

Report: Summary of Submissions by Submitter Number/Name

Submitter Number:	680	Submitter:	Federated Farmers of New Zealand
Point Number	680.1		
Summary of Decision Requested:	Withdraw the Proposed District Plan as provided for in Schedule 1 (8D(1) of the Resource Management Act 1991 to allow and assessment of the drafted plan against the National Planning Standards when it is released. This would allow analysis of the submissions and robust identification and scheduling of the Significant Natural Areas, Outstanding Landscapes and Significant Amenity Landscapes.		
Decision Reasons:	<ul style="list-style-type: none"> • The submitter considers that withdrawing the Proposed Plan at this stage would allow an assessment of against the National Planning Standards when released in 2019. • The submissions received during this process could provide useful feedback and could be analysed during the interim period. This would improve the quality of the Proposed District Plan. • It would allow WDC time to undertake robust identification and scheduling of significant natural areas, outstanding landscapes and significant amenity landscapes. Taking time during the early planning stage will reduce the time consuming and expensive appeal process. 		
Point Number	680.2		
Summary of Decision Requested:	<p>Amend the Proposed District Plan to acknowledge and recognise that biodiversity gains are best achieved with landowner buy-in.</p> <p>AND</p> <p>Adopt a biodiversity policy and management framework which facilitates a collective and collaborative response to this public good issue which could be achieved by non-regulatory methods that include such as:</p> <ul style="list-style-type: none"> • increasing the contestable conservation fund as recommended in the Kessels Ecology report • assistance with stock exclusion and pest control • raising education and awareness about the importance of biodiversity. <p>AND</p> <p>Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.</p>		
Decision Reasons:	<ul style="list-style-type: none"> • Submission indicates that the consultation process for Significant Natural Areas was not robust or engaging, and there is no evidence in the Proposed District Plan that raised issues were heard, understood or addressed by the Council. • The best outcomes are achieved when Councils have a good understanding of the issues facing landowners, and acknowledge the <i>public good</i> aspect which is provided (at the expense of landowners). This includes utilising Council ratepayers' money to provide meaningful incentives to enable good biodiversity management, such as provision of information and advice, assistance with pest control and other non-regulatory tools that reflect a partnership approach to achieve biodiversity gains. The majority of indigenous biodiversity which remains in the district is found on private land. • The submitter's experience is that the best biodiversity outcomes are achieved when Councils have a good understanding of the issues facing landowners, acknowledge the public good aspect which is created and work to provide meaningful incentives and information. This important partnership approach is currently missing under the Proposed District Plan planning response. 		
Point Number	680.3		
Summary of Decision Requested:	<p>Amend plan format and structure to ensure the respective chapters include an introductory/explanatory section that provides plan users with a clear understanding of the issues, values, and purpose of the chapter.</p> <p>AND</p> <p>Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.</p>		
Decision Reasons:	<ul style="list-style-type: none"> • The Proposed District Plan in its current format is not cohesive. It is oversimplified, with a bias on environmental ecology to the extent that important context around social, economic and cultural outcomes is missing. • Furthermore, opportunities for incorporating best-practice planning methods have not been adopted, which is to the detriment of plan users, and ultimately to the district's natural and physical resources. 		
Point Number	680.4		
Summary of Decision Requested:	<p>Amend the Proposed District Plan to include proactive and positive attributes as well such as a range of non-regulatory methods or the suite of mechanisms council will be using to educate, inform, incentivise and generate a good understanding of the respective resource management issues.</p> <p>AND</p> <p>Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.</p>		
Decision Reasons:	<ul style="list-style-type: none"> • The Proposed District Plan in its current format is not cohesive. It is oversimplified with a bias on environmental ecology to the extent that important context around social, economic and cultural outcomes are missing. • Opportunities for incorporating best-practice planning methods have not been adopted, which is to the detriment of plan users, and ultimately to the district's natural and physical resources. 		

Point Number 680.5

Summary of Decision Requested: **Amend** the Proposed District Plan so the associated rules are included in the relevant chapter, i.e. one chapter for each resource management topic

OR

Amend the Proposed District Plan to provide 'road-mapping' or 'sign posting' within the Proposed District Plan.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.

Decision Reasons:

- The Proposed District Plan in its current format is not cohesive. It is oversimplified with a bias on environmental ecology to the extent that important context around social, economic and cultural outcomes are missing.
- Furthermore, opportunities for incorporating best-practice planning methods have not been adopted, which is to the detriment of plan users, and ultimately to the district's natural and physical resources.

Point Number 680.6

Summary of Decision Requested: **Amend** the Proposed District Plan to include advisory notes cross-referencing other legislation, planning instruments or authorities that have jurisdiction or an interest in specific issues.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.

Decision Reasons:

- The Proposed District Plan in its current format is not cohesive. It is oversimplified with a bias on environmental ecology to the extent that important context around social, economic and cultural outcomes are missing.
- Furthermore, opportunities for incorporating best-practice planning methods have not been adopted, which is to the detriment of plan users, and ultimately to the district's natural and physical resources.

Point Number 680.7

Summary of Decision Requested: **Amend** the Proposed District Plan to incorporate the relevant issues outlined in Section 1.4 Issues for Waikato district into the respective chapters of the Plan.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.

Decision Reasons:

- The submitter considers the purpose of the plan would be better served if the issues for the district were incorporated into the respective chapters of the plan rather than contained in a separate section.

Point Number 680.8

Summary of Decision Requested: **Amend** the Proposed District Plan to incorporate the relevant issues outlined in Section 1.5 What does this mean for Waikato district strategic objectives and directions? into the respective chapters of the Plan.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.

Decision Reasons:

- The submitter considers the purpose of the plan would be better served if the issues for the district were incorporated into the respective chapters of the plan rather than contained in a separate section.

Point Number 680.9

Summary of Decision Requested: **Amend** Section 1.4.3 (b) The Rural environment as follows:

In addition, rural activities contribute to the parts of the rural environment ~~parts of the district~~ which are valued for their landscape, character and amenity values.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.

Decision Reasons:

- The rural ideal of landscapes or amenity are largely dynamic working landscapes which are there as a result of the activities you would expect to find in the rural zone. It is important to establish that understanding in the contextual sections of the plan.

Point Number 680.10

Summary of Decision Requested: No specific decision sought, but submission supports in part Section 1.4.3.1 Rural activities.

Decision Reasons:

- Broad support is extended to the range of issues outlined in this section. However, it is important to accurately reflect legislative requirements and not over-simplify this contextual information.
- It may not always be appropriate to seek to avoid adverse effects on the environment, and may in fact be more important to remedy or mitigate them, depending on the situation.

Point Number 680.11

Summary of Decision Requested: **Amend** Section 1.4.3.2 (b) Protecting the rural environment, as follows:

Activities affecting landscape, historic and amenity values, including: rural character, recreational activities, high quality soils, significant mineral resources and ecological values need to be managed to avoid, remedy or mitigate adverse effects on the...

AND

Make any consequential changes necessary to give effect to the relief.

Decision Reasons:

- Broad support is extended to the range of issues outlined in this section. However, it is important to accurately reflect legislative requirements and not over-simplify this contextual information.
- It may not always be appropriate to seek to avoid adverse effects on the environment, and may in fact be more important to remedy or mitigate them, depending on the situation.

Point Number 680.12

Summary of Decision Requested: **Delete** Section 1.5.7(a) Natural environment

OR

Amend Section 1.5.7(a) Natural environment as follows

The Council will ensure that adjoining authorities ~~and the regional council~~ are informed of any ~~all~~ resource consent applications received for vegetation clearance located on the district boundary. The location of indigenous vegetation...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter considers this section to be an unnecessary duplication of the cross-boundary issues addressed under Section 1.5.3 and 1.5.7.1(a).
- In most vegetation-clearance situations, it would be completely unnecessary to involve all adjoining authorities and the regional council. In fact, it may only occasionally be appropriate for such involvement in relation to cross-boundary clearance of significant indigenous vegetation.

Point Number 680.13

Summary of Decision Requested: **Add** to Section 1.5.7 Natural environment new provisions as follows:

(#) Reconciling the tension between the private cost and public benefit of protecting and managing the District's natural environment.

(##) Increase public recognition and understanding of the District's natural environment, the associated values and the respective responsibility that the public and private landowners assume in its ongoing management and protection.

(###) Develop a range of non-regulatory mechanisms that encourage, assist and facilitate the protection, maintenance or enhancement of the District's Significant Natural Areas and Outstanding Natural Landscapes.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter states that this requested relief relates to their submission points raised in Section Two General Comments above. In this regard, Sections 2.15 and 2.16 of the submission read as follows:

Our members strongly support a planning approach which recognises that landowners play a principle role as managers (and financiers) of the region's natural and physical resources. they also support plans that are truly effects-based and do not unnecessarily inhibit or pose constraints on farming activity. Landowners are proactive resource managers who rely on their properties natural and physical resources for their farming business. It is entirely in their best interest to manage their land sustainably.

Farmers are the most efficient agents for achieving on-farm good practice, as farmers are where the 'rubber hits the road' for land management. To that end, Federated Farmers actively encourage non-regulatory methods to achieve and encourage good practices. There are substantial existing drivers for farmers to ensure that their on-farm practices meet environmental standards. The lack of non-regulatory methods proposed in the PDP is a significant concern.

Point Number 680.14

Summary of Decision Requested: **Retain** Section 1.5.7.3 Water as notified.

Decision Reasons:

- The submitter understands the issues outlined in this section and is supportive of the approach to encourage winter water storage, and is keen to ensure that there is a consistent approach adopted within the plan with an enabling management response adopted. This will require amendments to the way water tanks are proposed to be controlled in the notified plan. Further comment and specific relief sought will be made against the respective definitions and proposed rules.

Point Number 680.15

Summary of Decision Requested: **Amend** Section 1.5.7.5 (a) The coast as follows:

Coastal issues cross the boundaries with Otorohanga District, Hauraki District and Auckland. In addition, Waikato Regional Council has responsibilities for administering the coastal marine area. The Council will liaise with the relevant councils on coastal activities with a cross-boundary impact. Inappropriate development will be managed...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose and intent of this section, however it is important to not over simplify this contextual information.

Point Number 680.16

Summary of Decision Requested: **Retain** Section 1.5.7.7 Energy as notified.

Decision Reasons:

- The submitter supports the balanced approach which is being established for the management of energy infrastructure and development within the plan.

Point Number 680.17

Summary of Decision Requested: **Amend** Section 1.9.4 (a) Section 6 RMA as follows:

This section places a duty on the Council to recognise and provide for a range of matters of national importance. These include the coastal environment, lakes, rivers, wetlands, natural features, significant habitats of indigenous fauna and significant indigenous vegetation...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Submitter understands the purpose and intent of this section. However, it is important to accurately summarise the Act and not over simplify this contextual information.

Point Number 680.18

Summary of Decision Requested: **Amend** Section 1.9.5 (a) Section 7 RMA as follows:

The matters in Section 7 of the RMA, while not described as matters of national importance are, nevertheless, important to Council's resource management functions. This section requires Council to have particular regard to several matters, including kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources, the maintenance and enhancement protection of amenity values...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose and intent of this section, however it is important to accurately summarise the Act and not over simplify this contextual information.

Point Number 680.19

Summary of Decision Requested: **Amend** Section 1.10.3.4 (b) National Environmental Standards as follows:

National Environmental Standards are regulations issued under sections 43 and 44 of the RMA and apply nationally. This means that each regional, city or district council must enforce the same standard. In some circumstances, councils can impose stricter standards. The land use activities over which respective NESs apply will be considered as permitted activities under this plan.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the hierarchy of planning instruments and Council's intent to not duplicate land use controls for activities to which respective National Environmental Standards ('NES's) apply.
- The submitter considers it appropriate for the Proposed District Plan to be more explicit in terms of the relationship between the NESs and the rules framework within the plan. This lack of connection between the two is of particular concern when a 'catch all' rule like NC5 is proposed.

Point Number 680.20

Summary of Decision Requested:

Amend Section 1.12.2 Natural Environment as follows:

~~(a) A district that values protects its natural habitat and ecology of values and retains its significant landscape features.~~

~~(b) A district that acknowledges the tension between the private cost and public benefit of maintaining or enhancing the District's natural environment.~~

~~(c) A district that where retains the natural character of its rural areas and has access to the public open space is available for public enjoyment and use and well used by the community.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter considers the Proposed District Plan to be overly simplistic and unbalanced in its identification of the significant issues and strategic direction being taken by the district.
- The lack of recognition or acknowledgement that tensions can be created when private cost is over relied on to achieve public benefit is a significant concern for our members.
- There are impacts caused by natural environment and historic heritage provisions as many of these sites are located on private land. Our members value the natural environment and historic heritage, but often the unknown costs or implications of a policy approach can create a perception that these areas are a liability rather than an asset.
- When developing policies around the natural environment and heritage, the impacts on resource users must be addressed. Council's mechanisms to manage or enhance them should include encouragement for resource users. If the effects on landowners are ignored it could be perceived that natural environment resources are a hindrance and a liability, resulting in negative consequences all around.
- The submitter seeks policies which provide recognition of the private efforts which have created public good resources, and non-regulatory methods that assist landowners help to create win-win outcomes - which should be the ultimate goal.
- Furthermore, the submitter considers the purpose and intent of (c) in the notified version of the Proposed District Plan to be unclear and confusing as presently worded, and seek that this be set forth more clearly.

Point Number

680.21

Summary of Decision Requested:

Retain Section 1.12.7 Managing change as notified.

Decision Reasons:

- The submitter supports the policy position and consider effective consultation and strategic planning to be critical for the efficient operation of the Council's functions.

Point Number

680.22

Summary of Decision Requested:

Amend Section 1.12.8 (b) (vi) Strategic objectives as follows :

~~(vi) Protect and enhance public green open space, outstanding landscapes and areas of cultural, ecological, historic, and environmental significance from inappropriate use and development.~~

AND

Add to Section 1.12.8 (b) Strategic objectives the following:

~~(vii) Reconciling the tension between the private cost and public benefit of maintaining or enhancing the District's natural environment and historic heritage.~~

~~(viii) Acknowledge the continued use of rural areas for productive rural activities and other land and soil resource-dependent rural-based activities, as well as access to and the extraction of mineral resources, are important to the economic health and well-being of the district and wider subregion.~~

~~(ix) Active participation of landowners is seen as vital to the maintenance and enhancement of indigenous biodiversity. The Council will work with landowners, recognise their stewardship and current management practices, and will promote the use of non-regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is disappointed at the urban-centric focus and nature of this summary of strategic objectives. The importance of the primary production sector to this district should be a key consideration for the overarching direction of this plan.
- Rural landowners take great pride in their work, stewardship of their land and their economic contribution to their local community.
- Section 1.4.2 (page 7) states that economic growth can be largely attributed to primary industry, which as of 2014 accounts for more than a third of the district's GDP.
- Submitter asks to adopt a more balanced and considered approach to the strategic objectives of this Proposed District Plan. One which is more consistent with the purpose and intent of the Resource Management Act 1991 ('RMA') and direction in the Waikato Regional Policy Statement ('WRPS').

Point Number

680.23

Summary of Decision Requested:

Amend Objective 2.12 (a) -Whakapapa (connection to nature) as follows:

~~Relationships with ancestral lands, water, sites, waahi tapu and other taonga are protected from inappropriate subdivision, use and development, and enhanced where appropriate.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This aspect of whakapapa should be addressed in the Proposed District Plan, and should relate to the effects of land use.

- This is in keeping with a general theme across our submission which seeks to ensure WDC restricts the Proposed District Plan provisions to matters that district councils have the jurisdiction to regulate.

Point Number 680.24

Summary of Decision Requested: **Amend** Policy 2.12.1 (a) Whanaungatanga (relationship to nature) as follows:

(a) Recognise the relationship of Tangata Whenua with areas of significance, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and consider these matters through provisions which trigger requirement for resource consent or Notice of Requirement for Designation, which may include:

...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose and intent of this policy but considers it appropriate for the Proposed District Plan to include detail as to how this policy will be implemented. It is difficult to determine how and when the provisions listed in Points (i-vii) will be required.
- The resource consent and/or designation process is the most appropriate method to incorporate the stated provisions - as and when necessary.

Point Number 680.25

Summary of Decision Requested: **Amend** Policy 2.14.1 (a) (i) Kaitiakitanga (stewardship/guardianship) as follows:

(i) Establishing who should be consulted, in what circumstances within a resource consent application process or in a resource consent implementation process, and the consultation fees;

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose and intent of this policy but seek to remind Council that a broad policy like this can isolate landowners. In the submitter's experience most landowners want to do the right thing with regards to cultural heritage but it is Council's role to facilitate this with a planning framework that creates certainty and consistency.
- The Council needs to ensure that appropriate consideration is given to existing landowner's rights and their reasonable expectations to manage their land, when recognising and providing for tangata whenua's exercise of kaitiakitanga.

Point Number 680.26

Summary of Decision Requested: **Amend** Policy 2.15.1 Ngaa taonga tuku iho (Maaori Sites and Areas of Significance) as follows:

(a) Ensure new subdivision, use and development does not compromise...

(b) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of inappropriate land use change development or activities on those sites.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Not all subdivision, development or land use should be subject to this policy. There are many legitimate and expected activities which should be able to continue without undue restriction. Submitter accepts that changes to existing land use activities may need to be assessed against potential adverse effects on these sites and areas.

Point Number 680.27

Summary of Decision Requested: No specific decision sought, but the submission conditionally supports Objective 3.1.1 (a) Biodiversity and ecosystems.

Decision Reasons:

- The submitter's support for this objective is conditional on provision of appropriate policy that recognises the role landowners play in protecting and enhancing biodiversity and our relief sought elsewhere in that regard.
- The submitter understands the intention of this objective is to give effect to the RMA and Waikato Regional Policy Statement (WRPS). It is a goal that many farmers and landowners share and reminds farmers to adopt responsible management and environmental practices.
- However, the Proposed District Plan's exclusively regulatory approach is outdated and inconsistent with best practice and advice received from the Council's own consultant through this district plan review process (*Kessels Ecology Significant Natural Areas Summary of Inputs from the Community Consultation Process Dec 2016*). The submitter considers that the planning approach will need significant changes if Council is genuine about engaging in effective consultation and serious about achieving the stated public good outcomes.

Point Number 680.28

Summary of Decision Requested: **Add** new policy to Section 3.1 Indigenous Vegetation and Habitats as follows:

(a) The Council recognises landowners' stewardship of the land and 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, geological features, and the values of outstanding natural features and landscapes; and ensure current land management practices help achieve this.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Enhancement goals require active management on behalf of both Council and landowners if the goals are to be met. Submitter is concerned at the lack of understanding and recognition within the planning framework of the role landowners play with regards to achieving protection and enhanced biodiversity and ecosystem values across the district, regional and country.
- Active participation of landowners is practically necessary and essential to the successful protection and enhancement of ecological sites, geological features, and the values of outstanding natural features and landscapes.

Point Number

680.29

Summary of Decision Requested:

Amend Policy 3.1.2 (a) Policies as follows:

(a) ~~Enable-Incentivise~~ activities that maintain or enhance indigenous biodiversity including:

- (i) planting using indigenous species suitable to the habitat;
- (ii) the removal or management of pest plant and animal species;
- (iii) biosecurity works.

AND

Add to Policy 3.1.2 (a) Policies as follows:

~~(iv) Encouraging voluntary planting of indigenous plant specimens suitable to each habitat, whilst anticipating flexibility to appropriately manage planted vegetation in a way that is integrated with other land management practices.~~

AND

Add to Policy 3.1.2 new Policies as follows:

~~(d) Council will coordinate with other agencies and organisations in identifying risks, requirements, opportunities and effective methods for maintaining and enhancing Waikato's biodiversity and will support landowners with a range of regulatory and non-regulatory initiatives to maintain and enhance biodiversity.~~

~~(e) Consider additional subdivision opportunities where significant biodiversity gains can be achieved in the following priority areas or locations:~~

- ~~(i) Peat lakes and rivers: by permanently providing significant buffer areas around peat lakes and rivers; or~~
- ~~(ii) Wetlands, kahikatea stands, riparian margins and bush stands on the low lands, by providing permanent protection; or~~
- ~~(iii) Significant natural areas being aggregated to form one large more ecologically sustainable area and being permanently protected; or~~
- ~~(iv) Biodiversity corridors: by the permanent protection of significant areas of indigenous forest within biodiversity (indigenous forest) corridors; or~~
- ~~(v) Biodiversity corridors: by permanently protecting significant riparian or wetland areas within identified biodiversity (river or stream) corridors.~~

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- Submitter supports the enabling intent of this policy, however the proposed rules framework designed to implement this policy are not consistent.
- Activities such as the removal or management of pest plant and animal species can require vegetation clearance and earthworks for conservation fencing to exclude stock or pests. The proposed rules only enable the vegetation clearance activity under Rule 22.2.7, PI(a)(ii), earthworks for a new fence or track would require a Restricted Discretionary resource consent as per Rule 22.2.3.3, RDI(a).
- This requirement introduces consent costs, on top of labour and materials and creates time constraints – all of which have the ability to stifle good intentions and hinder rather than enable activities which ultimately maintain or enhance indigenous biodiversity.
- It is widely accepted that the enhancement indigenous vegetation and ecosystems is difficult to achieve without assistance and co-operation from landowners and other parties. Landowners need support from a range of authorities and agencies for initiatives to protect and maintain biodiversity.

Point Number

680.30

Summary of Decision Requested:

Amend Objective 3.2.1 Significant Natural Areas as follows:

(a) Indigenous biodiversity in Significant Natural Areas is protected and enhanced through a range of regulatory and non-regulatory methods.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The submitter considers it important for the Objective to provide more direction and context. It is important to be clear that enhancement goals require a different approach to protection which can be achieved, in part via regulation. Regulation can control use but not induce the active management required to achieve enhancement.
- The submitter recognises that protection of significant indigenous vegetation and significant habitats of indigenous fauna is a RMA Section 6(c) obligation, and that biodiversity is important to all New Zealanders. This does not however justify the one dimensional approach the Proposed District Plan has adopted.
- Farmers play a fundamental role in the on-going active management and protection of biodiversity on private land in the district and invest hundreds and thousands of dollars in weed and pest control on their own land, every single year.
- It more appropriate to provide support, advice and encouragement through contestable funds to landowners when it comes to protection of ecosystems supporting significant indigenous vegetation and significant habitats of indigenous fauna. It is through such non-regulatory methods that Council can ensure the greatest landowner buy-in and ultimately the best environmental gains.

Point Number

680.31

Summary of Decision Requested:

Amend Policy 3.2.2 (a) Identify and Recognise, as follows:

(a) Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas on a Schedule in the plan and planning maps.

(i) The sites 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.

(b) Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.

(i) Ensure landowners are informed of the characteristics relating to their specific site and the activities which may adversely affect them.

(c) 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, Council will meet the costs of the ground-truthing assessment to confirm the status and boundaries of the significant natural area. The assessment will be carried out by a Council approved suitably qualified and experienced ecologist prior to an application for resource consent being lodged.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- FFNZ understand the intent of this policy and the link to the significance criteria in the Waikato Regional Policy Statement (WRPS)
- FFNZ support the principle of a policy that seeks to identify areas of national importance and consider that a targeted planning response is more appropriate than general catch all rules which elevate all areas of biodiversity to a significance status until proven otherwise.
- 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. It would be very rare to find a landowner who would not want to look after an area which is truly significant, but frustrations and resentment will result from a flawed identification process.
- In this regard we are unsure what the method or process which will be used to implement the identification assessment required of Policy 3.2.2(a) and as such cannot assess the merits or otherwise of the process going forward.
- With regards to SNA sites which have been included in the PDP, FFNZ seek that these be withdrawn until a robust identification process has been undertaken. Many sites have been mapped as SNAs which didn't categorically meet the WRPS significance criterion. It is our submission that identification of sites using aerial photography and desktop analysis with only a very small percentage of sites visited to ground-truth information, means the level of confidence in the process is not sufficiently high enough to incorporate these sites into the plan with the degree of regulation proposed to be applied over these areas.
- There are many potential deficiencies in relying only on desktop studies, including outdated information, not understanding the purpose or origins of features that may be identified (such as 'wetland areas' for example - which may have been deliberately constructed for water storage purposes) and not being able to properly evaluate and understand the values of a feature, or ground slope.
- FFNZ also urge WDC to be strategic and practical in its approach and focus limited resources on working first with those landowners who are engaged and keen to be involved in the first instance. There is little to be gained by backing reluctant landowners into an expensive and protracted litigious battle using public money that would be better spent achieving good outcomes on the ground not on paper.

Point Number

680.32

Summary of Decision Requested:

Retain Policy 3.2.3 Management hierarchy as notified.

Decision Reasons:

- The submission conditionally supports this policy, which submitter understands is drafted to give effect to the Waikato Regional Policy Statement.
- The submitter supports a planning response which is focused on more robust and ground-truthed Significant Natural Area identification and which may impact on and require amendments to rules.

Point Number

680.33

Summary of Decision Requested:

Retain Policy 3.2.4 Biodiversity Offsetting as notified.

Decision Reasons:

- Conditional support is extended to this policy, which the submitter understands is drafted to give effect to the Waikato Regional Policy Statement.
- Support is conditional on a more robust Significant Natural Area identification process being undertaken.

Point Number

680.34

Summary of Decision Requested:

Retain Policy 3.2.5 Biodiversity in the coastal environment as notified.

Decision Reasons:

- Conditional support is extended to this policy, which submitter understands is drafted to give effect to the NZ Coastal Policy Statement and Waikato Regional Policy Statement.
- Support is conditional on a more robust Significant Natural Area identification process being undertaken.

Point Number

680.35

Summary of Decision Requested:

Amend Policy 3.2.6 (b) Providing for vegetation clearance as follows:

(b) Provide for the clearance of indigenous vegetation in Significant Natural Areas for the construction of building platforms, services, access, vehicle parking and on-site manoeuvring and the development of Maori Freehold Land by...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Conditional support is extended to this policy which FFNZ understand is drafted to give effect to the WRPS. Support is conditional on a more robust SNA identification process being undertaken.
- Furthermore, FFNZ seek a better balance being struck between environmental, social and economic wellbeing. Farmers typically need to undertake a variety of types of vegetation clearance as part of day-to-day farming activity for the purpose of matters including the following:
 - Vegetation clearance around farm buildings, airstrips and helpads, farm access tracks, waterway crossings, culverts and bridges, farm infrastructure such as telecommunications facilities, water supply pipelines, dams and troughs, fertiliser storage areas, hazardous substance storage and handling areas, silage pits, stock mustering areas for dairy sheds, shearing sheds and marshalling yards.
 - Pest plant/weed control, including invasive weed clearance from riparian margins
 - Pasture maintenance
 - Maintenance of rural fire breaks
- These types of minor vegetation clearance include clearance of all types of vegetation, including indigenous vegetation. These activities are undertaken in the context of the relatively wide open spaces and low population and development densities that characterise rural areas.
- Enabling these types of routine minor vegetation clearance is important for efficient resource management in order to support the economic, social and cultural well-being of communities in the district. Farmers should not be subject to undue delays and costs from triggering resource consent requirements for minor clearance of indigenous vegetation where there is little or no environmental benefit.
- FFNZ are also unsure why land tenure is an appropriate trigger to determine different land use controls related to biodiversity outcomes, and seek that reference to particular land tenure be deleted from this policy.

Point Number

680.36

Summary of Decision Requested:

Add to Policy 3.2.7 Managing Significant Natural Areas a new clause (b) as follows:

(b) Recognise that management of Significant Natural Areas on private land requires public investment in a range of incentives such as:

(i) Rates remissions or rebates for land retired for biodiversity purposes;

(ii) Reimbursements or discounts for products and fencing material for stock exclusion;

(iii) Resource consent fee discounts and waivers;

(iv) Providing native plants seedlings;

(v) Pest animal and weed control assistance;

(vi) Contestable fund for biodiversity projects;

(vii) Transferable development rights;

(viii) Education and information on types of vegetation and habitat, and why they are important;

(ix) Assistance for landowners going through a QEII process, or applying for Landcare Trust funding.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Waikato District Council need to prioritise and ground-truth identification and management of Significant Natural Areas in order to ensure landowners are not unnecessarily subject to onerous costs and time delays. This is the outcome when usual and expected farming activities are subject to resource consent conditions to protect patches of indigenous vegetation. Submitter has concerns that the district's ratepayers will not be able to afford to adequately protect areas of indigenous vegetation which accurately meet the significance criteria let alone the 'wish list' which has currently been created by the inadequate identification process.
- Waikato District Council also need to acknowledge the role landowners play in managing Significant Natural Areas where these are found on private land, and to have policy which incentivises a range of management tools to enable the appropriate management of Significant Natural Areas.

Point Number

680.37

Summary of Decision Requested:

Retain Policy 3.2.8 Incentivise subdivision, as notified.

Decision Reasons:

- The submitter supports the intention of the incentive.

Point Number

680.38

Summary of Decision Requested:

Retain Objective 3.3.1 Outstanding natural features and landscapes, as notified.

Decision Reasons:

- The submitter understands the intent of this Objective is to meet RMA obligations and Waikato Regional Policy Statement direction.

Point Number

680.39

Summary of Decision Requested:

Amend Policy 3.3.2 (a) Recognising values and qualities, as follows:

(a)...

(vi) ~~existing~~ water reservoirs and dams;

(vii) ~~existing~~ pastoral farming activities on the margins of these areas.

(b) ...

(vi) ~~existing~~ pastoral farming activities on the margins of these areas.

(c) ...

(v) ~~existing~~ pastoral farming activities on the margins these areas.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the policy in the context of the Waikato Regional Policy Statement. However, the Proposed District Plan must ensure that ONFs and ONLs (which have been identified over private farmland), enable farming activities that contribute to the values and qualities of pastoral working landscapes. These are dynamic and changing, and it is not appropriate for the Proposed District Plan to seek to 'freeze' landscape character by rendering farming land use and development as 'static' in this context.
- Farmers have a legitimate right to be able to use their land resource in a way that meets their social and economic wellbeing. This includes being able to respond to a range of variables including economic drivers and market trends and adapt, through change. It is accepted that adverse effects need to be managed to an appropriate standard. However, the Proposed District Plan policy framework as proposed, will force unduly onerous and unnecessary assessment requirements on resource consent applicants for little or no environmental benefit if it only focuses on recognising existing farms and farming infrastructure. The Proposed District Plan policy should instead emphasise values and attributes, and the type of farming activities which give rise to these, rather than restricting recognition specifically to existing activities.

Point Number

680.40

Summary of Decision Requested:

Amend Policy 3.3.3 Protection from inappropriate subdivision, use and development, as follows:

(a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:

(i) requiring new buildings and structures to be integrated into the Outstanding Natural Landscape or feature to minimise any visual impacts;

(ii) managing the adverse effects of new building platforms, buildings, driveways and roads through appropriate subdivision design;

(iii) requiring subdivision and development to retain views of Outstanding Natural Landscapes and features from public places; and

(iv) avoiding the adverse effects of extractive industries and inappropriate earthworks.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the intent of this policy. However consider that amendments are required to better meet RMA obligations and Waikato Regional Policy Statement direction.

Point Number

680.41

Summary of Decision Requested:

Retain Policy 3.3.4 The relationships of Maaori with natural resources and land, as notified.

Decision Reasons:

- The submitter supports the principle of this policy which recognises that balance and compromise is required to be struck between the competing values of resource use and resource protection.
- The submitter expects this principle as expressed in 3.3.4 (b) to be applied consistently and a better balance struck in relation to use and development of private land within Outstanding Natural Landscapes and Outstanding Natural Features.

Point Number

680.42

Summary of Decision Requested:

Add a new clause (b) to Objective 3.4.1 Significant amenity landscapes, as follows:

(b) These areas will be identified and applied over public land only in recognition that zone specific rules are designed, in part, to manage adverse effects on amenity values created by private land use, where appropriate.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the intent of this objective is to meet Waikato Regional Policy Statement (WRPS) Policy 12.3 direction.
- The WRPS does not explicitly require the amenity values of rural landscapes to be identified and managed. The submitter views the extra overlay of SAL objectives, policies and rules as they relate to rural activities on private land are an unnecessary duplication of rural zone rules.
- The submitter is opposed to any protection of a rural ideal, landscape or amenity that largely involves working landscapes there as a result of the activities you would expect to find in the rural zone.
- The submitter does not support unnecessary controls on activities in the rural area.
- The submitter is concerned at the lack of landowner involvement in the process of identifying significant amenity landscapes and understand that substantial areas of some farmland has been included.

Point Number 680.43

Summary of Decision Requested: **Amend** Policy 3.4.2 (a) Recognising Significant Amenity Landscapes, as follows:

(a) Recognise the attributes which contribute to identified Significant Amenity Landscapes.

(i) This policy will be implemented by the relevant zone rules which control effects of land use relative to the zone.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the intent of this policy is to meet Waikato Regional Policy Statement Policy (WRPS) 12.3 direction. However, the WRPS does not explicitly require the amenity values of rural landscapes to be identified and managed.
- The extra overlay of Significant Amenity Landscape objectives, policies and rules (as they relate to rural activities on private land) serve no useful purpose. These are an unnecessary duplication of other Rural Zone rules that control amenity through provisions for managing building bulk and location and certain earthworks.
- The submitter opposes any 'protection' of rural pastoral landscape amenity or characteristic over farmland, no matter how 'significant' such amenity may seem and oppose any associated restriction on land use within farmland, aimed at such protection. Farmland is a 'working landscape' that is always changing as a result of the rural-based activities that would be expected to be found within rural areas. Any restrictions aimed at protecting rural farmland amenity are completely unnecessary and do not achieve any environment benefit. Rather they only serve to burden farmers with undue delay and cost in having to seek resource consents in order to carry out routine farming activity and associated development.

Point Number 680.44

Summary of Decision Requested: **Amend** Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes as follows:

Policy 3.4.3 ~~Maintaining and or where appropriate~~ enhancing the attributes of Significant Amenity Landscapes

(a) Maintain and, where appropriate, enhance the attributes of identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:

~~(i) requiring buildings and structures to be integrated into the Significant Amenity Landscape to minimise any visual impacts;~~

(ii) managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design;

(iii) recognising and providing for the ~~continuation development~~ of rural production-farming activities within hill country landscapes and volcanic features;

~~(iv) managing the adverse effects of earthworks; and~~

(v) promoting and encouraging maintenance and enhancement of their attributes.

(b) Note: There are no rules relating specifically to Significant Amenity Landscapes in Chapter 22. However, where discretionary or non-complying activity resource consents are required under rules of this Plan, and where those activities are located within significant amenity landscapes, the proposed activities will be assessed in terms of their consistency with this policy.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter's relief in this respect is contingent on relief sought in relation to Objective 3.4.1 and Policy 3.4.2.
- The proposed policy as drafted contains a number of unnecessary duplications and is inconsistent with the enabling approach adopted under 3.4.4.
- The potential adverse effects associated with new development can be addressed under (ii). Non rural development earthworks will be addressed under (ii) so (iv) is an unnecessary duplication which may capture farming related earthworks inappropriately.
- The activities that have attributes which contribute to amenity values should be enabled and so it is important to acknowledge this in (iii), but it is broader than just farming. The proposed amendments are required to ensure a consistent planning response is adopted. Reference to made to the enabling intent of 3.4.4(b), which appropriately prioritises economic, social and cultural wellbeing over second tier amenity landscapes.
- The Waikato Regional Policy Statement doesn't require rules as such. Rather, the overarching requirement to 'maintain and enhance' can be achieved by recognising all types of farming activity as contributing to rural landscape amenity, and excluding it from requirement for resource consent.
- Implementing the policy can be achieved when *discretionary activity* or *non-complying activity* status is triggered as a result of other resource consent requirements in the Proposed District Plan. An assessment of the adverse effects of the proposed activity can be considered, if appropriate, at that time. against significant landscape amenity values and the ability to avoid, remedy or mitigate those effects.

Point Number 680.45

Summary of Decision Requested: **Retain** Policy 3.4.4 The relationships of Maaori with their resources and land, as notified.

Decision Reasons:

- The submitter supports the principle of this policy which recognises that balance and compromise is required to be struck between the competing values of resource use and resource protection, but this is contingent on our relief sought in relation to Objective 3.4.1 and Policies 3.4.2 and 3.4.3.
- The submitter expects this principle as expressed in 3.4.4(b) to be applied consistently across the district regardless of the land title.

Point Number 680.46

Summary of Decision Requested: **Retain** Objective 3.5.1 Natural Character, as notified.

Decision Reasons:

- The submitter understands the purpose and intent of this Objective.

Point Number 680.47

Summary of Decision Requested: **Delete** Policy 3.5.2 Recognising natural character
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the coastal environment and rivers and lakes are particularly valued for natural character qualities which are predominant in these areas and the RMA section 6(a) and the Waikato Regional Policy Statement Policy 12.2 requirements.
- In the submitter's view, Policies 3.5.3 and 3.5.4 achieve those goals more appropriately, with Policy 3.5.2 being an unnecessary duplication, which has the ability to cause confusion and uncertainty leading to unnecessarily onerous requirements for assessment in resource consent applications. It is important to note the planning map legend includes overlays as 'coastal environment', 'natural character', 'outstanding natural landscapes'. There are no overlays on the legend which match the areas specified under 3.5.2(b).

Point Number 680.48

Summary of Decision Requested: **Delete** clause (a)(vi) from Policy 3.5.3 (a) Protecting the natural character qualities of the coastal environment
AND
Amend Policy 3.5.3 (a) (viii) Protecting the natural character qualities of the coastal environment as follows:
(viii) recognising ~~historic~~ farming operations ~~that continue today~~;
AND
Add to Policy 3.5.3 (a) Protecting the natural character qualities of the coastal environment, a new 'Note' as follows:
Note the Policy will not be implemented until such time as the areas of outstanding natural character within the coastal environment have been appropriately identified and included into the planning maps.
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Whilst the submitter understands the intent of this policy it is important the note the planning map legend lists overlays as 'coastal environment', 'natural character', 'outstanding natural landscapes'. There are no overlays on the legend which match areas specified as outstanding natural character areas.
- Focus must be on land use controls to purposes which fall within the jurisdiction of the district council.

Point Number 680.49

Summary of Decision Requested: **Amend** Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, as follows:
(a) Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:
(i) ensuring that location, intensity, scale and form of subdivision, use and development are appropriate;
(ii) minimising, to the extent practicable and necessary, indigenous vegetation clearance and modification ~~(including earthworks, disturbance and structures);~~
(iii) encouraging any new activities to consolidate within, and around, existing developments or, where the natural character and landscape values have already been compromised, to avoid development sprawling; and
(iv) requiring appropriate setbacks of activities from wetlands, lakes and rivers.
(b) Determining what is inappropriate use and development will be considered with respect to the level of natural character. Where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effect on natural character.
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands that the intent of this policy is to meet RMA section 6(a) and the Waikato Regional Policy statement Policy 2.2 requirements, however considers amendments are required to better meet the Waikato Regional Policy Statement direction.
- The submitter is unsure of the drafting of 3.5.4 (a)(ii) and what the relationship between the activities contained within the brackets is.

Point Number 680.50

Summary of Decision Requested: **Retain** Objective 4.1.2 Urban growth and development, as notified.

Decision Reasons:

- Support is extended to the recognition that future settlement development is appropriately directed to existing areas with infrastructure and services.

Point Number 680.51

Summary of Decision Requested: Retain Policy 4.1.3 Location of development, as notified.

Decision Reasons:

- The submitter supports this policy as it is aimed at ensuring future settlement development is appropriately directed to existing areas with infrastructure and services.

Point Number 680.52

Summary of Decision Requested: Retain Policy 4.1.5 Density as notified.

Decision Reasons:

- The submitter supports this policy, which is designed to reduce urban sprawl and the subsequent pressures that are placed on Council infrastructure and services.

Point Number 680.53

Summary of Decision Requested: Amend Policy 4.1.10 (a)(ii) Tuakau, as follows:

(ii) ~~Existing intensive Rural production activities including farming and intensive farming operations~~, and industrial activities are protected from the effects of reverse sensitivity by considering the location of new residential development; and...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is concerned at the focus of this policy. Consideration of reverse sensitivity effects created when new residential development occurs within an existing non-residential environment, should be applied much wider than to just intensive farming and industrial activities.
- Submitter considers that sensitive activities in rural areas can result in creating unreasonable expectations of the amenity of rural areas among people who are unaccustomed to rural environments. This would result in complaints about normal farming activities, and create unreasonable expectations that such effects to be avoided or mitigated in every instance, which would drive opposition to farming activity, making it even harder for farmers to be able to efficiently utilise the rural land resource for farming

Point Number 680.54

Summary of Decision Requested: Amend Policy 4.1.15 (a) Ngaruawahia as follows:

(a) Ngaruawahia is developed to ensure:

(i) ~~Existing intensive Rural production activities including farming and intensive farming operations~~ and industrial activities are protected from the effects of reverse sensitivity when locating new residential development;...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is concerned at the current focus of the Policy. The consideration of reverse sensitivity effects created when new residential development occurs within an existing non-residential environment should be applied much wider than to just intensive farming and industrial activities.
- The submitter considers that it could result in creating unreasonable expectations of the amenity of the area and perpetuate reverse sensitivity issues with people unaccustomed to the rural environment complaining about normal farming activities and expecting those effects to be avoided or mitigated in every instance.

Point Number 680.55

Summary of Decision Requested: Amend Objective 5.1.1 (a) The rural environment, as follows:

(a) Subdivision, use and development within the rural environment where:

(i) ~~high class and versatile soils are protected for primary, productive use and to maintain the productive land resources for future generations rural activities;~~

(ii) ~~productive primary, productive use and rural activities are supported and enabled in a manner which does not reduce existing primary, productive use or compromise existing and future primary, productive use options; while maintaining or enhancing the rural environment;~~

(iii) ~~urban subdivision, use and development in the rural environment is avoided; the use and development of rural resources enables people and communities to provide for their economic, social and cultural wellbeing~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Agriculture is significant to the district, both in economic terms and for the basis of district identity as a thriving and successful rural region.
- Primary production activities such as dairying, dry stock and horticulture make significant contributions to the economic, social and cultural well-being of the district. The submitter believes that the Proposed District Plan needs to adopt a more balanced and considered response between resource use and resource protection.
- Any decisions, policies or rules relating to the sustainable management of the district's rural land and soils must recognise the economic, social and cultural wellbeing that rural activities provide to the district and wider region.
- The submitter supports a high priority being given to maintaining the productive capacity of rural land resource. Sustaining the primary sector activities dependent on this land is critical to providing for current and future generations, however it is difficult to do this too prescriptively. For example, a stony soil that may be identified as appropriate for alternative non rural use may be highly productive for one particular land use.

- The submitter supports a flexible approach to managing the effects of land use on the soils of the district, one that is based on flexible, enabling objectives and policies.
- The submitter considers these amendments are required to better meet the Waikato Regional Policy Statement Objective 3.25 Values of soils and Policy 14.2 directives.

Point Number 680.56

Summary of Decision Requested: **Amend** Chapter 5 Rural Environment, to include a new policy as follows:

5.1.2 Policy – enabling growth

(a) Provide for the growth and efficient operation of primary productive land use and rural production activities in the Rural Zone.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This new policy is required as consequential relief sought in relation to Objective 5.1.1.

Point Number 680.57

Summary of Decision Requested: **Delete** Objective 5.2.1 Rural resources.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission

Decision Reasons:

- The submitter opposes this policy and remind Waikato District Council that it is the Regional Council's role to control land use for the purpose of soil conservation. The district council's role, as directed by the Waikato Regional Policy Statement (WRPS), is to ensure land use is managed in a way that does not decline the availability of high class soils for primary production due to inappropriate subdivision, use or development (WRPS Policy 14.2).
- The relief sought in relation to Objective 5.1.1 above will better meet RMA and the WRPS requirements and renders 5.2.1(a)(i) unnecessary and inappropriate. Submitter is unsure what resource management issue 5.2.1(a)(ii) is trying to address or what 'rural land' means in this context.
- Objective 5.2.1 is also, in part, an unnecessary duplication of resource management issues which are being addressed under Chapter 3 Natural Environment.
- There are other elements of the objective which are also outside the functions of a district council.

Point Number 680.58

Summary of Decision Requested: **Delete** Policy 5.2.2 (b) High class soils.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the intent of the policy, but reminds Waikato District Council (WDC) that management of chemical and biological properties of soils is not a territorial authority function. They are concerned about unnecessary duplication, overlap and added costs arising from over-regulation, without added value. WDC can realistically do its part in protection of soils by way of subdivision and development controls, but submitter is concerned that (b) has the potential to capture and control other activities inappropriately.

Point Number 680.59

Summary of Decision Requested: **Amend** Policy 5.2.3 (a) and (b) Effects of subdivision and development on soils, as follows:

(a) Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.

(b) Subdivision which provides a range of lifestyle and economic options is managed in a way that ensures rural resources, character and environmental values are retained, directed away from high class soils and/or where indigenous biodiversity is being protected.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter considers that subdivision and development policies and planning should provide for managed growth in rural communities.
- While land use change, subdivision and land development activities in rural areas may result in the loss of productive land, there is a need to recognise that farmers may need to undertake small lot subdivision for a number of reasons, including: providing for farm succession, disposing of surplus dwellings and for providing on-farm accommodation for family members and employees, and rearrangement of lot boundaries to enable more efficient land management.
- Considered, well-managed growth in rural communities provides for diversity and vibrancy in rural areas, sustains essential community infrastructure, and provides employment flexibility and opportunities.
- The submitter considers that there are benefits to enabling subdivision and other rural-residential opportunities, however, this should be done in a way that appropriately protects rural character and enables and maintains a reasonable use of productive land.
- FFNZ oppose the protection of rural landscapes or amenity on farmland which is characterised by ever-changing working landscapes, that are largely there as a result of farming activities that you would expect to find in a rural zone.
- Furthermore, they consider that land use and subdivision don't need to be controlled to protect areas of significant indigenous vegetation where there are clearly no more than minor effects, or where the effects can be successfully mitigated through permitted or controlled activity standards.

Point Number 680.60

Summary of Decision Requested: **Amend** Objective 5.3.1 (a) Rural character and amenity, as follows:

(a) The values which contribute to rural character and amenity are maintained.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports the intent of the objective. However, some amendment is required to ensure the plan is appropriately focused and consistent with broader policy direction.
- The submitter considers that there are benefits to enabling a range of land use opportunities within the Rural Zone, and that this should be done in a way that appropriately maintains the values that contribute to the rural character and amenity of the zone.
- The submitter opposes the protection of rural landscapes or amenity on farmland which is characterised by ever-changing working landscapes, that are largely there as a result of farming activities that would be expected to be found in a rural area.
- A focus on 'values' would introduce a degree of flexibility that is necessary to recognising the evolving nature of rural farming areas.

Point Number 680.61

Summary of Decision Requested: **Retain** Policy 5.3.2 Productive rural activities, as notified, subject to the amendment sought below:

5.3.2 Policy - ~~Productive~~ Rural production activities

(a) ~~Recognise and protect the continued operation of the rural environment as a productive working environment by:~~

(i) ~~Recognising that buildings and structures associated with farming and forestry and other operational structure for productive rural activities contribute to rural character and amenity values;~~

(ii) ~~Ensuring productive rural activities contribute to rural character and amenity values~~

(iii) ~~Providing for lawfully-established rural activities and protecting them from sensitive land uses and reverse sensitivity effects.~~

(iv) Recognising the use and development of rural resources enables people and communities to provide for their economic, social and cultural wellbeing.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission

Decision Reasons:

- The activities required to operate in the rural environment should be the overall focus of this policy. Submitter is not sure what is meant by 'productive rural activities' in this context and believe Waikato District Council (WDC) has inadvertently used the terms 'productive rural activities' and 'rural production activities' interchangeably. They are not interchangeable in our view.
- It is also important to acknowledge that change may occur as new markets and technologies are created. Therefore, production techniques will need to adapt and such change is not detrimental to rural amenity. A good example is the rise of viticulture in New Zealand over the last 20 years and the change from pastoral landscapes to vineyards.
- Farmers want the opportunity to continue to innovate and invest and adopt in new technologies and retain the flexibility to respond to markets. Submitter acknowledges that WDC has an important role to play in ensuring the Proposed District Plan does not stifle primary production with overly restrictive and unnecessary land use controls.
- That important goal can be achieved with acceptance of the relief sought across the submission.

Point Number 680.62

Summary of Decision Requested: **Amend** Policy 5.3.3 Industrial and commercial activities as follows:

~~(a), (b) Industrial and commercial Rural industries and services are managed to ensure that any potential adverse effect on the they are in keeping with the character of the Rural Zone are avoided, remedied or mitigated.~~

~~(a) Avoid locating industrial...~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the intent of this policy, it is considered that the amendments are required to ensure the wording is consistent with stated policy header and other policies within this section.
- The order of (a) and (b) would make more sense if the order was swapped. The key point being that activities without a functional need to be in the zone should be avoided. The supporting point is that if they are going to be in the zone any potential adverse effects on the rural character needs to be managed.

Point Number 680.63

Summary of Decision Requested: **Amend** Policy 5.3.4 Density of dwellings and buildings within the rural environment, as follows:

(a) Shall be at a density and scale ~~Retain open spaces~~ to ensure rural character is maintained.

(b) Additional dwellings shall be directly associated with the scale and intensity of the farming activities on site ~~support workers' accommodation for large productive rural activities.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is concerned with Council's reference within the policy to retain open spaces. Open space is one element which contributes to the rural character. Prioritising this value over others has the potential to create perverse outcomes.
- The submitter has concerns at the priority given to workers' accommodation and consider the policy should also recognise that farm properties may require extra dwellings which are occupied by non-staff, for example, other family members living on the farm

who may not be employed on the property. There will be situations such as farm succession where retired family members will continue to live on the property. Furthermore, the term 'worker' may not cover the situation where more than one owner of the property resides on the farm in separate housing, as they aren't technically 'staff'.

Point Number 680.64

Summary of Decision Requested: **Amend** Policy 5.3.5 (b) (iv) Earthworks activities as follows:

(iv) Adjoining properties and public services are protected from the adverse effects of inappropriate earthworks.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submission supports the enabling intent of this policy. However, the amendment is appropriate to provide necessary context to 5.3.5(b)(iv).

Point Number 680.65

Summary of Decision Requested: **Amend** Policy 5.3.6 Intensive farming activities, as follows:

(a) ~~Enable~~ Recognise that intensive farming activities may be increasingly required as the twin pressures on land required for urban growth and food production increases, provided they operate in accordance with industry best practice and management of adverse effects both on-site and any neighbouring sites.

(b) Ensure that intensive farming activities operate in such a way as to appropriately manage adverse effects both on-site and on any neighbouring sites.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Policy 5.3.6 is misguided and an unnecessary duplication as written.
- The management of potential adverse effects from an intensive farming activity is addressed under Policy 5.3.7(h) and as such the second part of this policy is not required.
- The Proposed District Plan is short-sighted and not sufficiently future focused in its current response to intensive farming activities. Although NZ is a pastoral farming nation, intensive farming is a relevant way to increase production and reduce overhead costs. Increasing land prices mean that the ability to purchase large tracts of land for extensive production is becoming less viable. Policy about management of effects associated with intensive farming should be a separate policy.

Point Number 680.66

Summary of Decision Requested: **Amend** Policy 5.3.7 (a) and (b) and (c) Reverse sensitivity effects, as follows:

(a) Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed:

(i) Large numbers of animals being farmed, extensive areas of plants, vines or fruit crops, plantation forests and farm forests;

(ii) Noise, odour, dust, traffic and visual effects including buildings and structures associated with the use of land for farming, horticulture, forestry, farm quarries;

(iii) ~~Existing~~ mineral extraction and processing activities;

(iv) Minor dwellings;

(v) Papakainga housing developments within Maaori Freehold land.

(b) Manage activities to ensure that adverse effects (other than minor effects) are avoided, remedied or mitigated. Avoid adverse effects outside the site and where those effects cannot be avoided, they are to be mitigated.

(c) Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development where appropriate.

...

AND

Add to Policy 5.3.7 Reverse sensitivity effects a new clause (i) as follows:

(i) Ensure that land use activities that are sensitive to the effects of rural activities do not constrain the operation of rural activities.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports the intent of Policy 5.3.7, which is in part to raise awareness of the types of activities and associated effects which are considered appropriate within the rural environment. It is appropriate for the plan to be clear and upfront that farming activities must be able to function effectively and not be unduly restricted by new and encroaching activities being established within the rural zone.
- Amendments are required to ensure the plan accurately implements reverse sensitivity principles.
- The submitter accepts that where possible unacceptable nuisance effects such as noise and odour should be contained within the property boundary. However, farming requirements and weather conditions mean that even with the best intention it is not always possible to avoid a level of nuisance effect. In such instances (which are generally intermittent and temporary) it is imperative that the Plan clearly allows for this to ensure the farm business is not unduly impacted upon.
- This could include such activities as harvesting contractors and farmers working through the night to harvest crops due to short weather windows, odour from the feeding out of silage in neighbouring paddock, and short term odour from the spreading of effluent on pasture.
- These effects are not unreasonable to expect in the Rural Zone, and that therefore 5.3.7(b) is inappropriate as presently worded. We consider that it could result in creating unreasonable expectations of the amenity of the Rural Zone, and perpetuate reverse sensitivity issues with people unaccustomed to the rural environment complaining about normal farming activities and expecting those effects to be avoided or mitigated in every instance.

- Farming in a rural area is a lawfully established existing activity
- Noise, lighting, odour and dust can be quite reasonable effects as a consequence of normal farming activities as outlined in (a) there are some concerns as to how (a) and (b) are to be read together, along with reference to the avoiding, or mitigating of usual and expected effects within the rural environment.
- The methods used to give effect to this policy must not place undue constraints on either the existing land use or the potential land use activity. Any decisions as to separation distance as a method to address such issues must be based on a case by case assessment and not an automatic planning response.
- The submitter supports adopting an approach for low probability and low impact scenarios of incurring occasional relatively minor adverse effects rather than imposing external buffer zones. Submitter is opposed to use of blanket external buffer zones as a proxy for triggering resource consent, as it places restrictions on adjoining landowners who have no responsibility for the adverse effect, and who receive no compensation for the restrictions placed on their activities. That said, it may be appropriate for sensitive activities to avoid locating within close proximity to activities that may emit objectionable odours and discharges.

Point Number 680.67

Summary of Decision Requested: Amend Policy 5.3.8 (e) Effects on rural character and amenity from rural subdivision, as follows:

~~(e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained. Subdivision within the Rural Zone should give particular consideration to anticipated rural land use and development and recognise that integrated and well planned subdivision design:~~

~~(i) Creates desirable places to live.~~

~~(ii) Results in the efficient and effective land use.~~

~~(iii) Provides for anticipated future land use and development.~~

~~(iv) Recognises the physical layout and underlying topography of the site.~~

~~(v) Integrates with existing utility services and infrastructure.~~

~~(vi) Gives effect to any relevant outline development plan or structure plan.~~

~~(vii) Implements best practice urban design principles~~

~~(viii) Enables efficient utilisation of productive farmland through appropriate provision for rearranging property ownership to enable management of farmland according to landowner need~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Submitter understands the intent of the policy but consider Waikato District Council's focus on rural character and amenity betrays a lack of understanding of the broader issues and drivers for subdivision within a rural environment.
- Subdivision is primarily a process of defining (or redefining) land parcel boundaries. However, for farmers and other large landowners, land is a critical asset, and there are important implications arising from regulation of subdivision that need to be appropriately considered.
- Submitter agrees that inappropriately designed or located subdivision can result in the inefficient use of natural and physical resources that can give rise to adverse environmental effects. These concerns should be appropriately addressed through the Proposed District Plan (PDP) in a way that provides certainty for developers and landowners, and which aligns subdivision provisions with Council's broader strategic planning.
- It is also important that the PDP recognises that unnecessary constraints on otherwise appropriate subdivision can also result in adverse effects. In considering the proposed rules around subdivision, the submission seeks to ensure there is a degree of flexibility for landowners in the rural area who need subdivision enabled in order to facilitate efficient management of the land resource. This recognises that economic and social drivers for subdivision may differ between farming operations, and that these different drivers often require different treatment.
- Farmers undertake low impact subdivision for a variety of reasons. These vary from diversifying their business into tourism operations (lodgings and or associated tourism development and infrastructure), providing for or disposing of a surplus dwelling on the property where a neighbouring farm is purchased, providing for a family member or staff member to live on the farm or to implement a succession plan for multiple siblings through small lot subdivision, or for boundary adjustment of boundary relocation to promote the more efficient administration of farm land.
- A farm may be valued considerably beyond its underlying productive capacity, simply because of the farm's proximity to the urban centre and urban infrastructure, or the amenity afforded by proximity to a desirable locality, such as coastal areas. However, these reflect a piece of land's potential value for other land uses, and do not reflect its value for farming per-se. This situation can result in a farmer having to pay considerably more in rates or facing significantly increased opportunity costs from continuing to farm the land, as opposed to subdividing the property for some other land use. This in-turn creates a significant economic driver for subdivision. This tautological driver of land value needs to be carefully managed if NZ is to avoid losing valuable productive farmland in favour of non-farming development and use.
- This situation can be exacerbated where returns from farming are variable, due to a variety of factors including: weather conditions, economic conditions, individual property circumstances and market demands, which disrupt farming continuity. Therefore enabling diversification, flexibility, responsiveness and cash flow, are critically important to retaining the viability of farming.

Point Number 680.68

Summary of Decision Requested: Delete Policy 5.3.9 Non-rural activities.

AND

Any consequential changes necessary to give effect to the relief sought and/or concerns raised in the submission.

Decision Reasons:

- The submitter considers Policy 5.3.9 an unnecessary duplication of issues which are addressed by other policies within the Proposed District Plan.

Point Number 680.69

Summary of Decision Requested: Retain Policy 5.3.11 Home occupations, as notified.

Decision Reasons:

- The submitter supports the enabling intent of this policy. It is important to provide for small scale diverse business opportunities within the rural zone with can help to sustain a vibrant rural community.

Point Number 680.70

Summary of Decision Requested: **Retain** Policy 5.3.13 Waste management activities, as notified.

Decision Reasons:

- The submitter broadly supports the intent of this policy with the focus of (b) and (c) on waste management facilities appropriate.
-

Point Number 680.71

Summary of Decision Requested: **Amend** Policy 5.3.15 (a) (ii) Noise and vibration, as follows:

(ii) Limiting the timing and duration of noise-generating activities which are not anticipated within rural areas:

AND

Delete Policy 5.3.15 (a) (viii) Noise and vibration.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- In relation in 5.3.7, submitter considers plan provisions should acknowledge the issue of 'reverse sensitivity' when addressing 'noise and vibration effects' and that there must be provision to allow for a reasonable level of noise associated with agricultural activity within the rural zone – both in daylight hours and through the night.
 - There will be situations for example where farm machinery will be used for making hay or harvesting crops outside the hours prescribed in Rule 22.2.1.1 (P2); newly weaned animals will also be making noise outside of any specified hours. Such noises and vibrations must legitimately be expected in a rural zone.
 - There is concern that the policy as currently worded will create unreasonable expectations of the amenity of the Rural Zone, and perpetuate reverse sensitivity issues with people unaccustomed to the rural environment complaining about normal farming activities and expecting those effects to controlled in every instance.
-

Point Number 680.72

Summary of Decision Requested: **Retain** Policy 5.3.16 Specific area - Agricultural research centres, as notified.

Decision Reasons:

- Submitter supports recognition of the need for research centres.
-

Point Number 680.73

Summary of Decision Requested: **Retain** Objective 5.4.1 Minerals and extractive industries, as notified.

Decision Reasons:

- The submitter agrees with the Objective.
-

Point Number 680.74

Summary of Decision Requested: **Retain** Policy 5.4.2 Access to minerals and extractive industries, as notified.

Decision Reasons:

- The submitter supports this policy approach provided that it doesn't inadvertently capture farm quarries in any resource consent process.
-

Point Number 680.75

Summary of Decision Requested: **Amend** Objective 5.5.1 (a) Hamilton's Urban Expansion Area, as follows:

(a) Protect land within Hamilton's Urban Expansion Area for future urban development whilst:

AND

Add to Objective 5.5.1 (a) Hamilton's Urban Expansion Area new clause (i), as follows:

(i) Ensuring that existing rural production activities and industrial activities are protected from the effects of reverse sensitivity when locating new residential development.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports co-ordinated future planning with regards to urban expansion, however this must not be at the expense of lawfully established activities.
-

Point Number 680.76

Summary of Decision Requested: **Retain** Objective 6.1.1 Development, operation and maintenance of infrastructure, as notified.

Decision Reasons:

- The submitter supports a single objective aimed at social, economic, cultural and environmental benefits.
-

Point Number 680.77

Summary of Decision Requested: **Retain** Policy 6.1.2 Development, operation and maintenance, as notified.

Decision Reasons:

- The submitter gives conditional support for these policies to provide for infrastructure, provided that these don't unnecessarily burden farmers with needless delays and costs nor erode ability of farmers to undertake practical day-to-day farming without being encumbered by regulations that result in undue hardship on farmers for a wider public good benefit.
-

Point Number 680.78

Summary of Decision Requested: **Retain** Policy 6.1.3 Technological advances as notified.

Decision Reasons:

- Submitter supports making infrastructure more accessible, especially within rural areas. Submitter is opposed to policy which favours granting access for infrastructure maintenance that unnecessarily infringes on rights of farmers to be able to manage their properties or compromises the safety and efficiency of their farming operations.
-

Point Number 680.79

Summary of Decision Requested: **Amend** Policy 6.1.4. (a) (i) Infrastructure benefits, as follows:

(i) Enabling enhancement of the quality of life and residential standard for people and communities, including rural areas:

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports infrastructure for its benefits but seeks that the policy also includes benefits for rural-based communities, industry and agriculture.
-

Point Number 680.80

Summary of Decision Requested: **Amend** Policy 6.1.5 Natural hazards and climate change, as follows:

(a) Improve the resilience of infrastructure to natural hazard risk and climate change disruptions by:

(i) Encourageing the design and location of infrastructure to take account of natural hazards and the effects of climate change.

(ii) Ensure management and operational decisions include appropriate natural hazard and climate change risk analysis.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports the aim of improving resilience to natural hazard risks and climate change disruptions, including provision and management of infrastructure to anticipate these risks. The policy could be better worded along these lines.
-

Point Number 680.81

Summary of Decision Requested: **Amend** Objective 6.1.6 (a) Reverse sensitivity, as follows:

(a) Existing and/or designated infrastructure (including the National Grid), is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports protection of existing infrastructure from reverse sensitivity effects, but this should not apply to infrastructure that does not yet exist. Submitter seeks that this policy be amended by referring to protection of existing and/or designated infrastructure.
-

Point Number 680.82

Summary of Decision Requested: **Amend** Policy 6.1.7 Reverse sensitivity and infrastructure, as follows:

(a) Avoid, remedy or mitigate reverse sensitivity effects on existing and/or designated infrastructure from subdivision, use and development ~~as far as reasonably practicable~~, so that the ongoing and efficient operation of infrastructure is not compromised.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This policy should be refocused on existing or designated infrastructure and on proposed subdivision, development and use. Submitter is concerned that this policy will be used to unfairly prejudice against existing farming activity in favour of infrastructure that doesn't exist yet. Infrastructure that doesn't exist should properly be subject to its own consent application or notice of requirement process, where merits can be considered on a case-by-case basis in the context of the surrounding environment and land use.
- Some subdivision in rural areas, such as boundary relocation or boundary adjustment where the pattern of land use activity is not being intensified, can support the efficient management of farming and primary production, and is only likely to have minor reverse sensitivity effects on existing infrastructure. The policy should be more appropriately focused on mitigation or remediation of reverse sensitivity effects (rather than avoidance).
- Some subdivision, such as small lifestyle lots to facilitate protection of significant natural areas, can have important positive environmental effects. Such subdivision should not be automatically biased against by a policy strictly focused on avoidance of reverse sensitivity effects on infrastructure.

Point Number 680.83

Summary of Decision Requested: **Amend** Objective 6.1.8 Infrastructure in the community and identified areas as follows:

6.1.8 Objective – Proposed and/or designated infrastructure in the community and identified areas

(a) Proposed and/or designated infrastructure takes into account the qualities and characteristics of surrounding environments and community well-being.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this objective provided it is refocused to apply to proposed and/or designated infrastructure. Generally, in rural areas, wider open spaces and lower development intensity mean that adverse effects on amenity and environmental quality can be more readily absorbed without consequence. (This is different from lawfully established existing infrastructure that may have been designed when surrounding environmental qualities were different, and in respect of which it is appropriate to consider reverse sensitivity effects, and where it may be an efficient use of resources to maintain such infrastructure for the time being.)

Point Number 680.84

Summary of Decision Requested: **Retain** Policy 6.1.9 Environmental effects, community health, safety and amenity, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.85

Summary of Decision Requested: **Retain** Policy 6.1.10 Infrastructure in identified areas, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.86

Summary of Decision Requested: **Amend** Policy 6.1.11 (a) Undergrounding new infrastructure, as follows:

(a) Encourage new infrastructure in residential and urban areas to be placed underground unless...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy provided that it applies to urban areas. Undergrounding is unnecessary in the context of rural areas, where the disadvantages and costs of undergrounding may far outweigh any benefits.

Point Number 680.87

Summary of Decision Requested: **Amend** Policy 6.1.12 (a) Co-location of compatible facilities, as follows:

(a) Encourage compatible infrastructure to share location or facilities where operational advantages can be achieved or adverse effects are reduced, and where reverse sensitivity effects on other surrounding land use and development is not increased.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports this policy provided that it doesn't extend the area of concern for reverse sensitivity around co-located infrastructure in a way that would otherwise further constrain farming activities. Consideration should be included within the policy for ensuring reverse sensitivity effects on other uses is not increased.

Point Number 680.88

Summary of Decision Requested: **Retain** Policy 6.1.13 Future growth areas, as notified.

Decision Reasons:

- The submitter supports this policy as an efficient use of resources.

Point Number 680.89

Summary of Decision Requested: **Retain** Policy 6.1.14 Electromagnetic and radio frequency fields, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.90

Summary of Decision Requested: **Amend** Policy 6.1.15 (a) Raglan navigation beacons, as follows:

(a) Avoid proposed new development and land use obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa).

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports this policy, provided that it is aimed at new development on land that might otherwise obstruct line-of sight for navigation beacons and that it won't impinge on existing farming activity and built form.

Point Number 680.91

Summary of Decision Requested: **Delete** Policy 6.1.16 Water conservation.

OR

Amend Policy 6.1.16 Water conservation as follows:

6.1.16 Policy Stormwater management for new development and subdivision ~~Water conservation~~

AND

Amend Policy 6.1.6 Water conservation, as follows:

(g) Where new development and land use is proposed which may otherwise give rise to stormwater ponding, overland flow and flood management issues, encourage water conservation measures and, where appropriate, low impact stormwater design and facilities.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- If the policy is aimed at water conservation in order to facilitate minimum flows for water allocation, that is a regional council matter, and the district council does not have jurisdiction over this under the Act.
- Similarly, if the policy is aimed at freshwater quality management, it also has no place in a district plan.
- If it is aimed at flood control, and managing stormwater ponding and overland flow, then it should be focused in the context of proposed development intensification and subdivision which triggers stormwater management concerns, and in which case the title 'water conservation' is a misnomer.

Point Number 680.92

Summary of Decision Requested: **Amend** Objective 6.2.1 (a) National grid, as follows:

(a) The national significance of the National Grid is recognised and managed in order to meet the needs of present and future generations ~~protected~~.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes this objective as it is not consistent with the National Policy Statement for Electricity Transmission 2010 ('NPSET'). The NPSET is aimed at enabling the management of the effects of the electricity transmission network in light of its national significance being the need to operate, maintain, develop and upgrade the electricity transmission network. It says nothing about protection. The objective of the NPSET is: 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:

- *managing the adverse environmental effects of the network; and*

• managing the adverse effects of other activities on the network.

- The submitter is concerned that if district plans start to seek protection of assets used or owned by Transpower NZ Ltd, that this will escalate into a requirement all sorts of impositions on farming activity where farms are traversed by part of the National Grid. Submitter seeks that this objective be amended to more closely reflect the objective of the NPSET.

Point Number 680.93

Summary of Decision Requested: Amend Policy 6.2.2. (a) Recognise the national grid, as follows:

Recognise the operational, functional and technical constraints of the National Grid, and the interconnectedness of networks where these may be co-located within the National Grid Yard or within public land, including roads.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy provided that its confined to consideration of National Grid matters within the National Grid Yard and the National Grid Corridor. Outside these areas, farmers have the right to use and to manage access to their farms including the right to refuse access across private land.

Point Number 680.94

Summary of Decision Requested: Retain Policy 6.2.3 Operation and development of the National Grid.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.95

Summary of Decision Requested: Amend Policy 6.2.4 (a) Maintenance and minor upgrade the National Grid, as follows:

(a) Enable the repair, maintenance, replacement and minor upgrade of the National Grid within the National Grid Corridor.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy. Replacement of an underground pipeline, wires and replacement of an electricity tower can be seriously big jobs. Whole paddocks or areas of the farm may be taken over by the network utility operator and unable to be used by the farmer, as well as experiencing significant traffic over their farm by work crews arriving and leaving for work every day and vehicles carrying gear and equipment. Disturbance and disruption includes damage to pasture and soil compaction; damage to property, gates and fence lines; livestock disturbance; having to change farming practice like not being able to graze particular paddocks or continue with irrigation; damage and destruction of crops; and storage of materials and machinery on the property. Landowners are concerned about liability if there is an accident while workers are on their land. All these disruptive matters which occur outside the National Grid Corridor should be handled by landowner agreement with network utility operators, and is outside the sphere of the district plan to control.
- The policy consideration be confined to matters within the National Grid Corridor. In particular, 'replacement' or 'minor upgrade' should not involve any increase in adverse effects beyond this corridor.

Point Number 680.96

Summary of Decision Requested: Add to Policy 6.2.5 (a) Environmental effects new clauses (vi) and (vii) as follows:

(vi) Avoiding, remedying or mitigating adverse effects (including intrusion), from operation, maintenance or upgrading of infrastructure, which may intrude on activities outside the National Grid Yard; and

(vii) Enabling non-sensitive farming activity, such as; animal grazing, pasture maintenance, pest and weed control, as well as maintaining existing farm infrastructure such as dams and water storage tanks, troughs, water races and water supply pipelines, stock feed pads, stock and vehicle access tracks (including bridges, culverts and fords), fences, rural fire breaks, and farm telecommunication facilities, within the National Grid Yard, except within 12m of a National Grid support structure.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support this policy. Any policy which seeks to manage landowners' activities around utilities and the potential for reverse sensitivity needs to differentiate between rural and urban land uses. Rural and farming land uses will not have the same reverse sensitivity effects on any network utility due to the wider open spaces, low density of buildings, larger property sizes and less people on the property.
- It is a burden for landowners to host public infrastructure on their property, which has mostly been installed in the past without compensation. Landowners must be prepared to operate their farming activities around public infrastructure, and to have work crews on their property doing operation or maintenance activities. In today's health and safety climate, this is not something that farmers take lightly.

The submitter contends that the policy criteria be expanded to include:

- Avoiding, remedying or mitigating adverse effects (including intrusion) of infrastructure servicing requirements in areas outside the National Grid Yard.
- Enabling farming activity such as; animal grazing, pasture maintenance, pest and weed control, as well as maintaining existing farm infrastructure such as dams and water storage tanks, troughs, water races and water supply pipelines, stock feed pads, stock and vehicle access tracks (including bridges, culverts and fords), fences, rural fire breaks, and farm telecommunication facilities, within the National Grid Yard, except within 12m of a National Grid support structure.

Point Number 680.97

Summary of Decision Requested: **Amend** Policy 6.2.6 (a) Reverse sensitivity and the National Grid, as follows:

- (a) Manage proposed subdivision, use and development adjacent to the National Grid Yard so that the operation, maintenance, upgrading and development of the National Grid is not compromised by ensuring that:
- (i) The National Grid is identified on the planning maps and the National Grid Yard and National Grid Corridor establish buffer distances for managing land use development and subdivision near the National Grid;
- (ii) Sensitive proposed land uses and ~~buildings and~~ structures that may compromise the National Grid, ~~including intensive farming activities~~, are excluded from establishing within the National Grid Yard;
- (iii) Subdivision is managed within the National Grid Corridor to avoid subsequent land use from compromising the operation, maintenance, minor upgrading and development of the National Grid; and
- (iv) Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.

AND

Add to Policy 6.2.6 (a) Reverse sensitivity and the National Grid, new clause (v) as follows:

(v) Existing farming activity which is not sensitive to management of the National Grid, such as grazing, intensive stock feeding in open feedlots, land cultivation, maintenance of pasture, existing farm accessways and tracks (including stock bridges, culverts and fords), fences and stock exclusion structures, areas for fodder storage, rural fire breaks, water supply pipelines, farm dams, stock water troughs, permitted vegetation clearance, and pest and weed control, is permitted within the National Grid Yard, except within 12 metres from the outer edge of any national grid support structure.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy. Rural and farming land uses will not have the same reverse sensitivity effects on any network utility due to the wider open spaces, low density of buildings, larger property sizes and less people on the property. This includes intensive farming activity where animals are kept in outdoor feedlots. Where intensively farmed animals are kept indoors, the submitter accepts that minimum separation distances between buildings and high-voltage electricity transmission lines and structures is important. However, this can be managed through policy aimed at restriction of new structures and development within the National Grid Yard.
- The submitter seeks that the policy's focus is such that matters requiring consideration be confined to being within the National Grid Yard, and to network utility activities that can be lawfully carried out within the National Grid Yard.
- The submitter seeks that the policy be amended so that it clearly only applies to proposed subdivision, use and development within the National Grid Yard, and does not impugn existing lawfully established activity and development.
- The submitter seeks that existing farming, and maintenance of existing farm accessways and fences within the National Grid Yard, be provided for.

Point Number 680.98

Summary of Decision Requested: **Retain** Objective 6.3.1 Renewable energy, as notified.

Decision Reasons:

- The submitter supports this objective.

Point Number 680.99

Summary of Decision Requested: **Retain** Policy 6.3.2 Utilising energy efficiency, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.100

Summary of Decision Requested: **Retain** Policy 6.3.3 Enabling renewable electricity generation, as notified.

Decision Reasons:

- The submitter supports this policy to the extent that community-scale REG facilities are of a scale and character that is appropriate to their proposed location and not inconsistent with the manner of existing development and land use on adjoining sites. Submitter is particularly concerned about potential compromises to existing farm development and farming activity such as farm airstrips and associated aircraft take-off and landing flight paths that can result from inappropriate placement of large wind turbine structures.

Point Number 680.101

Summary of Decision Requested: **Retain** Policy 6.3.4 (a) Future renewable electricity, as notified.

Decision Reasons:

- The submitter supports this policy.
-

Point Number 680.102

Summary of Decision Requested: **Add** to Policy 6.3.5 Existing renewable electricity facilities, a new clause (b) as follows:

(b) Enable non-sensitive rural land use including; animal grazing, land cultivation and maintenance of pasture, pest and weed control, farm accessways and tracks fences and stock exclusion structures (including stock bridges, culverts and fords), water supply pipelines, farm dams and stock water troughs, and farm storage areas for fodder storage, fuel, fertiliser, hazardous substances, including associated farm storage buildings, sheds, animal barns and shelters and rural fire breaks, and permitted vegetation clearance, pest and weed control

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy provided that recognition is made in the policy for non-sensitive farming activity such as animal grazing, cultivation and pasture maintenance, pest and weed control, maintenance of farm tracks (including stock bridges, culverts and fords), fences, water supply pipelines, farm dams and stock water troughs, and farm storage areas for fodder storage, fuel, fertiliser, hazardous substances, including associated farm storage buildings, sheds, animal barns and shelters and rural fire breaks.

Point Number 680.103

Summary of Decision Requested: **Retain** Objective 6.4.1 (a) Integration of infrastructure with subdivision, land use and development, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.104

Summary of Decision Requested: **Amend** Policy 6.4.7 (a) Stormwater, as follows:

(a) Ensure that stormwater and drainage infrastructure for subdivision, land use and development in urban and rural residential areas:

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy provided that criteria for low-impact design approaches and minimising impervious surfaces is focused so that these only apply in urban areas. In rural areas, the impact of stormwater from development, and the amount of impervious surface in comparison to land area, is insignificant to the point that these are not relevant issues, and the costs of carrying out assessment and design for these matters far outweighs any benefit to be derived.

Point Number 680.105

Summary of Decision Requested: **Retain** Objective 6.5.1 Land transport network, as notified.

Decision Reasons:

- The submitter supports this objective.

Point Number 680.106

Summary of Decision Requested: **Retain** Policy 6.5.2 (a) Construction and operation of the land transport network.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.107

Summary of Decision Requested: **Retain** Policy 6.5.3 Road hierarchy and function, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.108

Summary of Decision Requested: **Add** to Policy 6.5.4 Road standards, a new clause (b) as follows:

(b) Ensure that in rural areas, the safe and efficient functioning of roads also takes into account safe sight distances, vehicle entranceways, pavement design and construction, road geometry and speed environments.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy and submits that the policy be expanded to recognise that in rural areas, the safe and efficient functioning of roads also takes into account safe sight distances, vehicle entranceways, pavement design, construction and geometry and speed environments. Rural roads are often longer roads with higher speed environments than urban roads, and safe and efficient roads are important for farming communities.

Point Number 680.109

Summary of Decision Requested: **Add** to Policy 6.5.5 Road safety, a new clause (b) as follows:

(b) To recognise that in rural areas, there may be agreements with landowners to utilise road berms for grazing or hay making, and that changes to road design to accommodate new access for subdivision need to consider the effect of subdivision and site access on the safe and efficient functioning of the road network in light of such arrangements.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy and submits that the policy be expanded to recognise that in rural areas, there may be agreements with landowners to utilise road berms for grazing or hay making, and that changes to road design to accommodate new access for subdivision need to consider the effect of subdivision and site access on the safe and efficient functioning of the road network in light of such arrangements.

Point Number 680.110

Summary of Decision Requested: **Retain** Policy 6.5.6 (a) Network utility location, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.111

Summary of Decision Requested: **Retain** Policy 6.5.7 (a) Vehicle access, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.112

Summary of Decision Requested: **Amend** Objective 7.1.1 (a) as follows:

(a) A district that acknowledges its past by: recognising, identifying, protecting and promoting historic heritage.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose of the Objective however amendment is required to promote consistency and clarity within the Proposed District Plan. We note that the term 'heritage' is not defined in the Proposed District Plan.

Point Number 680.113

Summary of Decision Requested: **Amend** Policy 7.1.2 (a) Identification, as follows:

(a) ~~Identify and~~ schedule historic heritage identified by the Regional Heritage Forum as requiring protection from inappropriate subdivision, use and development throughout the District that represent the heritage and cultural themes and activities of the district.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter considers this Policy has the potential to unnecessarily duplicate work the Regional Council is facilitating via the Regional Heritage Forum. It is the submitter's understanding this forum is currently scoping an inventory of historic heritage items, sites and areas for inclusion in district plans, which merit some form of heritage management or possibly even protection from inappropriate subdivision, use and development.
- The submitter prefers that there is some consistency between different agencies managing heritage issues, hence our relief sought in this regard.

Point Number 680.114

Summary of Decision Requested: **Amend** Policy 7.1.3 (a) and (d) Heritage items, as follows:

(a) The contribution of historic heritage to the Waikato District and its communities is maintained through the protection management and conservation of its buildings, sites, structures, places and areas through restoring, conserving and reusing.

...

(d) ~~Ensure~~ ~~Protect~~ the relationship of identified redoubts and battlefields with their surrounds or settings is from inappropriate subdivision, use and development.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is broadly supportive of the policy approach being taken. Council is appropriately limiting matters to 'inappropriate' subdivision, use and development. Section 6 (f) of the RMA provides for the protection of historic heritage from inappropriate subdivision, use, and development. With this direction, only inappropriate activities that could damage sites need to be managed.

Point Number

680.115

Summary of Decision Requested:

Amend Policy 7.1.7 Identification, as follows:

~~(a) Notable trees should be identified and scheduled in Schedule 30.2 in a manner that recognises the important values of each tree. Identify and schedule trees, including groups of trees and assess them for significance and/or notable values.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- With reference to Schedule 30.2 Notable Trees, submitter is unsure why this policy is necessary. Presumably the relevant Proposed District Plan Schedule should be referenced in any such policy, otherwise there is concern that the policy could be used to justify some sort of assessment or onerous consenting requirement in respect of any old tree.

Point Number

680.116

Summary of Decision Requested:

Amend Policy 7.1.8 (a) Tree protection, as follows:

(a) ~~Ensure removal of a notable tree listed in (Schedule 30.2 Notable Trees) only occurs if the tree is in an unsafe condition and/or there is a serious risk to human life or property.~~

(b) ~~Ensure land use or work within the dripline of a notable tree listed in (Schedule 30.2 Notable Trees) does not affect the form or health of the tree.~~

(c) ~~Enable removal of the protective tree status if the values associated with the protected tree have deteriorated.~~

(d) ~~Enable removal of a notable tree on private property if the reasonable use and enjoyment of the property and surrounds is compromised.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter supports the practical approach adopted by this policy but consider it needs to go further to enable the removal of a notable tree on private property if the use and enjoyment of that property is compromised.

Point Number

680.117

Summary of Decision Requested:

Amend Policy 7.1.9 Tree maintenance, as follows

(a) ~~Enable the maintenance and management of a notable tree for the purposes of:~~

(i) ~~Ensuring the continuing health, structural integrity and amenity value of the tree; OR and~~

(ii) ~~The reasonable use and enjoyment of the property and surrounds.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter broadly supports the intention of the policy however we consider that the two purposes are not mutually inclusive. The reasonable use and enjoyment of private property and surrounds is important in and of itself, the amendment is required to acknowledge and recognise that.

Point Number

680.118

Summary of Decision Requested:

Amend Policy 8.1.3 Esplanade reserves and walkways, as follows

(a) ~~With the exception of subdivision in the Rural Zone, to Acquire esplanade reserves or strips along coasts, rivers, lakes and wetlands during subdivision to enable the creation of trails and public access, particularly in identified high priority areas in Appendix 4.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is opposed to creation of esplanade reserves or strips where land is being subdivided for the purposes of facilitating farming in the Rural Zone.
- The disadvantages far outweigh the benefits. Any given member of the public might visit such waterway margins once in their lifetimes, if at all, while farmers have to put up with theft and nuisance on a continual basis. Creation of public access alongside farmland encourages all sorts of problems for farmers, including theft of farm property and stock, and harassment/harm of farm animals by careless dog owners.
- In addition, unless any such esplanade reserves that are acquired can be responsibly managed for pests and weeds (and unwanted excess vegetation growth blocking waterways), then provision of esplanade reserves ultimately results in land flooding problems for

farmers in the vicinity. Where nuisance plants like tobacco weed get established on riparian margins, this can cause adverse effects on water quality through exposing riparian areas to soil erosion when the tobacco weed etc gets swept away in big flood events

- Moreover, due to the pattern of existing land fragmentation, any reliance on a requirement to provide esplanade reserves upon subdivision of land almost certainly never results in continuous esplanade access along any given river or stream margin. Any access that might otherwise result alongside rivers and streams from such subdivision, ends up at best being intermittent due to the ad-hoc and infrequent timing of rural subdivision.
- Furthermore, farmers should not have to provide esplanade reserves or strips where they are only seeking boundary relocation or boundary adjustment to enable better practical management of farmland.
- Any requirement to acquire esplanade reserves or strips should be accompanied by a strategy which identifies waterways where acquisition of esplanade reserves is a priority for the purposes listed in section 229 and 230 of the RMA, in which all the management issues associated with esplanade reserves (such as enabling safe and practical public access, or pest and weed control etc) are provided for in a comprehensive manner in a way that also sits outside the district plan among the Council's other functions under the Local Government Act 2002 and the Reserves Act 1977.

Point Number 680.119

Summary of Decision Requested: Delete Chapter 10 - Hazardous substances.

AND

Replace with an advice note which states that it is no longer a district council function to control any actual or potential effects of the use, development, or protection of land, for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances. Hazardous substances are adequately managed by the Hazardous Substances and New Organisms Act (HSNO) and there is no need for further regulation in the Waikato District Plan.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Federated Farmers is strongly opposed to these hazardous substance provisions and recommends they be replaced with a framework that recognises hazardous substances are already adequately managed by the Hazardous Substances and New Organisms Act 1996 ("HSNO") and there is no need for further regulation in the District Plan.
- HSNO already provides a comprehensive and far reaching regulatory framework for managing hazardous substances. The Health and Safety at Work Act 2015 also provides regulatory controls that users and handlers of hazardous substances must be appropriately trained and certified. The Council is unnecessarily duplicating existing regulation for no additional benefit, there is also a risk that Council regulation will be inconsistent.
- FFNZ has provided alternative relief sought in response to the notified Objective and policies below. However, this is in the interests of being thorough rather than accepting of the ultra vires approach.

Point Number 680.120

Summary of Decision Requested: Amend Objective 10.1.1 Effects of hazardous substances, as follows:

(a) Residual risk associated with the storage, use, or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities using hazardous substances.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The risk management approach of the Objective is supported. Primary producers rely on a number of hazardous substances for everyday operations and as such it is vital that farming and horticulture can continue to use and store necessary hazardous substances without being captured by unnecessary land use controls.
- It is considered the proposed Objective is inappropriately focused on the benefit of the 'facilities' rather than the benefits of using hazardous substances.
- There is also some concern with the proposed definition of Hazardous Facility. A separate submission point will address this issue under Chapter 13.

Point Number 680.121

Summary of Decision Requested: Amend Policy 10.1.2 (a) Location of new hazardous facilities, as follows:

(a) New hazardous facilities minimise the risk to the environment (including people and property) to acceptable levels by:

(i) Siting new hazardous facilities in appropriate locations that are separated from incompatible activities such as sensitive land use and infrastructure, and environment;

(ii) Avoid locating near to sensitive land use activities and infrastructure

(iii) Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be avoided, remedied or mitigated and contained within the site; and

(iv) Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The intention of this policy is understood, however there appears to be unnecessary duplication in parts and it needs to be re-phrased to be clearer and more precise.
- Issues with the definition of Hazardous Facility will be addressed in a submission point related specifically to the definitions chapter.

Point Number 680.122

Summary of Decision Requested: Retain Policy 10.1.3 Residual risks of hazardous substances as notified (if the definition of Hazardous facility is amended as per amendments sought, as outlined in a separate submission point):

OR

Amend Policy 10.1.3 Residual risks of hazardous substances as follows:

~~(a) Facilities for the use, storage, or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment. Promote better understanding of the potential adverse effects of the use, storage or disposal of hazardous substances, and the methods and controls for avoiding remedying or mitigating such effects.~~

~~(b) Establish thresholds of acceptable risks from the use, storage, transportation and disposal of hazardous substances on the health and safety of people, and the environment.~~

~~(c) To provide for the manufacture, storage, use, disposal and transportation of hazardous substances in accordance with industry protocols and regulations established under the Hazardous Substances and New Organisms Act 1996.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter considers the all-encompassing nature of the *Hazardous Facility* definition renders this policy ineffective and inappropriate. A garden shed or storage cupboard in the laundry or garage would meet the definition of *hazardous facility* and as such trigger the requirement for a user of garden sprays to identify and assess adverse effects to prevent unacceptable levels of risk to human health, safety, property and the natural environment. It is acknowledged from the Section 32 report that this is not Council's intention, and seek the suggested amendments to remedy the presumed drafting error.
- The Section 32 report lists on page 3 the additional situations where supplementary controls over and above those imposed by the HSN0 Act or other statutes may be necessary including managing the effects of hazardous facilities on sensitive land uses and cumulative effects from multiple facilities. The purpose of the proposed policy in this suite is to manage adverse effects and risks but it has a significantly wider reach than that and is unmanageable in its present form. The proposed new policy 10.1.3 (b) provides the necessary policy support for the activity list approach for Rule 22.2.4.

Point Number

680.123

Summary of Decision Requested:

Delete Policy 10.1.4 (b) and (c) Reverse sensitivity effects:

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The purpose of proposed Policy 10.1.4 is to meet reverse sensitivity effects, however in the submitter's view, (b) is already addressed by Policy 10.1.2 (a)(i) and includes risk management issues which would be addressed under Policy 10.1.3.

Point Number

680.124

Summary of Decision Requested:

Amend Objective 10.2.1 (a) Contaminated land, as follows:

~~(a) The subdivision, use and development of contaminated land is managed to protect human health and the environment from unacceptable risk.~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- It is important for the Objective to be clear about the issue which is trying to be addressed and what the plan seeks to achieve. In this case it is about protecting human health and the environment from unacceptable risk of harm caused by the subdivision, use and development of contaminated land.

Point Number

680.125

Summary of Decision Requested:

Add to Policy 10.2.2 Managing the use of contaminated land an advice note as follows:

Advice note: The status of some activities will be determined by the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. Reference should be made to the Ministry of Environment website for a copy of these regulations, a user's guide, and documents incorporated by reference in these regulations.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose and intent of this policy and considers the planning approach which is predicated on land use change is appropriate.
- Soil tests upon sub-division and the already existing food standards testing allow for the identification of contaminated land when it has an effect on the public and as such there is no need for additional rules proposing tighter regulations for contaminated land or suspected contaminated land without there being a demonstrable effects-based need for these higher standards.
- It is not cost effective to deal with potential sites proactively, especially if there is no identified need, through either the food chain or land use change.
- For these reasons the submitter also supports the planning approach which seeks to avoid unnecessary duplication with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ('NES'). This approach is consistent with Implementation Method 14.4.1 of the Waikato Regional Policy Statement.
- Whilst the alignment approach is supported amendments are required to better 'signpost' this alignment within the chapter. This will ensure plan users are better informed and understand the rules framework which applies.

Point Number

680.126

Summary of Decision Requested:

Retain the definition of "Agricultural and horticultural research activities" in Chapter 13: Definitions.

Decision Reasons:

- The submitter supports this definition.

Point Number 680.127

Summary of Decision Requested: **Amend** the definition of "Ancillary rural earthworks" in Chapter 13 Definitions, as follows:

(a) Means any earthworks or disturbance of soil associated with: cultivation, land preparation (including establishment of sediment and erosion control measures), for planting and growing operations of crops and pasture;

(b) harvesting of agricultural and horticultural crops (farming) and forests (forestry); and planting trees, removing trees and horticultural root ripping;

(c) maintenance and construction of facilities typically associated with farming and forestry activities, including, but not limited to, farm/forestry tracks, roads, vehicle manoeuvring areas and landings, stock marshalling yards, stock races, silage pits, offal pits, burying dead stock and plat waste farm drains, farm effluent ponds, feeding pads, digging post holes, fencing and sediment control measures, drilling bores, installing and maintaining services such as water pipes and troughs, off-stream farm water storage dams, hard stand areas for stock, fertiliser storage pads, airstrips and helipads.

(d) Farm quarries where quarry winnings are only used within the farm site

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The definition of *Ancillary Rural Earthworks* should be congruent with a resource management policy framework which seeks to enable primary production in rural areas, and that it should be as clear as possible. The activities included in the submission point clearly be contemplated, including within any related definition.
- Off-stream farm water storage dams for stock and domestic water storage are commonplace on many farms.
- Farm quarries are certainly part of normal day to day farming operation and shouldn't need resource consent. Other district plans make allowance for permitted farm quarries at a scale which is appropriate in the context of the wide open spaces of the rural environment.

Point Number 680.128

Summary of Decision Requested: **Retain** the definition of "Animal feed lot" in Chapter 13 Definitions, as notified.

Decision Reasons:

- The submitter supports this definition and exemptions.

Point Number 680.129

Summary of Decision Requested: **Amend** the definition of "Boarding, breeding or animal training establishment" in Chapter 13 Definitions, as follows:

Means an activity carried out on land or within buildings where board and lodging, breeding and training is provided or intended to be provided for more than five animals (excluding offspring up to 3 months of age). This does not include dog kennels, calf rearing ~~sheds~~, stables, ~~and~~ or similar activities ~~shelters~~ for private farming uses, and activities defined as Agricultural and horticultural research activities and Agricultural research centres.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The submitter supports the exemptions included in this definition but considers the amendment as proposed is necessary to ensure that there is no confusion or uncertainty created when the rules framework is applied.

Point Number 680.130

Summary of Decision Requested: **Add** a new definition for "Boundary Adjustment" to Chapter 13: Definitions as follows:

Boundary adjustment – means a subdivision of adjoining allotments to adjust the position of boundaries, in a manner that produces the same number of allotments.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter seeks a definition of *Boundary Adjustment*, in recognition that this is a valid form of reorganisation of land parcels, which is useful for supporting rationalisation of farm management.

Point Number 680.131

Summary of Decision Requested: **Amend** the definition of "Earthworks" in Chapter 13 Definitions, as follows:

Means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, but does not include Ancillary Rural Earthworks.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The definition of *Earthworks* should clearly exclude *Ancillary Rural Earthworks*, lest the latter get needlessly caught up in a resource consent process which is triggered by the former.

Point Number 680.132

Summary of Decision Requested: **Amend** the definition of "Energy corridor" in Chapter 13 Definitions to ensure that it is the same, regardless of which format of the Proposed District Plan is being used.

Decision Reasons:

- Note that the definition of *Energy Corridor* is different on the two different formats of the plan uploaded on the Council website. It is assumed the electronic plan version contains an incorrect drafting error as it applies to *emergency generator*.

Point Number 680.133

Summary of Decision Requested: **Amend** the definition of "Extractive industry" in Chapter 13 Definitions, as follows:

Means taking, winning or extracting by whatever means, the naturally-occurring minerals (including but not limited to coal, rock, sand, and gravel) and peat from under or on the land surface, but does not include a Farm Quarry..

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- Farm quarries should be excluded from the definition of *Extractive Industry*, consistent with our relief sought in relation to the definition of *Ancillary Rural Earthworks*.

Point Number 680.134

Summary of Decision Requested: **Add** to the definition of "Farming" in Chapter 13 Definitions, a new clause (c) as follows:

(c) Ancillary Rural Earthworks

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- *Ancillary Rural Earthworks* should be included in the list of activities included in the definition of *Farming*, consistent with our relief sought in relation to the definition of *Ancillary Rural Earthworks*.

Point Number 680.135

Summary of Decision Requested: **Retain** the definition of "Farming noise" in Chapter 13 Definitions, as notified.

Decision Reasons:

- The submitter supports the definition.

Point Number 680.136

Summary of Decision Requested: **Retain** the definition of "Farm quarry" in Chapter 13 Definitions, as notified.

Decision Reasons:

- The submitter supports this definition.

Point Number 680.137

Summary of Decision Requested: **Amend** the definition of "Functional need" in Chapter 13 Definitions, as follows:

~~*Means for Chapter 14 Infrastructure and Energy, the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment for any number of reasons.*~~

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support this definition provided that the effect of this definition doesn't override the prerogative of landowners to refuse access to any member of the public or any network utility operator over private farmland.
- The definition has wider application than just Chapter 14 and may apply in certain circumstances to rural activities in and around waterbodies for example.

Point Number 680.138

Summary of Decision Requested: **Amend** definition the of "Homestay" in Chapter 13 Definitions, as follows:

Means accommodation provided to guests who pay a daily tariff to stay in accommodation where it is ancillary to the residential and farming activity on the site and where the host is a permanent resident on the site. This could be in a home with the permanent occupants of the household or in a separate building.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The definition needs to be amended to better reflect current homestay trends and the nature of this activity. It provides for small scale diverse business opportunities within the rural zone which can help to sustain a vibrant rural community.

Point Number

680.139

Summary of Decision Requested:

Amend the definition of "Hazardous facility" in Chapter 13 Definition as follows:

Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time. A Hazardous facility does not include:

(a) The incidental use and storage of Hazardous substances in domestic quantities; and

(b) Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats and small engines; and,

(c) On farm milk and farm effluent storage and disposal; and

(d) Storage of superphosphate or lime or similar fertiliser in the Rural Zone; and

(e) Use and storage of agrichemicals covered by, and in accordance with New Zealand Standard 8409:2004 Management of Agrichemicals.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The definition as currently worded has the potential to capture a range of activities inappropriately.

Point Number

680.140

Summary of Decision Requested:

Amend the definition of "Hazardous substance" in Chapter 13 Definitions, as follows:

Means any substance with hazardous properties, including radioactivity, high BOD (Biological Oxygen Demand) and those properties defined as hazardous for the purpose of the Hazardous Substances and New Organisms Act 1996.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The definition should be consistent with the HSNO Act, any variation has the ability to cause confusion and unnecessary duplication.

Point Number

680.141

Summary of Decision Requested:

Retain the definition of "Heritage item" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support is extended to the reference to Appendix 30.1 - it is important that these items are identified and scheduled accordingly.

Point Number

680.142

Summary of Decision Requested:

Retain the definition of "High class soils" in Chapter 13 Definitions, as notified.

Decision Reasons:

- It is accepted that this definition describes what is commonly known as 'high class soils'.

Point Number

680.143

Summary of Decision Requested:

Delete the definition of "High Natural Character Area" from Chapter 13 Definitions.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- This definition provides no purpose as there is no *High Natural Character Area* layer identified on the planning maps.

Point Number

680.144

Summary of Decision Requested:

Amend Activity specific condition 14.10.1.6 (a)(ii) relating to P8 Small cell units exceeding the permitted volumetric dimension of 0.1 l m³ regulated in the NESTF, as follows:

(a) Small cell units exceeding the permitted volumetric dimension of 0.1 l m² regulated in the NESTF that comply with all of the following conditions

(ii) Are not located within an Identified Area, except within the Rural Zone, where small cell units are a permitted activity within any Identified Area; and...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone, that are aimed at managing visual amenity, are appropriate to reflect the wide-open space scale and rural amenity character of rural areas.
- It is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas. In remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms.
- Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
- If the Council is minded to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

Point Number

680.145

Summary of Decision Requested:

Amend Activity specific condition 14.10.1.7 relating to P9 Poles, antennas and headframes, as follows:

(a) Any poles and attached antenna that comply with the following conditions:

(i) Are not located within an Identified Area, except within the Rural Zone, where poles, antennas and headframes are a permitted activity within any Identified Area;

...

(iv) Not exceed the height limits set out in the following table:

Zone	Permitted height
Rural, Country Living	25m (and 30m for colocation of at least two operators)

.....

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone, that are aimed at managing visual amenity, are appropriate to reflect the wide-open space scale and rural amenity character of rural areas.
- It is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas. In remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms.
- Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
- If the Council is minded to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

Point Number

680.146

Summary of Decision Requested:

Amend Activity specific conditions 14.10.1.8 (a)(iv) relating to P10 Externally-mounted telecommunication satellite dishes and ancillary components, as follows:

(a) Externally-mounted telecommunication satellite dishes and ancillary components that comply with the following conditions:

(iv) Are not located within an Identified Area (except within the Rural Zone, where externally mounted telecommunication satellite dishes and earthpeaks are a permitted activity).

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone, that are aimed at managing visual amenity, are appropriate to reflect the wide-open space scale and rural amenity character of rural areas.
- It is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas. In remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms.
- Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
- If the Council is minded to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

Point Number

680.147

Summary of Decision Requested:

Amend Activity specific condition 14.10.1.12 (a)(i) relating to P14 Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF, as follows:

Activity-specific conditions

14.10.1.12

(a) Aerial telecommunication lines...

(i) Do not exceed ~~230~~m in height; and...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone, that are aimed at managing visual amenity, are appropriate to reflect the wide-open space scale and rural amenity character of rural areas.
- It is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas. In remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms.
- Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
- If the Council is minded to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

Point Number

680.148

Summary of Decision Requested:

Amend Rule 14.10.3 (a)(ii) RD5 Restricted Discretionary Activities, as follows:

(a) Aerial telecommunication lines and...

...

(ii) Are not located within an Identified Area (except within the Rural Zone, where aerial telecommunication lines and associated support structures complying with regulations 41-21 of the NESTF are a permitted activity within Identified Areas)...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.10.3 and submits that aerial telecommunication lines and associated support structures complying with regulations 41-21 of the NESTF should be a permitted activity within Identified Areas in the Rural Zone, for the same reasons as given in relation to the relief sought in respect of Rule 14.10.1.

Point Number

680.149

Summary of Decision Requested:

Amend Rule 14.10.4 D3 Discretionary Activities, as follows:

Antennas attached to a building and/or structure located within an Identified Area, except within the Rural Zone, where antennas attached to a building and/or structure located within an Identified Area are a permitted activity.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.10.4 and submits that aerial telecommunication lines and associated support structures complying with regulations 41-21 of the NESTF should be a permitted activity within Identified Areas in the Rural Zone, for the same reasons as given in relation to the relief sought in respect of Rule 14.10.1.

Point Number

680.150

Summary of Decision Requested:

Amend Rule 14.10.4 D8 Discretionary Activities, as follows:

Aerial telecommunication lines and associated support structures located within an Identified Area, except within the Rural Zone, where these are a permitted activity.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.10.4 and submits that aerial telecommunication lines and associated support structures complying with regulations 41-21 of the NESTF should be a permitted activity within Identified Areas in the Rural Zone, for the same reasons as given in relation to our relief sought in respect of Rule 14.10.1.

Point Number

680.151

Summary of Decision Requested:

Amend Activity specific condition 14.11.1.1 (a) relating to P1 Stormwater systems for new development or subdivision, as follows:

(a) Except within the Rural Zone, New development or subdivision must have a stormwater system that complies with all of the following conditions:

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number

680.152

Summary of Decision Requested:

Amend Activity specific condition 14.11.1.2 (a) relating to P2 The establishment of impervious surfaces associated with new development or subdivision, as follows:

(a) Except within the Rural Zone, ~~t~~*The establishment of impervious surfaces associated with new development or subdivision that complies with the following condition:...*

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number

680.153

Summary of Decision Requested:

Amend Activity specific conditions 14.11.1.3 (a) relating to P3 Wastewater servicing for new development or subdivision, as follows:

(a) Except within the Rural Zone, ~~n~~*New development or subdivision must have a wastewater system that complies with the following conditions:...*

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number

680.154

Summary of Decision Requested:

Amend Activity specific condition 14.11.1.4 (a) relating to P4 Below ground pipelines for the conveyance of water, wastewater and stormwater, as follows:

Activity-specific conditions

14.11.1.4

(a) Except within the Rural Zone, ~~b~~*Below ground pipelines systems for the conveyance of water, wastewater and stormwater that comply with all of the following...*

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
 - The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
 - Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
 - For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.
-

Point Number 680.155

Summary of Decision Requested: **Amend** Rule 14.11.1 P5 Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area, as follows:

*Except within the Rural Zone, b*Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area

and

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number 680.156

Summary of Decision Requested: **Amend** Rule 14.11.1 P6 Pump stations for the conveyance of water, wastewater and stormwater, as follows:

*Except within the Rural Zone, p*Pump stations for the conveyance of water, wastewater and stormwater...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number 680.157

Summary of Decision Requested: **Amend** Activity specific condition 14.11.1.7 P7 (a) relating to Stormwater treatment, detention and retention facilities or devices as follows:

(a) *Except within the Rural Zone, s*Stormwater treatment, detention and retention facilities or devices that comply with the following...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number 680.158

Summary of Decision Requested: **Amend** Activity specific condition 14.11.1.8 (a) relating to P8 Stormwater ponds or wetlands as follows:

(a) *Except within the Rural Zone, s*Stormwater ponds or wetlands that comply with the following:...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number 680.159

Summary of Decision Requested: **Amend** Activity specific condition 14.11.1.8 relating to P9 Ventilation facilities, drop shafts and manholes, as follows:

~~14.11.1.8~~

(a) Except within the Rural Zone, ~~v~~ Ventilation facilities, drop shafts and manholes that comply with the following...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number 680.160

Summary of Decision Requested: **Amend** Activity specific condition 14.11.1.9 relating to P10 Below ground reservoirs, as follows:

~~14.11.1.9~~

(a) Except within the Rural Zone, ~~b~~ Below ground reservoirs that comply with all of the following...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.1 to the extent that it seeks to impose inappropriate regulation on water, wastewater and stormwater management in rural areas.
- The issues around these services in rural area are quite different to the issues confronted within urban areas for a range of reasons, including different spatial and geographical scale and differences in the natural resource characteristics and opportunities to manage these.
- Farmers should not have to be unnecessarily burdened with delay and cost in managing their farms on a day-to-day basis from having to be confronted with inappropriate resource consent requirements which will have little or no environmental benefit.
- For farms in rural areas, the Waikato Regional Plan manages water take and water discharge issues, and there is no need to duplicate that regime with a range of inappropriate regulations aimed at urban-scale 3-water management issues.

Point Number 680.161

Summary of Decision Requested: **Amend** Rule 14.11.2 RD1 Restricted Discretionary Activities as follows:

Except within the Rural Zone, ~~s~~ Stormwater systems for new development or subdivision that does not comply with one or more of the conditions of Rule 14.11.1.1

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.162

Summary of Decision Requested: **Amend** Rule 14.11.2 RD2 Restricted Discretionary Activities as follows:

Except within the Rural Zone, ~~t~~ The establishment of impervious surfaces associated with new development or subdivision that do not comply with one or more of the conditions of Rule 14.11.1.2

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.163

Summary of Decision Requested: **Amend** Rule 14.11.2 RD3 Restricted Discretionary Activities as follows:

Except within the Rural Zone, ~~w~~ Wastewater servicing for new development or subdivision that do not comply with one or more of the conditions of Rule 14.11.1.3

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.164

Summary of Decision Requested: **Amend** Rule 14.11.2 RD4 Restricted Discretionary Activities as follows:
Except within the Rural Zone, below ground pipelines that do not comply with one or more of the conditions of Rules 14.11.1.4 and 14.11.1.5
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.165

Summary of Decision Requested: **Amend** Rule 14.11.2 RD5 Restricted Discretionary Activities as follows:
Except within the Rural Zone, pump stations for the conveyance of water, wastewater and stormwater located within an Identified Area
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.166

Summary of Decision Requested: **Amend** Rule 14.11.2 RD6 Restricted Discretionary Activities as follows:
Except within the Rural Zone, stormwater ponds or wetlands, that serve more than one site, located within: ...
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.167

Summary of Decision Requested: **Amend** Rule 14.11.2 RD7 Restricted Discretionary Activities as follows:
Except within the Rural Zone, outfall structures located within an Identified Area
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.168

Summary of Decision Requested: **Amend** Rule 14.11.2 RD9 Restricted Discretionary Activities as follows:
Except within the Rural Zone, below ground reservoirs located within an Identified Area or road or unformed road
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.2 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number 680.169

Summary of Decision Requested: **Amend** Rule 14.11.3 D1 Discretionary Activities as follows:

Except within the Rural Zone, wWater treatment plants not located within road and unformed road or an Identified Area

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.3 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number

680.170

Summary of Decision Requested:

Amend Rule 14.11.3 D2 Discretionary Activities, as follows:

Except within the Rural Zone, wWastewater treatment plants located within the following..

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.3 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number

680.171

Summary of Decision Requested:

Amend Rule 14.11.3 D3 Discretionary Activities, as follows:

Except within the Rural Zone, aAbove ground reservoirs not located within an Identified Area

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.3 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number

680.172

Summary of Decision Requested:

Amend Rule 14.11.4 NCI Non-Complying Activities, as follows:

Except within the Rural Zone, wWater treatment plants located within the following..

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.4 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number

680.173

Summary of Decision Requested:

Amend Rule 14.11.4 NC3 Non-Complying Activities, as follows:

Except within the Rural Zone, aAbove ground reservoirs located within an Identified Area.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.11.4 for the same reasons that they oppose Rule 14.11.1, and the relief sought reflects that accordingly.

Point Number

680.174

Summary of Decision Requested:

Delete Activity specific conditions 14.12.1 .9 (1)(b) relating to P9 Stock underpasses located within:

- (a) Road and unformed road
- (b) Rural Zone

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.12.1, and submits that restrictions on stock underpasses in the Rural Zone, that are aimed at managing visual amenity, should be appropriate to reflect the wide-open space scale and rural amenity character of rural areas. It is not appropriate to superimpose the same visual amenity values on structures in rural areas as in urban areas. In rural areas, farmers typically have need of stock underpasses to augment the efficient and safe operation of farms. Imposing a requirement to trigger resource consent for stock underpasses in Identified Areas, unfairly penalises farmers who have to rely on such equipment, for

what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional stock underpasses, for the sake of unnecessary visual amenity criteria.

Point Number 680.175

Summary of Decision Requested: No specific decision sought, but submission opposes Rule 14.12.3 Discretionary Activities as a consequence of relief sought in the submission to Rule 14.12.1 P9.

Decision Reasons:

- The submitter opposes Rule 14.12.3 in accordance with the relief sought in relation to Rule 14.12.1 regarding removal of any requirement that triggers a need for a resource consent for stock underpasses within an Identified Area in the Rural Zone, and submit that stock underpasses should not need resource consent due to being situated within an Identified Area, and there will be little or no environmental benefit to be obtained, and farmers will be unnecessarily subjected to costs and delays in order to get stock underpasses installed in roads.

Point Number 680.176

Summary of Decision Requested: **Add** to Chapter 22 Rural Zone a new advisory note at the beginning of the Chapter, as follows:

(b) Any activity which is subject to National Environmental Standards are required to comply with the gazetted regulations. Where compliance with permitted activity, provisions of those regulations cannot be achieved, resource consent is required to be obtained.

Council is responsible for observing and enforcing the provisions of any gazetted national environmental standard.

Where any activity is not provided for in the following section, the relevant National Environmental Standard needs to be referred to in order to determine whether resource consent is required.

In carrying out its responsibilities under the Act the Council does not wish to impose any control which would duplicate the controls imposed by the Ministry of Forestry or the Regional Council. The Council will therefore approve a resource consent application for any sustainable harvesting of indigenous vegetation which complies with the provisions of the Forests Act 1949 where any:

(a) habitats of threatened or at risk species are protected; and/or

(b) cultural sites, or areas with cultural values are protected; and/or

(c) significant indigenous vegetation is identified and protected.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The informative nature of this section is understood, however it is considered important to include a provision which addresses the interface between national and regional planning instruments such as National Environmental Standards, for example.

Point Number 680.177

Summary of Decision Requested: **Retain** Rule 22.1.2 P4 A home occupation, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is given for the permitted, with conditions, nature of this activity. It provides for small scale diverse business opportunities within the rural zone which can help to sustain a vibrant rural community. Potential noise, vehicle and visual adverse effects should be adequately addressed by the conditions.

Point Number 680.178

Summary of Decision Requested: **Amend** the activity specific conditions for Rule 22.1.2 P6 Afforestation not in an Outstanding Landscape Area, as follows:

Activity specific conditions: ~~##~~

(a) In accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Afforestation in this context means planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years.
- Whilst the submitter understands an enabling approach, plantation forestry can cause significant adverse effects on neighbouring properties such as shading and leaf litter and consequential risk of livestock poisoning or disease from some types of trees. Falling

- trees and branches can also endanger neighbouring properties including damage to fences and other structures.
- The National Environmental Standard for Plantation Forestry Regulations 2017 includes permitted activities conditions which are designed to avoid remedy or mitigate some of these adverse effects.
 - P6 should include specific conditions in conjunction with Afforestation activities having permitted activity status.

Point Number 680.179

Summary of Decision Requested: **Retain** Rule 22.1.2 P7 Farming, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

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

Point Number 680.180

Summary of Decision Requested: **Amend** the activity specific conditions for Rule 22.1.2 P8 Forestry, as follows:

Activity specific conditions: ~~Nil~~

(g) In accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Whilst the submitter understands an enabling approach, plantation forestry can cause significant adverse effects on neighbouring properties such as shading and leaf litter and consequential risk of livestock poisoning or disease from some types of trees. Falling trees and branches can also endanger neighbouring properties including damage to fences and other structures.
- The National Environmental Standard for Plantation Forestry Regulations 2017 includes permitted activities conditions which are designed to avoid remedy or mitigate some of these adverse effects.
- P8 should include specific conditions in conjunction with Afforestation activities having permitted activity status.

Point Number 680.181

Summary of Decision Requested: **Retain** Rule 22.1.2 P9 Produce stall, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is given for the permitted nature of this activity with no specific conditions – it is important the district plan does not place unnecessary compliance burdens on these minor and beneficial activities.
- Produce stalls are an opportunity for consumers to purchase produce that was picked that morning; was grown locally; to meet the grower or farmer; and for a price that does not include packaging, storage or transport. Produce stalls contribute to rural amenity and allow consumers to experience the primary production purpose of the rural zone.

Point Number 680.182

Summary of Decision Requested: **Retain** Rule 22.1.2 P10 Home stay, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is given for the permitted nature of this activity. It provides for small scale diverse business opportunities within the rural zone which can help to sustain a vibrant rural community and district.

Point Number 680.183

Summary of Decision Requested: **Retain** Rule 22.1.2 P11 Equestrian centre, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is given for the permitted nature of this activity. It provides for diverse opportunities for businesses reliant on land within the rural zone, which can help to sustain a vibrant rural community and district.

Point Number 680.184

Summary of Decision Requested: **Retain** Rule 22.1.2 P12 Horse training centre, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is given for the permitted nature of this activity. It provides for diverse opportunities for businesses reliant on land within the rural zone, which can help to sustain a vibrant rural community and district.

Point Number 680.185

Summary of Decision Requested: **Add** to Rule 22.1.2 a new permitted activity rule for farm quarries, as follows:

PXX Farm quarrying including aggregate excavation and ancillary earthworks

Activity specific conditions: Nil

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The new rule is considered consequential relief to address issues raised in previous submission points.

Point Number 680.186

Summary of Decision Requested: **Add** to Rule 22.1.2 a new permitted activity rule for rural contractors' depot, as follows:

PXX Rural contractors' depot

Activity specific conditions: Nil

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Rural contractors' depots present a low risk to the management of rural environments and these should be enabled as a permitted activity in the Rural Zone. Rural contractors' depots are relatively benign, from the perspective of effects on amenity values and quality of the rural environment. They generally present little environmental risk that cannot be managed within an appropriate permitted activity framework.
- Rural contractors need to co-locate in rural areas where their services are in demand by rural communities. Such facilities augment the social, cultural and economic wellbeing of rural communities. Rural communities tend to be more isolated from access to services than urban communities, and as such should not be subject to additional hardships otherwise caused by intensified isolation if rural contractors depots are discouraged from being able to co-locate in rural areas where their services are in demand.

Point Number 680.187

Summary of Decision Requested: **Add** to Rule 22.1.2 a new permitted activity rule for Intensive farming, as follows:

PXX Intensive farming with activity specific conditions:

(a) Not within 300 metres of an existing dwelling that is under separate ownership.

(b) Not within 50 metres of any boundary.

(c) Meets all of the following conditions:

(i) Land Use – Effects in Rule 22.2

(ii) Land Use – Building in Rule 22.3

(iii) Building coverage does not exceed 3% of the site:

A. Rule 22.3.6 (Building Coverage) does not apply;

(iv) Building height does not exceed 15m;

A. Rule 22.3.4 (Building Height) does not apply;

AND

Delete Rule 22.1.3 RD1 (a) to (e) Restricted Discretionary Activities

AND

Add to Rule 22.1.3 RD1 Restricted Discretionary Activities the following:

RD1 (g) Intensive farming activity that does not comply with Rule 22.1.1 PXX

AND

Retain the matters of discretion in Rule 22.1.3 RD1 Restricted Discretionary Activities Matters of Discretion

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The proposed setback distances from site boundaries for buildings, pens or areas used for intensive farming are excessive, and will create unnecessary restrictions for land use. The proposed rule is overly complicated and requires a restricted discretionary resource consent as a minimum requirement in every instance. Intensive farming activities are an expected and anticipated activity in the rural zone.
- Setback distances are a blunt planning tool, an enabling approach which effects based can better meet the dynamic and evolving needs of resource users and planners in the long term.
- The opportunity to avoid, remedy or mitigate potential adverse effects should be afforded to new intensive farming operations who could utilise any number of ways to internalise effects. A restricted discretionary activity status is appropriate if permitted activity conditions are unable to be met in the first instance. This is a consistent and widely accepted approach which provides some certainty for plan users whilst retaining control when necessary to assess the potential off site effects of an intensive farming operation.

Point Number

680.188

Summary of Decision Requested:

Amend Rule 22.1.3 RD2 Restricted Discretionary Activities, as follows:

RD2 Rural Industry Depot

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Rural industry is an integral part of the rural sector; the activities of which are entirely appropriate and consistent with the underlying rural zone. The rule needs to be explicit in the intent which is to manage potential adverse effects of discrete sites or business locations on the surrounding area.

Point Number

680.189

Summary of Decision Requested:

Amend Rule 22.1.5 D5 Discretionary Activities as follows:

22.1.4~~5~~ D5 Hazardous waste storage, processing or disposal excluding chemicals, fuel and other hazardous substances used for farming.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Storage of agrichemicals used for farming should not be subject to this rule. To do so would subject farmers to undue cost and delay in having to seek resource consent for little or no environmental benefit. Farmers regularly use chemicals in pesticides, fungicides and herbicides for pest and weed control, and other chemicals for animal husbandry. They also need to maintain on-site fuel storage for farm machinery and fertiliser storage. The hazardous nature of handling and storage of such chemicals and substances is managed under other legislation and there is no need for the Council to regulate this in the Proposed District Plan.
- The submission corrects the numbering error 22.1.5, which is duplicated for discretionary and non-complying activities.

Point Number

680.190

Summary of Decision Requested:

Amend Rule 22.1.5 D15 Discretionary Activities as follows:

22.1.4~~5~~ D15 Afforestation of any part of an Outstanding ~~or~~ Natural Character Area ~~or~~ High Natural Character Area.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The notified rule is unnecessarily restrictive for an activity which could provide positive economic and biodiversity outcomes. The rule prioritises amenity over and above these other important values and as such does not strike the right balance. Further the planning maps do not differentiate between high natural character and natural character areas, this creates uncertainty for plan users and has the potential to capture more areas than intended to be controlled in this manner.
- The submission corrects the numbering error 22.1.5, which is duplicated for discretionary and non-complying activities.

Point Number 680.191

Summary of Decision Requested: **Retain** Rule 22.1.5 D16 Discretionary Activities if the definition is amended as per other submissions.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Conditional support will be extended to this rule if the definition is amended to incorporate submitter's relief sought. The exemptions to the definition are strongly supported but it is hard to understand what activities are hoped to be captured and controlled by this rule and for what purpose.
- The submission corrects the numbering error 22.1.5, which is duplicated for discretionary and non-complying activities.

Point Number 680.192

Summary of Decision Requested: **Delete** Rule 22.1.5 NC2 Non-Complying Activities.
AND
ADD to Rule 22.1.5 Discretionary Activity a new rule as follows:
Dxx
(a) A new extractive industry excluding farm quarries which are permitted under 22.1.2 PXX, located within all or part of any of the following:
(i) Outstanding Natural Feature;
(ii) Outstanding Natural Landscape;
(iii) High Natural Character Area
(iv) Outstanding Natural Character Area
AND
Any consequential changes needed to give effect to this relief.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The proposed amendment is required to provide better consistency with the planning approach prescribed in Objective 5.4.1 and Policy 5.4.2. Further the rule contains drafting flaws which render it unworkable. There are no areas identified in the planning map legend as High Natural Character Areas or Outstanding Natural Character Areas.
- The submitter wants to be clear that Farm Quarries are not to subject to triggering resource consent under such provisions.

Point Number 680.193

Summary of Decision Requested: **Delete** Rule 22.1.5 NC4 (a)(i) and (iv) Non-Complying Activities
AND
Add a new Discretionary Activities rule as follows:
Dxx
(a) Within the Urban Expansion Area, the following activities:
(i) Intensive farming
(ii) Extractive industry
AND
Any consequential changes needed to give effect to this relief.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The proposed amendment is required to provide better consistency with the policy approach prescribed in Proposed District Plan. Whilst the submitter supports a forward looking plan, priority must be given to activities which can be expected and anticipated within the rural zone and are unable to be located elsewhere. Urban growth pressures must be addressed without an over reliance on ring-fencing and controlling legitimate activities within the rural zone. The submitter urges Council to contain the sprawling footprint of urban expansion using more innovative and modern planning techniques.

Point Number 680.194

Summary of Decision Requested: Delete Rule 22.1.5 NC5 Non Complying Activities.
AND
Any consequential changes needed to give effect to this relief.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter opposes this type of 'catch all' rule which they believe is poor planning practice and inconsistent with a number of RMA provisions.
- Under RMA section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. The submitter appreciates that not every eventuality can be covered with the use of activity lists, however Section 17(1) establishes that every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, whether or not the activity is in accordance with a rule in a plan.
- This duty to avoid, remedy or mitigate adverse effects along with the enforcement options under Section 17(3) and option to notify a plan change or variation provide council with the appropriate opportunities to deal with unforeseen circumstances which may arise.

Point Number 680.195
Summary of Decision Requested: Retain Rule 22.2.1.1 P1 Noise-General as notified.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Strong support is extended to 22.2.1.1 (P1), the approach is consistent with the intent of Objectives 5.1.1 and 5.3.1 and related Policies, reverse sensitivity 5.3.7 in particular.

Point Number 680.196
Summary of Decision Requested: Retain Rule 22.2.1.1 P2 Noise - General, as notified.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Strong support is extended to 22.2.1.1 (P2), the approach is consistent with the intent of Objectives 5.1.1 and 5.3.1 and related Policies, reverse sensitivity 5.3.7 in particular.

Point Number 680.197
Summary of Decision Requested: Delete Rule 22.2.1.1 P4 Noise - General.
AND
Add a new advisory note (4) under Rule 22.2.1, Noise-General as follows:
(4) (a) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics - Measurement of Environmental Sound".
(b) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustic Environmental noise".
AND
Any consequential changes needed to give effect to this relief.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is extended to the inclusion of the standards as these help to provide certainty for plan users however submitter considers the information under P4 would be better placed under the 22.2.1 advisory section, not as a rule in and of itself.

Point Number 680.198
Summary of Decision Requested: Retain Rule 22.2.2 P1 (b) Glare and Artificial Light Spill
AND
Delete Rule 22.2.2 P1 (c) Glare and Artificial Light Spill.
AND
Any consequential changes needed to give effect to this relief.
AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter supports the intent of Rule P1(b) which is consistent with the stated policy approach and gives effect to reverse sensitivity principles. However, P1(c) is inconsistent with this approach and fails to appreciate the temporary nature of any adverse effects created from vehicles working at night and the necessity of the operation.
- The submitter accepts that where possible unacceptable nuisance effects such as light spill should be contained within the property boundary. However, farming requirements and weather conditions mean that even with the best intention it is not always possible to avoid a level of nuisance effect. In such instances (which are generally intermittent and temporary) it is imperative that the Plan clearly allows for this to ensure the farm business is not unduly impacted upon.
- An example is harvesting contractors and farmers working through the night to harvest crops due to short weather windows. Such effects are not unreasonable to expect in a rural area, and therefore this renders Rule 22.2.2P1(c) inappropriate. Submitter considers that it could result in creating unreasonable expectations of the amenity of the Rural Zone, and perpetuate reverse sensitivity issues with people, who are unaccustomed to a rural environment, complaining about normal farming activities and expecting those effects to be avoided or mitigated in every instance.
- Farming in a rural area should be a permitted activity.

Point Number

680.199

Summary of Decision Requested:

Retain Rule 22.2.3.1 P1 Earthworks- General, except for the amendment sought below

AND

Amend Rule 22.2.3.1 P1 Earthworks - General, as follows:

(a) Earthworks for:

(i) Ancillary rural earthworks

(ii) Farm quarry where the volume of aggregate does not exceed 1000m³ per single consecutive 12 month period;

(iii) Construction and/or maintenance of tracks and stock underpasses, fences or drains;

(iv) A building platform for a residential activity, including accessory buildings

(v) A building platform for farm buildings and sheds

(vi) Land cultivation and pasture maintenance, including horticultural root ripping and shelterbelt maintenance

(vii) Water supply lines, troughs, water tanks, off-stream dams

(viii) Constructed wetlands, effluent ponds, stormwater detention ponds, and stormwater bunds

(ix) Rural firebreaks

(x) Airstrips, helipads, fertiliser storage areas

(xi) Silage pits, and fodder storage hard-stand areas

(xii) Offal pits, burying dead stock and plant waste.

(xiii) For the purpose of pest and weed control or stock exclusion. This includes maintaining or constructing perimeter fencing and tracks for safe and efficient trap setting and earthworks for culvert crossings and stock bridges

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Strong support is extended to P1, the approach is consistent with the intent of Objectives 5.1.1 and 5.3.1 and related Policies.
- Earthworks for farming should be included as a permitted activity as there is little risk to the environment from undertaking such earthworks within the wide open spaces of rural areas. If these aren't provided for explicitly. The submitter is concerned that these sorts of earthworks could get caught by rules that trigger resource consent for certain types of other earthworks, which would put farmers through undue delay and cost hardship, for little or no environmental benefit.
- Earthworks associated with creating a building platform for non-residential purposes such as a farm implement shed within the rural zone should be permitted under this rule.

Point Number

680.200

Summary of Decision Requested:

Amend Rule 22.2.3.1 P2 (a) Earthworks - General, as follows:

(a) Earthworks within a site, excluding ancillary rural earthworks which are permitted under 22.2.3.1 P1, must meet all of the following conditions...

AND

Delete Rule 22.2.3.1 P2 (a) (vi) Earthworks-General.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter supports 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 and fall within the jurisdiction of the district council.

- The relief sought for the *earthworks* definition will in part address the concerns, but for the sake of completeness that some of the conditions listed have been set at an inappropriately low threshold and will capture farming activities unnecessarily.

Point Number 680.201

Summary of Decision Requested: **Delete** Rule 22.2.3.1 P4 (a) (vii) Earthworks - General.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intention and purpose of this rule however, the conditions need to fall within the jurisdiction of the district council.

Point Number 680.202

Summary of Decision Requested: **Retain** Rule 22.2.3.1 RDI Restricted Discretionary Activities Earthworks - General, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Submitter understands the purpose of Rule RDI and considers the matters of discretion appropriate.

Point Number 680.203

Summary of Decision Requested: **Add** new matter of discretion (iii) to Rule 22.2.3.2 RD1 (b) Earthworks - Maaori Sites and Maaori Areas of Significance, as follows:

(iii) the applicant's functional and operational need to undertake the activity in the area.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the purpose of the rule, however considers that when a site 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.

Point Number 680.204

Summary of Decision Requested: **Add** new matter of discretion (iii) to Rule 22.2.3.2 RD2 (b) Earthworks - Maaori Sites and Maaori Areas of Significance, as follows:

(iii) the applicant's functional and operational need to undertake the activity in the area

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the purpose of the rule, however considers that when a site 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.

Point Number 680.205

Summary of Decision Requested: **Amend** Rule 22.2.3.3 PI Earthworks-Significant Natural Areas, as follows:

~~(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area must meet all of the following conditions:~~

(a) Earthworks for farming within an identified Significant Natural Area.

Activity-specific conditions:

Nil

(b) Earthworks, other than for farming, within an identified Significant Natural Area must meet all of the following conditions:

- (i) The earthworks must not exceed a volume of 50m³ in a single consecutive 12 month period; and
- (ii) The earthworks must not exceed an area of 250m² in a single consecutive 12 month period;
- (iii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);
- (iv) Earthworks are setback 1.5m from all boundaries;
- (v) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;
- (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;
- ~~(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.~~

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands that areas which meet Significant Natural Area identification criteria can be subject to land use controls for the purposes of managing adverse effects on the biodiversity values of the site.
- The District Plan should provide for or enable activities that can support in maintaining or enhancing these areas.
- This includes maintenance of everyday farming activities like farm tracks, which are necessary for the safe and efficient movement of stock and farm vehicles. If there were a disruption to the functioning of any track, then farmers need the ability to form alternative safe access to parts of their farm that needs access, including for the purpose of moving stock. A farmer cannot afford to wait four or more weeks to have to obtain resource consent to move stock that are trapped in a part of the farm where existing access has become disrupted or blocked. The welfare of the stock and the economic well-being of the farmers are at stake.

Point Number

680.206

Summary of Decision Requested:

Amend Rule 22.2.3.3 RD1 (b) (ii) Earthworks - Significant Natural Areas, as follows:

~~(b) Councils discretion is restricted to the following matters:~~

~~(i) The location of earthworks taking into account waterways, significant indigenous vegetation or habitat~~

~~(ii) The effects on the values and integrity of the Significant Natural Area.~~

AND

Add a new clause to Rule 22.2.3.3 RD1 (b) Earthworks - Significant Natural Areas

(iii) The purpose and functional need of the earthworks

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter considers there to be unnecessary duplication between (i) and (ii). It is the effects of earthworks on the values and integrity of the Significant Natural Area and purpose of the activity which should be Council's key priorities.

Point Number

680.207

Summary of Decision Requested:

Amend Rule 22.2.3.4 PI Earthworks – within Landscape and Natural Character Areas, as follows:

~~(a) Ancillary rural earthworks for or for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions:~~

~~(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;~~

~~(iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);~~

~~(v) Areas exposed by the earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;~~

~~(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;~~

~~(vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths.~~

~~(b) Earthworks for other purposes must meet all of the following conditions:...~~

~~(i) The earthworks are undertaken within a single consecutive 12 month time period;~~

~~(ii) The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period:...~~

Landscape or natural character area	Area (m2)	Volume (m3)
Hill Country Significant Amenity Landscape	1,000	500
Significant Amenity Landscape Waikato River Margins and Lakes	500	500
Significant Amenity Landscape (SAL) sand dune))
High or Outstanding Natural Character area of the coastal))

environment
Outstanding Natural Feature sand dune) 50 250
Outstanding Natural Feature (ONF))
Outstanding Natural Landscapes (ONLs))

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone

Decision Reasons:

- The submitter understands that outstanding landscapes and features which meet certain criteria can be subject to land use controls for the purposes of managing adverse effects on the landscape values.
- The District Plan must focus on the values of the features and landscapes to recognise that landscapes across rural areas are changing all the time and that the working nature of the farming activities occurring in that space are part of that values system.
- To place arbitrary earthworks thresholds as the trigger for consent is a relatively blunt planning technique. The submitter is concerned that the size of earthworks allowed per site in any 12-month period is far too restrictive to have meaning for farming activities. Earthworks can be required for a number of reasons some of which are outside a farmers control for example to repair slip or flood damage. It is unduly onerous to require resource consent to mitigate damage from a natural event. Earthworks can be required to maintain and construct tracks and fencing which are a vital network through farms.
- The submitter appreciates why Council seeks to protect Outstanding Landscapes and understand these standards are being used to implement Chapter 3 Objectives. However, the goals can be achieved with reasonable permitted activity standards for activities which have, in part, contributed to the landscape values.
- The conditions need to fall within the jurisdiction of the district council.
- The submitter seeks that Significant Amenity Landscapes (SAL) references be deleted from these rules consistent with other relief sought in relation to SALs in this regard.

Point Number

680.208

Summary of Decision Requested:

Amend Rule 22.2.3.4 DI Earthworks – within Landscape and Natural Character Areas, as follows:

~~DI~~ RD I

(a) *Earthworks within an identified Landscape or Natural Character Area that do not comply with Rule 22.2.3.4 PI.*

AND

Add new clause (b) to Rule 22.2.3.4 DI Earthworks – within Landscape and Natural Character Areas, as follows:

(b) *Council's discretion is restricted to the following matters:*

(i) *Visibility from public place; and*

(ii) *Scale of earthworks and effects on the landscape values;*

(iii) *The purpose and functional need of the earthworks*

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The leap from permitted activity status with standards to Discretionary is inappropriate for a consenting pathway in this context. A restricted discretionary activity status is more consistent with the Proposed District Plan rules framework and the matters which Council should focus on are easily defined.

Point Number

680.209

Summary of Decision Requested:

Amend Rule 22.2.4 PI Hazardous Substances, as follows:

(a) *The use, storage or disposal of any hazardous substances where:*

(i) *The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rural Zone in Table 54.1 contained within Appendix 54 (Hazardous Substances), with the exception of: ...*

(ii) *Activities that involve the storage, use, disposal and transportation of agricultural, hazardous substances and fuels on land used for primary production that complies with:*

(a) *NZS8409:2004 Management of Agricultural;*

(b) *The Hazardous Substances and New Organisms Act 1996 (HSNO) and Regulations*

(c) *The storage and use of Class 3 fuels within the Rural Zone in accordance with the Environmental Protection Agency's Approved Practice Guide for Above Ground Fuel Storage on Farms, September 2010;*

(d) *The storage and use of fertiliser within the Rural Zone in accordance with the:*

- *Fertiliser (Corrosive) Group Standard HSR002569, and*
- *Fertiliser (Oxidising) Group Standard HSR002570, and*
- *Fertiliser (Subsidiary Hazard) Group Standard HSR002571, and*
- *Fertiliser (Toxic) Group Standard HSR002572, and*
- *Fert Research's Code of Practice for Nutrient Management 2007*

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone

Decision Reasons:

- Whilst the submitter understands the enabling intention of the Activity Table, they believe that tables of permitted quantities using HSNO classifications can be very difficult for resource users and council staff to interpret and determine where farm hazardous substances fit in. Agrichemicals and fertilisers can be made up of many substances and the permitted activity status is based on all the substances on the whole property.
- Where legislative controls or codes of practice exist, that there is no need for a District Council to require resource consent for the same activity.
- Hazardous substances are already controlled by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and agrichemicals are managed through NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards.
- Federated Farmers and Fert Research were involved in the development of Group Standards for fertilisers and agrichemicals. Group Standards for fertilisers are based on their hazardous substance classification: Corrosive HSR002569; Oxidising HSR002570; Subsidiary Hazard HSR002571; and Toxic 6.1 HSR002572. This demonstrates that fertilisers are already being appropriately managed, and this should be a consideration when any district plan provisions are developed.
- The submitter is concerned that the proposed rule may trigger a discretionary resource consent for fertiliser use, storage or disposal. Under Table 5.1 Rule 1 - Use, storage and disposal of hazardous substance sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 6.5, 9.1D, 9.2D, and 9.3 are exempt from this table. We ask then how is the use, storage or disposal of those exempt hazardous substances enabled when there is no ability to meet the permitted conditions of 22.2.4 P1 (a)(i).
- The most appropriate way to achieve a clear and concise planning system is to include exemptions to the rule.
- Please also note the incorrect Appendix is referenced within proposed Rule P1.

Point Number 680.210

Summary of Decision Requested: **Add** new clause (b) to Rule 22.2.6.1 P1 Signs-General, as follows:

(b) Signs required for legislative purposes

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone

Decision Reasons:

- Signs required by other legislation such as under the HSNO Act 1996, the Health and Safety in Employment Acts, The Biosecurity Act 1993, both on private property and on public land are also permitted.

Point Number 680.211

Summary of Decision Requested: **Amend** Rule 22.2.7 P1 Indigenous vegetation clearance inside a Significant Natural Area, as follows:

(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:

(i) Removing vegetation that endangers human life or existing buildings or structures or to manage fire risk;

(ii) Construction of conservation fencing to exclude stock and tracks for pest management;

(iii) Maintaining existing farm drains;

(iv) Maintaining existing tracks and fences; or

(v) Gathering plants in accordance with Maaori customs and values.

(vi) The removal of broken branches, deadwood or diseased vegetation;

(vii) To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010;

(viii) 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;

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Additional uses must be provided for as permitted activities. The submitter considers that the proposed additions are practical, provide more certainty and ensure Council continues to meet RMA obligations.

Point Number 680.212

Summary of Decision Requested: **Amend** Rule 22.2.7 P2 Indigenous vegetation clearance inside a Significant Natural Area, as follows:

Removal of up to 205m³ of manuka and/or kanuka outside of the Coastal Environment 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.~~

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of the rule, however the 5m³ threshold is far too restrictive and the requirement for the removal to not directly result in the death, destruction or irreparable damage of any other tree, bush or plant is a nonsense. The literal interpretation of this provision extends this protection to both indigenous and exotic vegetation, including pest plants.

Point Number 680.213

Summary of Decision Requested: **Amend** Rule 22.2.7 P3 (a) (ii) Indigenous vegetation clearance inside a Significant Natural Area, as follows:

(ii) The total indigenous vegetation clearance does not exceed ~~250m²~~ 500m² per building, including areas associated with access, parking and manoeuvring

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is extended to the enabling intent of this rule however, the submitter is unsure why land title is a factor in determining the permitted clearance thresholds for building and associated access purposes. This issue is about adverse effects and if Council accepts that 500m² can be cleared per dwelling on Maaori Freehold Land or Maaori Customary land then that level of effects should also be accepted on fee simple land.

Point Number 680.214

Summary of Decision Requested: **Amend** Rule 22.2.7 P6 Indigenous vegetation clearance inside a Significant Natural Area, as follows:

Removal of up to 50m³ of manuka and/or kanuka outside of the Coastal Environment 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.~~

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of the rule, however the 5m³ threshold is far too restrictive and is unsure why a distinction is made between vegetation which may be inside or outside the Coastal Environment (P2 v P6) when the clearance threshold is the same. Further the requirement for the removal to not directly result in the death, destruction or irreparable damage of any other tree, bush or plant is a nonsense. The literal interpretation of this provision extends this protection to both indigenous and exotic vegetation, including pest plants.

Point Number 680.215

Summary of Decision Requested: **Amend** Rule 22.2.7 D1 Indigenous vegetation clearance inside a Significant Natural Area, as follows:

~~D1~~ RD1

(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 22.2.7 P1, P2, P3, P4, P5 or P6.

(b) Council's discretion is restricted to the following matters:

(i) The measures to avoid, remedy or mitigate any adverse effects to the significant indigenous vegetation and significant habitats of indigenous fauna, including species relocation, offset and restorative planting;

(ii) Any cumulative effects arising from the proposed activity;

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter considers the leap from permitted activity status with standards to discretionary is inappropriate for a consenting pathway in this context. A restricted discretionary activity status is more consistent with the Proposed District Plan rules framework and the matters which Council should focus on are easily defined.

Point Number 680.216

Summary of Decision Requested: **Amend** Rule 22.2.8 (P1) Indigenous vegetation clearance outside a Significant Natural Area, as follows:

(a) Indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes:

(i) Removing vegetation that endangers human life or existing buildings or structures;

(ii) Maintaining or reinstating productive pasture through the removal of up to 1000m² per single consecutive 12month period of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height;

(iii) Constructing and maintaining existing tracks and fences;

(iv) Constructing and maintaining existing farm drains;

~~(v) Conservation Activities to fencing to exclude manage stock or pests such as installing a bait station network or undertaking plant pest management activities.~~

(vi) Gathering of plants in accordance with Maori custom and values; or

(vii) A building platform and associated access, parking and manoeuvring up to a total of 1,000m² ~~500m²~~ clearance of indigenous vegetation.

(viii) To create and maintain firebreaks

(ix) The clearance or modification of indigenous vegetation that has been planted and managed specifically for commercial production forestry, horticulture or agriculture purposes.

(x) To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010;

(xi) 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;

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Additional uses must be provided for as permitted activities. The proposed amendments are practical, provide more certainty, avoid duplication and ensure the Council continues to meet RMA obligations.
- 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 within the rural zone which is contradictory to a number of objectives and policies within the Plan.
- The restriction on all indigenous vegetation clearance within 10 metres of a waterbody is problematic and potentially unduly onerous given the term 'waterbody' is not defined within the plan. This also makes it difficult to understand how the rule will be accurately monitored.
- Clearance for activities such as formation of fences, firebreaks, crossings, tracks and pest management should be expected to occur on farms and rural areas, and the submitter would like to see provision for those activities within the permitted activity framework.

Point Number

680.217

Summary of Decision Requested:

Amend Rule 22.2.8 RD1 (b) (iv) Indigenous vegetation clearance outside a Significant Natural Area, as follows:

(iv) the extent to which the clearance on Maori Freehold Land or Maori Customary Land affects Tangata Whenua relationships with indigenous biodiversity on the site;

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of this rule is to give effect to the Waikato Regional Policy Statement. The matters of discretion are broadly accepted with the exception of RD1(b)(iv) which they do not consider is appropriate to apply to land which is in private ownership.

Point Number

680.218

Summary of Decision Requested:

Amend Rule 22.3.1 Number of dwellings within a lot, as follows:

(a) One dwelling within a lot containing less than 40 20ha,

(b) No more than two dwellings within a lot containing between 20 ha to 40ha ~~or more~~;

AND

Add new clause (c) to Rule 22.3.1 Number of dwellings within a lot, as follows:

(c) No more than three dwellings within a lot containing over 40 ha or more;

~~(d)~~ Any dwelling(s) under Rule 22.3.1 PI (a), (b) and (c), must not be located within any:

(i) Outstanding Natural Feature;

(ii) Outstanding Natural Landscape;

~~*(iii) Outstanding Natural Character Area;*~~

~~*(iv) High Natural Character Area.*~~

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of this provision with regards to PI(c)(i) and (ii), however the rule should not apply to areas which do not meet RMA Section 6(b) status.
- The submitter supports the graduated approach to the number of dwellings on a site, however considers that 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.

Point Number 680.219

Summary of Decision Requested: **Amend** Rule 22.3.2 PI (b) (i) Minor dwelling, as follows:

(b) Where there is an existing dwelling located within a lot:

(i) The minor dwelling must be located within 320m of the dwelling;

(ii) The minor dwelling must share a single driveway access with the existing dwelling.

(iii) The number of existing dwellings does not already exceed that permitted under Rule 22.3.1(PI).

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter supports the intent of this provision but considers the setback of 20m is unnecessarily restrictive. The addition of the new provision is appropriate as a consequential change resulting of the relief sought under 22.3.1 (PI).

Point Number 680.220

Summary of Decision Requested: **Amend** Rule 22.2.3 Buildings and structures in Landscape and Natural Character Areas so that only natural features and natural landscapes that have demonstrable outstanding natural qualities and are identified and mapped as Outstanding Landscapes or Features are subject to this rule.

AND

Amend Rule 22.3.3 DI Buildings and structures in Landscape and Natural Character Areas as follows:

~~DI~~ RD

(a) Building or structure located within any:

(i) Outstanding Natural Feature;

(ii) Outstanding Natural Landscape;

(iii) Outstanding Natural Character Area;

(iv) High Natural Character Area.

AND

Add a new restricted discretionary activity rule (b) to Rule 22.3.3 DI Buildings and structures in Landscape and Natural Character Areas, as follows:

(b) Council's discretion is restricted to the following matters:

(i) The extent to which the building or structure 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.

(ii) The functional or operational need of the building or structure to locate within the identified area.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter has serious concerns with the proposed planning approach. It is overly restrictive and will inappropriately capture farming relating buildings and structures such as stock yards. A permitted activity response with associated restricted discretionary activity rule is more consistent with the Proposed District Plan rules framework and the matters which Council should focus on are easily defined.
- The submitter understands the purpose of the rule is to manage the adverse effects of buildings and structures on Outstanding Natural Feature's (ONFs) and Outstanding Natural Landscape's (ONLs), however the proposed rule makes no distinction between development which is appropriate and that which may have inappropriate effects on the values of the ONFs and ONLs.
- 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. Submitter supports the development of workable solutions for the management of ONFs and ONLs across the district. But there is no reason for normal rural activities such as construction of farm buildings and structures or placement of large tanks to be subject to the expense and time delays associated with discretionary resource consents.
- The submitter has concerns with both the use of the term 'Outstanding Natural Character' Area and 'High Natural Character Area' and the lack of consultation through which they have been incorporated into the proposed plan.
- The submitter requests that only natural features and natural landscapes that have demonstrable outstanding natural qualities are identified and mapped as Outstanding Landscapes or Features are therefore subject to this Rule.

Point Number 680.221

Summary of Decision Requested: **Add** a new permitted activity rule PI to Rule 22.3.3 Buildings and structures in Landscape and Natural Character Areas, as follows:

PI

(a) Maintenance and replacement of existing buildings, or structures within an identified outstanding natural feature or landscape.

(b) New buildings and structures ancillary to agricultural production activities within pastoral landscapes that form part of an Outstanding Natural Feature and Landscape that:

(i) 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;

(ii) That the maximum floor area is 600m², and

(iii) That the maximum height is 10 metres.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- This relief is required to give effect to submission points raised in relation to Rule 22.3.3 D1.

Point Number

680.222

Summary of Decision Requested:

Retain Rule 22.3.4.1 PI Height - Building General, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter supports this rule.

Point Number

680.223

Summary of Decision Requested:

Delete Rule 22.3.4.1 (P2) Height - Building General.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- This relief is required to give effect to submission points raised in relation to Policy 3.4.3.

Point Number

680.224

Summary of Decision Requested:

Amend the title of Rule 22.3.6 Building coverage as follows:

22.3.6 Building coverage (excluding buildings ancillary to farming purposes).

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of this rule but considers the amendment is necessary for clarity sake and to increase certainty.
- The submitter is concerned if covered yards, woolsheds, implement sheds or milking platforms were interpreted as being subject to this rule.

Point Number

680.225

Summary of Decision Requested:

Retain Rule 22.3.7.1 PI Building Setbacks – All boundaries, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of these rules and is supportive of the planning approach taken.

Point Number 680.226

Summary of Decision Requested: **Retain** Rule 22.3.7.1 P2 Building Setbacks – All boundaries, as notified.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of these rules and is supportive of the planning approach taken.

Point Number 680.227

Summary of Decision Requested: **Retain** Rule 22.3.7.1 P3 Building Setbacks – All boundaries, as notified.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of these rules and is supportive of the planning approach taken.

Point Number 680.228

Summary of Decision Requested: **Retain** Rule 22.3.7.1 P4 Building Setbacks – All boundaries, as notified.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of these rules and is supportive of the planning approach taken.

Point Number 680.229

Summary of Decision Requested: **Retain** Rule 22.3.7.1 RDI Building Setbacks – All boundaries, as notified.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of these rules and is supportive of the planning approach taken.

Point Number 680.230

Summary of Decision Requested: **Retain** Rule 22.3.7.2 Building setback sensitive land use, as notified, if the changes sought to the definition of "Sensitive land use" are accepted.
OR
Delete Rule 22.3.7.2 P1 (a)(vii) Building setback sensitive land use from the rule.
AND
Any consequential changes needed to give effect to this relief.
AND
Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of these rules and extends conditional support if the definition of sensitive land use is amended as per their relief sought in an earlier submission. The current definition captures homestay activities which they consider is unduly onerous and unnecessary given the nature of that activity.

Point Number 680.231

Summary of Decision Requested: **Amend** Rule 22.3.7.5 P1 (a) Building setback – water bodies, as follows:
(a) Any building (unless there is a functional or operational need to be closer) must be set back a minimum of..
AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the intent of the rule however the all-encompassing nature of the building definition could capture buildings with an operational or function need to be closer, such as pump sheds for example.

Point Number

680.232

Summary of Decision Requested:

Delete Rule 22.3.7.6 PI Building setback – Environmental Protection Area.

AND

Delete Environmental Protection Areas from the planning maps, as a consequential amendment.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter is unsure what *Environmental Protection Areas* are and what the purpose of identifying them is. There is no mention of these areas within the policy framework and no definition provided in Chapter 13. Without knowing how they have been identified and what the purpose is they are unable to assess the merits or otherwise of this proposed rule.

Point Number

680.233

Summary of Decision Requested:

Delete Rule 22.3.7.6 (D1) Building setback – Environmental Protection Area.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- This is a consequential amendment, as it is related to the concerns raised under Rule 22.3.7.6 (P1).

Point Number

680.234

Summary of Decision Requested:

Amend Rule 22.4.1.1 Prohibited subdivision to be a Discretionary activity instead of Prohibited Activity status.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter is opposed to the use of prohibited activity status in this regard. The absolute nature of this approach is unnecessary and unduly restrictive.

Point Number

680.235

Summary of Decision Requested:

Add a new Controlled Activity rule to Section 22.4 Subdivision as follows:

Subdivision to adjust a common boundary – Controlled activity

Despite rule 22.4.1.2, subdivision is a controlled activity if:

- (1) the result of the subdivision is to adjust a common boundary between two viable certificates of title, and
- (2) no additional certificates of title are created, and
- (3) the subdivision creates certificates of title having substantially the same area, shape, location and access as before the subdivision, and
- (4) no additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring.

Control is reserved over

- area and shape of certificates of title
- easements

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter considers that subdivision to create a boundary adjustment should be a controlled activity as there is little or no risk of adverse effect that cannot be appropriately managed by matters of control.

Point Number

680.236

Summary of Decision Requested:

Amend Rule 22.4.1.2 RD1 General subdivision, to make subdivision of lots with a minimum area of 20ha a Controlled Activity in the Rural Zone, with appropriate matters of control.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Lots which are a minimum of 20ha in area should be a *controlled activity* in the Rural Zone, with a controlled activity standard that requires all lots to be a minimum size of 20 ha (in addition to other appropriate matters of control).
- 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 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.
- 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.
- Where subdivision cannot achieve a standard of minimum 20ha lot area, the subdivision could trigger to a *restricted discretionary activity* status provided that any lot is at least 8,000m² in area, and the Council's suggested criteria for high class soil can also apply.

Point Number

680.237

Summary of Decision Requested:

Amend Rule 22.4.1.2 NC1 General subdivision, from Non-complying activity status to Discretionary activity status.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter is opposed to the use of non-complying activity status in this regard. The approach is unnecessary and unduly restrictive.

Point Number

680.238

Summary of Decision Requested:

Amend Rule 22.4.1.4 RD1 Boundary relocation from Restricted Discretionary Activity status to a Controlled Activity status in the Rural Zone.

AND

Amend Rule 22.4.1.4 RD1 (b) Boundary relocation, as follows:

(b) ~~Council's discretion is restricted~~ reserves control over ~~to~~ the following matters:

~~(i) Amalgamation of land subdivision layout and design including dimension, shape and orientation of the proposed lots;~~

~~(ii) Any change in vehicle access from a road as a result of the proposed new lot boundaries-effects on rural character and amenity values;~~

~~(iii) Easements effects on landscape values; and~~

~~(iv) Potential for reverse sensitivity effects~~

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- There is a continuing need to provide for subdivision such as boundary adjustments and amalgamations, in order to provide for efficient property management.
- 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.

Point Number 680.239

Summary of Decision Requested: **Retain** Rule 22.4.1.5 Rural Hamlet Subdivision, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is extended to the planning approach being taken.

Point Number 680.240

Summary of Decision Requested: **Amend** Rule 22.4.1.6 RD1 (a)(iii) Conservation lot subdivision, as follows:

(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, 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);

...

(vii) This rule of its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;

(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 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.

(c) (b) Council's discretion is restricted to the following matters:...

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter supports the intention, with the exception of (iii), and ask why penalise those who have been proactive? The conservation lot subdivision can be retrospective as provision (viii) makes sure there is no double dipping which is understandable.
- In some cases, 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 the submitter'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.
- The protection of suitable natural features can be encouraged through incentives such as additional subdivision rights that can be 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. 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.

Point Number 680.241

Summary of Decision Requested: **Amend** Rule 22.4.2 RD1 Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas, as follows:

(a) Subdivision of land containing any natural hazard area, contaminated land, ~~Significant Amenity Landscape~~, notable trees, intensive farming activities...

(iii) The boundaries of every proposed lot must not divide and of the following:

A. A natural hazard area;

B. Contaminated land;

~~C. Significant Amenity Landscape;~~

D. Notable trees

(b) Council's discretion is restricted to the following matters:

~~(i) landscape values~~

~~(ii) amenity values and character~~

...

(ix) effects on any Aggregate Extraction Area (not including Farm Quarries).

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Amendment is required to give effect to relief sought with regard to Policy 3.4.3.

Point Number 680.242

Summary of Decision Requested: **Retain** Rule 22.4.3 RD1 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance, as notified (once the issues relating to the identification process have been addressed).

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Conditional support is extended to this planning approach once the issues relating to the identification process has been addressed.

Point Number 680.243

Summary of Decision Requested: **Amend** Rule 22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance from Non-complying Activity status to Discretionary Activity status, as follows:

~~NCI-DI~~ Subdivision that does not comply with Rule 22.4.3 RD1

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Submitter considers discretionary activity status to be more appropriate than non-complying.

Point Number 680.244

Summary of Decision Requested: **Delete** Rules 22.4.5 DI (a) (i) - (v) Subdivision within identified areas.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter understands the principle but seeks deletion of the application to areas (i)-(v) until there is some confidence in the areas which have been identified.

Point Number 680.245

Summary of Decision Requested: **Delete** Rule 22.4.6 RD1 Subdivision of land containing all or part of an Environmental Protection Area.

AND

Delete Rule 22.4.6 DI Subdivision of land containing all or part of an Environmental Protection Area.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Submitter is unsure what Environmental Protection Areas are and what the purpose of identifying them is. There is no mention of these areas within the policy framework and no definition provided in Chapter 13. Without knowing how they have been identified and what the purpose is they are unable to assess the merits or otherwise of this proposed rule.

Point Number 680.246

Summary of Decision Requested: **Amend** Rule 22.4.7 (RD1)(a) Esplanade reserves and esplanade strips, as follows:

(a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council from every subdivision where the land being subdivided is within 20m of any water body identified in Appendix 4 (Esplanade Priority Areas);

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The amendment is required to address the concerns raised under Policy 8.1.3.

Point Number 680.247

Summary of Decision Requested: **Amend** Rule 22.4.9 RDI Subdivision - Building platform, as follows:

a) *Subdivision, other than an access, ~~or~~ utility allotment or boundary adjustment or boundary relocation, must provide a building platform on the proposed lot that: ...*

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- The submitter is concerned that the building platform requirement may be triggered in every instance where boundary adjustment or relocation is being undertaken. Amendment is required for clarity sake, to avoid any confusion and provides increased certainty.
-

Point Number 680.248

Summary of Decision Requested: **Retain** Section 22.5 Specific Area – Agriculture Research Centres, as notified.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- Support is extended to the planning approach taken.
-

Point Number 680.249

Summary of Decision Requested: **Delete** all notified overlays on the Proposed District Plan planning maps which are identified over private land. The relief sought specifically relates to the overlays listed on the Waikato Proposed Plan Legend as:

- Natural character
- Environmental Protection Area
- Significant Amenity Landscapes
- Significant Natural Area
- Outstanding Natural Landscapes
- Outstanding Natural Feature
- Walkway Cycleway Bridleway
- Maaori Site of Significance
- Maaori Area of Significance

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This relief sought is required as a consequential amendment to address the serious concerns which have been raised throughout this submission. The process used to identify and map these overlays onto private land has not been sufficiently robust to have any confidence in the accuracy of the data which has been mapped. This is particularly important to get right given the degree of regulation proposed to be applied over these respective areas.
 - Submitter supports the principle of a planning approach that seeks to identify areas of national importance and consider that a targeted planning response is more appropriate than general catch all rules. The submitter considers that this plan has been notified prematurely before essential quality control work has been undertaken.
 - Further frustrations relate to the consultation process. It is the submitters understanding that many affected parties are either not aware nor understand the implications of these overlays being mapped onto their properties. The submitter considers that Council has not been particularly proactive during the consultation process and it can be argued that affected parties will be disheartened that the pre-notification consultation ended up being ineffective.
-

Point Number 680.250

Summary of Decision Requested: **Retain** Appendix 6: Biodiversity Offsetting, as notified.

Decision Reasons:

- The submitter understands the purpose and intent of Appendix 6.
-

Point Number 680.251

Summary of Decision Requested: **Amend** Rule 22.1.5 Discretionary Activities to be Rule 22.1.4.

AND

Any consequential changes needed to give effect to this relief.

AND

Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.

Decision Reasons:

- To correct a numbering error.

Point Number 680.252

Summary of Decision Requested: **Amend** the definition of 'Indigenous vegetation' in Chapter 13 Definitions as follows:

Means vegetation that occurs naturally in New Zealand or arrived in New Zealand without human assistance. For the purposes of this plan, domestic or ornamental / landscaping planting, or planted shelter belts comprising indigenous species are not included, or forestry undergrowth, or planted indigenous forestry are excluded from the definition of 'indigenous vegetation'.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The definition of indigenous vegetation needs to include more exemptions. This will ensure it is reasonable and practical in the context of the proposed rules framework.

Point Number 680.253

Summary of Decision Requested: **Delete** the definition of "Intensive farming" in Chapter 13 Definitions

AND

Replace with the following definition of "Intensive Farming" in Chapter 13: Definitions:

Means the commercial raising and keeping of plants or animals permanently contained in buildings or outdoor enclosures, that occurs independent of the soil fertility on the site, is dependent on a high input of food or fertiliser from beyond the site, and may (but not necessarily) involve artificially controlled growing conditions and includes boarding kennels or catteries, but does not include the sheltered rearing and weaning of calves, lambs or goats undertaken indoors as part of a farming activity nor the use of wintering barns, stabling of horses, feed pads and stand-off pads where stock are not held on a permanent basis.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The proposed definition is overly complicated and has potential to extend the meaning of 'intensive' farming beyond usual definitions and capture normal farming activity (such as calf or lamb rearing and weaning in shelters, or feeding stock on standoff pads or in temporary feedlots, or break-feeding) within an onerous resource consent process for little or no environmental benefit.

Point Number 680.254

Summary of Decision Requested: **Delete** the definition of "Landscape Restoration Area" in Chapter 13 Definitions.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- This definition is unnecessary and inappropriate. The active management approach outlined in this definition is more appropriately addressed, if required, as resource consent conditions when a land use activity within the Rangitahi Peninsula triggers the need for one.

Point Number 680.255

Summary of Decision Requested: **Retain** the definition of "Maori Areas of Significance" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support is extended to the scheduling approach taken.

Point Number 680.256

Summary of Decision Requested: **Retain** the definition of "Maori Sites of Significance" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support is extended to the scheduling approach taken.

Point Number 680.257

Summary of Decision Requested: **Retain** the definition of "Minor upgrading of existing infrastructure" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support to the extent that this definition is consistent with the National Policy Statement on Electricity Transmission and National Environmental Standard for Electricity Transmission.
-

Point Number 680.258

Summary of Decision Requested: **Retain** the definition of "National grid yard" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support to the extent that this definition is consistent with the National Policy Statement on Electricity Transmission and National Environmental Standard for Electricity Transmission.

Point Number 680.259

Summary of Decision Requested: **Retain** the definition of "National grid corridor" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support to the extent that this definition is consistent with the National Policy Statement on Electricity Transmission and National Environmental Standard for Electricity Transmission.

Point Number 680.260

Summary of Decision Requested: **Amend** the definition of "Outstanding Natural Feature" in Chapter 13 Definitions, as follows:
Means a feature identified as an Outstanding Natural Feature on the planning maps, listed in Appendix XX and described in the individual assessment sheet.
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Conditional support is extended to this definition. Submitter supports the principle of identifying these areas, listing them on a schedule, which summaries the associated values, and including the overlay on planning maps.

Point Number 680.261

Summary of Decision Requested: **Delete** the definition of "Outstanding Natural Character Area" in Chapter 13 Definitions.
AND
Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- This definition provides no purpose as there is no Outstanding Natural Character Area layer identified on the planning maps.

Point Number 680.262

Summary of Decision Requested: **Amend** the definition of "Outstanding Natural Landscape" in Chapter 13 Definitions as follows:
Means a landscape identified as an Outstanding Natural Landscape on the planning maps, listed in Appendix XX and described in the individual assessment sheet.
AND
Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Conditional support is extended to this definition. Submitter supports the principle of identifying these areas, listing them on a schedule, which summaries the associated values, and including the overlay on planning maps.

Point Number 680.263

Summary of Decision Requested: **Retain** the definition of "Rural ancillary earthworks" in Chapter 13 Definitions, as notified.

Decision Reasons:

- The submitter supports the definition.

Point Number 680.264

Summary of Decision Requested: **Add** to Chapter 13 Definitions a new definition of "Rural contractor's depots" as follows:
Means offices, storage buildings, plant and machinery used for the purposes of agricultural contracting, including ancillary activities and transport depots relating to the transportation of agricultural and horticultural produce, including livestock. Agricultural contractors' depots include the repair, servicing and maintenance of rural-based vehicles or machinery.
AND
Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- A definition for this activity is required and subsequent new rule. The activity is different from both rural industry and farming. It is an important activity which must be enabled within the rural zone.

Point Number 680.265

Summary of Decision Requested: **Retain** the definition of "Rural industry" in Chapter 13 Definitions as notified.

Decision Reasons:

- Rural contractors' depots need to be defined separately. It is clear from this definition of *rural industry* that Waikato District Council is making a distinction between the activities and this is supported.

Point Number 680.266

Summary of Decision Requested: **Amend** the definition of "Sensitive land use" in Chapter 13 Definitions, as follows:

Means an education facility including a childcare facility, waananga and kohanga reo, ~~a residential activity~~, papakainga building, rest home, retirement village, travellers' accommodation, ~~home stay~~, health facility or hospital.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose and intent of this definition however considers that homestays and residential activity, as defined in the plan do not need to be elevated to this status and subject to the associated planning response.

Point Number 680.267

Summary of Decision Requested: **Delete** the definition of "Significant Amenity Landscape" in Chapter 13 Definitions.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter understands the purpose of the definition and subsequent policy framework is to give effect to the Waikato Regional Policy Statement (VRPS). However, the submitter considers the Proposed District Plan has not implemented the VRPS direction appropriately and identified rural productive areas as Significant Amenity Landscapes (SAL) unnecessarily.
- The primary concern is with the use of the SAL overlays affecting everyday farming operations in the Rural Zone by triggering an onerous and unnecessary requirement for farmers to have to seek and obtain resource consent for any practical development of farms for farming, for what amounts to little or no environmental benefit.
- Farming is part of the landscape character of rural areas, and farming should not be subject to onerous requirements for resource consent to develop their farms for farming purposes.

Point Number 680.268

Summary of Decision Requested: **Amend** the definition of " Significant Natural Area" in Chapter 13 Definitions, as follows:

Means an area of significant indigenous biodiversity that is identified as a Significant Natural Area on the planning maps and listed in Appendix XX and described in the individual assessment sheet

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Conditional support is extended to this definition. The submitter supports the principle of identifying these areas, listing them on a schedule, which summaries the associated values, and including the overlay on planning maps.

Point Number 680.269

Summary of Decision Requested: **Retain** the definition of "Significant feature of interest" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Conditional support is extended to this definition. The submitter supports the principle of identifying these areas, listing them on a schedule, which summaries the associated values, and including the overlay on planning maps.

Point Number 680.270

Summary of Decision Requested: **Amend** the definition of "Travellers' accommodation" in Chapter 13 Definitions, as follows:

... excludes the accommodation used by the permanent resident. Provided that Travellers accommodation does not include activities defined in this Plan as Homestay activities.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This is a consequential amendment required to give effect to the relief sought under Homestay submission point.

Point Number 680.271

Summary of Decision Requested:

Amend the definition of "Vegetation clearance" in Chapter 13 Definitions, as follows:

Includes the modification, burning, cutting, crushing, spraying and removal by physical, mechanical, chemical or other means, of all forms of vegetation, including indigenous, and may include exotic plants.

It does not include vegetation clearance ~~relating to routine cultivation or grazing, which is ancillary to Farming, such as:~~

(a) clearance for the purpose of maintaining rural fire breaks,

(b) pasture maintenance

(c) clearance of airstrips, helipads, vehicle entranceways, accessways and driveways, farm tracks and stock crossings of waterways,

(d) clearance around farm buildings and farm infrastructure, water supply dams, pipelines and troughs,

(e) pest plant/weed management, including clearance of pest plants including: thistles, ring ferns, carpet ferns, rushes, ink weed, briar rose, barberry, introduced pampas grass (other than toetoe), mingimingi, wilding, pinus species, etc

(f) cultivation,

(g) forestry harvesting, pruning and thinning,

(h) clearance or disturbance by animals including grazing,

(i) activities undertaken for the purpose of establishing a fence line,

(j) maintaining shelterbelts (including cutting of shelterbelt roots,

(k) activities associated with fruit tree or fruit vine plantations,

(l) clearance of vegetation that is fallen or dead,

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This definition should be amended to specifically exclude vegetation clearance undertaken in association with day-to-day farming.
- The submitter has concerns that the definition will still catch many instances of ordinary pastoral farming practice in which vegetation clearance may have to be undertaken on a day-to-day basis, and trigger the requirement for resource consent unnecessarily.
- Farmers should not have to incur unnecessary delay and cost for routine vegetation clearance which will result in no more than minor adverse environmental effects.

Point Number 680.272

Summary of Decision Requested:

Amend the definition of "Waste management" in Chapter 13 Definitions, as follows:

Means industrial or commercial activities relating to the minimisation or reduction of waste material and reuse, recycling, recovery, treatment, storage and disposal processes.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The amendment is required to add clarification and certainty to the proposed definition.

Point Number 680.273

Summary of Decision Requested:

Retain the definition for "Wetland" in Chapter 13 Definitions, as notified.

Decision Reasons:

- Support is extended to keeping the same meaning of wetland as is defined in the RMA.

Point Number 680.274

Summary of Decision Requested:

Add to Section 14.1 Introduction a new paragraph as follows:

Rural land uses, such as farming, do not present the same threats to the efficient functioning of infrastructure networks that urban patterns of development present. Rural land use is characterised by low density development and low population density, with wide open spaces and relative sparsity of built form. Many aspects of farming activity, such as pasture maintenance, animal grazing, land cultivation, pest and weed control, maintenance of farm access and farm infrastructure such as fences, stock bridges and culverts, water pipelines, troughs and stock drinking water storage tanks are not sensitive to network utility and energy infrastructure operation. Where such land use is not incompatible with infrastructure networks, then it presents an efficient use of resources to enable their coexistence in order to maximise benefits and minimise costs. Such activity should be provided for in order to ensure efficient allocation of resources in a way that ensures farmers and rural communities can provide for their social, cultural and economic well-being, without adversely impacting on the functioning of infrastructure networks.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this introductory statement, provided it is amended to take rural land use into consideration when analysing resource management issues for infrastructure services and networks. The compatibility of many aspects of rural land use, particularly as these relate to farming, should be recognised in the introductory statement.

Point Number 680.275

Summary of Decision Requested: **Amend** Rule 14.2.1.1 PI New infrastructure (relating to Rule 14.2.1 PI New Infrastructure) as follows:

(1) Any new infrastructure activity and associated structures listed as a permitted activity within Chapter 14 must meet all of the following conditions except within the Rural Zone:

(a) ...

(2) The conditions in Rule 14.2.1.1(1) do not apply to:

(a) ...

(e) Any infrastructure within the Rural Zone

And

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.2.1, provided that it is amended to reflect their relief sought in respect of the introductory statement in 14.1
- It is not appropriate to limit infrastructure activity and structures within the Rural Zone with the same scale of restriction that applies to urban areas. Rural areas encompass wide open spaces with relatively low development and population density and sparse built form, which can easily absorb visual and amenity impacts of above ground infrastructure and associated structures which have larger bulk and height characteristics than in urban areas.
- The cost of undergrounding infrastructure in rural areas makes the imposition of underground facilities hugely prohibitive and is an inefficient allocation of resources.
- To apply the same restrictions in rural areas would trigger unnecessary cost and delay burdens to obtain resource consent, for little or no environmental benefit. This would place an onerous burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure used on farms.
- Provision should be made for appropriate infrastructure requirements within the Rural Zone that reflect these opportunities and constraints, and that infrastructure within the Rural Zone be exempt from compliance with stricter requirements that apply to urban areas, because such restrictions are inappropriate within rural areas.

Point Number 680.276

Summary of Decision Requested: **Amend** Rule 14.2.2 (RD1) Restricted Discretionary Activities as follows:

Discretion is restricted to:

(a) The functional and operational needs of, and benefits derived from, the infrastructure

(b) Visual, landscape, streetscape and amenity effects except within the Rural Zone;

(c) Noise levels

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.2.2, provided that whatever permitted activity conditions may be imposed on infrastructure in rural areas do not inappropriately trigger resource consent for *Discretionary Activity* or *Non-Complying Activity*, as there would be little or no environmental benefit in doing so.
- Visual, landscape, streetscape and amenity effects that may be of concern in relation to infrastructure within urban areas, are not appropriate as a basis for consideration within rural areas, and that infrastructure within the Rural Zone should be exempt from any such assessment requirement where *Restricted Discretionary Activity* status is triggered.

Point Number 680.277

Summary of Decision Requested: **Amend** Rule 14.2.3 DI Discretionary Activities, as follows:

DI Any infrastructure not specifically listed within Chapter 14, including associated earthworks, not located within an Identified Area except within the Rural Zone.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- Identified Areas within the Infrastructure and Energy chapter covers the following areas and items identified within the proposed plan:
 - Urban Expansion Area
 - Significant Natural Area
 - Landscape and Natural Character Areas
 - Outstanding Natural Feature
 - Outstanding Natural Landscape
 - Significant Amenity Landscape
 - Outstanding Natural Character
 - High Natural Character
 - Heritage Item
 - Heritage Precinct
 - Maaori Site of Significance
 - Maaori Area of Significance

Notable Tree

Such Identified Areas affect many farms and result in a cost and delay burden for unnecessary resource consent applications for little or no environmental benefit where infrastructure has to be supplied to develop use or subdivision land in the Rural Zone.

- It is not appropriate to require infrastructure within any *Identified Area* that is within the Rural Zone to have to seek resource consent for a *Discretionary Activity* where district plan activity-specific conditions for permitted activities are not complied with.
- This is hugely inefficient and presents a highly onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks, where these are within an *Identified Area*, in order to develop, use or subdivide farms.
- Farm activity should be a *Permitted Activity* with appropriate activity-specific conditions, and subdivision in the Rural Zone should be a controlled activity with appropriate activity-specific conditions and matters of control, with a *Restricted Discretionary Activity* pathway for situations where permitted activity or controlled activity conditions are not met.

Point Number 680.278

Summary of Decision Requested: Amend Rule 14.2.3 NC3 Non Complying Activities, as follows:

NC3 Any infrastructure not specifically listed within Chapter 14, including associated earthworks, located within an Identified Area, except within the Rural Zone.

AND

Any consequential amendments needed to give effect to this relief.

Decision Reasons:

- It is not appropriate to require infrastructure within the Rural Zone, or within any Identified Area that is within the Rural Zone, to have to seek resource consent for a *Non-Complying Activity* where district plan activity-specific conditions for permitted activities are not complied with. A restricted discretionary activity status would be more appropriate in such situations.
- The Rural Zone should be exempt from the requirement to seek resource consent for a *Non-Complying Activity* for any infrastructure not specifically listed within Chapter 14, including associated earthworks, located within an Identified Area within the Rural Zone. To do otherwise would trigger unnecessary cost and delay burden to obtain resource consent, for little or no environmental benefit. This would place an onerous burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure used on farms, including undertaking any associated earthworks, that is not listed in Chapter 14.

Point Number 680.279

Summary of Decision Requested: Amend Rule 14.2.3 Non Complying Activities by renumbering to Rule 14.2.4.

Decision Reasons:

- To avoid confusion with Rule 14.2.3 Discretionary Activities.

Point Number 680.280

Summary of Decision Requested: Amend Activity specific condition 14.3.1.1 P2 (1) (e) Minor upgrading of existing infrastructure as follows:

(e) Do not increase the area of any existing aboveground structure by more than 15%; and

(f) Shall be contained within an appropriate infrastructure easement or, if part of the National Grid, within the National Grid Yard

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support Rule 14.3.1 provided that appropriate provision is made to reflect infrastructure requirements within the Rural Zone, and/or exemption from urban scale standards within this rule.
- Any 'minor upgrading' to network utilities should either be contained within an appropriate easement, or if related to the National Grid, within the existing National Grid Yard. Farmers often experience disruption to farming activities from activities associated with maintenance, upgrading or replacement of network utilities. The submitter wishes to ensure that certain parameters are provided around ability to undertake such upgrading, in order to limit disruptions associated with incremental creeping of intrusion on landowners' ability to manage their farms arising from network utilities seeking allowances for upgrades. Among other things, farmers are concerned about occupational health and safety implications of incremental infrastructure upgrading activity intruding in private farmland and farming operations such as droving, lambing, calving, fodder cropping, irrigator/effluent disperser operation, and land cultivation.
- Rural land uses, such as farming, do not present the same issues vis-à-vis infrastructure provision, that urban patterns of development present. Rural land use is characterised by low density development and population density, with wide open spaces and relative sparsity of built form. Infrastructure in these areas should be enabled by appropriate standards that reflect rural amenity character, intensity and scale, whilst being limited in order to avoid disruption to farming landowners.

Point Number 680.281

Summary of Decision Requested: Amend Rule P12 Service connections for subdivision and activity specific conditions 14.3.1.8 as follows:

P12 Service connections for subdivision except within the Rural Zone

Activity-specific conditions

14.3.1.8

(1) All new lots created as part of..

(a) Wastewater, except within the Rural Zone;

(b) Except within the Rural Zone, a Wwater supply connection;

(c) Except within the Rural Zone, a Sstormwater (a management system that complies with Rule 14.11.1.1),

(d) Except where unavailable adjacent to the lot boundary within the Rural Zone, an Electricity supply connection;

(e) Except where unavailable adjacent to the lot boundary within the Rural, a Telecommunications connection that is hardwired or wireless; and

(f) Vehicle access that complies with Rule 14.12.1.1

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- Rural subdivision should not have to have connections to a public water supply, wastewater collection system, electricity connection, telecommunications connection, if no such services are available adjacent to the lot boundary. Rural landowners may get their water supply from a dam, bore or other form of water collection, such as roof-water collection, and have to have fire-fighting water tank capacity with connected building sprinkler systems, and have on-site wastewater treatment and disposal. They may also have to generate their own electricity, and may be unfortunate enough not to have broadband telecommunications connections in the vicinity. There is typically sufficient land within the wide open space of rural areas not to have any concern about managing stormwater runoff. So requirements for these services are unnecessary and there is little or no environmental benefit to be derived.

Point Number

680.282

Summary of Decision Requested:

Add to activity-specific standards Rule 14.4.1.2 relating to P2 (1) Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018, a new clause (f), as follows:

(inter alia)

(f) Minor structures associated with farming activity that are not situated within 6m of the outer visible foundation of any 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.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support this rule, provided that the list of exempted farming activities is expanded to reflect a more comprehensive list of activities that are not sensitive to the operation of the national grid.
- Where such land use is not incompatible with infrastructure networks, then it presents an efficient use of resources to enable their coexistence in order to maximise benefits and minimise costs.
- Where activity-specific conditions are not able to be complied with, appropriate consideration could be given via a consent pathway which triggers Restricted Discretionary Activity status, with appropriate discretion around the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity standard.
- Please also refer to relief sought in respect of Rule 14.4.4.

Point Number

680.283

Summary of Decision Requested:

Amend the activity-specific standards Rule 14.4.1.3 (3)(b) relating to P3 Earthworks activities within the National Grid Yard, as follows:

(inter alia)

(3) The following earthworks activities are exempt from Rules 14.4.1.3(1) and (2):

...

(b) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing, or resealing of a road, footpath, driveway or farm track, maintaining non-habitable farm buildings, drinking water pipelines, tanks or troughs, fences, gates or other stock exclusion structures;

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support this rule, provided that the list of exempted farming activities is expanded to reflect a more comprehensive list of activities that are not sensitive to the operation of the national grid.
- Where such land use is not incompatible with infrastructure networks, then it presents an efficient use of resources to enable their coexistence in order to maximise benefits and minimise costs.
- Where activity-specific conditions are not able to be complied with, appropriate consideration could be given via a consent pathway which triggers Restricted Discretionary Activity status, with appropriate discretion around the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity standard.
- Please also refer to relief sought in respect of Rule 14.4.4.

Point Number

680.284

Summary of Decision Requested:

Add new controlled subdivision Rule '14.4.X.X' as follows:

CX Subdivision that is otherwise a controlled subdivision in the Rural Zone that is within a lot containing the National Grid

Activity-specific conditions

14.4.X.X

(1) Any new lot boundary shall be situated outside the National Grid Corridor; and

(2) Shall comply with controlled subdivision standards and terms of the Rural Zone.

Matters of control

Control is reserved over:

(a) The adequacy of the allotment for its intended use;

(b) maintenance of existing physical and legal vehicular access to the National Grid Corridor.

AND

Any consequential changes elsewhere in the plan to give effect to this relief.

Decision Reasons:

- The submitter is opposed to Rule 14.4.2 RD4 and submit that a more pragmatic approach would be to provide for controlled activity subdivision of land containing the National Grid (at least in the Rural Zone).
- In particular, farmers may have need for boundary adjustments and boundary relocations, where no additional lots are being created, and where there is no overall increase in land use intensity, in order to enable more efficient management and utilisation of the productive rural land resource.
- Controlled subdivision standards (or activity-specific conditions) could apply, and matters of control could be set forth that require new lot boundaries to be outside the National Grid Corridor; and control of ensuring existing legal and physical vehicular access to the National Grid Corridor.
- There is no need to manage this via a restricted discretionary activity rule. Please refer also to our submission on Rule 14.4.2.

Point Number

680.285

Summary of Decision Requested:

Amend Rule 14.4.2.1 RD4 Restricted Discretionary Activities in accordance with the submitter's relief sought for a new controlled activity subdivision rule ('14.X.X'), as follows:

(inter alia) ...

RD4 14.4.2.1

Except for subdivision in the Rural Zone provided for as a Controlled Activity under Rule 14.4.x.x, the subdivision of land in any zone within the National Grid Corridor that complies with all of the following conditions: ...

Discretion is restricted to:

(a) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;

(b) The ability to provide a complying building platform outside of the National Grid Yard;

(c) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;

(d) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.

RDX Subdivision in the Rural Zone which does not comply with activity specific standards for Controlled Activity subdivision in Rule CX 14.4.X.X;

Discretion is restricted to:

(a) The functional and operational needs of, and benefits derived from, the infrastructure

(b) The functional and operational needs of, and benefits derived from, the subdivision

(c) Maintenance of legal and physical vehicular access to the infrastructure

AND

Any consequential changes elsewhere in the plan to give effect to this relief.

Decision Reasons:

- The submitter is opposed to Rule 14.4.2 RD4 and submit that a more pragmatic approach would be to provide for controlled subdivision of land containing the National Grid, with a back-up default to restricted discretionary activity status for subdivision that does not meet the suggested controlled activity rule conditions, whereby discretion could be reserved over ensuring existing legal and physical vehicular access to the National Grid Corridor.
- There is no need to manage all subdivision via a restricted discretionary activity status.

Point Number

680.286

Summary of Decision Requested:

Amend Rule 14.4.4 NC3 Non-Complying Activities, as follows:

NC3 Except within the Rural Zone, any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.1

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is opposed to the requirement in Rule 14.4.4 for activity-specific conditions that are not met in Rule 14.4.1 or 14.4.2 to default to a non-complying activity status within the Rural Zone.
- It is not necessary to trigger a default to non-complying activity status, in this situation. Enabling farming activity should be afforded a higher priority in the Rural Zone, in order to provide for efficient utilisation of the productive rural land resource. In this regard, a restricted discretionary activity status would be appropriate to ensure sufficient consideration of the relative priorities to be afforded to farming, versus management of the National Grid. There is little or no environmental benefit in triggering non-complying activity status, yet the pathway to granting consent is much more burdensome for the applicant. Farmers should not be presented with potentially insurmountable consent hurdles in seeking to manage their farms.
- Where activity-specific conditions are not able to be complied with, appropriate consideration could be given via a consent pathway which triggers Restricted Discretionary Activity status, with appropriate discretion restricted to the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity or controlled activity standard(s)
- Please refer to our relief sought in respect of Rules 14.4.1 and 14.4.2.

Point Number

680.287

Summary of Decision Requested:

Amend Rule 14.4.4 NC4 Non-Complying Activities, as follows:

NC4 Except within the Rural Zone, any activity within the National Grid Yard that does not comply with one or more of the conditions of Rule 14.4.1.2

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is opposed to the requirement in Rule 14.4.4 for activity-specific conditions that are not met in Rule 14.4.1 or 14.4.2 to default to a non-complying activity status within the Rural Zone.
- It is not necessary to trigger a default to non-complying activity status, in this situation. Enabling farming activity should be afforded a higher priority in the Rural Zone, in order to provide for efficient utilisation of the productive rural land resource. In this regard, a restricted discretionary activity status would be appropriate to ensure sufficient consideration of the relative priorities to be afforded to farming, versus management of the National Grid. There is little or no environmental benefit in triggering non-complying activity status, yet the pathway to granting consent is much more burdensome for the applicant. Farmers should not be presented with potentially insurmountable consent hurdles in seeking to manage their farms.
- Where activity-specific conditions are not able to be complied with, appropriate consideration could be given via a consent pathway which triggers *Restricted Discretionary Activity* status, with appropriate discretion restricted to the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity or controlled activity standard(s).
- Please refer to our relief sought in respect of Rules 14.4.1 and 14.4.2.

Point Number

680.288

Summary of Decision Requested:

Amend Rule 14.4.4 NC10 Non-Complying Activities, as follows:

NC10 Except within the Rural Zone, any subdivision of land in any zone within the National Grid Corridor that does not comply with one or more of the conditions of Rule 14.4.2.1.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter is opposed to the requirement in Rule 14.4.4 for activity-specific conditions that are not met in Rule 14.4.1 or 14.4.2 to default to a non-complying activity status within the Rural Zone.
- It is not necessary to trigger a default to non-complying activity status, in this situation. Enabling farming activity should be afforded a higher priority in the Rural Zone, in order to provide for efficient utilisation of the productive rural land resource. In this regard, a restricted discretionary activity status would be appropriate to ensure sufficient consideration of the relative priorities to be afforded to farming, versus management of the National Grid. There is little or no environmental benefit in triggering non-complying activity status, yet the pathway to granting consent is much more burdensome for the applicant. Farmers should not be presented with potentially insurmountable consent hurdles in seeking to manage their farms.
- Where activity-specific conditions are not able to be complied with, appropriate consideration could be given via a consent pathway which triggers *Restricted Discretionary Activity* status, with appropriate discretion restricted to the benefits to be had from the National Grid, and the benefits to be had from enabling minor farming activity, and the effects of non-compliance with the relevant specified permitted activity or controlled activity standard(s).
- Please refer to our relief sought in respect of Rules 14.4.1 and 14.4.2.

Point Number

680.289

Summary of Decision Requested:

Amend Activity Specific conditions 14.5.1.1 relating to P2 Overhead distribution lines and support structures within the Rural Zone and P3 overhead distribution lines and support structures within road or unformed road located adjacent to the Rural Zone, as follows:

(a) Overhead distribution lines and support structures that comply with the following:

(i) Do not exceed a voltage up to and including 110kV; and

(ii) Do not exceed a maximum height of 25m; or

(iii) Do not exceed a maximum height of 30m for colocation of at least two operators; and

(iv) Are not located within an Identified Area.

AND

Any necessary consequential amendments needed to give effect to this relief.

Decision Reasons:

- The submitter opposes parts of Rule 14.5.1 and conditionally support other parts of it. In the Rural Zone, there should be few restrictions on overhead electricity distribution lines. In rural areas, it is inefficient to require undergrounding of electricity and other lines services, because of the greater distances involved compared to urban areas. If the Council is minded to permit co-located overhead lines at a permitted height of 30 metres, there is practically no visual difference between co-located lines and non-co-located lines mounted on poles up to 30 metres height, and therefore the maximum permitted height should be simplified to 30 metres.
- Identified Areas within the Infrastructure and Energy chapter covers the following areas and items identified within the proposed plan:

Urban Expansion Area
Significant Natural Area
Landscape and Natural Character Areas
Outstanding Natural Feature
Outstanding Natural Landscape
Significant Amenity Landscape
Outstanding Natural Character
High Natural Character
Heritage Item
Heritage Precinct
Maaori Site of Significance
Maaori Area of Significance
Notable Tree

Identified Areas overlay many farms and the submitter questions the wisdom of restricting farming activity in these areas by imposing extra requirements on infrastructure development. The submitter doubts that there will be any commensurate environmental benefit from requiring farming activity, and ancillary activity such as construction of electricity distribution lines required to service farms, to trigger resource consent where lines are above-ground. Electricity lines for farms are virtually always characterised by overhead power lines. Agriculture and pastoralism form part of the landscape character of rural areas. The wide open spaces and low intensity of built form means these areas are able to absorb development and land use more easily than urban

areas. Submitter questions the validity of extra layers of amenity analysis to these areas, for what arguably amounts to little or no environmental benefit.

- It is not appropriate to require infrastructure within any *Identified Area* that is within the Rural Zone to have to seek resource consent for overhead electricity distribution lines. Getting services into rural areas is difficult and costly - even for overhead lines. Requiring underground lines in the wide open spaces of rural areas, even though these might exhibit qualities identified within these 'Identified Areas', is nonsensical. Farmers shouldn't be burdened by unnecessary resource consent requirements aimed at managing visual amenity, landscape, natural character and natural features, such as the Identified Area provisions are aimed at.
- The trigger for resource consent for such activity is hugely inefficient and presents a highly onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks, albeit that these may be within an *Identified Area*, in order to develop, use or subdivide farms.
- Separation distances for sensitive activities (including 'residential activity') in relation to overhead electricity distribution lines, will result in arguably unnecessary cost and delay burden for farm dwellings in seeking resource consent for building additions to existing dwellings that may be within close proximity to existing power lines, for little or no environmental benefit.

Point Number 680.290

Summary of Decision Requested: **Amend** Activity specific condition 14.5.1.3 P5 relating to Construction or alteration of a building for a sensitive land use, as follows:

(a) Except within the Rural Zone, ~~the~~ construction or alteration of a building for a sensitive land use that complies with all of the following conditions:...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes parts of Rule 14.5.1 and conditionally support other parts of it. In the Rural Zone, there should be few restrictions on overhead electricity distribution lines. In rural areas, it is inefficient to require undergrounding of electricity and other lines services, because of the greater distances involved compared to urban areas. If the Council is minded to permit co-located overhead lines at a permitted height of 30 metres, there is practically no visual difference between co-located lines and non-co-located lines mounted on poles up to 30 metres height, and therefore the maximum permitted height should be simplified to 30 metres.
- Identified Areas within the Infrastructure and Energy chapter covers the following areas and items identified within the proposed plan:

Urban Expansion Area
Significant Natural Area
Landscape and Natural Character Areas
Outstanding Natural Feature
Outstanding Natural Landscape
Significant Amenity Landscape
Outstanding Natural Character
High Natural Character
Heritage Item
Heritage Precinct
Maaori Site of Significance
Maaori Area of Significance
Notable Tree

Identified Areas overlay many farms and the submitter questions the wisdom of restricting farming activity in these areas by imposing extra requirements on infrastructure development. The submitter doubts that there will be any commensurate environmental benefit from requiring farming activity, and ancillary activity such as construction of electricity distribution lines required to service farms, to trigger resource consent where lines are above-ground. Electricity lines for farms are virtually always characterised by overhead power lines. Agriculture and pastoralism form part of the landscape character of rural areas. The wide open spaces and low intensity of built form means these areas are able to absorb development and land use more easily than urban areas. Submitter questions the validity of extra layers of amenity analysis to these areas, for what arguably amounts to little or no environmental benefit.

- It is not appropriate to require infrastructure within any *Identified Area* that is within the Rural Zone to have to seek resource consent for overhead electricity distribution lines. Getting services into rural areas is difficult and costly - even for overhead lines. Requiring underground lines in the wide open spaces of rural areas, even though these might exhibit qualities identified within these 'Identified Areas', is nonsensical. Farmers shouldn't be burdened by unnecessary resource consent requirements aimed at managing visual amenity, landscape, natural character and natural features, such as the Identified Area provisions are aimed at.
- The trigger for resource consent for such activity is hugely inefficient and presents a highly onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks, albeit that these may be within an *Identified Area*, in order to develop, use or subdivide farms.
- Separation distances for sensitive activities (including 'residential activity') in relation to overhead electricity distribution lines, will result in arguably unnecessary cost and delay burden for farm dwellings in seeking resource consent for building additions to existing dwellings that may be within close proximity to existing power lines, for little or no environmental benefit.

Point Number 680.291

Summary of Decision Requested: **Amend** Rule 14.5.2 RD1 (a) Restricted Discretionary Activities, as follows:

(a) Except within the Rural Zone, ~~o~~verhead distribution lines and support...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This is consequential relief in relation to relief sought in respect of Rule 14.5.1.

Point Number 680.292

Summary of Decision Requested: **Amend** Rule 14.5.2 RD2 Construction or alteration of a building for a sensitive land use that does not comply with Rule 14.5.1.3, as follows:

RD2 Except within the Rural Zone, ~~c~~onstruction or alteration of a building for a sensitive land use ...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This is consequential relief sought in relation to relief sought in respect of Rule 14.5.1

Point Number 680.293

Summary of Decision Requested:

Add a new Rule RD3 to Rule 14.5.2 Restricted Discretionary Activities, as follows:

RD3 Construction of electricity distribution lines in the Rural Zone that do not comply with Rule 14.5.1.1

(g) Discretion is restricted to:

(i) Effects on the amenity values from non-compliance with the permitted activity standard;

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- This is consequential relief sought in relation to relief sought in respect of Rule 14.5.1.

Point Number 680.294

Summary of Decision Requested:

Amend Rule 14.5.3 Discretionary Activities, as follows:

(a) Except within the Rural Zone, the activities listed below are discretionary activities...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter opposes Rule 14.5.3. In the Rural Zone, it is unnecessary to require overhead electricity distribution lines to have to obtain resource consent for a Discretionary Activity. In rural areas, it is inefficient to require undergrounding of electricity and other lines services, because of the greater distances involved compared to urban areas. Please refer to relief sought in relation to Rules 14.5.1 and 14.5.2.

Point Number 680.295

Summary of Decision Requested:

Amend Activity specific standard 14.6.1.1 (a)(a) relating to P1 Small-scale electricity generation and P2 community scale electricity generation, as follows:

(a) Small scale electricity generation and community scale electricity generation that comply with each of the following conditions where applicable:

(a) Is not located within an Identified Area, except within the Rural Zone, where small scale electricity generation and community scale electricity generation are permitted in any Identified Area;

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support Rule 14.6.1 including the definitions of 'small-scale' and 'community-scale' electricity generation, provided that the activity-specific restrictions on Identified Areas is removed.
- Identified Areas overlay many farms and the submitter questions the wisdom of constraining ability of farms to utilise small-scale and appropriately sized community-scale electricity generation in such areas, especially where this could augment the resilience of farming activity in remoter rural areas. The submitter doubts that there will be any commensurate environmental benefit from requiring small-scale and appropriately sized community-scale electricity generation, to trigger resource consent where these are proposed to be located within an Identified Area that is within a Rural Zone.
- In rural areas, it is inappropriate to require resource consent for small-scale and community-scale electricity generation where these are within an Identified Area in the Rural Zone. The benefits of small-scale, and appropriately sized community-scale, renewable electricity generation far outweigh any adverse effects on visual amenity and natural character in rural areas.
- The relative isolation of rural areas in relation to electricity supply and distribution networks, means that farmers will be penalised on amenity and natural character grounds, if they want to install small-scale or community-scale renewable electricity generation facilities to augment electricity supply and increase rural resilience.
- The definitions of these types of electricity generation, which restrict maximum sizes of wind turbines and solar cells, will ensure that any adverse effects on amenity and natural character values of rural areas will be minor, without needing to resort to triggering resource consent applications where these facilities are proposed to be situated within an Identified Area.
- The relatively low population density of rural areas (compared to urban areas) will ensure that wind turbine noise from small-scale and appropriately sized community-scale wind turbines, will at most, present only minor adverse effects. Any noise effects can be appropriately managed through triggers on permitted noise levels in rural areas.
- In comparison to urban areas, rural areas have much wider open-space, bigger visual scale and amenity of rural areas, which can absorb development more easily than in urban areas.

Point Number 680.296

Summary of Decision Requested:

Amend Activity specific condition 14.6.1.2 (a)(v) relating to P3 Research and exploratory-scale investigations for renewable electricity generation activities, as follows:

(a) Research and exploratory-scale investigations for renewable electricity generation activities that comply with all of the following:

...

(v) Is not located within an identified area, except within the Rural Zone, where research and exploratory investigation for renewable electricity generation is permitted in any Identified Area;

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support Rule 14.6.1 including the definitions of 'small-scale' and 'community-scale' electricity generation, provided that the activity-specific restrictions on Identified Areas is removed.
- Identified Areas overlay many farms and the submitter questions the wisdom of constraining ability of farms to utilise small-scale and appropriately sized community-scale electricity generation in such areas, especially where this could augment the resilience of farming activity in remoter rural areas. The submitter doubts that there will be any commensurate environmental benefit from requiring small-scale and appropriately sized community-scale electricity generation, to trigger resource consent where these are proposed to be located within an Identified Area that is within a Rural Zone.
- In rural areas, it is inappropriate to require resource consent for small-scale and community-scale electricity generation where these are within an Identified Area in the Rural Zone. The benefits of small-scale, and appropriately sized community-scale, renewable electricity generation far outweigh any adverse effects on visual amenity and natural character in rural areas.
- The relative isolation of rural areas in relation to electricity supply and distribution networks, means that farmers will be penalised on amenity and natural character grounds, if they want to install small-scale or community-scale renewable electricity generation facilities to augment electricity supply and increase rural resilience.
- The definitions of these types of electricity generation, which restrict maximum sizes of wind turbines and solar cells, will ensure that any adverse effects on amenity and natural character values of rural areas will be minor, without needing to resort to triggering resource consent applications where these facilities are proposed to be situated within an Identified Area.
- The relatively low population density of rural areas (compared to urban areas) will ensure that wind turbine noise from small-scale and appropriately sized community-scale wind turbines, will at most, present only minor adverse effects. Any noise effects can be appropriately managed through triggers on permitted noise levels in rural areas.
- In comparison to urban areas, rural areas have much wider open-space, bigger visual scale and amenity of rural areas, which can absorb development more easily than in urban areas.

Point Number

680.297

Summary of Decision Requested:

Amend Activity specific condition 14.7.1.2 (a)(i) relating to P2 Below ground pipelines located within an Identified Area as follows:

(a) Below ground pipelines for the conveyance of liquid fuels and gas located within an Identified Area that comply with the following:

(i) Except within the Rural Zone, there shall be no aboveground sections of pipeline within the Identified Area; and

...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.7.1, provided that the activity-specific restrictions on Identified Areas is removed.
- Identified Areas overlay many farms and the submitter questions the wisdom of constraining ability of farms to maintain above-ground fuel storage and gas tanks in such areas. The submitter doubts that there will be any commensurate environmental benefit from requiring above ground fuel storage and gas tanks, to trigger resource consent where these are proposed to be located within an Identified Area that is within a Rural Zone.
- The relative isolation of rural areas, means that farmers will be penalised on amenity and natural character grounds, if they want to install above ground tanks.
- Fuel storage supplies are commonplace on many farms. Agriculture and pastoralism form part of the landscape character of rural areas. The wide open spaces and low intensity of built form means these areas are able to absorb development and land use more easily than urban areas. Submitter questions the validity of extra layers of amenity analysis in the form of Identified Areas in rural areas, for what arguably amounts to little or no environmental benefit.
- It is not appropriate to require above-ground fuel storage and gas tanks within any *Identified Area* that is within the Rural Zone to have to seek resource consent. Farmers shouldn't be burdened by unnecessary resource consent requirements aimed at managing visual amenity, landscape, natural character and natural features, such as the Identified Area provisions are aimed at.
- The trigger for resource consent for such activity is hugely inefficient and presents a highly onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks, albeit that these may be within an *Identified Area*, in order to develop, use or subdivide farms.

Point Number

680.298

Summary of Decision Requested:

Amend Activity specific condition 14.7.1.3 (a)(i) relating to P3 Storage facilities and pump stations for liquid fuels and gas, as follows:

(a) Storage facilities and pump stations for liquid fuels and gas that comply with all of the following:

(i) Is not located within an Identified Area, except within the Rural Zone, where above-ground storage facilities and pump stations for liquid fuels and gas are a permitted activity within an Identified Area; and

...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally support Rule 14.7.1, provided that the activity-specific restrictions on Identified Areas is removed.
- Identified Areas overlay many farms and the submitter questions the wisdom of constraining ability of farms to maintain above-ground fuel storage and gas tanks in such areas. The submitter doubts that there will be any commensurate environmental benefit from requiring above ground fuel storage and gas tanks, to trigger resource consent where these are proposed to be located within an Identified Area that is within a Rural Zone.
- The relative isolation of rural areas, means that farmers will be penalised on amenity and natural character grounds, if they want to install above ground tanks.
- Fuel storage supplies are commonplace on many farms. Agriculture and pastoralism form part of the landscape character of rural areas. The wide open spaces and low intensity of built form means these areas are able to absorb development and land use more easily than urban areas. Submitter questions the validity of extra layers of amenity analysis in the form of Identified Areas in rural areas, for what arguably amounts to little or no environmental benefit.
- It is not appropriate to require above-ground fuel storage and gas tanks within any *Identified Area* that is within the Rural Zone to have to seek resource consent. Farmers shouldn't be burdened by unnecessary resource consent requirements aimed at managing visual amenity, landscape, natural character and natural features, such as the Identified Area provisions are aimed at.
- The trigger for resource consent for such activity is hugely inefficient and presents a highly onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks, albeit that these may be within an *Identified Area*, in order to develop, use or subdivide farms.

Point Number 680.299

Summary of Decision Requested: No specific decision sought, but Rule 14.7.2 is supported, provided the relief sought in relation to Rule 14.7.1 is granted.

Decision Reasons:

- The submitter supports Rule 14.7.2, provided that the relief sought in relation to Rule 14.7.1 is granted.

Point Number 680.300

Summary of Decision Requested: **Amend** Activity specific condition 14.10.1.3 (a)(ii) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road, as follows:

(a) Antennas that comply with all of the following conditions:

(i) Do not connect to an area, façade or item specifically listed in Schedule 30.1.

(ii) Panel antenna do not exceed 0.7m in width, except within the Rural Zone, where there is no maximum size restriction for panel antenna;

...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone, that are aimed at managing visual amenity, are appropriate to reflect the wide-open space scale and rural amenity character of rural areas.
- It is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas. In remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms.
- Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
- If the Council is minded to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

Point Number 680.301

Summary of Decision Requested: **Amend** Activity specific condition 14.10.1.5 (a)(iii) relating to P7 Antennas not attached to a building and/or structure, as follows:

(a) Antennas that comply with all of the following conditions:

...

(iii) Are not located within an Identified Area, except within the Rural Zone, where Antennas not attached to any building or structure are a permitted activity within any Identified Area...

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone, that are aimed at managing visual amenity, are appropriate to reflect the wide-open space scale and rural amenity character of rural areas.
- It is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas. In remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms.
- Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
- If the Council is minded to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

Point Number 680.302

Summary of Decision Requested: **Amend** Policy 6.4.2 (a) Provide adequate infrastructure, as follows:

(a) Ensure adequate provision of infrastructure, including land transport networks, where proposed subdivision results in an increase in the number of lots adjacent to an existing road, infrastructure corridor or existing infrastructure easement, or its use intensified where resource consent is required for restricted discretionary, discretionary or non-complying land use.

(b) To manage minor effects of subdivision on infrastructure in rural areas, through enabling subdivision as a controlled activity, with appropriate matters of control around separation distance from infrastructure to proposed new lot boundaries.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- The submitter conditionally supports this policy provided that its focus is confined to considering subdivision which increases the number of lots next to an infrastructure corridor or existing infrastructure easement. Effects of rural subdivision on infrastructure

are very minor, and can be managed through controlled subdivision status with appropriate matters of control around minimum lot boundary separation distances. Agreements as to access across private farmland are a matter between utility operators and landowners, and the Council is not involved.

- The focus of the policy should be amended to refer to substantial changes in land use where resource consent is required, such as for example from farming activity to some non-farming use of land. Use of farmland for farming, even if paddock stocking rates are increased, should not be within the remit of this policy to control.

Point Number 680.303

Summary of Decision Requested: **Retain** Policy 6.4.3 (a) Infrastructure Location and Services, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.304

Summary of Decision Requested: **Retain** Policy 6.4.4 (a) Road and rail network, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.305

Summary of Decision Requested: **Retain** Policy 6.4.5 Roading infrastructure, as notified.

Decision Reasons:

- The submitter supports this policy.

Point Number 680.306

Summary of Decision Requested: **Delete** Objective 6.4.6 (a) Stormwater and drainage.

OR

Amend Objective 6.4.6 (a) Stormwater and drainage as follows:

(a) The hydrological characteristics of the natural drainage processes are retained where new subdivision, development or land use is proposed.

AND

Any consequential changes needed to give effect to this relief.

Decision Reasons:

- If the focus is management of hydrology to maintain water quantity for the purpose of managing water allocation, the district council does not have the jurisdiction for this under the RM Act.
 - If the purpose of this objective is to manage flood control and stormwater ponding and overland flow associated with subdivision, development or land use which intensifies use of land, then this objective should be amended confine its focus to such matters.
-