

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

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

ENV-2023-AKL-

IN THE MATTER

of the Resource Management Act 1991

A N D

IN THE MATTER

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

BETWEEN

FEDERATED FARMERS OF NEW ZEALAND

Appellant

A N D

CENTRAL HAWKES BAY DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL



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FORM 7 NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISIONS ON THE PROPOSED CENTRAL HAWKES BAY DISTRICT PLAN

To: The Registrar
Environment Court
Auckland

1. Federated Farmers of New Zealand (**"Federated Famers"**) appeals against a decision of Central Hawkes Bay District Council (**"Council"**) on the following plan:

Proposed Central Hawkes Bay District Plan ("Proposed Plan")

2. Federated Farmers made a submission, further submissions and provided hearing evidence on the Proposed Plan.
3. Federated Famers is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**"Act"**).
4. Federated Farmers received notice of the decision on 25 May 2023. The appeal period closes 7 July 2023.
5. The decision was made by the Central Hawkes Bay District Council.

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

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

The reasons for the appeal are as follows:

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

Federated Farmers seeks the following relief:

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

Attachments

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

- a) Schedule 1 Table of Relief sought by Provision (with reasons)
- b) a copy of the FFNZ submission and further submission of the proposed Central Hawkes Bay District Plan.
- c) a copy of the decision can be accessed here:

<https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/decisions/>

- d) A copy of this appeal has been served on the Respondent and copied to the email addresses of persons who made submissions and further submissions on the Proposed Plan – as sent to the Court.

Dated: 7 July 2023

Signature of Person authorised to sign on behalf of the appellant



Rhea Dasent

For Federated Farmers of New Zealand.

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Contact person: Rhea Dasent, Senior Policy Advisor

Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

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

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

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

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

How to obtain copies of documents relating to appeal

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

Advice

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

Schedule 1: Federated Farmers relief sought and reasons for appeal.		
Central Hawkes Bay District Plan provision	Reasons for appeal	Federated Farmers relief sought
Ecosystems and Biodiversity		
Definition: Indigenous Vegetation	Federated Farmers submitted that vegetation that has been planted by humans must be excluded from the definition of indigenous vegetation and therefore not regulated by provisions. Regulating planted vegetation will be a significant disincentive to plant, which will lead to reduced biodiversity and environmental outcomes.	Federated Farmers seeks the definition of Indigenous Vegetation is amended to exclude planted vegetation: <i>Indigenous Vegetation: vegetation that is indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part.</i> <u><i>Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry</i></u>
ECO-R1	Federated Farmers submitted that indigenous vegetation that is planted by humans must be excluded from the definition of <i>Indigenous Vegetation</i> , and then there would be no need to regulate it in ECO-R1. Although it has permitted status, ECO-R1 is a rule and is unnecessarily regulating gardens, shelterbelts, riparian planting, and indigenous forestry.	Federated Farmers seeks the deletion of ECO-R1 and the exclusion of planted indigenous vegetation from the definition of <i>Indigenous Vegetation</i> .
ECO-R1A Specified trimming or clearance of indigenous vegetation	Federated Farmers submitted in support of these permitted clearance and trimming activities when it applied to within SNAs in Rule ECO-R3. However the new ECO-R1A now applies to indigenous vegetation outside SNAs, which is unnecessarily restrictive. There is no need to limit the clearance/trimming activities outside SNAs in such a way. The listed activities are necessary for people and communities to provide for their health and safety, and social,	Federated Farmers seeks that there are no limits on indigenous vegetation clearance outside SNAs.

	<p>economic and cultural well being and should not be restricted. Maintenance of tracks is permitted, but there is no justification to require consent for new tracks that are outside SNAs. Likewise there is no need to require a qualified arborist to remove deadwood of vegetation that is outside SNAs. Risk to biodiversity outside SNAs from the listed activities will be low, because the schedule of SNAs is comprehensive and remaining areas of non-SNA vegetation will be low value.</p> <p>It is unclear if ECO-R1A is intended to also apply to vegetation inside SNAs, it is Federated Farmers submission that is must.</p>	
ECO-R3 Trimming or clearance inside SNAs	Federated Farmers submitted in support of the activity-based permitted clearance and trimming in clause (b) of ECO-R3, but the decision to shift the activity list into its own separate rule ECO-R1A is not supported. It is unclear if ECO-R1A also applies to vegetation inside SNAs.	Federated Farmers seeks the list of permitted clearance and trimming activities in ECO-R1A is restored to ECO-R3, and applies to vegetation inside SNAs.
ECO-R4 Outside an SNA Manuka and Kanuka ECO-R4 Outside an SNA All other indigenous vegetation species	Federated Farmers submitted there is no need to limit the clearance of manuka and kanuka and other species that is not within an SNA. Risk to biodiversity outside SNAs from the listed activities will be low, because the schedule of SNAs is comprehensive and remaining areas of non-SNA vegetation will be low value. Reducing the area limit from 1ha down to 0.5ha is unnecessarily restrictive.	Federated Farmers seeks that ECO-R4 for indigenous vegetation outside SNAs is unlimited.
Significant Amenity Features		
NFL-O2 NFL-P6 NFL-P7 NFL-P8	<p>Federated Farmers seeks that all provisions for significant amenity features are deleted, because they are unnecessary to meet RMA obligations, and will burden both the landowner and the Council for no benefit.</p> <p>There is no RMA direction to identify and manage a category of landscapes/features that are significant. The SAF category is not</p>	Federated Farmers seeks the deletion of NFL-O2, NFL-P6, NFL-P7 and NFL-P8, and all references to significant amenity features.

	<p>needed to meet Section 6(c) nor Section 7(c) RMA requirements.</p> <p>The most concerning aspect of the Significant Amenity Features is that they occur exclusively over farmland. There is little to distinguish a significant amenity feature from normal rural landscapes, except the landowner with a significant amenity feature mapped on their property will have their rural activities further curtailed compared to their peers.</p> <p>We oppose Significant Amenity Features for these reasons:</p> <ol style="list-style-type: none"> 1. There is no RMA direction to identify and manage a category of landscapes/features that are <i>significant</i>; 2. The RMA requirement to protect outstanding natural landscapes and features is already achieved through the ONFL provisions; 3. The RMA requirement to maintain and enhance amenity is already achieved through zoning; 4. It is an added layer of complexity for both landowners and the Council for no benefit; 5. There is little to distinguish a significant amenity feature from normal rural landscapes; 6. Significant amenity feature classification may hinder other environmental actions like increased stock exclusion fencing, farm water reticulation to replace surface water, and formed stock crossings. 7. It is unjustified that significant amenity features share the same assessment matters as ONLs and ONFs, despite not meeting the criteria to be outstanding. 	
Outstanding Natural Landscapes and Features.		
NFL-R1: All ONFLs	Federated Farmers submitted that the floor area limit of 25m ² and 3m height limit are much too small to provide for farm buildings. Farm buildings should be provided for as compatible with ONF values, where the ONF already has existing farming land uses. Many ONFs cover spacious, actively farmed areas like ONF-6 Silver Range, ONF-8	Federated Farmers seeks amendment to Rule NFL-R1 to apply to all ONFLs that have existing farming landuses: 1. <i>Activity Status: PER</i>
NFL-R1:		

ONF-5, ONF-7, ONF-9 and ONF-10	<p>Pourere, Aramoana & Blackhead coastline, and farm buildings will be absorbed and not impact on values.</p> <p>In comparison, the Hastings District Plan has a permitted floor area of 50m² for some ONLs (eg Kahuranaki, Maungahururu and Titiokura ranges.) These Hastings ONLs have existing farming, and the floor area (while still small) is an improvement for farming use.</p>	<p>Where the following conditions are met:</p> <ol style="list-style-type: none"> Gross floor area of the building or alteration is less than 25m² <u>The building is for an existing farm landuse, or</u> <u>Gross floor area of the building or alteration is less than 25m² and Maximum height of any building is less than 3m.</u>
<p>EW-S2 Extent of Earthworks</p> <p>ONLs ONFs HNCs SNAs</p>	<p>Federated Farmers submitted that 500m³ is too small for farm activities like track maintenance, especially on large scale ONFs and HNCs. Recent wet weather events demonstrate the need for a larger permitted limit where wet conditions have caused farm tracks to slip or slump, compromising the safe passage across farms.</p> <p>A conservative volume limit for small sensitive ONFs or SNAs, should not also apply to large scale features like ONF-6 Silver Range or HNC-6 Porangahau which have pastoral land uses. There should be separate and distinct standards for SNAs compared to ONFLs and HNCs. The scale and size of an SNA compared to an ONL, and its vulnerability to adverse effects from earthworks are very different, so their regulation should be separate and address adverse effects distinct to each.</p>	<p>Federated Farmers seeks the amendment of EW-S2 to permit ancillary rural and maintenance earthworks in ONLs and HNCs, separate from SNAs:</p> <p>Identified areas of: High Natural Character (HNCs) Outstanding Natural Features and Landscapes (ONFs/ONL) Significant Natural Areas (SNAs)</p> <ol style="list-style-type: none"> Ancillary rural earthworks—maximum of 500m³ per site in any 12-month period. Refer also Standard EW-S7. <u>Maintenance earthworks</u> <u>All other earthworks – maximum of 200m³ per site in any 12-month period.</u>
<p>EW-S3 Vertical Extent of Excavation</p> <p>ONLs ONFs HNCs SNAs</p>	<p>Federated Farmers submitted that the limits of 1m for specified areas (HNC2, HNC6, ONF5 & ONF5A, ONF6, ONF7, ONF9 and ONF10) and 2m for remaining ONFLs, HNCs and SNAs, is much too small and will not enable farm tracks.</p> <p>Vertical extent is important to Federated Farmers because it impacts farm tracks. Tracks are necessary for farmers to provide for their own and worker safe passage across farm, as per Section 5(2) of the RMA. As a comparison, Hastings allows a cut/fill face of 2m for ONFLs in</p>	<p>Federated Farmers seeks vertical extent of excavation in ONLs, ONFs, HNCs and SNAs in Rule EW-S3 be increased to 3m.</p>

	<p>Standard 27.1.6D.</p> <p>Support is given for the concept of different vertical limits for different landscape features, to recognise they have varied ability to absorb the effects of the earthworks. This concept can be expanded so more generous vertical limits may be given to large hilly ONLs and ONFs compared to small lowland SNAs, for example.</p>	
COASTAL ENVIRONMENT		
CE-O1	<p>Federated Farmers submitted that rural character and farming land uses need to be acknowledged as existing and appropriate in the Coastal Environment.</p> <p>The rural land uses interspersed with settlements (acknowledged in clause 5) and natural landscape features (acknowledged in clauses 1, 2, 3 and 4) is a vital aspect that preserves the coastline from more intensive development. Without recognising rural character and farming land uses, the character of the coastal environment is missing the piece that ties together natural and settlement aspects.</p>	<p>Federated Farmers seeks recognition of rural character and farming land uses in CE-O1:</p> <p><i>Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:</i></p> <ol style="list-style-type: none"> 1. <i>rugged eroding grey mudstone cliffs;</i> 2. <i>steep limestone outcrops;</i> 3. <i>remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;</i> 4. <i>wide sweeping beaches; and</i> 5. <i>small settlements, recessed into bays, adjoining a number of sheltered beaches.</i> 6. <u><i>Rural character and farming land uses.</i></u>
CE-O2	<p>Federated Farmers submitted that farming activities should not be considered inappropriate where they occur on existing farmland, and need to be acknowledged in CE-O2.</p> <p>Acknowledging existing farming is important to ensure farming is not deemed an inappropriate subdivision, use or development.</p>	<p>Federated Farmers seeks recognition of rural character in CE-O2:</p> <p><i>Protection of the natural <u>and rural</u> character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.</i></p>
CE-AM2 1. Buildings	<p>Federated Farmers submitted that the assessment matters need to consider whether or not the proposed activity is consistent with underlying zoning and existing land use, so that farming buildings which are consistent with their rural zoning and farmland use are</p>	<p>Federated Farmers seeks an additional matter of whether the building is consistent with underlying zoning and existing land use:</p>

	<p>considered appropriate.</p> <p>CE-AM2 2. Earthworks and CE-AM2 3. General include a matter <i>is consistent with the underlying zoning and existing land use</i> so the same assessment matter needs to apply to buildings.</p>	<p>1. Buildings</p> <p>a. The location, layout, and design of the development to ensure that it does not have adverse effects on the coastal natural character. This will include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development. In particular, the location, layout and design of buildings should:</p> <p>.....</p> <p>viii. <u>Is consistent with the underlying zoning and existing land use</u></p>
NATIONAL GRID		
<p>SUB-S4</p> <p>Building Platform</p> <p>Subdivision of land within the National Grid Subdivision Corridor</p>	<p>Federated Farmers submitted seeking the deletion of SUB-24 Clause 3, for the reason that access is a matter already protected under the Electricity Act 1992 Specifically Section 23 Rights of Access in Respect of Existing Works for maintenance and emergencies. Physical access is also already protected in the District Plan through the National Grid Yard provisions, which restrict buildings within the yard and around support structures. The expansion of Transpower's interest in activities outside the yard is unnecessary.</p> <p>SUB-S4 must not undermine the rights landowners have under Section 23D of the Electricity Act to set reasonable conditions on access.</p>	<p>Federated Farmers seeks the deletion of SUB-24 Clause 3:</p> <p>2. The subdivision of land in any zone within the National Grid Subdivision Corridor</p> <p>3. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</p>
<p>EW-R5</p> <p>Earthworks and vertical holes within the National Grid Yard</p>	<p>Federated Farmers seeks rules for earthworks within the National Grid Yard that are consistent with NZECP34, specifically Section 2.2 of the Code. NZECP has distinct setbacks for earthworks from poles compared to towers, and the District Plan must be consistent.</p> <p>This would permit earthworks for vertical holes (like fence post holes) near the National Grid to a depth of 300mm within 2.2m of a National Grid pole; and 750 mm between 2.2m and 5m of the pole, and 300mm within 6m of a National Grid tower; and 3m deep between 6m and 12m of a tower.</p>	<p>Federated Farmers seeks that EW-R5 is consistent with NZECP34:</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. <u>From National Grid poles, the earthworks must be no deeper (measured vertically) than 300mm within 2.2m of the pole; and 750 mm between 2.2m and 5m of the pole, or</u></p> <p>b. <u>From National Grid towers, the earthworks must be</u></p>

	<p>The decision is inconsistent with NZECP34 in that it does not differentiate poles from towers, and does not permit the 750mm depth between 2.2m and 5m of a pole which is permitted in Section 2.2.1(b) of NZECP34.</p> <p>Article (iii)(b) for vertical holes is also inconsistent with NZECP34 Section 2.3.3 in that it incorrectly restricts post holes within 6m of a tower support structure, when NZECP34 only has a 5m setback from towers.</p>	<p><u>no deeper (measured vertically) than 300mm depth within 6m of a tower; and 3m depth between 6m and 12m of a tower</u></p> <p>except under the following circumstances:</p> <ul style="list-style-type: none"> i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or ii. earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track. iii. vertical holes not exceeding 500mm in diameter, provided they: <ul style="list-style-type: none"> a. <u>are not exceeding 500 mm diameter and</u> are more than 1.5m from the outer edge of the pole support structure or stay wire, or b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m <u>5m</u> from the visible outer edge of a tower support structure foundation.
<p>EW-S6 Earthworks and Vertical Holes within the National Grid Yard</p>	<p>Federated Farmers submitted that there is no need for vehicular access to be a matter or standard, for the reason that for the reason that the minimum distances already ensure that the support structures can be accessed for inspection and maintenance as discussed in NZECP34 Section 2.1.1.</p>	<p>Federated Farmers seeks the deletion of vehicle access in EW-S6(3)</p> <ul style="list-style-type: none"> 1. The earthworks must not compromise the stability of a National Grid support structure, and

		<p>1. <i>The earthworks must not result in a reduction in ground-to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001)</i></p> <p>2. <i>The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure.</i></p>
<p>GRUZ-S13 All Buildings and Structures</p> <p>RPROZ-S15 All Buildings and Structures</p>	<p>Federated Farmers submitted that there is no need for vehicular access to be a standard, for the reason that the minimum distances already ensure that the support structures can be accessed for inspection and maintenance as discussed in NZECP34 Section 2.1.1.</p>	<p>Federated Farmers seeks the deletion of Clause (b)(iii) for vehicle access in GRUZ-S13 and RPROZ-S15:</p> <p>....</p> <p><i>b. all buildings or structures permitted by a. must comply with the following conditions:</i></p> <p><i>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</i></p> <p><i>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</i></p>
<p>Definition: National Grid Yard</p> <p>Definition: National Grid Subdivision Corridor</p>	<p>Federated Farmers submitted that the National Grid Yard needs to be amended so it is consistent with NZECP34 Code of Practice for Electrical Safe Distances, particularly Section 2.4.1 around support structures.</p> <p>The rules require a 10m setback from single poles, yet the definition diagram shows a 12m radius setback. The diagram and definition needs amendment to be consistent with the rules.</p>	<p>Federated Farmers seeks the definition of National Grid Yard and National Grid Subdivision Corridor is amended to show a 10m radius setback from a single pole.</p>
GAS TRANSMISSION NETWORK		
<p>Definition: Gas Transmission Network</p>	<p>Federated Farmers submitted that all provisions for the Gas Transmission Network be deleted, because legal easement agreements already address any issues. High pressure gas pipelines have 100% easement agreement coverage where they cross over private land,</p>	<p>Federated Farmers seeks deletion of the definitions for <i>Gas Transmission Network</i> and <i>Gas Distribution Network</i>.</p>

	<p>which already stipulate setbacks, no build zones, and manage other activities like earthworks for the purpose of protecting the line and safety. District Plan provisions must not undermine legal easement agreements. In addition, there are no National Policy Statements for gas transmission to give effect to.</p>	
<p>EW-R6</p> <p>Earthworks within 20m of the Gas Transmission Network</p>	<p>Federated Farmers submitted seeking EW-R6 be deleted, along with all other provisions for the Gas Transmission Network, for the reason that legal easement agreements already address any issues.</p> <p>The 20m setback in EW-R6 is in excess of the standard 12m easement widths. The safety of earthworks or digging near gas transmission lines is already managed by the First Gas permit system. Any earthworks, excavation, landscaping, fencing, drain construction, road and track construction, planting or removal of trees in the easement area of 12m needs prior permission from First Gas.</p>	Federated Farmers seeks that Rule EW-R6 is deleted.
<p>GRUZ-S12</p> <p>Setback from Gas Transmission Network</p> <p>RPROZ-S14</p> <p>Setback from Gas Transmission Network</p>	<p>Federated Farmers submitted that GRUZ-S12 and RPROZ-S14 be deleted, along with all other provisions for the Gas Transmission Network, for the reason that legal easement agreements already address any issues.</p> <p>The 20m setback is far in excess of the easement widths of 12 metres wide for a single pipeline, with an additional 4 metres for each additional pipeline. There is no justification why the district plan requires a setback that is 66% greater than the legal easement to manage either reverse sensitivity or safety. The easements stipulate that no structures (not just houses, but any structure) are allowed on the easement site.</p> <p>Health and safety of owners and occupiers of buildings is a commendable concern, but this is already managed through the easements, and the safety campaigns run by First Gas, and WorkSafe monitoring and enforcement under the Gas Act 1992. First Gas has a wealth of educational and guidance material for a range of audiences, a Dial-before-you-Dig helpline, and free access to their staff for advice.</p>	Federated Farmers seeks deletion of GRUZ-S12 and RPROZ-S14.

	First Gas clearly describe the health and safety at work obligations in their pamphlets, including this one specifically for farmers. This level of health and safety service provided by First Gas and WorkSafe cannot be bettered by the District Plan.	
SUB-S4 Building Platform Subdivision of land containing the Gas Transmission Network	Federated Farmers submitted that the District Plan only needs to show the designated high pressure gas transmission lines on the district planning maps, and ensure that resource consent applicants are reminded to consult with the easement grantee, just as they would with any other easement grantee. First Gas can then provide the developer with any advice or material on allotment layout, design, earthworks and access as they please.	Federated Farmers seeks SUB-S4 is amended: <ol style="list-style-type: none"> 4. <i>The subdivision of land in any zone containing the Gas Transmission Network <u>must ensure that easement agreements are provided over the Gas Transmission Pipelines.</u> must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above ground equipment forming part of the Gas Transmission Network.</i> 5. <i>The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.</i>



SUBMISSION



TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM

To: Central Hawkes Bay District Council
PO Box 127
Waipawa 4210

Submission on: **Proposed District Plan 2021**

Date: 6 August 2021

Submission by: Federated Farmers
JIM GALLOWAY
HAWKE'S BAY PROVINCIAL PRESIDENT
Federated Farmers of New Zealand

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Federated Farmers welcomes this chance to submit on the Proposed Central Hawke's Bay District Plan .

We wish to be heard in support of this submission.

Federated Farmers also seek any consequential changes necessary to give effect to the relief sought in each of the individual submission points made.

Proposed District Plan provision	Support or oppose	Federated Farmers submission	Relief Sought
STRATEGIC DIRECTIONS			
RLR Issues	Support	Federated Farmers supports the identification of this issue as a strategic direction within the plan.	Retain: <i>RLR-I1 Incremental Loss of Highly Productive Land Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.</i>
RLR Objectives	Support	Federated Farmers supports the recognition and provision afforded to productive land and primary production in these strategic objectives.	Retain: <i>RLR-O1 The productive capacity of the District's rural land resource, particularly the District's highly productive land, is maintained.</i> <i>RLR-O2 The primary production role and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.</i> <i>RLR-O3 The District's highly productive land is protected from further fragmentation.</i> <i>RLR-O4 Residential living and other activities that are unrelated to primary production are directed to locations zoned for those purposes and that are not situated on highly productive land.</i>
RLR Policies	Support	Federated Farmers supports the range of policies designed to implement the strategic objectives.	Retain: <i>RLR-1 To identify the highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane within a specific rural zone – the Rural Production Zone.</i> <i>RLR-P2 To avoid unplanned urban expansion onto the District's highly productive land where other feasible options exist.</i> <i>RLR-P3 To limit the amount of further fragmentation of the District's rural land resource through limiting lifestyle subdivision, particularly in the Rural Production Zone.</i> <i>RLR-P4 To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do</i>

			<p><i>not compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone.</i></p> <p><i>RLR-P5 To enable primary production and related activities to operate in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.</i></p>
TW Issues	Oppose in part	<p>TW I1 and TW I2 are inappropriate strategic directions because they relate to discharges, water quality and pest management which are all regional council functions under Section 30 of the RMA, not district council functions.</p> <p>Further, issues identified in TW-I1 have parallels which can be addressed in TW-I3.</p>	<p><i>TW-I1 The modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga-Tamatea.</i></p> <p><i>TW-I2 The modification and degradation of the environment due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works have severely damaged traditional food sources and mahinga kai.</i></p> <p><i>TW-I3 The loss and alienation of ancestral lands has limited the ability of tangata whenua to access traditional sites and food gathering areas, and to meet their social and economic aspirations.</i></p>
TW-O2	Oppose in part	<p>While we support participation by members of the community (including tangata whenua) in their district plan, we are concerned that this objective may stray into allowing members of the public to monitor and enforce provisions without a transfer of powers and functions under Section 33 of the RMA, and that entry of property for the purpose of inspection needs a warranted officer.</p>	<p>Amend:</p> <p><i>TW-O2 Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan <u>where appropriate</u>.</i></p>
TW-P1	Support in part	<p>While we support engagement of tangata whenua, like we support engagement with landowners, this policy does not provide much detail as to when the involvement may be required and what impact it would have on other resource users. The relief sought provides more certainty and more accurately reflects the implementation methods.</p>	<p>Amend:</p> <p><i>To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.</i></p>
ECOSYSTEMS AND BIODIVERSITY			
ECO-01	Support in part	<p>We support this objective on the condition that a new objective is included to reflect Section 5(2) of the RMA. The purpose of objective ECO-01 is to meet the requirements of Section 6(c) of the RMA. Protection is the goal, however the district plan rules do allow some trimming and clearance within</p>	<p>Conditional support for ECO-01 on the condition that a new objective is included.</p> <p><i>Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those</i></p>

		SNA for specific activities, for the purpose of enabling people and communities to provide for their health and safety, economic, social and cultural wellbeings.	<i>within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.</i>
ECO-O2	Support in part	The purpose of this objective is to meet the requirements of Section 7(c) and (d). The district plan rules do allow some trimming and clearance of indigenous vegetation for specific activities, for the purpose of enabling people and communities to provide for their health and safety, economic, social and cultural wellbeings. We support this objective on the condition that a new objective is included to reflect Section 5(2) of the RMA, and the means for achieving this objective are via non-regulatory methods like ECO-M4 promotion, ECO-M5 advocacy, education and information sharing, ECO-M6 biodiversity accord.	Conditional support for ECO-01 on the condition that a new objective is included. <i>Maintain indigenous biodiversity within Central Hawke's Bay District.</i>
New objective		The suite of objectives needs one that allows trimming and clearance for some activities, in order to enable people and communities to provide for their health and safety, economic, social and cultural wellbeings to reflect Section 5(2) of the RMA. The rules provide for some activities as permitted, such as trimming to keep powerlines and roads safe and clear from encroaching vegetation, and these need to be recognised in the objectives. As a comparison, NFL-P2 allows some appropriate activities in the ONFL chapter.	Add new objective: <u><i>Provide for appropriate trimming and clearance of indigenous vegetation in order to enable the economic, social and cultural wellbeing of people and their health and safety.</i></u>
ECO-P1	Oppose in part	Support is given for a policy to identify and map SNAs as the first step, using clearly communicated criteria. Knowing where the resource is located is a key step to managing it. However, more than one criteria needs to be met before being classified as an SNA. Identification using only aerial surveying can be inaccurate and ground-truthing is vital to ensure accurate information.	Amend: <i>To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one two or more of the criteria below, <u>conduct ground-truthing</u> and describe these areas in ECO-SCHED5 and show their location on the Planning Maps.</i>
Ecological Significance Determination Criteria for the Central Hawke's Bay District	Oppose in part	<p>We submit that Criterion 1 needs to <i>exclude</i> sites protected by other legislation from becoming an SNA, as opposed to including such sites.</p> <p>The reason for this is because sites already protected by a covenant under the QEII Trust or similar; already meet Section 6(c) of the RMA for the district and do not need to be regulated by the District Plan further.</p> <p>Section 6(c) of the RMA is already being achieved in that these special sites already have constraints on what activities can occur there, and are monitored by the QEII Trust or by DoC. These covenants are very robust and involve landowners defining the land area by survey, and committing to manage the ecosystem to maintain or improve its values. QEII visits</p>	<p>Amend:</p> <p>CRITERION 1 Protection Status: <i>It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.</i></p> <p>CRITERION 2 Representativeness:</p> <ul style="list-style-type: none"> <i>It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the</i>

	<p>covenanted sites biannually, so the site gets closer supervision under QEII than under the Council.</p> <p>There are many advantages to all parties in deleting these protected sites from the SNA appendix: The end goal of protected biodiversity is already being achieved; the Council will not have to monitor and enforce these sites and can use these resources elsewhere; the landowners will only have to deal with the agency that they voluntarily entered into a protection partnership with; and the protection agency will not have to deal with inconsistencies between their covenants and District Plan rules.</p> <p>A protected site that is not subject to further regulation by the District Plan will be a significant encouragement to landowners to commit to covenants or reserve management plans.</p>	<p><i>Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally.</i></p> <p>OR</p> <ul style="list-style-type: none"> <i>It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level.</i> <p>OR</p> <ul style="list-style-type: none"> <i>It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.</i> <p>CRITERION 3 Diversity and Pattern: <i>It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.</i></p> <p>CRITERION 4 Rarity – Species: <i>It is vegetation or habitat (including exotic vegetation or braided river bed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are:</i></p> <ul style="list-style-type: none"> <i>classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or</i> <i>endemic or uncommon to the Hawke’s Bay Region, or</i> <i>at the limit of their natural range.</i> <p>CRITERION 5 Rarity - Ecosystems: <i>It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.</i></p> <p>CRITERION 6 Distinctiveness:</p> <ul style="list-style-type: none"> <i>It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.</i> <p>OR</p> <ul style="list-style-type: none"> <i>It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic</i>
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			<p><i>rush/pasture communities) that has not been created and subsequently maintained for or in connection with:</i></p> <ul style="list-style-type: none"> ○ <i>waste treatment;</i> ○ <i>wastewater renovation;</i> ○ <i>hydroelectric power lakes;</i> ○ <i>water storage for irrigation; or</i> ○ <i>water supply storage, including stock water storage.</i> <p>CRITERION 7 Ecological Context: <i>It is an area of indigenous vegetation or naturally occurring habitat that:</i></p> <ul style="list-style-type: none"> • <i>is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type.</i> <p>OR</p> <ul style="list-style-type: none"> • <i>is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke’s Bay Region. In this context “critical” means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.</i> <p>OR</p> <ul style="list-style-type: none"> • <i>is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.</i> <p><i>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.</i></p> <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> • <u><i>Indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, are exempt from becoming an SNA.</i></u>
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			<ul style="list-style-type: none"> <u>Areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry.</u>
ECO-P2	Oppose in part	Not all adverse effects on SNAs will be avoided, some are permitted by the District Plan, such as clearance for safety. The policy must be amended to be consistent with the rule regime which allows for some appropriate activities.	<p>Amend:</p> <p><i>To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the <u>inappropriate</u> adverse effects of landuse and development, including earthworks and vegetation clearance, <u>while providing for some appropriate activities.</u></i></p>
ECO-P3	Oppose	<p>Not all adverse effects on biodiversity will be avoided, some are permitted by the District Plan, such as clearance for safety.</p> <p>We are not sure why SNA vegetation in the coastal environment has a distinct status to other SNAs requiring its own policy, given that there is no special coastal criterion. SNAs in the coastal environment will enjoy the same protection under the general SNA provisions.</p>	<p>Delete:</p> <p>To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.</p>
ECO-P4	Oppose	<p>Some loss of biodiversity values is allowed by the district plan, by having permitted activities. The policy is not clear whether it applies to only SNAs, or to vegetation and habitats outside SNAs.</p> <p>This policy will link to Objective ECO-02, in order to meet the requirements of Section 7(c) and (d). The means for achieving this policy need to be via the proposed non-regulatory methods like ECO-M4 promotion, ECO-M5 advocacy, education and information sharing, ECO-M6 biodiversity accord.</p>	<p>Delete:</p> <p>To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:</p> <ol style="list-style-type: none"> 1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna; 2. Clearance of indigenous vegetation in and on the margins of Lake Whatuma and other natural wetlands and braided rivers; 3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or 4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity
ECO-P5	Support	Federated Farmers support the inclusion of principles for biodiversity offsets.	<p>Retain:</p> <p><i>To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.</i></p>
ECO-P6	Support	Support is given for the focus on encouragement and the associated non-regulatory methods. A significant way of encouraging or assisting	Retain:

		landowners to commit to covenants or reserve management plans, would be to not regulate such sites by the District Plan and include a new policy to that effect.	<i>To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the District's indigenous biodiversity.</i>
ECO-P7	Support	Support is given for recognising the considerable efforts of landowners who maintain and enhance their indigenous vegetation as a public good service. A good method to achieve this is the existing rates remission policy for QEII and land protected for natural conservation. Given that this land represents a farmer's personal contribution to the public good of biodiversity, it shouldn't be rated. As a comparison, Department of Conservation land is rates-exempt.	Retain: <i>To recognise landowners' stewardship and current management practices (including weed management and pest control) associated with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.</i>
ECO-P8	Support	Support is given for non-regulatory methods, assistance and incentives as a way of protecting or maintaining biodiversity. A significant way of encouraging or assisting landowners to commit to covenants or reserve management plans would be to not regulate such sites by the District Plan and include a new policy to that effect.	Retain: <i>To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.</i>
New Policy		<p>SNA sites protected by QEII or similar should be deleted from the appendix and don't need to be regulated by the District Plan further. Section 6(c) of the RMA is already being achieved in that these special sites already have constraints on what activities can occur there, and are monitored by the QEII Trust or by DoC. These covenants are very robust and involve landowners defining the land area by survey, and committing to manage the ecosystem to maintain or improve its values. QEII visits covenanted sites biannually, so the site gets closer supervision under QEII than under the Council.</p> <p>There are many advantages to all parties in deleting these protect sites from the SNA appendix: The end goal of protected biodiversity is already being achieved; the Council will not have to monitor and enforce these sites and can use these resources elsewhere; the landowners will only have to deal with the agency that they voluntarily entered into a protection partnership with; and the protection agency will not have to deal with inconsistencies between their covenants and District Plan rules.</p> <p>A protected site that is not subject to further regulation by the District Plan will be a significant encouragement to landowners to commit to covenants or reserve management plans.</p>	<p>Add new policy: <u><i>Sites that are already protected by a registered covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or Reserve Management Plan approved under the Reserves Act 1977; already achieve the protection of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under Section 6 of the Resource Management Act 1991, and do not need to be regulated by the District Plan further.</i></u></p>
ECO-R1	Oppose in part.	We support the enabling of trimming and clearance in all areas managed and planted by humans, however a better method to achieve this same goal would be to exclude this type of vegetation from the definition, and the criteria for SNAs.	<p>Delete: <i>Trimming or clearance of indigenous vegetation within any of the following:</i> <i>Areas of domestic or ornamental landscape planting; or</i></p>

			<p>Planted shelter belts; or Plantation forestry undergrowth; or Planted indigenous forestry.</p> <p>And replace with the following: <i>Definition of Indigenous Vegetation - vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance. Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry.</i></p> <p>And:</p> <ul style="list-style-type: none"> Planted vegetation is excluded from being classified as an SNA.
ECO-R2 Manuka and Kanuka	Support	We support the permitted status of manuka and kanuka trimming and clearance, and the unlimited permitted area. Manuka and kanuka can act as weeds on farms and invade pasture, due to its unpalatability to livestock it does tend to grow on pasture and reduce productivity.	<p>Retain:</p> <p><i>Where the following conditions are met:</i></p> <p><i>a. Limited to:</i></p> <p><i>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</i></p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>
ECO-R2 All other indigenous vegetation species	Support	We support the permitted status of trimming and clearance indigenous vegetation species, and the unlimited permitted area. Many colonising species can act as weeds on farms and invade pasture, and farmers need to be enabled to maintain their productive pasture.	<p>Retain:</p> <p><i>Where the following conditions are met:</i></p> <p><i>a. Limited to:</i></p> <p><i>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</i></p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>
ECO-R3 Within an SNA	Oppose in part	<p>We support a wide range of permitted activities for clearance inside SNAs, in order to enable farmers to carry out necessary activities. However ECO-R3 needs amendments to ensure all appropriate clearance activities are included.</p> <p>Activities like modification for fences and tracks, firebreaks, stock crossings and bridges need to be permitted. The amount of clearance required will be inherently limited by the activity and these are all activities that have</p>	<p>Amend:</p> <p><i>Where the following conditions are met:</i></p> <p><i>a. Limited to (whichever is the lesser):</i></p> <p><i>i. clearance of no more than 500m² of indigenous vegetation per site per calendar year; or</i></p> <p><i>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.</i></p>

		<p>overall positive effects: such as keeping out stock or pests from native bush; limiting thoroughfare to a formed track; reducing fire risk that could destroy bush and properties; and keeping stock out of waterways. There is no need to disincentivise an activity like fencing, which has ultimate positive benefit for biodiversity, by requiring a resource consent.</p> <p>Article b)iv) needs to be amended to allow anyone to undertake pest control. Only allowing DoC or HBRC to carry out pest control activities undermines the HBRC possum control areas programme, which relies on the landowner/occupier undertaking the pest control. It is feasible that the landowner will need to trim or remove some vegetation to do the possum control, as they will use the same techniques as HBRC.</p> <p>Article b)ii) needs to be amended so anyone can remove deadwood or disease, rather than only a qualified arborist. Only allowing arborists to do this work will hinder the management of biosecurity issues like myrtle rust.</p>	<p>OR</p> <p><i>b. Limited to trimming or clearance that is:</i></p> <ul style="list-style-type: none"> <i>i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</i> <i>ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</i> <i>iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or</i> <i>iv. required for pest control undertaken by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, and removal of material infected by an unwanted organism under the Biosecurity Act 1993; or</i> <i>v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or</i> <i>vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or</i> <i>vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, drains, formed public roads, private accesses, driveways, right of ways and walkways; or</i> <i>viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or</i> <i>ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences,</i>
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			<p><i>provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or</i></p> <p><i>x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m³ of timber per site per 10-year period, or</i></p> <p><i>xi. <u>Required to construct and maintain stock crossings and bridges; or</u></i></p> <p><i>xii. <u>Required for firebreaks.</u></i></p>
ECO-R4 Outside an SNA Manuka and Kanuka	Oppose	<p>Federated Farmers submits that this rule is deleted and replaced. There is no need to limit the clearance of indigenous vegetation that is not within an SNA. The Council needs to have confidence that the SNA identification process has included all sites of significance, and that it is unnecessary to regulate other areas just in case they've been missed. If it hasn't been identified as an SNA, then it won't be of significance.</p> <p>The Council can rest assured that the SNA regime is meeting RMA Section 6 and Section 31(1)(b)(iii) obligations, and leaving the rest unregulated will not be neglectful in duty. Maintaining and enhancing biodiversity under S.31 can be further progressed via the non-regulatory methods.</p> <p>It appears there is a double-up on permitted clearance of manuka/kanuka outside SNAs, ECO-R2 and ECO-R4 both manage this activity.</p>	<p>Delete: Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 1 hectare per site per calendar year.</p> <p>ii. Trees to be cleared must be:</p> <p>a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree; and</p> <p>b. must have an average canopy height of less than 6 metres.</p> <p>And replace with the following: <u>ECO-R4</u> <u>Outside an SNA</u> <u>Manuka and Kanuka</u> <u>a. unlimited.</u></p>
ECO-R4 Outside an SNA All other indigenous vegetation species	Oppose	<p>Federated Farmers submits that this rule is deleted and replaced. There is no need to limit the clearance of indigenous vegetation that is not within an SNA. The Council needs to have confidence that the SNA identification process has included all sites of significance, and that it is unnecessary to regulate other areas just in case they've been missed. If it hasn't been identified as an SNA, then it won't be of significance.</p> <p>The Council can rest assured that the SNA regime is meeting RMA Section 6 and Section 31(1)(b)(iii) obligations, and leaving the rest unregulated will not be neglectful in duty. Maintaining and enhancing biodiversity under S.31 can be further progressed via the non-regulatory methods.</p>	<p>Delete: Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. clearance of no more than 1 hectare per site per calendar year.</p> <p>ii. Trees to be cleared must be:</p> <p>a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree; and</p> <p>b. must have an average canopy height of less than 6 metres.</p> <p>And replace with the following:</p>

		It appears there is a double-up on permitted clearance of indigenous vegetation species outside SNAs, ECO-R2 and ECO-R4 both manage this activity.	<u>ECO-R4</u> <u>Outside an SNA</u> <u>All other indigenous vegetation species</u> <u>a. unlimited.</u>
ECO-R5	Oppose	There is no need for a final just-in-case discretionary rule, the bases are covered by the SNA regime, plus the general rules. The Council needs to have confidence that the SNA identification process has included all sites of significance, and that it is unnecessary to regulate other areas or activities 'just in case' they've been missed.	Delete: Trimming or clearance of indigenous vegetation not otherwise provided for.
ECO-R6	Oppose	The non-complying status of all trimming or clearance of indigenous vegetation in wetlands is onerous, and does not allow for activities necessary for safety, nor activities that have a positive environmental outcome like fencing for stock exclusion or weed control. The non-complying status requires wetland SNAs to be clearly identified in the schedule, to ensure resource users know exactly where this rule would apply.	Delete: Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHEDULE5. And: replace with a provision in ECO-R3 that permits some activities within a wetland SNA. And: <ul style="list-style-type: none">Wetland locations and extent within SNAs needs to be identified in the Schedule to provide certainty as to where any specific wetland provisions apply.
ECO-APP1	Oppose in part	Federated Farmers supports the use of criteria to ensure that identification has a robust process and is not arbitrary, but some criteria need amendments. More than one criterion should be met before a site is classified as an SNA so Article b) needs amendment. Some of the criteria on their own will not be robust enough. Support is given for not including habitats of highly mobile fauna as mapped SNAs, because these will be so changeable. SNA sites protected by QEII or similar should be deleted from the appendix and don't need to be regulated by the District Plan further. Section 6(c) of the RMA is already being achieved in that these special sites already have constraints on what activities can occur there, and are monitored by the QEII Trust or by DoC. These covenants are very robust and involve landowners defining the land area by survey, and committing to manage the ecosystem to maintain or improve its values. QEII visits covenanted sites biannually, so the site gets closer supervision under QEII than under the Council. There are many advantages to all parties in deleting these	Amend: <i>Qualifying Thresholds & Attribute Assessment Guidance:</i> <ul style="list-style-type: none"><i>a. All areas to be assessed using these criteria must be undertaken by a suitably qualified and experienced ecologist.</i><i>b. For an area to be significant, and ranked as a significant natural area, one two or more of criteria 2-7 is to be met.</i><i>c. Habitats for Highly Mobile Indigenous Fauna Species: In some cases habitats for highly mobile indigenous fauna species are not contained within mapped significant natural areas, and can include exotic features, such as exotic trees used for roosting by long-tailed bats. For the purposes of this District Plan highly mobile indigenous fauna means species that; are highly mobile; where some individuals move between different environments during their life cycle for reasons such as feeding, mating, nesting, moulting or in response to climatic conditions; and include only nationally Threatened or At-Risk fauna species.</i>

		<p>protect sites from the SNA appendix: The end goal of protected biodiversity is already being achieved; the Council will not have to monitor and enforce these sites and can use these resources elsewhere; the landowners will only have to deal with the agency that they voluntarily entered into a protection partnership with; and the protection agency will not have to deal with inconsistencies between their covenants and District Plan rules. A protected site that is not subject to further regulation by the District Plan will be a significant encouragement to landowners to commit to covenants or reserve management plans.</p> <p>Criteria used by the District Council needs to exclude planted vegetation and man-made sites. Otherwise it will be a disincentive to plant and create new areas. Federated Farmers is concerned about land that is recently retired or fenced due to the Regional Council Tukituki Plan Change 6 provisions. Much of this vegetation would have been planted by farmers themselves, and farmers will need to retain the ability to maintain these sites.</p>	<p>d. <i>The following guidance notes provides technical advice to determine what are the habitat usage and ecological integrity thresholds to be met before an area can be a potential significant natural area (e.g. to establish if a treeland or scrubland remnant with less than 80% canopy cover over pasture is still structurally intact, or to assist in determination of clearly recognisable patterns of seasonal use by a fauna species as opposed to one-off opportunistic uses of habitat).</i></p> <p>e. <i>The guidance notes define the attributes for ranking the value of each significance assessment criterion – High, Medium or Low value.</i></p> <p>.....</p> <p>x. <u><i>Excludes Indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, are exempt from becoming an SNA.</i></u></p> <p>xx. <u><i>Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry.</i></u></p>
ECO-SCHED5	Oppose in part	<p>Federated Farmers submits that the Council carefully considers the submissions of individual landowners regarding SNAs identified on their properties. Landowners have an intimate knowledge of their land and will be vital for ground-truthing SNAs.</p> <p>Some sites appear very small on the maps. Small sites might be vulnerable to a margin of error or even pixelated resolution when it comes to mapping. On a zoomed out scale the thickness of the line can be a few meters on the ground. It is vital landowners are able to clearly identify the boundaries of SNAs in order to comply with the provisions. The District Plan should introduce a minimum area threshold limit which must be met before an area is deemed to be an SNA.</p> <p>SNA sites protected by QEII or similar should be deleted from the appendix and don't need to be regulated by the District Plan further. Section 6(c) of</p>	<p>Amend:</p> <ul style="list-style-type: none"> • Adjust SNA boundaries and information according to landowner submissions; • Introduce a minimum area threshold limit for sites before it is classified as an SNA to account for the margin of error; • SNA sites protected by QEII or similar should be deleted from ECO-SCHED5 and don't need to be regulated by the District Plan further, as they already achieve protection under Section 6 of the RMA; • Inform landowners as to what criteria their SNA sites meet.

		<p>the RMA is already being achieved in that these special sites already have constraints on what activities can occur there, and are monitored by the QEII Trust or by DoC. These covenants are very robust and involve landowners defining the land area by survey, and committing to manage the ecosystem to maintain or improve its values. QEII visits covenanted sites biannually, so the site gets closer supervision under QEII than under the Council. There are many advantages to all parties in deleting these protect sites from the SNA appendix: The end goal of protected biodiversity is already being achieved; the Council will not have to monitor and enforce these sites and can use these resources elsewhere; the landowners will only have to deal with the agency that they voluntarily entered into a protection partnership with; and the protection agency will not have to deal with inconsistencies between their covenants and District Plan rules. A protected site that is not subject to further regulation by the District Plan will be a significant encouragement to landowners to commit to covenants or reserve management plans.</p> <p>Federated Farmers would like to see more information made available to landowners as to what criteria their sites meet.</p>	
NATURAL FEATURES AND LANDSCAPES			
NFL-O1	Support	<p>Support is given for the consistency with RMA Section 6(b) and the focus on <i>inappropriate</i> subdivision use and development as the threat. Some activities will be considered appropriate or have little adverse effect on ONFL values.</p>	<p>Retain:</p> <p><i>Outstanding natural features and landscapes that are important to the identity of the District are retained and protected from inappropriate subdivision, use and development.</i></p>
NFL-O2	Oppose	<p>Federated Farmers seeks that all provisions for significant amenity features are deleted, because they are unnecessary to meet RMA obligations, and will burden both the landowner and the Council for no benefit.</p> <p>There is no RMA direction to identify and manage a category of landscapes/features that are significant. The SAF category is not needed to meet Section 6(c) nor Section 7(c) RMA requirements.</p> <p>The most concerning aspect of the Significant Amenity Features is that they occur exclusively over farmland. There is little to distinguish a significant amenity feature from normal rural landscapes, except the landowner unlucky to have a significant amenity feature mapped on their property will have their rural activities further curtailed compared to their peers.</p>	<p>Delete:</p> <p><i>The qualities and values of significant amenity features identified within the District are recognised and provided for, and considered when undertaking new subdivision, use and development.</i></p>

		<p>We oppose Significant Amenity Features for these reasons:</p> <ol style="list-style-type: none"> 1. There is no RMA direction to identify and manage a category of landscapes/features that are <i>significant</i>; 2. The RMA requirement to protect outstanding natural landscapes and features is already achieved through the ONFL provisions; 3. The RMA requirement to maintain and enhance amenity is already achieved through zoning; 4. It is an added layer of complexity for both landowners and the Council for no benefit; 5. There is little to distinguish a significant amenity feature from normal rural landscapes; 6. It is unfair that significant amenity features share the same assessment matters as ONLs and ONFs, despite not meeting the criteria to be outstanding. 	
NFL-P1	Support in part	<p>Support is given for identification ONFLs by using criteria, but the policy needs to refer to the mapping and schedule. Knowing where the resource is and what values it has is key to managing it. In order for any assessment of resource consents to occur under policy NFL-P3 article 3, the values must be clearly listed.</p>	<p>Amend:</p> <p><i>To identify the District's outstanding natural features and landscapes having regard to the following criteria:</i></p> <ol style="list-style-type: none"> 1. <i>natural science factors such as geology, biology, ecology and hydrology, including its rarity and variability;</i> 2. <i>perceptual factors, including legibility/expressiveness (such as how obviously the landscape demonstrates the formative processes leading to it), transient values (including the occasional presence of wildlife or other values at certain times of the day or year) and aesthetic values (including memorability and naturalness); and</i> 3. <i>associational factors, including historical associations, value to tangata whenua, and whether the values are shared and recognised.</i> <p><u>ONFLs will be mapped and listed in Schedule 6, along with their identified values.</u></p>
NFL-P2	Support in part	<p>Federated Farmers support this enabling policy, people and communities must be enabled to carry out activities that provide for their health and safety, economic, social and cultural wellbeings. It is also important to recognise the existing farming and primary production landuses that occur in the rural ONFLs as appropriate and consistent with the ONFL values.</p> <p>While we acknowledge that it can be possible for some farming landscapes to meet Outstanding criteria, it is vital that existing agricultural land uses are</p>	<p>Amend:</p> <p><i>To allow activities within the District's outstanding natural features and landscapes where they are for existing land uses <u>such as farming</u>, for conservation purposes and customary activities.</i></p>

		<p>acknowledged and recognised as being appropriate and are not a threat to Outstanding values.</p> <p>It is imperative that existing farming land uses are recognised to be positive contributors to the ONFL, and to provide for the continuation of these farming activities without any undue restriction.</p>	
NFL-P3	Oppose in part	<p>Article 1 refers to a single ONL in a coastal landscape, however the only ONL is the Ruahine Ranges and this is certainly not near the coast. Article 3 can be reworded so as to recognise and provide for some appropriate activities to be consistent with Policy NFL-P2.</p>	<p>Amend:</p> <p><i>To protect the District's outstanding natural features and landscapes by:</i></p> <ol style="list-style-type: none"> 1. avoiding adverse effects from inappropriate activities, including subdivision, which compromise the values of the outstanding natural landscape in the coastal environment; <i>2. avoiding, remedying or mitigating adverse effects from inappropriate activities, including subdivision, which compromise the values of all other outstanding natural landscapes or features, <u>having regard to existing land uses and underlying zoning</u>;</i> 3. recognising and providing for some-ensuring the erection of structures, earthworks and/or clearance of indigenous vegetation and/or exotic plantation forestry within outstanding natural features and landscapes <u>will be appropriate</u> and <u>will do not</u> compromise the values present; and <i>4. recognising the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association.</i>
NFL-P4	Oppose in part	<p>This policy needs to include existing land uses in article 1 when discussing what buildings are appropriate to the ONFL location.</p> <p>Agricultural land uses shape the land and contribute positively to its amenity. Fencing, tracking and shelter belts, cultivation, grazed pasture, seasonal cropping and permanent crops, sheds and houses are all evident when we look over a landscape that is used for primary production. Farmers must be able to continue building farm structures and buildings where their farming land use is overlain with an ONFL.</p>	<p>Amend:</p> <p><i>To require that buildings, structures or earthworks locating within the District's outstanding natural landscapes or features avoid adverse visual effects in the coastal environment, and avoid, remedy or mitigate adverse visual effects in all other outstanding natural landscapes or features by:</i></p> <ol style="list-style-type: none"> <i>1. ensuring the scale, design and materials of the building and/or structure are appropriate in the location <u>and consistent with existing land uses such as farming</u>;</i> <i>2. integrating landform and context into the design and through the use of naturally occurring building platforms and sympathetic materials;</i>

			<p>3. <i>limiting the prominence or visibility of built form, including by integrating it into the outstanding natural landscape or feature; and</i></p> <p>4. <i>restoring or reinstating the site following earthworks.</i></p>
NFL-P5	Support	Federated Farmers supports policies that recognise the importance of water storage.	<p>Retain:</p> <p><i>To recognise the regional social and economic significance of water storage within ONF-4 (Mākāraro Gorge).</i></p>
NFL-P6	Oppose	<p>Federated Farmers seeks that all provisions for significant amenity features are deleted, because they are unnecessary to meet RMA obligations, and will burden both the landowner and the Council for no benefit.</p> <p>There is no RMA direction to identify and manage a category of landscapes/features that are significant. The policy admits these landscapes do not meet ONFL criteria, so there is no need to identify and regulate them above normal zoning provisions.</p> <p>The SAF category is not needed to meet Section 6(c) which is already managed via ONFLs, nor Section 7(c) RMA requirements which is already managed via zoning.</p> <p>The most concerning aspect of the Significant Amenity Features is that they occur exclusively over farmland. There is little to distinguish a significant amenity feature from normal rural landscapes.</p>	<p>Delete:</p> <p><i>To identify the District's significant amenity features, being features where the landscape characteristics or values are significant but do not meet the threshold for outstanding natural features.</i></p>
NFL-P7	Oppose	<p>Federated Farmers seeks that all provisions for significant amenity features are deleted, because they are unnecessary to meet RMA obligations, and will burden both the landowner and the Council for no benefit.</p> <p>There is no RMA direction to identify and manage a category of landscapes/features that are significant. The SAF category is not needed to meet Section 6(c) which is already managed via ONFLs, nor Section 7(c) RMA requirements which is already managed via zoning. It is unfair that significant amenity features share the same assessment matters as ONLs and ONFs, despite not meeting the criteria to be outstanding.</p> <p>The most concerning aspect of the Significant Amenity Features is that they occur exclusively over farmland. There is little to distinguish a significant amenity feature from normal rural landscapes, except the landowner unlucky to have a significant amenity feature mapped on their property will</p>	<p>Delete:</p> <p><i>To avoid, remedy or mitigate potential adverse effects of subdivision, use and development on the District's significant amenity features, including having regard to the following matters:</i></p> <ol style="list-style-type: none"> <i>1. any specified values and/or management issues identified for the particular amenity feature;</i> <i>2. the character or degree of modification, damage, loss or destruction that will result from the activity;</i> <i>3. the duration and frequency of the effect of the activity (for example long term or recurring effects);</i> <i>4. the magnitude or scale of effect of the activity (for example the number of sites affected, spatial distribution, landscape context);</i> <i>5. the cumulative effects (for example the loss of multiple features or values); and</i>

		have their rural activities tested against policies such as NFL-P7, compared to their peers in the rest of the rural zone.	6. the need for, or purpose of, the works having regard to the underlying zoning, noting that many significant amenity features comprise working farms.
NFL-P8	Oppose	<p>Federated Farmers seeks that all provisions for significant amenity features are deleted, because they are unnecessary to meet RMA obligations, and will burden both the landowner and the Council for no benefit.</p> <p>There is no RMA direction to identify and manage a category of landscapes/features that are significant. The SAF category is not needed to meet Section 6(c) which is already managed via ONFLs, nor Section 7(c) RMA requirements which is already managed via zoning.</p> <p>The most concerning aspect of the Significant Amenity Features is that they occur exclusively over farmland. There is little to distinguish a significant amenity feature from normal rural landscapes.</p>	<p>Delete:</p> <p>To identify opportunities to enhance natural values associated with significant amenity features, and to recognise the positive effects where enhancement is offered.</p>
<p>NFL-R1</p> <p>All ONFLs (except ONF-5 , ONF-7, ONF-9 and ONF-10)</p>	Support in part	<p>We support the permitted status, however the floor area of 25m² is too small and not fit for purpose for farm buildings. Farm buildings should be provided for as compatible with ONFL values, where the ONFL already has existing farming land uses.</p> <p>Even a single kitset garage is 4.4m x 6.8m and would need resource consent under this rule, because the floor area of 29.9m² exceeds the limit, plus it also exceeds the height limit being 3.2m, and farm buildings need to be much bigger than a garage. Such a small building couldn't be used to park a tractor or store cultivation equipment, or to keep hay dry. This floor limit is impractical as some of the ONFLs cover vast areas of land and take in multiple properties that are farmed. Farmers and the Council will find themselves needing resource consents for normal farm buildings that won't negatively impact the values of the big ONFLs. Farm buildings</p> <p>In comparison, the Hastings District Plan has a permitted floor area of 50m² for some ONLs (eg Kahuranaki, Maungahururu and Titiokura ranges.) These Hastings ONLs have existing farming, and the floor area (while still small) is an improvement for farming use.</p> <p>Rule NFL-R1 should permit farm buildings where on existing farming landuse, on the ONFLs that already have farming present, such as ONF-5 (Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako, ONF-6</p>	<p>Amend Rule NFL-R1 to apply to all ONFLs that have existing farming landuses:</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> Gross floor area of the building or alteration is less than 25m² <u>The building is for an existing farm landuse, or</u> Gross floor area of the building or alteration is less than 25m² and Maximum height of any building is less than 3m.

		Silver Range, ONF-8 Pourere, Aramoana & Blackhead coastline. NFL Schedule 6 needs to state what land uses are currently occurring on each ONFL, to ensure continuity with our relief. Providing for farm buildings where farm land uses are already occurring will be consistent with NFP3(3).	
NFL-R1 ONF-5 ONF-7 ONF-9 ONF-10	Support in part	<p>Given that we submit above that NFL-R1 for all ONFLs should apply to ONFLs with existing farm land uses, this second permitted rule with the more strict non-complying status if standards aren't met, should apply to the more sensitive ONFLs that <i>do not</i> have farming present. NFL Schedule 6 needs to state what land uses are currently occurring on each ONFL, to ensure continuity with our relief.</p> <p>If our relief above is not granted, we then seek amendments to this rule so that farm buildings on existing farming land uses overlain with ONFLs status are permitted.</p>	<p>Amend Rule NFL-R1 to apply only to specific sensitive ONFLs that do not have farming land uses, in conjunction with our relief above;</p> <p>or</p> <p>Amend: 1. <i>Activity Status: PER</i> <i>Where the following conditions are met:</i> <ul style="list-style-type: none"> c. Gross floor area of the building or alteration is less than 25m² <i>The building is for an existing farm landuse, or</i> d. <i>Gross floor area of the building or alteration is less than 25m² and Maximum height of any building is less than 3m.</i> </p>
NFL Schedule 6	Oppose in part	<p>Federated Farmers submits that the Council carefully considers the submissions of individual landowners regarding ONFLs identified on their properties. Landowners have an intimate knowledge of their land and will be vital for ground-truthing ONFLs and ensuring boundaries are correct.</p> <p>The description of each individual ONFL needs to state what land uses are currently occurring. This will ensure readers can determine whether or not a proposed activity is appropriate (consistent with existing land uses and ONFL values) or inappropriate (inconsistent with existing land uses and ONFL values) and compliance with objectives and policies such as NFL-P2.</p> <p>Mapping of Makaroro Gorge ONF and Ruahine Ranges ONL1 need to be restricted to Crown land and not take in any private property.</p>	<p>Amend:</p> <ul style="list-style-type: none"> • Adjust ONFL boundaries and information according to landowner submissions; and • Amend schedule column 2 and 3 to state what existing land uses that are occurring on each ONFL.
PUBLIC ACCESS			
PA-O1	Support	<p>The District Plan needs to be clear that access is not available across private land unless with permission from the landowner. The landowner should not be compelled by the District Plan to always provide access. Support is given for the wording that access will <i>respect private property</i>.</p> <p>Many rural landowners, particularly coastal or riparia margin landowners, have encounters with unwelcome trespassers, some with dogs, that are disruptive to their farming operations, put themselves into dangerous</p>	<p>Retain:</p> <p><i>Practical and safe public access to and along the margins of lakes and rivers and the coast is provided in a way that respects private property and does not result in adverse effects on natural character, landscape, indigenous biodiversity, historical heritage or cultural values.</i></p>

		situations, or create nuisance effects like littering or human waste. It will be appropriate and legal to limit access across private property when this will be unsafe or will disrupt farming activities, such as when tree felling or earthmoving is occurring, or during harvest or lambing activities.	
PA-P1	Support in part	We submit that the ability to waiver the requirements for esplanade reserves and strips is built into the policies, similar to the Hastings District Plan RMP4. Even along priority waterbodies there will be circumstances where waiving is necessary, such as for safety (eg where the site is industrial) impractical (eg where the site has steep cliffs) or financial (eg if the Council does not have the resources to provide fair compensation.) Although policy PA-P2 provides for waivers, this only applies to non-priority waterbodies. The Hastings policy RMP4 for waivers applies to all waterbodies.	Amend: <i>To require <u>provide for</u> the establishment of esplanade reserves, esplanade strips or access strips when subdividing land adjacent to priority water bodies shown on the Planning Maps, <u>except when a waiver would be appropriate.</u></i>
PA-P2	Support	Support is given for waiving in appropriate circumstances, such as for safety (eg where the site is industrial) impractical (eg where the site has steep cliffs) or financial (eg if the Council does not have the resources to provide fair compensation.) We remind the Council that compensation is payable under Sections 237E.2 and 237F. Landowners should not be compelled to gift land without compensation.	Retain: <i>To provide for the waiving of requirements for esplanade areas (esplanade reserves, esplanade strips or access strips) on non-priority water bodies, where appropriate.</i>
New policy		We remind the Council that compensation is payable under Sections 237E.2 and 237F. Landowners should not be compelled to gift land without compensation.	Add new policy: <i><u>Compensation will be payable for esplanades reserves and strips vested in accordance with Section 237E and 237F of the RMA, unless agreed otherwise.</u></i>
PA-P3	Support	Support is given for the encouragement of public access. Public access across private land is a matter for the landowner so the District Plan must not compel it, however Council encouragement is appropriate.	Retain: <i>To encourage the provision of appropriate opportunities for public access within the coastal environment when subdividing land adjacent to the coastal marine area.</i>
PA-P4	Support in part	This policy needs to include private property as a consideration when providing public access that does not cause damage. As a group, farmers provide more public access across their private property than other landowners (such as residential or industrial), and are familiar with the adverse effects such as rubbish, weed incursions or nuisance effects on their homes and places of work. Weed incursions are a particular concern with Chilean Needle Grass and Yellow Bristle Grass now in the region, which can create significant damage to livestock welfare and pasture quality.	Amend: <i>To ensure that where new access to the coast is to be provided, that it is practical and safe, and is constructed to avoid, remedy or mitigate damage to:</i> <ol style="list-style-type: none"> 1. <i>dunes, estuaries and other sensitive natural areas or habitats;</i> 2. <i>geological systems or processes;</i> 3. <i>ecological systems or to indigenous flora and fauna;</i> 4. <i>historical heritage; or</i> 5. <i>sites and areas of significance to tangata whenua.</i> 6. <i><u>Private property</u></i>

New policy		<p>A new policy is needed for education of the public as to where public access is available, and where landowner permission is required. The District Plan maps multiple categories that plan users may believe are freely available for public access, like SNAs, ONFLs, rivers and lakes, and the coastal environment, yet many of these are on private land and access is only by the permission of the landowner. We do not want users of the District Plan to think they can wander over private land at will.</p> <p>Sometimes private land will extend right down to the water or further, depending on the Certificate of Title. Sometimes esplanade reserves will not be continuous but be interspersed with private land. Both of these situations might mean that the public will want to cross private land, and must understand where public access is available and where landowner permission is needed.</p>	<p>Add new policy: <u>To provide information and education to the public regarding where public access is available, and that access over private land is only by the permission of the landowner.</u></p>
COASTAL ENVIRONMENT			
CE-O1	Support in part	<p>We recognise that the Council must meet Section 6(a) obligations of the RMA, however the objective must be amended to include the existing rural character and farming land uses as positive features of the CHB coastline that must be preserved. The rural land uses interspersed with settlements and natural landscape features is a vital aspect that preserves the coastline from more intensive development.</p>	<p>Amend: <i>Preservation of the natural character of the coastal environment of Central Hawke's Bay, comprising the following distinctive landform of:</i></p> <ol style="list-style-type: none"> 1. <i>rugged eroding grey mudstone cliffs;</i> 2. <i>steep limestone outcrops;</i> 3. <i>remnant dunelands and associated interdunal wetlands, small lakes and associated vegetation;</i> 4. <i>wide sweeping beaches; and</i> 5. <i>small settlements, recessed into bays, adjoining a number of sheltered beaches.</i> 6. <u><i>Rural character and farming land uses.</i></u>
CE-O2	Support in part	<p>We recognise that objective CE-02 is achieving Section 6(a) of the RMA, and we support its consistency with the RMA in that protection is from <i>inappropriate</i> subdivision, use and development. Farming activities should not be considered inappropriate where they occur on existing farmland. RMA Section 6(a) states that protection is from inappropriate activities, meaning that appropriate activities (like farming on farmland) can be enabled.</p> <p>The Coastal Environment contains land that is used for primary production, and so the objective of retaining and protecting natural character must be</p>	<p>Amend: <i>Protection of the natural <u>and rural</u> character of the coastal environment of Central Hawke's Bay from inappropriate subdivision, use and development, and identify and promote opportunities for restoration or rehabilitation.</i></p>

		in conjunction with enabling people and communities to provide for their wellbeing.	
CE-03	Support in part	We agree that activities with a functional need must be provided for in the coastal environment, however farming activities on existing farmland also need to be provided for as the coastal environment extends well past the sea and onto terrestrial land.	Amend: <i>Activities that have a functional need to locate in the coastal environment or are part of an existing farming land use are provided for, where they do not compromise other significant values in the coastal environment.</i>
CE-P1	Support in part	<p>The District Plan identification and mapping of the coastal environment needs to match the Regional Council's. There should be no deviation between the two.</p> <p>Any mapping of the Coastal Environment needs to be clear that it includes private land and is not available for the public to wander over at will. Objectives and policies that discuss public access seem to make the assumption that the coastal environment only runs along the beach strip, but actually it extends well back into private, terrestrial land.</p>	<p>Retain:</p> <p><i>To identify and map the coastal environment area of Central Hawke's Bay consistent with the Hawke's Bay Regional Coastal Environment Plan, <u>indicating where public access is also available.</u></i></p>
CE-P2	Oppose in part	<p>Federated Farmers submits that areas of high natural character are deleted. The coastal environment (consistent with the Hawke's Bay Regional coastal environment) and coastal settlement zones are already achieving Section 6(a). Using these two categories, the District Plan is also meeting Council's obligations under the New Zealand Coastal Policy Statement, the Hawke's Bay Regional Policy Statement and the Regional Coastal Environment Plan. The High Natural Character is not necessary at best, and onerous for farmers at worst.</p> <p>The objective should clearly differentiate between activities that are compatible and consistent with existing rural and coastal character, and those that are not, and need to be subsequently managed.</p> <p>For much of the coastal environment, where it is also rural, the General Rural Zone provisions will be sufficient to protect its character. Rural zone provisions will manage the scale and density of buildings, earthworks, forestry and subdivision, which are part of the existing farming land uses that contribute positively to rural coastal character. It is unfair that buildings in the Large Lot Residential Zone are not considered a problem, yet farm buildings on rural zoned farmland are, when the farm buildings will have a much less adverse impact on character.</p>	<p>Amend:</p> <p><i>To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the <u>rural and natural</u> character of the coastal environment area (particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7); including adverse effects resulting from the following activities <u>where they are inconsistent with the existing land use:</u></i></p> <ol style="list-style-type: none"> <i>1. drainage of coastal flats and wetlands;</i> <i>2. earthworks within dunes and coastal escarpments;</i> <i>3. buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment;</i> <i>4. plantation forestry; and</i> <i>5. use of vehicles on beaches and adjacent public land;</i> <p><i>particularly where these have been identified as a threat to the values of a particular area of high natural character <u>or are inconsistent with existing farmland uses.</u></i></p>

		Plantation forestry over entire properties needs to be differentiated from farm forestry, where trees are part of the farmland use. Farm forestry should be recognised as appropriate within the existing rural character of the coastal environment. Restricting farm forestry will be inconsistent with regional council and central government requirements and incentives to retire steep and erodible land from pastoral farming and into trees. As anything over 1ha is considered plantation forestry, coastal farmers will be unable to meet their water quality or climate change targets.	
CE-P3	Support in part	Farm subdivision and development must not be captured by policy CP-30, as it will not be of a scale and magnitude that is incompatible with the coastal environment values. The policy must be more specific and identify dense small-lot subdivision and urban development as the activity to be avoided, in order to ensure large lot and farm succession subdivision and development can continue as being compatible with the existing rural coastal character.	Amend: <i>To avoid sprawling or sporadic <u>urban/residential</u> subdivision and development in the coastal environment area.</i>
CE-P4	Support in part	Federated Farmers are concerned that articles 2, 3 and 4 will inappropriately restrict farm earthworks, buildings and large lot and farm succession subdivision, which should be considered consistent with the coastal environment, underlying rural zoning and existing farming land uses. For much of the coastal environment, where it is also rural, the General Rural Zone provisions will be sufficient to protect its character. Rural zone provisions will manage the scale and density of buildings, earthworks and subdivision, which are part of the existing farming land uses which contribute positively to rural coastal character. Farm activities must be enabled, because if they are not, the alternative is a change of land use which could have an adverse impact on character.	Amend: <i>To manage the activities that can occur in the coastal environment area, <u>where they are inconsistent with existing rural character and farm land uses</u>, including:</i> <ol style="list-style-type: none"> 1. <i>expansion and consolidation of existing coastal settlements;</i> 2. <i>the scale, location, design and use of structures, buildings and infrastructure;</i> 3. <i>earthworks; and</i> 4. <i>subdivision.</i>
CE-P5	Support in part	This policy needs to provide more detail than the associated objective CE-03, and ensure that farming activities on existing farm land are enabled because the coastal environment extends well past the sea and onto terrestrial land that is actively used for farming.	Amend: <i>To recognise that there are activities which have a functional need to locate and operate within the coastal environment <u>or are part of an existing farming land use</u>, and provide for those activities in appropriate places.</i>
CE-P6	Support in part	Underlying zoning and existing land use need to be included in this policy, in order to assess what activities are appropriate. Farming activities will be appropriately located where they occur on the rural zoned, existing farmland.	Amend: <i>To require that proposed activities within the coastal environment area demonstrate that the activity is located appropriately, having regard to:</i>

		For much of the coastal environment, where it is also rural, the General Rural Zone provisions will be sufficient to protect its character. Rural zone provisions will manage the scale and density of buildings, earthworks and subdivision. Where these activities are associated with farming and occurring on farm land, they will be entirely appropriate.	<ol style="list-style-type: none"> 1. <i>the particular natural character, ecological, historical or recreational values of the area;</i> 2. <i>the extent to which the values of the area are sensitive or vulnerable to change;</i> 3. <i>opportunities to restore or rehabilitate the particular values of the coastal environment of the area;</i> 4. <i>the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it;</i> 5. <i>the impacts of climate change;</i> 6. <i>appropriate opportunities for public access and recreation; and</i> 7. <i>the extent to which any adverse effects are avoided, remedied or mitigated,</i> 8. <u><i>consistency with underlying zoning and existing land uses.</i></u>
CE-P7	Support in part	<p>Underlying zoning and existing land use need to be included in this policy, in order to assess what activities are inappropriate. Farming activities will be appropriately located where they occur on the rural zoned, existing farm land.</p> <p>For much of the coastal environment, where it is also rural, the General Rural Zone provisions will be sufficient to protect its character. Rural zone provisions will manage the scale and density of buildings, earthworks and subdivision. Where these activities are associated with farming and occurring on farmland, they will be entirely appropriate.</p>	<p>Amend:</p> <p><u>To require that proposed activities within the coastal environment area minimise any adverse effects that are inconsistent with underlying zoning and existing land uses, by:</u></p> <ol style="list-style-type: none"> 1. <i>ensuring the scale, location and design of any built form or land modification is appropriate in the location;</i> 2. <i>integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;</i> 3. <i>limiting the prominence or visibility of built form; and</i> 4. <i>limiting buildings and structures where the area is subject to the impacts of climate change and the related impacts of sea level rise, sea temperature rise and higher probability of extreme weather events; and</i> 5. <i>restoring or rehabilitating the landscape, including planting using local coastal plant communities.</i>
New policy		A new policy is needed to recognise that farming is a positive aspect of the character and amenity of the coastal environment. If farming is not recognised and provided for, there is a risk that land use change to residential will occur.	<p>Amend:</p> <p><u>To recognise and provide for farming land uses and rural character as positive contributors to the character and amenity of the Coastal Environment, due to the low density of buildings, pasture interspersed with native and exotic vegetation, and low artificial noise and light effects.</u></p>

<p>CE-AM2 1. Buildings</p>	<p>Oppose</p>	<p>Federated Farmers submits that areas of high natural character are deleted. The coastal environment (consistent with the Hawke's Bay Regional coastal environment) and coastal settlement zones are already achieving Section 6(a). Using these two categories, the District Plan is also meeting Council's obligations under the New Zealand Coastal Policy Statement, the Hawke's Bay Regional Policy Statement and the Regional Coastal Environment Plan. The High Natural Character is not necessary at best, and onerous for farmers at worst.</p> <p>For much of the coastal environment, where it is also rural, the General Rural Zone provisions will be sufficient to protect its character. Rural zone provisions will manage the scale and density of buildings and ensure they are in fitting with their farm environment.</p> <p>We are concerned that articles ii) and iv) for earthworks need to be more targeted at earthworks for buildings. Earthworks for other activities like tracking and farm fencing, which will need to traverse hill faces and spurs as an inherent part of their purpose, should not be restricted.</p>	<p>Amend:</p> <p>Additional Specific Assessment Matters for Activities on Land within or containing HNCs</p> <p>1. Buildings</p> <p>a. The location, layout, and design of the development to ensure that it does not have adverse effects on the coastal natural character. This will include reference to the proposed nature and location of building platforms, accessways, landscaping, planting, and the position, form, and appearance of building development.</p> <p>In particular, the location, layout and design of buildings should:</p> <p>i. Be of a scale, design and location that is sympathetic to the visual form of ridgelines and spurs and should not dominate the landscape</p> <p>ii. Avoid large scale earthworks on ridgelines, hill faces and spurs.</p> <p>iii. Be sympathetic to the underlying landform and surrounding visual and landscape patterns</p> <p>iv. Be designed to minimise cuttings across hill faces and through spurs</p> <p>v. Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform, and the visual and landscape patterns of surrounding activities.</p> <p>vi. Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.</p> <p>vii. Avoid disturbance of archaeological sites.</p>
<p>CE-AM2 2. Earthworks</p>	<p>Oppose in part</p>	<p>The assessment matter needs to consider whether or not the proposed activity is consistent with underlying zoning and existing land use, so that farming earthworks which are consistent with their rural zoning and farmland use are considered appropriate.</p> <p>This matter will particularly effect farm tracks, which are necessary for farmers to provide for their own and worker safe passage across farm, as per Section 5(2) of the RMA. Farm tracks on farmland must be enabled and not restricted by visual and amenity aspects, otherwise farmers will be forced to compromise their safety.</p> <p>Earthworks for farm fencing will need to traverse hills and spurs as an inherent part of their purpose. New fencing is likely needed as farmers</p>	<p>Amend:</p> <p>2. Earthworks</p> <p>a. The extent to which <u>urban, residential or lifestyle</u> earthworks have been designed and located to minimise adverse visual effects.</p> <p>In particular, the <u>extent to which any such proposal:</u></p> <p>i. Minimises the location of large-scale earthworks on prominent ridgelines, hill faces and spurs, where practicable, <u>unless for farm tracks and fences,</u></p> <p>ii. Minimises cuttings across hill faces and spurs, <u>unless for farm tracks and fences,</u></p> <p>iii. Minimises the number of finished contours that are out of character with the natural contour, where practicable.</p>

		move to comply with freshwater regulations and carry out stock exclusion from vegetation and waterways.	<ul style="list-style-type: none"> iv. <i>Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.</i> v. <i>Will compromise the values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.</i> vi. <i>Will have any cumulative adverse effects (for example, the modification to the existing natural character and the sensitivity or vulnerability to further change).</i> vii. <u><i>Are consistent with their underlying zoning and existing land use.</i></u>
CE-AM2 3. General	Oppose in part	The assessment matter needs to consider whether or not the proposed activity is consistent with underlying zoning and existing land use, so that farming activities which are consistent with their rural zoning and farmland use are considered appropriate.	<p>Amend:</p> <ol style="list-style-type: none"> 1. <i>General</i> <ul style="list-style-type: none"> a. <i>The natural science, perceptual and associational values (including the cultural relationship with the land for tangata whenua) associated with the natural character of the area.</i> b. <i>Place-specific management issues identified for the particular natural character area.</i> c. <i>The character and degree of modification, damage, loss, or destruction that will result from the activity.</i> d. <i>The duration and frequency of effect (for example, long-term or recurring effects).</i> e. <i>The magnitude or scale of effect (for example, the number of sites affected, spatial distribution, landscape context).</i> f. <i>The irreversibility of the effect (for example loss of unique or rare features, limited opportunity for remediation, the technical feasibility of remediation or mitigation).</i> g. <i>The resilience of heritage value or place to change (for example, the ability to assimilate change, vulnerability to external effects).</i> h. <i>The opportunities to remedy or mitigate pre-existing or potential adverse effects (for example restoration or enhancement), where avoidance is not practicable.</i> i. <i>The probability of the effect (for example the likelihood of unforeseen effects, ability to take a precautionary approach).</i> j. <i>Cumulative effects (for example, the modification to the existing natural character and its sensitivity or vulnerability to further change).</i> k. <i>Need for, or purpose of, the works.</i>

			<p><i>l. Whether there is a practicable alternative recognising the operational and technical requirements of regionally or nationally significant infrastructure.</i></p> <p><i>m. <u>The consistency of the activity with its underlying zoning and existing land use.</u></i></p>
CE-SCHED7	Oppose	<p>There is no need to identify the category of Areas of High Natural Character, it only adds another layer of complication, and needs to be deleted.</p> <p>Federated Farmers understands that Section 6(a) of the RMA requires that the preservation of the natural character of the coastal environment is a matter of national importance. This RMA matter is already achieved through the identification of the coastal environment and the coastal settlement zones, ensuring that land uses are appropriately located. Any coastal landscapes or features that meet Outstanding criteria will be identified and subject to ONFL provisions. Using these categories of the Coastal Environment, Coastal Settlement Zones, and ONFLs, the District Plan is also meeting Council's obligations under the New Zealand Coastal Policy Statement, the Hawke's Bay Regional Policy Statement and the Regional Coastal Environment Plan. HNCs are redundant.</p> <p>Federated Farmers submits that the Council carefully considers the submissions of individual landowners regarding HNCs identified on their properties.</p>	<p>Amend:</p> <ul style="list-style-type: none"> • Delete Areas of High Natural Character, as being unnecessary to meet Section 6(a) obligations. • Underlying zoning will protect natural character by ensuring development is appropriate and consistent with existing land use and character.
SUBDIVISION			
<p>SUB-S4 Building Platform</p> <p>Subdivision of land within the National Grid Subdivision Corridor</p>	Oppose in part	<p>Federated Farmers considers that large scale rural and farm subdivision doesn't pose the same level of risk towards the National Grid compared to urban subdivision, and so the Standard needs to weed out rural subdivision.</p> <p>A large farm being subdivided into large rural lots, or going through a boundary adjustment, will likely have a boundary running through the National Grid Corridor, but will not result in dense development near the lines. There will be ample space for a rural subdivision to build a house away from the National Grid line, and the small number of rural lots will not compromise Transpower's ability to access their structures compared to a 100 lot urban development for example.</p>	<p>Amend:</p> <ol style="list-style-type: none"> <i>2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities.</i> <i>3. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to</i>

		A rural subdivision that can meet the standard of a building site away from the National Grid Yard should have the same activity status as a normal rural subdivision.	<p>any National Grid support structures located on the allotments, including any balance area.</p> <p>And:</p> <ul style="list-style-type: none"> A rural subdivision that can meet the standard of a building site away from the National Grid Yard should have the same activity status as a normal rural subdivision.
SUB-S4 Building Platform Subdivision of land containing the Gas Transmission Network	Oppose	There is no need to have a building setback from the Gas Transmission Network, because an easement agreement will provide the setback. Any easement agreement on the parent lot needs to be carried over to the resulting lots. First Gas needs to seek an easement agreement that will meet their safety requirements. Access will be part of the easement agreements.	<p>Amend:</p> <p>4. The subdivision of land in any zone containing the Gas Transmission Network <u>must ensure that easement agreements are provided over the Gas Transmission Pipelines.</u> <u>must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network.</u></p> <p>5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.</p>
EARTHWORKS			
EW-O1	Oppose in part	<p>The objective needs amending to enable people and communities to carry out earthworks, while managing adverse effects. This is what the district plan does – it enables earthworks through permitted rules, and the standards ensure that adverse effects are managed. As a comparison, objective EW-O2 references the needs of the district to undertake an activity (being mining and quarrying) and earthworks are just as important a need.</p> <p>As notified, we are not sure if the protection is the protection of people <i>from</i> earthworks, or whether it is an incorrect paraphrasing of Section 5(2) of the RMA for health and safety.</p>	<p>Amend:</p> <p>Protect the safety of <u>Enable people and communities to carry out earthworks, while avoiding, remedying or mitigating the adverse environmental effects of earthworks.</u></p>
EW-O2	Oppose in part	Our interest in this objective is limited to the possibility that farm quarries are captured by the definition of <i>quarrying</i> . Farm quarries must be excluded	<p>Amend:</p> <p>Ensure that the life supporting capacity of air, water, soil and ecosystems is safeguarded and that <u>adverse effects of mining,</u></p>

		from the definition, because they are of much smaller scale and level of adverse effect than an industrial quarry.	<p><i>quarrying and hydrocarbon extraction activities on the environment are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.</i></p> <p>And:</p> <ul style="list-style-type: none"> Clearly exclude farm quarries from the definition of <i>quarrying</i>.
EW-P2	Support in part	Support is given for recognising the role (purpose) and character of a zone and the earthworks within it. This will mean farming related earthworks in the rural zone should be considered appropriate and acceptable.	<p>Amend:</p> <p><i>To ensure earthworks are appropriately located and designed to avoid, remedy or mitigate adverse effects by:</i></p> <ol style="list-style-type: none"> <i>controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character <u>and existing land use</u> of each zone and reduce effects on neighbouring properties and the environment; and</i> <i>controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects <u>inconsistent with the zoning and existing land uses on neighbouring sites or</u> any Council reticulated stormwater system.</i>
EW-P3	Support in part	While being in character with the surrounding land, the functionality of the earthworks is also important. Earthworks for farm tracking needs to be functional to allow safe passage across steep terrain. Visual effects must not take precedence over functionality.	<p>Amend:</p> <p><i>To ensure that earthworks <u>meet functional needs</u>, and designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character, <u>land use and visual amenity of the surrounding area</u>.</i></p>
EW-P4	Support in part	Re-vegetation or re-pasture will only be needed for some earthworks, some functional purposes will preclude the ability to meet this policy direction.	<p>Amend:</p> <p><i>To require the <u>appropriate</u> re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.</i></p>
EW-P5	Support	Support is given for ensuring land can support a range of primary production activities.	<p>Retain:</p> <p><i>To protect the highly productive land of Central Hawke's Bay from large-scale stripping, stockpiling, and removal to ensure the land can still support a range of primary production activities.</i></p>
EW-P6	Support	We agree that duplication is best avoided.	<p>Retain:</p> <p><i>To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory assessment, such as through subdivision provisions and Building Act 2004 controls.</i></p>
New policy		Ancillary earthworks must be unlimited. The permitted status with no limit for the General Rural and Rural Production zones must extend throughout	Add new policy:

		those entire zones and even where overlain with ONFL or HNC status. The district council does not have functions over soil and water quality, and activities like cultivation do not create an adverse amenity effect, so there is no reason to limit ancillary rural earthworks.	<i>Provide for ancillary rural earthworks as unlimited, to recognise that they normal and anticipated within the rural zones, with de minimus effects.</i>
EW-P8	Support in part	Our interest in this policy is limited to the possibility that farm quarries are captured by the definition of <i>quarrying</i> .	Conditional support, on the condition that farm quarries are clearly excluded from the definition of <i>quarrying</i> .
EW-P9	Support in part	Support is given for enabling farm quarries. Given there is a separate definition, the phrase farm quarries needs to be included in the policy so the plan user can make the link.	Amend: <i>To enable <u>farm quarries and quarries ancillary to farming and forestry activities to be established in rural areas.</u></i>
EW-P10	Support in part	Our interest in this policy is limited to the possibility that farm quarries are captured by the definition of <i>quarrying</i> .	Conditional support, on the condition that farm quarries are clearly excluded from the definition of <i>quarrying</i> .
EW-P11	Support in part	Our interest in this policy is limited to the possibility that farm quarries are captured by the definition of <i>quarrying</i> .	Conditional support, on the condition that farm quarries are clearly excluded from the definition of <i>quarrying</i> .
EW-R1 All zones	Support in part	Support is given for the permitted status of these earthworks. However we have made submissions on the associated standards.	Retain: <i>Where the following conditions are met:</i> <ol style="list-style-type: none"> <i>The earthworks are associated with site preparation works for a building, the area (m²) of earthworks is no more than 150% of the area of the associated building footprint, and complies with <u>EW-S1 Slope</u>; or</i> <i>The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads; or</i> <i>The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health); or</i> <i>The earthworks are associated with gravel extraction within the bed of a river.</i>
EW-R2 Ancillary rural earthworks	Support in part	We oppose any limitation of ancillary rural earthworks. It does not serve people, their communities, nor the Council to monitor and enforce limits on activities like cultivation and harvesting. Ancillary rural earthworks must be considered appropriate for the rural zones and recognised as not adversely impacting amenity. Nor is it a district	Amend: <i>EW-R2 Ancillary rural earthworks:</i> <i>General Rural Zone</i> <i>Rural Production Zone</i> <i>Rural Lifestyle Zone</i>

		<p>council function to manage ancillary rural earthworks for soil and water quality purposes, because the regional council already does this.</p> <p>Ancillary rural earthworks are integral to the purpose of the rural zones, and must be permitted without limits.</p>	<p>1. Activity Status: <i>PER</i></p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. EW-S2;</p> <p>ii. EW-S3;</p> <p>iii. EW-S4;</p> <p>iv. EW-S5;</p> <p>v. EW-S6;</p> <p>vi. EW-S7; and</p> <p>vii. EW-S8.</p>
EW-R4 Mining and quarrying	Support in part	<p>Support is given for the permitted status of farm quarries. However we have made submissions on the associated standards.</p>	<p>Retain:</p> <p>1. Activity Status: <i>PER</i></p> <p>Where the following conditions are met:</p> <p>a. The activity is for a farm quarry.</p> <p>b. Compliance with:</p> <p>i. EW-S1;</p> <p>ii. EW-S2;</p> <p>iii. EW-S3;</p> <p>iv. EW-S4;</p> <p>v. EW-S5;</p> <p>vi. EW-S6;</p> <p>vii. EW-S7; and</p> <p>viii. EW-S8.</p>
EW-R5 Earthworks and vertical holes within the National Grid Yard	Oppose in part	<p>Federated Farmers seeks rules for earthworks within the National Grid Yard that are consistent with NZECP34, specifically Section 2.2 of the Code. Standard EW-R5 is not consistent and unnecessarily onerous compared to the Code, and needs amendment. Landowners who host the National Grid will be needlessly restricted by the District Plan, when the same activity will be permitted under the Code.</p> <p>The 110kv FHL-WDV-A and B lines overwhelmingly consist of single circuit poles, with towers only where the line crosses over a river. This means the 300mm depth 12m around any structure is far in excess what is in the Code, and what actually needed for engineering safety. Section 2.2.1 of the Code determines that poles only need the 300mm depth limit to 2.2m distance, and can increase to 750mm depth from 2.2m to 5. Beyond 5m there is no engineering need to limit earthworks unless an unstable batter is created. Towers have the 300mm depth to within 6m of the tower foot, so half the distance that the District Plan rule has.</p>	<p>Amend:</p> <p>1. Activity Status: <i>PER</i></p> <p>Where the following conditions are met:</p> <p>a. <u>From National Grid poles, the earthworks must be no deeper (measured vertically) than 300mm within 2.2m of the pole; and 750 mm between 2.2m and 5m of the pole, or</u></p> <p>b. <u>From National Grid towers, the earthworks must be no deeper (measured vertically) than 300mm within 6m of a tower; and 3m between 6m and 12m of a tower 300mm within 12m of the outer visible edge of any National Grid support structure foundation</u></p> <p>except under the following circumstances:</p> <p>i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or</p>

		<p>The reason Rule EW-R5 must be consistent with, and not more onerous than, the Code, is because otherwise it will create a regulatory anomaly where an activity is permitted by the Code but not by the District Plan. This is untenable, as there is no reason why the Council should require or decline consent when the Code permits the activity and the National Grid operator cannot refuse permission.</p> <p>Article iii) recognises that poles and towers will have different distance requirements for safety, so part a) needs to address this too.</p> <p>Support is given for Article ii) for normal agricultural cultivation, roads, footpaths, driveways and farm tracks as exemptions from the 300mm depth limit, as per Section 2.2.4 of the Code.</p> <p>Article iii)b) for fence post holes needs to be consistent with Section 2.3.3 of the Code, which allows a fence within 5m of a tower, and no depth. Because the fence post hole is integral to the fence post, they both must be allowed within 5m. Support is given for Article iii)a) as the 1.5m distance from a pole is consistent with Section 2.2.2 of the Code.</p>	<p>ii. <i>earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.</i></p> <p>iii. <i>vertical holes not exceeding 500mm in diameter, provided they:</i></p> <p>a. <i><u>are not exceeding 500 mm diameter and are more than 1.5m from the outer edge of the pole support structure or stay wire, or</u></i></p> <p>b. <i><u>are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m 5m from the visible outer edge of a tower support structure foundation.</u></i></p> <p>c. <i>Compliance with:</i></p> <p>i. <i>EW-S1;</i></p> <p>ii. <i>EW-S2;</i></p> <p>iii. <i>EW-S3;</i></p> <p>iv. <i>EW-S4;</i></p> <p>v. <i>EW-S5;</i></p> <p>vi. <i>EW-S7;</i></p> <p>vii. <i>EW-S8; and</i></p> <p>viii. <i>EW-S9.</i></p> <p>d. <i>Compliance with EW-S6.</i></p>
EW-R6 Earthworks within 20m of the Gas Transmission Network	Oppose	<p>Federated Farmers opposes any earthworks regulation of landowners for the protection of the gas transmission network. This is because gas pipelines have 100% easement agreement coverage where they cross over private land, and district plan regulation is completely unnecessary. District Plan provisions must not undermine legal easement agreements.</p> <p>A landowner needs a <i>Pipeline Easement Permit</i> from First Gas if they ever want to do work on or near an easement, this includes works like excavation, landscaping, and even deep cultivation. There is no need for the Council to also monitor and enforce, or require a resource consent, for the same activities when First Gas already have a strong legal mechanism to manage such activities. First Gas are entirely capable of managing activities and protecting their infrastructure themselves.</p> <p>Easement agreements are clearly indicated on a Certificate of Title, and First Gas should mark them on the land with signs and white posts, have a direct</p>	Delete all provisions for the Gas Transmission Network, because legal easement agreements already address any issues.

		<p>relationship with landowners, and even provide a free service to locate the actual pipeline within the easement. There is no excuse for a district council to manage this activity, any deficiencies of safety are beholden to First Gas to rectify.</p> <p>We accept that the Gas Transmission Network could be indicated on the maps, and as is a matter during subdivision to ensure easements are carried over, but earthworks are a matter best left to the legal easement agreement mechanism to manage.</p>	
EW-S1 Slope General Rural Zone	Support	<p>Support is given for a more generous slope limit for the general rural zone, to recognise this zone will have steeper terrain. We see that much of CHB is classified strongly rolling 16-20°, moderately steep 21-25°, and steep 26-35°, so the 45° limit should allow for farm tracks to prevent farm vehicle accidents on hillsides.</p>	<p>Retain:</p> <ol style="list-style-type: none"> 1. <i>Earthworks must be undertaken on land with a slope less than 45° above horizontal.</i>
EW-S2 Extent of Earthworks High Natural Character (HNCs) Outstanding Natural Features and Landscapes (ONFs/ONL) Significant Natural Areas (SNAs)	Oppose in part	<p>The limit of 500m³ is too small for farm activities like track maintenance, and preposterous for cultivation. Many of the district ONFLs are over existing farmland, and there is no reason why cultivation or fence post holes should be limited for amenity purposes where it occurs over farmland. How will this even be measured – it is a burden on the Council and farmers alike for no amenity benefit. Ancillary rural earthworks must have no limit, in the general rural zone, even where overlain with an ONFL classification.</p> <p>It is unfair that farmers on ONLs are restricted to only 500m³ for ancillary rural earthworks, when farmers in the same general rural zone are allowed unlimited, despite both examples being in the general rural zone.</p> <p>As per earlier submission points, we seek the category of High Natural Character be deleted.</p> <p>As comparisons, Rotorua District Council permits track maintenance earthworks with no limit in Rule 86. Otorohanga District Council permits 1,000m³ of maintenance earthworks within ONFLs and the Coastal Policy Area in Rule 5E. Both of these councils are operating on the assumption that because it is only maintaining existing tracks there is no extra detrimental effect on the landscape, and that rural activities that are already occurring should be able to continue.</p> <p>There should be separate and distinct standards for SNAs compared to ONFLs. The scale and size of an SNA compared to an ONL, and its vulnerability</p>	<p>Amend:</p> <p><i>Identified areas of:</i> High Natural Character (HNCs) Outstanding Natural Features and Landscapes (ONFs/ONL) Significant Natural Areas (SNAs)</p> <ol style="list-style-type: none"> 1. Ancillary rural earthworks—maximum of 500m³ per site in any 12-month period. Refer also Standard EW-S7. 2. <u>Maintenance earthworks</u> 3. <i>All other earthworks – maximum of 200m³ per site in any 12-month period.</i>

		to adverse effects from earthworks are very different, so their regulation should be separate and address adverse effects distinct to each.	
EW-S2 Extent of Earthworks General Rural Zone	Support	Ancillary earthworks must be unlimited, to recognise that they are part of the farming purpose of this rural zone. The limit of 2,000m ³ /ha over 12 months is supported.	Retain: 3. <i>Ancillary rural earthworks – unlimited.</i> 4. <i>All other earthworks – maximum of 2,000m³ per hectare of site in any 12-month period.</i>
EW-S2 Extent of Earthworks Coastal Environment	Support	Ancillary earthworks must be unlimited, to recognise that they are part of the farming land use and underlying rural zoning of the Coastal Environment. The volume of earthworks considered appropriate will depend on which underlying zone it occurs in. The 200m ³ limit is appropriate for the Coastal Settlement Zone, yet much too small for the General Rural Zone. The existing farming land uses and large farm lot sizes will absorb any potential earthworks effects more readily than the settlement zones would.	Amend: 5. <i>Ancillary rural earthworks – unlimited.</i> 6. All other earthworks – <u>must comply with the underlying zone provisions.</u> maximum of 200m³ per hectare of site in any 12-month period.
EW-S2 Extent of Earthworks Rural Production Zone	Support	Ancillary earthworks must be unlimited, to recognise that they are part of the farming purpose of this rural zone. The limit of 1,000m ³ /ha over 12 months is supported.	Retain: 7. <i>Ancillary rural earthworks – unlimited.</i> 8. <i>All other earthworks – maximum of 1,000m³ per hectare of site in any 12-month period.</i> 9. <i>Removal offsite of topsoil, sand, gravel, or earth – maximum of 25m³ per site in any 12-month period.</i>
EW-S3 Vertical Extent of Excavation HNCs ONFs/ONL SNAs	Oppose in part	Support is given for the different vertical limits for different landscape features, to recognise they have varied ability to absorb the effects of the earthworks. That said, 2m is much too small and will not enable farm tracks on ONFLs, HNCs and SNAs, which are necessary for farmers to provide for their own and worker safe passage across farm, as per Section 5(2) of the RMA. Farm tracks on farm land must be enabled and not restricted by visual and amenity aspects, otherwise farmers will be forced to compromise their safety. As a comparison, Hastings allows a cut/fill face of 2m for ONFLs in Standard 27.1.6D. As per earlier submission points, we seek the category of High Natural Character be deleted.	Amend: 1. 2m <u>3m</u>
EW-S3 Vertical Extent of Excavation	Oppose in part	Support is given for the different vertical limits for different landscape features, to recognise they have varied ability to absorb the effects of the earthworks. That said, 1m is much too small to enable farm tracks, which are necessary for farmers to provide for their own and worker safe passage	Amend: 2. 1m <u>3m</u>

HNC2 HNC6 ONF5 ONF6 ONF7 ONF9 ONF10		<p>across farm, as per Section 5(2) of the RMA. Farm tracks on farm land must be enabled and not restricted by visual and amenity aspects, otherwise farmers will be forced to compromise their safety. As a comparison, Hastings allows a cut/fill face of 2m for ONFLs in Standard 27.1.6D.</p> <p>As per earlier submission points, we seek the category of High Natural Character be deleted.</p>	
EW-S3 Vertical Extent of Excavation General Rural Zone, ONL1.	Support	Support is given for a cut/fill face of 5m, the same as for Hastings for the Rural Zone in Standard 27.1.6D. Given that the General Rural Zone of Central Hawkes Bay is characterised by sheep and beef farms on hilly terrain, a 5m cut/fill face is appropriate.	<p>Retain:</p> <p>3. 5m</p>
EW-S6 Earthworks and Vertical Holes within the National Grid Yard	Oppose in part	<p>Any earthworks regulation within the National Grid Yard must be consistent with NZECP34 <i>Code of Practice for Electrical Safe Distances</i>, specifically Table 4.</p> <p>There is no need for vehicular access to be a matter or standard. The Network Utility Operator will just have to travel to the structure using a different route. Access is a matter for the landowner and Transpower to negotiate.</p>	<p>Amend:</p> <ol style="list-style-type: none"> 1. The earthworks must not compromise the stability of a National Grid support structure, and 2. The earthworks must not result in a reduction in ground-to-conductor clearance distances <u>specified in Table 4 of NZECP34</u>, of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and 3. The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure.
EW-S7 Ancillary Rural Earthworks	Oppose	<p>We oppose any limitation of ancillary rural earthworks. It does not serve people, their communities, nor the Council to monitor and enforce limits on activities like cultivation and harvesting.</p> <p>Ancillary rural earthworks must be considered appropriate for the rural zones and recognised as not adversely impacting amenity. Nor is it a district council function to manage ancillary rural earthworks for soil and water quality purposes, because the regional council already does this.</p> <p>Ancillary rural earthworks are integral to the purpose of the rural zones, and must be permitted without limits.</p>	<p>Delete:</p> <ol style="list-style-type: none"> 1. For the maintenance of existing tracks, driveways, roads and accessways only, ancillary rural earthworks must be within the same formation width, and the landowner must take, and provide to Council on request, photos of the location of the earthworks before and after completion, sufficient to show the formation width. 2. Exposed vertical cuts or batter faces must not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal. 3. All remaining slopes must be remediated to marry in with the surrounding landform and be replanted with either

			grass or planting to match the surrounding vegetation cover (excluding weed species).
EW-S8 Electrical Safety Distances	Support	The District Plan must be consistent with NZECP34.	Retain: <i>Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).</i>
LIGHT			
LIGHT-O1	Support	Support is extended to this objective which acknowledges activities can have a functional and operational requirement to use artificial light. Primary production activities are particularly good examples of this. Some activities like crop harvesting and hay making are weather dependent, triggered seasonally and will see farmers and contractors working around the clock to get the job done. Whilst the objective is important and provides useful direction for plan users, we consider that either a new permitted activity rule, or exemption to the standards, is required to better implement LIGHT-O1 and subsequent policy LIGHT-P1.	Retain: <i>LIGHT-O1 Activities are able to use artificial lighting for operational and functional purposes and to provide for the security and safety of people and property.</i>
LIGHT-P1	Support	Support is extended to the policy which is working to provide for usual and anticipated activities within specific zones.	Retain: <i>LIGHT-P1 To provide for the appropriate level of artificial lighting for operational and functional purposes while maintaining the predominant character and amenity of each zone.</i>
LIGHT-R1	Support	Amendments are required to better implement LIGHT-O1 and LIGHT-P1 and ensure normal and anticipated farming activities can continue without unreasonable conditions. This is particularly important as farmers and contractors need to operate around the clock during peak lambing, calving and harvest seasons, and need to illuminate their work at night. The notified standards should not apply to primary production activities given the intermittent and temporary nature of the activities and the effects which should be considered normal and anticipated within a rural zone.	Retain on condition relief sought LIGHT-S1 is accepted: <i>LIGHT-R1 Activities involving emission of light spill and glare</i> 2. <i>Activity Status: PER</i> <i>Where the following conditions are met:</i> <i>Compliance with LIGHT-S1.</i> In the alternative include a new permitted activity rule for primary production activities.
LIGHT-S1	Support in part	The notified standards should not apply to primary production activities given the intermittent and temporary nature of the activities. The relief sought will better implement the direction of LIGHT-O1 and LIGHT-P1 and is consistent with planning approach adopted for NOISE which exempts vehicles and mobile machinery associated with primary production activities from the Noise standards.	Amend <i>LIGHT-S1 Maximum level of light overspill</i> 1. <i>The following light spill standard applies to all land uses other than for the purposes of illuminating a road <u>and activities associated with primary production.</u></i>

NOISE			
NOISE-O1	Oppose	FFNZ considers NOISE-O1 to be superfluous, with NOISE-O2 essentially providing for the same outcomes.	Delete: NOISE-O1 Ensure residents of the District are exposed to an appropriate level of noise for the zone in which they reside/live/work
NOISE-O2	Support	Assessing activities against context and compatibility within receiving zones is highly appropriate and should facilitate an efficient and effective planning response. We agree that the character and function of each zone is important when deciding what noise activities are appropriate. Farm noise in the rural zones should always be considered acceptable and in character.	Retain: <i>NOISE-O2 Activities generate noise effects that are compatible with the role, function and predominant character of each receiving zone</i>
NOISE-O3	Support	Reverse sensitivity is an important resource management issue for Federated Farmers, support is extended to this Objective. We agree that lawfully established farming should be protected from reverse sensitivity effects of noise sensitive activities.	Retain: <i>NOISE-O3 Avoid, remedy or mitigate conflict and reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them.</i>
NOISE-P3	Support	Support is extended to the policy which recognises the nature and effects of rural production activities which are appropriate and should be anticipated within the rural zone.	Retain: <i>To recognise that noise associated with agricultural, viticultural and horticultural activities is appropriate for the working nature of the rural environment by exempting it from the noise limits. The operation of noisy equipment (in particular, rural airstrips, audible bird scaring devices and frost fans) is provided for, subject to appropriate controls.</i>
NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.	Support	Support is extended to this implementation method which we consider to be an appropriate planning response for the stated objectives and policies. Activities which generate noise for rural production purposes, including stock noises, should be exempt from the noise limits of the plan.	Retain: <i>NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.</i> <i>Activities involving stock, vehicles and mobile machinery associated with primary production:</i> <i>7. Exempt, providing noise is limited in duration and machinery is not in a fixed location, and is generated by vehicles and mobile machinery associated with primary production activities and sections 16 and 17 of the RMA have been satisfied. Examples include stock sale yards and transporting areas, harvesting, spraying, and planting machinery.</i>
NOISE-S5 Specific Activities exempt from	Oppose in part	Whilst support is extended to the enabling intention of the standard we are concerned that limiting agricultural aviation movements to 14 days in a calendar year doesn't provide for contingency planning. There can be any number of reasons why an activity, like topdressing for example, which may	Amend: <i>NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.</i> <i>Agricultural Aviation Movements</i>

the Noise Limits in NOISE-S4		<p>be planned to be undertaken from start to finish in a day has to be called off and re-scheduled. As notified once the plane takes off that will count as one day out of the 14 regardless of whether the activity was completed or not.</p> <p>The definition of Agricultural aviation movements is clear that activities are intermittent and for specific purposes only, in our view no further control is necessary.</p> <p>We also consider our relief sought to be more consistent with the approach taken under GRUZ-R4 and the relevant Section 32 Evaluation which states at Section 5.1.11 Noise</p> <p>2. Adopt approach in the Proposed District Plan – <i>...recognising noise associated with agricultural, viticultural and horticultural activities is appropriate for the working natural of the rural environment by exempting it from the noise limits, including the operation of noisy equipment (in particular, rural airstrips, audible bird scaring devices and frost fans)</i> page 54.</p>	<p>11. Exempt for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>
NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	Oppose in part	Support is extended to this implementation method which we consider to be an appropriate planning response for the stated objectives and policies, however a consequential amendment is required to give effect to the issues raised in relation to NOISE-S5 (11) and (12).	<p>Amend:</p> <p><i>Rural Airstrips</i></p> <p>13. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55 dB Ldn, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p>
NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	Oppose in part	Support is extended to this implementation method which we consider to be an appropriate planning response for the stated objectives and policies, however a consequential amendment is required to give effect to the issues raised in relation to NOISE-S5 (11) and (12).	<p>Amend:</p> <p><i>Helicopter Landing Areas</i></p> <p>16. The day-night average sound level (Ldn) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 50 dB Ldn measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p>

NOISE-AM1 Compatibility	Support	Support is extended to this assessment matter – the zone that the noise occurs in is highly relevant to its appropriateness or effect on amenity.	Retain: <i>The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone, including proximity of any existing noise sensitive activities.</i>
Principal Reasons	Support	The reasons for the planning response are understood and supported.	Retain: <i>The principal reasons for adopting the policies and methods: The District Plan seeks to control the level of noise and vibration received in each zone by setting noise limits that reflect the character and amenity of each zone, but also provides for those activities which are recognised as having different aural qualities associated with them, subject to specific noise standards. Activities such as construction, noise associated with normal agricultural, viticultural, and horticultural operations, emergency service activities and temporary events such as concerts are provided for, subject to specific standards and the overarching duty to ensure noise does not exceed a reasonable level.</i>
Anticipated Environmental Results	Support	Federated Farmers considers the desirable AER's could be better achieved by the relief sought in our submission.	Retain: <i>NOISE-AER3: Sufficient flexibility for noise-generating activities in the Rural Production, Plains Production and Commercial and General Industrial Zones, as well as noise associated with the operation of the Waipukurau Aerodrome, is provided.</i> <i>NOISE-AER4: Events and activities of limited duration or frequency that are inherently noisy are not unreasonably constrained.</i>
SIGNS			
SIGN-P4	Support	Support is extended to this policy however we consider the rules framework needs to be clearer to provide plan users with certainty as to which rule implements it, see our submission on SIGN-R2. The District Plan should not compromise farmers' ability to comply with health and safety and hazardous substances requirements.	Retain: <i>To enable signs required by legislation or regulation such as the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015.</i>
SIGN-R2	Support in part	The rule header covers a wide and varied range of purposes and whilst the intention is supported, we consider improvement could be made with some descriptors or examples which make it clear which types of signs are covered by the rule. Further, some health and safety notices may not be 'official signs' as such, but are used to meet legislative requirements or convey important health and safety information and should be enabled.	Amend: <i>SIGN-R2 Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve</i> 2. <i>Activity Status: PER</i> • <i><u>the sign is required to meet legislative requirements, such as health and safety legislation; and/or</u></i>

			<ul style="list-style-type: none"> <u>the sign provides information or instruction relating to public safety, such as equipment use, property entrances or for security purposes, and is no larger than reasonably necessary to convey the information.</u> <p>Note: This rule is not subject to any Effects Standards in the District Plan.</p>
SIGN-AER1	Support	Federated Farmers considers the desired AER will be better achieved by the relief sought in our submission.	Retain <i>SIGN-AER1 Adequate signage to convey the information necessary for the social, economic and cultural welfare of the community.</i>
HAZARDOUS SUBSTANCES			
HAZS-O2	Support	Support is given for the aim to avoid duplication. Federated Farmers has a strong principle of avoiding duplication as it is unproductive and inconsistencies cause problems.	Retain: <i>Avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996 and the District Plan.</i>
HAZS-P1	Support	Support is given for enabling hazardous substance use, farms use many substances in order to provide safe food in large quantities for our people and communities.	Retain: <i>To enable activities to utilise hazardous substances where necessary for their operations, in appropriate locations.</i>
HAZS-R1	Oppose in part	Although permitted status is preferable to consented status, this provision could go a step further and leave activities that already comply with the Hazardous Substances and New Organisms Act as unregulated by the District Plan. This would achieve objective HAZS-O2 better by avoiding any duplication, and be similar to the Hastings approach. A permitted rule is still considered regulation and does not achieve the goal of no duplication.	Delete: <i>HAZS-R1 The storage, handling or use of hazardous substances (except Major Hazardous Facilities)</i> And add a new policy: <i>To not regulate the use, storage or transportation of hazardous substances, in the District Plan where adequate levels of community and environmental protection is already provided by the Hazardous Substances and New Organisms Act 1996 or other legislation and regulation.</i>
NATURAL HAZARDS			
Introduction	Support	Federated Farmers supports the emphasis placed on information sharing and the risk-based approach which has been adopted. It recognises that some activities or land uses are more susceptible to a natural hazard related event than others. We are strongly supportive of the approach taken with regards to some rural activities as we agree that regulation should not unnecessarily restrict farm buildings and earthworks where there is an acceptable level of risk. Whilst we are broadly supportive of the notified planning response some relatively minor amendments are required	Retain

		to ensure the provisions are more consistent with and better implement that risk-based approach. These changes are outlined in the following submission points.	
NH-01	Support	Federated Farmers agrees that Council is in an appropriate position to collate and disseminate information regarding the reduction, response, recovery, avoidance and mitigation of natural hazards within the Central Hawkes Bay District. We are broadly supportive of this objective and the related policy response.	Retain. <i>The community's awareness and understanding of natural hazard risks in the District is enhanced.</i>
NH-02	Support in part	Farm buildings and earthworks must be clearly differentiated from habitable buildings and earthworks, as they have different risk profiles. Farm buildings are simple structures that are uninhabited, it may be acceptable to a farmer if their dirt floor shed is flooded, compared to the major disruption and displacement if a house was flooded. The concept of vulnerable activities is a good one and winnows out farm structures.	Amend: <i>The effects of natural hazards and the long-term effects of climate change on the community and <u>vulnerable activities</u> the built environment are minimised.</i>
NH-03	Oppose in part	<p>The avoidance of any increase in risk outcome of this objective is both inappropriate and unachievable.</p> <p>Risk can be managed by not only avoidance, but also remedied and mitigated, by structural or non-structural means. Flood risk can be structurally mitigated by increased floor levels for houses. Coastal erosion risk can be non-structurally mitigated by foredune care and not cutting through the foredune to build roads, paths or residential houses.</p> <p>Some risk tolerance will be necessary, such as allowing farm activities to occur in a floodable area. Farm activities will be preferable to residential development here. Resilience relies on a level of acceptable risk under which typical rural activities can be carried out. That is – natural hazard risks must be appropriately identified and assessed without imposing unnecessary restrictions on rural land owners and their communities.</p> <p>If all risk is to be avoided from all natural hazards, we hope this extends to avoiding risk of drought by providing water storage schemes for primary production!!</p>	<p>Amend:</p> <p><i>Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided, <u>remedied or mitigated in areas where the risks from natural hazards are assessed as being unacceptable, and in all other areas is undertaken in a manner that ensures that the risks are appropriately managed.</u></i></p>
NH-P1 NH-P2 NH-P3 NH-P4	Support	Federated Farmers understands the importance of information sharing and the necessity of identification of natural hazards as being an important tool for councils and landowners alike. Whilst there may be some unnecessary duplication across Policies NH-P1 to NH-P4 which could be tidied up, the purpose and intention of these policies is supported.	<p>Retain.</p> <p><i>NH-P1 To promote the wide availability of natural hazard information to enable organisations and individuals to make sound decisions based on the best available information.</i></p>

		Identifying and accurately locating hazard sites or zones on planning maps is essential for communicating and mitigating hazard risk.	<p><i>NH-P2 To contribute to the development of up-to-date hazard information, in conjunction with the Hawke's Bay Regional Council and the Hawke's Bay CDEM Group.</i></p> <p><i>NH-P3 To take into consideration the latest pertinent hazard information when assessing subdivision and land use consent applications.</i></p> <p><i>NH-P4 To require that climate change effects be built into natural hazard risk assessments, using the latest national guidance and best information available.</i></p>
NH-P5	Oppose in part	<p>The focus of the policy is on controlling activities in areas of significant natural risk, the purpose of which is understood and supported. However, 'areas of significant natural risk' are not currently defined and as such we have concerns that this may create uncertainty for plan users and have potential to control activities beyond what was intended or is appropriate. The planning maps identify Flood Hazard Areas, Fault Avoidance Areas and Tsunami Hazard areas. It is unclear whether the term 'areas of significant natural risk' applies to these mapped areas or whether they are a subset of these identified layers which are susceptible to elevated levels of risk and as such require extra layers of control.</p> <p>Rules intended to manage flood risk should not accidentally regulate farm buildings, structures or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make flooding worse. There is no need to require a resource consent for a shed used to park tractors with a dirt floor: no lives are at risk if it floods; and there will be minimal damage or displacement compared to a house being flooded. We are broadly supportive of the rules framework and associated NH-APP1 BIC which, in part, works to align with this position. We like the concept of <i>vulnerable activities</i> because these focus on people related activities and therefore risk is greater. We suggest that this more targeted risk based approach should be applied to the other hazard areas not just within the Tsunami Hazard area..</p> <p>We have some concern that earthworks is included as an activity that requires extra control, it seems out of place and unnecessary in this context. The other activities relate to people and property locating in the areas of elevated risk and in our view any adverse effects relating to associated earthworks can be assessed when a consent process is triggered.</p>	<p>Amend: NH-P5 To control the activities that can occur in areas of significant natural hazard risk, including:</p> <ol style="list-style-type: none"> 1. the erection of new <u>habitable</u> buildings or structures, or alterations to existing <u>habitable</u> buildings or structures; 2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.

		Further, alterations to existing building and structures should not be captured if the changes are not increasing or exacerbating risk off site. Given fences are captured by the definition of 'structure' our support is contingent on the rule conditions and NH-APP1 Building Importance Category 1, in particular, retaining the notified examples.	
NH-P6	Support	Support is extended to this policy approach.	Retain <i>To adopt and promote the best practicable options (including mitigation or the 'do nothing' option) in the management of areas of existing development actually or potentially at risk from natural hazards.</i>
NH-P7	Support in part	Broad support is extended to the policy approach, subject to a robust assessment and identification of areas of significant natural hazard risk. We accept that any land use change or development in areas of significant natural hazard risk that would increase risk to people's safety or well-being or has the potential to exacerbate risk off site should be avoided. In some cases, however, a change from one low-risk land use to another low-risk land use may be appropriate and should be a permitted activity, for example, rural ancillary earthworks in an area prone to flooding.	Conditional support – subject to identification and mapping of 'areas of significant natural hazards' Retain (pending further process to meet relief sought) <i>To adopt and promote an avoidance approach to new development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.</i>
NH-P8	Support	Support is extended to this policy approach.	Retain <i>To encourage activities that reduce the risk of adverse effects from natural hazards, including relocation or removal of structures within areas of significant natural hazard risk and designing for relocatability or recoverability from hazard events.</i>
NH-P9	Oppose in part	Federated Farmers understands the intention of the policy however we are concerned that existing low risk land use like farming may be captured inadvertently and are worried that the policy direction may hinder landowners maintaining and or improving existing natural hazard mitigation activities. The focus in our view should be on any land use change or development that would increase risk to people's safety or well-being or has the potential to unreasonably exacerbate or transfer risk off site.	Amend: <i>To ensure that subdivision, land use activities or other new development of vulnerable activities is located and designed to avoid the need for further natural hazard mitigation activities- so that the activity:</i> <i>1. incorporates mitigation measures so that the risk to life and property damage is acceptable;</i> <i>2. the risk to surrounding properties is not increased; and</i> <i>3. the activity does not require new or upgraded community-scale mitigation works.</i>
NH-P10	Support	Support is extended to this policy approach.	Retain <i>To promote the use of natural features, buffers and appropriate risk management approaches in preference to hard protection structures in mitigating natural hazard risk.</i>
NH-R1	Support in part	Federated Farmers is concerned the broad definition of 'natural hazard mitigation activities' includes activities like riparian planting and drainage which should be reasonable activities for farmers to undertake on their	Amend: <i>NH-R1 Natural hazard mitigation activities within a Natural Hazard area</i>

		land for the purposes of mitigating potential flood damage. We are also concerned that maintenance work on existing stop banks is not enabled.	<p>a. ...</p> <p><u>Or</u></p> <p>b. <u>the natural hazard risk cannot be reasonably avoided, and the mitigation works do not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment.</u></p>
NH-R2	Support in part	The permitted activity status with step to RDIS is supported however we consider that existing structures need to be enabled as well. We support the rule applying to BIC 1 or 2a category, which permits farm buildings, structures and fences.	<p>Amend:</p> <p><i>NH-R2 Any new building or alteration to an existing buildings <u>and structures</u> within a Natural Hazard area</i></p> <p>Retain:</p> <p>Permitted activity default to restricted discretionary status</p>
NH-R3	Support	Support is extended to the focus on vulnerable activities as a method to implement the risk based approach.	<p>Retain</p> <p><i>NH-R3 Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area</i></p>
NH-AM1 NH-AM2 NH-AM3 NH-AM4 NH-AM5 NH-AM6	Support	Support is extended to the range of assessment matters which will be considered for discretionary activities.	Retain.
NH-M1	Support in part	<p>Given the extra layer of land use controls that can apply, Federated Farmers' support is conditional on the accuracy of the identification and mapping exercise to ensure only areas that are genuinely at risk of natural hazards.</p> <p>The relevant Section 32 Evaluation outlines concerns with current flood hazard information advising at page 27 that there are big information gaps. Federated Farmers therefore reserves the right to challenge the accuracy of the proposed natural hazard overlays where they are shown to unreasonably impact on our members. We therefore seek to retain the proposed natural hazard overlays as notified, subject to appropriate refinement through the Schedule 1 process.</p> <p>We also request that Council undertake to engage in meaningful discussion with affected landowners to ensure that hazard areas are ground-truthed, take site specific factors into account and landowners understand the impact that these areas will have on their farming practices.</p>	<p>Amend:</p> <p>NH-M1 Planning maps</p> <p>...</p> <p><i>It is important to note that the hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site-specific investigation is required. <u>This will be paid for by Central Hawkes Bay District Council in recognition of their responsibility to provide accurate hazard information and in recognition that site specific investigations, triggered when a potential land use change is contemplated, will be more cost effective than initiating a full district wide hazard identification process at this time.</u></i></p> <p>And:</p> <ul style="list-style-type: none"> Adjust natural hazard boundaries and information according to landowner submissions;

			<ul style="list-style-type: none"> Inform landowners as to what natural hazards are present on their property and to what extent.
New definitions – natural hazards		Putting aside the issues with accuracy the notified plan will be improved with definitions relating to the natural hazard overlays.	<p>Amend the notified plan to include the following definitions:</p> <ul style="list-style-type: none"> <u>Fault Avoidance Area: means an area identified on the planning maps</u> <u>Flood Hazard Area: means an area identified on the planning maps</u> <u>Tsunami Hazard Area: means an area identified on the planning maps</u> <u>Significant Natural Risk Area: means an area identified as either a fault avoidance area, flood hazard area or tsunami hazard area which is subject to elevated risk factors</u>
NH-APP1 Category 1	Support	As mentioned in previous submission points Federated Farmers is supportive of NH-APPI BIC as a basis for risk assessment.	<p>Retain.</p> <p><i>NH-APP1 – Building Importance Categories (BIC)</i></p> <p>1. Structures presenting a low degree of hazard to life and other property</p> <p><i>Examples</i></p> <p>a) Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4.</p> <p>b) Fences, masts, walls, in-ground swimming pools.</p> <p>c) Other structures with a gross floor area of 30m2 or less.</p>
NH-APP1 Category 3	Oppose in part	Federated Farmers is concerned that farm buildings containing hazardous materials for use on that property may be inadvertently and inappropriately captured by Category 3. The description does not apply to the types of structures on farm, however the example could and that is a problem within the context of NH-APP1(a) and the application of NH-R2.	<p>Amend:</p> <p>3 (g) Buildings, <u>excluding farm buildings</u>, and facilities not included in BIC 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries.</p>
HISTORIC HERITAGE			
HH-O1	Support in part	<p>Whilst we support the identification of heritage items one of our concerns is that when an item or a site is identified through a scheduling process the affected landowner has no greater rights to submit on the proposal than those of the general public. Heritage values on privately owned land are often treated as a public or free good.</p> <p>As with waahi tapu sites, it is important that when heritage items are being identified, consultation with the landowner is an integral part of that</p>	<p>Amend:</p> <p><i>Identify, preserve and enhance the District's significant heritage items, heritage character and history of the District.</i></p>

		<p>process. Some other issues commonly reported by farmers in relation to historic heritage include:</p> <ul style="list-style-type: none"> • imprecise or inaccurate mapping of sites, leading to confusion over which areas are subject to provisions and which are not. • the importance of recognition in plans and policies that some farming activities have no adverse effect on the protected values or can aid in the maintenance of historic sites, including appropriate grazing, fencing repairs, road or path maintenance / upgrading, and weed control. 	
New Objective		<p>A policy similar to Hastings Objective HO2 is needed, to enable the continued use of heritage buildings such as farm homesteads and woolsheds. This objective will provide a link with policies HH-P5, HHP6 and HH-P7 and the permitted rules HH-R1, HH-R2 and HH-R3. Objective HH-O2 is only concerned with fire safety, but other uses and modern standards will also apply.</p>	<p>Add new objective: <u>To promote the continued use of scheduled heritage buildings in the District where this encourages their retention, restoration and maintenance.</u></p>
HH-P1	Support in part	<p>Federated Farmers supports clear identification and classification of the heritage resource, to ensure all resource users understand where the resource is located and where rules may apply.</p> <p>Many of these heritage items will be held in private ownership and as such landowner involvement in any identification process must be front and centre. Our support is contingent on process and implementation related matters. Section 13 of the Heritage New Zealand Pouhere Taonga Act 2014 is to: “identify, record, investigate, assess, list, protect, and conserve” historic heritage – and that in advocating for the protection of these places, they have to consider the interests of the landowner (s 13(2)).</p> <p>We support accurate mapping of scheduled features, as it gives certainty to the landowner and helps them manage the area. However, affected landowners should have the opportunity to engage one-on-one with (and if necessary, challenge the accuracy of) the identification and mapping through the Schedule 1 process.</p>	<p>Retain: <i>To identify and classify heritage items in the District according to their relative significance and value including aesthetic, archaeological, architectural, cultural, historic, social, spiritual, technological, industrial or traditional significance or value.</i></p> <p>And:</p> <ul style="list-style-type: none"> • Ensure landowners are adequately consulted when identifying and classifying heritage items.
HH-P2	Oppose in part	<p>This policy needs amendment to make it consistent with Section 6 (f) of the RMA which provides for the protection of historic heritage from <i>inappropriate</i> subdivision, use, and development.</p>	<p>Amend as follows: <i>To identify archaeological sites to assist the continued protection of these sites <u>from inappropriate subdivision, use and development.</u></i></p>

		Many archaeological sites will be located on privately owned land, and as such landowner involvement in any identification process is crucial.	
HH-P4 HH-P5 HH-P6 HH-P7	Support	Support for policies to ensure heritage buildings like farm homesteads and woolsheds can continue to be used for their original purpose, and to enable alteration to meet modern standards.	<p>Retain:</p> <p><i>HH-P4: To promote a greater awareness and understanding of the District's heritage items.</i></p> <p><i>HH-P5: To enable heritage items to be used for a variety of activities where this promotes their preservation.</i></p> <p><i>HH-P6: To encourage the restoration and conservation of recognised heritage items.</i></p> <p><i>HH-P7: To facilitate and encourage alteration to heritage items to improve structural performance, fire safety and physical access while minimising any potential loss of associated heritage values.</i></p>
HH-SCHED2 – Schedule of Historic Heritage Items	Support in part	Federated Farmers submits that the Council carefully considers the submissions of individual landowners regarding historic heritage items identified on their properties. Landowners have an intimate knowledge of their land and will be vital for ensuring the location and extent of the items are correct. This will be an opportunity to engage with landowners and offer the information and assistance detailed in HH-M2 and HH-M3.	<p>Amend:</p> <ul style="list-style-type: none"> • Adjust the location and extent of historic heritage items in HH-SCHED2 according to landowner submissions; and • Ensure landowners are aware of non-regulatory methods and assistance available to them.
SITES AND AREAS OF SIGNIFICANCE TO MĀORI			
SASM introduction	Support in part	<p>Whilst Federated Farmers fully agrees that effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua, we are disappointed that council is only using regulatory methods via consent processes to create opportunity for that goodwill and understanding to develop.</p> <p>Landowners appreciate being treated as a partner, recognised as a directly affected party hosting wider benefit resources, not just someone with no greater rights than those of the general public.</p> <p>Information for landowners on the location and extent of archaeological sites or Sites of Significance to Maori on their property needs to be provided so they can comply with provisions. Council should be working to</p>	<p>Amend:</p> <p>...</p> <p><i>The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan seeks to facilitate the opportunity for this to occur <u>by adopting a partnership approach which recognises the importance of all parties.</u> as part of the subdivision, development and land-use process.</i></p>

		facilitate better outcomes in this regard – these better outcomes are best achieved using non-regulatory methods.	
SASM-O3	Support	Support is extended to this objective and the inclusion of landowners within the partnership approach, however we consider changes are required to better implement the stated (and important) three-way partnership. The notified policies and methods do not facilitate a meaningful partnership with landowners and do not work to promote better outcomes which can be achieved with early and upfront engagement outside of consent processes.	<p>Retain:</p> <p><i>Develop partnership between the Council, landowners and tangata whenua in the management of wāhi tapu, wāhi taonga, and sites of significance.</i></p> <p>And:</p> <ul style="list-style-type: none"> • Include a new SASM- method as per submission point below
SASM-P1	Support in part	Federated Farmers understands the importance of the policy’s purpose and seeks to ensure that landowners affected by identification and mapping processes are recognised within the partnership. We submit that alongside active partnership throughout the identification process, it is also appropriate to ensure that identified sites are only incorporated into the District Plan using the Schedule 1 process to enable community participation. Like other special sites over private land (such as SNAs or ONLs) landowners must be given an opportunity to participate in the identification process, and have clear mapping so they know location and extent of sites and where any rules may apply.	<p>Amend:</p> <p><i>To continue to identify, in partnership with tangata whenua <u>and landowners</u>, land within the District which contains wāhi tapu, wāhi taonga, and sites of significance.</i></p>
SASM-P3	Support in part	<p>Support for promoting awareness and understanding of sites; however it looks as though it will only be implemented through a regulatory consent application framework, which should be the last option - not first and only. Non-regulatory methods should be the preference.</p> <p>Accidental discovery of unrecorded heritage or cultural sites can be worrying for resource users. Unknown costs of having to get an archaeologist, heritage or cultural expert in to assess the site, unknown cost and time delay of having to obtain a resource consent in order to complete the works started before the discovery, and unknown outcome of a resource consent application can all contribute to a view that heritage or cultural sites are a liability and a burden on the discoverer. We do not think this outcome serves anyone well.</p> <p>An option that can be provided as a management tool that should be included is a cost-sharing between the regulatory body and individual resource users. Councils could offer to waive a resource consent fee in the event of accidental discovery of a heritage site during works, and a cost-share arrangement for an archaeological or cultural impact assessment. Including this as an option will remind landowners that council understands</p>	<p>Retain</p> <p><i>To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua, <u>and assist resource users conducting activities near recorded sites and in the event of a discovery of unrecorded sites.</u></i></p> <p>And:</p> <ul style="list-style-type: none"> • Include a new SASM- method as per submission point below

		their concerns and may prevent negative consequences that can sometimes occur.	
SASM-P4	Support	Support is extended to this policy. We agree that consultation is valuable when a proposal could have adverse effects on a site.	Retain <i>To consult with tangata whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance identified in SASM-SCHED3 and shown on the Planning Maps</i>
SASM-P5	Support	Support is extended to this policy. Developing protocols and key contact people will give landowners some confidence when wanting to conduct activities near sites.	Retain: <i>To establish a schedule of key hapū / tangata whenua representatives who will be notified of, or consulted on, applications received for subdivision consents or resource consents relating to proposals affecting or potentially affecting wāhi tapu, wāhi taonga, or site(s) of significance.</i>
SASM-R1	Support	Putting aside any issues with the accuracy of the schedule it is important to ensure the rules are linked to SASM-SCHED3 to provide certainty and focus limited resources. Landowners will prefer a direct relationship with local tangata whenua people, and we have heard of very positive relationships where both parties have an interest in an area of land and have negotiated directly with outcomes that suit both. Council is often an unnecessary intermediary party.	Retain: <i>Maintenance and enhancement of wāhi tapu, wāhi taonga or sites or areas of significance identified in SASM-SCHED3</i>
SASM-R4	Oppose in part	Primary production activities, not just maintenance of fences and tracks, are likely to be occurring on or near sites of significance in the rural zones, and must be allowed to continue. We believe the right balance can be struck between enabling normal farming activities to continue and looking after sites, by introducing an accidental discovery protocol into the permitted activity conditions. It must be remembered that land use restrictions aimed at protecting one value can be at the expense of another value, with landowners caught in the middle. New central government regulations designed to make significant improvements to water quality are going to require an increase in the earthworks being undertaken for stock exclusion fencing, putting in water reticulation infrastructure, new culverts and bridges and the new tracks required to reconnect the farm and ensure safe passage for farm vehicles. More will be coming with regards significant natural areas and the stock exclusion and pest management goals which are being sought for	Amend: SASM-R4 Maintenance of existing farm fence lines and farm tracks <u>primary production activities</u> within a site identified in SASM-SCHED3 1. Activity Status: PER Where the following conditions are met: a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.

		biodiversity purposes. Rather than placing extra burden with undue delay, cost and uncertainty in having to seek resource consents for farmers we are proposing a planning alternative that works with, not against, broader regional and national policy direction.	
SASM-R5	Support in part	Conditional support if relief sought for SASM-R4 accepted	<p>Conditional support if relief sought for SASM-R4 accepted:</p> <p><i>SASM-R5 Any other activity within a site identified in SASM-SCHED3 not otherwise provided for:</i></p> <p><i>1. Activity Status: PER</i></p> <p><i>Where the following conditions are met:</i></p> <ul style="list-style-type: none"> <i>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</i> <i>b. The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields</i>
SASM-R6	Support	Federated Farmers supports the permitted status of Rule SASM-R6.	<p>Retain</p> <p><i>SASM-R6 Activities within 100m of a site identified in SASM-SCHED3</i></p> <p><i>1. Activity Status: PER</i></p> <p><i>Where the following conditions are met:</i></p> <p><i>The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</i></p>
SASM-M1	Support in part	A Schedule 1 process is required when identifying and mapping sites, to ensure landowners can participate.	<p>Amend:</p> <p><i>SASM-M1</i></p> <p><i>Identifying sites and areas of significance to Maori in SASM-SCHED3 in the District Plan and showing them on the relevant Planning Maps. <u>Any new sites and areas will be incorporated using a schedule 1 process.</u></i></p>
SASM-M3	Support in part	Affected landowners need to be included the partnership. The plan acknowledges that effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua and yet there are no implementation methods to foster that goodwill outside of a regulatory framework. The most effective method would be to recognise the relevance and importance of affected landowners and to create opportunities to improve knowledge and relationships outside of consent processes.	<p>Amend:</p> <p><i>SASM-M3 Partnership</i></p> <p><i>Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. <u>Where sites are on private land, landowners are included and involved early in this process.</u></i></p>

		The process relating to notification of consent applications which affects or has the potential to affect any wāhi tapu or wāhi taonga site(s) identified in SASM-SCHED3 and shown on the Planning Maps is understood and supported.	<i>The Council will work with iwi and hapū to establish contact persons for each hapū, through which consultation will take place. Council will notify the relevant iwi / hapū contact person (as known to the Council) of any subdivision consent, or resource consent application it receives which affects or has the potential to affect any wāhi tapu or wāhi taonga site(s) identified in SASM-SCHED3 and shown on the Planning Maps, within 5 working days of receiving the application</i>
New method		A new method is required to provide information sharing and assistance to landowners with SASM on their property, similar to methods HH-M2 and HH-M3 for historic heritage items.	<p>Add a new method:</p> <p><u>Support landowners to manage, maintain and preserve sites and areas of significance to Māori, including by:</u></p> <ol style="list-style-type: none"> <u>1. increasing awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;</u> <u>2. encouraging landowners to engage with local tangata whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;</u> <u>3. providing assistance to landowners to preserve, maintain and enhance sites and areas of significance to Māori;</u> <u>4. Waiving consent and processing fees</u>
SASM-SCHED3	Support in part	<p>Federated Farmers submits that the Council carefully considers the submissions of individual landowners regarding location and extent of SASM identified on their properties. This will be an opportunity to engage with landowners and offer the information detailed in SASM-M6, and our new method in the submission above.</p> <p>The accuracy of the schedule is vital for resource users to comply with provisions. Council advises that further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map this resource, and we expect that landowners who have this resource identified on their property will also be engaged with.</p>	<p>Amend:</p> <ul style="list-style-type: none"> Adjust the location and extent of sites and areas of significance to Maori in SASM-SCHED3 according to landowner submissions; and Ensure landowners are aware of non-regulatory methods and assistance available to them.
NOTABLE TREES			
TREE- Methods	Support	Federated Farmers supports the schedule only applying to council land	<p>Retain.</p> <p><i>TREE-M1</i></p> <p><i>Identification and Mapping of Notable Trees</i></p>

TREE-M2	Support	Federated Farmers supports the non-regulatory approach adopted.	Retain. <i>TREE-M2 Education, Advocacy, and Information Sharing</i>
GENERAL RURAL ZONE			
GRUZ-O1	Support	We support this objective as the number one purpose of the rural zone.	Retain. <i>The General Rural Zone is predominantly used for primary production activities and ancillary activities.</i>
GRUZ-O2	Support	Support is given for including the modified farm environment as a positive aspect of rural amenity, such as farm buildings in article 2. And farming landscapes in article 5. Support is also given for farm noise and smells as a positive aspect of rural character.	Retain: <i>The predominant character of the General Rural Zone is maintained, which includes:</i> <ol style="list-style-type: none"> <i>1. low-density built form, with open space and few structures;</i> <i>2. a predominance of rural and land-based primary production activities and associated buildings, such as barns and sheds;</i> <i>3. sounds and smells associated with legitimate primary production activities;</i> <i>4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;</i> <i>5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one; and</i> <i>6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</i>
GRUZ-O3	Support in part	Some adverse effects are acceptable and consistent with the farming land uses, as recognised by objective GRUZ-O1 above. Ony adverse effects that are excessive need to be managed.	Amend: <i>Adverse effects of activities <u>that exceed limits</u> are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.</i>
GRUZ-O4	Support	Support is given for protecting the purpose and character of the rural zone from incompatible activities.	Retain: <i>The primary productive purpose and predominant character of the General Rural Zone are not compromised by potentially incompatible activities establishing.</i>
GRUZ-P1	Support in part	Support is given for this policy, but it should go further than simply <i>allowing</i> primary production and should <i>enable</i> it instead, as per the enabling intent of Section 5 of the RMA.	Amend: <i>To allow <u>enable</u> land-based primary production and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.</i>
GRUZ-P2	Support	Support is given for this policy, and the focus on adverse effects rather than the activities themselves. Enabling activities that support the wellbeing of	Amend:

		the rural communities will be consistent with the enabling intent of Section 5 of the RMA.	<i>To allow enable activities of a limited scale which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.</i>
GRUZ-P3	Support in part	Support, however amend to include to <i>rural industry</i> as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone.	Amend : <i>To manage the scale of post-harvest facilities and rural commercial and rural industry activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i>
GRUZ-P4	Support in part	Support the policy, however we have submission points on the standards for bulk, scale and location of buildings.	Retain: <i>To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area and, where applicable, to protect the natural character and amenity of the coastal environment.</i>
GRUZ-P5	Oppose in part	Federated Farmers submits that <i>sensitive activities</i> needs to be separated into two categories: sensitivity to nuisance effects of odour and noise, and reverse sensitivity to electricity transmission according to the National Policy Statement for Electricity Transmission. A house on a farmed property will not cause sensitivity effects on oneself, so the policy needs to be limited to separate properties. The rules do not require setbacks from normal farming and houses or property boundaries and to do so does not support the objective that farming is a positive aspect of rural amenity, so the policy must also be limited to intensive production and non-production activities.	Amend: <i>To require sufficient separation between sensitive activities <u>sensitive to nuisance effects</u> and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.</i>
GRUZ-P6	Oppose in part	The word <i>avoid</i> needs to be replaced with <i>manage</i> , as avoid means to prohibit which won't be practical to achieve. The focus should be on managing trees so that adjoining properties and roads are not adversely affected.	Amend: <i>To avoid <u>manage</u> adverse effects of shading from trees on adjoining public roads and properties.</i>
GRUZ-P7	Support	Federated Farmers supports the commitment to ensure that primary production activities and character are protected from non-rural activities.	Retain: <i>To ensure incompatible activities do not locate in the General Rural Zone where the activity will:</i> <ol style="list-style-type: none"><i>1. undermine the primary productive purpose and predominant character of the General Rural Zone;</i><i>2. constrain the establishment and use of land for primary production; and/or</i>

			3. <i>result in reverse sensitivity and/or lead to land use conflict</i>
GRUZ-P8	Support in part	Some rural subdivision is acceptable and will have positive benefits, such as retired farmers remaining in their communities or people who work in support industries but aren't farmers themselves.	Amend: <i>To limit manage residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.</i>
GRUZ-P9	Support	Some industrial activities will be supporting primary production: like processing facilities, transport or servicing. The focus on activities unrelated to production is supported, as these are better located in an industrial zone.	Retain: <i>To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the General Rural Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.</i>
GRUZ-R1	Support	We support the permitted status, and the graduated approach allowing for more dwellings the bigger the property, up to four houses for properties over 100ha. This means that issues around density of dwellings in the rural zone are managed while also providing for more houses for larger properties, enabling this essential social service.	Retain: <ul style="list-style-type: none"> i. <i>one residential unit per site with an area less than 20 hectares, and</i> ii. <i>one additional residential unit (i.e. a total of two) per site with an area of between 20 hectares and less than 50 hectares, and</i> iii. <i>two additional residential units (i.e. a total of three) per site with an area of between 50 hectares and less than 100 hectares, and</i> iv. <i>three additional residential units (i.e. a total of four) per site with an area of 100 hectares or greater,</i>
GRUZ-R3	Support	We support the permitted status of primary production activities in the rural zone. Aviation for weed spraying or fertiliser is necessary for a thriving farming sector.	Retain.
GRUZ-R4	Support in part	We support the permitted status of aviation movements as part of farming. However we are not sure why movements has been separated from the airstrip/landing area.	Amend: <i>GRUZ-R4 Agricultural aviation movements <u>and landing areas</u>, ancillary to primary production activities.</i>
GRUZ-R5	Oppose in part	<p>This rule must not apply to farm airstrips and helicopter landing areas that are ancillary to the farming land use and only used occasionally for spraying or fertiliser application on the farm. This use is distinct from a depot or base, and should not be regulated the same.</p> <p>The definition of <i>rural airstrips</i> will inappropriately capture an airstrip on a farm which is only used when fertiliser or spraying is done on that same farm. Given this is the General Rural Zone, it is likely these airstrips will be located at significant distances from neighbours or settlements, so adverse effects will be internalised. When not in use for aircraft, they will revert back to grazing for livestock.</p>	Amend: <ul style="list-style-type: none"> a. <i>The rural airstrip or helicopter landing area is located a minimum distance of:</i> <ul style="list-style-type: none"> i. <i>2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and</i> ii. <i>500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and</i> iii. <i>50m from a State Highway.</i>

		The 100m ² building footprint is inadequate for fertiliser storage on a farm airstrip.	<p>b. <i>Total combined aircraft and helicopter movements do not exceed a total of 1,000 movements per calendar year (excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site).</i></p> <p>c. <i>Limited to 100m² gross floor area of buildings ancillary to the activity per site.</i></p> <p><u>Exclusion: emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site are excluded from the above.</u></p> <p>And: Amend the definition of Rural Airstrips to exclude those ancillary to primary production.</p>
GRUZ-R9	Support	We support the permitted status, as it will allow farmers and growers to sell produce that they have produced themselves.	<p>Retain.</p> <p><i>Where the following conditions are met:</i></p> <p>a. <i>Any retail sales are limited to produce reared or produced on the site.</i></p>
GRUZ-R14	Support in part	<p>Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of <i>intensive primary production</i>. These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right.</p> <p>Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan.</p> <p><i>Sensitive activities</i> needs to be more specific, and refer to activities sensitive to nuisance effects of odour and noise.</p>	Conditional support, on the condition that the definition of <i>Intensive Primary Production</i> excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming.
GRUZ-S2 Height	Support	Support is given for the 10m height, this is consistent with Hastings and is appropriate for agricultural buildings.	<p>Retain:</p> <p><i>Maximum height of any building(s) is 10m.</i></p>
GRUZ-S4 Setback from Roads and Rail Network	Oppose in part	Federated Farmers opposes the minimum setback of 20m for stockyards and loading ramps/races. These need to be accessible to trucks, and being roadside is the most accessible location and best for functionality. Stockyards and loading ramps should be considered an acceptable component of rural amenity. There won't be a discernible effect on amenity whether the stockyards are located roadside or 20 metres away, so they might as well be roadside and functional. These activities are only used intermittently for short periods of time, so any adverse effects will also be	<p>Amend:</p> <p><i>Accessory Buildings associated with Primary Production Activities</i></p> <p>4. <i>Minimum setback of any building(s) from road boundaries is 5m.</i></p> <p>5. <i>Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m.</i></p>

		<p>temporary. Animals and trucks should not be considered detrimental to rural amenity in any case. And when empty, stockyards are just fences.</p> <p>Federated Farmers opposes the 5m setback from rail network boundary. There is no legislative need to setback buildings from the rail network, because Kiwirail owns its own corridors and has an internal setback between the railway and the boundary. A farm building is not going to create a reverse sensitivity effect on the rail network.</p>	<p>6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</p>
GRUZ-S6 Shading of Land and Roads	Oppose in part	<p>This standard is very specific and detailed, and perhaps overly prescriptive for a minor effect, and an activity that is already regulated under Property Law Act. The policy restricts that matter to shading of property and roads, so the rule must only be for this purpose. Farm shelterbelts will be restricted, meaning farmers will not be able to provide shade and shelter for livestock.</p>	<p>Delete:</p> <p>1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</p> <p>a) must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</p> <p>b) where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</p> <p>Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.</p>
GRUZ-S7 Electricity Safety Distances	Support in part	<p>Federated Farmers agrees that compliance with NZECP34 is necessary, however District Plan provisions must not exceed the Code safety distances.</p>	<p>Retain:</p> <p>Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).</p>
GRUZ-S11 Setback from Existing Intensive Primary Production Activities	Support in part	<p>Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of intensive primary production. These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right.</p> <p>Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan.</p>	<p>Conditional support, on the condition that the definition of <i>Intensive Primary Production</i> excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming.</p> <p>Amend:</p> <p><u>Activities Sensitive to nuisance effects</u> Activities</p> <p>Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and</p>

		Sensitive activities needs to be more specific, and refer to activities sensitive to nuisance effects of odour and noise.	<i>effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.</i>
GRUZ-S12 Setback from Gas Transmission Network	Oppose	Federated Farmers opposes any rules for gas transmission network, because this utility provider already manages issues via easements (and likely a no-build clause) where their pipes traverse private property, or by owning property where their stations are located. District Plan rules must not undermine legal easement agreements.	Delete: <i>Gas Transmission Pipeline:</i> <i>minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m.</i> <i>Incidental Equipment:</i> <i>minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.</i>
GRUZ-S13 Setback from National Grid Yard and National Grid Substation Sensitive Activities:	Oppose	Federated Farmers opposes the 25m setback from substations, because substations are located on property owned by Transpower and have an internal buffer within their property to manage reverse sensitivity. NZECP34 already manages electrical risk to substations in Section 8 and the District Plan should not be more onerous than these safe distances which have been determined by qualified engineers.	Delete: <i>Sensitive Activities</i> <i>Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.</i>
GRUZ-S13 All Buildings and Structures	Oppose in part	<p>We submit that all rules for National Grid must be consistent with NZECP34 and the National Policy Statement for Electricity Transmission, and not undermine landowners' rights awarded by their legal easement agreements and other legislation.</p> <p>Federated Farmers reminds the Council that the National Grid corridor is located over private land, mostly farms. In order to have a direct relationship with the landowner, and rights and obligations protected, Transpower should have easement agreements for all their assets rather than outsourcing the monitoring and enforcement onto councils. Furthermore, Transpower already have protected via the Code of Practice for Electrical Safety Distances, and an NPS, which creates a distinctly uneven advantage over landowners.</p> <p>Uninhabited farm and hort structures and buildings, and fences, do not create a reverse sensitivity effect on electricity transmission and we support their permitted status under the wires. Safe distances for these buildings and structures from poles and towers must be consistent with Section 2.4 of the Code, and fences with Section 2.3 of the Code.</p>	<p>Amend</p> <p>2. <i>Under the National Grid conductors (wires):</i></p> <p>a. <i>on all sites within any part of the National Grid Yard, all buildings and structures must:</i></p> <p>i. <i>if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or</i></p> <p>ii. <i>be a fence less than 2.5m high; or</i></p> <p>iii. <i>be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or</i></p> <p>iv. <i>be an uninhabited horticultural building or structure (but not a commercial greenhouse).</i></p> <p>b. <i>all buildings or structures permitted by a. must comply with the following conditions:</i></p>

		<p>We oppose 2.b. and submit it be deleted. Farm fences, buildings and structures do not obstruct Transpower's ability to access or maintain the Grid. They can drive through gates or go around the structure like the rest of us. Access routes are a matter for the landowner and Transpower needs to negotiate terms of access with the landowner. The District Plan must not undermine basic property rights such as access.</p>	<p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</p> <p>3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <ul style="list-style-type: none"> a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or b. an artificial crop protection structure or crop protection structure between 8m and 12m from a pole support structure and any associated stay wire, that: <ul style="list-style-type: none"> i. meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor; ii. is no more than 2.5m high; iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.
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RURAL PRODUCTION ZONE			
RPROZ-O1	Support	Federated Farmers supports this objective as the number one purpose of the Rural Production Zone.	Retain: <i>The Rural Production Zone is predominantly used for primary production activities and associated ancillary activities</i>
RPROZ-O2	Support	Federated Farmers agree that land available for farming should not be compromised by inappropriate development and urban expansion.	Retain: <i>The rural land resource is protected from fragmentation, and from being compromised by inappropriate building and development, including from ad hoc urban expansion.</i>
RPROZ-O3	Support	Federated Farmers agrees that the potential for land to be used in a productive and sustainable manner is not reduced.	Retain: <i>Activities do not reduce the potential for the highly productive land of the District to be used in a productive and sustainable manner.</i>
RPROZ-O4	Support	Aspects of rural and farming character have been well-represented in this objective, including working farm aspects such as farm buildings, sounds and smells.	Retain: <i>The predominant character of the Rural Production Zone is maintained, which includes:</i> <ol style="list-style-type: none"> <i>1. low-density built form, with open space and few structures;</i> <i>2. a predominance of rural and land-based primary production activities and associated buildings such as barns and sheds, and artificial crop protection structures and crop support structures;</i> <i>3. sounds and smells associated with legitimate primary production activities;</i> <i>4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;</i> <i>5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;</i> <i>6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</i>
RPROZ-O5	Support in part	The focus must be on adverse effects that are not consistent with the rural character and farming land uses.	Amend:

			<i>Adverse effects of activities <u>that are inconsistent with the existing primary production land uses and rural character</u> are managed to maintain rural character and amenity.</i>
RPROZ-O6	Support	Support is given for protecting the purpose and character of the rural zone from incompatible activities.	Retain: <i>The primary productive purpose and predominant character of the Rural Production Zone are not compromised by potentially incompatible activities establishing.</i>
RPROZ-P1	Support in part	Support is given for this policy, but it should go further than simply allowing primary production and should enable it instead, as per the enabling intent of Section 5 of the RMA.	Amend: <i>To allow <u>enable</u> land-based primary production and ancillary activities, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.</i>
RPROZ-P2	Support	Support is given for this policy, and the focus on adverse effects rather than the activities themselves. Enabling activities that support the wellbeing of the rural communities will be consistent with the enabling intent of Section 5 of the RMA.	Amend: <i>To allow <u>enable</u> activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.</i>
RPROZ-P3	Support in part	Support, however amend to include to rural industry as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone.	Amend: <i>To manage the scale of post-harvest facilities and rural commercial <u>and rural industry</u> activities to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i>
RPROZ-P4	Support in part	Support the policy, however we have submission points on the standards for bulk, scale and location of buildings.	Retain: <i>To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area.</i>
RPROZ-P5	Oppose in part	Federated Farmers submits that sensitive activities needs to be separated into two categories: sensitivity to nuisance effects of odour and noise, and reverse sensitivity to electricity transmission according to the National Policy Statement for Electricity Transmission. A house on a farmed property will not cause sensitivity effects on oneself, so the policy needs to be limited to separate properties. The rules do not require setbacks from normal farming and houses or property boundaries and to do so does not support the objective that farming is a positive aspect of rural amenity, so the policy must also be limited to intensive production and non-production activities.	Amend: <i>To require sufficient separation between sensitive activities <u>sensitive to nuisance effects</u> and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.</i>
RPROZ-P6	Oppose in part	The word avoid needs to be replaced with manage, as avoid means to prohibit which won't be practical to achieve. The focus should be on	Amend:

		managing trees so that adjoining properties and roads are not adversely affected.	To avoid <u>manage</u> adverse effects of shading from trees on adjoining public roads and properties.
RPROZ-P7	Support	Federated Farmers supports the commitment to ensure that primary production activities and character are protected from non-rural activities.	Retain: <i>To ensure activities do not locate in the Rural Productive Zone where the activity:</i> <ol style="list-style-type: none"> 1. will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone; 2. will constrain the establishment and use of land for primary production; 3. exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or 4. will result in reverse sensitivity and/or lead to land use conflict.
RPROZ-P8	Support in part	Some rural subdivision is acceptable and will have positive benefits, such as retired farmers remaining in their communities or people who work in support industries but aren't farmers themselves.	Amend: To limit <u>manage</u> residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.
RPROZ-P9	Support	Some industrial activities will be supporting primary production: like processing facilities, transport or servicing. The focus on activities unrelated to production is supported, as these are better located in an industrial zone.	Retain: <i>To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.</i>
RPROZ-R1	Support	We support the permitted status, and the graduated approach allowing for more dwellings the bigger the property, up to two houses for properties over 12ha. This means that issues around density of dwellings in the rural production zone are managed while also providing for more houses for larger properties, enabling this essential social service.	Retain: <i>Where the following conditions are met:</i> <ol style="list-style-type: none"> a. Limited to: <ol style="list-style-type: none"> i. one residential unit per site with an area less than 12 hectares, and ii. one additional residential unit (i.e. a total of two) per site within an area of 12 hectares or greater, and iii. one minor residential unit per site: <p>....</p>
RPROZ-R3	Support in part	We support the permitted status of primary production activities in the Primary Production zone. Requiring compliance with RPROZ-S14 is redundant, as this standard only applies to 'Residential Activities'	Amend: <i>Compliance with:</i>

			RPROZ-S14 (setback from gas transmission network).
RPROZ-R4	Support in part	We support the permitted status of aviation movements as part of farming. However we are not sure why movements has been separated from the airstrip/landing area.	Amend: <i>Agricultural aviation movements <u>and landing areas</u>, ancillary to primary production activities.</i>
RPROZ-R14	Support in part	Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of <i>intensive primary production</i> . These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right. Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan.	Conditional support, on the condition that the definition of <i>Intensive Primary Production</i> excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming.
RPROZ-S1 Retail sales	Support	Support is given for enabling sales of farm produce, as part of a growing trend of direct farmer-customer interaction.	Retain: 3. <i>Maximum gross floor area per site is 100m².</i> 4. <i>Limited to the following hours of operation:</i> a. <i>0800 – 2200 hours, seven days a week</i>
RPROZ-S2 Total Building Coverage	Support	Support is given for the generous building coverage of 35% or 1,500m ² , which should be sufficient for milking sheds, haybarns, covered feedpads and other buildings.	Retain: 1. <i>Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m², whichever is the lesser, except:</i> a. <i>for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m², whichever is the lesser....</i>
RPROZ-S3 Height of Buildings	Support	Support is given for the 10m height, this is consistent with Hastings and is appropriate for agricultural buildings.	Retain: <i>Maximum height of any building(s) is 10m.</i>
RPROZ-S5 Setback from Roads and Rail Network	Oppose in part	Federated Farmers opposes the minimum setback of 20m for stockyards and loading ramps/races. These need to be accessible to trucks, and being roadside is the most accessible location and best for functionality. Stockyards and loading ramps should be considered an acceptable component of rural amenity. There won't be a discernible effect on amenity whether the stockyards are located roadside or 20 metres away, so they might as well be roadside and functional. These activities are only used intermittently for short periods of time, so any adverse effects will also be	Amend: <i>Accessory Buildings associated with Primary Production Activities</i> 4. <i>Minimum setback of any building(s) from road boundaries is 5m.</i> 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

		<p>temporary. Animals and trucks should not be considered detrimental to rural amenity in any case. And when empty, stockyards are just fences.</p> <p>Federated Farmers opposes the 5m setback from rail network boundary. There is no legislative need to setback buildings from the rail network, because Kiwirail owns its own corridors and has an internal setback between the railway and the boundary. A farm building is not going to create a reverse sensitivity effect on the rail network.</p>	
RPROZ-S6 Setback from Neighbours	Support	Support is given for the exemption of water storage tanks, however farm storage tanks that feed troughs should also be included as being similar in scale and effect.	<p>Retain:</p> <p><i>Residential Activities adjacent to an existing plantation forest on an adjoining site</i></p> <ol style="list-style-type: none"> 1. <i>Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</i> <p><i>All Other Activities (excluding Accessory Buildings)</i></p> <ol style="list-style-type: none"> 2. <i>Minimum setback of buildings for an activity from internal boundaries is 15m. Domestic <u>and farm</u> water storage tanks up to 2m in height are exempt from this standard.</i> <p><i>Accessory Buildings</i></p> <ol style="list-style-type: none"> 3. <i>Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic <u>and farm</u> water storage tanks up to 2m in height are exempt from this standard.</i>
RPROZ-S7 Shading of Land and Roads	Oppose	This standard is very specific and detailed, and perhaps overly prescriptive for a minor effect, and an activity that is already regulated under Property Law Act. The policy restricts that matter to shading of property and roads, so the rule must only be for this purpose, and not to manage neighbour disputes over amenity. Farm shelterbelts will be restricted, meaning farmers will not be able to provide shade and shelter for livestock.	<p>Delete:</p> <p><i>Trees on boundaries</i></p> <ol style="list-style-type: none"> 1. <i>Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</i> <ol style="list-style-type: none"> <i>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</i> <i>b. where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</i>

RPROZ-S7 Shading of Land and Roads	Oppose	The operative provision for shading of land and roads was sufficient, and there is no need to change from that. The proposed rule will interfere with farmers providing shelter and shade for livestock.	Delete: Trees adjoining public roads Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
RPROZ-S8 Electricity Safety Distances	Support in part	Federated Farmers agrees that compliance with NZECP34 is necessary, however District Plan provisions must not exceed the Code safety distances.	Retain: Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001).
RPROZ-S12 Setback from Existing Intensive Primary Production Activities	Support in part	Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of <i>intensive primary production</i> . These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right. Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan. <i>Sensitive activities</i> needs to be more specific, and refer to activities sensitive to nuisance effects of odour and noise.	Conditional support, on the condition that the definition of <i>Intensive Primary Production</i> excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming. Amend: <u>Activities Sensitive to nuisance effects</u> Activities 1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.
RPROZ-S14 Setback from Gas Transmission Network	Oppose	Federated Farmers opposes any rules for gas transmission network, because this utility provider already manages issues via easements (and likely a no-build clause) where their pipes traverse private property, or by owning property where their stations are located. District Plan rules must not undermine legal easement agreements.	Delete: Gas Transmission Pipeline: minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m. Incidental Equipment: minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.
RPROZ-S15 Setback from National Grid Yard and National Grid Substation Sensitive activities	Oppose	Federated Farmers opposes the 25m setback from substations, because substations are located on property owned by Transpower and have an internal buffer within their property to manage reverse sensitivity. NZECP34 already manages electrical risk to substations in Section 8 and the District Plan should not be more onerous than these safe distances which have been determined by qualified engineers.	Delete: Sensitive Activities 1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.
RPROZ-S15	Oppose in part	We submit that all rules for National Grid must be consistent with NZECP34 and the National Policy Statement for Electricity Transmission, and not	Amend:

All Buildings and Structures	<p>undermine landowners' rights awarded by their legal easement agreements and other legislation.</p> <p>Federated Farmers reminds the Council that the National Grid corridor is located over private land, mostly farms. In order to have a direct relationship with the landowner, and rights and obligations protected, Transpower should have easement agreements for all their assets rather than outsourcing the monitoring and enforcement onto councils. Furthermore, Transpower already have protected via the Code of Practice for Electrical Safety Distances, and an NPS, which creates a distinctly uneven advantage over landowners.</p> <p>Uninhabited farm and hort structures and buildings, and fences, do not create a reverse sensitivity effect on electricity transmission and we support their permitted status under the wires. Safe distances for buildings and structures from poles and towers must be consistent with Section 2.4 of the Code, and fences with Section 2.3 of the Code.</p> <p>We oppose 2.b. and submit it be deleted. Farm fences, buildings and structures do not obstruct Transpower's ability to access or maintain the Grid. They can drive through gates or go around the structure like the rest of us. Access routes are a matter for the landowner and Transpower needs to negotiate terms of access with the landowner. The District Plan must not undermine basic property rights such as access.</p>	<p>2. <i>Under the National Grid conductors (wires):</i></p> <p>a. <i>on all sites within any part of the National Grid Yard, all buildings and structures must:</i></p> <p>i. <i>if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or</i></p> <p>ii. <i>be a fence less than 2.5m high; or</i></p> <p>iii. <i>be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or</i></p> <p>iv. <i>be an uninhabited horticultural building or structure (but not a commercial greenhouse).</i></p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</p> <p>3. <i>Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</i></p> <p>a. <i>a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or</i></p> <p>b. <i>an artificial crop protection structure or crop protection structure between 8m and 12m from a pole support structure and any associated stay wire, that:</i></p>
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			<ul style="list-style-type: none"> i. meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor; ii. is no more than 2.5m high; iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or <p>a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.</p>
DEFINITIONS			
Ancillary Rural Earthworks	Support	Support is given for clearly differentiating <i>ancillary rural earthworks</i> from the definition of <i>earthworks</i> , to enable a regulatory approach that recognises ancillary rural earthworks as integral to the purpose of the rural zones, and must be permitted without limits.	<p>Amend:</p> <ul style="list-style-type: none"> a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and offal pits, burying of dead stock and plant waste; b. Land preparation and vegetation clearance undertaken as part of horticultural plantings; and c. Maintenance <u>and construction</u> of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width.
Clearance	Oppose in part	The definition appears similar to the definition of Clearance in the 2019 proposed National Policy Statement for Biodiversity, which is: <i>clearance refers to the removal of indigenous vegetation by cutting, crushing, application of chemicals, drainage, burning, cultivation, over-planting, application of seed of exotic pasture species, mobstocking and/or changes to soils, hydrology or landforms</i> However it has a few extra clauses snuck in.	<p>Amend:</p> <p><i>in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line:</i></p> <ul style="list-style-type: none"> a. application of chemicals b. application of seed of exotic pastures c. burning

		We oppose mob-stocking being included in the definition of clearance, if it consequently requires fencing of SNAs. Farmers with large SNAs in hill country or along DoC estate that are unfenced will struggle to keep all their extensively farmed sheep and cattle out of the SNA. We are unsure what mob-stocking is defined as. Mob-stocking must not include stock having access to an SNA by virtue of it being unfenced and use it for shelter or shade. This is distinct from high-density stock being deliberately confined inside an SNA and grazing it down to the ground.	<p>d. <i>changes to soils, hydrology, or landforms</i></p> <p>e. <i>drainage</i></p> <p>f. <i>drilling or excavation</i></p> <p>g. <i>discharge of toxic substances</i></p> <p>h. <i>mob stocking</i></p> <p>i. <i>overplanting</i></p>
Earthworks	Support	Support is given for this definition being consistent with the National Planning Standards, and the exclusion of cultivation and fence post holes.	<p>Retain:</p> <p><i>means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i></p>
Fertiliser	Oppose	A word search of the District Plan shows that fertiliser is used in the text only once, in the explanation of GRUZ-12. This definition appears redundant because the term is not used in the Plan.	<p>Delete:</p> <p><i>means a substance or biological compound or mix of substances or biological compounds in solid or liquid form, that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity or quality of soils, plants or, indirectly, animals through the application to plants or soil of any of the following:</i></p> <p><i>a. nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</i></p> <p><i>b. manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</i></p> <p><i>c. fertiliser additives to facilitate the uptake and use of nutrients; or</i></p> <p><i>d. non nutrient attributes of the materials used in fertiliser.</i></p> <p><i>It does not include livestock effluent, human effluent, substances containing pathogens, or substances that are plant growth regulators that modify the physiological functions of plants.</i></p>
Gas Transmission Network	Oppose	Delete.	All provisions for the Gas Transmission Network are deleted
Heritage items	Oppose in part	Support is given for the definition applying to identified items only	<p>Retain</p> <p><i>any type of historic heritage place or area scheduled in HH-SCHED2. It may include a historic building, historic site (including archaeological site), a place/area of significance to Māori, or heritage landscape. The term may be used to refer to both heritage</i></p>

			<i>items listed in the District Plan and to those items registered by Heritage New Zealand Pouhere Taonga.</i>
Indigenous Vegetation	Oppose in part	Vegetation that has been planted by humans must be excluded from the definition of indigenous vegetation and therefore not regulated by provisions. Regulating planted vegetation will be a significant disincentive to plant, which will lead to reduced biodiversity and environmental outcomes.	Amend: <i>vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance. <u>Excludes areas of domestic or ornamental landscape planting; planted shelter belts and riparian areas; plantation forestry undergrowth; and planted indigenous forestry</u></i>
Intensive Primary Production	Support in part	Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of <i>intensive primary production</i> . These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right. Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan.	Amend: <i>refers to any of the following:</i> <ul style="list-style-type: none"> a. <i>commercial livestock (excluding the farming of mustelids) kept and fed <u>permanently</u> in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover</i> b. <i>land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets</i> c. <i>farming of mushrooms or other fungi</i> d. <i>commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.</i>
Maintenance	Oppose in part	Federated Farmers agrees that maintenance and repair of network utilities activities are necessary, but the definition of maintenance must not stray into <i>upgrading</i> , which can create some significant adverse effects on land owners and surrounding land uses resulting in injurious affection under the Public Works Act.	Amend: <i>Specifically in relation to network utilities, 'maintenance' means: any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same or similar height, <u>voltage</u>, size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures.</i>
Major Hazardous Facilities	Support	Support is given for the specific exclusion of farm storage and use of hazardous substances.	Retain: <i>The following activities are not considered to be major hazardous facilities:</i> <p>....</p> <i>The incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities.</i>
National Grid Subdivision Corridor	Oppose in part	Only Article a) will be relevant, because the Fernhill-Woodville A and B lines are on poles, with towers only used where the line crosses a river and likely	Amend: <i>the area measured either side of the centreline of above ground National Grid line as follows:</i>

		located on Crown land. The diagram is incorrect because it is referring to the National Grid Yard, not the National Grid Subdivision Corridor.	<div>a. 14m for 110Kv national grid lines on single poles</div> <div>b. 32m for 110Kv transmission lines on towers</div> <div>and</div> <div>Correct the diagram.</div>												
National Grid Yard	Oppose in part	<p>The National Grid Yard needs to be amended so it is consistent with NZECP34 Code of Practice for Electrical Safe Distances, particularly Section 2.4.1 around support structures. This definition and the yard widths are not consistent and unnecessarily onerous compared to the Code, and need amendment. It is vital to remember that the National Grid runs over private property, and farmers will be overwhelmingly affected by any regulation that exceeds the Code.</p> <p>The two National Grid lines running through the CHB District, the Fernhill-Woodville A, and the Fernhill-Woodville B. Both are 110kv. Both of these lines overwhelmingly consist of single circuit poles, with towers only where the line crosses over a river. This means the 12m distance around <i>any</i> structure is far in excess what is in the Code, and what actually needed for engineering safety.</p> <p>The Code requires a safe distance of 8m around a 110kv pole, which is the most common structure on the FHL-WDV-A and B lines across Central Hawkes Bay. Requiring a yard of 12m in the District Plan is excessive. Towers may have the safe distance of 12m, as this is consistent with the Code requirements.</p> <p>The reason the National Grid Yard must be consistent with, and not more onerous than, the Code, is because otherwise it will create a regulatory anomaly where an activity is permitted by the Code but not by the District Plan. This is untenable, as there is no reason why the Council should require or decline consent when the Code permits the activity and the National Grid operator cannot refuse permission.</p> <div><div>TABLE 1</div><div>MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES</div><table><tr><th>Circuit Voltage</th><th>Pole</th><th>Tower (pylon)</th></tr><tr><td>11 kV to 33 kV</td><td>2 m</td><td>6 m</td></tr><tr><td>Exceeding 33 kV to 66 kV</td><td>6 m</td><td>9 m</td></tr><tr><td>Exceeding 66 kV</td><td>8 m</td><td>12 m</td></tr></table></div> <p>Section 2.1.1 of NZECP34 states one of its purposes is to ensure that the support structures can be accessed for inspection and maintenance. These</p>	Circuit Voltage	Pole	Tower (pylon)	11 kV to 33 kV	2 m	6 m	Exceeding 33 kV to 66 kV	6 m	9 m	Exceeding 66 kV	8 m	12 m	<div>Amend:</div> <div><u>For the 110kv Fernhill-Woodville A, and the 110kv Fernhill-Woodville B:</u></div> <div><ul style="list-style-type: none"><i>the area located within 12m in any direction from the outer visible edge of a National Grid <u>tower, and 8m from a National Grid pole,</u></i><i>or the area located within 10m either side of the centreline of an overhead 110Kv National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers).</i></div> <div><i>The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span.</i></div>
Circuit Voltage	Pole	Tower (pylon)													
11 kV to 33 kV	2 m	6 m													
Exceeding 33 kV to 66 kV	6 m	9 m													
Exceeding 66 kV	8 m	12 m													

		setbacks have been developed by engineers, and there is nothing to suggest that the Code's setback distances are deficient.	
Plantation Forestry	Oppose in part	<p>Federated Framers recognises this definition from the National Environmental Standards for Plantation Forestry, however the 1ha minimum will mean that farm forestry is inappropriately captured when it is only part of an existing farm. This will lead to farm forestry becoming restricted by CE-P2 for the Coastal Environment and viewed as an activity that is incompatible with the landscape values. Farm forestry is distinct from large scale forestry where whole properties are forested.</p> <p>There is no purpose for farm forestry to be so restricted in ordinary Rural Zoned land, and farm forestry should be recognised as consistent with the amenity of the rural zones.</p> <p>Support is given for shelterbelts and soil conversation planting being excluded from the definition of <i>plantation forestry</i>.</p>	<p>Amend:</p> <p><i>as defined in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017 (as set out below) means a forest deliberately established for commercial purposes, being—</i></p> <ul style="list-style-type: none"> <i>a) at least 1 ha 50ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</i> <i>b) includes all associated forestry infrastructure; but</i> <i>c) does not include—</i> <ul style="list-style-type: none"> <i>i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</i> <i>ii. forest species in urban areas; or</i> <i>iii. nurseries and seed orchards; or</i> <i>iv. trees grown for fruit or nuts; or</i> <i>v. long-term ecological restoration planting of forest species; or</i> <i>vi. willows and poplars space planted for soil conservation purposes</i>
Farm Quarry	Support	Support is given for a separate definition for farm quarries, given they have a much smaller scale and magnitude of effects compared to industrial quarries.	<p>Retain:</p> <p><i>Farm quarry means an open pit or excavation from which domestic quantities of soil, stone, sand, gravel or mineral is extracted for farming activities on the same site. It does not include earthworks or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</i></p>
Quarry	Support in part	<p>Farm quarries need to be clearly differentiated from industrial extractive quarries. Although there is a separate definition for <i>farm quarries</i>, they need to be clearly excluded from this definition.</p> <p>Farm quarries are: small scale; the winnings are used on the property; the winnings not for sale but for personal use; used intermittently when needed; ancillary to existing farm land use; effects are contained within the property. This is in contrast to industrial quarries that are: large scale; winnings are for sale; winnings are transported off the property using roads; used daily/weekly; permanent presence of equipment and employees; a commercial enterprise in own right; and effects can extend beyond the site/property. A definition must exclude farm quarries,</p>	<p>Amend:</p> <p><i>Quarry means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities. <u>This excludes farm quarries.</u></i></p>

		otherwise they would be beholden to the same level of regulation as a commercial quarry like Winstone Aggregates as if they have the same level of effects, which is inequitable and onerous.	
Quarrying activities	Support in part	<p>Farm quarries need to be clearly differentiated from industrial extractive quarries. Although there is a separate definition for <i>farm quarries</i>, they need to be clearly excluded from this definition.</p> <p>Farm quarries are: small scale; the winnings are used on the property; the winnings not for sale but for personal use; used intermittently when needed; ancillary to existing farm land use; effects are contained within the property. This is in contrast to industrial quarries that are: large scale; winnings are for sale; winnings are transported off the property using roads; used daily/weekly; permanent presence of equipment and employees; a commercial enterprise in own right; and effects can extend beyond the site/property. A definition that does not exclude farm quarries will behold them to the same level of regulation as a commercial quarry like Winstone Aggregates as if they have the same level of effects, which is inequitable and onerous.</p>	<p>Amend:</p> <p><i>Quarrying activities means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry. <u>This excludes farm quarries.</u></i></p>
Reverse sensitivity	Support	Reverse sensitivity is an important resource management issue for FPNZ, we consider this definition accurately describes reverse sensitivity.	<p>Retain:</p> <p><i>The potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity</i></p>
Rural Airstrips	Oppose in part	The definition of <i>rural airstrips</i> will inappropriately capture an airstrip on a farm which is only used when fertiliser or spraying is done on that same farm. These airstrips will be located within a primary production property at a distance from neighbours or settlements, so adverse effects will be internalised. When not in use for aircraft, the airstrip will be used for grazing as part of the farm.	<p>Amend:</p> <p><i>Means any area of land, building or structure intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, including <u>excluding</u> agricultural aviation movements ancillary to primary production activities.</i></p>
Sensitive Activities	Support in part	<p>It appears that this definition of <i>sensitive activities</i> in the District Plan is doing double-duty: one aspect is to manage nuisance effects like noise and dust etc; and the other is to meet the requirements of the National Policy Statement for Electricity Transmission.</p> <p>Federated Farmers seeks that the definition is separated so there is a definite difference between those sensitive to nuisance, and those sensitive</p>	<p>Amend:</p> <p><i>Activities <u>Sensitive to Nuisance Effects</u> which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupa, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals.</i></p>

		to the National Grid. It is imperative that farm activities are not included in the definition of sensitive, as they do not have a reverse sensitivity effect on electricity transmission. Federated Farmers recognises that the NPS-ET directs councils to manage sensitive activities near the National Grid in Policy 11. In Section 3 of the NPS-ET, sensitive activities are defined as includes schools, residential buildings and hospitals.	Add new definition specific to National Grid: <u>Sensitive Activities has the same meaning as the National Policy Statement for Electricity Transmission, including schools, residential buildings and hospitals.</u>
Trimming (of indigenous vegetation)	Oppose in part	This definition focuses more on the motivations for trimming, when it should provide a description of the activity itself. The commonly understood meaning of “to trim” is to make something smaller by cutting away small or unwanted parts. There are reasons other than tree health to trim, including cutting away vegetation that is encroaching on other activities like roads or buildings.	Amend: <i>includes either of the following:</i> <ul style="list-style-type: none"> a. <i>pruning of vegetation and trees <u>to make smaller or remove unwanted pieces including the removal of broken branches, dead wood or diseased vegetation</u></i> b. <i>selective branch removal to increase light and air movement or to improve tree health <u>including the removal of broken branches, dead wood or diseased vegetation.</u></i> <i>But excludes clearance.</i>
Vulnerable activities	Support	Support is given for the category of vulnerable activities to natural hazards, as it weeds out farm buildings and activities.	Retain. <i>an activity that is particularly vulnerable to exposure to significant risk from one or more identified natural hazards and/or hazardous substances. Vulnerable activities include: ...</i>



FURTHER SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: Central Hawkes Bay District Council

Further Submission on: Proposed Central Hawkes Bay District Plan.

Date: 9 November 2021

Submission by: **FEDERATED FARMERS OF NEW ZEALAND**

Address for Service: **RHEA DASENT**
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Federated Farmers of New Zealand
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Federated Farmers confirms it is eligible to make a further submission under RMA Schedule 1, clause 8, because we are a submitter on the proposed District Plan, and we are a membership and advocacy organisation that represents farmers in the Central Hawkes Bay District.

FFNZ wish to be heard in support of our submission.

FURTHER SUBMISSION TO PROPOSED CENTRAL HAWKES BAY DISTRICT PLAN – FEDERATED FARMERS OF NEW ZEALAND (FFNZ)

DEFINITIONS					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
Definitions	S56.002	Powerco Limited	Oppose	Oppose the submitter seeking a new definition for gas distribution network, because it is a subject that does not need RMA regulation – easement agreements are an appropriate mechanism.	That the submission be rejected.
Definitions	S79.006	Transpower New Zealand Ltd	Oppose	Oppose the separate definition and status for minor upgrade, any upgrade, minor or not, has obligations under the Public Works Act to address injurious affection, and the District Plan must not prejudice this process.	That the submission be rejected.
Definitions	S117.022	Chorus New Zealand Ltd	Oppose	Oppose the separate definition and status for minor upgrade, any upgrade, minor or not, has obligations under the Public Works Act to address injurious affection, and the District Plan must not prejudice this process.	That the submission be rejected.
	S118.022	Spark New Zealand Ltd			
	S119.022	Vodafone New Zealand Ltd			
NETWORK UTILITIES					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
NU - Introduction	S79.018	Transpower New Zealand Ltd	Oppose in part	The submitter seeks a standalone set of provisions within the Network Utilities Chapter as it avoids duplication in the zones chapters. Federated Farmers sees some merit having the National Grid Yard rules in the zone chapters as it is easy for a farmer to see all provisions in one chapter. However on the other hand the reader already has to turn to other chapters such as HH, SASM or ECO to find specific provisions, so the submitter’s relief for stand alone provisions is not unusual. Oppose the submitter	That the submission be rejected in part.

				seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.	
NU-I1	S56.006	Powerco Limited	Oppose	Oppose the submitter seeking to delete reference to adverse effects arising from network utilities. Adverse effects on the environment as well as on landowner activities can and do occur, and need to be managed. Network utilities do not have an RMA status above any other activity, all have an obligation to manage adverse effects.	That the submission be rejected.
NU-O1	S79.022	Transpower New Zealand Ltd	Support in part	Agree with the submitter that the National Grid is distinct from other network utilities due to the NPS-ET. Federated Farmers do not want other network utilities such as local electricity distribution to be included in any provisions that are intended to meet the requirements of the NPS-ET, so a separate objective is a good idea. However we oppose any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4)	That the submission be accepted in part.
NU-O1	S117.031 S118.031 S119.031	Chorus New Zealand Ltd Spark New Zealand Ltd Vodafone New Zealand Ltd	Oppose	Oppose the submitter seeking a re-write of the objective. The proposed objective is sufficient to meet the submitter's concerns.	That the submission be rejected.
NU - 03	S79.023	Transpower New Zealand Ltd	Oppose in part	Agree with the submitter that the National Grid is distinct from other network utilities due to the NPS-ET. Federated Farmers do not want other network utilities such as local electricity distribution to be included in any provisions that are intended to meet the requirements of the NPS-ET, so a separate objective may be necessary. However we oppose any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4)	That the submission be rejected in part.

NU-O3	S117.033	Chorus New Zealand Ltd	Oppose	Oppose the submitter seeking to protect network utilities. Network utilities are not an RMA s6 matter, nor do they have a special status above other activities, instead they must co-exist with other activities such as farming. Only the National Grid has buffer corridors/yards to meet NPS-ET policies 10 and 11, other network utilities are not included in this NPS. Easement agreements are the instrument that should be used by network utilities to manage their assets that are located on private land.	That the submission be rejected.
	S118.033	Spark New Zealand Ltd			
	S119.033	Vodafone New Zealand Ltd			
NU-PXX (new policy)	S79.026	Transpower New Zealand Ltd	Oppose in part	Agree with the submitter that the National Grid is distinct from other network utilities due to the NPS-ET, so a separate objective may be necessary. However we oppose any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) The adverse effects of the National Grid on farming needs to be acknowledged where it traverses private property, and easement agreements as an alternative and preferred method for new or upgraded National Grid infrastructure (as per the Public Works Act) needs to be included in any policy.	That the submission be rejected in part.
NU-PXX (new policy)	S117.040	Chorus New Zealand Ltd	Oppose	Oppose the submitter seeking to provide flexibility to network utility providers. Access over private land to utilities is a matter for the landowner and must not be compelled by the District Plan, reuse or re-purposing of redundant utilities is for the Public Works Act.	That the submission be rejected.
	S118.040	Spark New Zealand Ltd			
	S119.040	Vodafone New Zealand Ltd			
NU-P1	S117.034	Chorus New Zealand Ltd	Oppose	Oppose the submitter seeking a re-write of NU-P1 because the concerns are already addressed by the proposed provisions and other legislation such as the Public Works Act: significant upgrades would be subject to the Public Works Act and injurious affection would occur if the works are on private land; access for maintenance is a matter for the utility provider to negotiate with the landowner; easement agreements are an appropriate mechanism to address network utilities occurring on private land.	That the submission be rejected.
	S118.034	Spark New Zealand Ltd			
	S119.034	Vodafone New Zealand Ltd			

NU-P5	S79.030	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking to avoid reverse sensitivity because this is inconsistent with the NPS-ET Policy 10 which only requires avoidance <i>to the extent reasonably possible</i> . We oppose any provisions that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) Agree with the submitter that the reference near the National Grid is unsatisfactory, because only activities <i>inside</i> the National Grid Yard or Subdivision Corridor are to be managed.	That the submission be rejected.
NU-P5	S81.053	Horticulture New Zealand	Support	Support the submitter seeking to recognise and provide for network utilities, rather than protecting them. Network utilities do not have an RMA status above any other activities.	That the submission be accepted.
NU-P5 (5)	S81.054	Horticulture New Zealand	Support	Agree with the submitter that easement agreements already manage any issues around gas pipelines, and district plan regulation is unnecessary. There is 100% easement coverage where-ever gas pipelines cross private land, which require setbacks for activities and earthworks. An easement agreement on a Certificate of Title is much more informative and specific to the landowner than district plan provisions.	That the submission be accepted.
NU-P5 (6)	S81.055	Horticulture New Zealand	Support	Agree with the submitter that the reference near the National Grid is unsatisfactory, because only activities <i>within</i> the National Grid Yard or Subdivision Corridor are to be managed.	That the submission be accepted.
NU-P5	S117.038 S118.038 S.119.038	Chorus New Zealand Ltd Spark New Zealand Ltd Vodafone New Zealand Ltd	Oppose	Oppose the submitter seeking to protect network utilities. Network utilities are not an RMA s6 matter, nor do they have a special status above other activities, instead they must co-exist with other activities such as farming.	That the submission be rejected.
NU - Rules	S79.031	Transpower New Zealand Ltd	Oppose in part	Agree with the submitter that the National Grid is distinct from other network utilities due to the NPS-ET, so a separate objective may be necessary. However we oppose any regulations that exceed the requirements	That the submission be rejected in part.

				of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4)	
NU-R2	S81.056	Horticulture New Zealand	Support	Agree with the submitter seeking increase in electricity voltage is included as minor upgrading, because it is over and above maintenance or operation.	That the submission be accepted.
SITES OF SIGNIFICANCE TO MAORI					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
SASM-P4	S125.046	Ngā hapū me ngā marae o Tamatea	Oppose	Oppose the submitter seeking the provision is not limited to scheduled sites. The provision must be limited to scheduled sites so land owners know where sites are located and they can either choose another location or know when rules will apply. Other protocol will be relevant when an unrecorded archaeological site is discovered.	That the submission be rejected.
SUBDIVISION					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
SUB-O4	S81.079	Horticulture New Zealand	Support	Agree with the submitter that existing and established primary production can also be a victim to reverse sensitivity when subdivision occurs.	That the submission be accepted.
SUB-P6	S117.061 S118.061 S.119.061	Chorus New Zealand Ltd Spark New Zealand Ltd Vodafone New Zealand Ltd	Oppose	Oppose the submitter seeking that all new lots are connected to telecoms networks. In rural areas where infrastructure is scarce this will be difficult for the landowner/subdivider to achieve, and could prevent farm subdivision. It is up to the telecoms providers to construct towers or aerials for better rural coverage, not for the landowner/subdivider.	That the submission be rejected.
SUB-P18	S79.075	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking deletion of <i>to the extent practicable</i> , the policy is sufficient as proposed.	That the submission be rejected.
SUB - Rules	S79.077	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking a stand-alone rule with RD status for all subdivision within the National Grid Subdivision Corridor. A subdivision that demonstrates	That the submission be rejected.

				standards within the National Grid Yard and Subdivision Corridor are complied with, should have the same activity status as a normal subdivision. A subdivision such as a large lot farm subdivision will readily have a building platform outside the NatGrid Yard, plenty of access over the site that will not box in the transmission lines, and little likelihood of introducing a new sensitive activity, and should be able to proceed under normal rural subdivision rules without needing an extra resource consent. Access (routes, what vehicles, where to, and when) by National Grid work crews is a matter to be negotiated with the landowner and cannot be compelled by the District Plan.	
SUB-R1 SUB-R3 SUB-R4 SUB-R5 SUB-R6 SUB-R7	S79.078 S79.079 S79.080 S79.081 S79.082 S79.083	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking a stand-alone rule for subdivision within the National Grid Subdivision Corridor. A subdivision that demonstrates standards within the National Grid Yard and Subdivision Corridor are complied with, should have the same activity status as a normal subdivision.	That the submission be rejected.
SUB-SXX (new standard)	S117.064 S118.064 S.119.064	Chorus New Zealand Ltd Spark New Zealand Ltd Vodafone New Zealand Ltd	Oppose	Oppose the submitter seeking a new standard that all new lots are connected to telecoms networks. In rural areas where infrastructure is scarce this will be difficult for the landowner/subdivider to achieve, and could prevent farm subdivision. It is up to the telecoms providers to construct towers or aerials for better rural coverage, not for the landowner/subdivider.	That the submission be rejected.
ECOSYSTEMS AND BIODIVERSITY					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
ECO	S126.003	Hawke's Bay District Health Board	Oppose	Oppose the submitter blaming agriculture takes for death of kahikatea without evidence. The rules the submitter seeks for water takes are outside the functions of a district plan. The submitter should be	That the submission be rejected.

				concerned with human health and does not have a mandate to advocate for indigenous vegetation.	
ECO	S132.005	Ernslaw One	Oppose	Oppose the submitter seeking to exclude livestock from SNAs. Farmers with large SNAs in hill country or along DoC estate that are unfenced will struggle to keep all their extensively farmed sheep and cattle out of the SNA, which can provide shelter and shade as an animal welfare benefit.	That the submission be rejected
ECO - new objective	S120.020	Heretaunga Tamatea Settlement Trust	Oppose	The submitter's concerns about relationship of tangata whenua to waterbodies is better addressed elsewhere, possibly the regional plan.	That the submission be rejected.
ECO – new policy	S120.021	Heretaunga Tamatea Settlement Trust	Oppose	The submitter's concerns about relationship of tangata whenua to waterbodies is better addressed elsewhere, possibly the regional plan.	That the submission be rejected.
ECO-P4	S75.034	Royal Forest and Bird Protection Society NZ	Oppose	Oppose the submitter because some loss of biodiversity values is allowed by the district plan, by having permitted activities. The policy is not clear whether it applies to only SNAs, or to vegetation and habitats outside SNAs.	That the submission be rejected.
ECO – new rule	S81.073	Horticulture New Zealand	Support	Agree with the submitter that a rule enabling biosecurity response is needed. Biosecurity incursions within indigenous vegetation are becoming worryingly likely. If an incursion of a weed on the Regional Pest Management Strategy “eradication” list, or a disease like Myrtle Rust occurs within native vegetation then a district plan rule means the necessary work can be undertaken rapidly.	That the submission be accepted.
ECO-R1	S75.038	Royal Forest and Bird Protection Society NZ	Oppose	Oppose the submitter seeking resource consent for plantation forestry understory, because this would prevent and discourage farmers from having farm forestry to meet water quality or climate change ambitions. Especially when these same farmers are likely to have an SNA on their property, which provides positive biodiversity values to offset any understory clearance.	That the submission be rejected.
ECO-R2	S39.003	Kathryn Bayliss	Oppose	Oppose the submitter seeking to prohibit clearance and trimming to be discretionary, because there are	That the submission be rejected.

				many situations where clearance and trimming is necessary for social, economic and cultural wellbeing, and health and safety. The district plan would not otherwise meet RMA s.5 purpose.	
ECO-R2	S75.039	Royal Forest and Bird Protection Society NZ	Oppose	Oppose the submitter seeking stronger permitted conditions, because there are many situations where clearance and trimming is necessary for social, economic and cultural wellbeing, and health and safety. The district plan would not otherwise meet RMA s.5 purpose.	That the submission be rejected.
ECO-R3	S39.004	Kathryn Bayliss	Oppose	Oppose the submitter seeking to prohibit clearance and trimming to be discretionary, because there are many situations where clearance and trimming is necessary for social, economic and cultural wellbeing, and health and safety. The district plan would not otherwise meet RMA s.5 purpose.	That the submission be rejected.
ECO-R4	S39.005	Kathryn Bayliss	Oppose	Oppose the submitter seeking to prohibit clearance and trimming to be discretionary, because there are many situations where clearance and trimming is necessary for social, economic and cultural wellbeing, and health and safety. The district plan would not otherwise meet RMA s.5 purpose.	That the submission be rejected.
ECO-R4	S64.065	Department of Conservation	Oppose	Oppose the submitter seeking to reduce the allowed clearance limit. The rule applies only to vegetation that is <i>not</i> significant, so clearance should be unlimited. Vegetation within SNAs will be protected and unaffected by this rule.	That the submission be rejected.
ECO-R4	S75.041	Forest & Bird	Oppose	Oppose the submitter seeking further checks the area is not 'significant.' The Council has undertaken an thorough and comprehensive SNA identification process, so there will be no other sites out there.	That the submission be rejected.
ECO-R5	S39.006	Kathryn Bayliss	Oppose	Oppose the submitter seeking to prohibit clearance and trimming to be discretionary, because there are many situations where clearance and trimming is necessary for social, economic and cultural wellbeing, and health and safety. The district plan would not otherwise meet RMA s.5 purpose.	That the submission be rejected.

ECO-R6	S11.019	Hawke's Bay Regional Council	Support in part.	The submitter demonstrates why an onerous non-complying rule for any trimming or removal of wetland indigenous vegetation is impractical and can be a barrier to activities with a positive environmental outcome. However the submitter's proposed rule should not be limited to only named organisations carrying out the activity because this is not effects based. If clearance during restoration works is good for HBRC, CHB and DoC, then it's good enough for farmers and landowners.	That the submission be accepted, but the rule applies to all people and not just the three named organisations.
ECO-R6	S39.007	Kathryn Bayliss	Oppose	Oppose the submitter seeking to prohibit clearance and trimming to be discretionary, because there are many situations where clearance and trimming is necessary for social, economic and cultural wellbeing, and health and safety. The district plan would not otherwise meet RMA s.5 purpose.	That the submission be rejected.
ECO-AM1	S11.038	Hawke's Bay Regional Council	Oppose	Oppose the submitter seeking a matter to assess effects of activities on nearby SNAs. If it is not an SNA then it shouldn't be assessed as if it was.	That the submission be rejected.
ECO-AM1	S57.064	Fire and Emergency New Zealand	Support	Agree with the submitter that health and safety (such as fire risk) should be included as a matter of assessment.	That the submission be accepted.
ECO-APP1	S64.067	Department of Conservation	Oppose	We are unsure how the submitter's proposed criterion for an ecosystem that has no vegetation or habitat would work, as it sounds like it is not an ecosystem?	That the submission be rejected.
NATURAL FEATURES AND LANDSCAPES					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
NFL-P4	S75.063	Royal Forest and Bird Protection Society NZ	Oppose	Oppose the submitter seeking to prevent the construction of a building in the Coastal Environment, because there will be buildings that are consistent with the scheduled landscape and do not adversely affect identified values, such as farm buildings on primary production land.	That the submission be rejected.

NFL-P5	S39.001	Kathryn Bayliss	Oppose	Oppose the submitter seeking to delete the policy for water storage, because water security is becoming ever more important to adapt to climate change and increased droughts, such as the devastating drought of 2020.	That the submission be rejected.
NFL-P5	S75.064	Royal Forest and Bird Protection Society NZ	Oppose	Oppose the submitter seeking to delete the policy for water storage, because water security is becoming ever more important to adapt to climate change and increased droughts, such as the devastating drought of 2020.	That the submission be rejected.
NFL-P5	S112.001	Trevor Le Lievre	Oppose	Oppose the submitter seeking to delete the policy for water storage, because water security is becoming ever more important to adapt to climate change and increased droughts, such as the devastating drought of 2020.	That the submission be rejected.
NFL-R1	S64.078	Department of Conservation	Oppose	Oppose the submitter seeking restricted discretionary status for buildings on ONFLs, because permitted status is appropriate. There will be buildings that are consistent with the scheduled landscape and do not adversely affect identified values, such as farm buildings on primary production land. It is overly onerous to require farmers to obtain RD consent for a farm building on land that is actively used for farming.	That the submission be rejected.
NFL-R1	S75.066	Royal Forest and Bird Protection Society NZ	Oppose	Oppose the submitter seeking the rule applies only to alterations and additions to existing buildings. There will be new buildings where permitted status is appropriate, where the building is consistent with the scheduled landscape and does not adversely affect identified values, such as farm buildings on primary production land.	That the submission be rejected.
OPEN SPACE AND RECREATION					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
PA - Policies	S125.067	Ngā hapū me ngā marae o	Neutral	The submitter's concern about mana whenua access is better addressed in discussion with landowners rather	That the submission be rejected.

		Tamatea		than through the District Plan. Federated Farmers knows of CHB landowners who have a standing access arrangement with mana whenua to visit significant sites, and we are sure this can be repeated elsewhere once the access-seeker becomes known and trusted by the landowner, and routes are agreed. A District Plan cannot compel access over private land.	
COASTAL ENVIRONMENT					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
CE-OXX (new objective)	S75.071	Royal Forest and Bird Protection Society NZ	Support	Agree with the submitter that public access in the Coastal Environment needs to be addressed, because it is an area where access is anticipated. Open public access needs to be clearly differentiated from private land where the permission of the landowner is needed. It is our preference that public access is addressed in policy CE-P1 which discusses mapping of the coastal environment.	That the submission be accepted.
CE-P2	S75.073	Royal Forest and Bird Protection Society NZ	Oppose in part.	Agree with the submitter that the policy needs to be consistent with the NES Freshwater in its treatment of wetlands, however there will be situations where some activities in wetlands are appropriate.	That the submission be rejected in part.
CE-P6	S75.075	Royal Forest and Bird Protection Society NZ	Support in part	The submitter seeks that activities must demonstrate a functional need to be located in the Coastal Environment, Federated Farmers deems underlying zoning and existing land use will need to be considered when deciding what a functional need is, such as for farm activities on farm land.	That the submission be accepted in part.
EARTHWORKS					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
EW - Earthworks	S79.090	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically	That the submission be rejected.

				policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.	
EW – Earthworks	S84.014	Kairakau Lands Trust	Oppose	Oppose the submitter seeking to include further objectives and policies to ensure cultural sites are protected, because the submitter's concerns are already addressed by the Historic Heritage and Sites and Areas of Significance to Maori chapters.	That the submission be rejected.
EW - Earthworks	S126.004	Hawke's Bay District Health Board	Oppose	Oppose the submitter seeking erosion and sediment control plans for permitted activities, because standards are sufficient to meet the submitter's concerns.	That the submission be rejected.
EW-P7	S55.065	Heritage New Zealand Pouhere Taonga	Oppose	Oppose the submitter seeking an additional policy for heritage and cultural matters, because the submitter's concerns are already addressed by the Historic Heritage and Sites and Areas of Significance to Maori chapters.	That the submission be rejected
EW-P9	S75.088	Royal Forest and Bird Protection Society NZ	Oppose	Federated Farmers considers that support needs to be given to enable farm quarries (see submission S75.088).	That the submission be rejected
EW-R1	S55.067	Heritage New Zealand Pouhere Taonga	Oppose	Oppose the submitter seeking earthworks to not be permitted in historic heritage sites and sites of significance to Maori, because the submitter's concern is already addressed by the Historic Heritage and Sites and Areas of Significance to Maori chapters.	That the submission be rejected
EW-R5	S79.093	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking National Grid Yard earthworks rules that are that are inconsistent with NZECP34, specifically Section 2.2 of the Code. The National Grid occurs overwhelmingly on private land such as farms, often without easement agreements or compensation, and any district plan regulation must not exceed established standards in NZECP34.	That the submission be rejected.
EW-R7	S90.039	Centralines Ltd	Oppose	Oppose the submitter seeking extra matters of discretion for affects on electricity transmission and distribution. Only the national grid (owned by Transpower) is protected under the NPS-ET, electricity	That the submission be rejected.

				distribution lines owned by Centralines do not enjoy this same national statutory status, so do not need to be afforded the same protection in the District Plan as the national grid. Earthworks near electricity distribution and effects such as structural integrity and personal safety are already well-managed by the NZECP34 and easement agreements. If Centralines has neglected to negotiate easement agreements with landowners or carry out education, these failings are not for the District Plan to remedy with regulation.	
EW-SXX (new standard)	S55.071	Heritage New Zealand Pouhere Taonga	Oppose	Oppose the submitter seeking a new standard for earthworks near historic heritage sites and sites of significance to Maori, because the submitter's concern is already addressed by the Historic Heritage and Sites and Areas of Significance to Maori chapters.	That the submission be rejected.
EW-S6	S79.094	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking National Grid Yard earthworks rules that are that are inconsistent with NZECP34, specifically Section 2.2 of the Code. The National Grid occurs overwhelmingly on private land such as farms, often without easement agreements or compensation, and any district plan regulation must not exceed established standards in NZECP34.	That the submission be rejected.
GENERAL RURAL ZONE					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
GRUZ - General Rural Zone	S79.095	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation. The submitter seeks to delete the 8m setback from poles, yet the 110kv FHL-WDV-A and B lines overwhelmingly consist of single circuit poles and the submitter's 12m setback far exceeds the engineering safety distances of the NZECP34.	That the submission be rejected.

GRUZ-PXX (new policy)	S57.139	Fire and Emergency New Zealand	Oppose	Oppose the submitter seeking all land use activities have to be serviced for fire-fighting ability. Federated Farmers expects more rural households to obtain their potable water from rainwater tanks, because sharing a private reticulated water supply is being discouraged as a consequence of the new Water Services Act. We do not want farm houses being discouraged or need resource consent because they will be serviced by a tank that is too small for firefighting.	That the submission be rejected.
GRUZ - Rules	S90.043	Centralines Limited	Oppose	Oppose the submitter seeking extra matters of discretion for affects on electricity transmission and distribution. Only the national grid (owned by Transpower) is protected under the NPS-ET, electricity distribution lines owned by Centralines do not enjoy this same national statutory status, so do not need to be afforded the same protection in the District Plan as the national grid. Earthworks near electricity distribution and effects such as structural integrity and personal safety are already well-managed by the NZECP34 and easement agreements. If Centralines has neglected to negotiate easement agreements with landowners or carry out education, these failings are not for the District Plan to remedy with regulation.	That the submission be rejected.
GRUZ-R1 GRUZ-R2 GRUZ-R3 GRUZ-R9	S57.140 S57.141 S57.142 S57.145	Fire and Emergency New Zealand	Oppose	Oppose the submitter seeking a new zone standard requiring provision of firefighting water supply for any development (that is not subdivision.) Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for fire fighting. Given this rule is for residential activities, Federated Farmers expects more rural households to obtain their potable water from rainwater tanks, because sharing a private reticulated water supply is being discouraged as a consequence of the new Water Services Act. We do not want farm houses being discouraged or need resource consent because they will be serviced by a tank that is too	That the submission be rejected.

				small for firefighting. To our knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.	
GRUZ-R1 GRUZ-R2 GRUZ-R3 GRUZ-R5 GRUZ-R9 GRUZ-S13	S79.098 S79.099 S79.100 S79.101 S79.105 S79.110	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.	That the submission be rejected.
GRUZ-R5	S58.001	Josh and Suzie Calder	Support in part	Agree with the submitter that rural airstrips and helicopter landing areas are important for primary production, however there needs to be a distinction between those on farm used occasionally for fert spreading or spraying, and those that are used daily like a depot.	That the submission be accepted in part.
GRUZ-AMXX (new assessment matter)	S57.156	Fire and Emergency New Zealand	Oppose	Oppose the submitter seeking an additional assessment matter for firefighting water supply. Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for fire fighting. To our knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.	That the submission be rejected.
RURAL PRODUCTION ZONE					
Plan Provision	Submission Point	Submitter	Support/ Oppose	Reasons for Further Submission	Decision Sought
RPROZ - Rural Production Zone	S79.111	Transpower New Zealand Ltd	Oppose in part	The submitter seeks a standalone set of provisions within the Network Utilities Chapter as it avoids duplication in the zones chapters. Federated Farmers sees some merit having the National Grid Yard rules in the zone chapters as it is easy for a farmer to see all provisions in one chapter. However on the other hand the reader already has to turn to	That the submission be rejected in part.

				other chapters such as HH, SASM or ECO to find specific provisions, so the submitter's relief for stand alone provisions is not unusual. Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.	
RPROZ-PXX (new policy)	S57.177	Fire and Emergency New Zealand	Oppose	Oppose the submitter seeking an additional policy for firefighting water supply. Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for fire fighting. To our knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.	That the submission be rejected.
RPROZ - Rules	S79.113	Transpower New Zealand Ltd	Oppose in part	The submitter seeks a standalone set of provisions within the Network Utilities Chapter as it avoids duplication in the zones chapters. Federated Farmers sees some merit having the National Grid Yard rules in the zone chapters as it is easy for a farmer to see all provisions in one chapter. However on the other hand the reader already has to turn to other chapters such as HH, SASM or ECO to find specific provisions, so the submitter's relief for stand alone provisions is not unusual. Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.	That the submission be rejected in part.
RPROZ - Rules	S90.045	Centralines Limited	Oppose	Oppose the submitter seeking a new matter for discretion. It is unfair to assess an activity against potential future upgrading or development of network utilities, adverse effects assessments need to be limited to the here and now. It is more likely that	That the submission be rejected.

				upgrading and development of network utilities will impact on other, existing activities, such as farming. Electrical safety is already managed by the NZECP34.	
RPROZ-R1 RPROZ-R2 RPROZ-R3 RPROZ-R5 RPROZ-R8 RPROZ-R9 RPROZ-R10 RPROZ – R11 RPROZ – R12 RPROZ – R14	S57.178 S57.179 S57.180 S57.181 S57.182 S57.183 S57.184 S57.185 S57.186 S57.188	Fire and Emergency New Zealand	Oppose	Oppose the submitter seeking an additional standard for firefighting water supply. Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for fire fighting. To our knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.	That the submission be rejected.
RPROZ – R1 RPROZ – R2 RPROZ – R3 RPROZ – R5 RPROZ – R6 RPROZ – R7 RPROZ – R8 RPROZ – R9 RPROZ – R10 RPROZ – R11 RPROZ – R12	S79.114 S79.115 S79.116 S79.117 S79.118 S79.119 S79.120 S79.121 S79.122 S79.123 S79.124	Transpower New Zealand Ltd	Oppose	Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.	That the submission be rejected.
RPROZ-R5	S41.002	Jill Fraser	Oppose	Oppose the submitter seeking changes to the permitted standards. Weekly or daily maximum movement limits would be impractical, because primary production air activity will be concentrated over a short period of time for seasonal activities like spraying or fert spreading, and then absent for the rest of the year.	That the submission be rejected.
RPROZ-R5	S41.003	Jill Fraser	Oppose	Oppose the submitter seeking changes to the permitted standards. Hours of operation will be impractical, because seasonal primary production activities like arial spraying or fert spreading will need to occur after normal working hours to take advantage of weather.	That the submission be rejected.

RPROZ-AMXX (new assessment matter)	S57.195	Fire and Emergency New Zealand	Oppose	Oppose the submitter seeking an additional assessment matter for firefighting water supply. Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for fire fighting. To our knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.	That the submission be rejected.
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Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

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

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

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

Federated Farmers thanks the Central Hawkes Bay District Council for considering our further submission to the proposed District Plan.



