Reduce potential for flood damage to buildings located on the floodplains and flood ponding areas.</p> <p>(1) Reduce the potential for flood damage to buildings located on floodplains and flood ponding areas by ensuring that the minimum floor level of building development is above the design flood levels/ponding levels in a 1%</p>	<p>Federated Farmers submitted on this policy in the Proposed Plan (Policy 15.2.1.12 as notified) seeking that potential for flood damage to buildings located on the floodplains be focused on habitable buildings, rather than all buildings in general. This is because many common farm buildings are earth-floored storage barns and implement sheds and ponding would not affect these structures.</p>	<p><b>Amend NH-P13 as follows.</b></p> <p>(1) Reduce the potential for flood damage to buildings located on floodplains and flood ponding areas by ensuring that the minimum floor level of <u>habitable</u> building development is above the design flood levels/ponding levels in</p>

Provision appealed	Reasons for appeal	Relief sought
<p>AEP flood event, plus an allowance for freeboard, unless:</p> <p>(a) The building is of a type that is not likely to suffer material damage during a flood; or</p> <p>(b) The building is a small-scale addition to an existing building; or</p> <p>(c) The risk from flooding is otherwise avoided, remedied or mitigated.</p>	<p>The policy in the decisions version of the Proposed Plan should be clarified in such a way that the minimum floor level requirement only applies to habitable buildings.</p>	<p>a 1% AEP flood event, plus an allowance for freeboard, unless:</p> <p>(a) The building is of a type that is not likely to suffer material damage during a flood; or</p> <p>(b) The building is a small-scale addition to an existing building; or</p> <p>(c) The risk from flooding is otherwise avoided, remedied or mitigated.</p> <p><b>And make any consequential changes needed to support this</b></p>
<p>NH-R26 Earthworks located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown.</p> <p>This rule does not apply to earthworks associated with utilities where the written approval of the authority managing the stop-bank has been obtained.</p> <p>Defended area</p>	<p>Federated Farmers considers that low risk activities which are part of a normal farming activity such as maintenance of existing tracks or fences should be enabled and not subject to a discretionary resource consent. There should be a tolerance for activities that do not endanger human life or exacerbate risk off-site beyond acceptable or tolerable levels</p>	<p>Amend as follows:</p> <p>NH-R26 Earthworks located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown.</p> <p>This rule does not apply to earthworks associated <u>with the repair and maintenance of tracks and fences or</u> utilities where the</p>

Provision appealed	Reasons for appeal	Relief sought
<p>across all zones</p> <p>(1) Activity status: DIS</p>		<p>written approval of the authority managing the stop-bank has been obtained.</p> <p><b>And make any consequential changes needed to support this</b></p>
<b>Part two – Historic and Cultural Values</b>		
<p>MV-R1(1) All discretionary and non-complying activities in Part 2 – Districtwide matters and Part 3 – Area-specific matters sections of this Plan must address:</p> <p>(a) The effects on values held by mana whenua and the appropriateness to mana whenua of any avoidance, mitigation or enhancement measures including as identified through cultural impact/values assessments and any relevant iwi planning document.</p>	<p>Federated Farmers considers that MV-R1 as written, functions as a policy rather than a rule, and therefore it should not be a rule. There are a range of implementation methods across the plan which work collectively to assess effects of activities on values held by mana whenua and the appropriateness to mana whenua of any avoidance, mitigation or enhancement measures without the need for this.</p> <p>Federated Farmers understand the involvement of mana whenua in the resource consent process where the activity has potential to impact on cultural values.</p>	<p><b>Delete MV-R1</b></p> <p><b>And make any consequential changes needed to support this</b></p>
<p>SASM-R1 (1) Activity status: PER</p> <p>Where:</p> <p>(a) Disturbance of land within a SASM – Site and area of significance to Maaori as identified</p>	<p>Federated Farmers sought a planning response that was more enabling of land use activities within SASMs though submissions made on the definition of earthworks. If adopted, earthworks would not have included activities defined as <i>ancillary rural earthworks</i> and specifically notified Rule 22.2.3.2</p>	<p><b>Amend SASM-R1 as follows:</b></p> <p>SASM-R1 (1) Activity status: PER</p>

Provision appealed	Reasons for appeal	Relief sought
<p>in SCHED3 – Sites and areas of significance to Maaori for the purposes of:</p> <p>(i) Gardening;</p> <p>(ii) Installation of fence posts;</p> <p>(iii) Repair or maintenance of existing underground farm infrastructure; and</p> <p>(iv) Interments in a burial ground, cemetery or urupa</p>	<p>would not have captured cultivation or the maintenance and construction of farming infrastructure such as tracks, fences, silage pits, offal pits, bores, water pipes or troughs, or the maintenance of on-farm land drainage networks. Federated Farmers accept that changes to existing land use activities may need to be assessed against potential adverse effects on these sites and areas. However, when a site or area is located within privately owned land which has been legitimately farmed, some consideration needs to be given to the functional need for some farming activities to continue.</p>	<p>Where:</p> <p>(a) Disturbance of land within a SASM – Site and area of significance to Maaori as identified in SCHED3 – Sites and areas of significance to Maaori for the purposes of:</p> <p>(i) Gardening;</p> <p>(ii) <u>Maintaining or repairing fences, including installation of fence posts;</u></p> <p>(iii) Repair or maintenance of existing underground farm infrastructure ;</p> <p>(iv) <u>cultivation;</u> and</p> <p><del>(iv)</del> (v) Interments in a burial ground, cemetery or urupa</p> <p><b>And make any consequential changes needed to support this</b></p>
<p>SASM- R3 (1) Cultivation</p> <p>Activity status: RDIS</p> <p>Where:</p>	<p>Federated Farmers sought a planning response that was more enabling of land use activities within SASMs though submissions made on the definition of earthworks. If adopted, earthworks would not have included activities defined as ancillary rural earthworks and specifically notified Rule 22.2.3.2 would not have captured cultivation or the</p>	<p><b>Delete SASM-R3(1)</b></p> <p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>(a) Cultivation within a SASM – Site and area of significance to Maaori as identified in SCHED3</p> <p>– Sites and areas of significance to Maaori.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) Effects on heritage and cultural values</p>	<p>maintenance and construction of farming infrastructure such as tracks, fences, silage pits, offal pits, bores, water pipes or troughs, or the maintenance of on-farm land drainage networks. Federated Farmers accept that changes to existing land use activities may need to be assessed against potential adverse effects on these sites and areas. However, when a site or area is located within privately owned land which has been legitimately farmed, some consideration needs to be given to the functional need for some farming activities to continue.</p>	
<p>SASM-R4 earthworks</p> <p>(1) Activity status: RDIS</p> <p>Where:</p> <p>(a) Earthworks within a SASM – Site and area of significance to Maaori as identified in SCHED3 – Sites and areas of significance to Maaori 3.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) Effects on heritage and cultural</p>	<p>Federated Farmers sought a planning response that was more enabling of land use activities within SASMs though submissions made on the definition of earthworks. If adopted, earthworks would not have captured the activities defined as ancillary rural earthworks and specifically the notified Rule 22.2.3.2 would not have captured cultivation or the maintenance and construction of farming infrastructure such as tracks, fences, silage pits, offal pits, bores, water pipes or troughs, or the maintenance of on-farm land drainage networks. Federated Farmers accept that changes to existing land use activities may need to be assessed against potential adverse effects on these sites and areas. However, when a site or area is located within</p>	<p><b>Amend SASM-R4 as follows:</b></p> <p>SASM-R4 earthworks</p> <p>(1) Activity status: RDIS</p> <p>Where:</p> <p>(a) <u>With the exception of activities listed in SASM-R1</u> Earthworks within a SASM – Site and area of significance to Maaori as identified in SCHED3 – Sites and areas of significance to Maaori 3. Council’s discretion is restricted to the following matters:</p>

Provision appealed	Reasons for appeal	Relief sought
values	privately owned land which has been legitimately farmed, some consideration needs to be given to the functional need for some farming activities to continue.	(b) Effects on heritage and cultural Values  <b>And make any consequential changes needed to support this</b>
TREE-P1 Identification.  Identify and schedule trees, including groups of trees and assess them for significance and/or notable values.	Trees should only be scheduled as notable trees after the assessment for significance or notable values has been undertaken.	<b>Amend TREE-P1 as follows:</b>  Identify and schedule trees, including groups of trees <u>once and assessed as having</u> <del>for</del> significance and/ or notable values.  <b>And make any consequential amendments needed to support this</b>
<b>Part two – Natural Environment Values</b>		
ECO-P1 Identify.  Identify and map areas of significant indigenous vegetation and habitats of	Federated Farmers supports the principle of the policy which seeks to identify areas using an agreed criteria to enable a targeted planning response to be applied. This approach is much more appropriate than general catch all rules which elevate all areas of	<b>Amend ECO-P1 as follows:</b>  ECO-P1 Identify.

Provision appealed	Reasons for appeal	Relief sought
<p>indigenous fauna where it meets one or more criteria in APP2 – Criteria for determining significance of indigenous biodiversity</p>	<p>biodiversity to a significance status until proven otherwise.</p> <p>However, this position increases the importance of the process used to identify the sites, as with significance comes protection and acceptance that extra land use controls may be required to meet RMA obligations. In this regard Federated Farmers is unsure what method or process will be used to implement the identification assessment required in ECO-P1 and as such cannot assess the merits or otherwise of the process. Strong support is extended to the cost sharing commitment outlined ECO-P12 however it is unclear how or when that assessment process will be initiated. Further, landowners should be provided with a copy of the ecological assessment, to ensure they are well informed of the characteristics relating to their specific site and the activities which may adversely affect those ecological values.</p> <p>Federated Farmers considers it appropriate for the process to include scheduling the sites in the plan as well as being mapped on district maps. Further, given the notified planning maps were not updated to implement the decisions outcomes the sites currently identified on the planning maps must only be for information purposes only and have no legal effect</p>	<p>Identify, <u>schedule</u> and map areas of significant indigenous vegetation and habitats of indigenous fauna where it meets one or more criteria in APP2 – Criteria for determining significance of indigenous biodiversity.</p> <p><u>Note: The significant natural areas (SNAs) currently identified on the planning maps are for information purposes only and have no legal effect until a robust identification process, including ground-truthing, has been undertaken.</u></p> <p><b>And make any consequential changes needed to support this</b></p>



Provision appealed	Reasons for appeal	Relief sought
	until a robust identification process, including ground-truthing, has been undertaken.	
<p>ECO-P6 Managing Significant Natural Areas.</p> <p>(1) Manage Significant Natural Areas in a way that protects long-term ecological functioning and indigenous biodiversity, through such means as:</p> <p>(a) Permanently excluding stock through voluntary covenants;</p> <p>(b) Undertaking plant and animal pest control;</p> <p>(c) Retaining and enhancing indigenous vegetation cover;</p> <p>(d) Maintaining and restoring natural wetland hydrology;</p> <p>(e) Avoiding physical and legal fragmentation;</p> <p>(f) Legal protection of Significant Natural Areas through conservation covenants or similar mechanisms; and</p> <p>(g) Providing for the role of Mana Whenua as kaitiaki and for the practical</p>	<p>Federated Farmers supports the intentions of the policy however amendments are required to better meet council’s RMA section 6(c) responsibilities and obligations by recognizing the pivotal role landowners play in managing SNAs where these are found on private land.</p>	<p><b>Amend ECO-P6 as follows:</b></p> <p>ECO-P6 Managing Significant Natural Areas.</p> <p>(1) Manage Significant Natural Areas in a way that protects long- term ecological functioning and indigenous biodiversity, through such means as:</p> <p>(a) Permanently excluding stock through voluntary covenants;</p> <p>(b) Undertaking plant and animal pest control;</p> <p>(c) Retaining and enhancing indigenous vegetation cover;</p> <p>(d) Maintaining and restoring natural wetland hydrology;</p> <p>(e) Avoiding physical and legal fragmentation;</p> <p>(f) Legal protection of Significant Natural Areas through conservation covenants or similar mechanisms; <del>and</del></p>

Provision appealed	Reasons for appeal	Relief sought
<p>exercise of kaitiakitanga in restoring, protecting and enhancing areas.</p>		<p>(g) Providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas; and</p> <p>(f) <u>Recognise that management of Significant Natural Areas on private land requires public investment in a range of incentives such as:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Rates remissions or rebates for land retired for biodiversity purposes;</u></li> <li>(ii) <u>Funding assistance to landowners for products and fencing material for stock exclusion;</u></li> <li>(iii) <u>Waiving resource consent fees for activities involving protection of Significant Natural Areas;</u></li> <li>(iv) <u>Providing native plants seedlings for habitat replanting;</u></li> <li>(v) <u>Pest animal and weed control assistance;</u></li> <li>(vi) <u>Contestable fund for biodiversity projects;</u></li> <li>(vii) <u>Transferable development rights.</u></li> <li>(viii) <u>Education and information on types of vegetation and habitat, and why they are important;</u></li> </ul> <p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>ECO-P8 Maintaining and enhancing biodiversity</p> <p>(3) Avoid, remedying or mitigate adverse effects on indigenous biodiversity, including by considering:</p> <p>(a) The range of natural food sources required to sustain indigenous fauna;</p> <p>(b) Habitats of threatened and at risk species;</p> <p>(c) Ecological sequences;</p> <p>(d) Migratory pathways;</p> <p>(e) Pest plants and pest animals;</p> <p>(f) Natural waterway habitats and hydrology;</p> <p>(g) Ecological corridors, natural processes and buffer areas;</p> <p>(h) Legal and physical protection of existing habitat; and</p> <p>(i) The risk of earthworks exacerbating Kauri dieback disease.</p>	<p>The potential to exacerbate kauri die-back disease can be applied to any number of factors, not least of all vector pigs and deer thriving within public reserves and estates. A national pest management strategy for Kauri Die-Back has been prioritized, it is appropriate to wait until the national strategy has been finalized to ensure the planning response is consistent and informed by that national strategy.</p>	<p><b>Amend ECO-P8 Maintaining and enhancing biodiversity as follows:</b></p> <p>(3) Avoid, remedying or mitigate adverse effects on indigenous biodiversity, including by considering:</p> <p>(a) The range of natural food sources required to sustain indigenous fauna;</p> <p>(b) Habitats of threatened and at risk species;</p> <p>(c) Ecological sequences;</p> <p>(d) Migratory pathways;</p> <p>(e) Pest plants and pest animals;</p> <p>(f) Natural waterway habitats and hydrology;</p> <p>(g) Ecological corridors, natural processes and buffer areas;</p> <p>(h) Legal and physical protection of existing habitat; and</p> <p><del>(i) The risk of earthworks exacerbating Kauri dieback disease.</del></p>

Provision appealed	Reasons for appeal	Relief sought
		<p><b>And make any consequential changes needed to support this</b></p>
<p>ECO-P11 Non-regulatory policy.</p> <p>The Council will work with landowners to promote the use of non-regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives in protecting and enhancing ecological sites.</p>	<p>Federated Farmers supports the intentions of the policy response; however amendments are required to improve outcomes for indigenous biodiversity on private land. These include changes to the policy response to include non-regulatory methods such as: increasing the contestable conservation fund, assistance with stock exclusion and pest control, subdivision incentives and raising education and awareness about the importance of biodiversity.</p>	<p><b>Amend ECO-P11 as follows:</b></p> <p>Non-regulatory policy.</p> <p>The Council will work with landowners to promote the use of non-regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, <u>enabling subdivision</u> and other incentives <del>to encourage</del> <u>protecting and enhancing ecological sites including assistance with funding for fencing and planting.</u></p> <p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>ECO-P12 Significant Natural Area assessment funding.</p> <p>Council in joint responsibility with Waikato Regional Council will meet the costs of an ecological assessment that shows the area which meets one or more of the criteria in APP2 – Criteria for determining significance of indigenous biodiversity.</p>	<p>Federated Farmers supports the adoption of the policy but considers that amendments are required to clarify the purpose of the ecological assessment and when it will be required. In the first instance, this type of assessment needs to determine whether the area does or does not meet the criteria in APP2 for significance. Only if it does meet the criteria, would it then need to address the effects of the proposed activity on the area.</p> <p>Where a proposed activity requires a resource consent solely as a result of an area being identified as a Significant Natural Area (SNA) and the site has not been ground-truthed, the Council should meet the cost(s) of a ground-truthing assessment to confirm the status and boundaries of the significant natural area. This type of assessment should be carried out by a Council approved suitably qualified and experienced ecologist (prior to an application for resource consent being lodged).</p>	<p><b>Amend ECO-P12 Significant Natural Area assessment funding as follows:</b></p> <p>Council in joint responsibility with Waikato Regional Council will meet the costs of an ecological assessment <u>to determine if an area that shows the area which meets one or more of the criteria in APP2 – Criteria for determining significance of indigenous biodiversity. The assessment will be carried out by a Council approved suitably qualified and experienced ecologist prior to an application for resource consent being lodged.</u></p> <p><b>And make any consequential changes needed to support this</b></p>
<p>Policy 3.2.8 (notified version) deleted</p> <p><del>3.2.8 Policy – Incentivise subdivision</del></p>	<p>Federated Farmers submitted in support of the notified policy . It provides important direction to enable the appropriate suite of methods required to improve protection outcomes for Significant Natural Areas on private land.</p>	<p><b>Reinstate notified Policy 3.2.8 as follows.</b></p> <p><u>ECO-PX – Incentivise subdivision</u></p>

Provision appealed	Reasons for appeal	Relief sought
<p>(a) — <del>Incentivize subdivision in the Rural Zone when there is the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.</del></p>		<p><u>Incentivise subdivision in the Rural Zone when there is the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.</u></p> <p><b>And make any consequential changes (including implementation method via subdivision rules to provide for subdivision for conservation allotments) needed to support this</b></p>
<p>ECO-R1 Earthworks – general</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for conservation activities, water reticulation for farming purposes or the maintenance of existing tracks, fences or drains within a Significant Natural Area provided they are not within a kauri root zone.</p>	<p>The potential to exacerbate kauri die-back disease can be applied to any number of factors, not least of all vector pigs and deer thriving within public reserves and estates. A national pest management strategy for Kauri Die-Back has been prioritized, it is appropriate to wait until the national strategy has been finalized to ensure the planning response is consistent and informed by that national strategy, rather than attempting isolate specific causes (whilst ignoring other causes).</p>	<p><b>Amend ECO-R1 as follows:</b></p> <p>ECO-R1 Earthworks – general</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for conservation activities, water reticulation for farming purposes or the maintenance of existing tracks, fences or drains within a Significant Natural Area <del>provided they are not within a kauri root zone.</del></p>

Provision appealed	Reasons for appeal	Relief sought
		<p><b>And make any consequential changes needed to support this</b></p>
<p>ECO-R5(1)</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Clearance of up to 5m<sup>3</sup> manuka and/or kanuka outside of a wetland per single consecutive 12-month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</p>	<p>Federated Farmers considers the threshold limits and conditions to be impractical with amendments required to ensure ECO-R1 implements the policy direction of ECO-P5(1) (f).</p> <p>The requirement for the removal to not directly result in the death, destruction or irreparable damage of any other tree, bush or plant is highly impractical and unworkable. The literal interpretation of this provision extends this protection to both indigenous and exotic vegetation, including pest plants.</p>	<p><b>Amend ECO-R5(1) as follows:</b></p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Clearance of <del>up to 5m<sup>3</sup></del> manuka and/or kanuka outside of a wetland <del>per single consecutive 12-month period per property</del> for <u>pasture maintenance</u>, domestic firewood purposes and arts or crafts <del>provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</del></p> <p><b>And make any consequential changes needed to support this</b></p>
<p>ECO-R11 Vegetation clearance outside a Significant Natural Area</p>	<p>Federated Farmers submitted on Rule 22.2.8 P1 (as notified), seeking additional uses be provided as</p>	<p><b>Amend ECO-R11 (1) as follows:</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Indigenous vegetation clearance outside a Significant Natural Area for the following purposes:</p> <p>(i) Removing vegetation that endangers human life or existing buildings or structures;</p> <p>(ii) Maintaining existing tracks and fences;</p> <p>(iii) Maintaining existing farm drains;</p> <p>(iv) Conservation fencing to exclude stock or pests;</p> <p>(v) Gathering of plants in accordance with Maaori custom and values; or</p> <p>(vi) A building platform and associated access, parking and manoeuvring up to a total of 500m<sup>2</sup> clearance of indigenous vegetation and there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance;</p> <p>(vii) In the Aggregate Extraction Areas, a maximum of 2000m<sup>2</sup> in a single consecutive 12 month period per record of title; or</p>	<p>permitted activities. Amendments are required to ECO-R11 in the decisions version in order to provide a better balance between resource use and resource protection.</p> <p>Federated Farmers members have strongly expressed their concern that the thresholds will have a limiting effect on farming practice. It will potentially prevent further development of useful rural resources and trigger the need for resource consent for anticipated and expected activities with the rural zone which is inconsistent with a number of objectives and policies within the Plan.</p> <p>Clearance for activities such as formation of fences, firebreaks, crossings, tracks and pest management should be enabled on farms and in rural areas.</p>	<p>ECO-R11 Vegetation clearance outside a Significant Natural Area</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Indigenous vegetation clearance outside a Significant Natural Area for the following purposes:</p> <p>(i) Removing vegetation that endangers human life or existing buildings or structures;</p> <p>(ii) <u>Constructing or maintaining existing</u> tracks and fences;</p> <p>(iii) <u>Constructing or maintaining existing</u> farm drains;</p> <p>(iv) Conservation fencing to exclude stock or pests;</p> <p>(v) Gathering of plants in accordance with Maaori custom and values; or</p> <p>(vi) A building platform and associated access, parking and manoeuvring up to a total of <del>500m<sup>2</sup></del> <u>1,000m<sup>2</sup></u> clearance of indigenous vegetation and there is no practicable alternative development area on the site</p>



Provision appealed	Reasons for appeal	Relief sought
(viii) Conservation activities.		<p>outside of the area of indigenous vegetation clearance;</p> <p>(vii) In the Aggregate Extraction Areas, a maximum of 2000m<sup>2</sup> in a single consecutive 12 month period per record of title; or</p> <p>(viii) <u>Conservation activities or construction and maintenance of firebreaks; or</u></p> <p>(ix) <u>The clearance or modification of indigenous vegetation that has been planted and managed specifically for commercial production forestry, horticulture or agriculture purposes</u></p> <p>(x) <u>Activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Waikato Regional Council, or Department of Conservation, or QEII Trust;</u></p> <p><b>And make any consequential changes needed to support this</b></p>
ECO-R11 Vegetation clearance outside a Significant Natural Area	Federated Farmers submitted on rule 22.2.8 RD-1 in the Proposed Plan (as notified). The Federation understands and broadly supports the matters of discretion listed under ECO-R11(2) as being	<b>Amend ECO-R11 (2) as follows:</b>

Provision appealed	Reasons for appeal	Relief sought
<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;</p> <p>(b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;</p> <p>(c) The cumulative effects of the vegetation clearance;</p> <p>(d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;</p> <p>(e) The extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes; and</p>	<p>appropriate, with the exception of the following matters:</p> <ul style="list-style-type: none"> <li>• ECO-R11(2)(d) – amendments are required to provide clarity and certainty for plan uses as to when the assessment of vegetation clearance against tangata whenua values is required. This assessment is appropriate for identified and scheduled SASMs but not for vegetation clearance more broadly.</li> <li>• R11(2)(e) deleting reference to significant amenity landscapes is required as a consequential amendment to implement the decision to delete the notified planning response for significant amenity landscapes.</li> </ul> <p>Federated Farmers considers the amendments will still give effect to the Waikato Regional Policy Statement.</p>	<p>ECO-R11 Vegetation clearance outside a Significant Natural Area</p> <p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;</p> <p>(b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;</p> <p>(c) The cumulative effects of the vegetation clearance;</p> <p>(d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity <del>on the site;</del> <u>within a SASM identified in SCHED3 – Sites and areas of significance to Maaori 3.</u></p> <p>(e) The extent to which the indigenous biodiversity contributes to natural character</p>

Provision appealed	Reasons for appeal	Relief sought
<p>(f) The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the extent of offsetting on significant residual adverse effects</p>		<p>and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes; and</p> <p>(f) The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the extent of offsetting on significant residual adverse effects</p> <p><b>And make any consequential changes needed to support this</b></p>
<p>ECO-R15 Clearance of manuka or kanuka outside a Significant Natural Area</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Removal of manuka and/or kanuka to maintain productive pasture or for domestic firewood purposes complying with the following:</p>	<p>Federated Farmers consider that amendments are required to provide a better balance between appropriate resource use and resource protection.</p> <p>An area threshold limit is immaterial in the broader policy setting, which accepts that manuka and kanuka may need to be cleared for pasture maintenance purposes. In this regard, a 4m height trigger already provides a sufficient proxy for indicating the vegetation could be providing wider ecological benefit</p>	<p><b>Amend ECO-R15 as follows:</b></p> <p>ECO-R15 Clearance of manuka or kanuka outside a Significant Natural Area</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Removal of manuka and/or kanuka to maintain productive pasture or for domestic</p>

Provision appealed	Reasons for appeal	Relief sought
<p>(i) Up to 3000m<sup>2</sup> per single consecutive 12 month period per site; and</p> <p>(ii) Plants are less than 4m in height; and</p> <p>(iii) Outside a wetland; and</p> <p>(iv) More than 10m from a waterbody</p>	<p>(to the extent that any assessment may be necessary).</p> <p>The restriction on clearance within 10 metres of a waterbody creates an unduly onerous setback and unnecessary overlap with other higher order instruments. The vegetation clearance in proximity to a natural wetland is controlled under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</p>	<p>firewood purposes complying with the following:</p> <p><del>(i) Up to 3000m<sup>2</sup> per single consecutive 12 month period per site; and</del></p> <p>(ii) Plants are less than 4m in height; and</p> <p><del>(iii) Outside a wetland; and</del></p> <p>(iv)-More than <u>2</u> <del>10</del>m from a waterbody</p> <p><b>And make any consequential changes needed to support this</b></p>
<p>ECO-R16 Indigenous vegetation clearance outside a Significant Natural Area for any reason not specified in Standards ECO-R11 to ECO-R15.</p> <p>(1) Activity status: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;</p> <p>(b) The extent to which the clearance will result in loss, damage or disruption to</p>	<p>Federated Farmers understands and broadly supports the matters of discretion listed under ECO-R16(2) as being appropriate, with the exception of the following matters:</p> <ul style="list-style-type: none"> <li>ECO-R16(2)(d) – amendments are required to provide clarity and certainty for plan uses as to when the assessment of vegetation clearance against tangata whenua values is required. This assessment is appropriate for identified and scheduled SASMs but not for vegetation clearance more broadly.</li> <li>R16(2)(e) deleting reference to significant amenity landscapes is required as a consequential amendment to implement the decision to delete the</li> </ul>	<p><b>Amend ECO-R16 as follows:</b></p> <p>ECO-R16 Indigenous vegetation clearance outside a Significant Natural Area for any reason not specified in Standards ECO-R11 to ECO-R15.</p> <p>(1) Activity status: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats;</p>

Provision appealed	Reasons for appeal	Relief sought
<p>ecological processes, functions and ecological integrity, including ecosystem services;</p> <p>(c) The cumulative effects of the vegetation clearance;</p> <p>(d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;</p> <p>(e) The extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes; and</p> <p>(f) The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the extent of offsetting on significant residual adverse effects</p>	<p>notified planning response for significant amenity landscapes.</p> <p>Federated Farmers considers the amendments will still give effect to the Waikato Regional Policy Statement.</p>	<p>(b) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;</p> <p>(c) The cumulative effects of the vegetation clearance;</p> <p>(d) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity <del>on the site</del> <u>within a SASM – Site and area of significance to Maaori as identified in SCHED3 – Sites and areas of significance to Maaori 3;</u></p> <p>(e) The extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural <del>landscapes and significant amenity landscapes;</del> and</p> <p>(f) The extent to which adverse effects have been avoided, remedied, mitigated or if this is unable to be achieved, the extent of offsetting on significant residual adverse effects</p>

Provision appealed	Reasons for appeal	Relief sought
		<p><b>And make any consequential changes needed to support this</b></p>
<p>Planning maps – significant natural areas</p>	<p>Federated Farmers submitted on the Proposed District Plan seeking ground-truthing of sites and identification through scheduling and mapping. The Federation supports the Council decision outcomes as they apply to the Significant Natural Areas overlay identified on the planning maps. Unfortunately, the notified planning maps were not updated to reflect the decision before the <i>decisions version</i> was publicly released. Federated Farmers seek to correct this error. The decisions version of the planning maps should have removed the SNA overlay from over 800 properties. Given the legal effect of this overlay it is imperative the error is corrected as a matter of urgency.</p> <p>In addition federated Farmers original submission sought deletion of QEII National Trust sites from the schedule of SNAs because such sites are already managed under covenants and there is no need for duplication of management processes in the district plan for these sites.</p>	<p><b>Amend planning maps to implement Decision outcomes, with the exception that QEII National Trust sites should not be included in the list of SNAs that are identified and mapped in the District Plan.</b></p> <p><b>Delete all the SNAs from the planning maps, except for the following:</b></p> <ul style="list-style-type: none"> <li>a) Those that have been visited and verified (in terms of consistency with Appendix 2 criteria and spatial extent) by the parties delegated this task by the Council;</li> <li>b) Submitters that have appeared at the hearing with clear photographs and evidence of their properties;</li> <li>c) Sites in public ownership such as Department of Conservation, WRC and Council;</li> </ul> <p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<b>Part two – Subdivision</b>		
<p>SUB-P5 Co-ordination between servicing and development and subdivision</p> <p>(1) Ensure development and subdivision:</p> <p>(a) Is located in areas where infrastructure capacity has been planned and able to be funded;</p> <p>(b) Where located in areas subject to an approved structure plan, provides sufficient infrastructure capacity to meet the demand identified in the structure plan;</p> <p>(c) Achieves the lot yield anticipated in an approved structure plan; and</p> <p>(d) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.</p>	<p>Federated Farmers submitted on several subdivision rules in the Proposed District Plan (as notified), seeking relief to facilitate appropriate subdivision provisions in rural areas. This Policy in the decisions version of the PDP implies that it will be a pre-requisite for provision of any subdivision to have been considered in an approved structure plan. However, structure plans are not envisaged for all rural areas. As worded, SUB-P5 (c) appears to frustrate the ability of any person to apply for subdivision consent in rural areas where there is never intended to be any approved structure plan. If Clause (c) is to remain, there needs to be an exclusion for subdivision in rural areas, otherwise (c) needs to be deleted.</p>	<p><b>Amend SUB-P5 as follows:</b></p> <p>(1) Ensure development and subdivision:</p> <p>(a) Is located in areas where infrastructure capacity has been planned and able to be funded;</p> <p>(b) Where located in areas subject to an approved structure plan, provides sufficient infrastructure capacity to meet the demand identified in the structure plan;</p> <p><del>(c) Achieves the lot yield anticipated in an approved structure plan; and</del></p> <p>(d) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.</p> <p><b>And make any consequential changes needed to support this</b></p>
<p>SUB-P8 Connected neighbourhoods.</p>	<p>Federated Farmers submitted on several subdivision rules in the Proposed District Plan (as notified), seeking relief to facilitate appropriate subdivision</p>	<p><b>Amend SUB-P8 as follows:</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>(1) Design subdivision to support the creation of a liveable, walkable and connected neighbourhood by having:</p> <p>(a) A road network that achieves all of the following:</p> <p>(i) Easy and safe to use for pedestrians and cyclists;</p> <p>(ii) Accessible for emergency and other services;</p> <p>(b) Connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and</p> <p>(c) Connected to public transport, shops, schools, employment, open spaces and other amenities; and</p> <p>(2) Vehicle crossings and associated access are designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.</p>	<p>provisions in rural areas. Policy SUB-P8 in the decisions version of the PDP implies a pre-requisite for any subdivision to have been considered in an approved structure plan. However, structure plans are not envisaged for most rural areas. Further, whilst liveable, walkable neighbourhoods and pedestrian and cycle modes of transport are a worthy pursuit in urban areas, they are not always appropriate on rural roads with a 100km/h posted speed limit. In this regard, the lack of explicit reference to 'urban' in this policy opens it up for application for non-urban subdivision, where these goals may be inappropriate. The policy focus should properly be subdivision in urban areas, and rural areas should be excluded.</p>	<p>(1) Design subdivision <u>within urban areas</u> to support the creation of a liveable, walkable and connected neighbourhood by having:</p> <p>(a) A road network that achieves all of the following:</p> <p>(i) Easy and safe to use for pedestrians and cyclists;</p> <p>(ii) Accessible for emergency and other services;</p> <p>(b) Connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and</p> <p>(c) Connected to public transport, shops, schools, employment, open spaces and other amenities; and</p> <p>(2) Vehicle crossings and associated access are designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, and, <u>in areas where pedestrian walkways and cycleways are incorporated into the transport network</u>, pedestrians and cyclists <del>on the adjacent road network</del> .</p>



Provision appealed	Reasons for appeal	Relief sought
		<p><b>And make any consequential changes needed to support this</b></p>
<p>SUB-P9 Recreation and access.</p> <p>(1) Provide for the recreation and amenity needs of residents by:</p> <p>(a) Encouraging open spaces which are prominent and accessible by pedestrians;</p> <p>(b) Requiring the location, number and size of open spaces to be in proportion to the future density of the neighbourhood and provide for a range of different activities and users; and</p> <p>(c) Enabling pedestrian and/or cycle linkages.</p>	<p>Federated Farmers submitted on several subdivision rules in the Proposed District Plan (as notified), seeking relief to facilitate appropriate subdivision provisions in rural areas. Policy SUB-P9 in the decisions version of the PDP implies a focus on urban areas that is not appropriate for rural areas. Other than fulfilling the purposes associated with esplanade reserves and strips in section 229 of the Resource Management Act 1991 (i.e. which the Act already deals with), it is unnecessary to provide for public recreation and access for most types of rural subdivision. Rural inhabitants are fairly self-reliant when it comes to recreation on their rural land, and except where public access is required for esplanade reserves and strips under the Act, there is no need to provide for this in rural subdivision.</p>	<p><b>Amend SUB-P9 as follows:</b></p> <p>(1) Provide for the recreation and amenity needs of residents <u>within urban and residential areas</u> by:</p> <p>(a) Encouraging open spaces which are prominent and accessible by pedestrians;</p> <p>(b) Requiring the location, number and size of open spaces to be in proportion to the future density of the neighbourhood and provide for a range of different activities and users; and</p> <p>(c) Enabling pedestrian and/or cycle linkages.</p> <p><b>And make any consequential changes needed to support this</b></p>
<p>SUB-R40 Prohibited Subdivision</p> <p>(1) Activity status: PR</p>	<p>Federated Farmers submitted on Rule 22.4.1.1 in the proposed district plan as notified, seeking removal of the prohibited activity status of subdivision and replacement with a discretionary activity consenting</p>	<p><b>Delete SUB-R40 and include the types of subdivision of land specified in that rule in a new rule for discretionary activities</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>Activity specific standards:</p> <p>(a) Subdivision of land for which a Record of Title was issued prior to 6 December 1997, which results in the land comprised in more than one additional Record of Title being located on any high class soil.</p> <p>(b) Exceptions to SUB-R40(1)(a) are where an additional allotment is created by any of the following rules:</p> <p>(i) Reserve lot subdivision (Rule SUB-R50);</p> <p>(ii) Access allotment or utility allotment using the rules in EIT – Energy, infrastructure and transport;</p> <p>(iii) Subdivision of Maaori Freehold Land (Rule SUB-R45);</p> <p>(iv) A boundary relocation (Rules SUB-R46 – SUB-R47, including D2 within the Urban Expansion Area) or rural hamlet</p> <p>(2) Activity status where compliance not achieved: n/a</p> <p>Page: 37</p> <p>Part 2: District-wide matters / Subdivision / SUB – Subdivision</p>	<p>pathway, to enable consideration of proposed subdivision application on their merits. A discretionary activity pathway is sufficient for this. Federated Farmers are opposed to prohibiting general classes of subdivision, as this is likely to lead to inefficient resource allocation.</p>	<p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>Proposed Waikato District Plan – Decisions Version</p> <p>subdivision (Rules SUB-R48 – SUB-R49), where the subdivision creates any additional allotments on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</p>		
<p>(1) Activity status: PR</p> <p>Activity specific standards:</p> <p>(a) Subdivision of land for which a Record of Title was issued after 6 December 1997, which results in the land comprised in any additional allotment being located on any high class soil.</p> <p>(b) Exceptions to SUB-41(1)(a) are where an additional lot allotment is created by any of the following:</p> <p>(i) Reserve lot subdivision (Rule SUB-R50);</p> <p>(1) Access allotment or utility allotment using the rules in EIT – Energy, infrastructure and transport</p> <p>(2) Subdivision of Maori Freehold land (Rule SUB-R45);</p>	<p>Federated Farmers submitted on Rule 22.4.1.1 in the proposed district plan as notified, seeking removal of the prohibited activity status of subdivision and replacement with a discretionary activity consenting pathway, to enable consideration of proposed subdivision application on their merits. A discretionary activity pathway is sufficient for this. Federated Farmers are opposed to prohibiting general classes of subdivision, as this is likely to lead to inefficient resource allocation.</p>	<p><b>Delete SUB-R41 and include the types of subdivision of land specified in that rule in a new rule for discretionary activities</b></p> <p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>(3) A boundary relocation (Rules SUB-R46 – SUB-R47, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rules SUB-R48 – SUB-R49), where the subdivision creates any additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</p> <p>(c) Rule SUB-41(1)(a) does not apply to the following:</p> <p>(i) A boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rules SUB-R46 – SUB-R47); or</p> <p>(ii) A process other than subdivision under the Resource Management Act 1991</p>		
<p>SUB-R43</p> <p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Subdivision must comply with all of the following standards:</p> <p>(i) The Record of Title to the allotment to be subdivided must have issued prior to</p>	<p>Federated Farmers submitted on Rule 22.4.1.2 in the Proposed District Plan as notified, seeking that subdivision of lots with a minimum area of 20ha be a controlled activity in the Rural Zone, with appropriate matters of control.</p> <p>There is little or no risk of adverse effects to the environment from such subdivision that cannot be managed by appropriate matters of control, or where</p>	<p>Amend SUB-R43 as follows:</p> <p>SUB-R43</p> <p>(1) Activity status: <del>RDIS</del> <u>Controlled</u></p> <p>(a) Subdivision must comply with all of the following conditions:</p>

Provision appealed	Reasons for appeal	Relief sought
<p>6 December 1997;</p> <p>(ii) The Record of Title to be subdivided is not a Record of Title created by section 14 of the Land Transfer Act 2017 and must be at least 40 hectares in area;</p> <p>(iii) The proposed subdivision must create no more than one additional allotment, excluding an access allotment or utility allotment for every complying record of title;</p> <p>(iv) The additional allotment must have a proposed area of between 8,000m<sup>2</sup> and 1.6 ha;</p> <p>(v) Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment.</p>	<p>subdivision raises other issues, such as natural hazard risk, traffic safety risk, or management of environmentally sensitive areas, etc through more careful consideration of effects through an alternative activity pathway whereby discretion is reserved to some restricted extent.</p> <p>Nevertheless, subdivision of lots which are a minimum of 20ha in area should otherwise be provided for as a controlled activity in the Rural Zone. Lots which are 20ha minimum are a practical size for land management for various sorts of farming activity including grazing for dry stock and dairy standoff. If these can be acquired by farmers with relative certainty, this would enable farming communities to more efficiently provide for their social and economic wellbeing.</p> <p>Where subdivision cannot achieve a standard of minimum 20ha lot area, FFNZ submit the subdivision could trigger to a restricted discretionary activity status provided that any lot is at least 8,000m<sup>2</sup> in area, and the Council's suggested criteria for high class soil can also apply.</p>	<p>(i) The Record of Title to be subdivided must have issued prior to 6 December 1997;</p> <p><del>(ii) The Record of Title to be subdivided must be at least 20 hectares in area; The Record of Title to be subdivided is not a Record of Title created by section 14 of the Land Transfer Act 2017 and must be at least 40 hectares in area;</del></p> <p>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment or utility allotment for every complying record of title;</p> <p>(iv) The additional lot must have a proposed area of between 8,000m<sup>2</sup> and 1.6 ha, and must leave a balance area of 20 ha;</p> <p>(v) <del>Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment</del> Land containing high</p>

Provision appealed	Reasons for appeal	Relief sought
		<p><u>class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows:</u></p> <p><u>A. one lot must contain a minimum of 80% of the high class soil; and</u></p> <p><u>B. the other lot may contain up to 20% of high class soil.</u></p> <p><u>(b) Council reserves control over the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) subdivision layout and design including dimensions, shape and orientation of the proposed lot;</u></li> <li><u>(ii) effects on rural character and amenity values;</u></li> <li><u>(iii) effects on landscape values;</u></li> <li><u>(iv) potential for reverse sensitivity effects;</u></li> <li><u>(v) extent of earthworks including earthworks for the location of building platforms and access ways.</u></li> </ul>

Provision appealed	Reasons for appeal	Relief sought
		<p><b>And make any consequential changes needed to support this</b></p>
<p>SUB-R46 boundary readjustment RDIS</p>	<p>Federated Farmers submitted on the Proposed district plan seeking a rule for boundary relocation as a controlled activity. There is a continuing need to provide for subdivision such as boundary adjustments and amalgamations, in order to provide for efficient property management.</p> <p>FFNZ submit that the risk to the environment from subdivision for boundary relocation is low because no new lots are being created and there is no overall intensification of land use. Therefore, there is no need to manage boundary relocation as a restricted discretionary activity, and that boundary relocation can, and should be, dealt with via controlled activity status and appropriate matters of control.</p>	<p><b>Replace SUB-R46 with the following rule:</b></p> <p><u>SUB-R46 boundary readjustment Controlled Activity</u></p> <p><u>(a) The boundary relocation must:</u></p> <ol style="list-style-type: none"> <li>1. <u>Relocate a common boundary or boundaries between two existing Records of Title that existed prior to 18 July 2018;</u></li> <li>2. <u>The Records of Title must form a continuous landholding;</u></li> <li>3. <u>Not result in any additional lot;</u></li> <li>4. <u>Create one lot of at least 8000m<sup>2</sup> in area.</u></li> </ol> <p><u>(b) Council reserves control over the following matters:</u></p> <ol style="list-style-type: none"> <li>a. <u>Amalgamation of land;</u></li> </ol>

Provision appealed	Reasons for appeal	Relief sought		
		<p>b. <u>Any change in vehicle access from a road as a result of the proposed new lot boundaries.</u></p> <p>c. <u>Easements</u></p> <p><b>And make any consequential changes needed to support this</b></p>		
<p>SUB-R50 Subdivision to create a reserve and incentive lot</p>	<p>Federated Farmers submitted on Rule 22.1.4.6 of the Proposed District Plan as notified, in support of subdivision provision for conservation allotments.</p> <p>Farmers may have previously set up conservation covenants such as QE2 etc on worthy natural features within their farmland, but have not had the advantage of being able to subdivide a conservation lot in exchange for that past undertaking. In FFNZ’s view, where a farmer has previously sought to protect a natural feature through such conservation covenant, the ability to subdivide one or more qualifying conservation lots should be recognised.</p> <p>FFNZ submit that the protection of suitable natural features can be encouraged through incentives such as additional subdivision rights that can be</p>	<p><b>That SUB-R50 be amended by including provision for the creation of conservation allotments as a restricted discretionary activity, thus:</b></p> <p>Conservation lot subdivision</p> <p>(a) The subdivision must comply with all of the following conditions:</p> <p>i) The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:</p> <table border="1" data-bbox="1464 1254 2027 1372"> <tr> <td data-bbox="1464 1254 1744 1372">Contiguous area to be legally protected (hectares)</td> <td data-bbox="1744 1254 2027 1372">Maximum number of new Records of Title</td> </tr> </table>	Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title
Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title			



Provision appealed	Reasons for appeal	Relief sought											
	<p>transferred to another location, if the locality where the natural feature in question is situated, is too sensitive to allow conservation lots in that location. In such cases, FFNZ submit that it should be feasible to enable some form of Transferable Development Right to create one or more qualifying conservation lots elsewhere in exchange for the protection of a natural feature, by way of a restricted discretionary activity.</p>	<table border="1"> <tr> <td data-bbox="1464 248 1733 373">Between 1ha and 2ha in area within the Hamilton Basin</td> <td data-bbox="1733 248 2022 373">1</td> </tr> <tr> <td data-bbox="1464 373 1733 459">Less than 2ha in all other areas</td> <td data-bbox="1733 373 2022 459">0</td> </tr> <tr> <td data-bbox="1464 459 1733 513">2ha to less than 5ha</td> <td data-bbox="1733 459 2022 513">1</td> </tr> <tr> <td data-bbox="1464 513 1733 568">5ha to less than 10ha</td> <td data-bbox="1733 513 2022 568">2</td> </tr> <tr> <td data-bbox="1464 568 1733 628">10ha or more</td> <td data-bbox="1733 568 2022 628">3</td> </tr> </table>	Between 1ha and 2ha in area within the Hamilton Basin	1	Less than 2ha in all other areas	0	2ha to less than 5ha	1	5ha to less than 10ha	2	10ha or more	3	<ul style="list-style-type: none"> <li>ii) The area of Significant Natural Area is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</li> <li>iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977, <u>unless the landowner who set up the covenant (or their successors in title) had not previously subdivided an equivalent qualifying conservation lot in exchange for such protection covenant(s);</u></li> <li>iv) The <u>subdivision</u> proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act</li> </ul>
Between 1ha and 2ha in area within the Hamilton Basin	1												
Less than 2ha in all other areas	0												
2ha to less than 5ha	1												
5ha to less than 10ha	2												
10ha or more	3												

Provision appealed	Reasons for appeal	Relief sought
		<p>1977 or the Queen Elizabeth II National Trust Act 1977;</p> <p>v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the Significant Natural Area is self-sustaining and that plan:</p> <p>A. Addresses fencing requirements for the covenant area;</p> <p>B. Addresses ongoing pest plant and animal control;</p> <p>C. Identifies any enhancement or edge planting required within the covenant area;</p> <p>vi) All proposed lots are a minimum size of 8,000m<sup>2</sup>;</p> <p>vii) All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha;</p> <p>viii) This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</p> <p><u>b. Where subdivision to create a conservation lot may be inappropriate due to the sensitive nature of the location, or unsuitability due to natural hazard risk or traffic safety hazard risk</u></p>

Provision appealed	Reasons for appeal	Relief sought
		<p><u>or inability to service the lot with on-site potable water and fire-fighting water supply or on-site domestic sewage treatment and disposal, landowners may apply to transfer an entitlement for a qualifying conservation lot to more appropriate location.</u></p> <p>Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>1. Subdivision layout and proximity of building platforms to Significant Natural Area;</li> <li>2. Matters contained in an ecological management plan for the covenant area;</li> <li>3. Effects of the subdivision on rural character and amenity values;</li> <li>4. Extent of earthworks including earthworks for the location of building platforms and access ways</li> </ol> <p><b>And make any consequential changes needed to support this</b></p>
<b>Part two – General District Wide matters</b>		

Provision appealed	Reasons for appeal	Relief sought
<p>EW-R17 Ancillary rural earthworks</p> <p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <p>(a) Provided they are not within a kauri root zone</p> <p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) The risk of earthworks exacerbating Kauri dieback disease</p>	<p>A national pest management strategy for Kauri Die-Back has been prioritized, it is appropriate to wait until the national strategy has been finalized to ensure the planning response is consistent and informed by that national strategy.</p>	<p>Amend EW-R17 as follows:</p> <p>EW-R17 Ancillary rural earthworks</p> <p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <p><del>(a) Provided they are not within a kauri root zone</del></p> <p><del>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</del></p> <p><del>(a) The risk of earthworks exacerbating Kauri dieback disease</del></p>
<p>EW-R21 Earthworks – general</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R16 – EW-R20</p> <p>earthworks within a site must meet all of the following</p> <p>standards:</p>	<p>Federated Farmers support the permitted activity status and accept that conditions may be required to manage potential adverse effects which may arise from certain earthwork activities. However, the conditions need to make sense within the context of the rural zone.</p> <p>Further, a national pest management strategy for Kauri Die-Back has been prioritized, it is appropriate to wait until the national strategy has been finalized</p>	<p>EW-R21 Earthworks – general</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R16 – EW-R20</p> <p>earthworks within a site must meet all of the following</p> <p>standards:</p>

Provision appealed	Reasons for appeal	Relief sought
<p>(i) Do not exceed a volume of more than 1000m<sup>3</sup> and an area of more than 2000m<sup>2</sup> over in any single consecutive 12 month period;</p> <p>(ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</p> <p>(iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a minimum of 1.5m from all boundaries;</p> <p>(v) Areas exposed by earthworks are stabilised on completion and any remaining bare ground re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flowpaths; and</p>	<p>to ensure the planning response is consistent and informed by that national strategy.</p>	<p>(i) Do not exceed a volume of more than 1000m<sup>3</sup> and an area of more than 2000m<sup>2</sup> over in any single consecutive 12 month period;</p> <p>(ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</p> <p>(iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a minimum of 1.5m from all boundaries;</p> <p>(v) Areas exposed by earthworks are stabilised on completion and any remaining bare ground re-vegetated to achieve 80% ground cover within <u>6</u> months of the completion of the earthworks;</p> <p>(vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flowpaths; and</p> <p><del>(vii) Provided they are not within a kauri root zone</del></p>

Provision appealed	Reasons for appeal	Relief sought
(vii) Provided they are not within a kauri root zone		<b>And make any consequential changes needed to support this</b>
<b>Part three – Rural zone</b>		
<p>GRUZ-R21 Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018.</p> <p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) Within National Grid Yard:</p> <p>(i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint;</p> <p>or</p> <p>(ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in</p>	<p>Federated Farmers made a submission on the proposed district plan Rule 14.4.1 seeking amendments to the list the of low risk farming related activities which should be enabled within the national grid yard. Structure and building related activities include fences, stock bridges and culverts, water pipelines, troughs, stock drinking water storage tanks.</p> <p>Reticulation for irrigation will be pipes or canals, which should be permitted under the wires in the National Grid Yard. Transpower tolerates natural waterbodies and streams in the yard, as well as reticulation for other services such as water and wastewater. An effects-based provision would recognise that a canal has the same effect as a natural stream, and a pipe carrying irrigation water has the same effect as a pipe carrying potable water, and permit both.</p>	<p><b>Amend GRUZ-R21 as follows:</b></p> <p>(1)(a)</p> <p>(ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991;</p> <p>or</p> <p>(vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</p>

Provision appealed	Reasons for appeal	Relief sought
<p>the Resource Management Act 1991;</p> <p>or</p> <p>(iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds);</p> <p>or</p> <p>(iv) Non-habitable horticultural buildings;</p> <p>or</p> <p>(v) Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures);</p> <p>(vi) Fences less than 2.5m in height, measured from the natural ground</p>	<p>Farming infrastructure such as troughs, drinking water pipes, and livestock management structures near the National Grid do not pose any threat to the integrity of structures, restrict ability to operate and maintain structures, nor pose a reverse sensitivity risk to electricity transmission. Restricting such farm infrastructure places unduly onerous requirements for landowners who host the National Grid, for no material benefit to Transpower.</p> <p>Minor farming structures are permitted under (a)(iii) for non-habitable farm structures and buildings, and (a)(vi) for fences. Transpower already tolerates such structures near the National Grid, and their presence is integral to the co-existence of farming and electricity transmission.</p>	<p><b>And make any consequential changes needed to support this</b></p>

Provision appealed	Reasons for appeal	Relief sought
<p>level immediately below the structure; and (vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</p>		
<p>GRUZ-S1 building standards</p>	<p>Federated Farmers submitted on Rule 22.3.1 P1 in the Proposed District Plan as notified, seeking consequential amendments in relation to seeking a 20ha minimum lot size for the rural zone. This appeal point is consequential to the relief sought in relation to Rule R43</p>	<p><b>Amend GRUZ-S1 as follows:</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>(a) One residential unit within a Record of Title containing an area less than <u>20ha</u> <u>40ha</u>;</li> <li>(b) Within a lot Record of Title containing an area of 40ha or more, one</li> </ul>



Provision appealed	Reasons for appeal	Relief sought
	<p>Federated Farmers support the graduated approach to the number of dwellings on a site. However, the proposed numbers are currently overly restrictive for rural purposes. Many farms have extra dwellings as accommodation for farm managers, employees, or retired parents. Allowing for more than two dwellings per site on larger properties will enable the social well-being of rural communities.</p>	<p>additional residential unit is permitted for every additional <del>40ha</del> <u>20ha</u> of area up to a maximum of three residential units;</p> <p>(c) One seasonal worker accommodation shall be located within a Record of Title containing an area of 20ha or more (this is in addition to the residential unit in GRUZ-S1(1)(a));</p> <p>(d) Any residential unit(s) under GRUZ-S1(1)(a) and (b), or seasonal worker accommodation under GRUZ-S1(1)(a)(c) must not be located within any of the following landscape and natural character areas:</p> <p>(i) Outstanding Natural Feature;</p> <p>(ii) Outstanding Natural Landscape;</p> <p>(iii) Outstanding Natural Character Area; or</p> <p>(iv) High Natural Character Area.</p> <p><b>And make any consequential changes needed to support this</b></p>
GRUZ-S2 Minor residential units	Federated Farmers made a of submission points registering concern with the planning controls being	<b>Delete GRUZ-S2(2) DIS and replace with:</b>

Provision appealed	Reasons for appeal	Relief sought
<p>(2) Activity status where compliance not achieved: DIS</p>	<p>applied to identified landscape areas. Federated Farmers understand the purpose of the discretionary rule is to manage the adverse effects of buildings on ONF's and ONL's and identified natural character areas, but the rule structure makes little distinction between building development which could be appropriate within landscapes. Federated Farmers considers a restricted discretionary activity status for minor dwellings will provide better outcomes.</p> <p>The district's landscapes are inhabited by people and subject to human activity and change; they have never been static. The rural landscape in particular has been shaped by the activity of people and more recently farming activities over several generations, and will continue to be in future.</p> <p>Further, Federated Farmers has serious concerns that farming related buildings and structures such as stock yards are not provided for within the plan. A permitted activity response with associated restricted discretionary activity rule is more consistent with the PDP rules framework and the matters which Council should focus on are easily identifiable.</p>	<p>(2) Activity status: RDIS</p> <p>Where:</p> <p>(a) <u>Minor dwelling located within any:</u></p> <p>(i) <u>Outstanding Natural Feature;</u></p> <p>(ii) <u>Outstanding Natural Landscape;</u></p> <p>(iii) <u>Outstanding Natural Character Area;</u></p> <p>(iv) <u>High Natural Character Area</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The extent to which the building adversely affects the stated landscape or feature values, and in particular whether the activity is prominent when viewed from the road or other public land.</u></p> <p>(ii) <u>The functional or operational need of the building to locate within the identified area.</u></p> <p><b>And</b></p>

Provision appealed	Reasons for appeal	Relief sought
		<p><b>New permitted activity rule GRUZ-Rx as follows</b></p> <p><u>P1</u></p> <p>(a) <u>Maintenance and replacement of existing buildings, or structures within an identified outstanding natural feature or landscape.</u></p> <p>(b) <u>New buildings and structures ancillary to agricultural production activities within pastoral landscapes that form part of an Outstanding Natural Feature and Landscape that:</u></p> <p>(i) <u>When visible from a road or other public place does not extend above any ridgeline and does not have a backdrop of a lake or sky;</u></p> <p>(ii) <u>That the maximum floor area is 600m<sup>2</sup>, and</u></p> <p>(iii) <u>That the maximum height is 10 metres,</u></p> <p><b>And make any consequential changes needed to support this</b></p>