

Proposed Waimakariri District Plan

Federated Farmers of New Zealand

26 November 2021



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SUBMISSION ON PROPOSED WAIMAKARIRI DISTRICT PLAN

TO: Waimakariri District Council

DATE: 27 November 2021

ADDRESS FOR SERVICE

Name	Position	Phone Number	Email Address
Peter Wilson	Senior Regional Policy Advisor	021 151 3486	pwilson@fedfarm.org.nz

OTHER CONTACTS

Name	Position	Phone Number	Email Address
Caroline Amyes	North Canterbury Provincial President	027 319 7367	caroline.amyes@gmail.com
Eleanor Linscott	Southern regional policy manager	0278030156	elinscott@fedfarm.org.nz

Federated Farmers of NZ (Inc)

Level 4, 117 Lambton Quay
Wellington
PO Box 715
WELLINGTON 6140

ABOUT FEDERATED FARMERS

Federated Farmers of New Zealand is a membership organisation, which is mandated by its members to advocate on their behalf and ensure representation of their views. Federated Farmers does not collect a compulsory levy under the Commodity Levies Act and is funded from voluntary membership.

Federated Farmers represents rural and farming businesses throughout New Zealand. We have a long and proud history of representing the needs and interests of New Zealand's farmers.

Federated Farmers aims to empower farmers to excel in farming. Our key strategic outcomes include provision for 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 a vibrant rural community; and
- Our members adopt responsible management and sustainable food production practices.

SUBMISSION ON PROPOSED WAIMAKARIRI DISTRICT PLAN

This is a submission on the proposed Waimakariri District Plan.

Name of submitter: Federated Farmers of New Zealand Inc.

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Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are outlined below.

Federated Farmers wishes to be heard in support of the submission.

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

A handwritten signature in black ink, appearing to read 'Peter Wilson', is positioned above the printed name and title.

Peter Wilson

Senior Policy Advisor

SUBMISSION

1. INTRODUCTION

- 1.1 Federated Farmers of New Zealand welcomes the opportunity to submit on the proposed Waimakariri District Plan.
- 1.2 Federated Farmers notes that this is a detailed and lengthy District Plan, and whilst the level of detail is admirable from a pure planning perspective, it is highly problematic for our member farmers. The plan contains many layers of duplication, in some cases, up to five separate chapters might apply to an activity, including ecosystems and indigenous biodiversity, natural features and landscape, coastal environment, sites of significance to iwi, and natural hazards. This is on top of, and sometimes inconsistent with new national regulations, such as the National Environmental Standard-Freshwater, the s360 stock exclusion regulations, and in some areas, it also duplicates or inconsistently overlaps with the Canterbury Land and Water Regional Plan. The plan offers no guidance on what benefits would be obtained from this duplication versus a more simple approach that recognised that there are areas in the district which require extra controls, but which simplified them in practice to a single consent regime. To become operative and effective, the plan will require a substantial exercise in reducing and removing duplication, both within itself and with other legislation and plans.
- 1.3 For Federated Farmers, the primary problematic areas of the plan are:
 - 1.3.1 Indigenous biodiversity provisions
 - 1.3.2 The lack of enablement and support for primary and rural production within the rural zone, and the lack of recognition of high class or versatile soils
 - 1.3.3 The treatment of woodlots, shelterbelts, and carbon forestry
 - 1.3.4 The proposed freshwater setbacks
 - 1.3.5 The outstanding natural landscape and features overlay
 - 1.3.6 The sites of significance to iwi overlay
 - 1.3.7 Inconsistent application of the New Zealand Coastal Policy Statement
 - 1.3.8 Overly restrictive and constraining electricity transmission provisions

Indigenous biodiversity provisions

- 1.4 The flow between the strategic objectives, the chapter objectives, and the rest of the policies, rules, and methods appears confused. The strategic objective's aim of an overall net gain in the quality and quantity of indigenous biodiversity in the district are accepted by Federated Farmers. The concept of quality and quantity improvements are important, because especially with indigenous biodiversity quality, there is a lot that landholders

can do to improve the quality of indigenous biodiversity, such as pest control. However the chapter objectives and policies appear confused between the concepts of ‘overall net gain’, ‘increase’, ‘maintain or enhance’, ‘no net loss’, ‘no net loss or preferably a net gain’, and as such the overall purpose will be lost. We think that this confusion also broadcasts the broader confusion present at Council on how to handle indigenous biodiversity on private land. The plan also showcases some alarming anti-democratic and potentially unlawful tendencies, in how it escalates any matter not permitted (in a narrow permitted activity rule) immediately to a non-complying status, with nothing in between (this may also be a feature of the plan design, which only has two-levels of escalation), along with an ungoverned process of submission and rebuttal between ecologists in the event of a dispute – when this is what the resource consent process is there for. Another alarming feature of the plan are the unmapped SNAs, and the proposal to add additional SNAs to the plan without a Schedule 1 process. Basic aspects of law, fairness, process and justice have been forgotten.

The plan also makes scant mention of the reality of protection of indigenous biodiversity beyond the substantial ‘paper’ protections that the plan provides. In a working rural environment, indigenous biodiversity requires work, and a robust incentives and management package for landholders with SNAs on their properties. This is also the only way to remove the conflict around the issue.

Treatment of primary and rural production

- 1.5 Whilst the rural zones are supported, the treatment of rural and primary production within them appears to be more of a grudging acceptance, rather than an enablement of primary and rural production. This is especially true when it comes to the lack of recognition of high class soils in the district, referred to by Federated Farmers as LUC classes 1-3. The rural lifestyle zone will enable the paving over and loss of these food producing resources, whilst in the west of the district, subdivision may be unfairly constrained, despite the lower class soils. To address this imbalance in part, Federated Farmers has requested an LUC based zonation overlay which would allow subdivision to 4ha lots in the general rural zone, but only on LUC class 4 land or higher, protecting those remaining unfragmented high class soils. Also, recognition for high class soils has been inserted into objectives, policies, rules, and methods where appropriate.

Treatment of woodlots, shelterbelts, carbon forestry, afforestation

- 1.6 Federated Farmers is neutral on carbon forestry, noting that it has substantial detrimental effects on landscape, water yield, and fragments rural communities. But it is also a highly attractive option for landowners faced with a barrage of rules and regulations and for whom traditional farming is no longer viable. That viability is often put in doubt by over-zealous regulation in regional and district plans – including this one. So, instead of regulating carbon forestry, which can constrain the last option that landowners may have, it is better to run a ‘carbon forestry conversion’ test over the impact of all rules and regulations. The cumulative impact of those rules and regulations is what drives the conversions – when there are no other options left for land use and when regulation has made existing farming too hard. Carbon forestry is not all created alike either, as smaller carbon forests more akin to woodlots may be created simply as an internal carbon sink for the farming operation, rather than as a trading forest in the Emissions Trading Scheme. There are also arbitrary rules and controls on traditional farming activities such as shelterbelts and woodlots that appear

more based on urban perceptions of how the rural environment should look or unproven risks to roads than on realities. Some provisions in this plan also override or introduce additional stringency on the National Environmental Standard on Plantation Forestry, without justification.

Given all the issues of carbon forestry, there is likely to be national regulation on the matter, and it is better to wait for that than create district regulation. As such, Federated Farmers is requesting the removal of all woodlot, shelterbelt, and carbon forestry provisions in the plan. There is some remaining need for extra controls on afforestation in general in the coastal environment and on outstanding natural landscapes, in these instances, give the problematic definitions in this area, the plain English meaning of afforestation is suggested.

The proposed freshwater setbacks

- 1.7 The size of and restrictions on the proposed freshwater setbacks are extreme and unjustifiable, both on the basis of expected environmental outcomes and on the private property land grab that they represent. All the District currently has some degree of riparian margins, either by way of existing parcels of land (riparian land ownership is complex), existing setbacks or buffers from national regulations or in the regional plan. If any further land is required, the setbacks must be negotiated with landholders, or the land purchased on a willing buyer-willing seller basis. The entire package of freshwater setbacks needs to be removed from the plan. It is perhaps the worst feature of it.

The outstanding natural features and landscapes layer

- 1.8 This has received better treatment, but many of the restrictions on farming appear arbitrary and not linked to the purpose of the layer.

The sites of significance to iwi overlay

- 1.9 Federated Farmers is supportive of iwi regaining kaitiakitanga and rangatiratanga over landscapes and areas of interest, especially wahi tupuna. However, the plan's approach to enabling this will only drive conflict, in how it regulates and restricts even the most minor activities. The plan appears to take the Pakeha historic heritage approach and applies it to iwi matters. There are many other approaches to achieve the outcome, such as heat mapping of areas most at risk, a traffic light system of risk prediction, and the solution that Federated Farmers most prefers, which is a farmer/iwi discovery protocol, shared and understood by farmers in the areas in question. Virtually all farmers are fascinated with what lies beneath their land, and if enabling protocols encourage them to report findings (and then accept voluntary restrictions on activity after a find), then iwi will be better off than under the plan's recommended approach.

Inconsistent application of the New Zealand Coastal Policy Statement

- 1.10 The coastal environment overlay contains many inconsistent or incorrect applications of the New Zealand Coastal Policy Statement, and potentially, the Canterbury Regional Coastal Plan.

Treatment of electricity transmission

- 1.11 Many of the provisions of the plan that regulate electricity transmission are unnecessarily stringent without justification, and override the New Zealand Electricity Code of Practice, or misinterpret the provisions of the National Policy Statement on Electricity Transmission to apply to all lines, not just the national grid. The plan provisions currently put significant and unnecessary constraints on rural land use.
- 1.12 Federated Farmers looks forward to engaging in the planning process to resolve these concerns on behalf of the District's members and landowners.

2. SPECIFIC RELIEF SOUGHT

Provision	Position	Reason	Relief Sought
Definitions			
Definition of agriculture	Oppose	<p>Agriculture contains a wide variety of different activities. Achieving a definition of arable, horticulture, and pastoral land use can appear simple, but can introduce complexities and inconsistencies especially since the development of the NES-Freshwater and consequential amendments to the RMA. The current definitions proposed are inconsistent with section 217B RMA which provides more consistent definitions that have been subject to more scrutiny and testing. They are also consistent with the definitions used by the regional plan.</p> <p>It also makes sense to have one standard definition of these activities, as whilst the definitions in section 217B are not perfect, it is one central place for the definitions.</p> <p>Agriculture has a functional need for the planting of plantation forest, shelterbelts and woodlots. Limiting this to 1ha only is arbitrary and unnecessarily restrictive, and this needs to be deleted. In the context of a farm, the predominant land use is what classifies it/</p>	<p>Replace definitions with that in s217B RMA:</p> <p>arable land use means the use of land to grow any of the following crops for harvest:</p> <ul style="list-style-type: none"> (a) grain cereal, legumes, or pulse grain: (b) herbage seed: (c) oilseed: (d) maize grain, maize silage, cereal silage, or mangels: (e) crops grown for seed multiplication: (f) a crop prescribed in regulations made under section 217M(1)(a) RMA <p>horticultural land use means the use of land to grow food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply</p> <p>pastoral land use means the use of land for the grazing of livestock</p>
Definition of carbon forest	Oppose	Federated Farmers has given hard thought to the need for a definition of carbon forest. We note that most of the rules that incorporate the definition do so to restrict the carbon forestry	Remove definition and wait for national direction

		<p>(along with plantation forestry) on the basis of amenity nuisance – shading, icing and the like, rather than on the broader environmental effects associated with carbon forest.</p> <p>The landscape and natural character rules also use the definition.</p> <p>Federated Farmers is neutral on carbon forestry, noting that it has substantial detrimental effects on landscape, water yield, and fragments rural communities. But it is also a highly attractive option for landowners faced with a barrage of rules and regulations and for whom traditional farming is no longer viable. That viability is often put in doubt by over-zealous regulation in regional and district plans – including this one.</p> <p>So, instead of regulating carbon forestry, which can constrain the last option that landowners may have, it is better to run a ‘carbon forestry conversion’ test over the impact of all rules and regulations. The cumulative impact of those rules and regulations is what drives the conversions – when there are no other options left for land use and when regulation has made existing farming too hard.</p> <p>Carbon forestry is not all created alike either, as smaller carbon forests more akin to woodlots may be created simply as an internal carbon sink for the farming operation, rather than as a trading forest in the Emissions Trading Scheme.</p>	
Definition of biodiversity offset and indigenous biodiversity offset	Oppose	<p>Federated Farmers is concerned about how the conservation/preservation planning paradigm (Conservation Act, Reserves Act etc) based on preservation is overtaking and infiltrating into the RMA planning paradigm, which has the core purpose of sustainable management. What can appear to be simple language choices, such as the use of ‘conservation’ here,</p>	<p>Remove both definitions and replace with:</p> <p>Indigenous biodiversity offset</p>

		<p>can have detrimental and unintended consequences. The intent is not a measurable 'conservation' outcome, it can only be as described in the strategic objectives – an overall net gain in quality or quantity of indigenous biodiversity. Conservation is a different matter entirely, using involving a willing-buyer, willing-seller purchase of land and it obtaining a relevant conservation land status.</p> <p>The definition of 'conservation activity' encapsulates this, linking it to parks and reserves, not areas of private land captured under an SNA.</p> <p>Furthermore, this definition suffers from the same loose language and lack of clearly defined purpose that affects the rest of the indigenous biodiversity provisions within the plan. For instance, the definition is currently entitled "biodiversity offset", but it clearly relates to "indigenous biodiversity offsets". A biodiversity offset would include non-native species.</p>	<p>means a <u>measurable improvement in quality or quantity of indigenous biodiversity resulting from actions that comply with the principles in ECO-APP2 and are designed to:</u></p> <p>a. <u>compensate for more than minor residual adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and</u></p> <p><u>achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.</u></p>
Gardening	Support in part	<p>The current definition is too broad and general, and does not appear to be scale-limited, as gardening usually is. It extends into agricultural activities like pastoral farming, arable growing, and horticulture. It can be fixed by excluding agricultural definitions and bringing in the concept of scale</p>	<p>Amend to:</p> <p>means the <u>small scale</u> maintenance, preparation, digging, and replacing of soil for the planting of shrubs, flowers, ground cover, trees, and other plants; harvesting of produce; and the covering of the ground in lawn or bark where it does not permanently alter the profile, contour or height of the land, or leave soil exposed to erosion. It does not include the removal of soil off site, planting of trees within the root protection area of any notable tree or</p>

			<p>group of trees, or any other gardening activity that would cause damage or affect the growth of any notable tree or group of trees.</p> <p><u>To avoid doubt, this definition excludes agricultural activities</u></p>
Definition of improved pasture	Support in part	<p>It is critical that the definition of improved pasture, which is used further on in the indigenous biodiversity chapter, is right. This definition is appropriate, however, the determination of the baseline of 31 December 1999 and the use of the Canterbury basemaps. At the time of submission this dataset didn't appear to cover the full extent of the district, and was at a resolution too coarse to identify features such as pasture. Aerial mapping in general is not a good tool to determine situations such as where manuka/kanuka or other tall indigenous vegetation may have improved pasture underneath.</p> <p>We note that the definition just suggests that the maps can be used to help determine this, and are not the final arbiter of what is improved pasture and what isn't. The definition could be improved to include other forms of photography and farm records.</p>	<p>Amend as follows:</p> <p>Improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production since 31 December 1999* and species composition and growth has been modified and is being managed for livestock grazing.</p> <p>*The aerial map series on Canterbury Maps - Basemap Gallery - Imagery Basemap type 'Imagery 1995-1999' can be used to help determine this, <u>along with other photographs and farm records</u></p>
Definition of intensive outdoor primary production	Oppose	<p>It seems that this definition has been written largely to try and match the National Planning Standards definition for intensive indoor primary production, but we suspect that the reason that this definition does not exist in the planning standards is precisely the reason it should not exist here – it is too difficult and arbitrary to achieve a definition, and it is also not necessary in the context of the objectives, policies, rules and methods that enact the definition.</p>	<p>Remove definition entirely.</p>

		For instance, the pig inclusion includes small scale pig operations but any outdoor pig operation with more than 25 weaned pigs or six sows suddenly has no category at all.	
Definition of indigenous vegetation clearance	Support in part	<p>The current definition provides no clarity on how grazing or pasture or improved pasture is to be treated when it is in and around significant indigenous vegetation, as is often the case.</p> <p>The definition implies that pasture and improved pasture and grazing can continue in areas of significant indigenous vegetation if it is not mob-stocking, although mob-stocking in itself is a challenging definition to define, and given the rule structure (see submission points below), inappropriate to have in the current permitted activity-non-complying cascade.</p>	<p>Add additional clarification on improved pasture.</p> <p>means the felling, clearing, damage or disturbance of indigenous vegetation by cutting, mob stocking, crushing, cultivation, irrigation, earthworks, chemical application, artificial drainage, stop banking, burning, or any other activity in or directly adjacent to an area of indigenous vegetation that destroys or directly results in extensive failure of an area of indigenous vegetation.</p> <p><u>It does not include the grazing of pasture or improved pasture species in that area of indigenous vegetation.</u></p>
Definition: National Grid Yard	Oppose	<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 definition needs to be consistent with the National Grid structures that are present in the District:</p>	<p>Amend:</p> <ol style="list-style-type: none"> <i>the area located 12m in any direction from the outer edge of a 220kV or a 350kV National Grid transmission line support structure; or</i> <i>the area located 10m in any direction from the outer edge of a 66kV National Grid transmission line support structure; and</i> <i>the area located 10m either side of the centreline of an overhead 66kV</i>

		<ul style="list-style-type: none">• BEN-HAY-A: 350kv on Double Circuit Steel Towers.• ISL-KIK-A: 220kv on Single Circuit Steel Towers.• ISL-KIK-B: 220kv on Double Circuit Steel Towers.• SBK-WPR-A: 66kv on Double Circuit Steel Towers.• KAI-SBK-A: 66kv on Double Circuit Steel Towers.• ASY-DEV-A: 66kv on Double Circuit Steel Towers. <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> <p>TABLE 1 MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES</p> <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> <p>Section 2.1.1 of NZECP34 states one of its purposes is to ensure that the support structures can be accessed for inspection and maintenance. These setbacks have been developed by engineers, and there is nothing to suggest that the Code’s setback distances are deficient.</p>	Circuit Voltage	Pole	Tower (pylon)	11 kV to 33 kV	2 m	6 m	Exceeding 33 kV to 66 kV	6 m	9 m	Exceeding 66 kV	8 m	12 m	<p><i>National Grid transmission line on towers (including tubular steel towers where these replace lattice steel towers); or</i></p> <p>d. <i>the area located 12m either side of the centreline of any overhead 220kV or 350kV National Grid transmission line on towers (including tubular steel towers where these replace lattice steel towers).</i></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													
Definition of no net loss	Support in part	<p>This definition is problematic in the way it incorporates the natural range inhabited by indigenous species, as the plan only handles natural range at the scale of ecological districts. Almost all species in the district will have reduced range based on this measure, which can potentially set the definition up to always fail – as in, there will always be a net loss by this measure, unless</p>	<p>Amend to</p> <p>in relation to indigenous biodiversity, means no reasonably measurable overall reduction in:</p>												

		<p>the whole of the district is returned to a pre-human state, which is not the intention. If the definition referred to the natural range since a date for a particular site, it would make more sense. The 31 December 1999 date as used for improved pasture would make sense. Without a baseline, it is impossible to begin a meaningful measurement.</p> <p>There are also issues with the definition when it applies to indigenous fauna, especially highly mobile fauna. At the moment, it doesn't differentiate between plants and fauna. Particularly for mobile species, this can only be a measure of what is happening, it can never be used to pinpoint a cause, but when this definition is triggered by a policy or a rule, suddenly, the cause of decline can be assumed (i.e. blaming a landholder) without context.</p>	<p>a. the diversity of indigenous species or recognised taxonomic units; and</p> <p>b. indigenous species' population sizes <u>as of 31 December 1999</u> (taking into account natural fluctuations) and long term viability; and</p> <p>c. the natural range inhabited by indigenous species <u>as of 31 December 1999</u>; and the range and ecological health and functioning of assemblages of indigenous species, community types and ecosystems <u>at a particular site or sites</u></p>
Definition of noise sensitive activities	Support in part	<p>It is not clear that this definition covers the issue of reverse sensitivity for activities located close to rural areas. It appears to include all residential activities as noise sensitive, other than people living on farm, and this creates a substantial reverse sensitivity issue.</p>	<p>Amend to:</p> <p>means:</p> <p>a. residential activities other than those in conjunction with, <u>or nearby to</u>, rural activities that comply with the rules in the relevant district plan as at 23 August 2008;</p> <p>b. education activities including pre-school places or premises excluding training, tradetraining or other industry related training facilities;</p> <p>c. visitor accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; hospitals, healthcare facilities and any</p>

			elderly persons housing or complex.
Definition of outdoor storage area	Oppose	This appears to be an unnecessary definition that may unfairly constrain rural land use. It would capture any areas on farm used for storing machinery, grain, silage, and the like. The zone standards should cover any matters in this area that need regulation, rather than needing an additional definition. For instance, some of this is covered in the national planning standard definition of primary production, and no further specificity is needed for the purposes of this plan.	Remove definition
Definition of overland flow path	Oppose	The definition is poorly written, as a 'flow path' implies the movement of water, and the movement of water almost always suggests a first order stream, which is river – whether it is intermittent in flow or not. It may also be duplicating or inconsistent with the Canterbury Regional Plan, which is the better place to handle water regulation.	Remove definition
Definition of plantation forestry	Oppose	The definition is actually wrong with respect to the NES-PF. The NES-PF is specifically for plantation forestry, and does not include all forestry.	Replace with has the same meaning as the NES-PF, including forestry
Definition of public amenities	Oppose	This definition could imply that amenities on private land which assist the public also become public amenities. A better way of writing the definition is to link the amenities to the underlying land ownership	Replace with: means <u>public</u> land <u>and</u> buildings or other structures <u>on that land</u> used to provide amenity and assist the public.
Definition of reverse sensitivity	Support	This definition covers the matters of reverse sensitivity that concern Federated Farmers	Support as is.
Definition of riparian margin	Support in part	The definition introduces the problem of what constitutes a 'vegetated' strip. In practice, riparian margins are simply a buffer of land surrounding freshwater environments, and may simply	Replace with: means any vegetated strip of land which extends along streams, rivers and the

		be ungrazed or long pastoral grass species. Vegetation can imply that the margins need to be managed or planted in some way.	banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems.
Definition of rural production	Oppose in part	<p>This definition introduces 'forestry' activities, which are not defined elsewhere in this plan. The plan only defines 'plantation forestry', and thus, the definition can only include this. Rural</p> <p>It also oddly excludes outdoor intensive primary production and indoor intensive primary production from the definition of rural production. Federated Farmers has opposed the outdoor intensive primary production definition above, as there is no need for it in the context of the objectives, policies, rules and methods, but this leaves the question of where intensive indoor primary production fits. This is most likely to occur in the rural environment, but it could feasibly occur anywhere provided the effects were managed.</p> <p>It may be better simply to not include or exclude intensive indoor primary production, and to state that rural production is a subset of primary production</p>	<p>means:</p> <ul style="list-style-type: none"> a. agricultural, pastoral, horticultural, forestry and woodlot activity; and b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a); c. includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but <p>excludes further processing of those commodities into a different product.</p> <p>Rural production excludes outdoor intensive primary production activities or indoor intensive primary production activities.</p> <p>Rural production is a subset of primary production</p>
Definition of significant natural area	Oppose in part	<p>Federated Farmers is opposed to the concept of unmapped SNAs, because there is no clear process with the appropriate statutory checks and balances to incorporate these into the plan. It is not logically possible to provide for an unmapped SNA a definition when the boundaries of these have not yet been determined, and when the process in the plan provides no guidance or oversight on how these will be determined</p>	<p>Remove unmapped component from definition:</p> <p>means a <u>mapped</u> area of significant indigenous vegetation and/or significant habitat of indigenous fauna that meets one or more of the ecological significance criteria listed in ECO-APP1. A SNA can be either a mapped SNA or unmapped SNA. Refer to the individual definitions for</p>

			these terms
Unmapped SNA	Oppose	As above	Remove definition
Upgrading	Oppose	This definition is inconsistent with many of the rules that apply it, and could be applied on an endless incremental basis, with negative effects on landholders. It is not clear that a definition of upgrading with numerics is actually needed in the context of the rest of the plan	Remove definition
Woodlot	Oppose in part	The definition of woodlot includes too many things that are not commonly understood to be woodlots, for instance, a carbon sink (depending on where the plan arrives with the overall issue of carbon forestry) and wilding tree management purposes, which is a separate matter entirely, more closely related to conservation activities (which has its own definition).	Amend definition to: means a stand of trees for the purposes of firewood, Christmas trees, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes , but excluding plantation forestry
Abbreviations in general			
Abbreviations in general	Support in part	Concern that as matters of discretion have been abbreviated, the placement of the table of matters of discretion is far removed from the policies and rules, and as such there may be inconsistencies as a result.	Bring matters of discretion for each chapter into a table at the bottom of that chapter, and apply this across the entire plan.
Matters of discretion			
CE-MD1, Buildings and structures	Support in part	Concern that the tests for indigenous vegetation clearance in this MD are not the same as for tsunami risk or effects on landscape.	For this MD, the indigenous clearance thresholds and the lack of a clause to minimise that, similar to the mitigation clauses in 3 and 4 is a potential problem. Amend 1 to “The extent to which indigenous vegetation clearance is minimised”

ECO-MD1	Support in part	<p>There is inconsistent use of the threshold for indigenous vegetation loss in this plan. For instance, “no net loss”, ‘net loss’, and ‘net gain’ are all tests used, and these may be inconsistent with the MD.</p> <p>There is no incorporation of pasture in these matters of discretion. For instance, the matters of discretion may cover land that has some form of pasture or improved pasture within it, and that and the grazing regime it supports also needs to be considered.</p>	<p>The ‘no net loss’ test is supported, but the policies and rules that implement this MD may not also have this test.</p> <p>Add on matter 11. ‘The extent to which any pasture or improved pasture and the grazing regime it supports co-exists with indigenous vegetation’</p>
ECO-MD2	Support in part	As with the above explanation, there needs to be consideration of any pasture or improved pasture within the SNA	Add on matter 2, ‘The extent to which any pasture or improved pasture co-exists with the SNA’
ECO-MD4	New matter of discretion	The plan currently introduces a framework of incentivising subdivision with SNAs by giving additional allotments. However there is no similar assessment criteria for landholders who have SNAs declared on their land and do not subdivide. The plan needs to provide specific similar incentives in the interests of fairness and equity.	<p>Add additional ECO-MD4 (matter of discretion), stating:</p> <p>Support for SNAs (except those arising from subdivision):</p> <ol style="list-style-type: none"> 1. Rates relief 2. Direct grants 3. Maintenance of existing management or grazing regimes
EW-MD2	Support in part	This does not clearly rule out reverse sensitivity effects on sensitive activities. The risk is that without clear direction in the MD, that the sensitive activity being sited near the earthworks may be weighted higher than the earthworks	<p>Add weighting to EW-MD2 clause 2 to ensure that the earthworks can still take place:</p> <p>‘Reverse sensitivity effects such as the effect of a sensitive activity locating near earthworks activities but only to the extent that the earthworks can still take place’</p>

EW-MD4	Support in part	'Health and safety' is not a general RMA matter, outside some specific areas	Remove clause 1 from this MD. The section 6 natural hazard matters all make sense with this removal.
EW-MD5	Support in part	Revegetation is often easiest or fastest using non-indigenous, non-pest species.	Change 1 to include 'indigenous or non-indigenous' species.
NATC-MDx	Support in part	All the freshwater setbacks appear to have subdivision, use, and development in mind, but will have perverse effects on existing rural land use.	Amend all MDs and objectives, policies, and rules to indicate that they apply to subdivision only to avoid wrongly applying them to existing rural land uses.
NATC-MD1	Support in part	This could adversely affect the planting of vegetation associated with farming, horticulture, or general rural land use. It is a particular issue if Federated Farmers other relief to remove or amend the freshwater setbacks is not accepted.	Add additional matter 5, stating 'None of the above applies to traditional rural use of a private landholding'.
NATC-MD2	Oppose	This MD fails to give effect to the public access policies and rules, which provide for exemptions to the public access provisions on various grounds. This MD appears to go further than the policies and rules, introducing the power to manage the adverse effects of activities and developments where these might compromise the use or enjoyment of the areas. When read with the large freshwater setbacks, this is a substantial and unlawful imposition on private landholders	Remove matter of discretion in entirety and rely on plan policies, or underlying status of land.
NATC-MD3	Support in part	None of the matters of discretion address the existing lawful use of the land within the freshwater setbacks.	Add addition to the chapeau stating: 'Specified structures lawfully established, with landowner permission, within freshwater setbacks' And additional matter 8 stating: "The extent to which the structure impedes or assists the existing use of the land"
NATC-MD4	Support in part	This needs to be limited to new buildings and structures, as well as indicating that given the size of some of the freshwater	Add addition to the chapeau stating:

		setbacks, that structures can only be established on them with the lawful permission of the landowner	“New buildings, structures, and impervious surfaces established with landowner permission within freshwater setbacks”
NATC-MD6	Oppose	This matter of discretion hints at a land grab, as a reduction in the freshwater setback can only occur with the limited exceptions. The setbacks may have been applied with subdivision in mind, but they apply generally to all rural land, and will have perverse outcomes.	Remove all these matters of discretion, as relief elsewhere is requesting the removal of the freshwater setback approach in its entirety, and use existing setbacks within national instruments, the Canterbury Land and Water Regional Plan, and underlying land ownership (including current and future esplanade reserves and strips, and marginal strips) as sufficient setbacks.
NH-MD1	Support with changes	This needs to be clearly stated that it does not apply to the maintenance of existing buildings or tracks	Reword chapeau to: ‘New buildings and structures, additions to buildings and additions to access tracks (excluding maintenance)’
NH-MD3	Support with changes	The MD is not clear on if it applies to all infrastructure or just critical infrastructure. Federated Farmers wants to avoid the scenario where the existence of farm infrastructure in a natural hazard area is automatically assumed to be a hazard and assessed as such.	Reword to apply to critical infrastructure only.
NH-MD4	Support with changes	The MD needs to make clear that this applies to new buildings and sites only	Reword to apply to new buildings or sites.
OSRZ-MCD14	Support with changes	If there is any private land within the open space zone, the grazing license requirement needs to be amended to only apply to Council-owned or managed (vested) land	Reword to apply grazing licence to Council owned or managed land.
RES-MD10	Support with changes	This needs to be clarified if it applies to existing or new rural sales activities. Existing rural sales activities should be exempt.	Reword chapeau to apply to ‘new rural sales’
RES-MD11	Oppose	This has the potential to significantly affect any remaining farming that occurs within a residential zone, before land is released for subdivision.	Remove matter of discretion, unless an additional matter is added indicating that it does not apply to residual parcels of pastoral land.

RURZ-MD1	Oppose	<p>This places an undue weight on one determination of the natural environment in a zone that is designed for rural production. The purpose of the rural zone is pastoral farming and other rural activity, but yet this definition of natural environment as incorporated into the matters of discretion appears to equate natural environment with conservation/preservation values. This is against the purpose of the zone.</p> <p>There are two ways to relieve this, one is to assess the application of these MDs against every rule where they apply to ensure they are not placing unnecessary stringency against the purposes of the rural zone itself, the second is to change the MDs themselves.</p>	<p>Remove the MD in its entirety, except if in the second scenario explained in the reasoning, replace the chapeau with:</p> <p>‘The term natural environment values describes those matters addressed in the Chapters under the Natural Environment Values heading in the District Plan:</p> <p>Where there is conflict between the natural environment values definition and the purposes of the rural zone for primary production, primary production prevails’</p>
RURZ-MD3	Support in part	<p>The matters of discretion need to give more primacy to the primary production values of the rural zone.</p>	<p>Amend clause 1 to ...maintains primary production, rural character, and amenity values...</p>
RURZ-MD4	Oppose	<p>Federated Farmers has addressed the complex issue of forestry and carbon forestry above in our strategic issues section, but has also addressed it in detail where the definitions apply in the rest of the plan.</p> <p>The current matters of discretion only apply to the effects of shading and conflict/reverse sensitivity. On the second matter this introduces a substantial degree of uncertainty and subjectivity into decisions around forestry, woodlots, and carbon forestry, at a time when clear signals are needed.</p> <p>Federated Farmers is neutral on carbon forestry, noting that it has substantial detrimental effects on landscape, water yield, and fragments rural communities. It is also a highly attractive option for landowners faced with a barrage of rules and regulations and for whom traditional farming is no longer viable. That viability is often put in doubt by over-zealous regulation in</p>	<p>Remove entire matter of discretion.</p>

		<p>regional and district plans – including this one.</p> <p>So, instead of regulating carbon forestry, which can constrain the last option that landowners may have, it is better to run a ‘carbon forestry conversion’ test over the impact of all rules and regulations. The cumulative impact of those rules and regulations is what drives the conversions – when there are no other options left for land use and when regulation has made existing farming too hard.</p> <p>Carbon forestry is not all created alike either, as smaller carbon forests more akin to woodlots may be created simply as an internal carbon sink for the farming operation, rather than as a trading forest in the Emissions Trading Scheme.</p> <p>These matters may also unnecessarily constrain the NES-PF and traditional use of small woodlots. The NES-PF does not regulate carbon forestry, and whilst there may be future government regulation on carbon forestry, given the international nature of carbon, and the national requirements for regulating it (under international law), it is better to wait for directions there.</p>	
RURZ-MD5	Support in part	<p>There are existing rural sales activities that have not had any indication that they may now be required to seek a resource consent or be assessed on this basis.</p> <p>The MDs need to protect existing rural sales activities at their current size and scale, and should apply only to new rural sales activities.</p>	Amend chapeau to ‘New rural sales’
RURZ-MD8	Support in part	<p>This needs to directly reference rural production and primary production as an effect, given the purpose and principles of the rural zone.</p>	<p>Amend 1 to:</p> <p>“... impacts on <u>primary production</u>, rural character, and amenity values”</p>

		At the moment, it only covers natural character and amenity values, and both of those have only indirect links to primary production. It is possible to interpret the current matters of discretion without understanding their purpose.	
SASM-MD2 & MD3	Support in part	This introduces matters covering indigenous vegetation and a requirement to restore natural features. Both of these may be inconsistent with the primary purpose of the underlying zone, and override private property rights.	Amend chapeau to exclude existing farming operations: ‘Excluding farming operations in the rural zone...’
List of regulations incorporated	Include additional regulations	The s360 Stock Exclusion Regulations may need to be listed here, as this list includes other s360 regulations. If it is listed Federated Farmers would like to know where the primary responsibility for implementing them is sitting. It may sit with the regional council.	Clarify if the list is including the stock exclusion regulations, and if it does, clarify where responsibility for enforcing them sits.
Strategic direction			
SD-O1-Natural environment	Support in part Oppose clause 5	Federated Farmers supports clause 1, noting that it is seeking an ‘overall net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity’. The concept of overall net gain in quality and quantity at objective level is supported, as this implies an aggregation of the differing approaches to indigenous biodiversity. It implies that there are existing SNAs that can be better managed or enhanced, in many cases, alongside primary production What is concerning is the lack of policies, rules and methods to achieve the ‘overall net gain in the quality and quantity of indigenous biodiversity’. The policies and rules that implement this objective often have different tests – such as ‘maintain’, ‘restore’, ‘no net loss’, and the way they are written does not appear to have the implementation of the objective in mind.	Support the concept of ‘overall net gain in the quality and quantity of indigenous ecosystems and habitat’ Ensure that policies, rules, methods, and appendices/schedules actually implement all aspects of this Objective in aggregate and individually. This may require additional rules and methods, and these have been requested where they apply. Remove clause 5, as this appears to be more appropriate within a regional plan.

		<p>Quantity and quality are fundamentally different concepts, as is overall net gain.</p> <p>Clause 5 of the objective is not supported, as this may duplicate the regional plan.</p> <p>This Objective may need amendment following the introduction of any National Policy Statement on Indigenous Biodiversity.</p>	
SD-O2, Urban development	Support in part	<p>This Objective is supported in part, however, it is noted that the function of the urban centres in the District as support centres for the surrounding primary industry is not mentioned.</p>	<p>Add on recognition of the primary production support and service function of the urban centres in the District</p> <p>supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being:</p> <ol style="list-style-type: none"> the primary centres for community facilities; the primary focus for retail, office and other commercial activity; and <u>Support and service centres for primary production; and</u> the focus around which residential development and intensification can occur.
SD-O4, Rural land	Support in part	<p>The District faces substantial population growth which impacts on rural land and primary production. Reverse sensitivity is a real and growing risk, and this is acknowledged by the Objective.</p> <p>However, in our view the focus on reverse sensitivity is not strong enough, and we also consider that the Objective fails</p>	<p>Amend Objective as follows:</p> <p>Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains</p>

		<p>entirely to protect high class and versatile soils within the District that underpin rural and primary production. Section 5(2)(b) RMA requires that the life-supporting capacity of soils is safe-guarded, and whilst Council may argue that this is implicitly provided for in Objectives and policies, it needs to be explicit.</p> <p>The spatial extent of these soils is wider than just the rural zone. LUC 1-3 classes have been used as a proxy for these soils, but there are other definitions of versatile soil that may apply.</p> <p>The Objective also has poor wording around 'limit other activities', that may be an error, or best placed in another clause.</p>	<p>available for productive rural activities by:</p> <ol style="list-style-type: none"> 1. providing for rural production activities, activities that directly support rural production activities and activities reliant on the natural resources of Rural Zones; and 2. <u>limit other activities; and</u> 3. ensuring that within rural areas the establishment and operation of rural production activities are not limited by new incompatible sensitive activities; and 4. <u>Protecting LUC 1 – 3 class land and other identified versatile soils from subdivision and development in order to maintain the life-supporting capacity of soil.</u>
SD-O5, Ngai Tahu mana whenua	Support in part	<p>The Objective in itself is supported in principle, however, it may enable policies, methods and rules that override private property rights to enable access to cultural sites and areas of significance that occur on private land. If access over private land is to be obtained, there needs to be a negotiation for that access, and the Objective fails to acknowledge this.</p> <p>The concept of negotiated access needs to be introduced in the Objective, and then flow through to the policies and rules.</p>	<p>Amend Objective as follows</p> <p>Te Ngāi Tūāhuriri Rūnanga's role in the management of natural and physical resources is recognised, so that:</p> <ol style="list-style-type: none"> 1. Ngāi Tūāhuriri's historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga

		<p>The chapeau of the Objective uses the term ‘recognition’, but the matters in the Objective go further than recognition, to concepts of ‘protection’, and ‘enhance’[ment].</p> <p>Federated Farmers would prefer that on protection and enhancement direction that this was amended to reflect the direction of recognition in the chapeau, with policies that outlined the process by which negotiation for access to sites on private land would be obtained.</p> <p>Direction on how to achieve this will be provided in the relevant policies.</p>	<p>are recognised and provided for;</p> <ol style="list-style-type: none"> the values of identified sites and areas of significance to Ngāi Tūāhuriri are <u>can be</u> protected; Ngāi Tūāhuriri can retain <u>where it exists</u>, and <u>may</u> enhance access to sites of cultural significance; Māori land is able to be occupied and used by Ngāi Tūāhuriri for its intended purposes and to maintain their relationship with their ancestral land; recognised customary rights are protected; Ngāi Tūāhuriri are able to carry out customary activities in accordance with tikanga; and <p>Te Ngāi Tūāhuriri Rūnanga are able to actively participate in decision-making and exercise kaitiakitanga.</p>
SD-O6, Natural Hazards and Resilience	Support in part	<p>The Objective fairly reflects s6 RMA, however, some of the policies and methods that enable it do not.</p> <p>The one concern we have with the objective as written is that ‘avoiding subdivision, use, and development where the risk is unacceptable’ is vague around the term ‘use’ in the context of the avoid test. It could constrain rural land use when rural land use is has more resilience and flexibility in the face of hazards.</p>	<p>Remove the term use from the Objective, as follows:</p> <p>The District responds to natural hazard risk, including increased risk as a result of climate change,through:</p> <ol style="list-style-type: none"> avoiding subdivision,use and development where the risk is unacceptable; and mitigating other natural hazard risks.

Urban Form and Development			
UFD-O1, Feasible development capacity for residential activities	Support	Federated Farmers supports this Objective.	Support Objective as written
UFD-O2, Feasible development capacity for commercial activities and industrial activities	Support	Federated Farmers supports this Objective.	Support Objective as written
UFD-P1-P10	Support in part	<p>These policies fail to safeguard the life-supporting capacity of soil. In particular, LUC classes 1-3 and other identified versatile soils. The District contains substantial high class soils on which much of the prosperity and economic base of the district (and surrounding region) depends, yet these receive scant recognition in the plan.</p> <p>Also, the submission has requested changes to the strategic objective SD-O4 to properly implement s5 RMA, and as such, the soil components need to flow through into these policies.</p>	<p>Amend UFD-P1 as follows:</p> <p>Additional clause 3 stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>Amend UFD-P2 as follows:</p> <p>Additional clause 3 stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>Amend UFD-P3 as follows:</p> <p>Additional clause 2f stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p>

			<p>Amend UFD-P4 as follows:</p> <p>Additional sentence stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>Amend UFD-P5 as follows:</p> <p>Additional sentence stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>UFD-P6 does not need any amendment as the relief in UFD-P2 would cover it.</p> <p>UFD-P7</p> <p>Additional clause 6 stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>UFD-P8</p> <p>Additional clause 6 stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>UFD-P9</p>
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			<p>Additional clause 4 stating:</p> <p><u>3. Avoid where practicable any development on LUC 1-3 soils</u></p> <p>UFD-P10</p> <p>Amended clause 5 stating:</p> <p><u>Minimise reverse sensitivity effects on primary production, including LUC 1-3 soils...</u></p>
Electricity, infrastructure, and transport			
EI-O3	Oppose in part	<p>It is inappropriate to protect the future upgrading and development of infrastructure. Existing land uses, such as farming, must not be unnecessarily constrained for the purpose of protecting a future activity that may be decades away. All land uses must be balanced, the RMA does not prioritise infrastructure over other land uses. The District Plan must not compromise any Public Works Act processes.</p> <p>The reference to reverse sensitivity is specific to the National Grid as per the NPS-ET policy 10, and does not apply to other public infrastructure.</p>	<p>Amend:</p> <p><i>Effects of other activities and development on energy and infrastructure: The safe, efficient and effective operation, maintenance, repair, renewal, upgrading and development of energy and infrastructure is not <u>inappropriately</u> constrained or compromised by activities and development, including by reverse sensitivity effects.</i></p>
EI-P4	Support with changes	<p>It is not clear if this applies to new buildings or during renovation or maintenance. Federated Farmers is concerned about additional costs on landholders for farm worker accommodation over and above the new requirements for landlords in the Residential Tenancies Act.</p>	<p>Amend chapeau to:</p> <p>Seek more environmentally sustainable outcomes associated with energy and infrastructure in the <u>design and construction phase</u>, including by promoting...</p>

		<p>We note that this is a set of outcomes, rather than rules, but it is at a policy level and could have perverse outcomes if it isn't clear that it applies to new constructions only.</p>	
EI-P5	Support with changes	<p>As written, clause 1 of the policy constrains more than minor upgrades to energy and infrastructure, which is different to the Objective, which is more enabling. Clause 2 does not consider the effects on existing activities, particularly rural production activities, instead it only handles this generally under well-being of people and communities. This is too general to be of use.</p> <p>The policy does not give specific effect to the NPS-REG and NPS-ET, which enables maintenance and upgrading of electricity transmission lines but still with recognition of the constraints that these might impose on landholders.</p>	<p>Amend clause 2 with additional sub-clause f: <u>f. rural production</u></p>
EI-P6	Oppose	<p>This policy as written goes beyond the scope of what is provided in the NPS-ET on constraints on surrounding land use in electricity transmission corridors. It also introduces a term 'intensive farming activities' which is not defined elsewhere in this plan. It may also be more stringent than the rule.</p> <p>The requirement of the NPS-ET, and the amendments submitted for the Objectives above is only for activities to be reasonably managed to avoid reverse sensitivity effects on the electricity transmission network.</p> <p>The policy goes beyond this, introducing additional stringency without justification. It is also not clear why it is needed, given that EI-P5 manages the adverse effects of energy and infrastructure, and what additional effects requiring</p>	<p>Remove policy in entirety.</p>

		<p>management are beyond adverse effects has not been explained.</p> <p>Therefore, in our view, the policy is not needed, and should be removed. The remaining policies cover the ground well, and the Rules give effect to the NZ Electrical Code of Practice, which in our view fairly encapsulates fair restrictions on land use in transmission corridors – and those restrictions are what was anticipated by the NPS-ET.</p>	
Rule EI-R1, Rule EI-R2	Support in part	<p>It is not clear on if the permitted activity rule for maintenance of, widening, or removal of existing vehicle tracks also applies to agricultural activities where the track has dual or multiple use, or if the more stringent rules for the various rural zones and overlays override this.</p> <p>Many access tracks, particularly in the hill country, have multiple use.</p> <p>Federated Farmers prefers a permitted activity status for maintenance of existing vehicle tracks where they exist across all zones and overlays.</p>	<p>Insert additional sentence of clarification:</p> <p><i>This rule applies to existing vehicle access tracks that have dual or multiple use, such as for primary production</i></p>
Rule EI-R12, EI-R13	Support in part	<p>Additions to poles or towers are often for an increase in line capacity or voltage, and as such, this results in an increase in the corridor width adjacent to the line (under the NZECP34:2001). Whilst the width is limited in this instance to twice the width of the cross-arm (and no increase in height), there is no limitation on the number of times that this upgrade can occur, and thus, a stealth increase in corridor width could gradually occur without any landholder permission.</p>	<p>Add additional clarification to the policy limiting it to one event only.</p> <p><i>This rule can only be used once per pole on any given transmission line. Further upgrades require consent.</i></p>

Rule EI-R16	Oppose	<p>This permitted activity rule allows for a doubling of the number of lines, and other substantial upgrades without landholder consultation. The amount of upgrading enabled by this rule is substantial, and the plan fails to anticipate the effects that this will have on the transmission corridor. In effect, this is an ever increasing envelope, and as such unsuited to a permitted activity rule which requires clearly defined effects.</p> <p>There is also no limitation on the number of times that a line upgrade can be carried out, a point noted above with respect to poles.</p>	<p>Remove permitted activity rule, and replace with restricted discretionary rule:</p> <p>Activity status: R D I S Matters of discretion are restricted to: EI-MD14 - Extent of effects</p>
Rule EI-R24, New overhead transmission lines...	Support	<p>Federated Farmers is opposed to the permitted activity standard of an 18 metre pole height for urban areas, and a 25m height for rural areas. The standard needs to be the same across all zones.</p> <p>As with the other rules, there is also no requirement for landholder consultation, even when a consent is triggered.</p>	<p>Amend clause 2a to state: 25m, or clause 2b to state 18m</p> <p>Add additional matter of discretion EI-MD17</p>
Rule EI-R25, New transformers...	Support with changes	<p>As with the other rules, there is also no requirement for landholder consultation, even when a consent is triggered.</p>	<p>Add additional matter of discretion EI-MD17</p>
EI-R49, maintenance, repair and upgrade of existing community scale irrigation/stockwater networks	<p>Support</p> <p>Clarify</p>	<p>The permitted activity standard is supported.</p> <p>However, there are matters in the permitted rule that may not be met and the rule does not have a higher activity standard associated. A catch-all standard of controlled activity is sought if a catch-all is needed.</p> <p>It is also not clear what the difference between 'upgrade', 'extension' and 'new', is</p>	<p>Amend as per concerns</p>
EI-R50, New, extension or expansion of existing community scale	Oppose	<p>Federated Farmers requests a restricted discretionary status for this activity, perhaps with a discretionary catch all. The Canterbury Land and Water Regional Plan contains any similar rules on this matter, and the matters of discretion need to be</p>	<p>Amend to RDIS</p>

irrigation/stockwater networks		limited to the land use matters within the scope of the District Council under s31 RMA.	
EI-R51, Activities other than earthworks in the national grid yard	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, do not create a reverse sensitivity effect on electricity transmission and we support their permitted status in 1.e. 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. The proposed 12m setback distance is inconsistent with the definition of National Grid Yard, which provides different setback distances depending on the voltage and structure type.</p> <p>Federated Farmers oppose 1.b. because the setback of 6m from a National Grid support structure unnecessarily exceeds the NZECP34 Section 2.3.3. requirement of 5m.</p>	<p>Amend:</p> <ol style="list-style-type: none"> 1. <i>the activities and development within a National Grid Yard in (a) to (i) below comply with the safe electrical clearance distances set out in the NZECP; and where the activities and development in (d) to (i) below are set back 12m from National Grid support structure:</i> <ol style="list-style-type: none"> a. <i>network utilities (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes) undertaken by network utility operators;</i> b. <i>fences no greater than 2.5m in height above ground level and no closer than 6m 5m from the nearest National Grid support structure;</i> c. <i>artificial crop protection and support structures between 8m and 12m from a single pole or pi-pole and any associated guy wire (but not a tower) that:</i> <ol style="list-style-type: none"> i. <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;</i> ii. <i>is a maximum of 2.5m in height above ground level;</i>

		<p>Federated Farmers oppose 1.d because the height and floor area limits unnecessarily restrict buildings in excess of NZECP34 Section 3.1.1 which has no height or area limits if the safe distances from overhanging wires are complied with. The building may be within the span distance and not near a support structure.</p> <p>Federated Farmers oppose the provisions for mobile irrigation equipment in 1.f and 1.g because these are not structures under the jurisdiction of a district council, and already must comply with the 4m safety distance in Section 5 of NZECP34. Reticulation in pipes does not pose a threat to access. 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>Alterations to buildings that comply with NZECP34 safety distances must not be further restricted by 1.h.</p>	<p><i>iii. is removable or temporary, to allow clear working space 12m from the pole when necessary for maintenance and emergency repair purposes;</i></p> <p><i>iv. allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane;</i></p> <p><i>d. any new non-habitable building less than 2.5m in height above ground level and 10m² in floor area;</i></p> <p><i>e. non-habitable buildings or structures used for agricultural and horticultural activities, provided they are not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), a wintering barn, a building for intensive farming activities, or a commercial greenhouse;</i></p> <p><i>f. mobile irrigation equipment used for agricultural and horticultural activities;</i></p> <p><i>g. other than reticulation and storage of water in dams or reservoirs in (a) above, reticulation and storage of water for irrigation purposes provided that it does not permanently physically obstruct vehicular access to a National Grid support structure;</i></p>
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			<p><i>h. building alterations and additions to an existing building or other structure that does not involve an increase in the height above ground level or footprint of the building or structure; and</i></p> <p><i>i. a building or structure where Transpower NZ Ltd has given written approval in accordance with clause 2.4.1 of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances.</i></p>
EI-R51 Non-complying	Oppose in part	<p>Non-complying status is overly onerous for most activities that do not meet the permitted standards – restricted discretionary status is more appropriate with matters limited to EI-MD12. Federated Farmers accepts non-complying status for sensitive activities, and milking sheds. Intensive farming and wintering barns needs defining, to ensure that there is no undue restriction of normal farming activities by this rule.</p> <p>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 over private land. 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. There is no need for the District Plan to regulate this matter further.</p>	<p>Amend:</p> <ol style="list-style-type: none"> 1. <i>activities and development within a National Grid Yard involve the following:</i> <ol style="list-style-type: none"> <i>a. any activity and development that permanently physically impedes vehicular access to a National Grid support structure;</i> <i>b. any new building for a sensitive activity;</i> <i>c. any change of use to a sensitive activity or the establishment of a new sensitive activity;</i> <i>d. dairy/milking sheds or buildings for intensive farming or wintering barns; and</i> <i>e. any hazardous facility that involves the storage and handling of hazardous substances with</i>

			<p><i>explosive or flammable intrinsic properties within 12m of the centreline of a National Grid transmission line.</i></p> <p>Notification <i>An application under this rule is precluded from being publicly notified, but may be limited notified only to Transpower NZ Ltd where the consent authority considers this is required, absent its written approval.</i></p>
<p>EI-R52 Permitted</p>	<p>Oppose in part</p>	<p>Earthworks provisions within the National Grid Yard must be consistent with NZECP34 Section 2. The 300mm depth limit within 6m is in excess of the NZECP34 Section 2.2.1 requirement of 300mm within 2.2m and 750mm depth between 2.2m and 5m of a structure.</p> <p>Vehicular access is 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 over private land. 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. There is no need for the District Plan to regulate this matter further.</p> <p>Federated Farmers supports the exemptions for normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, or driveway, which is consistent with Section 2.2.4 of NZECP34.</p> <p>Section 2.2.2 of NZECP34 stipulates that fence post holes can occur if they do not exceed 500 mm diameter, beyond 1.5 m from a pole or stay wire. This provision needs to be provided</p>	<p>Amend:</p> <ol style="list-style-type: none"> 1. <i>around National Grid support towers:</i> <ol style="list-style-type: none"> a. <i>depth shall be no deeper than 300mm within 6m <u>2.2m</u> of a foundation of a National Grid support structure, <u>and no deeper than 750mm between 2.2m and 5m of a foundation of a National Support Structure</u>;</i> b. <i>depth shall be no deeper than 3m:</i> <ol style="list-style-type: none"> i. <i>between 6m and 12m from the foundation of a 220kV or a 350kV National Grid support structure; or</i> ii. <i>between 6m and 10m from the foundation of a 66kV National Grid support structure;</i> 2. <i>earthworks shall not compromise the stability of a National Grid support structure;</i> 3. <i>earthworks shall not result in a reduction in the ground</i>

		for in the District Plan. Rule EI-R54 provides for vertical holes, so there is no reason why EI-R52 should not.	<p><i>to conductor clearance distances below what is required by Table 4 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and</i></p> <p><i>4. earthworks shall not result in vehicular access to a National Grid support structure being permanently obstructed.</i></p> <p><i>5. <u>vertical holes, provided they do not exceed 500 mm diameter and are more than 1.5m from the outer edge of the pole support structure or stay wire.</u></i></p> <p><i>Exemptions</i> <i>This rule does not apply to:</i></p> <ul style="list-style-type: none"> <i>• earthworks undertaken by a network utility operator (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes);</i> <i>• earthworks undertaken as part of agricultural or domestic cultivation; or repair, sealing or resealing of a road, footpath, driveway or farm track; and earthworks for which a dispensation has been granted by Transpower NZ Ltd under the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i>
EI-R53 RDIS	Oppose	Federated Farmers opposes this rule applying to farm quarries. The definition does not exclude farm quarries, and RD status for having an infrequently-used farm quarry on the same large	Delete EI-R53.

		property as a National Grid structure is extremely onerous and unnecessary. Excavation is already managed by Section 2 of NZECP34 and mobile plant by Section 5, so all quarrying whether on a farm or not is already regulated and has to comply with setbacks to ensure safety of people, plant and the integrity of the National Grid.	
EI-R54, Existing networks	Oppose	Local electricity distribution lines do not enjoy the same status as the National Grid and are not required to be protected from sensitive activities under the NPS-ET, so EI-R54 must be deleted. Easement agreements are the appropriate mechanism. Electricity distribution lines remain subject to NZECP34 and there is no need for further regulation in the District Plan.	Delete EI-R54.
EI-R56, NC	Oppose	Local electricity distribution lines do not enjoy the same status as the National Grid and there is no obligation to protect them from sensitive activities under the NPS-ET, so EI-R56 must be deleted. Easement agreements are the appropriate mechanism. Electricity distribution lines remain subject to NZECP34 and there is no need for further regulation in the District Plan.	Delete EI-R56.
EI-MD6	Oppose in part	Local electricity distribution lines do not enjoy the same status as the National Grid and there is no obligation to protect them from sensitive activities under the NPS-ET, so EI-MD6 must not apply to local electricity distribution lines. Easement agreements are the appropriate mechanism. Access is a matter to be negotiated between the landowner and the electricity operator, and the District Plan must not compromise this. The future upgrade or development as a matter of discretion is onerous and unfair. Only existing and current matters should be considered.	<p>Amend:</p> <p><i>Electricity transmission and electricity distribution</i></p> <ol style="list-style-type: none"> <i>1. Extent of effects on access to and the operation, maintenance, upgrade, development and structural integrity of the electricity transmission and electricity distribution network.</i> <i>2. Extent of compliance with the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances.</i>

			<p>3. <i>Nature of technical advice provided by infrastructure operators and extent of compliance with it.</i></p> <p><i>Risk of electrical hazards affecting public safety and risk of property damage</i></p>
EI-MD7	Oppose	Federated Farmers opposes any regulation of landowners for the protection of the gas distribution 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.	Delete EI-MD7
EI-MD12	Oppose in part	<p>The future upgrade or development as a matter of discretion is onerous and unfair. Only existing and current matters should be considered.</p> <p>Access is a matter to be negotiated between the landowner and the electricity operator, and the District Plan must not compromise this.</p>	<p>Amend:</p> <ol style="list-style-type: none"> 1. <i>The extent of any impacts on the operation, maintenance, upgrading and development of the National Grid.</i> 2. <i>The risk to the structural integrity of any affected National Grid support structure(s).</i> 3. <i>The extent of any impact on the ability of the National Grid owner (Transpower NZ Ltd) to access the National Grid.</i> 4. <i>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</i>
EI-MD13	Oppose	Local electricity distribution lines do not enjoy the same status as the National Grid and are not required to be protected from sensitive activities under the NPS-ET., so EI-MD13 must not	Delete EI-MD13

		provide the same level of protection to local electricity distribution lines. Access is a matter to be negotiated between the landowner and the electricity operator, and the District Plan must not compromise this. The future upgrade or development as a matter of discretion is onerous and unfair. Only existing and current matters should be considered.	
EI-MD14	Support in part	These matters of discretion are triggered by any upgrades to electricity transmission lines, but yet the concept of landholder consultation is ruled out as the matters of discretion are limited to non-compliance with any given standard, and not wider effects.	Amend with additional matter of discretion: 2. Any effects on the underlying or adjacent landholders
Transport			
TRAN-R22	Oppose in part	Federated Farmers opposes this restricted discretionary activity status for stock underpasses under rail and road, and in particular, the limitation on notification options.	Amend rule to be a controlled activity
Natural hazards			
Objective NH-O1 – New subdivision, land use, and development, clause 2	Oppose Reword	It is not clear how “land use” is defined, as clause 2 in the Ashley Fault overlay could be read as avoiding any new land use, including other rural uses. The chapeau should be reworded as	Amend chapeau to: “New subdivision, use and development”.
Objective NH-O2	Support with changes	Clause 3 of NH-O2 could be inconsistent with Clause 1.	Amend clause 1 to: <u>Existing infrastructure, including critical infrastructure can be upgraded, maintained, or replaced</u> Amend clause 3 to: <u>Avoid new critical infrastructure in high flood hazard areas and high coastal flood hazard areas, unless there is a functional or</u>

			<u>operational need for the location or route</u>
Policy NH-P1	Support	This indicates how the wording in NH-O1 was probably intended – to reflect ‘use’, rather than land use.	Support as written
Policy NH-P15	Oppose Reword	The current wording appears to focus mostly on flooding hazards, rather than general hazard resilience. Existing pastoral land provides substantial resilience in having large areas of non-built ground in the event of earthquakes, as well as also providing a buffer between built areas and waterways.	Amend policy to state: <u>Rural production activities are usually highly resilient to natural hazards</u>
Policy NH-P18	Oppose	It is unfair to blame wildlife and vehicle crash risk from ice hazards solely on woodlots and shelterbelts, but then to ignore plantation forestry and carbon forestry. There are usually inherent setbacks within road corridors and on the sites themselves that guard against this risk.	Remove rule in entirety.
Rule NH-R7	Oppose Delete	Shelterbelts are an inherent part of rural production, used for a number of reasons including preventing wind erosion of soils, shelter, and shade for stock, and as wind and weather breaks for orcharding. They can also reduce the potential for reverse sensitivity issues as they act as a barrier between properties – particularly they are an important mitigation tool for managing spray drift. Shelterbelts are actively managed by farmers and growers because they are a valuable tool to aid primary production. There is a functional need to provide for shelterbelts in the rural environment.	Delete policy requirements and restricted discretionary rule. Replace with an activity status of PER, with no limitations.
Advisory Notes	Oppose	Federated Farmers requests that the plan provide a statutory process for the consideration and issuing of Flood Assessment Certificates to ensure clarity and consistency. Council will likely have this process as an SOP or similar, and this needs to be	Amend advisory notes to provide for a statutory process for processing the flood certificates.

		placed into the plan as an appendix, as these certificates are functioning in a statutory fashion similar to resource consents.	
Sites and Areas of Significance to Maori			
SASM in general	Oppose	<p>Federated Farmers supports the cultural landscape approach in principle, but not the approach that the Council has taken to implementing it.</p> <p>The plan does not outline the primary issues which are trying to be dealt with – presumably tauiwi. If the plan began from an issues and outcome basis, the rule framework would follow more naturally.</p> <p>Federated Farmers notes that these overlays will impose significant costs and constraints on relatively low intensity hill and high country farms in the west of the District (along with a few coastal areas).</p> <p>The fundamental issue is with the mapping as a broad overlay, rather than to produce a more specific set of sites or areas. There are various mapping and policy approaches which deal with the tension between specificity, knowledge, and general protection, such as the traffic light system used in the Banks Peninsula component of the Christchurch City Plan.</p>	Replace cultural mapping with a heat map or traffic light system that identifies knowledge and risk more appropriately on the cultural landscape maps.
SASM-O1	Support	Support this objective as written, the challenges in integrating this with the plan will be in the policies and rules	Support as written
SASM-P4	Oppose in part	It is not clear if clause 3 will trigger earthworks associated with rural production and farming activities. It is not practical to require Heritage NZ or Te Ngāi Tūāhuriri Rūnanga authorisation for everyday farming activities.	Oppose, and amend to provide for a farmer information protocol and channel that communicates the values that might be present on site along with how to respond if something is found.

			<p>Amend additional clause 4</p> <p><u>manage earthworks involving the disturbance of soils as part of rural production activity through a farmer discovery protocol</u></p>
SASM-P4	Oppose in part	<p>Many of these elements may be going beyond the scope of a district plan, and may be better located in a regional plan.</p> <p>The reinstatement of original watercourses is not likely to be possible in many places</p>	<p>Remove aspects of this rule that duplicated or restate similar provisions in the Canterbury Land and Water Regional Plan</p> <p>Amend clause 1 as follows:</p> <p>protect the health of these waterbodies and associated coastal waters, including by maintaining their natural character where it is high and enabling enhancement where it is degraded, including through the reinstatement of original water courses <u>where practicable</u></p>
SASM R1 – Maintenance of existing fence	Oppose	<p>This will have perverse effects of hampering efforts by farmers in the hill country to achieve the requirements of national environmental standards, regional plans, and aspects of this district plan that relate to significant indigenous biodiversity. To force a consent for fence realignment for imprecise cultural mapping is unnecessary stringency and simply ridiculous.</p> <p>The concept of farmer discovery protocol has been requested above, and this can apply here too. The maintenance of a fence would be a permitted activity provided a farmer discovery protocol was circulated in the overlay areas.</p>	<p>Amend as follows:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <u>the maintenance of an existing fence is a permitted activity where, a farmer discovery protocol has been circulated and is understood</u> <p>Remove restricted discretionary status.</p>

SASM-R4 – Earthworks and land disturbances associated with other activities	Oppose	<p>The definition of ‘other activities’ is not clear, and does seem to extend to anything other than fencing, urupa, burial, and mahinga kai. Pastoral farming activities are not included generally, and nor are harvesting activities (forestry, woodlot). It is not clear which cultivation depth clause applies – it should be to the depth that has already occurred on the land.</p> <p>This is perhaps the most restrictive rule in the plan for primary and rural production activities, and many of the standards are arbitrary.</p> <p>It is also likely not necessary, given that finer grained mapping, a heat map, and a farmer discovery protocol would achieve the same outcomes, but without getting offside with the rural community through such a restrictive rule.</p>	Remove rule in entirety, and replace with finer grained mapping using a heat map, or traffic light approach, along with a farmer discovery protocol.
Ecosystems and indigenous biodiversity			
ECO-O1, Ecosystems and indigenous biodiversity	Oppose in entirety	<p>Objective SD-O1 uses the concept of ‘net gain’, which must also be used here for consistency. The RMA provides no direction for an ‘increase’ in indigenous biodiversity. The Objective would be normally expected to bring additional clarity on the strategic objective, which as noted above, seeks an overall net gain in the quality and quantity of indigenous biodiversity, but yet this Objective simplifies that direction to just an ‘increase’, and thus, fails to give effect to it.</p> <p>Federated Farmers is also opposed to the two-tier approach of mapped and unmapped sites, at least until the content of the National Policy Statement on Indigenous Biodiversity is known.</p>	<p>Remove objective and replace with the following:</p> <p><u>Ecosystems and indigenous biodiversity</u></p> <p><u>The quality and quantity of indigenous biodiversity in the District is increased overall by:</u></p> <ol style="list-style-type: none"> <u>1. Improving and incentivising the management of existing SNAs</u> <u>2. Incentivising the identification, management of other areas of significant indigenous vegetation and significant habitat of indigenous fauna.</u>

ECO-P1, Identification of mapped SNAs	Oppose new mapped areas	The plan does not discuss a statutory process such as Schedule 1 for the incorporation of new mapped areas (in accordance with APP1) to become SNAs. This may be ultra vires.	Insert statutory process for identification, agreement with landowner, management incentives, and insertion of new mapped areas into plan by way of Schedule 1 process. No new SNA can be formalised except by plan change.
ECO-P2, Protection and restoration of SNAs	Oppose in entirety	The policy is poorly written. It appears to limit planting within SNAs, which presumably would prevent their restoration, the buffer of an SNA should not extend into surrounding land, instead, the buffer should be included into the SNA for simplicity, there is no equivalent bonus or additionality for rural activities from indigenous biodiversity apart from on subdivision, and the tier 2 SNA process outlined above puts a disincentive on the use of other mechanisms like QEII, other plans, and community initiatives.	<p>Amend as follows:</p> <p>Protection and restoration of SNAs</p> <p>Protect and restore mapped SNAs by:</p> <ol style="list-style-type: none"> limiting <u>outlining what indigenous vegetation clearance within SNAs is and is not possible on an SNA by SNA basis;</u> limiting planting within mapped SNAs; limiting irrigation near mapped SNAs in order to provide a buffer from edge effects; <u>If a buffer is required on an SNA, build this into the overall SNA boundary</u> providing for an on-site bonus allotment or bonus residential unit within sites containing a mapped SNA; supporting and promoting the use of covenants, reserves, management plans and community initiatives; encouraging pest control; and working with and supporting landowners, the Regional Council, the Crown, Queen Elizabeth the Second National Trust, NZ Landcare Trust, and advocacy groups, including by

			<p>providing information, advice and advocacy.</p> <p>8. <u>Implementing ECO-MD4, Incentives for landholders with SNAs</u></p> <p>9. <u>Mapping and scheduling additional SNAs as required by way of plan change</u></p>
ECO-P3, Bonus allotments and bonus residential units	Oppose	Federated Farmers wishes to see an equivalent incentive provided to landholders with SNAs who do not intend to subdivide.	Amend as requested elsewhere additional ECO-MD4 which provides the incentives scheme, noting that this will also require other approval where it involves financial incentives like rates relief or direct grants.
ECO-P4, Maintenance and enhancement of other indigenous vegetation and habitats	Oppose	<p>The RMA does not provide a direction on 'enhance', instead, s6c provides for protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna. The enhance component could only come from the amenity considerations in s7c. Federated Farmers wishes to see the enhance component removed from where it occurs within this policy.</p> <p>Remove the broad ecological district restrictions on indigenous vegetation clearance are applied without mapped SNAs, in 2.</p> <p>Note that P4 and P5 are unlikely to be achieved without a significant rethink of the plan's approach to indigenous biodiversity.</p>	<p>Amend as follows:</p> <p>Maintenance and enhancement of other indigenous vegetation and habitats</p> <p>Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ECO-APP1 by:</p> <ol style="list-style-type: none"> 1. continuing to assess the current state of indigenous biodiversity across the District; 2. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within: <ol style="list-style-type: none"> a. the Lower Plains Ecological District and High Plains

			<p>Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation <u>may need to be assessed, mapped, and incorporated into this plan as a mapped SNA by way of plan change</u> needs to be restricted in order to protect what remains; and</p> <p>b. the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District, has a larger proportion of indigenous vegetation remaining and therefore some clearance of indigenous vegetation may be acceptable;</p> <p><u>Indigenous vegetation in this District may need to be assessed, mapped, and incorporated into this plan as a mapped SNA by way of plan change</u></p> <p>3. recognising that the District contains <u>plant</u> species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, and limiting their</p>
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			<p>clearance where in a mapped SNA;</p> <ol style="list-style-type: none"> 4. providing information, advice and advocacy to the landowner and occupier; 5. supporting and promoting the use of covenants, reserves, management plans and community initiatives; and 6. working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups
ECO-P5, Offsetting residual effects	Support in part	<p>This is a relatively practical biodiversity offset policy, but it needs amendments to make it consistent with the Objectives. The objectives introduce quantity and quality tests, but clause 4 only implies quantity improvements.</p> <p>Quality improvements would include pest control, direct enhancement on site, and planting.</p>	<p>Amend as follows</p> <ol style="list-style-type: none"> 1. the biodiversity offset will achieve a net gain of indigenous biodiversity if the area contains any of the following <u>for quantity improvements</u>: <ol style="list-style-type: none"> a. indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains; b. areas of indigenous vegetation associated with sand dunes and wetlands; c. areas of indigenous vegetation located in 'originally rare' terrestrial ecosystem types not covered under (a) and (b) above; or d. habitats of threatened, and

			<p>at risk, indigenous species.</p> <p><u>For quality improvements</u></p> <ul style="list-style-type: none"> a. <u>Predator and pest control, including weed removal</u> b. <u>Increasing the area of plantings on-site, using locally sourced stock</u>
ECO-P7, Indigenous biodiversity in the coastal environment	Comment	This is simply restating Policy 11 of the NZCPS, but without other context where the NZCPS provides for existing activities, such as Objective 6. The Rules will determine if the appropriate weighting has been applied in this plan	Federated Farmers relief is in the rules
ECO-P8, Waterbodies	Oppose	<p>The avoid test introduces many perverse and unintended effects. It fails to consider the need to handle pest species (which may be native and invasive), public access, and any activities required for flood management purposes. I</p> <p>It may be more stringent or introduce opposition with the Canterbury Regional Land and Water Plan.</p> <p>It needs to be replaced with waterbodies within SNAs, and the avoid test replaced with avoid, remedy, or mitigate.</p>	Oppose, remove policy in entirety.
ECO-R1, Indigenous vegetation clearance within any mapped SNA or unmapped SNA	Oppose	<p>Remove the link to unmapped SNA, as there is no statutory process for determining an unmapped SNA within this plan.</p> <p>The rule offers no ability to maintain buried pipelines, except if it is critical infrastructure. This may affect water supplies to farms, particularly in the hill country.</p> <p>If the permitted activity standard cannot be met, the activity status becomes non-complying, which is a severe restriction on</p>	<p>Amend as follows</p> <p>within any mapped SNA or unmapped SNA, the indigenous vegetation clearance is:</p> <ul style="list-style-type: none"> a. required for maintenance, repair or replacement purposes and is: <ul style="list-style-type: none"> a. within an existing access track; or

		<p>the SNAs and the landholders who have them on their property. In many ways, the restrictions on these SNAs are more stringent than land in the conservation estate (as the Crown has an exemption from land use activities under the RMA and no requirement to meet the same stringency within its plans as this District Plan), and this is unfair.</p> <p>It also provides undemocratic and unchecked power on Council ecologists, who, under the advisory note (see submission below) have a right of reply on any ecological advice commissioned by a landholder. Any disputes are best handled under a resource consent process which is why a restricted discretionary activity status is sought.</p>	<ul style="list-style-type: none"> b. within 3m of an existing building; or c. within 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank; d. within 2m of existing critical infrastructure, regionally significant infrastructure, strategic infrastructure or lifeline utility; e. <u>within 5m of the centreline of any buried pipeline</u> <p>b. for the purpose of protecting, maintaining, restoring or accessing the SNA's ecological values where it involves:</p> <ul style="list-style-type: none"> i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977; iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management
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			<p>Plan prepared under the Conservation Act 1987; or</p> <p>iv. erecting a fence;</p> <p>c. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, the Regional Council or Crown, or their nominated agent;</p> <p>d. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry;</p> <p>e. for the purpose of customary harvesting;</p> <p>f. expressly authorised under the NES-F; or</p> <p>g. for the purpose of forming a walking or cycling access track where:</p> <p>a. the track has a maximum width of 2m; and</p> <p>b. the area of indigenous vegetation clearance is a maximum of 1% of the total area of the SNA on that site, or a maximum of 50m² from the SNA on that site, whichever is lesser; and</p> <p>c. does not involve the clearance of any tree with a trunk greater than 15cm in diameter when measured 1.4m above ground.</p>
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			<p><u>Introduce a restricted discretionary activity for when compliance is not achieved</u></p> <p>Remove the non-complying activity status for matters that do not meet the permitted activity test, and insert a restricted discretionary activity status:</p> <p><u>Activity status when compliance not achieved:RDIS</u></p>
Advisory note	Oppose	Remove the advisory note and the process it implies as this is not a statutory process with no legal process. It becomes ecologist versus ecologist with no way of handling disputes, or testing evidence. This is another reason for the inclusion of the RDIS status in ECO-R1 above	Amend to remove advisory notice.
ECO-R2, Indigenous vegetation clearance outside any mapped SNA or unmapped SNA, Lower Plains and Higher Plains Ecological Districts	Oppose in part	<p>Federated Farmers is opposed to the stringent buffer requirements of 75m around lakes, and 20 metres around rivers as these are more stringent than the NES-F, without justification for the additional stringency having been provided. Instead, the default buffers should fall to what is in the NES-F.</p> <p>As with elsewhere, Federated Farmers is opposed to the incorporation of unmapped SNAs without a process in the plan for identifying them, mapping them, and formally adding them to the plan.</p> <p>Also, some of the exceptions in the rule, such as that for improved pasture (which is good), may be overridden by the absolute avoid test in the policy.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> 1. the indigenous vegetation is not within anymapped SNA or unmapped SNA: and 2. the indigenous vegetation clearance is not within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, unless the clearance near a lake, river, or wetland is expressly authorised under the NES-F; and 3. the indigenous vegetation clearance is: <ol style="list-style-type: none"> a. required for maintenance, repair orreplacement purposes and is: <ol style="list-style-type: none"> i. within an existing access track; or ii. within 3m of an existing building;

			<p>or</p> <p>iii. within 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank;</p> <p>iv. <u>within 5m of the centreline of any buried pipeline</u></p> <p>b. for the purpose of protecting, maintaining, restoring, and accessing ecological values and involves:</p> <p>i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;</p> <p>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</p> <p>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management Plan prepared under the Conservation Act 1987; or</p> <p>iv. erecting a fence;</p> <p>c. is for the purpose of customary harvesting;</p>
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			<ul style="list-style-type: none"> d. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, Regional Council or Crown, or their nominated agent; e. of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for amenity purposes or as a shelterbelt; f. for the maintenance, repair, or replacement of existing flood protection works administered by the Regional Council or District Council; g. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry; h. of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance; or i. required for the purpose of maintaining improved pasture
Oxford, Torlesse, and Ashley Ecological Districts	Oppose in part	This rule is more relaxed, taking into account the ecological district characteristics, but the above comments still apply.	<p>Amend as follows:</p> <p>Where:</p> <ul style="list-style-type: none"> 1. the indigenous vegetation is not

			<p>within any mapped SNA or unmapped SNA: and</p> <p>2. the indigenous vegetation clearance is not within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, unless the clearance near a lake, river, or wetland is expressly authorised under the NES-F; and</p> <p>3. the indigenous vegetation clearance is not on land above 900m in altitude; and</p> <p>4. the indigenous vegetation clearance of indigenous vegetation shall be a maximum of 100m² or 10% of the total area of the site, whichever is lesser, on any site in any continuous five year period and the indigenous vegetation does not comprise any species or habitats listed in ECO-SCHED3 that are naturally occurring;</p> <p>5. the indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> a. required for maintenance, repair or replacement purposes which is: <ol style="list-style-type: none"> i. within an existing access track; or ii. within 3m of an existing building; or iii. within 2m of an existing fence,
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			<div>existinggate, existing fire pond, existing stock yard, existing trough, or existing water tank; iv. <u>within 5m of the centreline of any buried pipeline</u></div> <div>b. required for the purpose of maintainingimproved pasture; or</div> <div>c. for the maintenance, repair, or replacementof existing flood protection works administered by the Regional Council or District Council;</div> <div>d. for the purpose of protecting, maintaining, restoring, or accessing ecological values and involves: i. carrying out activities in accordancewith a registered protective covenantunder the Reserves</div>
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			<p>Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;</p> <p>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</p> <p>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management Plan prepared under the Conservation Act 1987; or</p> <p>iv. erecting a fence;</p> <p>e. for the purpose of customary harvesting;</p> <p>f. for biosecurity purposes and is undertaken by, or on behalf of, the District</p>
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			<p>Council, the Regional Council or Crown, or their nominated agent;</p> <p>g. of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for amenity purposes or as a shelterbelt;</p> <p>h. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry; or</p> <p>i. of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance</p>
ECO-R4, Irrigation infrastructure near any mapped SNA	Oppose	The boundary of the SNA should be the boundary of the SNA, and include the buffers if the buffers are required. If not then a 5 metre buffer for the SNAs that do not include it seems sufficient.	<p>Amend to:</p> <p>any new irrigation infrastructure shall be set back a minimum of 205m from any mapped SNA that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act</p>

			<u>1977 where the SNA does not include the buffer already</u>
New ECO-R5A	New rules	Additional rules or equivalent are needed to deal with the equity issue where landholders do not subdivide and receive no incentive to maintain indigenous biodiversity in SNAs on their land. Subdivision receives an incentive, farming does not. These matters have been proposed in ECO-MD4, however, they may require a resource consent in order to provide appropriate compliance and monitoring, given that financial incentives are involved. A controlled activity resource consent has been suggested except in the case of other land management agreements, such as QEII.	<p>New ECO-R5A stating:</p> <p><u>ECO-R5A-Maintenance of SNAs</u> <u>Rural zones</u> <u>Activity status: Permitted</u></p> <p><u>Where SNAs are managed under QEII, Reserves Act 1977, or other formal land management agreement, the financial incentives in ECO-MD4 apply</u></p> <p><u>Activity status when compliance not achieved: Restricted discretionary</u></p> <p><u>Matters of discretion: ECO-MD4</u></p>
ECO-R7, Woodlot, shelterbelt, or planting of any non-indigenous vegetation within any mapped SNA	Oppose	<p>This introduces a significant issue as it is not clear what constitutes planting. It may override the existing provisions for improved pasture, and it is not clear why non-complying status is needed when the existing rules escalate to non-complying is permitted is not achieved, and even with the Federated Farmers relief, still escalate to restricted discretionary activity.</p> <p>For example, the continuation of oversowing of tussock in the hill and high country could trigger this rule, even though the pasture is existing.</p> <p>It may also override permissions that are provided under other legislation, such as the Crown Pastoral Land Act</p>	Remove rule in entirety.
ECO-AN1	Support	This acknowledges the points made elsewhere in this submission that landholders in the District may be subject to	Support

		three or four levels of permission as a result of this, other plans, and legislative schemes. In a roundabout way, it supports the submission points above that seek to add clarity and reduce unnecessary stringency and duplication.	
ECO-MD4	Add additional method	Add additional method to provide equivalency on indigenous biodiversity incentives for landholders that do not subdivide but wish to obtain the same incentives and advantages as those that do with respect to their SNA. There is also a consenting framework added above under ECO-R5A which operationalises this, but further discussion with the Council on the non-RMA components of this will be needed.	Add ECO-MD4 as above.
ECO-SCHED1-SCHED3	Oppose	<p>There is no assessment of trend, risk or prior management on any of these sites.</p> <p>In many of these areas, the continuing presence of the values will be down to the landholder, and this is not acknowledged anywhere in the plan.</p> <p>Federated Farmers could support the list if trend and risk columns are added to the schedule.</p>	Remove, unless trend, risk, and prior management history are added.
Table ECO-2	Oppose	This table is district, and not site-specific. As several of the objectives and policies refer to threatened species in general and not sites, this could theoretically put most or all of the district into an avoid test.	<p>Provide explanatory note that:</p> <p><u>This table is district and not site-specific. The presence of species in this table does not necessarily trigger a policy or rule status on its own. Also the presence and status of species in this table does not constitute the starting point for counting net gains in overall indigenous biodiversity – this is 31 December 1999</u></p>
ECO-APP1	Oppose	This appendix is used as the criteria for unmapped SNAs, and offers no guidance at all for discussion and negotiation with	Oppose, unless method is added outlining how unmapped SNAs will be identified, assessed, discussed with landholders (along

		<p>landholders. It also does not include any criteria for risk, age, or reversibility.</p> <p>Federated Farmers could only support the use of this Appendix if it contains another table on how unmapped SNAs are to be negotiated in terms of boundaries and management incentive package, followed by a guarantee of a Schedule 1 process to put them into the plan.</p>	<p>with an incentives package) and added to the plan by a Schedule 1 process.</p>
ECO-APP2	Support	<p>Federated Farmers supports this list, but notes inconsistencies between the no net loss, and preferably a net gain test introduced here and elsewhere in the objectives, policies, and rules where an inconsistent test of only a 'net gain' is used.</p>	<p>Amend for consistency with the strategic objective:</p> <p>No net loss and preferably a net gain The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity so that the overall result is no net loss and preferably a net gain in biodiversity.</p> <p>No net loss and net gain are measured by type, amount and condition at the impact and offset site and require an explicit loss and gain calculation. <u>Quality and quantity components apply separately</u></p>
Natural character			
NATC-O1	Support	<p>This objective is restating section 6 of the Act</p>	Support
NATC-O2, Preservation of natural character	Oppose	<p>There is no requirement for 'restoration' within the RMA. It goes further than is required under the Act, which has already set a preservation objective, noting that this would be the restoration of degraded natural character, which is a challenging and subjective matter.</p>	Remove Objective.

		Remove this objective in its entirety. Objective O1 can work on its own	
NATC-P1, Recognising natural character	Support with changes	This needs to be changed to reference surface freshwater natural character, as per the objective. Some of these requirements may duplicate what is in the regional water plan.	Amend title of policy to: Recognising natural character of <u>surface freshwater bodies</u> Remove duplications with the regional water plan.
NATC-P4, Preservation of natural character values	Support, with changes	Federated Farmers notes point 4, which may be overridden by avoid tests in Objectives and Policies.	Remove clause 2, which restates what is present in other chapters. Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by: 1. ensuring that the location, intensity, scale and form of subdivision, use and development of landtakes into account the natural character values of the surface freshwater bodies; 2. minimising indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;
NATC-P6, New and existing structures	Support with changes	This is a good policy, however, it is likely overridden by many of the indigenous biodiversity policies.	Support, but provide context to state:

within and over freshwater bodies			<u>This rule overrides the rules in the indigenous biodiversity chapter</u>
NATC-R2, Planting of non-indigenous vegetation	Support	This is actually a practical policy, which would be better if it was in the indigenous biodiversity section, as the ECO rules likely override this in most contexts.	Support, but provide context to state: <u>This rule overrides the rules in the indigenous biodiversity chapter</u>
NATC-R10, Plantation forestry, woodlot, or shelterbelts	Oppose	This may be inconsistent or unnecessarily more stringent than the National Environmental Standard on Plantation Forestry	Remove rule
NATC-S1, Setbacks	Oppose	Federated Farmers strongly opposes these setbacks. They are inconsistent with the many other setbacks that apply on land, such as from the Canterbury Land and Water Plan, marginal strip (which have existing land use restrictions) (usually 20 metres or more), esplanade strip, formed or unformed legal road, or even override or are inconsistent with the buffers in the NES-F, s360 stock exclusion regulations, or ECO rules. Remove setbacks from the plan in their entirety.	Remove setback table
NATC-MD2, Maintaining and enhancing public access	Oppose	On the current numbers, most of these setbacks are on private land, and public access cannot be a consideration except upon subdivision and subsequent creation of an esplanade reserve or strip.	Remove matters of discretion
NATC-MD5, Structures within and over freshwater bodies	Support with changes	There are currently no matters of consideration around such measures as encouraging built stock crossings.	Amend to add clause 6: <u>Structures required to reduce stock access to freshwater where required by other policies</u>
NATC-MD6, Freshwater body setback assessment	Oppose	There is no mention of legislation, national instruments, or existing legal setback (marginal strip or esplanade reserve) within this setback reduction policy. The MD is no longer required if the setbacks are completely removed as requested above	Remove in entirety.

NATC-SCHED	Oppose	Remove schedule in entirety. Setback requirements already exist in legislation, on the land cadastre, from national instruments, or elsewhere within this plan.	Remove in entirety.
Natural Features and Landscapes			
NFL-O1	Support	The objective restates section 6 of the Act	Support with changes
NFL-P1, Protect outstanding natural features	Support with changes	<p>It is not clear where a carbon forest fits within this. Carbon forestry has supporters and detractors, and whilst Federated Farmers is currently neutral on it, the policy does not specifically mention it, even though carbon forestry has no other land use controls, and can have a significant adverse effect on an existing landscape.</p> <p>Federated Farmers supports clause 6 which provides for existing rural production.</p>	<p>As with the coastal overlay, the plain English definition of afforestation makes sense to use in this context, as follows:</p> <p>avoiding activities such as <u>afforestation</u>, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;</p>
NFL-P3, Protect outstanding natural landscapes	Support with changes	<p>It is not clear where a carbon forest fits within this. Carbon forestry has supporters and detractors, and whilst Federated Farmers is currently neutral on it, the policy does not specifically mention it, even though carbon forestry has no other land use controls, and can have a significant adverse effect on an existing landscape.</p> <p>Federated Farmers supports clause 5 which provides for existing rural production.</p>	<p>As with the coastal overlay, the plain English definition of afforestation makes sense to use in this context, as follows:</p> <p>avoiding activities such as <u>afforestation</u>, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;</p>
NFL-P4, Maintain significant amenity landscapes	Support with changes	<p>It is not clear where a carbon forest fits within this. Carbon forestry has supporters and detractors, and whilst Federated Farmers is currently neutral on it, the policy does not specifically mention it, even though carbon forestry has no other land use controls, and can have a significant adverse effect on an existing landscape.</p>	<p>As with the coastal overlay, the plain English definition of afforestation makes sense to use in this context, as follows:</p> <p>avoiding activities such as <u>afforestation</u>,</p>

		Federated Farmers supports clause 7 which provides for existing rural production.	mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;
NFL-R5, Structures and buildings	Support with changes	It is not clear if a fence is a building in the context of this rule.	Amend note to state: <i>This rule does not apply to structures and buildings provided for under NFL-R1 to NFL-R4, NFL-R8, or natural hazards mitigation structures for flooding, or fences</i>
NFL-R6, Access tracks and parking areas	Support with changes	It is not clear how maintenance of existing tracks wider than 3m, already permitted under other rules, is treated.	Add, or where <u>permitted under other rules.</u>
NFL-R8, Centre pivot or travelling irrigators	Oppose	This can only apply to new irrigators, and even then, the critical factor with new irrigators is access to water, which is a regional council matter. Remove rule in its entirety.	Delete Rule
NFL-R10, Woodlot or shelterbelts	Support with changes	It is not clear if this rule applies to carbon forests or not. It would be unfair for it not to.	Amend to “afforestation”
NFL-R11, Planting restricted tree species	Support with changes	Clarify if this rule applies to non pest willows. The inclusion of all Salix spp indicates that it doesn’t, and as such, this rule in its current form overrides many established plantings and planting programmes.	Amend <u>i. to Non pest Salix spp.</u>
NFL-R13, Plantation forestry	Clarify	It is not clear if this rule applies to carbon forests or not. It may be better to simply refer to afforestation as with the previous matters	Amend rule title to “afforestation”
NFL-S1 Building and structure reflectivity	Support with changes	This standard needs to be clarified if it applies to fences or not.	Amend exemption list with additional bullet point to: <u>NFL-S1(1) does not apply to fences</u>
NFL-MD1, New buildings and structures, additions	Support	Support, particularly clause 7	Support

to buildings and access tracks			
NFL-APPL1	Oppose	As with ECO-APPL1, this list is opposed unless it introduces additional columns which indicate current risk to the landscape, how existing management may have protected the landscape, and the degree to which existing negative effects are reversible.	Amend to introduce additional columns of: Current risk Existing management history Reversibility of negative effects
Public access			
PA-O1, Provision of public access	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 must not create adverse effects on <i>the rights of private property owners</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 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.</p>	Retain PA-O1
PA-P2, Providing for public access	Support with changes	Federated Farmers supports the encouragement of esplanade reserves, but reminds the Council that compensation is payable under Sections 237E.2 and 237F. Landowners should not be compelled to gift land without compensation.	<p>Amend:</p> <p><i>Provide for new and enhanced public access to and along the CMA, water bodies and reserves by:</i></p> <ol style="list-style-type: none"> <i>encouraging or requiring the creation of esplanade reserves, strips or easements in areas where there are benefits for public access,</i>

			<p><i>recreation, cultural values for mana whenua (including customary harvesting) or maintenance;</i></p> <p>2. <i>work with land owners to provide for safe and appropriate public access to reserves with high recreational, scenic, natural character and cultural values; and</i></p> <p>3. <i>encouraging the use of mechanisms such as easements to provide for public walking access when a land use or development provides an opportunity for access</i></p> <p>4. <u><i>Compensation will be payable for esplanades reserves and strips vested in accordance with Section 237E and 237F of the RMA, unless agreed otherwise.</i></u></p>
PA-P3	Support	Federated Farmers supports a policy that acknowledges that public access can create adverse effects, and we support clause 5 which recognises <i>the rights of private property owners, where providing for public access would significantly compromise these rights.</i>	Retain.
New policy		Federated Farmers submits 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 were 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.)	<p>Add new policy:</p> <p><i>To provide for the waiving of requirements for esplanade areas (esplanade reserves, esplanade strips or access strips) where appropriate.</i></p>

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:</p> <p><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>
ASW-R1, Use of watercraft	Support	Support as it includes for farm management purposes.	
Activities in the coastal environment			
CE-O1	Oppose	<p>The current Objective is inconsistent with the NZCPS, which does not introduce an 'enhance' objective for the coast. It is also inconsistent with the words in the policies that flow from it (these policies are more consistent with the NZCPS). Instead, it requires general preservation of the coastal environment (Policy 13), and farming activities are often consistent with preservation of natural character, and only requires restoration in identified areas (Policy 14). The District also has an operative coastal plan, which is likely to be more consistent with the NZCPS than this chapter.</p>	<p>Amend to:</p> <p>The natural character attributes of the coastal environment of the District are preserved and <u>restored in identified areas</u>maintained, and enhanced.</p>
CE-O3	Oppose	<p>Public access may not exist on the landward edge of the CMA, as this may be private land. Therefore, it cannot be enhanced except through negotiation with landholders.</p>	<p>Public access</p> <p>Public access to and along the landward edge of the CMA is maintained <u>where this</u></p>

			exists. Not all land adjoining the coastal marine area has public access and enhanced where this does not create adverse effects
CE-O4	Oppose	The objective is written too emphatically, as if any compromising of the listed values would result in an activity being prohibited, when this is not the case under the NZCPS.	<p>Amend to more fairly reflect the NZCPS:</p> <p>People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity, public access or cultural values does not <u>always</u> preclude subdivision, use or development, where this does not compromise these values.</p>
CE-P2	Oppose in part	As written, this may override the ability to maintain improved pasture in areas covered in CE-SCHED1, CE-SCHED2, ONC, HNC, and VHNC.	<p>Provide for maintenance of improved pasture as per the other policies and rules in this plan.</p> <p>Add additional clause 7:</p> <p><u>7. Providing for the maintenance of existing improved pasture and grazing associated with that pasture.</u></p>
CE-P5	Oppose in part	Public access cannot be provided for where it has not been agreed with landowners. The policy needs to be substantially reworded to reflect private property rights.	<p>Amend to:</p> <p><u>“Maintain existing public access where this does not create adverse effects”</u></p> <p>And an additional clause 2, stating:</p> <p><u>“New public access over private land must be agreed by the landowner”</u></p>

CE-P6, Activities in the coastal environment	Support, with changes	There is no test of when an existing activity might become a new activity. There is no indication that the permitted baseline applies here. Existing use rights need to be protected.	
CE-R3, Any building or structure	Support with changes	It is not clear if this rule applies to existing buildings.	Amend to state “New buildings or structures”.
CE-R4, Plantation forestry	Support with changes	There is no carbon forestry equivalent here, and whilst Federated Farmers is neutral on carbon forestry in the district, it would make sense that if plantation forestry was being controlled, then carbon forestry should to, in the interests of fairness. Federated Farmers has opposed the definition of carbon forestry, but notes that in this context, the rule could simply state all “afforestation” in the plain English sense, not the NES-PF sense.	Amend plantation forestry to “all afforestation activities”
Earthworks			
EW-O1	Oppose in part	<p>Earthworks are an essential part of rural life and rural activities, and the plan needs to take an enabling approach to them. The generic wording in the objective does not achieve this, instead, it focuses on minimising the adverse effects of earthworks, and not enabling or recognising the positive effects. This may be because the objective applies to all zones, and instead, the place to insert the enabling clauses is in the policy.</p> <p>The linkage to health and safety is problematic, as the RMA does not govern health and safety in general.</p>	<p>Amend as follows:</p> <p>Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment.</p>
EW-P1	Support with changes	Earthworks are an essential part of rural life and rural activities, and the plan needs to take an enabling approach to them, particularly within rural zones. .	<p>Add new clause 2, shifting other clauses down, stating:</p> <p>Enable earthworks where they:</p> <ol style="list-style-type: none"> 1. are compatible with the character, values and qualities of the location and

			<p>surrounding environment;</p> <p>2. <u>Enable earthworks associated with rural production activities;</u></p>
EW-P2	Support	These earthworks provisions are potentially problematic, as it may not be possible under a permitted activity for a landholder to assess whether or not they are in compliance with the policy on the non-urban flood assessment overlay.	Support
EW-R12	Oppose	Farmers in the coastal area may undertake earthworks on sand dunes to maintain improved pasture. What is not clear within this rule is if it applies to indigenous vegetation, as it just states 'vegetation'.	Remove rule, or amend vegetation to <u>indigenous vegetation</u>
EW-S1, General standards for earthworks	Oppose	<p>The zone standards of 500m² per year of 100m³ per ha are sufficient for farming activities in the rural zones. The issues arise in the overlays, such as in the Waimakariri River ONL, where only 10m³ is allowed per year (except for gravel), which could prevent even activities such as flood clean-ups, or perversely prohibit such things as riparian management and maintenance of stop banks.</p> <p>In the Puketeraki and Oxford ONL, there is no ability to even maintain tracks or roads, unless these are otherwise permitted by other rules.</p> <p>The coastal environment overlay prevents any meaningful earthworks</p>	<p>Oppose, unless the following changes are made:</p> <ol style="list-style-type: none"> 1. Specific provision for natural hazard recovery and clean up is made across all zones and overlays 2. Specific provision and reference is made to maintenance of existing tracks, roads, and fencelines, as permitted elsewhere in the plan.
EW-S3, Setback from waterbodies	Oppose	This is another example of inconsistent setbacks within the plan, it overrides national instruments such as the NES-F with no justification for the additional stringency.	Remove in its entirety.
EW-S5, Excavation and filling	Support	There may be unintended consequences due to the height and depth limitations here, and these may arise through the hearing process.	Support

EW-S6, Earthworks maximum slope	Support with changes	This may be inadvertently triggered or breached with the cleanup after a flood event, when machines have to contend with the after effects of nature	Amend with note: <i>This rule does not apply in the clean up phase after force majeure acts of nature, such as flooding.</i>
EW-S7 Earthworks sediment control	Support with changes	Similar to the above, flood events may trigger this rule.	<i>This rule does not apply in force majeure acts of nature, such as flooding, when sediment enters the water body after reasonable attempts were made at controlling it.</i>
Noise			
NOISE-O1	Support with changes	Noise is an inherent part of rural activities, particularly in the rural zones. However, this objective does not anticipate the reverse sensitivity effects that may occur to adjacent zones, or to residential sites within the rural zones. There is also no clarity on what Objective has primacy in the event of reverse sensitivity issues	Amend Objective to include reverse sensitivity concerns as outlined in O2. Adverse noise effects <u>Outside of reverse sensitivity exclusions in Objective O2</u> , Noise does not adversely affect human health, communities, natural values and the anticipated amenity values of the receiving environment
NOISE-O2, Reverse sensitivity	Support with changes	This only provides for reverse sensitivity considerations in the commercial, mixed use, and industrial zones, and not existing activities in the rural zone. This is a district where residential expansion has a risk of creating reverse sensitivity issues, and this is already happening in many cases	Amend objective Reverse sensitivity The operation of regionally significant infrastructure and strategic infrastructure, activities within <u>Rural</u> , Commercial and Mixed Use Zones and Industrial Zones and identified existing activities are not

			adversely affected by reverse sensitivity effects from noise sensitive activities.
NOISE-P1, Minimising adverse noise effects	Support	The policy is not clear on what noise is to be minimised – is it the adverse effects of the noise generating zone, or the noise receiving zone. If it is the noise-generating zone, then the reverse sensitivity considerations already in NOISE-O2 need to be reflected in the policy. An example is a rural area generating noise that is poorly received by a residential area nearby.	<p>Minimise adverse noise effects by:</p> <ol style="list-style-type: none"> 1. limiting the noise level, location, duration, time, intensity and any special characteristics of noise generating activities, to reflect the function, character and amenity values of each zone; 2. requiring lower noise levels during night hours compared to day time noise levels to protect human health, natural values and amenity values of sensitive environments; and 3. requiring sound insulation, or limiting the location of noise sensitive activities where they may be exposed to noise from existing activities. 4. <u>Outlining where noise-receiving activities near or in noise-generating zones are subject to reverse sensitivity, and where that level of noise is to be expected.</u>

NOISE-R6, Audible bird scaring devices	Support with changes	6 events per device per hour does not cover the functioning of most devices. It needs to be about 10 per hour.	
Rural zone			
RURZ-O1	Support with changes	This is supported as it explains the character of the district, however, it does not explain that that underpinnings of the rural zone is the life-supporting capacity of the soil.	<p>Amend to:</p> <p>An environment with a predominant land use character comprising primary production activities and natural environment values, where rural openness dominates over built form, while recognising:</p> <ol style="list-style-type: none"> 1. the east of the District has a predominant character of small rural sites with a pattern of built form of residential units and structures at more regular intervals at a low density compared to urban environments; and 2. the remainder of the District, while having a range in the size of rural sites, has a predominant character of larger rural sites with a corresponding density of residential units and built form. 3. <u>The rural zone is underpinned by soils, particularly high class soils</u>
RURZ-O2	Support with changes	The objective as currently written only supports rural activities, which could imply some sort of grandfathering or gradual phase out as urban activities come to predominate. Instead, rural activities need to be strongly enabled by this policy	<p>Amend to:</p> <p>Activities in Rural Zones</p> <p>Rural Zones support <u>enable</u> primary production activities, activities which</p>

			directly support primary production, and activities with a functional need to be located within Rural Zones.
RURZ-P1	Oppose in part	The policy as written does not implement Objectives O1 or O2. It needs to focus on recognising all potential effects and not just their scale or whether they are temporary or not. At the moment, many rural activities are outside the scope of the exceptions to rural amenity, and thus, could not constitute natural character or amenity.	<p>Amenity values and character</p> <p>Recognise the contribution of amenity values to maintaining the character of the zones, and maintain amenity values in Rural Zones by:</p> <ol style="list-style-type: none"> 1. requiring separation between buildings on adjoining properties to maintain privacy and a sense of openness; 2. retaining generally low levels of signs, noise, traffic, odour, outdoor lighting, and built form from activities while recognising that in association with primary production and rural industry, which are part of the character of each rural zone that: <ul style="list-style-type: none"> c. there may be seasonal, short term or intermittent odour, noise, dust, traffic and outdoor lighting
RURZ-P3	Oppose	The policy as proposed is inconsistent with SD-O4, RURZ-O1, RURZ-O2. Local support activities are not defined anywhere else in the plan, and at the moment, the definition is so wide as to include almost anything. It could be used to site residential facilities in rural zones outside of the usual process. It is also not	Remove entire policy

		a requirement of the RMA to provide for people's health and safety, that is the subject of other legislation.	
RURZ-P4	Support	Conservation activities are consistent with and well integrated into most farming practices and as such, this is supported	No change
RURZ-P6	Support in part	Federated Farmers understands that some industrial activities, including rural industry, can only be located in the rural zone. However, reverse sensitivity concerns are high with these big developments, and at the moment, the reverse sensitivity effects are limited to 'sensitive activities' only, and the definition of sensitive activities does not include existing rural activities.	Amend clause 3 to: ensure that any rural industry or other industrial activity does not limit or constrain the operation of any existing primary production activity in the zone, and does not have adverse effects on any sensitive <u>existing rural</u> activity;
RURZ-P7	Support in part	As above, but with the concerns being related to the expansion of retail activity into the rural zone. In practice, it will enable consultation with adjacent landholders.	Amend clause 3 to: ensure that any rural industry or other industrial activity does not limit or constrain the operation of any existing primary production activity in the zone, and does not have adverse effects on any sensitive <u>existing rural</u> activity;
RURZ-P8	Support in part	Federated Farmers submission has requested the removal of the intensive outdoor primary production definition as it is problematic. The intensive indoor definition is from the planning standards and so it cannot be removed. Clause 3 of this policy reverses the intent of the rural zone to provide for rural activities, instead favouring the existing sensitive activity. This needs to be removed to be consistent with the rural zone.	Amend to: Minimise the potential for reverse sensitivity effects by: 1. avoiding the establishment of any new sensitive activity near existing intensive indoor primary production activities, intensive outdoor primary production activities , waste management facilities, quarrying

			<p>activities, mining activities, and rural industry in circumstances where the new sensitive activity may compromise the operation of the existing activities;</p> <p>2. managing the establishment of new sensitive activities near other primary production activities <u>by limiting their rights of complaint</u>;</p> <p>3. ensuring adequate separation distances between existing sensitive activities and new intensive indoor primary production activities, intensive outdoor primary production activities, quarrying activities, mining and rural industry; and</p> <p>4. avoiding quarry, landfill, cleanfill area, mining activities adjacent to urban environments where the amenity values of urban environments would be diminished.</p>
General Rural Zone			
GRUZ-O1	Support with changes	This is a good objective, but it should be made more enabling of primary production.	<p>Amend to:</p> <p>Natural and physical resources and primary production activities which contribute to the District's rural productive economy dominate <u>and are enabled</u> while fragmentation of land into small rural</p>

			parcels is restricted.
GRUZ-P1	Support	<p>Provided the definition of natural environment values is changed as per our submission above, this policy covers the general rural zone well.</p> <p>The changes to the natural environment values definition sought more inclusion that the natural environment existed as part of primary production, and not as a separate land use that just happened to sit in a rural zone.</p>	Support with the changes to the natural environment values above.
GRUZ-P2	Oppose in part	<p>The rural lifestyle zone has picked up the 4ha lot size which some of our members for whom farming has become too challenging or constrained have sought as a future option for their properties. This creates a divide between those who fall into the rural lifestyle zone and those who do not.</p> <p>The difficulty is, that the rural lifestyle zone covers most of the high class soils within the District and this submission has proposed their protection.</p> <p>The best resolution may be to provide more discrete mapping of the boundaries of the two zones to ensure the protection of high class soils.</p> <p>Whatever approach, there is always going to be a spatial lottery in how this occurs.</p>	Amend zone boundaries and lot sizes based on soil characteristics. LUC1-3 class land should be protected from smaller lot sizes, but lesser quality land may be suited to 4ha lot sizes.
GRUZ-R2, Primary production	Oppose	<p>This is the first rule that introduces matters of discretion for carbon forestry. All other rules and policies refer to woodlots only, or don't refer to it at all. It also refers to a non existent definition of forestry in the plan – there is only plantation forestry, which has its own national regulations.</p> <p>With carbon forestry, Federated Farmers notes that the plan is</p>	Remove rule in entirety.

		<p>being more stringent than the NES-PF which permits it, without providing specific reasons to be more stringent.</p> <p>With this, there is no need for the rule at all.</p>	
GRUZ-R3-Residential units	Support	<p>A challenge is providing equity and fairness in subdivision rights for our landholding members, at the same time as preventing fragmentation of productive rural land and loss of high class soils. As noted above, those landholders in the east of the district in the rural lifestyle zone have been given a windfall gain, versus those in the west. It is difficult to reconcile the issue with the current approach taken to zoning and subdivision.</p> <p>An approach that potentially achieves both aims is to allow for some residential unit construction into lot sizes of 4ha in the general rural zone where the activity is not on high class soils – i.e. on LUC classes 4 and above as a general rule.</p> <p>This rule introduces some flexibility for net site area based on previous subdivision, with some other minor exceptions. However, if the concept of allowing subdivision to 4ha on lower class soils is incorporated into the subdivision standards, along with the required changes here, it becomes possible to provide for some subdivision in the general rural zone that may achieve both purposes.</p> <p>The required changes have been suggested in the subdivision chapter submission, and to enable it, no changes appear necessary here.</p> <p>In practice, there will be limitation on the number of allotments in the absence of infrastructure, for example, sewage disposal.</p>	Support

GRUZ-R5	Oppose	This rule appears to be petty and based more on an urban perception of rubbish and mess, which is not appropriate for the rural zone.	Remove rule.
GRUZ-R10, Rural produce retail	Oppose	Oppose, unless clarity for existing rural produce retail sites can be provided.	Amend rule to state it applies to <u>New</u> rural produce retail sites.
GRUZ-R11 Rural Industry	Support with changes	It is not clear what will happen to existing rural industry under this rule, and existing activities should be exempt.	Amend rule title to “New rural industry”
GRUZ-R12 Farm quarry	Oppose	This may be problematic when the quarry is in the side of a hill that may also be an SNA. Efficient farm quarrying is site limited. Remove the buffer requirements with respect to SNAs, noting that Feds other relief has sought the buffer requirements be incorporated into the SNA itself.	Remove the buffer requirements with respect to SNAs.
GRUZ-R15 Rural Tourism	Support with changes	It is not clear what will happen to existing rural industry under this rule, and existing activities should be exempt.	Amend rule title to “New rural tourism”
GRUZ-R17	Oppose	As no clear definition can be produced of what this activity is (see the submission in the definitions chapter) there is no need for the rule, and the continuance of the rule will have perverse consequences, especially at a restricted discretionary status. Most intensive land uses conversions are already regulated by the NES-Freshwater, and there is no need for a duplicating (and frustrating, given the definition issues) additional layer here.	Remove rule.
GRUZ-BFS5, Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or quarry	Oppose	Compliance with this rule is problematic for housing on existing farms, especially dairy farms, which may come under this definition if it is not removed. If it is removed, then the rule makes even less sense in the context of intensive indoor production as the effects of this are likely contained	Remove rule
Rural lifestyle zone			
RLZ-O1	Support with changes	The rural lifestyle zone contains many of the district’s high class soils, and these are under more threat now from subdivision as	Amend to directly reference the high class soils in this zone:

		a result of the lot size of this zone. Therefore, where landholder choose to still undertake primary production in this zone, there needs to be extra recognition of the zone's features.	Primary production activities and activities reliant on the natural and physical resources, including high class soils, of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.
RLZ-P1, Character of the rural lifestyle zone	Support with changes	The policy does not explicitly acknowledge the high class soils and the rural production activities that they support in this zone. Also, Clause 1 is written as if all the subdivision lots are taken up, it is better to say a 'mixture of large and small primary production activities'.	Amend with an additional clause 4 to: <u>4. A zone that supports the high class soils present, including LUC classes 1-3</u>
RLZ-R2, Primary production	Oppose	<p>This is the first rule in the zone that introduces matters of discretion for carbon forestry. All other rules and policies refer to woodlots only, or don't refer to it at all. It also refers to a non-existent definition of forestry in the plan – there is only plantation forestry, which has its own national regulations.</p> <p>With carbon forestry, Federated Farmers notes that the plan is being more stringent than the NES-PF which permits it, without providing specific reasons to be more stringent.</p> <p>With this, there is no need for the rule at all.</p>	Remove rule in entirety.
RLZ-R3, Residential unit	Support	Support this rule as written	No changes required
RLZ-R10, Rural produce activity	Support with changes	It is not clear what will happen to existing rural produce retail under this rule, and existing activities should be exempt.	Amend rule title to "New rural produce retail"
RLZ-R11 Rural Industry	Support with changes	It is not clear what will happen to existing rural industry under this rule, and existing activities should be exempt.	Amend rule title to "New rural industry"

RLZ-R15 Rural Tourism	Support with changes	It is not clear what will happen to existing rural industry under this rule, and existing activities should be exempt.	Amend rule title to “New rural tourism”
Subdivision			
SUB-O1	Support with changes	<p>There is a need to balance the subdivision rights of landholders in the rural lifestyle zone, who can subdivide down to 4ha lots, with those in the general rural zone, who remain at 20ha. Also, the rural lifestyle zone contains most of the high-class soils in the district, which produces a perverse effect of the reduction in these soils for productive uses. This said, some of our members have reached the point due to the growing difficulties of farming in the district, as with elsewhere in New Zealand, where subdivision is the most viable option.</p> <p>There are no easy answers to this. Whilst the fairness issue cannot be resolved fully, a way to resolve it somewhat is to allow a number smaller lot sizes in the general rural zone but only on less productive soils, for example, on LUC 4 and above, and to limit the number of sites available per landholding to acknowledge that the infrastructure may not be in place the way it is in the development parts of the district.</p>	<p>Amend clause 3 to add on protection for high class soils:</p> <p><u>...supports protection of cultural and heritage values, high class soils and conservation values, and...</u></p>
SUB-P1, P2	Support	These subdivision policies do not need changing to implement the scheme as outlined above	Support as written.
SUB-P3	Support with changes	The sustainable design policy does not promote the concept of disposal of sewage onsite, as may be required where development occurs away from existing networks. Note that discharge of human sewage is a regional council matter. This change also makes it consistent with P8	<p>Add e to clause 3:</p> <p>e. the treatment and/or attenuation of human sewage where the site size and characteristics permit it.</p>
SUB-R6	Oppose in part	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.	Amend so that 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>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>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> <p>Access is a matter to be negotiated between the landowner and Council or the road controlling authority</p> <p>Clause 1 references building platforms outside of the National Grid Yard, yet this only makes sense if it was 'inside' the National Grid Yard.</p>	<p>And any consequential changes to the subdivision section to the relief sought above</p> <p>Amend to 'inside' if in error.</p>
SUB-P8, Subdivision to create a bonus allotment	Support in part	Federated Farmers has noted elsewhere that the incentive to create an additional allotment where SNAs are created is unfair on those who do not subdivide. Therefore, Federated Farmers support for this rule is limited to the incentives package we have requested in the significant indigenous biodiversity chapter for SNAs being accepted.	Support is contingent on the relief sought for SNA management incentives where land is not subdivided.
Table SUB-1	Support with changes	<p>Add on additional subdivision standards to the general rural zone linked to LUC class.</p> <p>General Rural Zone sites on class 4 or greater land are able to obtain sites of 4ha or less, whilst class 1-3 land remains at 20ha.</p>	<p>Amend table as follows:</p> <p>General rural zone where Land Use Capability class is 4-7 – 4ha</p> <p>General rural zone where Land Use</p>

			Capability class is 1-3 – 20ha
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