

## Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

*Clause 8 of Schedule 1, Resource Management Act 1991*

To Waikato District Council

Name of person making further submission:

Federated Farmers of New Zealand

This is a further submission in support of and opposition to submissions on the following proposed plan,

### **Proposed Waikato District Plan (Stage 2):**

I am

- *a person representing a relevant aspect of the public interest;*
- *a person who has an interest in the proposal that is greater than the interest the general public has.*

#### Grounds for further submission:

*Federated Farmers of New Zealand is a representative body for farmers, so both represents a relevant aspect of the public interest and has an interest in the proposal that is greater than the interest that the general public has*

I support and oppose the submission of:

Submitters stated in the schedule attached to this further submission.

The particular parts of the submissions I support and oppose are:

Variously stated with respect to respective submitters in the schedule attached to this further submission.

The reasons for my support and opposition are:

Variously stated with respect to respective submitters in the schedule attached to this further submission.

I seek that the whole or part of the submission be allowed or disallowed:

As variously stated with respect to respective submitters in the schedule attached to this further submission.

I wish to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Jesse Gooding on behalf of Federated Farmers of New Zealand

(person authorised to sign on behalf of person making further submission)

Date: 14 December 2020

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Contact person:        Jesse Gooding - Regional Policy Advisor

The specific submission(s) on the Proposed Waikato District Plan that this further submission relates to:					
Submission point number	Name of submitter	Name of plan provision	Support	Oppose	Reason
2040	Spark New Zealand Trading Limited				
2040.3		Section 15.3 -How to use and interpret the rules	Support		FFNZ agree that Chapter 15 deals with earthworks rules inconsistently across hazard areas. The clause proposed by Spark NZ would remedy this and provide consistency across the plan. This approach would have the same affect as the relief sought by FFNZ which is to enable ancillary rural earthworks as defined in the Rural Hearing 18 s42A report dated 25 August 2020.
2074	Whaingaroa Environment Defence Society				
2074.1		Amend Chapter 15		Oppose	The submitter has requested that the WDC Climate Response and Resilience Policy 2020 be incorporated into Chapter 15. FFNZ submits that inadequate consideration has been given to this policy in Council's s32 analysis for inclusion of specific points from the policy into chapter 15 at this stage in the submission process. If the points listed by the submitter are included in Chapter 15 all parties should have an opportunity to fully consider the impact of this policy document.
2108	Lous Sanson, Director General of Department of Conservation				
2108.15		Amend Rule 15.4.1 P1		Oppose	FFNZ considers that the regulatory response to natural hazards should be appropriate to the risk of any proposed activity. Non habitable new buildings in flood management areas should be a permitted activity and support the proposed wording of P1 being retained as notified.
2102	Waikato Regional Council				
2102.9		Amend the planning maps and/or plan.	Support		For usability and to avoid misinterpretation by plan users FFNZ is supportive of clarifying the eight points listed by Waikato Regional Council.
2102.11		Section 15.1(7) -Introduction		Oppose	FFNZ considers the proposed introduction as notified sufficiently communicates the intent of Chapter 15. We support replacement of the term "less frequent" with "high impact low probability" but oppose WRC's view that a district plan response should always be considered in relation to these hazards. There should be a clear delineation between immediate emergency responses and long-term land-use and resource management issues to be resolved through the district plan. FFNZ does not considers the proposed introduction will impact Council's scope to address liquefaction risk through policy direction, rules or matters of discretion through the consenting process.
2102.12		Objective 15.2.1 -Resilience to natural hazard risk		Oppose	FFNZ opposes WRC's prioritisation of avoidance in this policy. We consider that risks to people, property, infrastructure and the environment from subdivision, use and development of land should not always be avoided in the first instance but that avoidance or appropriate mitigations should both be options for land users.
2102.17		Add Policy 15.2.1.2.A -Natural hazard sensitive land uses in areas at significant risk from natural hazards (outside of the coastal environment)		Oppose	FFNZ considers the creation of further policy direction proposed in 15.2.1.2A does nothing beyond that which is achieved in Policy 15.2.1.2 and is not required to achieve Objective 15.2.1. The directive to assess a range of risk reduction options and avoid any development that would increase risk to people's well-being, the environment and property will be effective in managing activities that are sensitive to natural hazards.

2102.18		<b>Add</b> Policy 15.2.1.2.B -Natural hazard sensitive land uses in areas at significant risk from natural hazards within the coastal environment		Oppose	FFNZ considers the creation of further policy direction proposed in 15.2.1.2B does nothing beyond that which is achieved in Policy 15.2.1.2 and is not required to achieve Objective 15.2.1. The directive to assess a range of risk reduction options and avoid any development that would increase risk to people's well-being, the environment and property will be effective in managing activities that are sensitive to natural hazards.
2102.19		<b>Add</b> a new definition –'Natural hazard sensitive land use'		Oppose in part	While FFNZ acknowledges that land uses defined in WRC submission point 2102.19 could be considered more sensitive to natural hazards and that the proposed definition appropriately excludes lower risk activities (like those ancillary to farming) we consider the inclusion of this definition is an unnecessary duplication of the notified definition of 'sensitive land use'.
2102.2		<b>Add</b> Rule 15.5.4 NC4 -High Risk Flood Area –Non-Complying Activities		Oppose	Oppose as consequent relief to FFNZ response to WRC submission points 2102.17, 2102.18 and 2102.19.
2102.21		<b>Add</b> NC4 -High Risk Coastal Hazard (Erosion) Area –Non-Complying Activities		Oppose	Oppose as consequent relief to FFNZ response to WRC submission points 2102.17, 2102.18 and 2102.19.
2102.22		<b>Add</b> new Rule 15.10.3 NC4 -High Risk Coastal Hazard (Inundation) Area –Non-Complying Activities		Oppose	Oppose as consequent relief to FFNZ response to WRC submission points 2102.17, 2102.18 and 2102.19.
2102.26		<b>Policy 15.2.1.4A</b> -Small scale non-habitable structures in areas subject to significant risk from natural hazards	Support		FFNZ supports WRC's consideration that it is appropriate to include a policy which specifically enables these activities, as in policy 15.2.1.4 does for infrastructure and utilities.
2102.27		<b>Add</b> to Rule 15.5.1 P1 High Risk Flood Area -Permitted Activities		Oppose	While supporting WRC's proposed Policy 15.2.1.4A, as worded, FFNZ oppose 15.5.1 P1 as it fails to provide for an acceptable level of risk as is necessary for farming businesses. The rule would deal with non-habitable structures, often in a productive rural environment where such buildings are a necessity. FFNZ consider it would be unreasonable for those constructing farm buildings to prove their structure would be contained within the site within a 1% AEP hazard event. The proposed rule does not reflect the risk based approach of chapter 15 overall or the intent of relief sought in FFNZ's original submission.
2102.28		<b>Add</b> to Policy 15.9.1 P1 High Risk Coastal Hazard (Erosion) Area		Oppose	While supporting WRC's proposed Policy 15.2.1.4A, as worded, FFNZ oppose the proposed addition to Policy 15.9.1 P1 as it fails to provide for an acceptable level of risk as is necessary for farming businesses. The rule would deal with non-habitable structures, often in a productive rural environment where such buildings are a necessity. FFNZ consider it would be unreasonable for those constructing farm buildings to prove their structure would be contained within the site within a 1% AEP hazard event. The proposed rule does not reflect the risk based approach of chapter 15 overall or the intent of relief sought FFNZ's original submission.
2102.29		<b>Add</b> to Policy 15.10.1 P1 High Risk Coastal Hazard (Inundation) Area		Oppose	While supporting WRC's proposed Policy 15.2.1.4A, as worded, FFNZ oppose the proposed addition to Policy 15.10.1 P1 as it fails to provide for an acceptable level of risk as is necessary for farming businesses. The rule would deal with non-habitable structures, often in a productive rural environment where such buildings are a necessity. FFNZ consider it would be unreasonable for those constructing farm buildings to prove their structure would be contained within the site within a 1% AEP hazard event. The proposed rule does not reflect the risk based approach of chapter 15 overall or the intent of relief sought FFNZ's original submission.

2102.31		<b>Amend</b> Chapter 13 Definitions and Chapter 15.14 Definitions to clarify how definitions of infrastructure, utility, road network activities and telecommunication facilities interact, and which takes precedence in which situation.	Support		FFNZ supports clarification of how these definitions interact and how they take precedence to enhance the usability of the plan.
2102.41		<b>Add</b> Policy 15.2.1.6A -Minimising risks from high impact low probability		Oppose	FFNZ oppose WRC's view that a district plan response, in relation to low probability, high potential impact hazards should always be considered. There should be a clear delineation between immediate emergency responses through civil defence emergency management planning and the like, and long-term land-use and resource management issues to be resolved through the district plan. Nor do we interpret WRPS policy 13.3 as strongly encouraging management of this risk through district plans. FFNZ does not consider specific mention of high potential impact events like tsunami, earthquake and volcanic eruptions will impact Council's scope to address systemic land-use issues such as liquefaction risk through policy direction, rules or matters of discretion through the consenting process.
2102.67		<b>Delete</b> Rule 15.4.1 P7 Flood Plain Management Area and Flood Ponding Areas – Permitted Activities.		Oppose	FFNZ supports the enabling intent of 15.4.1 P7 for buildings in the flood plain management area and flood ponding areas.
2102.68		<b>Amend</b> Table 15.4.1 - Flood Plain Management Area and Flood Ponding Areas		Oppose	FFNZ is requesting Table 15.4.1 is retained as notified with the exception of P4, as we consider the activity related standards in P1 to be sufficient to ensure the effects are appropriately managed and mitigations are provided. We oppose further consideration of activity related standards but consider that P4 should be amended to include construction of an accessory building or construction of a farm building whether or not they have a floor.
2102.78		<b>Amend</b> Policy 15.2.1.14 – Hazardous substances located within floodplain and flood ponding areas		Oppose	FFNZ has concerns with the policy response and implementation method for hazardous substances as proposed in Chapter 15. The proposed District Plan (Stage 1) approach to manage and control hazardous substances was criticised for not providing evidence to justify why district council controls were considered necessary over and above the Hazardous Substances and New Organisms Act 1996 (HSNO) and Health and Safety at Work Act 2015 (HSW). The Hearing Panel has supported a substantial rewrite of Chapter 10, related definitions, and implementation methods. The 'draft indicative panel version' can be found on the Council website under the Stage 1 Hearing Panel directions and minutes. The Resource Legislation Amendment Act 2017, (RLAA) explicitly repealed the RMA section 30 and 31 functions which previously required that Councils control the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances, to ensure that councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by HSNO or HSW. The Stage 2 Section 32 report provides no evaluation on this policy and rule to explain why they are required.

2102.79		Add new rule to include hazardous facilities as a discretionary activity in - <ul style="list-style-type: none"> <li>•15.6.3 D5 -Defended Area (Residual Risk);</li> <li>•15.7.3 D5 -Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast);</li> <li>•15.8.3 D5 -Coastal Sensitivity Area (Inundation);</li> <li>•15.9.2 D10 -High Risk Coastal Hazard (Erosion) Area;</li> <li>•15.10.2 D9 -High Risk Coastal Hazard (Inundation) Area.</li> </ul>		Oppose	FFNZ position is outlined in the submission point re Policy 15.2.1.14. Note the term hazardous facility has been signalled for significant change by the Hearing Panel in response to Stage 1 – Hearing 8A Hazardous Substances proceedings. Given we oppose the policy direction as notified we also oppose WRC's suggested inclusion of this rule.
2102.83		<b>Amend</b> the plan to strengthen links to climate change objectives and policies in Chapter 15:		Support	FFNZ support this as it will enhance the usability of the plan. We also support the addition of reference to water storage and drought resistance.
2149	<b>Horticulture New Zealand</b>				
2149.1		<b>Amend</b> Objective 15.2.1 --Resilience to natural hazard risk		Partially support	FFNZ partially supports the proposed addition to Objective 15.2.1 proposed by Horticulture New Zealand in addition to the amendments we have proposed in our original submission. The proposed addition should, however, be inclusive of existing primary production and it's associated practices, as dairy, sheep and beef farming in the Waikato District accounts for a large social and economic benefit and strongly supports the district's smaller rural towns. The on-going resilience of existing farming practices is arguably more vital to the Waikato District than horticulture, though both have a role. The additional wording should avoid putting any emphasis on a change in land use to "different types of primary production" and should instead read - <u>(b) Who are able to undertake appropriate use and development in order to respond to climate change. For instance, provide water storage, or undertake different types of primary production and the practices that may support primary production.</u>
2149.3		<b>Amend</b> Policy 15.14 – Definitions so that the definition of farm building excludes artificial crop protection structures, <b>AND Amend</b> Chapter 13 Definitions so the definition of earthworks excludes ancillary rural earthworks, <b>AND Add</b> new provisions in 15.2.1.10 –Areas defended by stop banks adjacent to the Waikato River for artificial crop protection structures and exclude artificial crop protection structures from controls for building coverage, setbacks and daylight angles.		Support	FFNZ is generally supportive of the Horticulture NZ submission and evidence regarding buildings and earthworks in Stage 1. We are also supportive of the amendments Hurt NZ propose to Chapter 13 and the exclusion of ancillary rural earthworks from the proposed setbacks in areas defended by stop banks.

2149.4		<b>Retain</b> 15.2.1.12 -Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas - exclusions (i)-(iii), <b>AND Amend</b> 15.14 –Definitions so that the definition of farm building excludes artificial crop protection structures.	Partially support		In accordance with our original submission on Stage 2 FFNZ consider 15.2.1.12 should not apply to non-habitable buildings. FFNZ are neutral in respect of 15.14 - Definitions - being amended so that farm buildings exclude artificial crop protection structures. FFNZ also support providing for minor additions and allowing larger additions where risks can be avoided, remedied or mitigated.
2149.5		<b>Retain</b> Policy 15.2.1.15 -Flood ponding areas and overland flow paths	Support		Both FFNZ support this policy applying to new subdivision and development only. As in our original submission on Stage 2 we consider that this policy should not restrict normal farming activities.
2149.6		<b>Amend</b> Policy 15.2.3.2(a)(i) - Future land use planning and climate change	Support		FFNZ strongly support Horticulture New Zealand's suggestion that <u>food security</u> be added to policy 15.2.3.2(a)(i). As stated by Horticulture New Zealand food security is fundamental to ensuring the physical, mental, social, cultural and economic wellbeing of local communities.
2149.8		<b>Amend</b> Rule 15.4.1 P4 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities	Support		FFNZ is in agreement with Horticulture NZ that S32 report does not provide a rationale for distinguishing between farm buildings with and without a floor. No sufficient analysis on the difference between habitable and non-habitable buildings.
2149.9		<b>Retain</b> Rule 14.4.1 P8 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities	Support		FFNZ also conditionally support retaining P8, provided it is amended to include rural ancillary earthworks, as defined in Chapter 13 or a new permitted activity rule, with no conditions, for ancillary rural earthworks is introduced.
2149.1		<b>Retain</b> Rule 15.4.2 RD1 Flood Plain Management Area and Flood Ponding Areas	Support		FFNZ also offer support on condition that the definition of earthworks in Chapter 13 is amended to exclude ancillary rural earthworks or the relief sought by FFNZ in respect of 15.4.2 P8 is adopted.
2149.11		15.4.3 D3	Support		FFNZ support adoption of changes achieved through the stage 1 hearing process relating to hazardous substances.
2149.12		<b>Amend</b> Rule 15.5.1 P2 High Risk Flood Area, Permitted Activities	Support		Like Horticulture NZ FFNZ consider the S32 report does not provide a rationale for distinguishing between farm buildings with and without a floor. There is no sufficient analysis on the difference between habitable and non-habitable buildings.
2149.13		<b>Amend</b> Rule 15.5.2 RD2 High Risk Flood Area, Restricted Discretionary Activities	Support		See FFNZ's reason for supporting provision 2149.12.
2149.14		<b>Amend</b> Rule 15.5.4 NC1 High Risk Flood Area, Non-Complying Activities	Support		See FFNZ's reason for supporting provision 2149.12.
2149.16		<b>Amend</b> Rule 15.6.3 D1 Defended Area (Residual Risk), Discretionary Activities	Support		FFNZ considers the proposed setback requirement should apply to habitable buildings only and therefore supports Horticulture New Zealand's position.
2149.17		<b>Amend</b> Rule 15.6.3 D2 and Chapter 13 Definitions	Support		The Hort NZ submission is consistent with that of FFNZ on Rule 15.6.3 D2. FFNZ are asking that ancillary rural earthworks are enabled within 50m of a stop bank as we agree that rural ancillary earthworks are critical to the day-to-day operation of farming and horticultural activities. If such a setback applies to ancillary rural earthworks high class soil and highly productive land would become unproductive.

2149.18		<b>Retain</b> Rule 15.13.1 Information requirements for all resource consent applications addressing natural hazards, AND Amend Chapter 13 Definitions so that the definition of earthworks excludes ancillary rural earthworks	Support		The Hort NZ submission is consistent with that of FFNZ on Rule 15.6.3 D2.
2150.19		<b>Retain</b> Rule 15.13.4 Information requirements for all resource consent applications addressing natural hazards, Defended Areas, AND <b>Amend</b> Chapter 13 Definitions so that the definition of earthworks excludes ancillary rural earthworks	Support		The Hort NZ submission is consistent with that of FFNZ on Rule 15.13.4.
2146	<b>Waikato District Council</b>				
2146.5		Hazard Maps	Support		FFNZ agrees with WDC's observation that it is difficult to tell the difference between the Coastal Sensitivity Area (Erosion) and the Coastal Sensitivity Area (Open Coast). We support a clear contrast between the colours used so there is no conflict between Stage 1 and Stage 2 overlay map styles.
2146.9		<b>Amend</b> Rule 15.4.1 P8 (a), (b) and (c) to read		Oppose	For (b) Waikato District Council would like their proposal amended to (b) In the Rural Zone -a maximum volume of filling above natural ground level of 100m <sup>3</sup> per <u>site</u> , and <del>a maximum cumulative volume of filling and excavation of the earthworks do not result in a reduction of flood water storage capacity on the site of more than 200m<sup>3</sup> per site.</del>  FFNZ is concerned the maximum filling volume of 100m <sup>3</sup> and maximum cumulative volume of filling and excavation of 200m <sup>3</sup> per site in the Rural Zone would be inadequate to enable the low risk earthworks associated with normal farming activities. FFNZ is unsure what activities beyond those already provided for under Rules 15.4.1 P1-P7 need to be controlled to the extent proposed by the catch all P8 rule. Whilst broad acceptance is extended to the enabling intention, the thresholds proposed here will need to be increased if ancillary rural earthworks is not in the rural zone, across hazard areas.
214.1		Chapter 13 Definitions, and 15.14 Definitions	Support		FFNZ support moving all definitions to Chapter 13 for consistency and ease of use of the plan.
2156	<b>Auckland Waikato Fish and Game</b>				
2156.3		15.4.1 P8 and P9	Support		FFNZ conditionally support the relief sought by Fish and Game to provide for earthworks ancillary to a conservation activity, so long as Rule 15.4.1 also provides for ancillary rural earthworks as dependent on the outcome of FFNZ's relief sought for 15.4.1 P6.
2173	<b>Federated Farmers' of New Zealand</b>				
2173.35		15.4.1 P1		Oppose	Upon reflection, FFNZ has realised the plan wording as notified in relation to P1 and P2 is appropriate. The concerns raised in submissions 2173.35 and 2173.36 will be better addressed with adoption of submission point 2173.38 (P4).



2173.36		15.4.2 P2		Oppose	Upon reflection, FFNZ has realised the plan wording as notified in relation to P1 and P2 is appropriate. The concerns raised in submissions 2173.35 and 2173.36 will be better addressed with adoption of submission point 2173.38 (P4).
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