

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KŌTI TAIAO O AOTEAROA
I ŌTAUTAHI ROHE

ENV-2020-CHC-

IN THE MATTER
AND

of the Resource Management Act 1991 ("Act")

IN THE MATTER

of an appeal pursuant to clause 14(1) of the First
Schedule of the Act in relation to the Proposed
Marlborough Environment Plan

BETWEEN

**FEDERATED FARMERS OF NEW ZEALAND
(‘FFNZ’)**

Appellant

AND

MARLBOROUGH DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL



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FORM 7
NOTICE OF APPEAL TO ENVIRONMENT COURT
AGAINST DECISIONS ON
THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

To: The Registrar
Environment Court
Christchurch

1. FFNZ appeals against a decision of the Marlborough District Council on the following plan:

Proposed Marlborough Environment Plan

2. FFNZ made a submission on that plan.
3. FFNZ is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
4. FFNZ received notice of the decision on 21 February 2020.
5. The decision was made by the Marlborough District Council.
6. The parts of the decision that FFNZ is appealing are:
 1. Definition of *Computer register*
 2. Definition of *Home occupation*
 3. Definition of *Intensively farmed livestock*
 4. Definition of *Minor upgrading*
 5. Definition of *Vegetation Clearance*
 6. Definition of *Worker accommodation*

7. Rule 2.3.16 Damming Water and the subsequent use of that water
8. Rule 2.9.5 - Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river
9. Rule 2.9.9 - Livestock entering onto, or passing across, the bed of a river
10. Rule 2.10 - Discretionary Activities
11. Rule 2.11.4 – Prohibited: From 9 June 2022, permitting intensively farmed livestock to enter onto the beds of lakes or rivers when there is water flowing in the river
12. Rule 2.11.5 – Prohibited: From 9 June 2022, permitting intensively farmed livestock to pass across the beds of lakes or rivers when there is water flowing in the river
13. Rule 3.2.1.1 - No more than one residential dwelling must be constructed or sited per Record of Title
14. Rule 3.2.1.3 - Within the Omaka Valley Area, the maximum height of a building or structure must not exceed 7.5m
15. Rule 3.2.1.7 - A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership
16. Rule 3.3.9 - Woodlot forestry planting
17. Rule 3.3.10 - Woodlot forestry harvesting
18. Rule 3.3.12 - Indigenous vegetation clearance
19. Rule 3.3.15 - Excavation
20. Rule 3.3.17 - Filling of land with clean fill
21. Rule 3.3.22 - Livestock entering onto, or passing across, the bed of a river
22. Rule 3.3.24 - Application of fertiliser or lime into or onto land
23. Rule 3.3.26.2 - Application of compost or solid agricultural waste into or onto land
24. Rule 3.3.27 - Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land
25. Rule 3.3.29 - Discharge of dairy farm effluent into or onto land
26. Rule 3.3.34.8 - Making compost or silage in a pit or stack, or stockpiling agricultural solid waste
27. Rule 3.3.35.5 - Storage of compost not in a pit or stack

28. Rule 3.3.52.2 - Buildings, structures and activities in the National Grid Yard
29. Rule 3.3.52.3 - Buildings and structures must within 12m of a foundation of a National Grid transmission line support structure
30. Rule 3.7.3 - Prohibited activity: Intensively farmed livestock entering the bed of a lake, into a Significant Wetland or onto the bed of a river
31. Rule 3.7.4 - Prohibited Activity: Intensively farmed livestock passing across the bed of a river when there is water flowing in the river
32. Rule 3.7.13 - Prohibited activity: Discharge of contaminants to air
33. Rule 4.2.1.1 - No more than one residential dwelling must be constructed or sited per Record of Title
34. Rule 4.2.1.6 - A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership
35. Rule 4.2.1.12 - On land within the Marlborough Sounds High Amenity Landscape...
36. Rule 4.3.7 - Woodlot forestry planting
37. Rule 4.3.11 - Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017
38. Rule 4.3.20.1 - The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river
39. Rule 4.3.20.3 - After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding the following...
40. Rule 4.3.22 - Storage and application (involving a discharge) of fertiliser or lime into or onto land
41. Rule 4.3.24 - Application (involving a discharge) of compost or solid agricultural waste into or onto land
42. Rule 4.3.25 - Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land
43. Rule 4.3.27 - Discharge of dairy farm effluent into or onto land
44. Rule 4.3.32.8 - Making compost or silage in a pit or stack, or stockpiling agricultural solid waste
45. Rule 4.3.33.4 - Storage of compost not in a pit or stack
46. Rule 4.3.49.2 - Buildings, structures and activities in the National Grid Yard
47. Rule 4.3.49.3 - Buildings and structures within 12m of a foundation of a National Grid transmission line support structure

48. Rule 4.5.2 - Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24-month period...
49. Rule 4.71 - Prohibited - Plantation forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land
50. Rule 16.3.10 - Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation
51. Rule 16.3.11 - Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert
52. New Rule to be inserted into Volume 2, Chapter 16 – Coastal Marine Zone:

"Disturbance in the coastal marine area for the purpose of clearing debris, excluding gravel..."
53. Policy 4.1.2 - Enable sustainable use and development of natural resources in the Marlborough environment
54. Policy 5.2.3 - Protect the significant values of specifically identified freshwater bodies
55. Policy 5.3.1 - To allocate water in the following order of priority...
56. Policy 5.3.14 - The duration of water permits to take or divert water for consumptive purposes will reflect the circumstances of the take or the diversion...
57. Policy 5.4.1 - Unless special circumstances exist that justify a longer period the lapse period for water permits to take water shall be no more than two years
58. Objective 8.1 - The intrinsic values of Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and marine environments are protected
59. Policy 8.2.6 - Where areas of significant indigenous biodiversity value are known to exist in riparian margins of rivers, lakes or in the margins of a significant wetland...
60. Policy 13.2.1 - The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough's coastal environment...
61. Policy 13.2.4 - Attributes that may be considered when assessing any effects on coastal amenity value in a particular location...
62. Policy 13.2.5 - Amenity values of the coastal environment can be maintained and enhanced by...
63. Policy 13.5.6 - Maintain the character and amenity values of land zoned Coastal Living by the setting of standards...
64. Policy 14.4.2 - Retain an open and spacious character in Marlborough's rural environments with a dominance of open space and plantings...

65. Policy 14.4.3 - Ensure buildings are set back a sufficient distance from property boundaries and road frontages...
 66. Policy 14.4.5 - Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established...
 67. Policy 14.4.6 - Mitigate nuisance effects on adjoining dwellings or adjoining properties caused by dust from earthworks or stockpiled material
 68. Policy 14.4.7 - Ensure offensive or objectionable odour effects from rural activities are avoided or mitigated to protect lawfully established land uses
 69. Objective 15.1b - Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is...
 70. Objective 15.1c - Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is...
 71. Policy 15.11 - As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable for the following purposes...
 72. Policy 15.1.28 - To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance water quality
 73. Policy 15.1.35 - Avoid stock disturbance of riverbeds, lakes and Significant Wetlands and the associated discharge of animal effluent to those water bodies ...to meet the management purposes established by Policy 15.1.1...
 74. Policy 15.3.5 - Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4...
 75. Policy 16.1.1 - Encourage waste minimisation practices by establishing a waste management hierarchy...
7. The reasons for the appeal and the relief sought with respect to each provision are set out in the table attached at Schedule 1.

Further reasons for appeal

8. FFNZ's further reasons for appeal (in addition to the matters set out in Schedule 1) are set out in FFNZ's submissions and further submissions as well as below:
 - a. The proposed plan does not have the most appropriate policies in terms of section 32 of the Act.
 - b. The proposed plan does not have the most appropriate provisions for the objectives in terms of section 32 of the Act.
 - c. The proposed plan is contrary to good resource management and planning practices.

Further relief sought

9. FFNZ seeks the following further relief (in addition to the matters set out in Schedule 1):
 - a. other relief to give effect to the concerns raised in this appeal and FFNZ's submission and further submissions.
 - b. any consequential amendment as to detail or substance throughout the Plan to give effect to this appeal point; and
 - c. costs.

10. FFNZ attaches the following documents to this notice:
 - (a) a copy of the FFNZ submission or further submission (with a copy of the submission opposed or supported by the FFNZ further submission):
 - (b) a copy of the relevant decision can be accessed [here](#).



Kim Reilly
for Federated Farmers of New Zealand

8 May 2020

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

To become a party to the appeal, you must:

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

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

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

How to obtain copies of documents relating to appeal

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

Advice

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

Schedule 1 Relief sought by Appellant

Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
Definition of <i>Computer register</i>	has the same meaning as in Clause 12 of Section 1 of the Land Transfer Act 2017.	<p>That the definition be amended as follows:</p> <p>Has the same meaning as Clause 12(2) of Section Schedule1 of the Land Transfer Act 2017</p> <p>Any consequential relief needed to give effect to the above</p>	The reference within the definition is incorrect.
Definition of <i>Home occupation</i>	means any occupation, business, trade, craft or profession, the primary purpose of which is to derive income. Excluded from this definition are any activities involving escort agencies, brothels, massage parlours, homestays, retail sales, panel beating, spray painting, motor vehicle repairs, heavy trade vehicles, fibre-glassing, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process that involves continual use of power tools and drilling or hammering or any other activity that would detract from the amenities of the neighbourhood or locality.	<p>That the definition be amended as follows:</p> <p>means any occupation, business, trade, craft or profession <u>conducted from within a dwelling</u>, the primary purpose of which is to derive income. Excluded from this definition are any activities involving escort agencies, brothels, massage parlours, homestays, retail sales, panel beating, spray painting, motor vehicle repairs, heavy trade vehicles, fibre-glassing, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, <u>primary production</u>, motor body building and any process that involves continual use of power tools and drilling or hammering or any other activity that would detract from the amenities of the neighbourhood or locality</p> <p>Any consequential relief needed to give effect to the above</p>	<p>This definition should, first and foremost, refer to occupations conducted from within a dwelling.</p> <p>The Council's reporting officer acknowledged Primary Production should be excluded in the Topic 12 s42 Report, at paragraphs 501 and 503.</p> <p>It appears this agreement to amend the definition did not come through in the tracked version. The definition change we seek is consistent with change suggested by the Council reporting officer at paragraph 503.</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Definition of <i>Intensively farmed livestock</i>	means (a) cattle, deer or sheep which are contained for breakfeeding; (b) dairy cattle; (c) pigs.	<p>That the definition be amended as follows:</p> <p><i>Means:</i></p> <p><i>(a) cattle, or deer or sheep which are contained for breakfeeding of winter feed crops (July – September);</i></p> <p><i>(a) dairy cattle <u>located on the milking platform</u>;</i></p> <p><i>(b) farmed pigs.</i></p> <p>Any consequential relief needed to give effect to the above</p>	<p>The term 'intensively farmed livestock' in the Plan is a proxy for dealing with the issue of environmental harm from livestock entering surface water bodies and wetlands etc.</p> <p>However, it is not the type of livestock themselves that cause the problem of water degradation. (Sheep, deer cattle and pigs are not, in themselves, 'intensive' livestock).</p> <p>Nor is the manner in which livestock are grazed (even if break fed), or their 'intensity', the issue which causes the problem of water degradation. It is more the fact that sediment from drainage runoff (that may occur as the result of certain break-feeding practices) and pathogens excreted from certain ruminants, can contaminate surface water bodies and wetlands etc.</p>
	Definition of <i>Minor upgrading</i>	means an increase in the carrying capacity, efficiency or security of electricity (for the purpose of utilities) lines, telecommunication lines and radio communication facilities, using the existing support structures or replacement structures of a similar scale and character, and includes: (a) The replacement, reconfiguration, relocation or addition of lines, circuits and conductors; (b) The re-conductoring of the line with higher capacity conductors; (c) The re-sagging of conductors; (d) The addition of longer or more efficient insulators; (e) The addition of earthwires, earthpeaks and lightning rods;	<p>That the definition be amended as follows:</p> <p>...</p> <p>(a) The replacement, reconfiguration, relocation or addition of lines, circuits and conductors;</p> <p>...</p> <p>That the definition reinstates the following from the notified version of the definition:</p>	<p>Minor Upgrades should not include relocation of utilities. To do so could severely inconvenience farming operations, including ability to cultivate and harvest crops, and carry out routine maintenance that include vegetation clearance and earthworks including operation of farm quarries.</p> <p>This could materially impact where a farmer can operate. Federated Farmers does not consider</p>

Schedule 1 Relief sought by Appellant

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		(f) Foundation works associated with the minor upgrading.	<p><u>Minor upgrading does not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.</u></p> <p>Any consequential relief needed to give effect to the above</p>	<p>relocation 'minor'.</p> <p>An increase to line voltage could mean changes are required to the transmission line structures or location of lines. It should be expressly excluded from this definition.</p>

Schedule 1 Relief sought by Appellant

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	Definition of <i>Vegetation clearance</i>	<p>means the cutting, destruction or the removal of all forms of vegetation including indigenous and exotic plant vegetation by cutting, burning, cultivation, crushing, spraying or chemical treatment but does not include:</p> <p>(a) Plantation forestry harvesting, carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting; or</p> <p>(b) mowing and domestic gardening activities where they relate to non-indigenous vegetation.</p>	<p>That the definition be amended as follows:</p> <p>means the cutting, destruction or the removal of all forms of vegetation including indigenous and exotic plant vegetation by cutting, burning, cultivation, crushing, spraying or chemical treatment but does not include:</p> <p>(a) Plantation forestry harvesting, carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting; or</p> <p>(b) mowing and domestic gardening activities where they relate to non-indigenous vegetation.</p> <p>(c) <u>harvesting primary production crops including arable crops, hay and winter fodder supplements.</u></p> <p>(d) <u>vegetation clearance for pasture maintenance, shelterbelt maintenance.</u></p> <p>(e) <u>removing vegetation obstructions from fence lines, farm water supply pipelines, farm drains, farm access tracks and maintaining clearance around farm buildings.</u></p> <p>Any consequential relief needed to give effect to the above</p>	<p>The definition should be limited to indigenous vegetation, otherwise it may encourage the perverse outcome of maintaining exotic pest plant species if requirement for resource consent is triggered in the rule framework by inclusion 'vegetation' in general.</p> <p>At the least, activities such as cultivation, haymaking, pasture maintenance, and harvesting or arable crops should be excluded from vegetation clearance rules (as is so, by implication, from the definition).</p> <p>There should also be exemptions for clearance for maintaining farm drains, water supply lines, clearance around farm buildings.</p>
	Definition of <i>Worker accommodation</i>	<p>means the use of land and buildings for accommodating the short term labour requirements of a farming activity where the accommodation is provided where the farming activity occurs. Worker accommodation does not include residential activity.</p>	<p>That the definition be amended as follows:</p> <p>means the use of land and buildings for accommodating the short term temporary labour requirements of a farming activity where the accommodation is provided</p>	<p>Specifying 'short-term' 'temporary' accommodation will unintentionally capture farming operations that rely on having staff permanently living on farm.</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
			<p>where the farming activity occurs. Worker accommodation does not includes residential activity.</p> <p>Any consequential relief needed to give effect to the above</p>	<p>Workers often live on farm to ensure that they are available to complete tasks after hours, to reduce unnecessary travelling time, for health and safety reasons, and as part of the package that an employer can offer their staff member.</p> <p>Workers may live here with their families and consider these dwellings as their permanent place of residence. This needs to be clearly anticipated alongside accommodation blocks, shared lodges or caravans that are intended for temporary workers to stay for days/weeks for seasonal work, such as shearers or apple pickers.</p> <p>Permanent worker housing needs to be provided for in the Plan through workable rules and a practical definition. Rural housing provides an important social function and should not be discouraged.</p>
	<p>Rule 2.3.16 Damming Water and the subsequent use of that water</p>	<p>The damming and subsequent use of water does not authorise the construction of a dam, which is governed by provisions in the Zone rules.</p> <p>2.3.16.1. No more than 5,000m³ of water is dammed at any time.</p> <p>2.3.16.2. The damming and water use must not be otherwise provided for by a resource consent.</p>	<p>That Rule 2.3.16 be amended as follows:</p> <p>2.3.16.1 No more than <u>20,000m³</u> 5,000m³ of water is dammed at any time.</p> <p>...</p> <p>2.3.16.3 The damming of water, and operation of their associated reticulation lines shall not occur within the National Grid Yard.</p>	<p>The standard for damming of water should be at 20,000m³, in line with the Building Act. The 5,000m³ limit is impractical for farming operations, it is much too little.</p> <p>We do not agree that stock water dams, particularly existing ones, should not be allowed within the</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
		<p>2.3.16.3 The damming of water, and operation of their associated reticulation lines shall not occur within the National Grid Yard.</p>	<p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>National Grid Yard. Stock water dams need to be in the most practical location with regard to a range of factors, including: proximity to water sources, ability to provide sufficient water column pressure to distribute the farm water supply, and suitability of landform for the stable and efficient construction of dam structures.</p> <p>The determining factor should not be convenience for Transpower. To require such dams to be outside National Grid Yard may unnecessarily constrain farmers.</p>
	<p>Rule 2.9.5 - Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.</p>	<p>Note: Where the construction or placement of any new river crossing is managed by the National Environmental Standards for Plantation 2017, the standards in 2.8 and Standards 2.9.5.1 and 2.9.5.2 do not apply.</p> <p>2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p>2.9.5.2. The structure must not intersect the groundwater.</p> <p>2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.</p> <p>2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.</p>	<p>That Rule 2.9.5 be amended as follows:</p> <p>Construction or placement of a new structure in, on, under, or over the bed of an <u>intermittently flowing ephemeral</u> river.</p> <p>...</p> <p>2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.</p> <p>2.9.5.2. The structure must not intersect the groundwater.</p> <p>2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.</p> <p>2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.</p> <p>Any consequential amendment(s)</p>	<p>Rule 2.9.5.1 should only refer to perennially flowing rivers, otherwise the rule is nonsensical (especially given the confusion between ephemeral and intermittent rivers).</p> <p>Rule 2.9.5.2 is highly ambiguous and lacks the certainty required for a permitted activity condition. Therefore it should be deleted.</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
			<p>necessary to give effect to this relief.</p>	
	<p>Rule 2.9.9 - Livestock entering onto, or passing across, the bed of a river.</p>	<p>2.9.9.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.</p> <p>2.9.9.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or natural clarity of any flowing river due to sediment or sediment laden discharge originating from the activity site.</p> <p>2.9.9.3. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in the water quality of the river exceeding the following: (a) 2mg/l carbonaceous BOD5 (b) 260 Escherichia coli (E. coli)/100ml.</p>	<p>That Rule 2.9.9.3 be deleted.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The rule is unworkable for practical day to day farming operation.</p> <p>Permitted activity rules must be able to be complied with by laypeople, and the requirement for specific BOD5 and E.coli concentrations are beyond the ability of individual farmers to control.</p> <p>Decomposing organic matter and E.coli may be already present in the waters, in concentrations which exceed the specified maximum amounts.</p>
	<p>Rule 2.10 - Discretionary Activities</p>	<p>Application must be made for a Discretionary Activity for the following:</p> <p>2.10.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.</p> <p>2.10.2. Any activity in, on, under or over the bed of a lake or river not provided for as a Permitted Activity or limited as a Prohibited Activity.</p> <p>2.10.3. Livestock entering onto or passing across the bed of a lake.</p>	<p>That all activities listed in Rule 2.10 be changed to Restricted Discretionary Activities.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>These activities relate to permitted activities should only be subject to consideration about the extent to which non-compliance with the specified Permitted Activity standard(s) will generate adverse effects.</p> <p>Therefore, these are suitable for <i>Restricted Discretionary Activity</i> status. In this regard, regulatory frameworks should err on the side of a 'less restrictive regime' where the purposes of the plan can be so met (following the principle in <i>Royal Forest and Bird Protection Society Inc v Whakatane District Council</i> [2017] NZEnvC 51).</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	<p>Rule 2.11.4 - Prohibited</p> <p>Rule 2.11.5 - Prohibited</p>	<p>From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a lake or the bed of a river when there is water flowing in the river.</p> <p>From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a lake or the bed of a river when there is water flowing in the river.</p>	<p>That Rule 2.11.4 and Rule 2.11.5 be deleted.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>There is no farming activity that should be classed prohibited. There may be some situations in which it is necessary for livestock to enter water (whether or not they are “intensively farmed livestock”), for example to ensure stock welfare if farm access tracks are damaged or inaccessible, yet stock still need to be shifted for feeding.</p> <p>To prohibit such activity could put farmers into an impossible situation of not being able to apply for consent in such situations.</p> <p>Such activity should at most be a non-complying activity.</p>
	<p>Rule 3.2.1.1</p>	<p>No more than one residential dwelling must be constructed or sited per Record of Title.</p>	<p>That the rule be amended as follows:</p> <p>No more than one residential dwelling must be constructed or sited per Record of Title, <u>unless the site is over 20ha, in which case one additional residential dwelling is permitted</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Allowing an additional dwelling on sites over 20ha is a practical way of enabling worker accommodation in the Rural Zone, as this reflects subdivision potential for 20ha minimum lots.</p> <p>This was accepted within the s42A report but has not been adopted in the decision.</p> <p>Permanent (or non-seasonal) worker accommodation has not otherwise been provided for appropriately.</p>
	<p>Rule 3.2.1.3</p>	<p>Within the Omaka Valley Area, the maximum height of a building or structure must not exceed 7.5m.</p>	<p>That the rule be deleted</p> <p>OR</p>	<p>In the context of the wide-open spaces of the Rural Zone, there is no reason to restrict maximum</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
			<p>The height limited raised to 10m within the Omaka Valley Area to represent realistic rural zone building heights.</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>building height to 7.5m in the Omaka Valley Area. To do so is likely to subject farmers in this area to onerous costs and delays for consents to exceed 7.5m high buildings for such commonplace farm buildings as barns and implement sheds, for little or no environmental benefit.</p>
	<p>Rule 3.2.1.7</p>	<p>A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.</p>	<p>That the rule be amended as follows:</p> <p><u>Any new habitable structure or accessory building other than a pump shed</u> must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.</p> <p>And a new rule be inserted as follows:</p> <p><u>Any new building other than a habitable building which is closer than 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership, must have a fire fighting water supply in accordance with NZ Fire Service Firefighting water supplies code of practice NZS 4509:2008.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>There is no reason that existing buildings need to be set back 100m from forestry on adjacent land under different ownership, if those buildings were in place prior to such plantation forestry being planted.</p> <p>100m is a blunt 'one size fits all' proxy for fire hazard risk. However, structures which are not 'habitable structures' can be appropriately situated within 100m from forestry on adjacent land with suitable alternative solutions under the NZ Fire Service Firefighting water supplies code of practice 4509:2008.</p> <p>A resource consent does not have to be required. If necessary, permitted activity standards can be derived from NZS 4509:2008.</p>
	<p>Rule 3.3.9 Woodlot forestry</p>		<p>That Rule 3.3.9.2 be either deleted or amended as follows:</p>	<p>The definition of <i>Woodlot forestry</i> captures any trees planted for non-</p>

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	planting		<p>(a) 40030m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;</p> <p>(b) 30m of a formed and sealed public road or 30m of the Main Trunk railway track <u>Where a tree, when fully grown, could shade a paved public road or a Main Trunk Railway between 10 am and 2 pm on the shortest day of the year, except where the topography already causes shading;</u></p> <p>(c) 8m of a river (except an ephemeral river) or lake; 5 m of—</p> <p>(i) <u>a perennial river with a bankfull channel width of less than 3 m; or</u></p> <p>(ii) <u>a wetland larger than 0.25 ha; or</u></p> <p>(d) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification; 10 m of—</p> <p>(i) <u>a perennial river with a bankfull channel width of 3 m or more; or</u></p> <p>(ii) <u>a lake larger than 0.25 ha; or</u></p> <p>(iii) <u>an outstanding freshwater body; or</u></p> <p>(iv) <u>a water body subject to a water conservation order; or</u></p> <p>(v) <u>a significant natural area; or</u></p> <p>(e) 20m of the coastal marine area;</p> <p>(f) Steep Erosion-Prone Land, unless replanting harvested woodlot</p>	<p>commercial purposes. As far as farm operations are concerned, this may include trees planted for purposes of erosion control, use for firewood, shelterbelts and along riparian margins.</p> <p>The restrictions on where these can be planted are arbitrary. If there are any such restrictions, they should mirror what is in the <i>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</i>, because this presents a permitted baseline for other types of afforestation.</p> <p>Otherwise, the restrictions unnecessarily constrain opportunities for farmers to utilise privately owned farm property for tree planting that may be otherwise unusable for pastoral farming, for little or no environmental benefit.</p>

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			<p align="center">forest lawfully established.</p> <p>With the following additional rule inserted:</p> <p><u>Rule 3.3.9.X</u> <u>Trees planted for purposes of erosion control, use for firewood, shelterbelts and along riparian margins for erosion and livestock exclusion control, shall be permitted where these are on land primarily used for agricultural primary production.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	
	Rule 3.3.10 Woodlot forestry harvesting		<p>That Rule 3.3.10 be deleted</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	This is related to the appeal point on Woodlot forestry planting.
	Rule 3.3.12 Indigenous vegetation clearance.	<p>The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.11.3 to 3.3.11.6 (inclusive):</p> <p>...</p> <p>(b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 10 years in age;</p> <p>(c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;</p> <p>(d) where the clearance is associated with the maintenance</p>	<p>That the rule be amended as follows:</p> <p>...</p> <p>(d) where the clearance is associated with the <u>formation or maintenance of existing roads, forestry roads, harvesting tracks, farm tracks, fence lines, cycling tracks, or walking tracks, farm buildings, farm water supply pipelines, farm drains, stream/river crossings and bridges;</u></p> <p>...</p>	<p>The list of exemptions does not sufficiently capture day-to-day farm operational/maintenance activities where clearance of vegetation may be required.</p> <p>Without such exemptions, these normal farming activities would be unnecessarily captured by requirement for consent, resulting in onerous delays and costs for farmers, for little or no environmental benefit.</p> <p>The requirement to set a maximum timeframe for clearance of</p>

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		<p>of existing roads, forestry roads, harvesting tracks, farm tracks, fence lines, cycling tracks or walking tracks;</p> <p>...</p> <p>(f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;</p> <p>(g) where the clearance is associated with the maintenance of existing fire breaks.</p>	<p>With the following additional clauses inserted:</p> <p><u>(x) Pasture maintenance</u> <u>(x) To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949</u> <u>(x) Undertaking plant pest management activities.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>indigenous regrowth in (b) and (c) makes it unnecessarily difficult for plant pest control and personal use of such resources (where the land is in private ownership).</p> <p>Farmers may have deliberately let certain types of indigenous vegetation (such as manuka and kanuka) grow on their land in order to be able to utilise it for firewood in the future. To selectively punish farmers who have left the vegetation there for longer than the arbitrarily-defined periods stated in these rules is tantamount to eco-confiscation of private property.</p> <p>If the Council wants to protect these vegetation, it must do this with the willing agreement of the respective landowner(s). There are other more-appropriate mechanisms whereby such vegetation can be protected, including protective covenants (such as QE2 covenants), which must be negotiated with landowners.</p>
	<p>Rule 3.3.15 Excavation</p>	<p>Note: Where excavation is managed under the National Environmental Standards for Plantation Forestry 2017, Standards 3.3.15.1, 3.3.15.2, 3.3.15.3(a), 3.3.15.4, 3.3.15.5, 3.3.15.10, 3.3.15.11 and 3.3.15.12 do not apply, and Standards 3.3.15.3(b), and 3.3.15.9 only apply to the extent that they relate to Significant Wetlands smaller than 0.25ha in area.</p> <p>3.3.15.1. Excavation in excess of 1000m³ must not occur</p>	<p>That the rule be amended as follows:</p> <p>3.3.15.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 <u>12</u>-month period. ...</p> <p>With the following additional clause inserted.</p>	<p>The exemptions provided in this rule are insufficient for excavation associated with normal day-to-day farming practice.</p> <p>Farmers need to be free to do a arrange of types of minor excavation, without being caught by a requirement for resource consent that would subject them to</p>

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		<p>on any land with a slope greater than 20° within any 24 month period. This standard excludes;</p> <p>...</p>	<p><u>3.3.15.x</u> The following minor excavations are permitted and are exempt from compliance with this standard;</p> <p>(a) excavation undertaken for the maintenance of farm tracks, water supply pipelines, fences and farm drains;</p> <p>(b) digging of postholes for the construction of fences</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>unnecessary and onerous delays and costs for little or no environmental benefit.</p>
	<p>Rule 3.3.17 Filling of land with clean fill</p>	<p>3.3.17.1 Filling in excess of 1000m³ must not occur within any 24 month period.</p> <p>...</p>	<p>That the rule be amended as follows:</p> <p>3.3.17.1 Filling in excess of 1000m³ must not occur within any 24 <u>12</u>-month period.</p> <p>With the following additional clause inserted.</p> <p><u>3.3.17.x</u> The following minor clean fills are permitted and are exempt from compliance with this standard;</p> <p>(a) clean fill undertaken for the maintenance of farm tracks, water supply pipelines, livestock water troughs, fences and farm drains;</p> <p>(b) clean fill associated with digging of postholes for the construction of fences and livestock water troughs</p>	<p>This rule provides insufficient capacity to undertake clean fill associated with normal day-to-day farming operations.</p> <p>Where farmers are moving soil from minor excavation, they need to be able to do so without being caught by a requirement for resource consent that would subject them to unnecessary and onerous delays and costs for little or no environmental benefit.</p> <p>This relief must align with relief sought in relation to Federated Farmers appeal point on Rule 3.3.15.</p>

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			<p>And any consequential amendment(s) necessary to give effect to this relief.</p>	
	<p>Rule 3.3.22 Livestock entering onto, or passing across, the bed of a river</p>	<p>3.3.22.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river. ... 3.3.22.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding the following: (a) 2mg/l carbonaceous BOD5 (b) 260 Escherichia coli (E. coli)/100ml.</p>	<p>That the rule be amended as follows:</p> <p>3.3.22.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river, <u>except in the following circumstances:</u> (a) <u>where stock crossing occurs occasionally as part of grazing rotation, or</u> (b) <u>to access other areas of a farm that are separated by the waterbody, or</u> (c) <u>where the crossing is necessary for stock safety, or</u> (d) <u>where there are practical difficulties constructing a bridge or culvert;</u></p> <p>...</p> <p>3.3.22.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding the following: (a) 2mg/l carbonaceous BOD5 (b) 260 Escherichia coli (E. coli)/100ml.</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The rule is unworkable for practical day-to-day operation of farms: Where farmers are managing movement of livestock, they need to be able to do so without being caught by a requirement for resource consent that would subject them to unnecessary and onerous delays and costs for little or no environmental benefit.</p> <p>This rule does not take into account the limited adverse effects of stock crossings, which by their nature are often short in duration and infrequent in occurrence. Until work has been completed on the cause and effect of water quality concerns within those catchments designated for Catchment Enhancement Plans, widespread regulation of stock access should be avoided.</p> <p>Permitted activity rules must be able to be complied with by laypeople, and the requirement for specific BOD5 and E.coli concentrations are beyond the ability of individual farmers to control. Decomposing organic matter and E.coli may be already present in the waters, in concentrations which exceed the specified maximum amounts.</p>

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	<p>Rule 3.3.24 Application of fertiliser or lime into or onto land</p>	<p>Storage and application (involving a discharge) of fertiliser or lime into or onto land.</p> <p>3.3.24.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.</p> <p>3.3.24.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times, except when fertiliser is being applied.</p> <p>3.3.24.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).</p> <p>3.3.24.4. The application must not occur when the soil moisture exceeds field capacity.</p> <p>3.3.24.5. The application of fertiliser must not result in pass beyond the legal boundary of the area of land on which the fertiliser or is being applied.</p> <p>3.3.24.6. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied</p>	<p>That the rule be deleted:</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers, in particular, under Fertilisers (Subsidiary Hazard) Group Standards.</p> <p>Application of lime should not be limited by this rule. Lime improves the uptake of major plant nutrients (nitrogen, phosphorus, and potassium) of plants growing on acid soils, so it is beneficial for reducing N-leaching. Including limitations on lime application is likely to result in the perverse outcome of worsening of N-leaching.</p>
	<p>Rule 3.3.26.2 Application of compost or solid agricultural waste into or onto land.</p>	<p>The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).</p>	<p>That the rule be deleted</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The specified maximum N-loading limit is arbitrary and has no scientific basis. It may be just as likely to result in a burden of proof for farmers that is unduly onerous and costly, for little or no environmental benefit.</p>
	<p>Rule 3.3.27. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto</p>	<p>...</p> <p>3.3.27.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.</p> <p>...</p> <p>3.3.27.7. The total cumulative nitrogen (N) loading from all</p>	<p>That the Rule 3.3.27.3 and Rule 3.3.27.7 be deleted</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>This rule seems to be aimed at limiting feeding of grape marc to livestock (in which case it would be limiting animal feed). However, a more serious concern is the specified maximum N-loading limit, which is arbitrary and has no</p>

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	land.	discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).		scientific basis. It may be just as likely to result in a burden of proof for farmers that is unduly onerous and costly, for little or no environmental benefit.
	Rule 3.3.29. Discharge of dairy farm effluent into or onto land.	<p>...</p> <p>3.3.29.8. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being sufficient to allow for discharges to be deferred so that standards 3.3.29.4, 3.3.29.5 and 3.3.29.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.</p> <p>...</p> <p>3.3.29.11 24 months after the plan becomes operative, Standards 3.3.29.8, 3.3.29.9 and 3.3.29.10 apply to a dairy farm existing at 9 June 2016.</p> <p>...</p>	<p>That the rule be amended as follows:</p> <p>...</p> <p>3.3.29.8. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being sufficient to allow for discharges to be deferred so that standards 3.3.29.4, 3.3.29.5 and 3.3.29.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.</p> <p>...</p> <p>3.3.29.11 24 36 months after the plan becomes operative, Standards 3.3.29.8, 3.3.29.9 and 3.3.29.10 apply to a dairy farm existing at 9 June 2016.</p> <p>...</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The size of ponds should not be arbitrarily dependent on a 3-month minimum, but rather should be designed using the Dairy Effluent Storage Calculator, which is an industry recognised best practice tool.</p> <p>24 months is unlikely to be insufficient time for farmers to plan for and obtain resource consent for their existing farms, for the significant amount of planning and costs involved. This period should be extended to 36 months after the plan becomes operative.</p>

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	<p>Rule 3.3.34.8 Making compost or silage in a pit or stack, or stockpiling agricultural solid waste</p>	<p>The total area of any compost or silage in a stack(s) or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.</p>	<p>That Rule 3.3.34.8 be deleted And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The limitation on 500m² maximum size of on-site silage storage is inappropriate and unjustified. It is arbitrary and not effects-based.</p> <p>Effects of silage storage can be appropriately managed through the other standards in the rule. A 500m² maximum is woefully inadequate and farmers would be likely to be subject to unnecessary delays and costs by having to trigger requirement for resource consent to stockpiles larger than 500m², for little or no environmental benefit. Farmers should be left to ascertain the amount of silage they need according to their individual farm needs.</p>
	<p>Rule 3.3.35.5 Storage of compost not in a pit or stack.</p>	<p>The total area of any compost or silage in a stack(s) or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.</p>	<p>That Rule 3.3.35.5 be deleted from the Plan. And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concern</p>	<p>The limitation on 500m² maximum size of on-site silage storage is inappropriate and unjustified. It is arbitrary and not effects-based.</p> <p>Effects of silage storage can be appropriately managed through the other standards in the rule. A 500m² maximum is woefully inadequate and farmers would be likely to be subject to unnecessary delays and costs by having to trigger requirement for resource consent to stockpiles larger than 500m², for little or no environmental benefit. Farmers should be left to ascertain the amount of silage they need</p>

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				according to their individual farm needs.
	<p>Rule 3.3.52.2 Buildings, structures and activities in the National Grid Yard</p>	<p>Buildings and structures must not be located within the National Grid Yard unless they are:</p> <p>(a) a fence not exceeding 2.5m in height; or</p> <p>(b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).</p> <p>...</p>	<p>That Rule 3.3.52.2(b) be amended as follows:</p> <p>...</p> <p>(b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, <u>stockyard and platforms</u>, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).</p> <p>...</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Federated Farmers submitted in support of permitted activity standard within the National Grid Yard.</p> <p>The exception to the exception in (b) is confusing. Stockyards and platforms need to be permitted alongside the other farm or horticultural buildings, otherwise these structures will be caught in a consent pathway which would subject farmers to unnecessary onerous delays and costs for little or no environmental benefit.</p>
	<p>Rule 3.3.52.3 Buildings and structures must within 12m of a foundation of a National Grid transmission line support structure</p>	<p>Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:</p> <p>(a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or</p> <p>...</p>	<p>That Rule 3.3.52.3(a) be amended as follows:</p> <p>Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are:</p> <p>(a) a fence not exceeding 2.5m in height that is located at least 6m 5m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or</p> <p>...</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Federated Farmers submitted in support of permitted activity standard within the National Grid Yard.</p> <p>The only reason to regulate fences in the District Plan is for electrical safety. The rule that fences are to be 6m away from a National Grid Structure is excessive when Section 2.3.3 of the Code of Practice for Electrical Safety Distances requires only 5m setback from structures above 66kv.</p> <p>This leads to an inconsistency for farmers hosting the National Grid. On one hand they are allowed fences up to 5m of the structures</p>

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				<p>under the Code, yet on the other hand they will need a resource consent from the Council if their fence is at this distance. There is no need for the District Plan to be stricter than the Code when it comes to electrical safe distances for fences, especially when the Code safe distances have been ascertained by electrical engineers.</p>
	<p>Rule 3.7.3 Prohibited activity. Intensively farmed livestock entering the bed of a lake, into a Significant Wetland or onto the bed of a river.</p>	<p>Prohibited activity From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a lake, into a Significant Wetland or onto the bed of a river when there is water flowing in the river.</p>	<p>That the rule be deleted And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>A prohibited activity status has the effect of placing an activity 'outside' the plan, and prohibiting this particular activity is highly impractical for farmers. It would require a private plan change application to even allow consideration of the merits or otherwise of the activity. There is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.</p> <p>Such activity should at most be a non-complying activity.</p>
	<p>Rule 3.7.4 Prohibited Activity. Intensively farmed livestock passing across the bed of a river when there</p>	<p>Prohibited activity From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.</p>	<p>That the rule be deleted And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>A prohibited activity status has the effect of placing an activity 'outside' the plan, and prohibiting this particular activity is highly impractical for farmers. It would require a private plan change application to even allow consideration of the merits or</p>

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	is water flowing in the river.			<p>otherwise of the activity. There is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.</p> <p>Such activity should at most be a non-complying activity.</p>
	<p>Rule 3.7.13. Prohibited activity. Discharge of contaminants to air</p>	<p>Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance of any of the following materials:</p> <ul style="list-style-type: none"> (a) wood having a moisture content of more than 25% dry weight; (b) wood which is painted, stained, oiled or coated; (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that wood fuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals; (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine; (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards; (f) metals and materials containing metals including but not limited to cables; (g) materials containing asbestos; (h) material containing tar or bitumen; (i) all rubber, including but not limited to, rubber tyres; (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics; (k) waste oil (excluding re-refined oil); (l) peat; (m) sludge from industrial processes; 	<p>That the rule be deleted</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>A prohibited activity status has the effect of placing an activity 'outside' the plan, and prohibiting this particular rule is highly impractical for farmers, in terms of keeping track of what can and can't be burned.</p> <p>A lot of material that gets burned on farm including vegetation in various states of dryness. Evaluating the moisture content in order to avoid burning anything more the 25% more than dry weight is a virtual impossibility without complex equipment. Any material that doesn't comply would require a private plan change application to even allow consideration of the merits or otherwise of the activity.</p> <p>There is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.</p> <p>Such activity should at most be a</p>

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		(n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.		non-complying activity.
	Rule 4.2.1.1.	No more than one residential dwelling must be constructed or sited per Record of Title.	<p>That the rule be amended as follows:</p> <p>No more than one residential dwelling must be constructed or sited per Computer Register Record of Title, <u>unless the site is over 40ha where one additional residential dwelling is permitted.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Most farming properties will be larger than 40ha and several of them will include worker accommodation. One additional building for workers should be permitted.</p> <p>Allowing an additional dwelling on sites over 40ha is a practical way of enabling worker accommodation, as this reflects subdivision potential for 20ha minimum lots</p>
	Rule 4.2.1.6	A habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing plantation forestry or carbon sequestration forestry on any adjacent land under different ownership.	<p>That the rule be amended as follows:</p> <p>Any new habitable structure or accessory building other than a pump shed must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.</p> <p>And a new rule be inserted as follows:</p> <p><u>Any new building other than a habitable building which is closer than 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership, must have a fire fighting water supply in accordance with NZ Fire Service Firefighting water supplies code of</u></p>	<p>There is no reason that existing buildings need to be set back 100m from forestry on adjacent land under different ownership, if those buildings were in place prior to such plantation forestry being planted.</p> <p>100m is a blunt 'one size fits all' proxy for fire hazard risk. However, structures which are not 'habitable structures' can be appropriately situated within 100m from forestry on adjacent land with suitable alternative solutions under the NZ Fire Service Firefighting water supplies code of practice 4509:2008.</p> <p>A resource consent does not have to be required. If necessary, permitted activity standards can be</p>

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			<p><u>practice NZS 4509:2008.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>derived from NZS 4509:2008.</p>
	<p>Rule 4.2.1.12</p>	<p>On land within the Marlborough Sounds High Amenity Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.</p>	<p>That the Rule be deleted</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The Marlborough Sounds Coastal Landscape is a high amenity value landscape and does not meet the tests of an Outstanding Natural Landscape.</p> <p>There is no need for an extra regulatory layer aimed at protecting 'amenity landscapes' because amenity values are appropriately maintained or enhanced by regular district plan standards controlling the bulk and location of buildings and minimum lot sizes.</p>
	<p>Rule 4.3.7</p>	<p>Woodlot forestry planting</p>	<p>That Rule 4.3.7.2 be either deleted or amended as follows:</p> <p>(a) 30m of a formed and sealed public road or 30m of the Main Trunk railway track <u>Where a tree, when fully grown, could shade a paved public road or a Main Trunk Railway between 10 am and 2 pm on the shortest day of the year, except where the topography already causes shading;</u></p> <p>(b) 8m of a river (except an ephemeral river) or lake; 5 m of—</p> <p>(i) <u>a perennial river with a bankfull channel width of less than 3 m; or</u></p> <p>(ii) <u>a wetland larger than 0.25</u></p>	<p>The definition of Woodlot forestry captures any trees planted for non-commercial purposes. As far as farm operations are concerned, this may include trees planted for purposes of erosion control, use for firewood, shelterbelts and along riparian margins.</p> <p>The restrictions on where these can be planted are arbitrary. If there are any such restrictions, they should mirror what is in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, because this presents a permitted baseline for other types of</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
			<p align="center">ha; or</p> <p>(c) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification; 10 m of—</p> <p>(i) <u>a perennial river with a bankfull channel width of 3 m or more; or</u></p> <p>(ii) <u>a lake larger than 0.25 ha; or</u></p> <p>(iii) <u>an outstanding freshwater body; or</u></p> <p>(iv) <u>a water body subject to a water conservation order; or</u></p> <p>(v) <u>a significant natural area; or</u></p> <p>(d) <u>20m of the coastal marine area;</u></p> <p>(e) <u>Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.</u></p> <p>With the following additional rule inserted:</p> <p><u>Rule 4.3.7.4</u> <u>Trees planted for purposes of erosion control, use for firewood, shelterbelts and along riparian margins for erosion and livestock exclusion control, shall be permitted where these are on land primarily used for agricultural primary production.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>afforestation.</p> <p>Otherwise, the restrictions unnecessarily constrain opportunities for farmers to utilise privately owned farm property for tree planting that may be otherwise unusable for pastoral farming, for little or no environmental benefit.</p>
	Rule 4.3.11	Non-indigenous vegetation clearance excluding where managed by the National Environmental Standards for Plantation Forestry 2017.	<p>That the rule and all its subclauses be deleted.</p> <p>And any consequential amendment(s)</p>	<p>There should not be regulation imposed on the removal of non-indigenous vegetation, and accordingly this rule should be</p>

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		<p>Note: Standards 4.3.11.2, 4.3.11.3, 4.3.11.4, 4.3.11. 8, 4.3.11.9 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan.</p>	<p>necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>deleted from the Plan.</p>
	<p>Rule 4.3.20.1</p>	<p>The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.</p>	<p>That the rule be amended as follows:</p> <p>The entering onto or passing of <u>livestock</u> across the bed of a river of <u>livestock</u> is not permitted must not involve intensively farmed livestock if there is water flowing in the river, <u>unless:</u></p> <ul style="list-style-type: none"> • <u>stock crossing occurs occasionally as part of grazing rotation, or</u> • <u>it is needed to access other areas of a farm that are separated by the waterbody, or</u> • <u>where the crossing is necessary for stock safety, or</u> • <u>where there are practical difficulties constructing a bridge or culvert;</u> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>The rule is unworkable for practical day-to-day operation of farms. Where farmers are managing movement of livestock, they need to be able to do so without being caught by a requirement for resource consent that would subject them to unnecessary and onerous delays and costs for little or no environmental benefit. The focus should be on the adverse effects of the activity and not the breed of the animal per se.</p> <p>Livestock crossing is needed to get them from one side to the other and is particularly important where farmers have fenced off waterways or where a farm is bisected by rivers and streams.</p> <p>This rule does not take into account the limited adverse effects of stock crossings, which by their nature are often short in duration and infrequent in occurrence.</p> <p>Until work has been completed on the cause and effect of water quality concerns within those catchments designated for Catchment Enhancement Plans,</p>

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				widespread regulation of stock access should be avoided.
	Rule 4.3.20.3	<p>After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in the water quality of the river exceeding the following:</p> <p>(a) 2mg/l carbonaceous BOD (b) 260 Escherichia coli (E. coli)/100ml</p>	<p>That the rule be deleted from the Plan</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>The rule is unworkable for practical day to day farming operation.</p> <p>Permitted activity rules must be able to be complied with by laypeople, and the requirement for specific BOD5 and E.coli concentrations are beyond the ability of individual farmers to control.</p> <p>Decomposing organic matter and E.coli may be already present in the waters, in concentrations which exceed the specified maximum amounts.</p>
	Rule 4.3.22	<p>Storage and application (involving a discharge) of fertiliser or lime into or onto land.</p> <p>4.3.22.1. Fertiliser must be stored on an impermeable surface, bunded and covered at all times, except when fertiliser is being applied.</p> <p>4.3.22.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.</p> <p>4.3.22.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs.</p> <p>4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.</p> <p>4.3.22.5. The application of fertiliser must not result in fertiliser passing beyond the legal boundary of the area of land on which the fertiliser is being applied.</p> <p>4.3.22.5. All reasonable care must be exercised with the application of lime so as to ensure that the lime</p>	<p>That Rule 4.3.22.1 be deleted from the Plan.</p> <p>That Rule 4.3.22 be amended as follows:</p> <p>Total cumulative nitrogen (N) loading from the application of fertiliser on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs.</p> <p>That Rule 4.3.22.5 (about fertiliser) be amended as follows:</p> <p>All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of</p>	<p>Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards; as a first preference, this rule should be deleted.</p> <p>It is unclear why lime being captured by this rule. This rule should be amended so that it only applies to fertiliser.</p> <p>We note the tracked version of the MEP has two 4.3.33.5 clauses.</p> <p>Often fertiliser will sit in a hay shed</p>

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		<p>does not pass beyond the legal boundary of the area of land on which the lime is being applied.</p>	<p>land on which the fertiliser or lime is being applied. practical measures are taken to minimise fertiliser drift beyond the target area.</p> <p>That Rule 4.3.33.5 (about Lime) be deleted:</p> <p>All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>or other farm shed, where it may not be on impermeable surface. It would be more appropriate to defer to the HSNO requirements than to specify the manner of storage which will be impractical for a farmer to follow.</p>
	<p>Rule 4.3.24</p>	<p>Application (involving a discharge) of compost or solid agricultural waste into or onto land.</p> <p>4.3.24.1. The application must not occur within:</p> <ul style="list-style-type: none"> (a) 50m of a bore; (b) 20m of a river, lake, Significant Wetland, or drainage channel, or mean high water springs; (c) 10m of a dwelling on any adjacent land in different ownership. <p>4.3.24.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).</p> <p>4.3.24.3. The application must not occur within a Groundwater Protection Area</p>	<p>That the rule be deleted from the Plan</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>This rule seems to be aimed at limiting feeding of grape marc to livestock (in which case it would be limiting animal feed). However, a more serious concern is the specified maximum N-loading limit, which is arbitrary and has no scientific basis. It may be just as likely to result in a burden of proof for farmers that is unduly onerous and costly, for little or no environmental benefit.</p>

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	Rule 4.3.25	<p>Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.</p> <p>4.3.25.1. The discharge must not occur within:</p> <ul style="list-style-type: none"> (a) 50m of a bore; (b) 20m of a river, lake, Significant Wetland, drainage channel or mean high water springs; (c) 10m of the boundary of any adjacent land in different ownership. <p>4.3.25.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.</p> <p>4.3.25.3. The discharge must not occur when the soil moisture exceeds field capacity.</p> <p>4.3.25.4. The discharge must not result in the ponding of effluent.</p> <p>4.3.25.5. The discharge must not result in anaerobic soil conditions.</p> <p>4.3.25.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).</p> <p>4.3.25.7. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.</p> <p>4.3.25.8. Records of pH levels must be kept and available upon request by the Council.</p> <p>4.3.25.9. The discharge must not occur within a Groundwater Protection Area.</p>	<p>That the rule be deleted from the Plan</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>This rule seems to be aimed at limiting feeding of grape marc to livestock (in which case it would be limiting animal feed). However, a more serious concern is the specified maximum N-loading limit, which is arbitrary and has no scientific basis. It may be just as likely to result in a burden of proof for farmers that is unduly onerous and costly, for little or no environmental benefit.</p>
	Rule 4.3.27	<p>...</p> <p>4.3.27.6. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being</p>	<p>That Rule 4.3.27.6 be amended as follows:</p> <p>4.3.27.6 For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months</p>	<p>The size of ponds should not be arbitrarily dependent on a 3-month minimum, but rather should be designed using the Dairy Effluent Storage Calculator, which is an industry recognised best practice tool.</p>

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		<p>sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.</p> <p>...</p> <p>4.3.27.9 24 months after the plan becomes operative, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016</p> <p>...</p>	<p>storage or, if less than 3 months, the storage capacity must be certified by a recognised professional who holds a farm dairy effluent design accreditation or is a Chartered Professional Engineer as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system and the certified storage volume must be maintained at all times.</p> <p>...</p> <p>4.3.27.9 36 months after the plan becomes operative, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016.</p> <p>...</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concern</p>	<p>24 months is unlikely to be insufficient time for farmers to plan for and obtain resource consent for their existing farms, for the significant amount of planning and costs involved. This period should be extended to 36 months after the plan becomes operative.</p>
	<p>Rule 4.3.32.8</p> <p>Making compost or silage in a pit or stack, or</p>	<p>The total area of any compost or silage in a stack(s) or stockpiling of agricultural solid waste on a single land holding is less than 500m² in area.</p>	<p>That Rule 4.3.32.8 be deleted:</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or</p>	<p>The limitation on 500m² maximum size of on-site silage storage is inappropriate and unjustified. It is arbitrary and not effects-based. Effects of silage storage can be</p>

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	stockpiling agricultural solid waste		concern	appropriately managed through the other standards in the rule. A 500m ² maximum is woefully inadequate and farmers would be likely to be subject to unnecessary delays and costs by having to trigger requirement for resource consent to stockpiles larger than 500m ² , for little or no environmental benefit. Farmers should be left to ascertain the amount of silage they need according to their individual farm needs.
	Rule 4.3.33.4 Storage of compost not in a pit or stack.	The total area of any compost or silage in a stack(s), or stockpiling of agricultural solid waste on a single land holding is less than 500m ² in area.	That the rule be deleted from the Plan. And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concern	The limitation on 500m ² maximum size of on-site silage storage is inappropriate and unjustified. It is arbitrary and not effects-based. Effects of silage storage can be appropriately managed through the other standards in the rule. A 500m ² maximum is woefully inadequate and farmers would be likely to be subject to unnecessary delays and costs by having to trigger requirement for resource consent to stockpiles larger than 500m ² , for little or no environmental benefit. Farmers should be left to ascertain the amount of silage they need according to their individual farm needs.
	Rule 4.3.49.2 Buildings, structures and activities in the National Grid	Buildings and structures must not be located within the National Grid Yard unless they are: (a) a fence not exceeding 2.5m in height; or	That Rule 4.3.49.2(b) be amended as follows: ... (b) an uninhabited farm or horticultural structure or building (except where	Federated Farmers submitted in support of permitted activity standard within the National Grid Yard.

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	Yard	(b) an uninhabited farm or horticultural structure or building (except where they are commercial greenhouses, wintering barns, produce packing facilities, or milking/dairv sheds (excluding ancillary stockyards and platforms)). ...	they are commercial greenhouses, wintering barns, <u>stockyard and platforms</u> , produce packing facilities, or milking/dairv sheds (excluding ancillary stockyards and platforms)). ... And any consequential amendment(s) necessary to give effect to this relief.	The exception to the exception in (b) is confusing. Stockyards and platforms need to be permitted alongside the other farm or horticultural buildings, otherwise these structures will be caught in a consent pathway which would subject farmers to unnecessary onerous delays and costs for little or no environmental benefit.
	Rule 4.3.49.3 Buildings and structures within 12m of a foundation of a National Grid transmission line support structure	Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are: (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or ...	That Rule 4.3.49.3(a) be amended as follows: Buildings and structures must not be within 12m of a foundation of a National Grid transmission line support structure unless they are: (a) a fence not exceeding 2.5m in height that is located at least 6m from the foundation of a National Grid transmission line support structure; or at least 5m from a National Grid pi-pole structure (but not a tower); or ... And any consequential amendment(s) necessary to give effect to this relief.	Federated Farmers submitted in support of permitted activity standard within the National Grid Yard. The only reason to regulate fences in the District Plan is for electrical safety. The rule that fences are to be 6m away from a National Grid Structure is excessive when Section 2.3.3 of the Code of Practice for Electrical Safety Distances requires only 5m setback from structures above 66kv. This leads to an inconsistency for farmers hosting the National Grid. On one hand they are allowed fences up to 5m of the structures under the Code, yet on the other hand they will need a resource consent from the Council if their fence is at this distance. There is no need for the District Plan to be stricter than the Code when it comes to electrical safe distances for fences, especially when the Code safe distances have been ascertained by electrical engineers.

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	Rule 4.5.2	Excavation in excess of 1000m3 on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting.	<p>That Rule 4.5.2 is amended as follows</p> <p>Excavation in excess of 4<u>2000</u>m3 <u>on any hectare of land</u> with a slope greater than 20° within any 24<u>12</u> month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities.</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The threshold for not meeting the permitted activity status is too low and will easily capture many farming activities.</p> <p>The restricted discretionary status should include a reasonable graduation from permitted baseline.</p>
	Rule 4.7.1	Prohibited - Plantation forestry afforestation, carbon sequestration forestry planting or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration or woodlot forestry.	<p>That the Rule is deleted from the Plan</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>We oppose the prohibited status of planting on erosion-prone land. The Steep erosion prone land overlay covers extensive areas of the Marlborough region, so this rule is inappropriately prohibiting a land use that has many benefits from occurring in much of the region.</p> <p>Woodlot forestry is important to provide shelter and shade for livestock, soil stability, or for amenity and ecological purposes. These are activities that should not be prohibited in steep erosion prone land and can provide many benefits and allow people and communities to provide for their wellbeing.</p> <p>Such activity should at most be a non-complying activity</p>
	Rule 4.7.4	Prohibited - From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a lake, into a Significant	<p>That the Rule is deleted from the Plan</p> <p>And any consequential amendment(s)</p>	<p>We oppose the definition of “intensively farmer livestock”.</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
		Wetland or onto the bed of a river when there is water flowing in the river.	necessary to give effect to this relief.	<p>There is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with Prohibited activity class.</p> <p>Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules.</p> <p>Such activity should at most be a non-complying activity.</p>
	Rule 4.7.5	Prohibited - From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a lake, a Significant Wetland or the bed of a river when there is water flowing in the river.	That the Rule is deleted from the Plan And any consequential amendment(s) necessary to give effect to this relief.	<p>We oppose the definition of “intensively farmer livestock”.</p> <p>There is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with Prohibited activity class.</p> <p>Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules.</p>

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				Such activity should at most be a non-complying activity.
	New Rule	<p>Coastal Marine zone (Volume 2 Chapter 16)</p> <p>Nothing added</p>	<p>That the Chapter includes a new rule which reads as follows –</p> <p>"Disturbance in the coastal marine area for the purpose of clearing debris, excluding gravel.</p> <p>(a) The disturbance is limited to the extent necessary to clear the debris; (b) <i>The disturbance does not damage any riverbank, riverbed, or cause any flooding or erosion;</i> (c) <i>All reasonable steps are taken to minimise the release of sediment during the disturbance;</i> (d) <i>The site is left tidy following completion of the activity;</i> (e) <i>The debris removal is carried out within twelve months of the flood event that deposited the debris.</i>"</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Federated Farmers submitted that a new rule should be included to allow for the removal of debris from the coastal marine area following flood events.</p> <p>Local communities have always used their own time and expense to maintain coastal protection structures. The exclusion of coastal protection structures from the permitted activity rules would require all such maintenance work, which is generally minor and requires timely attention, to have resource consent. In practical terms this penalises proactive protection of the coastal environment which contradicts the intention of the plan.</p>
	Rule 16.3.10	<p>16.3.10 Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.</p> <p>16.3.10.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council. ...</p>	<p>That rule 16.3.10.1 is deleted; that a new rule is added as follows:</p> <p>"Council must be advised prior to the works occurring."</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>We support permitted activity standards for the clearance of natural material from a river mouth for flood mitigation. However, we seek the deletion of Standard 16.3.10.1 which limits the permitted activity application to only the Council works team.</p> <p>We seek a permitted activity for all members of the community who carry out this work, provided they adhere to all other requirements of</p>

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				<p>the standards, and as we have suggested, give advance notice to Council of intentions and reasons.</p> <p>Our members are well versed with the challenges that can be presented from natural material and debris congregating at the mouth of a river. In most instances, it is imperative to clear blockages at river and creek mouths as quickly as possible in order to restore flow. If this doesn't occur, flooding, erosion and ponding can result.</p> <p>Given the need for haste, while adhering to all other requirements, applying for a resource consent is not always going to be practical. However, we do consider it is appropriate that landowners are required to advise Councils of the works to be undertaken prior to any activities being carried out.</p>
	<p>Rule 16.3.11</p>	<p>16.3.11 - Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert</p> <p>16.3.11.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council or the New Zealand Transport Agency.</p>	<p>That rule 16.3.11.1 is deleted; that a new rule is added as follows:</p> <p>"Council must be advised prior to the works occurring"</p> <p>And any consequential amendment(s) necessary to give effect to this relief.</p>	<p>We support permitted activity standards for the clearance of natural material from a stormwater outfall pipeline, drain or culvert.</p> <p>However, we considered this should not only be a permitted activity for the Council, but a permitted activity to others carrying out those same activities provided they adhere to the specified standards.</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
				<p>We understand the importance of unblocking drains and culverts from natural material and debris. Ordinarily, such clearance must be carried out quickly in order to restore flow and prevent flooding, erosion and ponding.</p> <p>Permitted activity status eliminates the need to apply for resource consent in those circumstances and allow landowners to unblock drains and culverts when this is necessary. However, we do consider it appropriate that landowners are required to advise Councils of the works to be undertaken prior to any activities being carried out.</p>
	<p>Policy 4.1.2</p>	<p>Enable sustainable use and development of natural resources in the Marlborough environment while managing any adverse environmental effects, through the use of:</p> <p>(a) allocation frameworks; (b) permitted activity rules and standards where no more than minor adverse effects are anticipated; and (c) policies specific to various resources</p>	<p>That the policy be amended as follows:</p> <p>Enable sustainable use and development of natural resources in the Marlborough environment while managing any adverse environmental effects, through the use of:</p> <p>(a) allocation frameworks; (b) permitted activity rules and standards where no more than minor adverse effects are anticipated; and (c) policies specific to various resources</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.</p>	<p>The policy should provide for but not direct allocation, it should be a catchment specific approach informed by the local community and Iwi, rather than a region-wide stipulation.</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Policy 5.2.3	Protect the significant values of specifically identified freshwater bodies by classifying the taking, damming or diversion of water in these waterbodies as a prohibited activity.	<p>That the policy be amended as follows:</p> <p>Protect the significant values of specifically identified freshwater bodies by classifying the taking, damming or diversion of water in these waterbodies as a <u>non-complying prohibited</u> activity.....</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Taking, damming or diversion of freshwater should not be a prohibited activity, because that denies ability to utilise the freshwater resource in question altogether.</p> <p>Allowing resource users to apply for resource consent would enable efficient and sustainable use of freshwater resources in situations where adverse effects on significant values are minor.</p>
	Policy 5.3.1	<p>To allocate water in the following order of priority:</p> <ul style="list-style-type: none"> (a) Te Mana o te Wai (b) natural and human use values; then (c) aquifer recharge; then (d) domestic and stock water supply; then (e) municipal water supply; and then (f) all other takes of water. 	<p>That the policy be amended as follows:</p> <p>Te <u>When giving effect to policies aimed at ensuring minimum flows and levels, that allocate water use for the following purposes is allocated</u> in the following order of priority:</p> <ul style="list-style-type: none"> (a) <u>Te Mana o te Wai</u> (b) natural and human use values; then (c) aquifer recharge; then (d) domestic and stock water supply; <u>then</u> (e) municipal water supply; and then (f) all other takes of water <u>except takes allowed under section 14(3)(b) of the Act.</u> <p><u>Note: The right to use water for domestic and stock drinking water is provided for under section 14(3)(b) of the Act</u></p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>It is unclear how the prioritisation in this policy will be applied. Surface water is usually allocated through the establishing of minimum flows, and allocation is provided for above those minimum flows.</p> <p>It is not clear whether this policy refers to an intention to prioritise through the consenting process, or otherwise. Domestic and stock drinking water is provided for within Section 14(3)(b) of the RMA and therefore should not be subject to this policy.</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Policy 5.3.14	<p>The duration of water permits to take or divert water for consumptive purposes will reflect the circumstances of the take or the diversion and the actual and potential adverse effects, but should generally:</p> <p>(a) not be less than 20 years when the take or diversion for consumptive purposes is from a Freshwater Management Unit:</p> <p>(i) that has a water allocation limit specified in Schedule 1 of Appendix 6; and</p> <p>(ii) that has a minimum flow or level specified in Schedule 3 of Appendix 6; and</p> <p>(iii) that is not over-allocated; or</p> <p>(b) not be more than ten years when the take or diversion of water for consumptive purposes is from an over-allocated Freshwater Management Unit as specified in Policy 5.5.1; or</p> <p>(c) not be more than ten years when the take or diversion of water for consumptive purposes is from a Freshwater Management Unit that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14.</p>	<p>That clauses (b) and (c) of the policy be amended as follows:</p> <p>(b) <u>may</u> not be more than ten<u>fifteen</u> years when the take or diversion of water for consumptive purposes is from an over-allocated Freshwater Management Unit as specified in Policy 5.5.1; or</p> <p>(c) <u>may</u> not be more than ten<u>fifteen</u> years when the take or diversion of water for consumptive purposes is from a Freshwater Management Unit that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14., <u>unless supporting information can be supplied.</u></p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The maximum time-periods in clauses (b) and (c) are arbitrary and in any event a ten-year maximum is too-short-a-time to get a return on investment in obtaining consent for many types of takes requiring resource consent.</p> <p>Clause (c) should make allowance for case-by-case consideration of longer time periods in situations where supporting information can justify a greater time period.</p>
	Policy 5.4.1	<p>Unless special circumstances exist that justify a longer period the lapse period for water permits to take water shall be no more than two years.</p>	<p>That the policy be either deleted or amended as follows:</p> <p>Unless special circumstances exist that justify a shorter period the lapse period for water permits to take water shall be no more than <u>five</u> two years.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The policy in the Council's decision is inconsistent with section 125 of the Act which provides for lapsing period of 5 years for consents. The 2-year lapse period in the proposed policy for water permits is arbitrary, and is likely to be insufficient time for farmers to be able utilise water permits, after the costs of investing in livestock, crops, fertiliser, plant and</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
				<p>infrastructure to utilise water authorised in permits is taken into account.</p> <p>Several sorts of disruptions can occur within a 2 year period which prevent farmers utilising water authorised in permits, and which are beyond farmers control, including weather related events (droughts/floods), natural hazard disasters, or macro-economic disruptions in trade or demand for produce.</p>
	Objective 8.1	The intrinsic values of Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and marine environments are protected	<p>That the objective be amended as follows:</p> <p>The intrinsic values of Marlborough's remaining <u>significant</u> indigenous biodiversity in terrestrial, freshwater and marine environments are protected, <u>and other indigenous biodiversity is maintained and enhanced.</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>Federated Farmers is concerned the Objective creates inconsistency within the plan and elevates all remaining indigenous vegetation to a s6(c) status worthy of protection. The plan provisions acknowledge that some clearance of indigenous vegetation and the continuation of legitimate existing farming activities are appropriate.</p> <p>Other councils have dealt with such concerns by specifying either 'protection from inappropriate use and development' and/or using 'maintenance and enhancement' rather than the blanket 'protection'.</p> <p>It is accepted that council has a responsibility for indigenous biodiversity which does not meet a s6(c) status however Objective 8.2 is designed to meet that purpose. It</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
				<p>is appropriate to provide clear planning direction with regards to the different resource issues.</p> <p>In our view the explanatory text of Objective 8.1, which includes some priority and focus, supports our request to narrow the broad and all-encompassing wording of the objective itself. If everything is deemed important, it very quickly becomes that nothing is treated as such.</p>
	Policy 8.2.6	Where areas of significant indigenous biodiversity value are known to exist in riparian margins of rivers, lakes or in the margins of a significant wetland, consideration will be given to acquiring or setting aside these areas to help protect their values.	<p>That the policy be deleted</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Federated Farmers is concerned this policy risks turning areas of significant indigenous biodiversity into a liability and creates a disincentive for enabling indigenous biodiversity to reach a significance status.</p> <p>Policies 8.2.5 and 8.2.7 provide policy direction as to when and how council is seeking to increase protection over these sites. Policies 8.2.5 and 8.2.7 are accepted as appropriate, provide certainty and are usual planning responses.</p> <p>The approach taken in Policy 8.2.12 can achieve similar goals for riparian margins in a much more collaborative and reasonable fashion. This opportunistic policy inappropriately broadens the regulatory reach to any land use activity that may require consent regardless of whether there is an</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
				effect on significant indigenous biodiversity values or not, or could be undertaken in areas outside of riparian margins.
	Policy 13.2.1	The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough's coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the following values: (a)... (g)....	<p>That the policy be amended with a new subclause as follows:</p> <p align="center"><u>(h) the social and economic values of primary production activity within rural areas.</u></p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>It is appropriate to enable subdivision that will support primary production activities in the rural area, including within the coastal environment. This should be one of the considerations in the policy.</p> <p>For instance, boundary relocations or boundary adjustments that do not create any additional allotments (and therefore do not change the overall impacts of development and have little or no additional adverse effects). Such subdivision can enable more efficient operation of farmland under a single ownership or management regime. This is a better option than a farmer having to lease neighbouring grazing land, especially as farm ownerships change hands, and people retire.</p>
	Policy 13.2.4	Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, tranquillity and peacefulness.	<p>That the policy be amended as follows:</p> <p>Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, <u>and existing land use tranquillity and peacefulness.</u></p>	When assessing any effects on coastal amenity, existing land use (including primary production activities), which is part of the character and amenity of rural areas (including rural coastal areas), should be taken into consideration in resource management decisions. Land use, land cover and land form together comprise the three essential major components of landscape analysis.

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
			<p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p><i>Tranquillity and peacefulness</i> is an urban-centric (and somewhat misplaced) notion in rural areas. It may or may not manifest itself in rural areas depending on what else is going on nearby (such as farming). Therefore, it should not be a mandatory analysis value in every location.</p>
	<p>Policy 13.2.5</p>	<p>Amenity values of the coastal environment can be maintained and enhanced by: (a) ... (m) .</p>	<p>That the policy be amended as follows:</p> <p>Amenity values of the coastal environment can be maintained and enhanced by:</p> <ul style="list-style-type: none"> (a) recognising the contribution that open space, and natural character <u>and land use</u> make to amenity values and providing appropriate protection to areas of open space and encouraging the maintenance and enhancement of these; (b) maintaining and enhancing coastal and freshwater quality where necessary; (c) encouraging the maintaining maintenance or enhancing enhancement of areas with indigenous biodiversity value; (d) maintaining or enhancing sites or areas of particular value for public outdoor recreation; (e) making appropriate use of suitable development setbacks to avoid a sense of encroachment or domination of built form <u>maintain and enhance the amenity values</u> 	<p>The policy should be amended to reflect the emphasis on <i>maintenance and enhancement</i> of amenity values in Section 6 of the Act. Amenity values do not require 'protection'.</p> <p>Maintenance and enhancement of biodiversity values should be encouraged (rather than being mandatory). Mandatory policy requirements may result in a perverse effect of discouraging initiatives to enhance biodiversity, e.g. where options to enhance biodiversity values are restricted by unavailability of suitable endemic species for replanting etc.</p> <p>The community at large should only concern itself with public outdoor recreation sites or areas. Private sites require landowner permission, and some sites (such as old sheep dips, farm agricultural/fuel/fertiliser storage areas, offal or rubbish disposal pits, paddocks set aside</p>

Schedule 1 Relief sought by Appellant

	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
			<p>of, particularly in areas of public open space and along the coastal edge;</p> <p>(f) avoiding forms and location of <u>inappropriate</u> development that effectively privatise the coastal edge and discourage or prevent access to and use of the coast;</p> <p>...</p> <p>i) clustering together of structures and activities</p> <p>...</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>for calving, lambing, fodder crop growing, agrichemical spraying etc), may not be appropriate for public access or recreation.</p> <p>Only <i>inappropriate</i> development and use of land should be targeted for avoidance of adverse effects. It is inappropriate in the context of the widely varying circumstances on any give farm to require clustering of buildings. It may be appropriate in some situations, and may not be in others.</p>
	<p>Policy 13.5.6</p>	<p>Maintain the character and amenity values of land zoned Coastal Living by the setting of standards that reflect the following:</p> <p>(a) strong connection to the foreshore and coastal water;</p> <p>(b) peaceful environments with relatively quiet background noise levels;</p> <p>(c) predominance of residential activity by enabling one dwelling per Record of Title;</p> <p>(d) privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;</p> <p>(e) ample sunlight to buildings;</p> <p>(f) minimal advertising signs;</p> <p>(g) views to the surrounding environment, including to the sea;</p> <p>(h) low building height; and</p> <p>(i) appropriate infrastructure and services and low volumes of road traffic.</p> <p>(j) the need for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.</p>	<p>That the policy be amended by adding a further clause as follows:</p> <p><u>(k) avoiding inappropriate effects of reverse sensitivity on the efficient use and development of activity in adjoining zones land through appropriate development setbacks and appropriate minimum lot sizes on sites which adjoin other zones.</u></p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The policy places too much weight on urban-centric notions of amenity and there is not enough balance to support primary production.</p> <p>The policy needs additional consideration so as to not create unworkable reverse sensitivity issues for farmers in adjoining rural areas who need to undertake routine farming activity; such as, agrichemical spraying, application of fertiliser or land based effluent irrigation, maintenance of shelterbelts, farm tracks and fences, and operation of farm machinery including aerial topdressing, and bird scaring devices.</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Policy 14.4.2	<p>Retain an open and spacious character in Marlborough's rural environments with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:</p> <p>(a) it will not unreasonably detract from the privacy or outlook of neighbouring properties;</p> <p>(b) sites remain open and with a rural character as viewed from roads and other publicly accessible places; and</p> <p>(c) the character and scale of buildings is compatible with existing development within the surrounding rural area.</p>	<p>That the policy be amended as follows:</p> <p>Retain an open and spacious character in Marlborough's rural environments with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:</p> <p>(a) it will not unreasonably detract from the privacy or outlook of neighbouring properties;</p> <p>(b) sites remain open and with a rural character as viewed from roads and other publicly accessible places; and</p> <p>(c) the character and scale of buildings is compatible with existing development within the surrounding rural area.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The requirements in policy clauses (a) and (b) have an urban-centric focus that is inappropriate for rural areas. The wide-open spaces and low building density in rural areas mean that designing buildings to maintain the privacy or outlook of neighbouring properties is not an issue that needs to be controlled in a plan.</p> <p>Farmers may need to utilise particular site locations for farm buildings according to suitability for building foundations, natural hazard avoidance, or accessibility in relation to other farm buildings, infrastructure, services or roads.</p> <p>These constraints should not be further compounded by any requirement to preserve neighbours outlook in rural areas. Rural areas already are characterised by low building (and subdivision) density and open spaces.</p>
	Policy 14.4.3	<p>Ensure buildings are set back a sufficient distance from property boundaries and road frontages to:</p> <p>...</p>	<p>That the policy be amended as follows:</p> <p>Ensure <u>new residential</u> buildings are set back a sufficient distance from property boundaries and road frontages to:</p> <p>...</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The policy should only apply to new residential buildings, not all buildings in rural areas, and especially not to new farm buildings. Replacement farm buildings may need to be built in close proximity to other existing farm buildings (no matter where these are) to enable efficient use</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
				and development. (For example, farm workshops and fertiliser storage bins need to be close to a farm implement storage sheds. Mustering shelters needs to be close to shearing sheds. Dairy Sheds need to be close to roads etc.).
	Policy 14.4.5	Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established to provide for the protection of community health and welfare.	<p>That the policy be amended as follows:</p> <p>Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established to provide for the protection of community health and welfare <u>while enabling primary production activities.</u></p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>The purpose of noise limits in rural areas is different to the purpose of noise limits in urban areas. Noise limits in rural areas should enable an appropriate balance between protection of community health and welfare, and enabling use of rural area for primary production activities (that are lawfully established).</p> <p>These may well encompass some 'noisier' activities, such as operating farm tools, machinery and equipment such as bird scaring devices.</p>
	Policy 14.4.6	Mitigate nuisance effects on adjoining dwellings or adjoining properties caused by dust from earthworks or stockpiled material.	<p>That the policy be amended as follows:</p> <p>Mitigate nuisance effects on adjoining dwellings or on adjoining properties caused by dust from earthworks or stockpiled material <u>except where such dust is related to lawfully established primary production activities.</u></p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Primary production activity includes earthworks for cultivation and farm quarries to maintain farm tracks and stockpiling of material such as removed vegetation, tree branches and root stumps. These are essential types of farm earthworks, and should not be hindered by complaints about dust in rural areas.</p>

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Policy 14.4.7	Ensure offensive or objectionable odour effects from rural activities are avoided or mitigated to protect lawfully established land uses.	<p>That this policy be deleted from the plan.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>This policy doesn't provide sufficient protection for rural land use from reverse sensitivity. Land uses can be legally established in rural areas and still encroach on existing permitted rural land uses.</p> <p>Many day-to-day farming activities emit odours that may be offensive or objectionable to some people (e.g. silage making and feeding, surfactants added to fertiliser, livestock odours). However, complaints about odours from such day-to-day activities should not be afforded policy preference over ability of farmers to undertake day-to-day farming in rural areas. Farmers cannot practically undertake farming activities in any other areas.</p>
	Objective 15.1b	Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is ≤ 1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is ≤ 1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.	<p>That the policy be amended as follows:</p> <p>Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual <u>five year rolling average</u> median nitrate concentration is ≤ 1 milligram nitrate-nitrogen per litre and the annual <u>five year rolling average</u> 95th percentile concentration is ≤ 1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	Annual median concentration can fluctuate from year to year, and this will make it more impractical to comply with. A <i>five-year rolling average</i> incorporates longer term trends and is a superior indicator of what is happening to overall state.

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Objective 15.1c	Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is ≤ 0.03 milligrams ammoniacal nitrogen per litre and the annual maximum concentration is ≤ 0.05 milligrams ammoniacal nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.	<p>That the policy be amended as follows:</p> <p>Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual <u>annual five year rolling average</u> median E. coli level is ≤ 0.03 milligrams ammoniacal nitrogen per litre and the annual <u>annual five year rolling average</u> maximum concentration is ≤ 0.05 milligrams ammoniacal nitrogen per litre as measured by the Council's State of the Environment monitoring programme.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	Annual median concentration can fluctuate from year to year and this will make it more impractical to comply with. A <i>five-year rolling average</i> incorporates longer term trends and is a superior indicator of what is happening to overall state
	Policy 15.11	<p>As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable for the following purposes:</p> <p>(a) Coastal waters: protection of marine ecosystems; contact recreation and food gathering/marine farming; where identified as having these values; and for cultural and aesthetic purposes;</p> <p>(b) Rivers and lakes: protection of aquatic ecosystems; contact recreation; where identified as having these values; community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;</p> <p>(c) Groundwater: drinking water supply; and</p> <p>(d) Significant wetlands: protection of significant wetland ecosystems and the potential for food gathering.</p>	<p>That the policy be amended as follows:</p> <p>...</p> <p>(b) Rivers and lakes: protection of aquatic ecosystems; contact recreation; where identified as having these values; community water supply (where water is already taken for this purpose); and <u>for cultural and aesthetic purposes; and for stock drinking irrigation and primary production purposes;</u></p> <p>(c) Groundwater: <u>community and stock drinking water supply; for irrigation and primary production purposes;</u> and</p> <p>...</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	The quality of livestock drinking water should be as entitled to the same minimum level of consideration as other uses of water under this policy for social, economic and environmental reasons.

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
	Policy 15.1.28	To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance water quality.	<p>That the policy be deleted.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Esplanade reserves in rural areas are generally a waste of resources unless they are maintained by the agency in whom they are vested. Acquisition of esplanade reserves and strips necessitates a supporting asset management strategy.</p> <p>Unmaintained esplanade reserves and strips can end up interfering with land drainage and exacerbating flood hazards due to unrestrained growth of vegetation and weeds. This is more likely to occur in rural areas where esplanade reserves may be out of sight and out of mind, resulting in flooding, ponding and/or erosion problems for adjacent landowners.</p>
	Policy 15.1.35	Avoid stock disturbance of river beds, lakes and Significant Wetlands and the associated discharge of animal effluent to those water bodies to the extent necessary to meet the management purposes established by Policy 15.1.1 by avoiding the access of intensively farmed stock to rivers, lakes and Significant Wetlands.	<p>That the policy be deleted</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	This policy is tautological, and it is not clear what 'avoiding the access of intensively farmed stock' means. Given that there are other policies concerned with managing livestock access to river-beds, lakes and significant wetlands, this policy is unnecessary.
	Policy 15.3.5	<p>Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:</p> <p>(a) allowing, as permitted activities, discharges of contaminants into air from activities that have no more than minor adverse effects on the environment;</p> <p>(b) avoiding or mitigating adverse effects of localised ground level concentrations of contaminants, including</p>	<p>That the policy be amended as follows:</p> <p>...</p> <p>(b) avoiding or mitigating adverse effects of localised ground level concentrations of contaminants, including cumulative effects on:</p> <p>(i) human health; and</p> <p>(ii) amenity values; and</p>	It is uncertain what is meant by 'avoiding adverse effects of ground level concentrations of contaminants', in the context of ground level concentrations that may result from air discharges. This could be so wide in scope as to be an unworkable policy. At best, such effects may be able to be mitigated.

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	Provision	Council decision on Provision	Appellant relief Sought by provision	Reasons for relief sought
		<p>cumulative effects on:</p> <ul style="list-style-type: none"> (i) human health; and (ii) amenity values; and (c) avoiding or mitigating adverse effects on any other values and other receiving environments. 	<p>(c) avoiding or mitigating <u>more than minor</u> adverse effects on any other values.</p> <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Therefore, the requirement for avoidance should be removed. Having to avoid adverse effects on amenity values in rural areas will result in unresolvable reverse-sensitivity issues for primary production activities, because farming can't practically relocate anywhere else. Therefore, this part of the policy should be deleted.</p>
	<p>Policy 16.1.1</p>	<p>Encourage waste minimisation practices by establishing a waste management hierarchy that ensures waste is managed in the following order of priority:</p> <ul style="list-style-type: none"> (a) promoting lower levels of solid waste generation; then (b) promoting higher levels of reuse, recycling and recovery of solid waste; then (c) disposal of residual solid waste. 	<p>That the policy be amended as follows:</p> <p>Encourage waste minimisation practices by establishing a waste management hierarchy that ensures waste is managed in the following order of priority:</p> <ul style="list-style-type: none"> (a) promoting lower levels of solid waste generation; then (b) promoting higher levels of reuse, recycling and recovery of solid waste; then and (c) disposingal of residual solid waste. <p>Any consequential amendment(s) necessary to give effect to this relief.</p>	<p>Waste management is a complex issue, and prioritising management methods will not work in the absence of other non-regulatory supporting tools, as part of an overall management strategy, especially in remote rural areas where it is more difficult to access waste minimisation schemes and services.</p> <p>It is more practical to identify all regulatory management methods having equal status, in order to find the right solution for the right context.</p>



Federated Farmers of New Zealand

Submission on the Proposed Marlborough Environment Plan

1st September 2016



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SUBMISSION ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

Form 5

Submission on a publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

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This is a submission on the Proposed Marlborough Environment Plan.

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

The specific provisions of the proposal that the submission relates to and the decisions we seek from Council are as detailed on the following pages.

We wish to be heard in support of our submission.

We would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

Federated Farmers welcomes the opportunity to comment on Marlborough District Council's Proposed Marlborough Environment Plan. This will be herein referred to as the Proposed Plan or Plan.

We recognise the importance of this Plan for Marlborough. The enormity of this submission is a reflection of the significant negative impacts we consider the Proposed Plan could have on the future of Marlborough as a region, and particularly on the role that the primary industries will play in Marlborough's future growth and development. For this reason, we are committed to actively engaging in this process towards a Plan that provides for environmental, economic and social wellbeing.

Pre- Notification

In the interests of being proactive and engaging, Federated Farmers fully participated in the consultation process, providing feedback on the draft Regional Policy Statement Chapters, along with thorough submissions on the draft chapters for the Allocation of Public Resources, Resource Quality and the Rural Environment. Federated Farmers also actively participated in working groups, including to discuss in detail provisions for discharge of contaminants to land. We thank Council for considering our feedback on these matters and taking on board some of our comments.

Consultation

In preparing this submission on the Plan, we consulted widely with our almost 250 members through member communications and eight farmer meetings.

Our engagement revealed that farmers have a wide range of concerns, in particular with the:

- onerous nature of permitted activity standards for farming activities;
- the difficulty farmers will face as to whether the activity they wish to conduct will comply with the standards or not;
- stock access rules, including the manner in which prohibited status has been applied to stock access to waterways;

- the lack of consultation with landowners and inaccuracies in the mapping of features including Significant Wetlands and Natural Hazard Overlays

Farmers who have managed to make their way through the reading of the Plan have been overwhelmed by the complexity of the document, and acknowledge that this Plan marks a profitable industry for resource management consultants, who will be required to prepare consent applications on their behalf. The nature of the Plan will make it almost impossible for a farmer to prepare their own resource consent application.

General Comments on the Plan

The primary purpose of the Plan is to provide for the sustainable management of Marlborough's natural and physical resources, by providing an overview of the resource management issues facing the region, and setting policies and methods to manage its natural and physical resources.

In delivering on this overall purpose the Plan must seek to deliver on all of the four wellbeings in a sustainable manner, including economic and social wellbeings. Currently the economic benefits derived from natural resource use within the Plan is has not been given appropriate recognition. The Plan should provide for natural and physical resource use to achieve economic and social wellbeing, provided that these resources are used in such a way that ensures the potential of these resources are sustained for future generations, and the life-supporting capacity of ecological systems is retained or restored.

Federated Farmers' view is that a region rich in economic, social and cultural terms is more able to deliver good environmental outcomes. From a farming perspective, economically viable farmers are best placed to afford mitigation, offsetting or investment in environmental 'least cost' options. To address these concerns the Plan should recognise and provide for good economic and social outcomes by avoiding the imposition of unnecessary restraints on primary production; specifically providing for the positive aspects of primary production where reasonable and appropriate; explicitly stating the importance of the primary production sector to achieving the desired outcomes.

While the This Plan sets out a narrow and restrictive regulatory approach, lacking any concrete analysis or costings, threatening private property rights and misunderstanding farm practicalities. It has the potential to come at a significant cost to the generosity and good will of the farming community that strives for environmental improvements over generations of farming.

We register our strong opposition to this approach. There are real risks that it will not achieve the desired outcomes of maintaining and improving our physical and natural resources. It is our strong submission that boldness is required from Marlborough District Council moving forward. Council can choose to adopt this Plan as notified, or to make amendments, and follow on with a partnership approach, building on the relationships developed with stakeholders; a much more strategic and enduring partnership approach that will build on the shared values and past partnership programmes, including the Rai Valley and SNA programme.

Acknowledging that resource quality is reasonably good and reasonably stable, we can agree that our first expectation is overall maintenance. In the context of maintaining current state, we support a clear, concise regulatory framework which safeguards bottom lines for water quality, protects us against going backwards, and which prioritises and discourages activities where there are significant adverse effects.

We see a place for continually building a picture of the state and trends within the Marlborough region. We see a place for acknowledging the need for improvements with time frames provided to do so, where there is an evidenced need for improvement. This will be driven and decided by the community discussion around values which will happen through collaborative processes at the catchment level.

We can also agree that we have pressures and hotspots and that these should be prioritised for improvement through collaborative work. It is here that Federated Farmers sees a place for Council to work in partnership with landowners, the community and industry. Improvements will not be driven by onerous regulatory regimes, but by Council investing resources to work collaboratively with communities.

We see a place for continually building a picture of the state and trends within the Marlborough region. We see a place for acknowledging the need for improvements with time frames provided to do so, where there is an evidenced need for improvement. This will be driven and decided by the community discussion around values which will happen through collaborative processes at the catchment level.

Key Recommendations:

- That the Plan is amended to enable the ongoing social, economic and cultural wellbeing of the district through the valued contribution of primary production; and
- That Council ensure that any resource management decisions are based on sound consideration of economic and social costs to farmers and the wider community; and
- That Council review the use of an onerous regulatory approach that will burden primary production with unnecessary constraints; and
- That Council commit to a partnership approach of working with landowners, the community and industry to maintain and where necessary, further enhance the region's natural resources.

VOLUME 1: ISSUES, OBJECTIVES, POLICIES & METHODS

Subject matter and provision in the Plan:

The whole of the Marlborough Environment Plan

Federated Farmers supports the need for consistency between chapters

Summary of reasons for this submission:

Where we have made a submission, we seek all other consequential amendments to give effect to the relief sought requested.

Relief sought:

- That all other consequential amendments are made to give effect to the relief sought on the below submission points.

Subject matter and provision in the Plan:

General submission on length and complexity

Federated Farmers opposes the general length and complexity of the Plan

Summary of reasons for this submission:

Federated Farmers submits that overall the Plan is much too lengthy and complex. The Plan consists of four volumes, totalling 798 pages of issues, objectives, policies, methods, and rules. This is much too large for a small region like the Marlborough District, let alone the difficulties for farmers in trying to make sense of the Plan and what it means for them. There should be considerable effort to rewrite chapters so that they are succinct and concise.

Relief Sought:

- That the Plan is significantly amended to reduce complexity.

Subject matter and provision in the Plan:

Implications of King Salmon & Use of the term avoid

Federated Farmers opposes the use of the term avoid

Summary of reasons for this submission:

Council will be aware of the Supreme Court's 2014 New Zealand *King Salmon* decision¹. A key message ensuing from this decision was the importance of the 'choice of words' in higher level planning statements (in that particular case, the New Zealand Coastal Policy Statement (NZCPS)). In *King Salmon*, the use of the word "avoid" was found to mean "not allow" or "prevent the occurrence of." In effect, 'avoid' was taken to mean 'is prohibited'.

There are a number of areas within the Plan where the words 'avoid', 'prevent' or 'require' occur. Taking such a restrictive approach could have a significant adverse effect on land use. The RMA enables the sustainable use of our natural resources; not all effects need to be avoided.

¹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Ltd* [2014] NZSC 38.

Given the potential implications of using these terms in light of *King Salmon*, we ask Council to review their use and to be extremely mindful of the potential for unintended consequences; particularly in relation to the subsequent implications for land owners, resource users, and productivity in Marlborough.

Particularly, we are concerned that in a number of provisions the term 'avoid' has transferred to prohibited status. For example, within Policy 15.1.23 which seeks to avoid the discharge of animal effluent to freshwater bodies and access of intensively farmed stock to rivers.

Relief Sought:

- That Council remove all references to 'avoid' or 'avoiding' in the Plan.

Subject matter and provision in the Plan:

Nature of Policies in Volume One

Federated Farmers opposes the prescriptive nature of policies and objectives

Summary of reasons for this submission:

Federated Farmers notes the prescriptive nature of many of the policies and objectives in Volume One of the Plan. Not only are they prescriptive, but they do not follow the enabling intent of the RMA. The purpose of a policy is to provide a course of action to meet the objective. Quality Planning Website notes that good practice for the writing of policies is to write policies according to the effects that need to be addressed. Policies should avoid restating the objective, incorporating thresholds or standards that an activity may sit under, and should be contained within the rules. There are numerous policies throughout the Plan that incorporate the threshold or activity status that is best addressed within Volume 2. There are also numerous policies that seek to control or limit activities when it would be more appropriate that they seek to enable activities while managing or mitigating adverse effects.

Relief Sought:

- That the policies are amended to better reflect their role as guidance
- That the policies are amended to embody the enabling philosophy of the RMA.

Subject matter and provision in the Plan:

Structure of Volume One Chapters

Federated Farmers opposes the structure of the Volume One Chapters

Summary of reasons for this submission:

Federated Farmers submits that the structure of the Volume One Chapters makes the chapters difficult to read and to follow. The Proposed Plan identifies issues, and from each issue, an objective, a series of policies and a series of methods. This makes the Plan difficult to read, and policies both double up and are contradictory to one another when they are under different issues and objectives in the same chapter.

Federated Farmers can see merit in grouping issues by topic, however we consider that the Volume One Chapters should be restructured so that issues are grouped at the front of the Chapter, followed by objectives, followed by policies and by methods. Chapter Three: Marlborough's Tangata Whenua Iwi provides a good example of how the Plan Chapters should be structured, in that it is easy to follow.

Relief Sought:

- That the Chapters are restructured, so that all issues are grouped first, followed by objectives, followed by policies, followed by methods.

Subject matter and provision in the Plan:

Issues, Objectives and Policies relating to coastal issues

Federated Farmers opposes the current layout relating to Coastal Issues**Summary of reasons for this submission:**

Federated Farmers submits that any issues, objectives and policies relating to coastal issues should be included in Chapter 13: Use of the Coastal Environment. It is difficult to read or understand the relevant policies for coastal issues, when the coastal issues are scattered across the Plan. For example, Chapter 4 of the proposed Plan, Use of Natural and Physical Resources, discusses the use and development of resources in the Marlborough Sounds.

Relief Sought:

- That any issues, objectives, and policies relating specifically to coastal issues are included in Chapter 13: Use of the Coastal Environment.

Subject matter and provision in the Plan:

Definition of natural and human use values

Federated Farmers opposes the lack of definition of natural and human use values**Summary of reasons for this submission:**

Federated Farmers submits that the term 'natural and human use values' is used throughout the Plan, with little clarification as to what the term is actually referring to or comprised of. It is essential that this term is well defined at the front end of the Plan. In Federated Farmers view natural and human use values should be defined with reference to the values, both national and regional, set out in the NPSFM.

Relief Sought:

- That the term natural and human use values is defined in the Plan.

Subject matter and provision in the Plan:

Section 32 Analysis

Federated Farmers opposes the Section 32 Analysis**Summary of reasons for this submission:**

Section 32 of the RMA requires any person developing a policy or regulatory instrument under the act to carry out an evaluation of the appropriateness, alternatives, costs and benefits of what is proposed. The purpose is to inform submitters and decision makers by detailing the analysis undertaken by the council in making their decisions on proposed provisions.

The 2013 amendments strengthened the evaluation requirements by being explicit that proposals must be evaluated against how they will affect economic and employment opportunities. Scope and content matters were increased to ensure the evaluation is much

more informative and the relevance of the report enhanced so that more weight is given to its findings. The section now provides greater guidance and specificity to councils about what is required in the evaluation, particularly around the assessment of costs and benefits.

Ministry for the Environment best practice guidance states that the timing of the section 32 evaluation is an important consideration. While the report is prepared prior to making a decision to notify a proposal, the evaluation should be undertaken during the plan development phase and should not be a last minute exercise completed prior to public notification to justify a proposal.

Federated Farmers is not satisfied that the objectives and policies in the Plan have been through a robust Section 32 Analysis.

Relief Sought:

- That a robust Section 32 Analysis be completed on the provisions raised within this submission.

CHAPTER 1: INTRODUCTION

Subject matter and provision in the Plan:

Guiding Principles

Quality of life comes from interactions between individuals, the community and their surroundings.

A healthy Marlborough economy requires a healthy environment.

It is important that the kaitiaki role of Marlborough's tangata whenua iwi is recognised, as their perspective provides a valuable cultural input into the management of natural and physical resources.

Encouraging and supporting individual, landowner, key stakeholder and community involvement and action is critical to effective resource management.

Providing the community with a streamlined and simplified resource management framework to make it easier for resource users and other interested parties to use.

Ensure that any regulation is in keeping with the scale of the activity regulated.

Use non-regulatory methods where possible.

Align regional and district rules with those of adjoining regional and territorial authorities where practical.

The Council will only intervene in the exercise of private property rights to protect the environment and wider public interests in the environment.

It is important that people live and work in locations and in situations that have a minimal risk of being adversely affected by a hazard event.

Being aware of the potential for reverse sensitivity effects between different resource uses, whether on land, or water or between the two.

Recognise that the Marlborough Sounds is the District's "jewel in the crown".

Federated Farmers supports the provision of these guiding principles

Summary of reasons for this submission:

Federated Farmers supports the provision of these guiding principles at the front end of the document. We support the ethos that is embodied within these principles; of encouraging and supporting individual, landowner and key stakeholder and community involvement and action. We agree that this fosters a sense of ownership and responsibility and provides opportunities for feedback to Council. We support the interest in a streamlined and simplified resource management framework to make it easier for resource users and other interested parties to use. This is noted to occur in the integration of a regional policy statement, regional coastal, regional and district plan provisions. We believe this ethos should also carry over to other aspects of the Plan.

We strongly support the acknowledgement that regulation should be in keeping with the scale of the activity regulated. We acknowledge the role for resource consent, but this should only be where there is a risk of significant adverse effects, and clear triggers should be used to determine this. We encourage the use of non-regulatory methods where possible, so that the community is involved in implementation.

We support the acknowledgement that Council will only intervene in the exercise of private property rights to protect the environment, and that landowners should be able to make their own decisions about land use and management practices in response to changing environmental and market conditions.

Relief Sought:

- That the guiding principles are retained as notified.

CHAPTER 3: MARLBOROUGH'S TANGATA WHENUA IWI

Subject matter and provision in the Plan:

Policy 3.1.1 – Management of natural and physical resources in Marlborough will be carried out in a manner that:

- takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi, including kāwanatanga, rangatiratanga, partnership, active protection of natural resources and spiritual recognition.*
- recognises that the way in which the principles of the Treaty of Waitangi/Te Tiriti o Waitangi will be applied will continue to evolve;*
- promotes awareness and understanding of the Marlborough District Council's obligations under the Resource Management Act 1991 regarding the principles of the Treaty of Waitangi/Te Tiriti o Waitangi among Council decision makers, staff and the community;*
- recognises that tangata whenua have rights protected by the Treaty of Waitangi/Te Tiriti o Waitangi and that consequently the Resource Management Act 1991 accords iwi a status distinct from that of interest groups and members of the public; and*
- recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Resource Management Act 1991.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of the need to carry out the management of natural and physical resources in a manner that adopts the principles of the Treaty of Waitangi. However, there appears to be a duplication between clauses a) and d).

Federated Farmers remain to be convinced that the RMA accords iwi higher status than any other party. Federated Farmers submits that clause d) should be deleted.

Relief Sought:

- That the policy is amended to read:

Management of natural and physical resources in Marlborough will be carried out in a manner that:

- (a) takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi, including kāwanatanga, rangatiratanga, partnership, active protection of natural resources and spiritual recognition.*
- (b) recognises that the way in which the principles of the Treaty of Waitangi/Te Tiriti o Waitangi will be applied will continue to evolve;*
- (c) promotes awareness and understanding of the Marlborough District Council's obligations under the Resource Management Act 1991 regarding the principles of the Treaty of Waitangi/Te Tiriti o Waitangi among Council decision makers, staff and the community;*
- ~~*(d) recognises that tangata whenua have rights protected by the Treaty of Waitangi/Te Tiriti o Waitangi and that consequently the Resource Management Act 1991 accords iwi a status distinct from that of interest groups and members of the public; and*~~
- (e) recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Resource Management Act 1991.*

Subject matter and provision in the Plan:

Policy 3.1.2 – An applicant will be expected to consult early in the development of a proposal (for resource consent or plan change) so that cultural values of Marlborough's tangata whenua iwi can be taken into account.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the position that iwi are engaged in the development of a proposal for a plan change or application for a significant development. We are however, unclear whether this policy is intended to apply at all levels, including down to all resource consent applications. . If so, we consider this to be overly onerous and inefficient.

We submit that Policy 3.1.2 should be incorporated with Policy 3.14, which discusses iwi management plans, so that resource consent applicants are provided with direction over the preparation of their applications in advance of formal lodgement to Council.

Relief Sought:

- That the policy is combined with 3.1.4. Our relief sought is detailed in our submission on Policy 3.1.4.

Subject matter and provision in the Plan:

Policy 3.1.4 – Encourage iwi to develop iwi management plans that contain:

- (a) *specific requirements to address the management of coastal waters, land and air resources, including mauri, and in relation to Sections 6(e), 7(a) and 8 of the Resource Management Act 1991;*
- (b) *protocols to give effect to their role of kaitiaki of water and land resources;*
- (c) *sites of cultural significance;*
- (d) *descriptions of how the document is to be used, monitored and reviewed; and*
- (e) *the outcomes expected from implementing the management plan.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the encouragement this policy provides to the development of iwi management plans, and believes they are a useful tool to assist resource consent applicants with the preparation of resource consents. Federated Farmers submits that Policy 3.1.2 should be combined with this policy.

Relief Sought:

- That the policy is amended to read:

Encourage iwi to develop iwi management plans that contain:

- (a) *specific requirements to address the management of coastal waters, land and air resources, including mauri, and in relation to Sections 6(e), 7(a) and 8 of the Resource Management Act 1991;*
- (b) *protocols to give effect to their role of kaitiaki of water and land resources;*
- (c) *sites of cultural significance;*
- (d) *descriptions of how the document is to be used, monitored and reviewed; ~~and~~*
- (e) *the outcomes expected from implementing the management plan; and*
- (f) *background information for large scale resource consent and plan change applicants, so that cultural values of Marlborough's tangata whenua iwi can be taken into account in the preparation of an application.*

Subject matter and provision in the Plan:

Policy 3.1.5 – Ensure iwi management plans are taken into account in resource management decision making processes.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers understands that Council has a duty under the Resource Management Act ('the Act'), which requires that any relevant planning document recognised by an iwi authority is taken into account when preparing a Regional Policy Statement, Regional Plan and District Plan. Resource management decision making with regards to individual resource consent applications must take into account the matters set out in this Plan.

Federated Farmers is not clear on whether this policy is seeking to establish the input of iwi management plans on all Council decision on resource management matters, including individual resource consent applications.

Relief Sought:

- That the policy is amended to read:

Ensure iwi management plans are taken into account in resource management decision making processes with regards to the preparation of a regional policy statement, or regional and district plans.

Subject matter and provision in the Plan:

Policy 3.1.7 – Foster a principle of partnership between Marlborough’s tangata whenua iwi, the Marlborough District Council and statutory management agencies on an ongoing basis to give effect to Policies 3.1.1 to 3.1.6.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

As explained in more detail above, it is unclear where the partnership described in this policy sits in terms of decision making. Federated Farmers has concerns that the principle of partnership described within the policy may move closer to co-governance than intended under the Act, or appropriate at lower level planning.

This policy needs further explanation before it is included in the Plan. If this policy is to be included, there should be similar policies that apply to the relationship between other groups, such as Marlborough’s farming community, and the Council.

Relief Sought:

- That further explanation is provided before the policy is included in the Plan.
- That similar policies are developed which apply to the relationships between other groups, such as Marlborough’s farming community, and the Council.

CHAPTER 4: USE OF NATURAL & PHYSICAL RESOURCES

Subject matter and provision in the Plan:

Issue 4A – Marlborough’s social and economic wellbeing relies on the use of its natural resources.

Federated Farmers supports this issue in part

Summary of reasons for this submission:

Federated Farmers wholeheartedly supports the identification that Marlborough’s social and economic wellbeing is reliant upon the use of its natural resources.

However, Federated Farmers notes that while the value of the conservation estate is quantified in terms of a \$10 million annual contribution to the Marlborough economy, there is no such quantification of dollar value contribution for the primary sector. Neither is there recognition that Marlborough’s primary industries are nationally important, with both the viticulture and marine farming industry making up a significant proportion of the New Zealand economy.

Relief Sought:

- That the explanatory text accompanying the issue is amended so that it better reflects the value of the primary sector to Marlborough's social and economic wellbeing, included but not limited to inclusion of the following paragraphs inserted after paragraph 2:

Primary production makes a considerable contribution to Marlborough's economy. In 2015, agriculture, fishery and forestry directly contributed \$254 million to the region's economy; 11.7% of the total GDP, and second only to manufacturing, through which many of the region's primary produce is processed. Agriculture, fishery and forestry also made the largest contribution to overall growth in the region in the year to 2015, growing by over 6.9% over the year, and employing 19.4% of the Marlborough workforce with 4, 897 people employed.

Sheep and beef production is extensive in Marlborough, with 397, 030ha of land considered pastoral land, and 545, 580 sheep and 59, 970 beef animals run in Marlborough. Marlborough is a small dairying region, with only 56 herds and a total of 16, 661 cows across 5, 700 effective hectares. There are over 8000 deer in the Marlborough region.

In addition to pastoral agriculture, the Marlborough Sounds provide 62% of New Zealand's aquaculture production by tonnes, including 62% of greenshell mussels and 61% of salmon production, and contributes almost 6%, or \$162 million, to Marlborough's regional GDP. The Marlborough region is also the largest grape producing region in New Zealand, with 23, 203ha in vineyards, and exports representing 74.6% of national production in 2015. Forestry covers 57, 500 ha.

Subject matter and provision in the Plan:

Objective 4.1 – Marlborough's primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.

Federated Farmers supports this objective**Summary of reasons for this submission:**

Federated Farmers supports the inclusion of this objective. It is critical that the primary production sector continues to thrive.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 4.1.1 – Recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Federated Farmers is concerned by the implications of this policy. In the explanatory text it is stated that Council can intervene in the exercise of private property rights to protect the environment and wider public interests in the environment. Further, it states that at times it may be necessary for wider public interest considerations to prevail over individual expectations and land use may need to be controlled.

The explanatory text also states that Council can influence and guide the way resource use is undertaken by providing clear and concise standards. Federated Farmers agrees that

clear and concise standards are important. However, this is not clearly not the how the rules in the Plan have been drafted. We will return to this point specifically in our submissions on individual rules

Relief Sought:

- That the policy is amended to read:

Recognise the rights of resource users by ~~only~~ not intervening in the use of land to protect the environment and wider public interests in the environment, unless specifically required under the Plan

- That the explanatory text is amended to better align with the intent of the Act, and the importance of protecting both existing use and private property rights unless the Act requires such interference.
- That the rules in Volume Two are amended to be clear and concise, in keeping with the explanatory text for Policy 4.1.1.

Subject matter and provision in the Plan:

Policy 4.1.2 – Enable sustainable use of natural resources in the Marlborough environment.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the enabling intent of this policy. We support the approach of permitted activity rules that enable resource users to utilise natural resources where this does not have adverse effects. We much prefer an enabling planning framework than one that subjects resource users to onerous and unnecessary or inefficient conditions.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 4.1.3 – Maintain and enhance the quality of natural resources.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the intention to maintain the quality of our region’s natural resources and believes this is important. We support the enhancement of the quality of resources where there is a community desire to enhance resource quality, and where the costs and benefits of enhancing resource quality have been weighed up.

Relief Sought:

- That the policy is amended to read:

Maintain and, where there is community desire and costs and benefits are balanced, enhance the quality of natural resources.

Subject matter and provision in the Plan:

4.M.4 Guidelines

The Council will make extensive use of guidelines to assist resource users to carry out their activities according to best practice for environmental outcomes. Guidelines will be developed in consultation with resource users and groups that represent their interests. The Council will rely on resource user groups to implement the guidelines.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of guidelines that will be developed in partnership between Council, industry and resource users.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

New method to be included

Federated Farmers supports the adoption of a new method as below

Summary of reasons for this submission:

Federated Farmers submits that a new method should be included in the Plan, which acknowledges the need to well resource priority catchment enhancement projects.

Relief Sought:

- That a new method is included in the Plan which reads:

Council will resource priority catchments enhancement projects that develop partnerships between industry, resource users in the catchments.

Subject matter and provision in the Plan:

Policy 4.2.1 – Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, either existing or consented at the time the Marlborough Environment Plan became operative, as regionally significant:

- reticulated sewerage systems (including the pipe network, treatment plants and associated infrastructure) operated by the Marlborough District Council;*
- reticulated community stormwater networks;*
- reticulated community water supply networks and water treatment plants operated by the Marlborough District Council;*
- regional landfill, transfer stations and the resource recovery centre;*
- National Grid (the assets used or owned by Transpower NZ Limited);*
- local electricity supply network owned and operated by Marlborough Lines;*
- facilities for the generation of electricity, where the electricity generated is supplied to the National Grid or the local electricity supply network (including infrastructure for the transmission of the electricity into the National Grid or local electricity supply network);*

- (h) *strategic telecommunications facilities, as defined in Section 5 of the Telecommunications Act 2001, and strategic radiocommunication facilities, as defined in Section 2(1) of the Radiocommunications Act 1989;*
- (i) *Blenheim, Omaka and Koromiko Airports;*
- (j) *main trunk railway line;*
- (k) *district roading network;*
- (l) *Port of Picton and Havelock Harbour;*
- (m) *Picton, Waikawa and Havelock marinas;*
- (n) *RNZAF Base at Woodbourne; and*
- (o) *Council administered flood defences and the drainage network on the Lower Wairau Plain.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of the social, economic, environmental, and health and safety benefits of regionally significant infrastructure. However, it appears there are critical items absent from the list of regionally significant infrastructure. For example, irrigation and on-farm drainage schemes are important infrastructure, which provide the same degree of value to farmers as community stormwater networks do for urban residents.

Small community domestic water takes should also be recognised, even when these takes are not operated by Marlborough District Council.

Relief Sought:

- That the policy is amended so that the list of regionally significant infrastructure is included in an appendix.
- That all items of regionally significant infrastructure including irrigation and on farm-drainage schemes are included in the appendix.
- In addition, that the list of infrastructure in the appendix is amended to read:
 - (a) *reticulated sewerage systems (including the pipe network, treatment plants and associated infrastructure) operated by the Marlborough District Council;*
 - (b) *reticulated community stormwater networks;*
 - (c) *reticulated community water supply networks and water treatment plants operated by the Marlborough District Council;*
 - (d) *regional landfill, transfer stations and the resource recovery centre;*
 - (e) *National Grid (the assets used or owned by Transpower NZ Limited);*
 - (f) *local electricity supply network owned and operated by Marlborough Lines;*
 - (g) *facilities for the generation of electricity, where the electricity generated is supplied to the National Grid or the local electricity supply network (including infrastructure for the transmission of the electricity into the National Grid or local electricity supply network);*
 - (h) *strategic telecommunications facilities, as defined in Section 5 of the Telecommunications Act 2001, and strategic radiocommunication facilities, as defined in Section 2(1) of the Radiocommunications Act 1989;*
 - (i) *Blenheim, Omaka and Koromiko Airports;*

- (j) main trunk railway line;
- (k) district roading network;
- (l) Port of Picton and Havelock Harbour;
- (m) Picton, Waikawa and Havelock marinas;
- (n) RNZAF Base at Woodbourne; and
- (o) Council administered flood defences and the drainage network on the Lower Wairau Plain.

Subject matter and provision in the Plan:

Policy 4.2.2 – Protect regionally significant infrastructure from the adverse effects of other activities.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

It will not always be necessary or appropriate to protect infrastructure from the adverse effects of other activities. Other activities may pre-exist the infrastructure, the adverse effects may be manageable, transient or only very minimal.

Federated Farmers has been involved in extended processes across New Zealand in this regard with Transpower New Zealand Ltd in matters relating to the National Grid. It has been accepted that it is not always necessary, particularly in the rural zone, to protect infrastructure from the effects of the existing farming activities.

We submit that it is more appropriate to recognise and provide for regionally significant infrastructure. The RMA does not give infrastructure a status of national importance, and therefore it does not need outright protection but it does need to fit into the overall sustainable management of all resources and land uses in the region.

Relief Sought:

- That the policy is amended to read:

~~*Protect*~~ *Recognise and provide for regionally significant infrastructure.* ~~*from the adverse effects of other activities.*~~

Subject matter and provision in the Plan:

Method 4.M.10 Affected party status

Where the grant of a resource consent application may adversely affect regionally significant infrastructure, the owners and operators of the infrastructure will be served notice of the application as an affected party. Transpower NZ is required to be served notice if a resource consent application may affect the National Grid under Regulation 10 of the Resource Management (Forms, Fees and Procedures) Regulations 2003.

Federated Farmers opposes in part this method

Summary of reasons for this submission:

Regulation 10(2)(i) of the Resource Management (Forms, Fees and Procedures) Regulations 2003 extends only so far as requiring such notification to Transpower in this way. When the Regulations were drafted, and subsequently amended, it was not considered

necessary or appropriate to extend this provision to other infrastructure owners and operators. The proposed method goes beyond the intent of both the Act and the subsequent Regulations.

Relief Sought:

- That the Method is amended to read:

~~Where the grant of a resource consent application may adversely affect regionally significant infrastructure, the owners and operators of the infrastructure will be served notice of the application as an affected party.~~ Transpower NZ is required to be served notice if a resource consent application may affect the National Grid under Regulation 10 of the Resource Management (Forms, Fees and Procedures) Regulations 2003.

Subject matter and provision in the Plan:

Issue 4C – The use and development of natural and physical resources in the Marlborough Sounds has the potential to detract from the character and intrinsic values of this unique and iconic environment.

Federated Farmers opposes this issue

Summary of reasons for this submission:

Federated Farmers submits that this issue would be best addressed in the coastal chapter; and that any such inclusion references the balance required under the principles of the Act, between the social, cultural, economic and environmental values of the area.

Relief Sought:

- That the issue is moved to the Chapter 13: The Use of the Coastal Environment and is amended to reference the balancing exercise required under the Act

Subject matter and provision in the Plan:

Objective 4.3 – The maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds.

Federated Farmers opposes in part this objective

Summary of reasons for this submission:

Federated Farmers supports the maintenance ~~and enhancement~~ of the visual, ecological and physical qualities contributing to the Marlborough Sounds. It is a special place to many Marlborough locals and visitors to the area, and we recognise this. However, we do not accept that it is always possible or practicable to enhance these qualities; and it is also important that the activities that have long shaped and been apart of the Marlborough Sounds landscape and its character are recognised as legitimate activities and as contributing to the character of the area.

Relief Sought:

- That the objective is amended to read:

Objective 4.3 – The maintenance ~~and enhancement~~ of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds and the appropriate recognition of the land use activities that have created the landscape.

- That the objective is moved to Chapter 13: The Use of the Coastal Environment, or to Chapter 6: Natural Character.

Subject matter and provision in the Plan:

Policy 4.3.2 – Identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds and protect these from inappropriate subdivision, use and development.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers is not clear what is meant by unique and iconic; or how this is intended to be used in the resource management decision making context.

Federated Farmers notes that the values of the Sounds landscape are set out in various appendixes for Landscapes and Coastal Natural Character. The values in these schedules are important for identifying the qualities of the sounds. However, these values fail to recognise the importance of the Sounds as a working landscape, primary production activities actively contributing to shaping the landscape.

Federated Farmers submits that all of the activities and characteristics of the Sounds be set out in the Plan. This includes the forestry, pastoral agriculture, ancillary features such as farm tracks and the features that reflect upon the Sounds as a working environment.

Relief Sought:

- That the policy is moved to Chapter 13: The Use of the Coastal Environment.
- That the policy is amended to include recognition of the importance of the Sounds as a working landscape and to specify where these qualities and values can be found in the Plan, referencing the Landscape and Coastal Natural Character Appendixes.
- That a schedule of the activities and characteristics of the Sounds are included within the Plan.

Subject matter and provision in the Plan:

Policy 4.3.4 – Enhance the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that it is difficult to enhance outstanding natural character.

We question the implications of this policy, and whether this will mean every resource consent will be required to show that enhancement of the unique and iconic character is achieved. Federated Farmers considers that it would be more appropriate to include a policy in Chapter 13: The Use of the Coastal Environment, which states that in having regard to aspects of the project that enhance the character of the Marlborough Sounds.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in the Plan:

Policy 4.3.5 – Recognise that the Marlborough Sounds is a dynamic environment.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition that the Sounds is a dynamic environment. This policy could be amended to be more useful if it acknowledged that some use and development activities will have positive effects on the environment.

Relief Sought:

- That the policy is moved to Chapter 13: The Use of the Coastal Environment and amended to read:

Recognise that the Marlborough Sounds is a dynamic environment and some use and development activities will have positive effects.

Subject matter and provision in the Plan:

Anticipated environmental results and monitoring effectiveness

4.AER.1

Anticipated environmental results

People and communities have appropriate access to natural and physical resources in the Marlborough environment in order to provide for their social, economic and cultural wellbeing and health and safety.

Monitoring effectiveness

The primary sector contributes over 15% of Marlborough GDP.

The number of visitors to Marlborough exceeds 1.5 million per annum.

Regionally significant infrastructure continues to operate effectively and without disruption from other activities.

Public perception survey indicates that a majority of residents and ratepayers believe that the Marlborough Sounds environment is in good health.

Federated Farmers supports in part this anticipated environmental result

Summary of reasons for this submission:

Federated Farmers strongly supports the goal of ensuring people and communities have appropriate access to natural and physical resources in the Marlborough environment. in order to provide for their social, economic and cultural wellbeing, and health and safety.

Of the methods proposed to monitor effectiveness, it is proposed that the primary sector will contribute over 15% of Marlborough GDP. Federated Farmers supports this goal for the ten years of the life of the plan. At present agriculture, forestry and fishing (primary production) makes up 11.7% of Marlborough GDP. Manufacturing makes up another 23.6%, many products of which are the processing of raw products from the primary sector, so overall combined with the primary sector represents 35% of Marlborough GDP.

Federated Farmers considers that the goal of increasing the contribution of the primary sector to GDP is an admirable one; we wholeheartedly support this goal. However, we are concerned that the regulatory burden placed on resource users through Volume Two: Rules will subject the primary sector to an increasing compliance burden and decreasing profitability. This is discussed further in our submission on Volume Two.

We are concerned with, and oppose the inclusion of reference to the public perception survey. While we agree that good health of the Sounds environment is an important goal, relying on the subjective nature of public perception is not appropriate. As an organisation we are very aware of the risks and dangers associated with emotive campaigns put out by well-meaning environmental groups, resulting in perceptions based on opinion, hearsay or belief rather than fact or reality. On that basis, we submit that the inclusion of public perception must be deleted.

Relief Sought:

- That the approach undertaken in Volume Two: Rules is amended to reflect the monitoring effectiveness goals, that being to increase the contribution of the primary sector to Marlborough's economy.
- That the monitoring effectiveness goals are amended to read:

Monitoring effectiveness

The primary sector contributes over 15% of Marlborough GDP.

The number of visitors to Marlborough exceeds 1.5 million per annum.

Regionally significant infrastructure continues to operate effectively and without disruption from other activities.

~~*Public perception survey indicates that a majority of residents and ratepayers believe that the Marlborough Sounds environment is in good health.*~~

CHAPTER 5: ALLOCATION OF PUBLIC RESOURCES

Subject matter and provision in the Plan:

Chapter 5: Allocation of Public Resources

Federated Farmers opposes the drafting of Chapter 5

Summary of reasons for this submission:

Federated Farmers submits that Chapter 5 and Chapter 15 need to be combined and completely redrafted. Both Chapters deal with water and the limit setting process, whether quality or quantity. The chapters are inconsistent and include contradictory policies. The chapters should be consolidated so that all of the issues, objectives, policies and methods pertaining to water are included in one chapter. As outlined in an earlier submission point, references to the coastal environment and coastal marine area should be included in the coastal environment chapter.

There are 134 issues, objectives and policies dealing with water. These need to be simplified into fewer clearer policies.

Relief Sought:

- That Chapters 5 (Allocation of Public Resources) & Chapter 15 (Resource Quality (Water section)) are combined and redrafted to remove inconsistencies and superfluous policies.

Subject matter and provision in the Plan:

Issue 5A – The diversity of water resources makes it difficult to achieve uniformity in water allocation and water use management regimes across the District.

Federated Farmers supports this issue**Summary of reasons for this submission:**

Federated Farmers supports the identification of this issue and the need to provide management approaches tailored to specific sub catchments.

Relief Sought:

- That the issue is retained as notified.

Subject matter and provision in the Plan:

Issue 5C – Marlborough’s social and economic wellbeing relies on an adequate supply of freshwater.

Federated Farmers supports this issue**Summary of reasons for this submission:**

Federated Farmers wholeheartedly supports the identification of this issue. Indeed water is an essential natural resource and fundamental to the extensive primary production in the region, both for viticulture, cropping and pastoral farming. Federated Farmers supports the inclusion of this objective at the start of the chapter and considers that this ethos should underpin the chapter through greater recognition of the importance of the freshwater resource to primary production.

Relief Sought:

- That the issue is retained as notified;
- That the objectives and policies in this Chapter and Chapter 15 are redrafted to appropriately recognise the importance of reliable and adequate freshwater supplies to the Marlborough region.

Subject matter and provision in the Plan:

Objective 5.1 – Water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource.

Federated Farmers supports in part this objective**Summary of reasons for this submission:**

Federated Farmers supports the direction Council is going with this objective, which recognises that water allocation and water use management regimes reflect hydrological

and environmental conditions within each water resource. However, regimes should also reflect the human use and primary production values associated with the water resource.

Relief Sought:

- That the objective is amended to read:

Water allocation and water use management regimes reflect hydrological and environmental conditions, and social and economic values, within each water resource.

Subject matter and provision in the Plan:

Objective 5.2 - Safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and/or levels for the natural and human use values supported by waterbodies.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers supports recognition of the natural and human use values supported by waterbodies. Federated Farmers supports the way that it is recognised that a balance needs to be achieved between life-supporting capacity of freshwater resources and retaining sufficient flows for natural and human use values.

Federated Farmers notes the explanatory text on the issue underlying this objective notes the importance of water for a range of uses, including irrigation, industrial, commercial and frost fighting. However this is not honoured by the term natural and human use values, as they are defined in Appendix 5. Federated Farmers submits that these should be provided for in the Plan.

Relief Sought:

- That the objective is adopted as notified.
- That natural and human use include the range of uses including irrigation, industrial, commercial and frost fighting.

Subject matter and provision in the Plan:

Objective 5.3 – Enable access to reliable supplies of freshwater.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers supports this objective as it ensures that water users have consistent and reliable access to freshwater, which is necessary for primary production. It is important to recognise that existing water takes contribute to social and economic wellbeing and in some cases significant investment relies on the continuation of those takes, including rural-based activities such as agriculture, perishable food processing and industry.

Relief Sought:

- That the objective is retained as notified.

Subject matter and provision in the Plan:

Policy 5.1.1 – Define and use freshwater management units to apply appropriate management to the taking and use of water within each water resource.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports this policy as it aims to implement the NPS – FW which the Council is required to under s67(3)(c) of the Act. However, it would be useful if the Plan provided some guidance as to how the various FMU's have been established. There is considerable variation in this regard across the country. For example, Southland has five FMU's, which contain a number of hydrologically, geologically and social different waterways/catchments and communities. Whereas in Canterbury, each FMU consists of a catchment which is hydrologically, geologically and social similar. We understand that Council has established various FMUs across the District, but it is not clear how these have been determined or how they will be utilised going forward.

Relief Sought:

- That the policy is retained as notified, with further information provided within the Plan with regards to the identification of FMUs and the manner in which they are intended to be utilised going forward.

Subject matter and provision in the Plan:

Policy 5.2.1 – Maintain or enhance the natural and human use values supported by freshwater bodies.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers support the need to maintain or where necessary enhance the natural and human use values supported by freshwater bodies. It is important these values are accurately identified through engagement with the community. The policy refers to Appendix 5, where the natural and human use values supported by waterbodies are identified. However, human use values are wide ranging and encompass both in stream and out of stream values, and this needs to be recognised within the Plan. There is no recognition in Appendix 5, Schedule 1 of the values of water for primary production and other human use values that would be expected including irrigation, industrial, commercial and frost fighting, .

For the purposes of meeting Objective 5.2, which seeks to *safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and/or levels for the natural and human use values supported by waterbodies*, it is critical that natural and human use values are adequately defined.

Relief Sought:

- That the natural and human use values in Appendix 5 are amended to include recognition of the values of water for primary production

- That the natural and human use values are subject to review through the collaborative catchment limit setting process.

Subject matter and provision in the Plan:

Policy 5.2.2 – Give priority to protecting the mauri of freshwater and freshwater flows/levels.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy repeats Policy 5.2.4 and therefore is superfluous.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 5.2.3 – Protect the significant values of specifically identified freshwater bodies by classifying the taking, damming or diversion of water in these waterbodies as a prohibited activity.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy is unclear and uncertain. It has been incorrectly drafted as if it's a rule and is not appropriate in this context. It is not stated within the policy what is meant by significant values, or which specifically identified freshwater bodies the policy is referring to. The explanatory text also refers to high or very high natural character so it is not clear if the identified waterbodies are based on their natural character state or water quality classification. Federated Farmers understands that at times the taking, damming or diversion of freshwater is undesirable, but this should only be prohibited in carefully considered cases. Federated Farmers submits that use of a discretionary or non-complying status would be more appropriate, so that resource users have the opportunity to apply for a resource consent where there may be an affect on significant values.

Relief Sought:

- That the policy is deleted from the plan.

Subject matter and provision in the Plan:

Policy 5.2.4 – Set specific environmental flows and/or levels for Freshwater Management Units dominated by rivers, lakes and wetlands to:

- (a) protect the mauri of the waterbody;*
- (b) protect instream habitat and ecology;*
- (c) maintain fish passage and fish spawning grounds;*
- (d) preserve the natural character of the river;*
- (e) maintain water quality;*

- (f) *provide for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater; and*
- (g) *maintain amenity values.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the inclusion of the values identified in this policy. We remained concerned that human and use values, including domestic and stock drinking water and primary production have not been adequately taken into account in this policy. This in turn affects the limits that have been established in the Plan. Federated Farmers submits that a robust assessment of values should be completed through community engagement prior to water quantity and quality limits being set.

Relief Sought:

- That the policy is amended to include:

Set specific environmental flows and/or levels for Freshwater Management Units dominated by rivers, lakes and wetlands to:

- (a) *protect the mauri of the waterbody;*
- (b) *protect instream habitat and ecology;*
- (c) *maintain fish passage and fish spawning grounds;*
- (d) *preserve the natural character of the river;*
- (e) *maintain water quality;*
- (f) *provide for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater; and*
- (g) *maintain amenity values; and*
- (h) *Maintain reliability of supply for social and economic values.*

Subject matter and provision in the Plan:

Policy 5.2.5 – With the exception of water taken for domestic needs or animal drinking water, prevent the taking of water authorised by resource consent when flows and/or levels in a Freshwater Management Unit are at or below a management flow and/or level set as part of an environmental flow and/or level set in accordance with Policy 5.2.4.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of domestic needs and animal drinking water. This is consistent with Section 14 (3)(b) of the RMA which gives people the right to take freshwater for their reasonable domestic needs and the reasonable domestic needs of their animals for drinking water. However, as outlined in our submission point on Policy 5.2.4 we are of the view that there needs to be additional values added to the matters under consideration when setting flow and allocation regimes, namely the ability to maintain reliability of supply for social and economic values.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 5.2.6 – For rivers, establish whether the flow has reached the management flows set in the Marlborough Environment Plan on the basis of 24 hour averages (midnight to midnight).

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers understands that the use of twenty four hour averages is how current management flows are set and will not see any change for resource users.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 5.2.7 – Where there is insufficient environmental data to establish the flow requirements of natural and human use values, use a default minimum flow of 80% of the seven day mean annual low flow for rivers with a mean flow greater than 5m³/s and 90% of the seven day mean annual low flow for rivers with a mean flow less than 5m³/s.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers broadly supports this policy. The use of mean annual low flow (MALF) as a default minimum flow was proposed in the National Environmental Standard for Minimum Flows. We consider that the percentages of MALF indicated in the policy are reasonable.

However, as MALF is a statistic that has no real meaning in an environmental context, we recognise that at times the use of MALF as a basis for setting minimum flows can at times be problematic. For example, where a stream or river naturally ceases to flow for more than seven consecutive days, the MALF will be zero and no abstractive use will be allowed, even though there is a substantial mean annual flow. At other times, the relationship between MALF and mean annual flow can vary hugely. In these circumstances we believe it is appropriate that supplementary information with a resource consent application can be provided to support a minimum flow lower than the default limit.

Federated Farmers submits that for clarity and in the interests of ensuring this Chapter is succinct, this policy should be combined with Policy 5.2.14.

Relief Sought:

- That the policy is retained and combined with Policy 5.2.14.

Subject matter and provision in the Plan:

Policy 5.2.8 – Consider proposals to set a minimum flow for a river that varies from the default minimum flow established by Policy 5.2.7 on a case-by-case basis, including through the resource consent process. Policies 5.2.1 to 5.2.4 will be utilised to assist the determination of any such proposal.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports this policy. We consider there will be instances where it is appropriate for minimum flows to be varied, on a case-by-case basis. This policy will provide appropriate flexibility for resource users, through consenting or plan change processes, while ensuring relevant environmental or other considerations can be considered.

Where there are detailed flow recordings, determining seven day MALF can be relatively straightforward. At times other methods such as residual flows can better provide for the values of the waterway. Where the hydrological data pertaining to MALF is not available, then the only other option is to use regression curves, where a similar catchment is used as a model to estimate the seven day MALF. While common practice, this does have its limitations, especially if a suitable catchment is not identified with sufficient hydrological recordings. In addition, in highly modified catchments where there are dams and storage, use of seven day MALF is also somewhat meaningless. Therefore, we support Council being able to consider proposals to set a minimum flow that varies from the default minimum flow established in 5.2.7.

Relief Sought:

- That the policy is adopted as notified.

Subject matter and provision in the Plan:

Policy 5.2.9 - Have regard to the adverse effects of the proposed instantaneous rate of take from any river, except an ephemeral flowing river, if that rate of take exceeds or is likely to exceed 5% of river flow at any time.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports the intent of this policy. At times, such as takes of water to storage during high flows, takes could exceed 5% of flow of the river at any one time. We acknowledge that it is appropriate that where the take exceeds 5% of river flow, regard is given to the implications of the take through the consenting process. However, Federated Farmers submits that this should not apply to Section 14(3)(b) takes for domestic and stock drinking water which are provided for under the RMA.

Relief Sought:

- That the policy is adopted as notified.

Subject matter and provision in the Plan:

Policy 5.2.13 – Limit the total amount of water available to be taken from any freshwater management unit and avoid allocating water (through the resource consent process) beyond the limit set.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers understands this approach is in line with the NPSFM. However, Federated Farmers submits that here does need to be recognition that historically people have been provided with water, which now may result in over allocation and as such these situations need to be recognised and provided for. Federated Farmers submits that the renewal of existing permits (via Section 124) should be allowed where the resource is over allocated.

The use of the term ‘avoid’ is unnecessarily restrictive. There needs to be an acknowledgement that not all consented users will be taking and using their maximum allocation at any given time and on that basis, allocating beyond a limit may be appropriate in some circumstances – for instance water used for frost-fighting won’t be required all year round; while non-consumptive use still retains the water within the resource environment. There may be circumstances in which over-allocation on paper can still result in efficiency of use without environmental impact. Resource users seek flexibility so that communities and water users retain the ability, particularly in times of drought and drier periods, to go through processes to have consideration for exceeding minimum flows.

Allocation of water may be possible when a resource user can provide information that suggests that their additional take of water will not have an adverse effect. This could be provided through additional monitoring data, historical records or through consent conditions that will reduce the adverse effect on the freshwater management unit.

Relief Sought:

- That the policy is amended to read:

Limit the total amount of water available to be taken from any freshwater management unit ~~and avoid allocating~~ but allow for the allocation of water (through the resource consent process) beyond the limit set when the applicant can demonstrate that the adverse effects on the values of that freshwater management unit will individually or cumulatively be no more than minor.

Subject matter and provision in the Plan:

Policy 5.2.14 – Where there is insufficient environmental data to establish an allocation limit for a river, use a default allocation limit of 50% of the seven day mean annual low flow for rivers with a mean flow greater than 5m³/s and 30% of the seven day mean annual low flow for rivers with a mean flow less than 5m³/s.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers broadly supports this policy. The use of mean annual low flow (MALF) as a default allocation limit was proposed in the National Environmental Standard. We consider that allowing for 50% of the seven day MALF for rivers with a mean flow greater than 5m³/s and 30% of the seven day MALF for rivers less than 5m³/s as indicated in the policy is reasonable. As noted above, we consider at times that MALF should be reconsidered where a resource consent applicant has the information that proves the effects of the take sought are individually or cumulatively no more than minor.

Federated Farmers submits that for clarity and in the interests of ensuring this Chapter is succinct, this policy should be combined with Policy 5.2.7.

Relief Sought:

- That the policy is retained and combined with Policy 5.2.7.

Subject matter and provision in the Plan:

Policy 5.2.17 – Implement water restrictions for water users serviced by municipal water supplies when the management flows/levels for the resource from which the water is taken are reached.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports this policy. We support that urban resource users are also required to think about their use when the rural community has restrictions on water use imposed due to low flows. Federated Farmers considers that this policy would benefit from being more explicit about the method on which water restrictions would be based.

Relief Sought:

- That the policy is amended to specify the method on which water restrictions would be based.

Subject matter and provision in the Plan:

Policy 5.2.20 – Where water is to be dammed to enable the storage of water, encourage the construction and use of “out-of-river” dams in preference to the construction and use of dams within the beds of perennially or intermittently flowing rivers.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers submits that this policy is refined to set out which rivers in stream storage should be avoided. For intermittently flowing and smaller waterways where the effects downstream are avoided, remedied or mitigated, water storage should be encouraged. There are many options for farmers to utilise this option as a cost effective means of storage, whether through an instream dam in a small waterway, where the

waterway is diverted around the top of the dam, so that it only fills when the flow in the waterway reaches a particular point, or when residual flows are maintained downstream. Stream beds in gullies afford the cheapest form of dam construction in terms of dollars per cubic metre of storage, as generally only one headwall has to be constructed.

Federated Farmers considers that out of river dams should be encouraged and provided for in the Plan, with recognition of the importance of large storage capacity. It is critical this is carried over to permitted activity rules.

Relief Sought:

- That the policy is adopted as notified.

Subject matter and provision in the Plan:

Policy 5.2.21 – Ensure any new proposal to dam water within the bed of a river provides for:
(a) effective passage of fish where the migration of indigenous fish species, trout and salmon already occurs past the proposed dam site;

(b) sufficient flow and flow variability downstream of the dam structure to maintain:

(i) existing indigenous fish habitats and the habitats of trout and salmon; and

(ii) permitted or authorised uses of water; and

(iii) flushing flows below the dam;

(c) the natural character of any waterbody downstream of the dam structure; and
have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges that Section 7(h) of the Act anticipates that the habitat of trout and salmon should be protected. However, we do note that both of these are introduced species, which can predate upon native species. Thus, in some cases (i.e. where you are restoring native species habitat with the view of introducing native species) the use of dams/weirs or some form, trout and salmon barriers may be necessary to enable this type of restoration to occur. Federated Farmers is aware of a number of farmers who have undertaken such works upon their properties throughout New Zealand, and we would be disappointed if this opportunity were not afforded to farmers within the Marlborough region.

Relief Sought:

- That the policy is amended to read:

Ensure any new proposal to dam water within the bed of a river provides for:

(a) retention of an effective passage of fish where there is migration of indigenous fish species, trout and salmon already occurring past the proposed dam site;

(b) Recognise and provide for the exclusion of trout and salmon where the dam is to be used as part of restoring/establishing native species habitat; and

~~(b)~~(c) sufficient flow and flow variability downstream of the dam structure to maintain:

(i) existing indigenous fish habitats and the habitats of trout and salmon; and

(ii) permitted or authorised uses of water; and
(iii) flushing flows below the dam;
~~(c)~~(d) the natural character of any waterbody downstream of the dam structure; and
have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water.

- That the policy is combined with Policy 5.2.22 for clarity.

Subject matter and provision in the Plan:

Policy 5.2.22 – In the determination of any resource consent application, have regard to the following effects of damming of water:

(a) the retention of sediment flows and any consequent adverse effect upstream or downstream of the dam structure;
(b) changes in river bed levels and the effects of those changes;
(c) any downstream effects of a breach in the dam wall;
(d) interception of groundwater or groundwater recharge; and
(e) interception of surface water runoff.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers submits that the risk to communities downstream should be considered in the determination of a resource consent application. Also, it is not clear whether this policy applies to the effects of instream or out of stream dams. Federated Farmers submits that this policy is combined with Policy 5.2.21 and together they both examine the effects of dam building.

Relief Sought:

- That the policy is combined with Policy 5.2.21.

Subject matter and provision in the Plan:

Policy 5.2.25 – Where necessary, review the conditions of existing water permits authorising the taking of water within 24 months of the Marlborough Environment Plan (or any subsequent plan changes) becoming operative to ensure that relevant environmental flows and levels are met.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers is of the firm view that this policy is ultra vires and should be removed from the Plan. This view is based upon the simple fact that a plan cannot fetter a council's discretion or direct a council to undertake certain actions where it is up to the council to determine at the time whether such actions should be undertaken. Federated Farmers notes that s128(1)(b) of the RMA states that the council may undertake a view of consents, where it is the view of the council that it is appropriate to undertake such a review. This policy seeks to remove the ability of the council to determine that such a review is not the most effective

and efficient method available to it to impose a flow and allocation regime and in our view this is unlawful.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 5.3.1 – To allocate water in the following order of priority:

- (a) natural and human use values; then*
- (b) aquifer recharge; then*
- (c) domestic and stock water supply; then*
- (d) municipal water supply; and then*
- (e) all other takes of water.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers is concerned by the prioritisation of uses in this policy and unclear as to how it will be applied. Surface water is usually allocated through the establishing of minimum flows, and allocation is provided for above those minimum flows. It is not clear whether this refers to Council's intention to prioritise through the consenting process, or otherwise.

It is also not clear by what is meant by natural and human use values, a reoccurring concern of Federated Farmers that should be addressed through the definition of the term in the Plan. Further, domestic and stock drinking water is provided for within Section 14(3)(b) of the RMA and therefore should not be subject to this policy. It is unclear why municipal water supply should be granted priority over other users. We are aware that some of the municipal water supplies are used for industrial use. Federated Farmers does not support urban industries being given special treatment, or their water needs prioritised over rural industries. In our view the Plan should distinguish between municipal supply that is for essential domestic needs, and that which is used for commercial or industrial purposes. This approach would be consistent with LAWF recommendation 54. Municipal water supply could be better articulated as drinking water supply.

Relief Sought:

- That the policy is amended to give effect to the above concerns.

Subject matter and provision in the Plan:

Policy 5.3.3 – Confirm and, where they have not previously been set, establish allocation volumes that reflect the safe yield from any Freshwater Management Unit over and above the management flows/levels set through the implementation of Policies 5.2.4 and 5.2.10.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy is superfluous.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 5.3.4 – Establish allocation volumes for municipal water supplies and avoid applying management flows and levels to the taking of water for the purpose of municipal supply.

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Federated Farmers opposes this policy on the basis that it provides preferential treatment to urban industrial uses of water over rural industries. Federated Farmers does not support urban industries being given special treatment, or their water needs prioritised over rural industries. In our view the Plan should distinguish between municipal supply that is for essential domestic needs, and that which is used for commercial or industrial purposes. This approach would be consistent with LAWF recommendation 54. Whether water is taken for irrigation or for community water schemes, it should be subject to the management flows and levels.

Relief Sought:

- That the policy is amended to read:

Establish allocation volumes for municipal water supplies ~~and avoid applying management flows and levels to the taking of water for the purpose of municipal supply.~~

Subject matter and provision in the Plan:

Policy 5.3.5 – Enable the take and use of water where it will have little or no adverse effect on water resources.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the need to recognise that the take and use of water will be appropriate when there is little or no adverse effect on water resources.

Relief Sought:

- That the policy is adopted as notified.

Subject matter and provision in the Plan:

Policy 5.3.6 – Allocate water within any class on a first-in, first-served basis through the resource consent process until the allocation limit is reached for the first time.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers understands that allocating water on a first in, first served basis is often the desired approach because it is the easiest approach. We believe that this policy should be coupled with a reasonable use test to ensure that for those seeking water, the use for which it is intended is reasonable and tied to the land upon which the water is to be used.

Relief Sought:

- That the policy is amended to read:

Allocate water ~~within any class~~ on a first-in, first-served basis through the resource consent process until the allocation limit is reached for the first time. In addition ensure that the water to be allocated is reasonable for the intended end use.

Subject matter and provision in the Plan:

Policy 5.3.7 – Allocate water to irrigation users on the basis of a nine in ten year water demand for the crop/pasture.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the intention of Council to provide a high degree of reliability of water resource. For our members, reliability is of utmost importance and needs to be at least on a "nine in ten" year basis. If irrigators know there will be water available when they need it, there will be less temptation to adopt use it or lose it approaches to water management and they will have a greater confidence to grow high value crops. This ensures greater efficiency of overall water use. We support the acknowledgement of the value of cropping and pasture to the grower, and more importantly, to primary production in Marlborough.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 5.3.10 – The instantaneous rate of take from a surface waterbody may exceed the instantaneous equivalent of the maximum daily allocation:

(a) by 20% at any point in time; or

(b) for 20% of the time;

but in both cases the cumulative take over 24 hours (midnight to midnight) must not exceed the daily maximum.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the intention of this policy which appears to provide resource users with more flexibility regarding their water takes. We support any move to provide resource users with flexibility to take water at a time and across a period that suits their activities.

However, we are not clear how this policy fits with Policy 5.2.9 which requires regard to the adverse effects of the proposed instantaneous rate of take from any river except an ephemeral flowing river, if that rate of take exceeds or is likely to exceed 5% of river flow at any time. Federated Farmers considers that this policy is contradictory and submits that the policies on takes should be combined and clarified as not to contradict one another.

Relief Sought:

- That the policy is retained and combined with Policy 5.2.9.

Subject matter and provision in the Plan:

Policy 5.3.11 – Have regard to the potential for any take of water to adversely affect the ability of an existing water user to continue taking water and mitigate any adverse effects by limiting, where necessary, the instantaneous rate of take.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy for it provides recognition of the adverse effects of a new take on existing users.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 5.3.12 – Enable the construction of bores while recognising that this policy does not authorise the taking of water for any purpose other than bore testing.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that this is written as a rule not a policy. We support the enabling intention of Council to provide for the construction of bores, and submit that the wording of this policy better reflects it as a policy rather than a prescriptive rule.

Relief Sought:

- That the policy is amended to read:

Enable the construction of bores ~~while recognising that this policy does not authorise the taking of water for any purpose other than bore testing.~~

Subject matter and provision in the Plan:

Policy 5.3.14 – The duration of water permits to take water will reflect the circumstances of the take and the actual and potential adverse effects, but should generally:

(a) not be less than 30 years when the take is from a water resource:

(i) that has a water allocation limit specified in Schedule 1 of Appendix 6; and

(ii) that has a minimum flow or level specified in Schedule 3 of Appendix 6; and

(iii) that is not over-allocated; or

(b) not be more than ten years when the take is from an over-allocated water resource as specified in Policy 5.5.1; or

(c) not be more than ten years when the take is from a water resource that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that where the take is from a water resource with a default environmental flow, then there should be the opportunity for the resource user to put forward a case for a consent longer than ten years. This is appropriate in situations, such as where the applicant may have provided more information with his application by way of hydrological data, or historical monitoring. It may also be appropriate where additional information is gathered on the water resource through Council monitoring over the life of the Plan.

Federated Farmers considers that more appropriate than ten years would be to recognise that the consent should be no more than fifteen years, on the basis that this is often the typical payback time for infrastructure.

Relief Sought:

- That the policy is amended to read:

The duration of water permits to take water will reflect the circumstances of the take and the actual and potential adverse effects, but ~~should~~ generally:

(a) not be less than 30 years when the take is from a water resource:

(i) that has a water allocation limit specified in Schedule 1 of Appendix 6; and

(ii) that has a minimum flow or level specified in Schedule 3 of Appendix 6; and

(iii) that is not over-allocated; or

(b) not be more than ~~ten~~fifteen years when the take is from an over-allocated water resource as specified in Policy 5.5.1; or

(c) may not be more than ~~ten~~fifteen-years when the take is from a water resource that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14, unless supporting information can be supplied.

Subject matter and provision in the Plan:

Policy 5.3.15 – Require land use consent for the planting of new commercial forestry in flow sensitive areas.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers recognises that in some catchments large scale commercial forestry can have significant adverse effects on water yields within the catchment. However, we also note that for a number of farmers, farm forestry lots provide a valuable and economic return upon land which is often classified as marginal. In addition the removal of such land from farming can have significant environmental improvements such as reduction in sedimentation from eroding hill country and provision of habitat for a variety of bird species. The provision of such a policy will have a substantial effect on marginal land values if the commercial forestry, or carbon option is removed.

The planting of a crop is not a water take. We believe that forestry by its very nature is restricted to planting in places that have suitable terrain, rainfall and soils. The realistic area available to planting is refined by the avoidance of rock, scree and steep slopes. Federated Farmers questions the need to regulate land use for forestry when these natural considerations are taken into account. We also understand that the forestry industry itself has guidelines to determine the suitability for planting, and while we do not seek that Council will regulate as per industry guidelines, we believe merit should be applied to recognising the importance of industry's ability to self regulate.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 5.4.1 – The lapse period for water permits to take water shall be no more than two years.

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Federated Farmers considers that this policy should give effect to Section 125 (1) (a) of the RMA which provides for a lapse period of five years after the date of the commencement of the consent. We submit that this policy should be combined with Policy 5.4.3 which provides for a lapse period for water permits to use water, following our submission that the taking and use of water should be considered in one consent.

Relief Sought:

- That the policy is amended to provide a lapse period of five years. That the policy is combined with Policy 5.4.3.

Subject matter and provision in the Plan:

Policy 5.4.2 – Giving effect to water permits to take and use water will be determined on the basis of the water being taken (and/or stored) for the authorised use and that the take is recorded in accordance with Policy 5.7.4.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports clarity around when a water permit is considered to be given effect to. We consider however that in the case of large scale irrigation, where a staged development occurs, it should be clear that giving effect to is determined when water is taken for the first stage.

Relief Sought:

- That the explanatory text is amended to clarify that giving effect to in the case of a staged development is as when water is taken for the first stage.

Subject matter and provision in the Plan:

Policy 5.4.4 – Enable access to water that has been allocated but is not currently being utilised by individual water permit holders through the transfer of water permits.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the intent of this policy being to allow for the transfer of water as already provided for under the RMA, particularly Section 136 of the Act. We support the ability to transfer water where the effects of the transfer can be adequately mitigated.

Federated Farmers seeks to avoid the transfer of water between Freshwater Management Units or Catchments where possible.

Relief Sought:

- Replace Policy 5.4. with the following:

Enable the transferring of water between water users either within the same FMU or catchment or groundwater aquifer provided the effects of the transfer upon existing users of the water resource is adequately mitigated.

Subject matter and provision in the Plan:

Policy 5.4.5 – When an enhanced transfer system is included in the Marlborough Environment Plan to enable the full or partial transfer of individual water allocations between the holders of water permits to take and use water, this will be provided for as a permitted activity where:

- (a) the respective takes are from the same Freshwater Management Unit;*
- (b) the Freshwater Management Unit has a water allocation limit specified in Schedule 1 of Appendix 6;*
- (c) the take is not from the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or the Riverlands Freshwater Management Unit;*
- (d) metered take and use data is transferred to the Council by both the transferor and the transferee in real time using telemetry;*
- (e) the allocation is authorised via a water permit(s) applied for and granted after 9 June 2016;*

(f) the transferee holds a water permit to take water if their abstraction point differs from the that of the transferor; and

(g) the transferee holds a water permit to use water.

The duration of the transfer is at the discretion of the transferor and transferee and can be on a temporary basis or for the remaining duration of the water permit.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the ability for users to share and transfer water. We have concerns however that the transfer of water may have perverse outcomes on both other resource users and on the environment. There is nothing in this policy that requires assessment of the effects on existing users or on groundwater and surface water.

Federated Farmers considers that this policy should be amended to acknowledge the need to consider effects on existing users and on the groundwater and surface water sources. We are unsure why the transferee must be a water permit holder, as this limits it the access of water to those who already have access, and does not open up the opportunity to new players. We are also unsure whether there is the intention for financial exchange within this system. From Federated Farmers experience, where finances are involved the process becomes much more complicated.

Relief Sought:

- That the policy is amended to include:

When an enhanced transfer system is included in the Marlborough Environment Plan to enable the full or partial transfer of individual water allocations between the holders of water permits to take and use water, this will be provided for as a permitted activity where:

(a) the respective takes are from the same Freshwater Management Unit;

(b) the Freshwater Management Unit has a water allocation limit specified in Schedule 1 of Appendix 6;

(c) the take is not from the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or the Riverlands Freshwater Management Unit;

(d) metered take and use data is transferred to the Council by both the transferor and the transferee in real time using telemetry;

(e) the allocation is authorised via a water permit(s) applied for and granted after 9 June 2016;

(f) the transferee holds a water permit to take water if their abstraction point differs from the that of the transferor; and

(g) the transferee holds a water permit to use water.

(h) the effects of the transfer on other consented takes

The duration of the transfer is at the discretion of the transferor and transferee and can be on a temporary basis or for the remaining duration of the water permit.

Subject matter and provision in the Plan:

Policy 5.5.2 – No new water permit will be granted authorising additional abstraction from the water resources identified in Policy 5.5.1 after 9 June 2016.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers acknowledges that Council must give effect to NPS–FW, which requires there to be no further over-allocation a fresh water resource. However, the Federation is of the view that where people have legitimately gained consents to take water, there should be the ability for those permits to be renewed, provided they are for the same or lesser instantaneous rate and volume (daily/weekly/annual).

For water users, reliability is a significant component of access to water, as business decisions and investment in infrastructure is often made years in advance in anticipation of access. It should be explicitly acknowledged within the explanatory text that s104(2A) of the RMA states that the consent authority must have regard to the value of the investment of the existing consent holder. This is critical in order to provide investment certainty and may have environmental benefits via investment in efficient irrigation technology. Federated Farmers submits that any over-allocated catchments be referred to in an Appendix, not in the policy.

Relief Sought:

- That the policy is deleted and replaced with:

Except as provided for by S124 of the Act, no new water permit will be granted authorising additional abstraction from water resources which as been identified as over allocated.

The council may grant permits pursuant to S124 provided the amount of water being sought is reasonable for its intended use, and is the same or lesser rate and volume of the permit already held.

Subject matter and provision in the Plan:

Policy 5.5.3 – Avoid any additional diversion of water from over-allocated water resources for use on land in other freshwater management units.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges the concerns with diversion of water from over-allocated water resources for use on land in other freshwater management units. However, Federated Farmers considers this policy does not allow for flexibility. While we acknowledge that this may not be appropriate in every circumstance, and that all proposals for diversion will need to go through their own test to ensure they are robust, we believe that there should be the

possibility for water to be transferred between catchments where this is determined to be appropriate. This policy also does not allow for non-consumptive uses of water.

There should be an ability for applicants to put together evidence and information sufficient to justify such a diversion. We oppose the use of the word 'avoid' on that basis. Council can still set a consent activity status high enough to enable consent to be considered, while addressing concerns around environmental effects and impacts on other users.

Relief Sought:

- That the policy is amended to read:

Require appropriate supporting information before considering any additional diversion of water from over-allocated water resources for use on land in other freshwater management units.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the inclusion of a new policy

Summary of reasons for this submission:

Federated Farmers submits that a suite of policies should be introduced to address the phasing out of overallocation in water resource units. Our relief sought draws upon Waikato Regional Council's policy for resolving overallocation. This would allow for a number of methodologies to be employed, dependent on the individual circumstances.

Relief Sought:

- That a new policy is included in the Plan which reads:

Exceedance's of allocable flows will be phased out by some or all of the following methods:

a) Ceasing any new allocation of water (not including the replacement of previously consented taking of water subject to the requirements of s124B of the RMA after 9 August 2008)

b) Encouraging voluntary reductions or promoting water augmentation/harvesting

c) Reviewing conditions of existing consents to determine if any efficiency gains can be made, including through altering the volume, rate or timing of the take provided this does not invalidate the exercise of the consent for its original purpose

d) Shared reduction across the catchment either by consent review for existing takes or as resource consents for takes expire. Shared reductions may also be achieved by anticipating the expiry of existing consents in a catchment

e) Rostering users, so they are not all taking at once or alternatively reducing the rate of permissible takes

f) Directing new applications or replacement of existing resource consents consider alternatives to the water take or to other potential sources of water (e.g. groundwater, water harvesting)

- g) Temporarily restricting the taking of water by the issuing of a water shortage direction under section 329 of the RMA
- h) Encouraging the establishment of catchment groups or voluntary agreements between water users to achieve necessary reductions in catchment water use
- i) Reduce permitted takes, excluding those provided for by s14 (3)(b) of the RMA, through a pro rata reduction in the rate of take and where necessary through a reduction in the daily permitted volume via a plan change
- j) Undertake an assessment of sustainable yield or allocable flow.

Subject matter and provision in the Plan:

Policy 5.6.1 – Unless there is an identified aquifer dominant Freshwater Management Unit, all water within a catchment will be managed as a surface water resource. This means that the minimum flow, management flow and allocation limit established for the river dominant Freshwater Management Unit will also apply to groundwater takes.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of groundwater and surface water as a combined system. This should only apply where there is a high degree of hydraulic connectivity between the ground and the surface water resource.

Given this marks a change in the way the resource is managed in Marlborough, Council needs to make provision for a transition period for existing groundwater takes, so that resource users can organise alternate water sources.

We submit that this policy would be more appropriate earlier in the chapter as it establishes a management regime for the water resource.

Relief Sought:

- That a transition period is provided so that those with existing groundwater takes can organise alternative sources.

Subject matter and provision in the Plan:

Policy 5.7.1 – When resource consent is to be granted to use water, every proposed use will be authorised by a separate water permit. Categories include municipal, irrigation, industrial, residential, commercial and frost fighting.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports, where appropriate the establishment of separate classes of use for water. However, we are aware that at times there may be multiple uses from one point of take (e.g. take for irrigation, to storage, for dairy shed washdown down water etc.). In these situations, the Federation is of the view that these should be combined within one permit as requiring multiple consents will have additional administrative, and compliance

costs which are in the view of the Federation inefficient and ineffective way of managing a natural resource such as water.

As per our submission on earlier policies, the take and use of water should not be treated as separate activities. This policy should be combined with Policy 5.7.5.

Relief Sought:

- That the policy is amended to read:

That the policy is amended to read: When resource consent is to be granted to take and use water, every proposed use will be authorised where appropriate by a separate water permit. Categories include municipal, irrigation, industrial, residential, commercial and frost fighting.

Subject matter and provision in the Plan:

Policy 5.7.2 – To allocate water on the basis of reasonable demand given the intended use.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the need to allocate water on the basis of reasonable use through a system that assesses daily water balance, such as Irricalc, or mm/ha/day. Irricalc is positioned best for groundwater or water to storage, while mm/ha/day is useful for surface water. Federated Farmers understands that programs such as Irricalc do make generalisations and therefore there also needs to be provision for resource users to provide their own information to justify why an allocation may need to be outside the suggested guideline. For example, due to soil types, type of crop, or crop planting densities.

Federated Farmers considers that attention needs to be paid to the efficiency of use of existing investment and unforeseen consequences, for example, clearing trees for pivots.

Relief Sought:

- That the policy is combined with Policy 5.7.3.

Subject matter and provision in the Plan:

Policy 5.7.3 – Water permit applications to use water for irrigation will not be approved when the rate of use exceeds the reasonable use calculation, except where the applicant can demonstrate that they require more water based on property specific information.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

As with all computer based modelling systems, there are some circumstances when the modelling system may not accurately estimate reasonable use. Federated Farmers supports the intent of the policy to allow for individual resource consent applicants the opportunity to provide property specific information on the factors that influence crop demand that may demonstrate a higher rate of water use than Irricalc. Farmers often record their own data and

have comprehensive records and a solid understanding of the factors affecting the need for water use on their own properties.

Relief Sought:

- That the policy is combined with Policy 5.7.2.

Subject matter and provision in the Plan:

Policy 5.7.4 – Require water permit holders to measure their water take with a pulse emitting meter, to record water take and use with a data logger, and to transfer the recorded water take and use information by the use of telemetry. Alternative methods of measurement, recording or transfer that provide the Marlborough District Council with accurate water take and use data may be considered.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the measuring of water takes with telemetry where they are required under national legislation. However we submit that it needs to be ensured that water reporting is not onerous on resource users who are taking small amounts not for the purpose of irrigation. We also submit that rather than providing a prescriptive method for how the take must be recorded, Council provide a guideline, for example require the take to be measured within +/- % as per the meter metering regulations. How this is achieved will then be up to Council and water resource user and will then enable changes in technology over the life of the Plan. Otherwise, this policy will hold resource users to a point in time.

Relief Sought:

- That the policy is replaced with:

Require water takes to be measured to within +/- % of the water take.

Subject matter and provision in the Plan:

Policy 5.7.6 – Have regard to the efficiency of the proposed method of distribution and/or irrigation in determining resource consent applications to use water for irrigation purposes.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers understands that Council has a role in considering the method of irrigation when granting a consent, particularly if they are going to have a role in establishing whether the use of the water is efficient. This arguable will be useful in overallocated catchments where more efficient use could mean that there is additional water to be consented for use elsewhere.

We are unsure as to the definition of the term efficiency as applied in the above context. We believe that a narrow focus on irrigation application efficiency may lead to perverse outcomes. We believe a big picture view should be taken of irrigation efficiency, which includes the use of resources other than water, such as energy, capital and labour.

Federated Farmers suggests that the irrigation sector has a code of practice and standards which Council can work alongside industry to promote.

Relief Sought:

- That the policy is retained as notified, noting our above points.

Subject matter and provision in the Plan:

Policy 5.8.1 – Encourage the storage of water as an effective response to seasonal water availability issues.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the Council's intent to encourage storage within the Marlborough region. Often experiencing dry summers, for landowners storage provides opportunity to offset shortages of water. The ability to provide for water storage should be allowed through a permitted activity standard. The easier that the consenting process is, the more likely water users are to take up this option. Federated Farmers submits that this policy should be considered with policies on damming.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 5.8.2 - Provide for the abstraction of surface water for storage purposes during periods of higher flow for subsequent use during periods of low flow (and therefore low water availability).

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers submits that it is unclear how this policy interacts with Policy 5.2.9 and Policy 5.3.10. Policy 5.2.9 has regard to the adverse effects of water takes on rivers if the take exceeds 5% of river flow at any time. Policy 5.3.10 allows for water take from a surface water body either by 20% at any point in time or for 20% of the time, provided the cumulative take doesn't exceed the daily maximum. These policies appear to conflict, and should be clarified and combined.

Relief Sought:

- That the policy is clarified and combined with 5.2.9 and 5.3.10.

Subject matter and provision in the Plan:

Policy 5.8.3 – Water may be stored at times other than those specified in Policy 5.8.2 to provide water users with greater flexibility to manage water use on-site, provided that the rate of take does not exceed the authorised daily rate of take for irrigation purposes.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy on the basis that it provides water users with greater flexibility.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 5.8.4 – The annual volume of water taken for storage shall not exceed a volume equivalent to the authorised rate of take for irrigation purposes for two irrigation seasons for the property or properties to be served by the stored water.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers considers that the above mentioned policy does not assist resource users with the utilisation of water storage methods that allow for confidence in water supply. By restricting resource users to a volume of water storage, or dam size, will inhibit the capacity of resource users to store water for dry summers and other times when rainfall may be below average. This policy does not allow for future proofing or growth, and is short sighted in a region that is water short. Federated Farmers submits that the volume of water taken for storage shall not be limited to two irrigation seasons, but rather reasonable use.

Relief Sought:

- That the policy is amended to read:

The annual volume of water taken for storage shall not exceed ~~a volume equivalent to the authorised rate of take for irrigation purposes for two irrigation seasons for the property or properties to be served by the stored water~~ the amount required for reasonable use.

Subject matter and provision in the Plan:

Policy 5.8.5 – All water placed in storage should be accurately accounted for.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the accounting of water taken from freshwater bodies for storage purposes.

Relief Sought:

- That the policy is retained as written.

Subject matter and provision in the Plan:

Policy 5.9.1 – Once an allocation limit is reached and that part of the water resource is fully allocated, any water that subsequently becomes free to allocate to other users will only be made available to those users through a system of ballot.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers understands that the basis of the ballot is to provide for the distribution of the water resource when additional water becomes available within an over allocated catchment. We understand this following the use of a first in best dressed approach for initial allocation of the resource.

Federated Farmers supports efforts of Council to provide more equitable and transparent access to any available water particularly in areas where water is in demand in a water short catchment. On this basis can see merit in a ballot provided it is well managed and industry provides oversight.

We expect, as per earlier policies, there will still be a requirement on users to be efficient with their use.

Relief Sought:

- That the policy is adopted as proposed but with appropriate provision for industry oversight.

Subject matter and provision in the Plan:

Policy 5.9.2 – On securing the ballot, the successful ballotter must apply for the necessary water permits to authorise the taking and (if relevant) use of water. Until the successful ballotter(s) secures the necessary water permits, the water resource is considered fully allocated.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports efforts of Council to provide more equitable and transparent access to any available water particularly in areas where water is in demand in a water short catchment. On this basis can see merit in a ballot provided it is well managed and industry provides oversight.

We expect, as per earlier policies, there will still be a requirement on users to be efficient with their use.

Relief Sought:

- That the policy is adopted as notified.

Subject matter and provision in the Plan:

Policy 5.9.3 – If required, any ballot will be conducted on the following basis:

(a) at least annually for the calendar year;

(b) if the water permit holder already holds a water permit to take and use water for the same purpose, then they must surrender the original water permit before giving effect to the new water permit; and

(c) if the subsequent water permit application to authorise the taking of water is not made within 12 months of the ballot result or the water permit application is refused, then that water will be re-balloted in the subsequent year.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports efforts of Council to provide more equitable and transparent access to any available water particularly in areas where water is in demand in a water short catchment. On this basis can see merit in a ballot provided it is well managed and industry provides oversight.

We expect, as per earlier policies, there will still be a requirement on users to be efficient with their use.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Issue 5J – People want to be able to use and develop the coastal marine area for private benefit.

Federated Farmers opposes the inclusion of this issue in this chapter

Summary of reasons for this submission:

Federated Farmers submits that this issue and subsequent objective and policies are best dealt with in Chapter 13: The Use of the Coastal Environment.

Relief Sought:

- That the policy is moved to Chapter 13: The Use of the Coastal Environment.

CHAPTER 6: NATURAL CHARACTER

Subject matter and provision in the Plan:

General submission on Chapter 6: Natural Character

Federated Farmers opposes in part this lack of provision

Summary of reasons for this submission:

Federated Farmers recognises that the preservation of Natural Character and protection from inappropriate subdivision, use and development is a matter of national importance.

However we do not consider that the proposed Plan has achieved consistency with the RMA direction, nor adequately provided for appropriate subdivision, land use and activities, nor provided a clear and understandable regime.

Some subdivision should be considered appropriate and consistent with Natural Character values, such as farm boundary adjustments, large scale rural subdivision, esplanade reserves or strips, and some activities such as fencing or flood hazard management will be appropriate.

Relief Sought:

- That appropriate subdivision, development and activities are provided for when consistent with Natural Character values.

Subject matter and provision in the Plan:

Objective 6.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers supports Council's intent to establish an information base from which decisions about the management of natural character can be made. Having information will then help to determine which activities are appropriate activities in the coastal environment and lakes and rivers and their margins.

Relief Sought:

- That the Objective 6.1 is retained as notified.

Subject matter and provision in the Plan:

Policy 6.1.1 – Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character:

- (a) areas or water bodies in their natural state or close to their natural state;*
- (b) coastal or freshwater landforms and landscapes (including seascape);*
- (c) coastal or freshwater physical processes (including the natural movement of water and sediments);*
- (d) biodiversity (including individual indigenous species, their habitats and communities they form);*
- (e) biological processes and patterns;*
- (f) water flows and levels and water quality; and*
- (g) the experience of the above elements, patterns and processes, including unmodified, scenic and wilderness qualities.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers opposes the kind of intervention provided in this policy. Technical evaluation of natural character is a new and evolving area, with accepted approaches yet to be fully established by the Courts. Because of this there is potential for confusion and

duplication with both future case law and with Policy 13(2) of the NZCPS, which outlines various matters that natural character *may* include.

It is Federated Farmers submission that Policy 6.1.1 is inconsistent with the NZCPS meaning of Natural Character. There is no value redefining a term when it already has a clear definition in legislation.

Federated Farmers submits that this policy should be amended to read that these qualities may contribute to natural character. An explanation should follow to the effect that the list of values which may contribute to natural character is intended to assist and provide clarity to plan users, but is by no means exclusive, and nor does it represent a hierarchy of interests.

Other objectives and policies in this chapter repeat existing legislation, so repeating Policy 13(2) of NZCPS word for word should not be viewed as an unnecessary replica, but rather as crucial for consistency.

Relief Sought:

- That the explanatory text acknowledges these values may contribute to natural character, and is intended to assist and provide clarity but is by no means exclusive and nor does it represent a hierarchy, and that Natural Character is on a spectrum.
- That the policy is amended to read:

Policy 6.1.1 – Recognise that the following natural elements, patterns, processes and experiential qualities may contribute to natural character:

- (a) areas or water bodies in their natural state or close to their natural state;*
- (a) coastal or freshwater landforms and landscapes (including seascape);*
- (b) coastal or freshwater physical processes (including the natural movement of water and sediments);*
- (c) biodiversity (including individual indigenous species, their habitats and communities they form);*
- (d) biological processes and patterns;*
- (e) water flows and levels and water quality; and*
- (f) the experience of the above elements, patterns and processes, including unmodified, scenic and wilderness qualities.*

Subject matter and provision in the Plan:

Policy 6.1.2 – The extent of the coastal environment is identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coastal environment from inappropriate subdivision, use and development.

Federated Farmers supports in part the policy

Summary of reasons for this submission:

The purpose of identifying the coastal environment in Policy 6.1.2 is solely for natural character management, however it seems to be the basis for the Coastal Environment Zone, which manages much more than just natural character.

Federated Farmers supports the concept of identification of the coastal environment through a mapped line to provide plan users with certainty. This policy should clarify that a mapped zone has been identified. It is also important for local authorities to consult with landholders, the community, tangata whenua and other key stakeholders in the identification of the coastal environment line, and in particular those who hold land which could be potentially affected by any policies or rules that result from the identification of the landward extent of the coastal environment.

The extent of the coastal environment is significant to various aspects of resource management besides natural character, and should therefore be included in the coastal chapter.

Relief Sought:

- That the policy is moved to the Coastal Environment Chapter with the following amendments:

The extent of the coastal environment is mapped in consultation with landholders, the community, tangata whenua and other key stakeholders, and identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coastal environment from inappropriate subdivision, use and development.

Subject matter and provision in the Plan:

Policy 6.1.5 – Determine the degree of natural character in and adjacent to lakes and rivers by assessing the degree of human-induced modification to the following:

- (a) channel shape and bed morphology;*
- (b) flow regime and water levels;*
- (c) water quality;*
- (d) presence of indigenous flora and fauna in the river channel;*
- (e) absence of exotic flora and fauna;*
- (f) absence of structures and other human modification in the river channel/lake;*
- (g) vegetation cover in the riparian margin;*
- (h) absence of structures and other human modification in the riparian margin; and*
- (i) the experience of the above elements, patterns and processes including unmodified, scenic and wilderness qualities.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy should be deleted, as Policy 6.1.1 already describes what Natural Character may consist of, and that it encompasses coastal as well as lakes, rivers and their margins. A single natural character policy that is consistent with NZCPS Policy 13(2) reduces the potential for confusion and reduces complexity.

Federated Farmers opposes the kind of intervention provided in this policy. Technical evaluation of natural character is a new and evolving area, with accepted approaches yet to be fully established by the Courts. Because of this there is potential for confusion or

duplication with any future case law, and with Policy 13 of the NZCPS, which outlines the various matters that natural character *may* include.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 6.1.6 – Identify those rivers or parts of rivers that have high or very high natural character.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers opposes this policy on the basis that it is unnecessary. The explanatory text notes that there is no requirement for the Council to identify rivers that have high or very high natural character. The identification of rivers on this basis and the mapping of rivers with high or very high natural character in the Plan is unnecessary and will add regulatory burden to resource users along with Council. Natural character as a concept is already addressed by Policy 6.1.1.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Objective 6.2 – Preserve the natural character of the coastal environment, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers recognises Section 6(a) of the RMA has natural character as a matter of national importance. We support Policy 6.1.6's consistency with Section 6(a) in that protection is from *inappropriate* subdivision use and development in this policy, not just all subdivision, use and development.

Farms and primary production land are often viewed as having high natural character compared to urban environments because of the conspicuous presence of natural features such as waterways, vegetation and rolling topography interacting with farming and rural activities. Activities that are consistent with the level of existing natural character should be acknowledged and enabled by this objective, which would allow for farming activities to occur in areas that gain natural character from rural landscape, but would prevent development like a high-rise apartment block. In this sense, farming needs to be considered an appropriate activity and this should be acknowledged in the explanatory text.

Relief Sought:

- That the explanatory text for objective 6.2 is amended to read:

This objective meets the expectations of Section 6(a) of the RMA, which establishes that preservation of natural character is a matter of national importance. Activities that are consistent with underlying zoning and existing land uses will be considered appropriate.

Subject matter and provision in the Plan:

Policy 6.2.1 – Avoid the adverse effects of subdivision, use or development on areas of the coastal environment with outstanding natural character values and on lakes and rivers and their margins with high and very high natural character values.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers recognises this policy is an attempt to acknowledge Section 6(a) of the RMA. Section 6(a) refers to the coastal environment, in that natural character shall be preserved from inappropriate subdivision, use and development. The principle of sustainable management also allows for use of the resource to enable people and communities to provide for their well being.

The overlays high natural character, very high natural character and outstanding natural character occur in the coastal marine environment as well as on land. All three of these natural character overlays have farms within them, and therefore primary production activities should be considered consistent with natural character values in these areas. Federated Farmers considers that this policy should adopt a more enabling approach to the management of natural character values and recognise that these values can co-exist with farming. Rural activities that are consistent with underlying rural zoning will not pose a risk to natural character values.

Relief Sought:

- That the policy is amended to read:

Avoid the adverse effects of ~~Enable~~ subdivision, use or development on areas of the coastal environment with outstanding natural character values where the activity is consistent with underlying zoning and existing land uses, ~~and on lakes and rivers and their margins with high and very high natural character values~~ and where significant adverse effects of inappropriate activities can be avoided, remedied or mitigated.

Subject matter and provision in the Plan:

Policy 6.2.2 – Avoid significant adverse effects of subdivision, use or development on coastal natural character, having regard to the significance criteria in Appendix 4.

Federated Farmers opposes this policy

Summary of reasons for this submission:

This policy seeking to avoid adverse effects on coastal natural character is a repeat of Policy 6.2.1, which seeks to avoid adverse effects on natural character of coastal environment along with lakes and rivers and their margins. The only difference discernible is the requirement that regard be given to the significance criteria. We note that the criteria for determining significant adverse effects is not limited to natural character, nor the coastal environment.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 6.2.3 – Where natural character is classified as high or very high, avoid any reduction in the degree of natural character of the coastal environment or freshwater bodies.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Policy 6.2.3 seeking to avoid reduction of natural character is an unnecessary repeat of Policy 6.2.1 which seeks to avoid adverse effects on natural character.

This appears to be inconsistent with the NZCPS. Policy 13(1)(b) of the NZCPS only requires that *significant* adverse effects are avoided in the coastal environment; other adverse effects may be avoided, remedied or mitigated. Without clarifying this, arguably any proposal to do anything in these areas, no matter how minor, would risk a minimal reduction in the degree of natural character and could potentially fall foul of this policy.

Federated Farmers submits that this policy is again confused about the requirements of the RMA. While we note that this policy is an attempt to acknowledge Section 6(a) of the RMA, Section 6(a) refers to the coastal environment, in that natural character shall be preserved from inappropriate subdivision, use and development. The principle of sustainable management also allows for use of the resource to enable people and communities to provide for their wellbeing. Section 6(a) of the Act does not mean that any reduction in natural character should be avoided for freshwater bodies. Indeed it is a balance of values when determining activities near to and involving freshwater bodies.

The explanatory text references Appendix 5 as containing information on a range of values for Marlborough's rivers. Appendix 5 does not provide any reference to farming or primary production. Farmers and primary producers value freshwater for domestic use, stock drinking, food production, and processing. Therefore, Federated Farmers concern is that should a farmer apply for a consent for a farming related development along a freshwater body classified as high or very high, that application will be assessed against the Appendix 5 information and may not stack up well, because primary production values are not appropriately recognised or provided for.

Federated Farmers submits that the term 'avoided' is unrealistic and will not achieve sustainable management. Reduction of natural character will and should sometimes occur via permitted activities so people and communities can provide for their wellbeing.

Relief Sought:

- That the policy is deleted from the Plan.
- That Appendix 5 is amended to account for the primary production and farming values of freshwater bodies.

Subject matter and provision in the Plan:

Policy 6.2.4 – Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the elements, patterns, processes and experiential qualities that contribute to natural character.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy needs to recognise that areas which have been mapped as having high, very high and outstanding natural character are also areas of primary production, including pastoral agriculture and forestry. It is therefore critical that Appendix 2 and Appendix 5 recognise adequately the contribution that pastoral agriculture makes to the landscape.

Federated Farmers would not like to see a position eventuate where a farmer applied for a consent which was opposed on the basis of the farming activity being seen to be incongruent with the natural character values, despite being an established land use for many generations.

Clarity is required regarding the scope of this policy. It is not appropriate for a small non-compliance with permitted activity standards requires the need for an expert to do a whole assessment of natural character and the impact of a farm shed, for example. Such an example is why flexible rule frameworks need to be provided for working landscapes, even if they are areas of identified natural character, and the need for a stepped rules framework from permitted to restricted discretionary.

Relief Sought:

- That the policy is amended to read:

Where resource consent is required to undertake an activity within coastal ~~or freshwater~~ environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the elements, patterns, processes and experiential qualities that contribute to natural character.

Subject matter and provision in the Plan:

Policy 6.2.5 – Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural character.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy in principle, however we do have concerns that farming activities are at risk of falling through the gap of this policy. Many would see a farmed landscape as 'un-modified' for the purpose of development activities. In other words, it is clear that highly developed areas such as the majority of the easily accessible flat land in Marlborough are likely to be provided for. However, as elsewhere, there is no specific provision for the hill and high country environment. The impact of this policy on farming will depend on whether top dressing and grazing is sufficient grounds for land to be considered to be 'modified', or whether the periodic re-grassing or clearing of regenerating scrub is considered to be 'development'.

Relief Sought:

- That the policy is adopted as proposed, but with recognition that modified landscapes include any past and present farming land use activities.

Subject matter and provision in the Plan:

Policy 6.2.6 – In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to enhance natural character in the area subject to the proposal.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers submits that there will not always be opportunities to enhance natural character. Some development or land use may mean that enhancement is impractical, onerous or undesirable. This policy needs to have a degree of flexibility so that councils have the ability to make decisions as to where and when enhancement may be achieved and where it will be impractical or unnecessary. The addition of the words *where appropriate* will enable this when looking at the opportunities for enhancement.

Federated Farmers submits that often enhancement is gained through non-regulatory methods, not through regulation as this policy suggests.

Relief Sought:

- That the policy is amended to read:

In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, where appropriate regard shall be given to the potential to enhance natural character in the area subject to the proposal.

Subject matter and provision in the Plan:

Policy 6.2.8 – Require land use activities to be set back from rivers, lakes and the coastal marine area in order to preserve natural character.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers opposes this policy on the basis that it is unnecessary and will have considerable burden on landowners, especially farmers undertaking daily activities. There are many activities that need to be undertaken in these areas, including river mouth clearance, flood protection works, amongst others, many of which require consent.

In addition, farming is a legitimate land use and there is risk that this policy will capture regular farming activities and land use, for example cultivation and the erection of a regular fence to keep stock from a waterway. This is an activity that should be encouraged in the interests of water quality.

There has been no cost benefit analysis completed on this policy. The Section 32 report merely says that the community wide benefit from implementing set back rules are greater than the costs to individual landowners having to go through a resource consent process. Federated Farmers disagrees with this assessment and believes this has grossly underestimated the costs associated with this policy.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in the Plan:

Policy 6.2.9 – Encourage and support private landowners, community groups and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement of a non-regulatory approach to restoring natural character. It is imperative that Council work with private landowners if they are seeking to restore natural character of the coastal environment, wetlands, lakes and rivers, as landowners themselves will often have made a considerable effort to maintaining and enhancing the natural character on their property.

This policy is of little practical weight because, when read alongside other policies in the Plan, the overall management framework does not encourage active protection or enhancement of natural character on private land. Federated Farmers considers that the stewardship ethic should be addressed through amendments to other policies and methods in this Chapter. This will ensure past efforts at stewardship are recognised in considering applications for resource consent.

Federated Farmers submits that a method should be included to require the Council to work cooperatively with land occupiers, community, or industry groups undertaking voluntary stewardship activities. The need for such a method was illustrated by abatement notices served on several farmers in the Rai Valley who already had remedial measures in progress under an industry stewardship scheme, undermining the credibility of the Council, industry, and NGO bodies supporting said schemes. It has become clear from this incident that while environmental standards are expected, so are higher standards of integration between the Council and other bodies seeking to achieve sustainable management of natural resources.

Relief Sought:

- That the policy is retained as notified.
- That an additional policy is added which reads:

In evaluating applications for resource consent, recognise the efforts of ~~Encourage and support private landowners, community groups and others in their efforts to~~ maintain, protect and restore the natural character of the coastal environment, wetlands, lakes and rivers.

- That a method is included requiring Council to work cooperatively with land occupiers, community and industry groups whom are undertaking voluntary stewardship activities.

CHAPTER 7: LANDSCAPE

Subject matter and provision in the Plan:

Objective 7.1 – Identify Marlborough’s outstanding natural features and landscapes and landscapes with high amenity value.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers understands Council's RMA responsibilities with regards to Outstanding Natural Features, Outstanding Landscapes and amenity values, however we have concerns about how this RMA obligation has been implemented in the Plan.

Federated Farmers seeks a balanced approach to the management of outstanding natural features and outstanding natural landscapes (ONFLs). It is appropriate for ONFLs and other natural features important to the community to be identified and protected. We also support guidance as to what might be appropriate, including the benefits derived from the use and development at the local, regional and national level, and seek recognition of the value of specific types of use or development in key locations.

Federated Farmers seeks to avoid a situation where the Plan intervenes in the practice of landscape assessment by imposing assessment criteria, or requires the identification of visual amenity landscapes. Assessment criteria are likely to be subject to change as professional practice evolves or in response to recommendations from the community.

Federated Farmers is concerned that the Section 32 evaluation for this objective and associated policies does not include an evaluation of the social and economic costs that result when an area of privately owned land is designated or asserted to be an ONFL. Costs can be considerable and range from investor uncertainty and lost opportunities for landowners, to reduced output and employment opportunities across the wider region, and the Section 32 evaluation cannot be regarded as complete without considering these costs. The only costs presently identified in the Section 32 analysis are the costs of landscape assessment to ratepayers, understating the costs to farmers and private landowners.

The RMA gives no direction regarding the protection of areas of significant amenity or character landscapes. The identification of land as significant amenity or character landscapes that require extra provisions seems to create an unnecessary intermediary between Section 6(c) outstanding natural features and landscapes, and Section 7(c) the maintenance and enhancement of amenity values. Section 7(c) obligations can be achieved through normal zoning that ensure expected and appropriate activities occur in the appropriate environment; these are landscapes that do not meet the criteria to be identified as ONFLs and so do not need the level of protection afforded by Section 6.

The creation of "second tier" landscapes will result in unnecessary restrictions on activities in order to protect amenity and character values over and above what the RMA requires, and will harm economic, social and cultural well being. The concept of high amenity landscapes has been found to be generally unhelpful because amenity, or those things that make the environment pleasant, is important in all places, including some of the most highly modified areas in the region. In Federated Farmers experience, 'other' landscape categories are either inefficient for the low level of protection that is actually achieved, or restrict activities to an equivalent level to ONFLs, neither of which is appropriate.

The inclusion of provisions to protect amenity landscapes has also been canvassed by other councils as they review their district plan provisions. The Kaipara District Council decision in May 2013 resulted in deletion of the proposed Visual Amenity Landscapes, for the reasons that there was no justification to identify visual amenity landscapes and that they were not at risk of being lost, and that they were a regulatory burden on both Council and resource users for no real benefit. The hearing commissioners for the proposed Rangitikei District Plan in 2012 determined that all significant amenity landscapes and cultural amenity landscapes should be removed from the Proposed Rangitikei District Plan.

Accordingly Federated Farmers seeks that all reference to high amenity landscapes are removed from the Plan.

Relief Sought:

- That a robust cost benefit analysis of the identification of ONFLS over private land is included in the Plan.
- That landscapes with high amenity value and all associated provisions are deleted from the Plan and that the objective be amended to read:

Identify Marlborough's outstanding natural features and landscapes ~~and landscapes with high amenity value.~~

- That landowners with ONFLs identified on their property are provided with copies of the 'Marlborough Landscape Study August 2015'. This will ensure that landowners are well informed about the specialness of their land, and also aid in making decisions about land use and ways to avoid, remedy or mitigate and effects on values.

Subject matter and provision in the Plan:

Policy 7.1.1 – When assessing the values of Marlborough's landscapes, the following criteria will be used:

- (a) biophysical values, including geological and ecological elements;*
- (b) sensory values, including aesthetics, natural beauty and visual perception; and*
- (c) associative values, including cultural and historic values and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the use of criteria to determine the values of Marlborough's landscapes. While support is given for including the criteria in the Plan, the policy needs to be more directive as to how the criteria will be applied. In our opinion in order to be classified as an ONFL, the majority or all of the criteria should be met. Only meeting one or two criteria, or only weakly having the qualities listed will not mean that a landscape is considered outstanding.

It is imperative that where landscapes are mapped over farmland, that the values that have shaped that landscape are recognised. Too often in Federated Farmers experience working farms are mapped as landscapes, with the values of farming and primary production which have actively contributed to shaping the landscape not then appropriately acknowledged.

Relief Sought:

- That robust and objective criteria is used to identify ONFLs and that a landscape must meet all or most criteria to be classified as an ONFL.
- That the policy is amended to read:

When assessing the values of Marlborough's outstanding natural landscapes, the following criteria will be used:

- (a) biophysical values, including geological and ecological elements;*
- (b) sensory values, including aesthetics, natural beauty and visual perception; and*

- (c) *associative values, including cultural and historic values and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place.*

Subject matter and provision in the Plan

New policy required

Federated Farmers supports the need for the below new policy

Summary of reasons for this submission:

Federated Farmers submits that an additional policy should be added to the front of this Chapter which recognises the important role pastoral farming plays in managing and providing the rural landscape for the benefit of the District's residents and visitors. Much of Marlborough's high country is grazed as lease holdings, particularly the Awatere Valley and Waihopai Valley areas. It is important that the Plan recognises that the rural environment is a working environment with operating farms which have to adapt as needed, and that these working landscapes are privately owned and underpinned and funded entirely by economic principles.

Federated Farmers submits that where an ONFL is identified over rural or farmland, that farming and primary production is listed in Appendix 1 as positive attributes and values of that ONFL.

Relief Sought:

- That a new policy is included which reads:

Recognise and provide for farming and rural activities where these currently occur on ONFLs and are consistent with the identified values and attributes.

Subject matter and provision in the Plan:

Policy 7.1.2 – Define the boundaries of significant landscapes using the following methods:

- land typing;*
- contour line;*
- contained landscape features;*
- visual catchment; and/or*
- land use.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers is unclear what the significant landscape referenced is intended to include. The RMA only requires ONFLs to be identified; there is no such term 'significant landscape' in the RMA.

The extent of special landscapes such as ONFLs will be determined via the criteria in Policy 7.1.1. Determining the spatial extent of a Section 6(b) landscape using land use or a contour line is arbitrary. The boundary of an ONFL will be where the landscape no longer meets the ONFL criteria.

Federated Farmers submits that property ownership can be a useful way of establishing the extent of a special landscape, such as the boundary of a National Park or Reserve being the boundary of an ONFL.

Relief Sought:

- That Policy 7.1.2 is deleted and robust criteria as provided in Policy 7.1.1 are used to determine the special extent of landscapes.

Subject matter and provision in the Plan:

Policy 7.1.3 – Assessment of the values in Policy 7.1.1 will determine:

- (a) whether a landscape is identified as an outstanding natural feature and landscape in terms of Section 6(b) of the Resource Management Act 1991;*
- (b) whether the landscape has high amenity value in terms of Section 7(c) of the Resource Management Act 1991; or*
- (c) where landscape values are not sensitive to change.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers considers that this policy should be amended so that only outstanding natural features and landscapes are given attention through this policy, not landscapes with high amenity value. The ONFL criteria are for use of identifying ONFLs only, if they do not meet the ONFL criteria then the subject landscape should have no classification. Section 7(c) amenity values are not a matter of national importance and should not be treated as equal to ONFLs.

We support the interest in determining whether or not the landscape values are sensitive to change, bearing in mind that rules are only required where there is a resource management issue that must be addressed. Therefore, where the landscape values are not sensitive to change we expect that regulation will not be a priority.

An assessment of values should reveal what particular values that ONFL has, and these should be listed in Appendix 1. Federated Farmers submits that where an ONFL is identified over rural or farmland, that farming and primary production are listed as positive attributes and values of the ONFL. Because they deal with very similar subjects, Policy 7.1.3 and Policy 7.1.4 should be combined to reduce the number of policies.

Relief Sought:

- That Policies 7.1.3 and 7.1.4 are combined and amended as follows:

Policy 7.1.3 – Assessment of the values in Policy 7.1.1 will determine:

- (a) whether a landscape is identified as an outstanding natural feature and landscape in terms of Section 6(b) of the Resource Management Act 1991;*
- ~~*(b) whether the landscape has high amenity value in terms of Section 7(c) of the Resource Management Act 1991; or*~~
- (b) what the specific values and attributes of the identified ONFL are so these can be listed in Appendix 1 of Volume 3 of the Marlborough Environment Plan.*
- (c) where outstanding landscape values are not sensitive to change.*

Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape will be specifically identified on the Landscape Overlay.

Subject matter and provision in the Plan:

Policy 7.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, or landscapes with high amenity value, where those values are more sensitive to change:

- (a) are specifically identified on the Landscape Overlay; and*
- (b) the specific values associated with the identified landscapes are set out in Appendix 1 of Volume 3 of the Marlborough Environment Plan.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the mapping of Outstanding Natural Landscapes and the inclusion of specific values associated with these landscapes being set out in a schedule of values. This provides land owners, resource users and decision makers with certainty.

As per our previous submission points, only those features that meet the criteria for Outstanding Natural Feature or Landscape should be mapped and scheduled in the Plan. The ONFL criteria are for use of identifying ONFLs only, if they do not meet the ONFL criteria then the subject landscape should have no classification. Section 7(c) amenity values are not a matter of national importance and should not be treated as equal to ONFLs.

The Schedule should recognise primary production within the list of specific ONFL values. Federated Farmers submits that where an ONFL is identified over rural or farmland, that farming and primary production must be listed as positive attributes and values of the ONFL.

Because they deal with very similar subjects, Policy 7.1.3 and Policy 7.1.4 should be combined to reduce the number of policies.

Relief Sought:

- That Policies 7.1.3 and 7.1.4 are combined and amended to read:

Policy 7.1.3 – Assessment of the values in Policy 7.1.1 will determine:

(a) whether a landscape is identified as an outstanding natural feature and landscape in terms of Section 6(b) of the Resource Management Act 1991;

(b) what the specific values and attributes of the identified ONFL are so these can be listed in Appendix 1 of Volume 3 of the Marlborough Environment Plan.

(c) where outstanding landscape values are not sensitive to change.

Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape will be specifically identified on the Landscape Overlay.

Subject matter and provision in the Plan:

Objective 7.2 – Protect outstanding natural features and landscapes from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value.

Federated Farmers support in part this objective

Summary of reasons for this submission:

Federated Farmers supports consistency with Section 6(b) of the RMA, which provides clear direction that outstanding natural features and landscapes be protected from *inappropriate* subdivision, use and development. We support this objective focusing on protecting those areas from inappropriate subdivision, use and development, as opposed to just any subdivision, use and development.

However, as per our previous submission points, Federated Farmers does not support the same level of protection for landscapes with high amenity value. Section 7(c) amenity values are not a matter of national importance and should not be treated as equal to ONFLs. We seek deletion of all references to Landscapes with High Amenity. Indeed this policy is not only seeking protection for these high amenity value landscapes, but also that they are maintained and enhanced. Maintenance and enhancement of the amenity values of the district is already addressed via zoning provisions.

Relief Sought:

- That the objective is amended to read:

Protect outstanding natural features and landscapes from inappropriate subdivision, use and development ~~and maintain and enhance landscapes with high amenity value.~~

Subject matter and provision in the Plan:

Policy 7.2.1 – Control activities that have the potential to degrade those values contributing to outstanding natural features and landscapes by requiring activities and structures to be subject to a comprehensive assessment of effects on landscape values through the resource consent process.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that Policy 7.2.1 is amended to provide for management of adverse effects on ONFLs via permitted activity standards. This is consistent with the regulatory approach in the Plan. Only when permitted standards are not met should an activity in an ONFL then need a resource consent and further assessment.

Permitted standards for activities within ONFLs occur in the Plan in 3.2.1.13 and 3.2.1.14. These standards provide for some activities as acceptable and consistent with ONFL values as a method of balancing economic, social and cultural wellbeing with the protection of the ONFL. Federated Farmers will be seeking further permitted activities for ONFLs later in this submission.

Federated Farmers submits that normal farming activities which may, in part, make up those ONFL values and are appropriate within the underlying zone, should not be subjected to unduly onerous land use controls. We also submit that this policy takes a more positive view of development, in that not all development will require the rigour of a comprehensive assessment on landscape values through the resource consent process. To require this is an unnecessary burden on both landowners and the community. Contrary to the Section 32 analysis, in which it is acknowledged that costs will be difficult to quantify, landowners may be accepting of the costs of this approach provided appropriate activities are enabled.

As a balance to this policy, we recommend that a new provision be included that recognises and provides for appropriate activities that maintain or enhance the values of an ONFL. This will be particularly important for ONFLs which consist of farmed pastoral land. Providing for farming activities to continue will be instrumental in maintaining the appearance of these landscapes. In many cases the place-specific factors of an ONFL as listed in Appendix 1 note that pastoral farming enables the distinctive features of the landscape to be seen.

Provisions in this Chapter need to recognise how important farming has been in shaping these landscapes, and provide for these activities to continue.

Relief Sought:

- That Policy 7.2.1 is amended to read:

~~Control Manage activities that have the potential to degrade—affect those values contributing to outstanding natural features and landscapes by requiring activities and structures to be subject to a comprehensive assessment of effects on landscape values through the resource consent process.~~ through permitted activity standards that ensure activities avoid, remedy or mitigate adverse effects.

- That a new policy is included in the Plan which reads:

Activities that are consistent with the values and factors of Outstanding Natural Landscapes will be recognised for their contribution to the landscape and provided for. Primary production activities in particular will be enabled.

Subject matter and provision in the Plan:

Policy 7.2.2 – Control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape by:

- (a) setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and*
- (b) requiring resource consent for commercial forestry activities.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

We oppose the level of protection that the Wairau Dry Hills Landscape receives even though it does not meet the ONFL criteria and is not an ONFL. Section 7(c) amenity values are not a matter of national importance, do not need protection, and should not be treated as equal to ONFLs. We seek deletion of all references to Landscapes with High Amenity.

Federated Farmers considers that the Wairau Dry Hills Landscape should only be mapped and provided for by way of special policies and objectives if it meets the criteria for an Outstanding Natural Landscape. As per our submission on Policy 7.2.1, Federated Farmers submits that this policy should take a more positive view of appropriate development. Federated Farmers submits that where the Wairau Dry Hills Landscape is identified over rural or farmland and included in Appendix 1, that farming and primary production are listed as positive attributes and values of that landscape. Federated Farmers submits that Policy 7.2.2 is amended to provide for management of adverse effects on the landscape via permitted activity standards. This is consistent with the regulatory approach in the Plan, such as Permitted Standard 3.2.1.14.

Permitted standards provide for some activities as acceptable and consistent with landscape values and existing land uses as a method of balancing economic, social and cultural wellbeing with amenity values.

Relief Sought:

- That the Wairau Dry Hills Landscape and Policy 7.2.2 are deleted, or
- That farming and rural activities are recognised as positively contributing to the values and attributes of the Wairau Dry Hills in Appendix 1, and are provided for as permitted, and
- Policy 7.2.2 is amended to read:

~~Control Enable activities that have the potential to degrade are consistent with the amenity values that contribute to the Wairau Dry Hills Landscape by:~~

- ~~(c) setting permitted activity standards that are consistent with the existing landscape values and uses and that will require greater assessment where proposed activities and structures exceed those standards; and~~
- ~~(d) requiring resource consent for commercial forestry activities.~~

Subject matter and provision in the Plan:

Policy 7.2.3 – Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by:

- (a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living;*
- (b) setting standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and*
- (c) requiring resource consent for commercial forestry activities.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

The Marlborough Sounds is classified as an ONFL (and high amenity value landscape) so protection from inappropriate activities will be consistent with its ONFL status as a Section 6(b) matter.

We oppose the level of protection that the areas outside this ONFL will receive even though it does not meet the ONFL criteria. Section 7(c) amenity values are not a matter of national importance, do not need protection, and should not be treated as equal to ONFLs. We seek deletion of all references to Landscapes with High Amenity. Maintenance and enhancement of the amenity values of the district is already addressed via zoning provisions.

Where areas of the Sounds do not meet the criteria of an Outstanding Natural Landscape, Federated Farmers believes that the underlying zone overlay, in this case the Coastal Environment Zone or the Coastal Living Zone, should be sufficient to maintain and enhance existing landscape values. The provision of a second tier landscape, and associated additional rules, are unnecessary.

Federated Farmers submits that where the Marlborough Sounds Coastal Landscape is identified over rural or farmland and included in Appendix 1, that farming and primary production are listed as positive attributes and values of that ONFL.

We are also concerned by the double-standards that are being applied to different forms of development in this policy, with one development activity having much more onerous regulation applied than another. While development in the Coastal Living Zone is managed through non-regulatory methods, we oppose the proposal that commercial forestry activities will require a discretionary activity resource consent. Forestry should be considered consistent with existing rural and farming land uses where these occur within the ONFL.

Federated Farmers submits that Policy 7.2.3 is amended to provide for management of adverse effects on the landscape via permitted activity standards. This is consistent with the regulatory approach in the Plan. Permitted standards provide for some activities as acceptable and consistent with landscape values and existing land uses as a method of balancing economic, social and cultural wellbeing with protection of ONFL values.

Relief Sought:

- That Policy 7.2.3 is limited to only the areas of the Marlborough Sounds Coastal Landscape that are classified as an ONFL, and
- Farming and rural activities are recognised as positively contributing to the values and attributes of the Marlborough Sounds Coastal Landscape in Appendix 1, and are provided for as permitted, and
- That the policy is amended to read:

Policy 7.2.3 – ~~Control-Enable~~ activities that ~~have the potential to degrade~~ are consistent with the amenity values and attributes that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by:

(a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living;

(b) setting permitted standards/conditions that are consistent with the existing landscape values and land uses.

(c) ~~requiring resource consent for commercial forestry activities.~~

Subject matter and provision in the Plan:

Policy 7.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value, regard will be had to the potential adverse effects of the proposal on the values that contribute to the landscape.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges the need to assess any proposals against the values of a landscape where those activities are likely to have an adverse effect on the values of a particular landscape. However, as this policy is written this potentially requires that 'landscape' or 'amenity' is a control or discretion matter, and thus will be required for on all consents, even those that have nil or minimal effect on these values.

The concern is that Policy 7.2.5 makes 6(b) and 7(c) relevant to any application for resource consent within subject areas, with landscape/visual impact assessment required for all proposals, no matter how minor. Considering the way in which the rules in the Plan currently default from permitted to discretionary activity, without any gradual approach, this is of great concern to Federated Farmers.

This policy is also particular evidence of the need to recognise farming within the values of each landscape. Without adequate recognition, a proposal for a farming related development that cannot meet the permitted activity standards is at risk of being considered inappropriate because farming is not recognised as being a legitimate activity and contributing positively to the amenity of that landscape.

In light of the above points, Federated Farmers considers that this policy is adequately addressed by Policy 7.2.1 and therefore should be deleted.

Relief Sought:

- That the policy is deleted, or

- Farming and rural activities are recognised in Appendix 1 as positively contributing to the values and attributes of ONFLs where they occur, and are provided for as permitted, and
- That the Policy 7.2.4 is amended to read:

Where resource consent is required to undertake an activity within an outstanding natural feature and landscape ~~or a landscape with high amenity value~~, regard will be had to the ~~potential adverse effects~~ consistency of the proposal ~~on~~ with the values that contribute to the landscape.

Subject matter and provision in the Plan:

Policy 7.2.5 – Avoid adverse effects on the values that contribute to outstanding natural features and landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment, ensure that the adverse effects are remedied.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers recognises that the Plan must give regard to the NZCPS, namely Policy 15. The relief we've sought in relation to policies earlier on in this submission sought to ensure adverse effects on ONFLs will be remedied or mitigated. We therefore consider that this policy should focus only on the coastal environment.

Federated Farmers submits that where an ONFL is identified over rural or farmland, that farming and primary production are listed in Appendix 1 as positive attributes and values of that ONFL.

Relief Sought:

- That farming and rural activities are recognised in Appendix 1 as positively contributing to the values and attributes of ONFLs where they occur, and
- That the policy is amended to read:

Avoid adverse effects on the values and land uses that contribute to outstanding natural features and landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment, ensure that the adverse effects are remedied or mitigated.

Subject matter and provision in the Plan:

Policy 7.2.6 – Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of those areas can be mitigated, provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained:

- activities involving the development and operation of regionally significant infrastructure;*
- activities that enhance passive recreational opportunities for the public where these are of a smaller scale; and*
- activities involving the development and operation of renewable electricity generation schemes within Marlborough where the method of generation is reversible.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers recognises that the activities listed are important for community wellbeing, and we support the need for community wellbeing to be enabled even when located in outstanding natural features and landscapes. These activities have either been deemed as appropriate in ONFLs, or the potential adverse effects on the ONFL are outweighed by the considerable benefits to the wellbeing of people and communities.

This policy requires clarity as to what is meant by regionally significant infrastructure. It is not clear what is encompassed by this term. Federated Farmers submits that irrigation schemes should be considered regionally significant infrastructure.

Federated Farmers submits that farming should also be recognised and provided for as an appropriate activity within an ONFL when the overall qualities and integrity of the features and landscape are retained. Farming will have less built form than electricity generation or regionally significant infrastructure, but will bring similar benefits to the economic, social and cultural wellbeing of people and communities. Farming already occurs on many ONFLs, so recognising and providing for this to continue will not be putting ONFL values at risk, but will only be a continuation of an existing situation.

Relief Sought:

- That Policy 7.2.6 is amended to read:

Policy 7.2.6 – Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of those areas can be mitigated, provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained:

- (a) activities involving the development and operation of regionally significant infrastructure, including irrigation schemes;*
- (b) activities that enhance passive recreational opportunities for the public where these are of a smaller scale; and*
- (c) activities involving the development and operation of renewable electricity generation schemes within Marlborough where the method of generation is reversible.*
- (d) Farming and primary production.*

Subject matter and provision in the Plan:

Policy 7.2.7 – Protect the values of outstanding natural features and landscapes and the high amenity values of the Wairau Dry Hills and the Marlborough Sounds Coastal Landscapes by:

- (a) In respect of structures:*
 - (i) avoiding visual intrusion on skylines, particularly when viewed from public places;*
 - (ii) avoiding new dwellings in close proximity to the foreshore;*
 - (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;*
 - (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;*

- (v) *recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;*
 - (vi) *making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and*
 - (vii) *encouraging utilities to be co-located wherever possible;*
- (b) *In respect of land disturbance (including tracks and roads):*
- (i) *avoiding extensive land disturbance activity that creates a long term change in the visual appearance of the landscape, particularly when viewed from public places;*
 - (ii) *encouraging tracks and roads to locate adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;*
 - (iii) *minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and*
 - (iv) *encouraging the revegetation of cuts or side castings by seeding or planting.*
- (c) *In respect of vegetation planting:*
- (i) *avoiding the planting of new exotic forestry in areas of outstanding natural features and landscapes in the coastal environment of the Marlborough Sounds;*
 - (ii) *encouraging plantations of exotic trees to be planted in a form that complements the natural landform; and*
 - (iii) *recognising the potential for wilding pine spread.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges the Section 6(c) requirement to protect outstanding natural landscapes from inappropriate subdivision, use and development. However, we note that this policy gives the same status to landscapes that do not meet the criteria for Outstanding Natural Features and Landscapes as those that do.

We oppose the level of protection that the Wairau Dry Hills Landscape receives even though it does not meet the ONFL criteria and is not an ONFL. Section 7(c) amenity values are not a matter of national importance, do not need equal protection, and should not be treated as equal to ONFLs. We seek deletion of all references to Landscapes with High Amenity. Maintenance and enhancement of the amenity values of the district is already addressed via zoning provisions.

The policy as it is currently written is overly prescriptive and places a significant regulatory burden on a land owner. One of the reoccurring references in the policy is to *visual intrusion* and *visual appearance*, as it is *viewed from public places*. This is widely open to interpretation; the clause could have many interpretations. The focus of the policy should be on ensuring that activities within outstanding natural features and landscapes, including

buildings and earthworks, are located, designed and of a scale and character that will ensure that the identified landscape values of the outstanding natural landscapes are protected. The visibility of activities within the landscapes from places outside the landscape should not determine whether or not the activity or structure is appropriate.

Federated Farmers has concerns with the approach taken to land disturbance in this policy. Land disturbance is often required in the rural environment, and will indeed be required in the coastal environment, for the purposes of establishment and maintenance of farm and other access tracks. Land disturbance is also required for the conduct of regular farming activities.

Federated Farmers opposes the approach to forestry taken within this policy. Forestry is a valid land use. Following the King Salmon case the use of the term 'avoid' can be taken to mean prohibit. This would mean no new commercial forestry could not be established in an ONFL in the Marlborough Sounds. Forestry can make a positive contribution to landscape values directly as well as indirectly through provision of ecosystem services that minimise visual impacts such as soil erosion and run off and should not be seen as a *visual intrusion* on the landscape.

Relief Sought:

- That the Plan is amended so that only outstanding natural features and landscapes are granted protection, and not landscapes with high amenity value.
- That the policy is deleted and replaced with:

Applications for subdivision, use and development in outstanding natural features and landscapes must demonstrate that activities, including buildings and earthworks, will be located, designed and of a scale and character that will ensure that the values of the areas are protected.

Subject matter and provision in the Plan:

Policy 7.2.8 – Recognise that some outstanding natural features and landscapes and landscapes with high amenity value will fall within areas in which primary production activities currently occur.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers notes that this is presently the only policy in the Landscape Chapter of the Proposed Plan which recognises primary production. We support the recognition of primary production activities taking place in these landscapes, but the Plan needs to go further and to also provide for primary production.

It is often primary production activities which have helped to shape the nature of the area, forming part of the traditional and heritage landscape, as well as providing economic growth for the district. Federated Farmers submits that this policy should more explicitly acknowledge the validity of the primary production activities in these landscapes, and the benefits it can bring to landscape values. Despite the acknowledgement that farming activities and landscape values are closely linked, this policy requires explanation that farming is a dynamic activity with features such as structures, crop types, fences and shelter belts, changing over time in response to changing conditions. The scale and character of visual modifications to an ONFL brought about by farming will be minor, much more appropriate and visually cohesive compared to modifications by urban, industrial or network utilities developments.

The Queenstown Lakes District Council Proposed Plan has a policy which recognises that ONFLS include working farms and notes that viable farming involves activities that may modify the landscape, providing the quality and natural character of the landscape is not adversely affected:

Queenstown Lakes Proposed District Plan Policy 6.3.4.2

Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.

Relief Sought:

- That Policy 7.2.8 is amended to read:

Recognise that some outstanding natural features and landscapes and landscapes with high amenity value will fall within areas in which primary production activities currently occur, and accept farming is an appropriate land use involving activities which may modify the landscape.

Subject matter and provision in the Plan:

Policy 7.2.9 – When considering resource consent applications for activities in close proximity to outstanding natural features and landscapes, regard may be had to the matters in Policy 7.2.7.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers opposes this policy for it seeks to extend the same degree of protection afforded to outstanding natural features and landscapes to land not meeting the criteria. This policy provides great uncertainty for any land owner seeking to conduct any activity on land that is next to or near an outstanding natural feature or landscape. It is not clear what distance would be regarded as being *in close proximity to* and there is no intent or requirement under the RMA to provide any such protection or provision for land adjacent to an ONFL.

Federated Farmers considers that where land does not meet the criteria for an ONFL, it should not be subject to the same – lengthy and onerous – matters as an outstanding natural landscape.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in the Plan:

Policy 7.2.10 – Reduce the impact of wilding pines on the landscape by:

- (a) supporting initiatives to control existing wilding pines and limit their further spread; and*
- (b) controlling the planting of commercial wood species that are prone to wilding pine spread.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers seeks a balanced approach which allows for the use of wilding pines in isolated and well managed areas, while ensuring the adverse effects of the plant are appropriately managed. Rather than make the planting of douglas fir a discretionary activity, the control of wildings could be managed in areas where they are likely to take off. This could be implemented through a permitted activity standard, such as a rule regarding control of wildings within a certain metres of a planted forest rather than blanket use of discretionary status.

This could also require a consent for the planting of a grove or stand of wilding pines in the rural area, with the conditions of that consent setting out the management obligations of the consent holder in relation to the pest plant attributes and risk associated with the planting. A consent of this nature may require, for example, setbacks from the boundaries of a property to ensure the pest management risks of the plantings are contained; for example sufficient setbacks to ensure any seedlings are grazed by stock rather than resulting in spread over property boundaries.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 7.2.11 – Liaise with the Department of Conservation regarding any landscape issues on land administered by the Department and identified as having outstanding natural features and landscapes (including within the Marlborough Sounds Coastal Landscape).

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the intention to liaise with the Department of Conservation regarding issues on land administered by the Department.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 7.2.12 – Encourage landowners and resource users to consider landscape qualities in the use or development of natural and physical resources in landscapes with high amenity value.

Federated Farmers opposes this policy**Summary of reasons for this submission:**

Federated Farmers is supportive of non-regulatory approaches, including information sharing, to encourage landowners to further their knowledge about their natural and physical environment. However while this appears to be policy that adopts a non-regulatory approach, through use of the term *encourage*, on reading the explanatory text it notes that *it may be appropriate to consider landscape qualities in these areas as part of a resource consent application*. This is therefore not only a non-regulatory policy.

However Federated Farmers is fundamentally opposed to identification and protection of Landscapes of High Amenity Value as onerous and unnecessary to meet RMA obligations, and submits that this policy is deleted.

Relief Sought:

- That the policy is deleted.

CHAPTER 8: INDIGENOUS BIODIVERSITY

Subject matter and provision in the Plan:

Issue 8A – A reduction in the extent and condition of indigenous biodiversity in Marlborough.

Federated Farmers supports in part this issue

Summary of reasons for this submission:

Although we now understand that the remaining bush is important, it pays to remember that the decline of bush was not the fault of individual landowners but a result of historical events, and the prevailing government directions at the time.

Attitudes to native bush have changed much since New Zealand was first settled. New Zealand's forests were initially seen as a valuable timber resource and were an important component of the early export trade. Land was cleared for the purpose of providing for settlement and food production, at a time when these were values ranked higher on the priority list than preservation of the natural environment. At times during history there were government incentives to clear bush to bring land into production, and up until the 1940s possums were a protected species. Introduced pests and diseases have also played a part in biodiversity loss. Some animals and plants were introduced deliberately, and some accidentally.

It must be also remembered that provisions for indigenous vegetation disproportionately affect farmers as it is their rural lands that have regenerating or remnant bush. Bush blocks on farms have survived because of the stewardship of rural landowners. Urban, industrial and commercial landowners are unlikely to be directly affected by provisions, as it is unlikely that they have native vegetation on their properties.

Relief Sought:

- That the explanatory text is amended to provide a more accurate context as to the historical drivers for vegetation clearance.

Subject matter and provision in the Plan:

Objective 8.1 – Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and coastal environments is protected.

Federated Farmers opposes in part this objective

Summary of reasons for this submission:

Federated Farmers submits that protecting all indigenous biodiversity is unachievable and unnecessary, and therefore that Objective 8.1 must be amended for consistency with the RMA and the proposed Plan itself.

The RMA directs us to protect significant indigenous vegetation and significant habitats of indigenous fauna in Section 6(c) as a matter of national importance, not all indigenous biodiversity regardless of its significance.

There will be many instances where biodiversity loss is necessary, and Rule 3.1.12 for the Rural Environment Zone of the proposed Plan allows indigenous vegetation clearance meeting standards as permitted. This permitted activity acknowledges that some loss is acceptable and appropriate when allowing people and communities to provide for their wellbeing.

Relief Sought:

- That the objective is amended to read:

Marlborough's ~~remaining~~ significant indigenous biodiversity in terrestrial, freshwater and coastal environments is protected.

Subject matter and provision in the Plan:

Objective 8.2 – An increase in area/extent of Marlborough's indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers considers this objective should focus on the restoration or improvement of existing indigenous biodiversity as a priority, rather than increasing extent. It is far easier and less costly to take care of existing biodiversity than to seek to increase an area or extent of indigenous biodiversity. The community and Council alike have too few resources and it is Federated Farmers view that these are best directed at protecting, and where appropriate, restoring and enhancing the areas that remain.

Increasing extent can be very helpful in situations such as biodiversity offsets, but should not be promoted for its own sake. There is already a concern in Marlborough with production land reverting to regenerating scrub in hill and high country environments. Seeking to increase the areas and or extent of biodiversity regardless of quality would be resource intensive and may not deliver on the desired benefit. Looking at the policies associated with Objective 8.2, it appears that the Council is actually seeking an increase in voluntary protection of existing areas of biodiversity, rather than an increase in spatial extent of biodiversity.

A Ministry for the Environment document *Legally Protected Conservation Land in New Zealand Environmental Snapshot* April 2010; INFO 492 tells us that as of July 2009, 238,300 hectares of private land is legally protected (by the QEII Trust or Ngā Whenua Rāhui) for the primary purpose of conserving biodiversity. This report also tells us that land protected for biodiversity is increasing. Between 2006 and 2009, legally protected conservation land increased by 408,600 ha or 4.9 per cent. Over this same time period, the legally protected area of the most threatened environments (i.e., National Priority 1 environments) increased by 3300 ha or 3.4 per cent. Even more land will have been protected since this report was written. This is voluntary protection that is chosen by landowners, the voluntary aspect is what makes these legal protection mechanisms so attractive to landowners. It is vital that the proposed Plan does not diminish this voluntary aspect.

Where actions such as planting increase indigenous biodiversity, it is important that these areas do not become regulated and protected by onerous provisions. Over regulating a voluntary action will act as a disincentive, as landowners will see that their voluntary plantings become a liability.

Relief Sought:

- That the objective be amended to read:

To encourage the An increase in area/extent of Marlborough's indigenous biodiversity protected by voluntary legal mechanisms, and restoration or improvement in the condition of areas that have been degraded.

Subject matter and provision in the Plan:

Policy 8.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

- (d) representativeness;*
- (e) rarity;*
- (f) diversity and pattern;*
- (g) distinctiveness;*
- (h) size and shape;*
- (i) connectivity/ecological context;*
- (j) sustainability; and*
- (k) adjacent catchment modifications.*

For a site to be considered significant, one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank medium or high.

Federated Farmers supports in part the policy

Summary of reasons for this submission:

Federated Farmers supports the criteria used for the identification of ecological significance for terrestrial, wetland and coastal environments. We consider that this would provide Council with useful criteria for the prioritisation of sites for partnership programmes with landowners and the community.

Federated Farmers considers that for the site to be considered significant, one of the first four criteria must rank as high, and/or two or more must rank as medium.

Federated Farmers submits that further information on the criteria should be supplied in this policy or provided in an appendix, and referred to in this policy.

Relief Sought:

- That the policy is amended to read:

When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

- (a) representativeness;*
- (b) rarity;*
- (c) diversity and pattern;*
- (d) distinctiveness;*
- (e) size and shape;*
- (f) connectivity/ecological context;*
- (g) sustainability; and*
- (h) adjacent catchment modifications.*

For a site to be considered significant, at least one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank medium or high and/or two or more must rank medium, as detailed in Appendix 3.

Subject matter and provision in the Plan:

Policy 8.1.2 – Sites in the coastal marine area and natural wetlands assessed as having significant indigenous biodiversity value will be specifically identified in the Marlborough Environment Plan.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the principle of identifying significant wetlands in the region and mapping these in the Plan. However, we have some concerns with the manner in which these have been assessed and identified.

- Identifying Significant Sites

Federated Farmers considers that only sites that are found to be *significant* should be protected, as this is the direction that Section 6(c) gives. Significance needs to be determined using robust and objective criteria to ensure that only areas of true importance and significance are identified as *Significant Wetlands* and protected by rules.

Federated Farmers notes that criteria used for assessment are detailed in Policy 8.1.1, which we have discussed in more detail in the submission point above. We support the concept of using criteria to ensure that a fair and informed method of assessing significance and assigning protection is vital.

Desk-top exercises to identify what is significant need to be followed by ground-truthing to ensure that the information and level of significance of the sites on the ground match with what is recorded in the District Plan. Federated Farmers all too often sees sites mapped in Plans that in reality are only scrub regenerating in pasture, or poor quality bush. We do not want to see valuable resources directed towards sites that are not worthy of protection.

Federated Farmers therefore submits that robust and objective criteria are used to identify sites as Ecological Sites, and that ground-truthing is used to confirm that sites that meet criteria are truly significant on the ground.

- Mapping of Sites

Support is given to the identification of sites. More certainty is provided for resource users if these sites of significance are identified and mapped in the district plan. Where Significant Wetlands are mapped on the zone maps, they should also be identified in the Plan by way of a schedule. This schedule should outline the values of each identified site. Providing information about sites to the community helps to foster an understanding and pride in what makes the site significant, and could be accommodated through the provision of an additional schedule. At present, as they are mapped it is unclear to plan users what values are trying to be protected. Federated Farmers submits that Significant Wetlands are mapped and descriptions are given of the attributes of the sites.

- Consultation

Federated Farmers is concerned that 1360 sites identified is a very large number and will affect many privately owned properties. Such a large number of sites requires a comprehensive consultation programme to ensure that all landowners are aware of the identification and regulatory consequences.

We understand that Council made an effort to consult with all landowners with mapped Significant Wetlands on their property a number of years ago. Federated Farmers strongly encourages the Council to post a letter to each property owner with a Significant Wetland on their property to ensure that they are aware of this classification, and that they can participate in the RMA Schedule 1 process. Actively including landowners like this can also help towards ground-truthing of sites. Landowners will be able to inform the Council if their site has been incorrectly located so it can be corrected, or in the case of where the site is of poor quality and not significant then it can be deleted.

Federated Farmers submits that landowners of properties that have a Significant Wetland are written to and informed of the classification of their site, and invited to participate in the formal consultation process.

- Ground-truthing

Ground-truthing is imperative to ensuring that the information contained within the Plan is accurate. Without ground-truthing there is the potential that the sites that have been identified do not in fact meet the significance criteria and therefore should not be included in the Plan. Federated Farmers is aware that only 219 sites have been visited, of the 1360 sites included in the Plan. This means that the vast majority have not been visited and therefore we have doubts about the accuracy of the information.

- Providing for Appropriate Activities

Significant Wetlands need not be protected at all costs, but sustainable management should be provided for in the Plan. Section 5 of the RMA seeks to achieve sustainable management which enables people and communities to provide for their economic, social and cultural well beings.

A level of permitted activities will be required in order to achieve sustainable management of Significant Wetlands. Some activities in Significant Wetlands will be necessary to provide for wellbeing, these may include the clearance of invasive vegetation, and provision for plantings and fencing.

- Recognition of Voluntary Actions

The Plan needs to recognise and acknowledge that landowners and farmers are the reason that many areas of Significant Wetlands have survived to this day. Voluntary actions to protect and enhance wetlands should be recognised, as often farmers have used their own resources and time to provide this public good. Actions such as fencing, pest and weed control, and permanently protecting sites via QEII covenants should be recognised and encouraged.

Provision of incentives and assistance can be a great way of recognising voluntary efforts and encouraging further actions. Council can foster a partnership with landowners to the benefit of indigenous biodiversity. Incentives such as transferable development rights, and assistance with fencing, pest control, or rates relief will all be positive contributions to the Plan.

We support Council's approach to the remaining wetlands that have not met the criteria set out in the policies, in that they will not be subject to wetland rules.

Relief Sought:

- That the natural wetlands, termed Significant Wetlands, are mapped and a schedule with descriptions as to the qualities of each is provided in the Plan; and
- That sites not meeting the criteria set out in the RPS are not subject to wetland rules; and

- That robust and objective criteria are used to identify sites as Significant Wetlands; and
- That ground-truthing is used to confirm that sites that meet criteria are truly significant on the ground for all sites; and
- That landowners of properties that have a Significant Wetland are written to and informed of the classification of their site, and invited to participate in the formal consultation process; and
- That appropriate activities in and around Significant Wetlands are provided for in the Plan; and
- That a new policy be included in the Plan that recognises and encourages voluntary actions to maintain and enhance indigenous vegetation, as follows:

Voluntary actions that maintain or enhance indigenous biodiversity shall be recognised and encouraged.

Subject matter and provision in the Plan:

Policy 8.1.3 – Having adequate information on the state of biodiversity in terrestrial, freshwater and coastal environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the need to build a knowledge base on the state of biodiversity in terrestrial, freshwater and coastal environments. The use of ecology surveys and environmental monitoring is useful to inform future policy development, and we encourage Council to continue to build this collection of knowledge.

Federated Farmers notes in the explanatory text there is mention of having *adequate information about biodiversity values of waterbodies*, which is *equally important for decision makers when assessing the impacts of various activities and uses within waterbodies*. Federated Farmers acknowledges the collection of information on biodiversity values is important. This however needs to be completed in conjunction with collection of values of waterbodies for cultural, social and economic purposes. Biodiversity values cannot be separated from these other values.

The purpose of assessing impact of activities and uses will determine what activities can be given permitted status.

Relief Sought:

- That the policy is amended to read:

Having adequate information on the state of biodiversity in terrestrial, freshwater and coastal environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses, and to determine permitted activity standards.

- That cultural, social and economic values are considered in Appendix 5, and in decisions relating to activities and uses within terrestrial, freshwater and coastal environments.

Subject matter and provision in the Plan:

Policy 8.2.1 – A variety of means will be used to assist in the protection and enhancement of areas and habitats with indigenous biodiversity value, including partnerships, support and liaison with landowners, regulation, pest management, legal protection, education and the provision of information and guidelines.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers wholeheartedly supports this policy. We consider it is very positive to see recognition for the importance of working with landowners to achieve biodiversity outcomes.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 8.2.2 – Use a voluntary partnership approach with landowners as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land, except for areas that are wetlands.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the approach to protection of areas with significant indigenous biodiversity as a voluntary partnership. Policies such as this are critical for ensuring that landowners continue to be seen as key partners in this process and that non-regulatory methods are valued.

We acknowledge the significant effort that Council has put into the Significant Natural Areas program over the last sixteen years, of which the program is highly regarded within the community, and we hope that this will continue.

We note that the intention in this policy is that a regulatory program will be followed for wetlands, unlike that for other areas of significant biodiversity. We are concerned that the data is not robustly sufficient to run a regulatory method for wetlands. We have requested relief for this in later parts of our submission.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 8.2.3 – Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports a prioritised approach to the protection, maintenance and restoration of areas with indigenous biodiversity values. We acknowledge that resources to

assist landowners are limited and need to be allocated where the most benefit will be derived.

Federated Farmers considers that areas of remnant bush of high quality need to be prioritised over regenerating scrubland that farmers clear to maintain pasture. Protection efforts should be directed towards areas with real ecological value rather than homogenous species on productive land.

Federated Farmers considers it would be useful to specify that priority in this sense is referring to allocation of Council resources for partnership programmes, rather than regulation.

Relief Sought:

- That the policy is amended as follows:

Priority for Council partnership resources will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected.

Subject matter and provision in the Plan:

Policy 8.2.4 – Priority will be given to the re-establishment of indigenous biodiversity in Marlborough’s lowland environments.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

As noted above, Federated Farmers supports a prioritised approach to the protection, maintenance and restoration of areas of indigenous biodiversity. The intent of this policy appears to be focused on lowland sites, which have been subject to depletion and fragmentation over time, and therefore are at greatest risk of habitat destruction.

Federated Farmers is concerned that the wording of the policy is unclear as to what prioritising means. This could be addressed by specifying that priority in this sense is referring to the allocation of Council resources for partnership programmes.

It is also unclear what is meant by re-establishment. Federated Farmers submits that this policy should focus on high quality biodiversity to ensure the cost-effectiveness of council and private investment. This policy should also not be imposed on an unwilling landowner. To achieve outcomes, it will require a partnership approach with landowners.

The lowland areas were cleared for the purpose of providing for settlement and food production and at a time when these were values ranked higher on the priority list than preservation of the natural environment. Humans still derive great benefit from land that has been cleared and is today used for food and fibre production. Re-establishment must be voluntary and recognise that this will result in some loss of productive land.

Relief Sought:

- That the policy is amended as follows:

Priority for Council partnership resources will be given to the voluntary re-establishment of areas of indigenous biodiversity in Marlborough’s lowland environments.

Subject matter and provision in the Plan:

Policy 8.2.5 – Encourage the legal protection of sites with significant indigenous biodiversity value through covenanting.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers appreciates Council's efforts and intentions to work collaboratively with landowners. We place great value in the Queen Elizabeth II National Trust and recognise the role that covenanting plays in protecting sites while ensuring that landowners maintain ownership and management of the land. We are supportive of Council's efforts to work with landowners and assist with the covenanting process.

Landowners in Marlborough deserve to be recognised for the 3,983ha of private land that has been protected by approved, registered, and formalised QEII covenants. The voluntary aspect is the strength of what makes QEII Trust covenants and is attractive to landowners and the policy should reflect this.

Relief Sought:

- That the policy is amended to read:

Encourage the voluntary legal protection of sites with significant indigenous biodiversity value through covenanting.

Subject matter and provision in the Plan:

Policy 8.2.6 – Where areas of significant indigenous biodiversity value are known to exist in riparian margins of rivers, lakes or in the margins of a significant wetland, consideration will be given to acquiring or setting aside these areas to help protect their values.

Federated Farmers opposes this policy**Summary of reasons for this submission:**

It is unclear what this policy means as to what "acquiring" or "setting aside". Federated Farmers assumes that this is referring to acquisition of esplanade reserves and strips during subdivision of private land. Otherwise the Council acquiring land in any other manner is alarming.

Federated Farmers expects that acquisition of esplanade reserves and strips for the purpose of protecting biodiversity is a topic that is covered in the Public Access chapter.

Relief Sought:

- That Policy 8.2.6 is deleted, or
- Policy 8.2.6 is combined with Policy 9.1.1.

Subject matter and provision in the Plan:

Policy 8.2.7 – A strategic approach to the containment/eradication of undesirable animals and plants that impact on indigenous biodiversity values will be developed and maintained.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers recognises the significant impact undesirable pest animals and plants have on biodiversity. Inclusion of this policy is recognition by Council of the wider issues affecting indigenous biodiversity values beyond simply vegetation clearance.

It is important that in addition to a strategic approach, that pest management by private landowners is enabled through the rules framework. Currently some rules in the proposed Plan will impede pest control by preventing structures like fencing within 20m of a waterway in a Riparian Natural Character Management Area, or vegetation clearance when this is needed for fencelines or access tracks to carry out pest control activities.

Relief Sought:

- That the policy is retained as notified.
- That pest management is recognised as a legitimate means of protecting biodiversity outcomes and therefore enabled through the policies and rules in the Plan.

Subject matter and provision in the Plan:

Policy 8.2.8 – Where monitoring of ecosystems, habitats and areas with significant indigenous biodiversity value shows that there is a loss of or deterioration in condition of these sites, then the Marlborough District Council will review the approach to protection.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers considers that this policy should be deleted. It is inequitable for Council to add a policy that over and above the robust plan provisions, an additional catch all will be added. This is void for both the uncertainty and confusion such a policy will bring to landowners, particularly when the review is of an approach when the loss or degradation of biodiversity is via permitted activities. Federated Farmers also notes that the current approach to protection of SNA sites has involved significant landowner involvement and trust and we would not like to see this jeopardised.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 8.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for:

- (a) the continued functioning of ecological processes;*
- (b) providing connections within or corridors between habitats of indigenous flora and fauna;*
- (c) cultural purposes;*
- (d) providing buffers or filters between land uses and wetlands, lakes or rivers and the coastal marine area;*
- (e) botanical, wildlife, fishery and amenity values;*
- (f) biological and genetic diversity; and*
- (g) water quality, levels and flows.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers considers that only indigenous biodiversity found to be *significant* should be protected, as this is the direction under Section 6(c) of the RMA. This policy oversteps RMA direction in that it expects maintenance, enhancement and restoration of ecosystems, habitats and areas of indigenous biodiversity even where these are not significant. The areas of importance that have been identified are incredibly broad brush, uncertain and vague. Federated Farmers has concerns over how this policy could be used in the assessment of consent applications for primary production related activities and submit that it is deleted from the Plan.

Policy 8.2.9's direction to maintain, enhance or restore is also inconsistent with the proposed Plan's permitted activities, which enable some loss of biodiversity in order to allow people and communities to provide for their wellbeing.

Relief Sought:

- That Policy 8.2.9 is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 8.2.10 – Promote to the general public and landowners the importance of protecting and maintaining indigenous biodiversity because of its intrinsic, conservation, social, economic, scientific, cultural, heritage and educational worth and for its contribution to natural character.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition this policy provides to the importance of voluntary participation and proactive participation from landowners.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 8.2.11 – Promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports this policy for it recognises the importance of indigenous vegetation along waterbodies to allow for ecosystems to develop. However it must also be recognised that while there are often benefits to riparian planting, there are also many practicalities that must be addressed, and therefore these activities need to be approached on a case by case basis, in conjunction with and through the encouragement of landowners. For example, riparian planting if not well looked after can easily become a breeding ground for weeds and pests when not previously present, and the Council itself may wish to undertake clearance to meet its flood control duties or to maintain bridges.

In addition to opportunities to promote this approach amongst private landowners, it acknowledges the role that Council can have in completing enhancement work on Council owned land on the Wairau Plain. Federated Farmers supports the approach and believes it is important to see Council leading by example.

Relief Sought:

- That Policy 8.2.11 is amended to read:

Promote the enhancement of Council-owned esplanade corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.

Subject matter and provision in the Plan:

Policy 8.2.12 – Encourage and support private landowners, community groups and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers wholeheartedly supports this policy. We have a fundamental belief that the best biodiversity outcomes come from working with landowners, and we are pleased to see Council supports this approach.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 8.3.1 – Manage the effects of subdivision, use or development in the coastal environment by:

- (a) avoiding adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;*
- (b) avoiding adverse effects where the areas, habitats or ecosystems are mapped as significant wetlands or ecologically significant marine sites in the Marlborough Environment Plan; or*
- (c) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 or are not identified as significant in terms of Policy 8.1.1 of the Marlborough Environment Plan.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers is concerned that this policy seeks to extend the legal tests of the NZCPS to other locations, the problems with which we have already identified elsewhere in this submission. There are policies within the coastal environment Chapter that already set out the management of subdivision, use and development in the coastal environment and Federated Farmers considers these are sufficient for managing adverse effects.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 8.3.2 – Where subdivision, use or development requires resource consent, the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:

- (a) avoided where it is a significant site in the context of Policy 8.1.1; and*
- (b) avoided, remedied or mitigated where indigenous biodiversity values have not been assessed as being significant in terms of Policy 8.1.1.*

Federated Farmers opposes this policy**Summary of reasons for this submission:**

Federated Farmers, as per our submission on the above Policy 8.3.1, opposes this policy on the basis that it seeks to extend the legal tests of the NPCPS to other locations. Policy 8.3.2 also places an onerous test on activities that may not have anything to do with indigenous vegetation.

Federated Farmers recognises that Council has obligations under Section 6 of the Act, and we support Council's fulfilment of these obligations. Section 6 (c) expects that Council will recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. However, this policy goes beyond the requirements of the RMA in seeking to avoid adverse effects on significant sites, and avoid, remedy or mitigate effects where indigenous biodiversity values have not been assessed as being significant. It is Federated Farmers view that only sites deemed significant need to be protected.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 8.3.3 – Control vegetation clearance activities to retain ecosystems, habitats and areas with indigenous biodiversity value.

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Federated Farmers seeks the provision of policies that enable vegetation clearance activities when necessary. Many clearance activities are necessary for the daily functioning of farms, such as clearance for fences and tracks, and maintaining pasture. Federated Farmers would like to see Council adopt a more enabling approach to the written policies, and suggests that the policy is amended to reflect that.

Federated Farmers would also like to ensure that Council does not confuse vegetation clearance activities through a widespread limit with the restriction of all clearance of indigenous vegetation (as has been mapped for Threatened Environments). There is no basis in the policies for the mapping of indigenous vegetation with rules which restrict all clearance activities unless resource consent is granted. Federated Farmers would not like to see this policy being used to support that approach.

Relief Sought:

- That the policy is amended to read:

~~Control~~ Enable vegetation clearance activities which have a minimal effect on to retain ecosystems, habitats and areas with indigenous biodiversity value.

Subject matter and provision in the Plan:

Policy 8.3.4 – Improve the management of drainage channel maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports Council's intention to manage Council operated drainage channels on the Wairau Plains to enhance freshwater habitats. This policy should be amended to reflect that this policy applies to Council's own drainage channel network.

Relief Sought:

- That the policy is amended to read:

Improve the management of drainage channel maintenance activities within Council's own drainage channel network to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.

Subject matter and provision in the Plan:

Policy 8.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include:

- (a) fragmentation of or a reduction in the size and extent of indigenous ecosystems and habitats;*
- (b) fragmentation or disruption of connections or buffer zones between and around ecosystems or habitats;*
- (c) changes that result in increased threats from pests (both plant and animal) on indigenous biodiversity and ecosystems;*
- (d) the loss of a rare or threatened species or its habitat;*
- (e) loss or degradation of wetlands, dune systems or coastal forests;*
- (f) loss of mauri or taonga species;*
- (g) impacts on habitats important as breeding, nursery or feeding areas, including for birds;*
- (h) impacts on habitats for fish spawning or the obstruction of the migration of fish species;*
- (i) impacts on any marine mammal sanctuary, marine mammal migration route or breeding, feeding or haul out area;*
- (j) a reduction in the abundance or natural diversity of indigenous vegetation and habitats of indigenous fauna;*

- (k) *loss of ecosystem services;*
- (l) *effects that contribute to a cumulative loss or degradation of habitats and ecosystems;*
- (m) *loss of or damage to ecological mosaics, sequences, processes or integrity;*
- (n) *effects on the functioning of estuaries, coastal wetlands and their margins;*
- (o) *downstream effects on significant wetlands, rivers, streams and lakes from hydrological changes higher up the catchment;*
- (p) *natural flows altered to such an extent that it affects the life supporting capacity of waterbodies;*
- (q) *a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater or coastal resources;*
- (r) *a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by Marlborough's tangata whenua iwi;*
- (s) *a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by the wider community; and*
- (t) *the destruction of or significant reduction in educational, scientific, amenity, historical, cultural, landscape or natural character values.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges the benefits of a policy which articulates what an adverse effect is in the context of indigenous biodiversity. However, it is very complex though and some matters are very vague and/or overlie other criteria. The policy should be made clearer what will be considered an adverse effect and amended to remove duplication.

Relief Sought:

- That the policy is amended for clarity and to remove duplication.

Subject matter and provision in the Plan:

Policy 8.3.6 – Where taking or diversion of water from waterbodies is proposed, water levels and flows shall remain at levels that protect the natural functioning of those waterbodies.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy is covered within Chapter 5: Allocation of Public Resources. Chapter 5 deals with the taking and diversion of water and establishment of minimum flows; and therefore it is confusing including reference to these policies in the Indigenous Biodiversity Chapter.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in the Plan:

Policy 8.3.7 – Within an identified ecologically significant marine site fishing activities using techniques that disturb the seabed must be avoided.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers submits that this policy would be more appropriate in Chapter 13: Use of the Coastal Environment.

Relief Sought:

- That the policy is moved to Chapter 13: Use of the Coastal Environment.

Subject matter and provision in the Plan:

Policy 8.3.8 – With the exception of areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:

- (a) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;*
- (b) the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;*
- (c) where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;*
- (d) there is a strong likelihood that the offsets will be achieved in perpetuity;*
- (e) where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and*
- (f) offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.*

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Federated Farmers has concerns with this policy. It is likely to result in requirements for offsets for removal of biodiversity that is not significant, meanwhile significant biodiversity cannot be offset at all. There is no hierarchy under the RMA in terms of compensation, mitigation and offsetting as proposed here and we opposes any such intent to create such a hierarchy.

The policy appears very similar to Canterbury RPS Policy 9.3.6, which was prepared under the supervision of Professor Peter Skelton and approved by an independent hearing panel chaired by David Sheppard. Despite this robust precedent, this policy includes additional words that mean that areas with significant indigenous biodiversity cannot be offset. Further, areas of biodiversity not determined to be significant will be require offsetting.

Relief Sought:

- That the policy is amended to remove any attempt at a hierarchy around when offsetting is appropriate, and should read:

~~With the exception of areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:~~

- ~~the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;~~
- ~~the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;~~
- ~~where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;~~
- ~~there is a strong likelihood that the offsets will be achieved in perpetuity;~~
- ~~where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and~~
- ~~offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.~~

CHAPTER 9: PUBLIC ACCESS AND OPEN SPACE

Subject matter and provision in the Plan:

Whole of Chapter 9: Public Access and Open Space

Federated Farmers opposes in part the structure of this chapter

Summary of reasons for this submission:

Federated Farmers submits that Chapter 9 should be considerably more concise and succinct. Thirty-three policies on the topic of public access is excessive, and many policies repeat or even contradict one another.

Better integration with other policies found throughout the proposed Plan is required. Most of the policies under Objective 9.1 discuss esplanade reserves and strips as a mechanism for improving public access, but esplanades also serve a purpose of contributing to the protection of conservation values. Policies in the Indigenous Biodiversity chapter that seek to protect biodiversity by legal mechanisms can be combined with policies in the Public Access chapter.

Relief Sought:

- That the Chapter is edited to be made more concise and succinct.
- That the policies in the Chapter are integrated with other policies found throughout the Plan.

Subject matter and provision in the Plan:

Objective 9.1 – The public are able to enjoy the amenity and recreational opportunities of Marlborough’s coastal environment, rivers, lakes, high country and areas of historic interest.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Much of the nation’s coastlines and banks of waterways consists of farms and rural areas. Any provisions seeking to manage public access along waterways and coastlines will affect farms.

Federated Farmers understands that enjoyment of Marlborough’s coastal environment, rivers, lakes and high country is a past time and resource for the community. However, public access, including vehicle access should not place in conflict the interests of the landowners that manage the land surrounding or encompassed by the coastal environment and these rivers, lakes and high country areas.

While Federated Farmers is supportive of the principle of enhancing public access, we do not consider it appropriate in all instances to manage access to, along and through the coastal environment, rivers, lakes and high country in a manner that maximises public use. Access to these areas to achieve this objective may in some circumstances unduly restrict common farming practices and place stock at risk, particularly in spring during calving and lambing. There are also risks around privacy, security, and Health and Safety of both the public and farmers, and their families and workers.

It is only appropriate to facilitate public access where there is an identified public need for it, and the circumstances appropriately allow for it. If members of the public have to walk across private property to get to the coast or to a river or lake, it requires landowner permission. Landowners should not be impacted or controlled in their farming activities simply because they neighbour or are within a coastal environment, river, lake or high country area. Federated Farmers is concerned that by referring to the public enjoying the amenity and recreational opportunities, this objective concerns public access to private land. In this chapter landowner access needs to be clearly separated from public access.

There are significant costs associated with the maintenance of public access. It is inappropriate to facilitate access to the entire region’s coastal environment, rivers, lakes and high country, as it is inappropriate to facilitate or enhance access where security, health safety and private property rights may be undermined. Access should be determined based on demand in which the public have identified a desire to have access. It must be noted, there is also no legal requirement for public access to areas of value on privately owned land and access must be negotiated with the landowner without the presumption of a right to public access.

Relief Sought:

- That the policy is amended to read:

The public are able to enjoy the amenity and recreational opportunities of Marlborough’s coastal environment, rivers, lakes, high country and areas of historic interest via public access where it is safe and appropriate to do so, and with landowner permission.

- That landowner access across their own property is clearly separated from public access in this chapter.

Subject matter and provision in the Plan:

Policy 9.1.1 – The following areas are identified as having a high degree of importance for public access and the Marlborough District Council will as a priority focus on enhancing access to and within these areas:

- (a) *Wairau River from State Highway 63 bridge to the sea;*
- (b) *high priority waterbodies for public access on the Wairau Plain and in close proximity to Picton, Waikawa, Havelock, Renwick, Seddon, Ward and Okiwi Bay;*
- (c) *coastal marine area, particularly in and near Picton, Waikawa and Havelock, Kaiuma Bay, Queen Charlotte Sound (including Tory Channel), Port Underwood, Kenepuru Sound, Mahau Sound, Mahikipawa Arm and Croiselles Harbour, Rarangi to the Wairau River mouth, Wairau Lagoons, Marfells Beach and Ward Beach;*
- (d) *connections would be made with other public land (including esplanade reserves) or other land where esplanade strips or access strips already exist; and*
- (e) *the Queen Charlotte Track.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers recognise that it is important to facilitate access, where appropriate, by obtaining esplanade reserves and strips during a new development or subdivision. However the policy as it is currently written would be considered to oblige Council to facilitate public access in a wider sense to and within these areas.

Access to the coastal marine area, lakes and rivers in a wider sense often occurs across private land in a rural area, and there are risks associated with this to both the landowner and those seeking access. It is therefore appropriate that access is negotiated between the landowner and those seeking access, as and where appropriate.

The Plan needs to be clear that access is not available across private land unless with permission from the landowner. Federated Farmers supports the identification of areas where it is a priority to improve access. However, public access should only be sought where it is considered necessary to have access, and by the formation of esplanade reserves and strips through the subdivision and development process.

We are concerned that the policy is not clear that access will be improved by esplanade reserves and strips, currently it appears that landowners may be compelled to provide public access over their private land. The explanation discusses esplanades, but this needs to be in the policy itself.

Relief Sought:

- That the policy is amended to read:

The following areas are identified as having a high degree of importance for public access and the Marlborough District Council will as a priority focus on enhancing access to and within these areas by obtaining esplanade reserves and strips:

- (a) *Wairau River from State Highway 63 bridge to the sea;*
- (b) *high priority waterbodies for public access on the Wairau Plain and in close proximity to Picton, Waikawa, Havelock, Renwick, Seddon, Ward and Okiwi Bay;*

- (c) *coastal marine area, particularly in and near Picton, Waikawa and Havelock, Kaiuma Bay, Queen Charlotte Sound (including Tory Channel), Port Underwood, Kenepuru Sound, Mahau Sound, Mahikipawa Arm and Croiselles Harbour, Rarangi to the Wairau River mouth, Wairau Lagoons, Marfells Beach and Ward Beach;*
- (d) *connections would be made with other public land (including esplanade reserves) or other land where esplanade strips or access strips already exist; and*
- (e) *the Queen Charlotte Track.*

Subject matter and provision in the Plan:

Policy 9.1.2 – In addition to the specified areas in Policy 9.1.1, the need for public access to be enhanced to and along the coastal marine area, lakes and rivers will be considered at the time of subdivision or development, in accordance with the following criteria:

- (a) *there is existing public recreational use of the area in question, or improving access would promote outdoor recreation;*
- (b) *connections between existing public areas would be provided;*
- (c) *physical access for people with disabilities would be desirable; and*
- (d) *providing access to areas or sites of cultural or historic significance is important.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers again would like to emphasize that public access should only be sought where it is considered necessary to have access. Access will not be necessary upon every subdivision or development, only where there is an identified need for access.

We are concerned that the policy is not clear that access will be improved by esplanade reserves and strips, currently it appears that landowners may be compelled to provide public access over their private land.

Federated Farmers recommends the ability to wavier the requirements for esplanade areas. Flexibility as to when the Council requires esplanade areas is important because although well-intentioned, Council may not have the financial resources to keep up with compensation or management. Compensation is payable if the reserve/strip is wider than 20m on a <4ha lot (after subdivision) or if it is required by a district plan rule on lots larger than 4ha. On-going maintenance on council-owned esplanade reserves doing pest and weed control and upkeep of any structures will incur costs upon the council.

Esplanade strips or reserves may not always be appropriate in all circumstances, including when the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable.

Relief Sought:

- That Policy 9.1.2 is amended to read:

In addition to the specified areas in Policy 9.1.1, the need for public access to be enhanced to and along the coastal marine area, lakes and rivers by esplanade reserves and strips will be considered at the time of subdivision or development, in accordance with the following criteria:

- a) *there is existing public recreational use of the area in question, or improving access would promote outdoor recreation;*
- b) *connections between existing public areas would be provided;*
- c) *physical access for people with disabilities would be desirable; and*
- d) *providing access to areas or sites of cultural or historic significance is important.*

Subject matter and provision in the Plan:

Policy 9.1.3 – Where public access is enhanced in priority locations, steps shall be taken to ensure this does not result in:

- (a) *adverse effects on the wider environment of that location from littering, unsanitary disposal of human waste or damage to vegetation; or*
- (b) *conflicts between users that would detract from public enjoyment of the area.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of the need to manage the effects of enhanced public access. It is the experience of our members that recent expansion of freedom camping in the Sounds is creating difficulties for landowners through the increased numbers of visitors without adequate facilities.

Federated Farmers submits that this policy should also consider the effects on existing landowners where the enhancement of access is subject to take place through subdivision or development.

Relief Sought:

- That Policy 9.1.3 is amended to read:

Where public access is enhanced in priority locations, steps shall be taken to ensure this does not result in:

- (a) *adverse effects on the wider environment of that location from littering, unsanitary disposal of human waste or damage to vegetation; or*
- (b) *conflicts between users that would detract from public enjoyment of the area, or*
- (c) *trespass over private land, or*
- (d) *an impediment to landowner access or,*
- (e) *adverse effects on neighbouring land uses.*

Subject matter and provision in the Plan:

Policy 9.1.4 – Acknowledge that public access to land held in private ownership can only be granted by the landowner.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers strongly supports this policy. It is the private landowners' discretion to allow access across private land and nothing in the Plan should entitle or indicate unauthorised access across private land.

Relief Sought:

- That Policy 9.1.4 is retained as notified.

Subject matter and provision in the Plan:

Policy 9.1.5 – Acknowledge the importance New Zealander's place on the ability to have free and generally unrestricted access to the coast.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy and its explanation is creating an unrealistic expectation, and contradicts Objective 9.2.

Public access to the coast will have a number of restrictions, which are acknowledged in Objective 9.2 as including health and safety, security, or protecting cultural values. Policy 9.1.5 is creating an unrealistic expectation that access everywhere and at any time will be unrestricted.

While the explanatory text does note that there is no right of public access over private land this is not clear in the policy.

Furthermore, concerns raised within this Policy are adequately addressed elsewhere in the Plan.

Relief Sought:

- That Policy 9.1.5 is deleted.

Subject matter and provision in the Plan:

Policy 9.1.6 – Continue to assess the need to enhance public access to and along the coastal marine area, lakes and rivers.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports Council's intention to establish a comprehensive overview of the nature and location of existing means of public access. The explanatory text also notes the need to review conditions of an esplanade or access strip negotiated for public access. This should be done with the conjunction and agreement of the landowner.

Relief Sought:

- That Policy 9.1.6 is retained as notified.

Subject matter and provision in the Plan:

Policy 9.1.9 – Enhance public access through:

- (a) development of networks for cycling and walking in both rural and urban areas; and*
- (b) facilitating public access and recreational use of Marlborough District Council owned or administered land.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers notes that this policy is more about recreational activities such as cycling and walking and encouraging uptake of opportunities, rather than the fact that public access is present or not.

Relief Sought:

- That the policy is amended to read:

Enhance ~~public access~~ recreational opportunities through:

- (a) development of networks for cycling and walking in both rural and urban areas; and*
- (b) facilitating public access and recreational use of Marlborough District Council owned or administered land.*

Subject matter and provision in the Plan:

Policy 9.1.10 – The creation of esplanade reserves, esplanade strips or access strips will be a significant means of enhancing public access to and along the coastal marine area, rivers and lakes.

Federated Farmers supports this policy

Summary of reasons for this submission:

While Federated Farmers considers that Policy 9.1.10, acknowledging that esplanades are an important tool for enhancing public access, is an unnecessary repeat of other policies in this chapter, it is innocuous.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 9.1.12 – In considering whether to waive the requirement for, or to reduce/increase the width of an esplanade reserve or esplanade strip of 20 metres in width, the Marlborough District Council shall have regard to:

- (a) whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1; and*
- (b) the width required to effectively provide physical access along the waterbody;*
while taking into account the following special circumstances:
- (c) whether significant ecological, conservation or cultural values exist that may be incompatible if general public access to the site is allowed;*
- (d) whether significant ecological or conservation values warrant a wider esplanade reserve or esplanade strip;*
- (e) whether topography renders the 20 metre width inadequate or excessive for public access;*
- (f) whether the site is in an urban zone, where a reduced width of esplanade reserves/strips to 8 metres is generally considered sufficient;*

- (g) *whether the provision of public access along the esplanade reserve or esplanade strip would result in health or safety risks to the public using the reserve or strip; and*
- (h) *taking an esplanade reserve or esplanade strip would not enhance public access to or along the waterbody over time.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers considers that it is appropriate for discretion to be placed on the requirement for and width of the esplanade strip. Twenty metres will not always be an appropriate distance.

Indeed, at times an esplanade reserve or strip may not be necessary. Esplanade strips or reserves may not always be appropriate in all circumstances, including when protection of the riparian area is more appropriately achieved by an alternate protection mechanism such as a Land Transfer Act or QEII covenant, the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable. Protection mechanisms other than perpetual protection can also be appropriate. Covenants under the Land Transfer Act 1951 can be registered to maintain or enhance natural functioning of the adjacent waterbody. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.

Federated Farmers considers that if the Council is to refer to any width, then the Council needs to be prepared to pay compensation as per Section 237F of the Resource Management Act.

Relief Sought:

- That the policy is amended to read:

Policy 9.1.12 – In considering whether to waive the requirement for, or to reduce/increase the width of an esplanade reserve or esplanade strip of 20 metres in width, the Marlborough District Council shall have regard to:

- (a) *whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1; and*
- (b) *the width required to effectively provide physical access along the waterbody;*

while taking into account the following special circumstances:

- (c) *whether significant ecological, conservation or cultural values exist that may be incompatible if general public access to the site is allowed;*
- (d) *whether significant ecological or conservation values warrant a wider esplanade reserve or esplanade strip;*
- (e) *whether topography renders the 20 metre width inadequate or excessive for public access;*
- (f) *whether the site is in an urban zone, where a reduced width of esplanade reserves/strips to 8 metres is generally considered sufficient;*
- (g) *whether the provision of public access along the esplanade reserve or esplanade strip would result in health or safety risks to the public using the*

reserve or strip or landowner or facility involved, for example, where there are defence lands, existing road reserve, sensitive machinery, network utilities or works; and

- (h) *taking an esplanade reserve or esplanade strip would not enhance public access to or along the waterbody over time.*
- (i) *The subdivision involves only a minor boundary adjustment;*
- (j) *where the land is protected in perpetuity, provided that public access is secured along the margins of the coast, river or lake concerned.*

Subject matter and provision in the Plan:

Policy 9.1.13 – When considering resource consent applications for activities, subdivision or structures in or adjacent to the coastal marine area, lakes or rivers, the impact on public access shall be assessed against the following:

- (a) *whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1;*
- (b) *the need for the activity/structure to be located in the coastal marine area and why it cannot be located elsewhere;*
- (c) *the need for the activity/structure to be located in a river bed and why it cannot be located elsewhere;*
- (d) *the extent to which the activity/subdivision/structure would benefit or adversely affect public access, customary access and recreational use, irrespective of its intended purpose;*
- (e) *in the coastal marine area, whether exclusive rights of occupation are being sought as part of the application;*
- (f) *for the Marlborough Sounds, whether there is practical road access to the site of the application;*
- (g) *how public access around or over any structure sought as part of an application is to be provided for;*
- (h) *whether the impact on public access is temporary or permanent and whether there is any alternative public access available; and*
- (i) *whether public access is able to be restricted in accordance with Policies 9.2.1 and 9.2.2.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers submits that the positive aspects of new developments should also be considered in relation to this policy. It is important that the positive aspects of a development are considered as a reason for locating the activity or structure in that particular location.

Relief Sought:

- That the policy is amended to read:

When considering resource consent applications for activities, subdivision or structures in or adjacent to the coastal marine area, lakes or rivers, the impact on public access shall be assessed against the following:

- (a) whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1;
- (b) the need for the activity/structure to be located in the coastal marine area and why it cannot be located elsewhere;
- (c) the need for the activity/structure to be located in a river bed and why it cannot be located elsewhere;
- (d) the extent to which the activity/subdivision/structure would benefit or adversely affect public access, customary access and recreational use, irrespective of its intended purpose;
- (e) in the coastal marine area, whether exclusive rights of occupation are being sought as part of the application;
- (f) for the Marlborough Sounds, whether there is practical road access to the site of the application;
- (g) how public access around or over any structure sought as part of an application is to be provided for;
- (h) whether the impact on public access is temporary or permanent and whether there is any alternative public access available; and
- (i) whether public access is able to be restricted in accordance with Policies 9.2.1 and 9.2.2.
- (j) the positive impacts of the activity, subdivision or structure from locating the development in that location.

Subject matter and provision in the Plan:

Policy 9.1.15 – Recognise the benefits of the presence of unformed legal road as a means to enhance access to and along waterbodies (including the coast) and to public land.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers recognises that although paper roads are unformed, they are roads nonetheless. The public is entitled to access them, on foot, in vehicles, or by bicycle. However public access along paper roads will be disruptive for farmers through whose land the paper roads run. Paper roads may not be fenced off from the rest of the farm, and this means that members of the public will encounter normal farming activities which may be dangerous. It is also a risk that members of the public may stray off the paper road and end up trespassing over private property. Federated Farmers submits that the use of paper roads for public access must be balanced with safety and practicality.

Relief Sought:

- That Policy 9.1.15 is amended to read:

Recognise the benefits of the presence of unformed legal road where access is appropriate and will not unreasonably disrupt surrounding land uses or be unsafe, as a means to enhance access to and along waterbodies (including the coast) and to public land.

Subject matter and provision in the Plan:

Policy 9.1.16 – In considering an application to stop any unformed legal road, the Marlborough District Council shall consider the following:

- (a) current level of use, including whether the unformed legal road is:*
 - the sole or most convenient means of access to any existing lot(s) that is public land or feature (for example, a river or the coast); or*
 - used as a walkway or to access conservation land;*
- (b) opportunities for future use, including whether the unformed legal road will be needed:*
 - to service future residential, commercial, industrial or primary production developments; or*
 - in the future, to connect existing roads;*
- (c) alternative uses of the land, including its current or potential value for amenity or conservation functions, e.g. walkway, utilities corridor, esplanade strip or access way to features such as a river or the coast;*
- (d) whether there is alternative and practical existing public access to the same end point of the unformed legal road; and*
- (e) whether acceptable alternative access can be provided to offset the stopping of the unformed legal road.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers has many members with paper roads that run through areas of their farm, whether in the high country or the Marlborough Sounds area. Some paper roads have no purpose, and are completely landlocked. These paper roads can cross through important farm infrastructure, including stockyards and airstrips. Farmers with paper roads are aware of the issues that can be presented by paper roads, including risks to public safety through access to their farm which may not be fenced and to the existing land use activities. Paper roads may not be fenced off from the rest of the farm, and this means that members of the public will encounter normal farming activities which may be dangerous. It is also a risk that members of the public may stray off the paper road and end up trespassing over private property. Federated Farmers submits that the use of paper roads for public access must be balanced with safety and practicality.

Federated Farmers considers that in addition to the level of use of the paper road by the public it is important to recognise land use and the degree of disruption to the existing use.

Relief Sought:

- That the policy is amended as follows:

In considering an application to stop any unformed legal road, the Marlborough District Council shall consider the following:

- (a) current level of use, including whether the unformed legal road is:*
 - the sole or most convenient means of access to any existing lot(s) that is public land or feature (for example, a river or the coast); or*

- used as a walkway or to access conservation land;
- (b) opportunities for future use, including whether the unformed legal road will be needed:
 - to service future residential, commercial, industrial or primary production developments; or
 - in the future, to connect existing roads;
- (c) alternative uses of the land, including its current or potential value for amenity or conservation functions, e.g. walkway, utilities corridor, esplanade strip or access way to features such as a river or the coast;
- (d) whether there is alternative and practical existing public access to the same end point of the unformed legal road; and
- (e) whether acceptable alternative access can be provided to offset the stopping of the unformed legal road.
- (f) Whether there is public access to the other end of the unformed legal road
- (g) the existing land use and the degree of disruption provided to legitimate activities occurring on the land surrounding the paper road.

Subject matter and provision in the Plan:

Objective 9.2 – Identification of circumstances when public access to and along the coast and the margins of lakes and rivers can be restricted.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers supports the recognition that there may be circumstances when public access to the coast and the margins of lakes and rivers will need to be restricted.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 9.2.1 – Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to:

- (a) ensure a level of security consistent with the purpose of a resource consent or designation;
- (b) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- (c) protect cultural values of Marlborough's tangata whenua iwi;
- (d) allow for foot access only;
- (e) protect public health and safety and animal welfare and to manage fire risk;
- (f) protect heritage, natural or cultural values; and
- (g) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports recognition that public access to the coastal marine area, and the margins of lakes and rivers will not be appropriate on all occasions.

Federated Farmers supports the recognition of public health and safety, and animal welfare and to manage fire risk. Indeed often access is near to farms and during certain times of the year seasonal activities will be happening on farm that may not be appropriate for the public to have access, for example during lambing or calving.

Federated Farmers considers that this policy should also recognise the need to limit public access where this may result in trespass over private, impede landowner access or cause adverse effects on neighbouring land use.

Relief Sought:

- That the policy is amended to read:

Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to:

- (a) ensure a level of security consistent with the purpose of a resource consent or designation;*
- (b) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;*
- (c) protect cultural values of Marlborough's tangata whenua iwi;*
- (d) allow for foot access only;*
- (e) protect public health and safety and animal welfare and to manage fire risk;*
- (f) protect heritage, natural or cultural values; and*
- (g) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access; and*
- (h) Ensure this does not result in trespass over private land, impede landowner access or cause adverse effects on neighbouring land uses.*

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for a New policy as below

Summary of reasons for this submission:

Federated Farmers strongly supports the ability to waive the requirements for esplanade areas. Flexibility as to when the Council requires esplanade areas is important because although well-intentioned, Council may not have the financial resources to keep up with compensation or management. The inclusion of a new policy would allow Council to be more flexible in their approach.

Esplanade strips or reserves may not always be appropriate in all circumstances, including when protection of the riparian area is more appropriately achieved by an alternate protection mechanism such as a Land Transfer Act or QEII covenant, the subdivision involves only a minor boundary adjustment, or public safety and security reasons means that public access is not always desirable.

Protection mechanisms other than perpetual protection can also be appropriate. Covenants under the Land Transfer Act 1951 can be registered to maintain or enhance natural functioning of the adjacent waterbody. Allowing for these types of mechanisms to be available will provide the Council and resource users with more options and flexibility so case-by-case solutions can be used.

Relief Sought:

- That a new policy is included in the Plan which reads:

Provide for, where it is appropriate, the waiving of requirements for esplanade areas including esplanade reserves and esplanade strips.

Subject matter and provision in the Plan:

Policy 9.3.5 – Ensure the community is adequately informed about areas of open space, reserves and recreational facilities and the opportunities available to access them.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges the role of Council in ensuring the community is appropriately informed about areas of open space, reserves and recreational activities. However, the policy should be amended to note that the community should be appropriately informed rather than adequately informed, recognising that access often requires going through private land and therefore not be assumed as a right. Through Council's sharing of information, the public need to be aware of landowner rights and the need to confirm with landowners before public access can occur.

Relief Sought:

- That the policy is amended to read:

Ensure the community is ~~adequately~~ appropriately informed about areas of open space, reserves and recreational facilities and the opportunities available to access them.

Subject matter and provision in the Plan:

Policy 9.3.8 – Provide for the creation of allotments to enable protection of outstanding natural features including bush, riparian lands, wetlands, headlands, heritage features and ridges, which collectively contribute to open space values.

Federated Farmers supports the policy

Summary of reasons for this submission:

Federated Farmers supports the recognition that the creation of smaller allotments can have a positive contribution on the protection of indigenous biodiversity and outstanding natural landscapes. Indeed we recognise the value that at times smaller landowners can provide to caring for these areas. Subdivision should not be viewed as always having a negative impact on the protection of these features.

Relief Sought:

- That the policy is retained as notified.

CHAPTER 10: HERITAGE RESOURCES AND NOTABLE TREES

Subject matter and provision in the Plan:

Objective 10.1 – Retain and protect heritage resources that contribute to the character of Marlborough.

Federated Farmers opposes this objective

Summary of reasons for this submission:

Federated Farmers considers that objectives and policies about heritage need to be consistent with the enabling provisions of Section 6(f) of the RMA. Section 6(f) states that the protection of historic heritage from inappropriate subdivision, use, and development needs to be considered as a matter of national importance. Federated Farmers submits that this policy should focus only on *inappropriate* land use, development and subdivision as a risk to heritage.

When developing policy around heritage, the impacts on resource users must be addressed. Resource users do value heritage resources and Council's mechanisms to protect them should include encouragement for resource users. If the effects on landowners are ignored it could be perceived that recognised heritage resources are a hindrance and a liability, resulting in negative consequences all around.

Relief Sought:

- That Objective 10.1 is rewritten to read:

To recognise and where appropriate, protect archaeological, historic and cultural sites, buildings, places of historic and cultural heritage of the district from inappropriate subdivision, use and development.

Subject matter and provision in the Plan:

Policy 10.1.1 – Manage Marlborough's heritage resources in association with Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association, Marlborough's tangata whenua iwi, other heritage organisations and the local community.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition that this policy provides to the management of heritage resources being a joint collaborative effort between various agencies, stakeholders and the community. Landowners should be included.

Relief Sought:

- That Policy 10.1.1 is amended to read:

Manage Marlborough's heritage resources in association with Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association, Marlborough's tangata whenua iwi, other heritage organisations, landowners and the local community.

Subject matter and provision in the Plan:

Policy 10.1.2 – Support community initiatives to retain and enhance heritage resources.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of non-regulatory methods as a means of maintaining heritage resources.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for new policy below

Summary of reasons for this submission:

Federated Farmers submits that a new policy is added to Chapter 10 of the Plan which seeks to increase public recognition of the effort that both public and private landowners assume over heritage that is located on private property. Many landowners voluntarily use their own time and resources to care for heritage items on their land, for the benefit of the public.

Relief Sought:

- That a new policy is added which reads:

Recognise and encourage the role of public and private landowners in the ongoing management and protection of Heritage resources.

Subject matter and provision in the Plan:

Policy 10.1.3 – Identify and provide appropriate protection to Marlborough’s heritage resources, including:

- historic buildings (or parts of buildings), places and sites;*
- heritage trees;*
- places of significance to Marlborough’s tangata whenua iwi;*
- archaeological sites; and*
- monuments and plaques.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers notes Council’s intention to identify heritage resources. However, we consider as proposed the policy is too all encompassing and could capture such items as old farm buildings, fences and non-significant trees. We consider the focus should only be on Marlborough’s significant heritage resources.

Federated Farmers supports this approach as it clearly identifies where the provisions relating to heritage resources apply, providing certainty for land owners. Identifying and

mapping registered and recorded heritage sites will provide resource users with more certainty and confidence when dealing with heritage. Resource users may make a conscious decision to avoid development or disturbance where sites are known to be located.

Federated Farmers considers that this policy should specify where those resources are to be identified, including within the planning maps, and in the schedule of heritage resources. Accordingly the policies and rules should only apply to those resources which are identified within the schedule.

Waahi Tapu sites are a heritage resource and should undergo the same process of identification and scheduling as other heritage resources.

Relief Sought:

- That Policy 10.1.3 is amended as per below and also should specify that *significant* heritage resources are listed in Appendix 3 of the proposed Plan and shown on maps.

Policy 10.1.3 – Identify and provide appropriate protection to Marlborough’s significant heritage resources, including:

- (a) historic buildings (or parts of buildings), places and sites;*
- (b) heritage trees;*
- (c) places of significance to Marlborough’s tangata whenua iwi;*
- (d) archaeological sites; and*
- (e) monuments and plaques.*

Subject matter and provision in the Plan:

Policy 10.1.4 – Increase the community’s awareness of historic heritage values by identifying heritage resources, including historic buildings, places, sites, monuments and plaques that meet the following criteria for significance in the Marlborough Environment Plan:

- (a) have value as a local landmark, over a significant length of time;*
- (b) have historic association with a person or event of note, or has strong public association for any reason;*
- (c) reflect past skills, style, materials, methods of construction or workmanship that would make it of educational or architectural value;*
- (d) is unique or rare in relation to particular historical themes, or is a work of art;*
- (e) is important to Marlborough’s tangata whenua iwi; and*
- (f) forms part of a precinct or area of heritage value.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that increasing awareness is a good goal, however one group of the community has been left out of this process: landowners have currently been informed poorly by the Council.

Federated Farmers understands this policy sets out the criteria for inclusion of heritage resources in the Plan, but we have serious concerns about individual sites being notified without consultation with affected landowners. Council must undertake individual consultation with landowners on any known site prior to their inclusion in a Plan.

Furthermore, Federated Farmers considers that these landowners must be given all relevant information pertaining to the site, the sites must be inspected and discussed with the landowner and it must be made clear to the landowner that if they agree to the inclusion of the site in the plan, exactly what it will mean to them. This approach will be fundamental to the success or otherwise of the long term management of each site. This level of engagement with affected landowners is more than just pre plan consultation; it is recognition of their critical role in managing the sites into the future and acknowledgement that the presence of the sites and any associated protection of them has the potential to impact on the efficient operation of their properties.

Federated Farmers recognises the gravity of undertaking such an exercise; however we note that a large proportion of the sites are located on public land managed by the crown. Given it is less likely that development will occur on these sites, Council could prioritise such an exercise with a focus on discussions with private land owners.

Federated Farmers considers it would be appropriate to acknowledge the need for landowner input in the identification of heritage resources in the policy and explanatory text. Landowner input will be to the benefit of the Council.

Relief Sought:

- That Council undertake appropriate consultation with all private land owners to ensure accuracy of information prior to inclusion into the Plan and to recognise the private property rights of landowners.

Subject matter and provision in the Plan:

Policy 10.1.5 – Avoid adverse effects on the historic heritage values of Category I heritage resources.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers considers that in some cases avoidance of adverse effects is not always possible. Policy 10.1.5 seeking total avoidance of adverse effects is inconsistent with Policy 10.1.6 which allows for adverse effects to be avoided, remedied or mitigated, and permitted activities in Section 2.24.

Federated Farmers submits that total avoidance of adverse effects is inconsistent with the RMA and there will be circumstances where it will be unachievable or impractical. When achieving sustainable management, adverse effects can be *avoided, remedied, or mitigated*. Therefore, it would be appropriate to include recognition of the circumstances when avoiding adverse effects may not be practical, such as when their condition poses a risk to human life and reasonable alternative options are found to be impracticable or uneconomic. Section 2.24 anticipates and accepts some level of effects on heritage by providing for some activities to occur as permitted.

We submit that Policies 10.1.5 and 10.1.6 are combined and that both provide for conserving the values of heritage resources as required under the Heritage New Zealand Pouhere Taonga Act 2014, while achieving sustainable management under the RMA by having permitted activity standards and managing adverse effects.

Relief Sought:

- That the policy is amended to read:

Conserve the values of scheduled heritage resources via permitted activity standards. Where resource consent is required for proposed modifications are proposed to

Category I heritage resources and other heritage resources, the adverse effects of the modifications on the values of the resources should be avoided, remedied or mitigated while achieving sustainable management.

Subject matter and provision in the Plan:

Policy 10.1.6 – Where modifications are proposed to Category I heritage resources and other heritage resources, the adverse effects of the modifications on the values of the resources should be avoided, remedied or mitigated.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports this policy, for it recognises the need to maintain the values of the resources through avoiding, remedying or mitigating adverse effects. The reference to other heritage resources is somewhat vague and it is not clear what this means. Heritage resources are mapped and scheduled in the Plan and therefore the policy should specify that it only applies to heritage resources scheduled in the Plan.

We submit that Policies 10.1.5 and 10.1.6 are combined and that both provide for conserving the values of heritage resources as required under the Heritage New Zealand Pouhere Taonga Act 2014, while achieving sustainable management under the RMA by having permitted activity standards and managing adverse effects.

Relief Sought:

- That Policy 10.1.6 is combined with Policy 10.1.5 to read:

Conserve the values of scheduled heritage resources via permitted activity standards. Where resource consent is required for proposed modifications ~~are proposed~~ to Category I heritage resources and other heritage resources, the adverse effects of the modifications on the values of the resources should be avoided, remedied or mitigated while achieving sustainable management.

Subject matter and provision in the Plan:

Policy 10.1.7 – When assessing resource consent applications in relation to heritage resources, have regard to:

- (a) the contribution the heritage resource makes to the local or national identity and sense of place;*
- (b) the effect demolition, removal, alteration or additions will have on the heritage values of the heritage resource;*
- (c) the extent to which the adaptive reuse of a heritage resource enables reasonable and economic use of that resource;*
- (d) the extent to which the work is necessary to enable the continued use of the heritage resource;*
- (e) the extent to which the work is necessary to ensure structural stability, accessibility, fire egress, sufficient earthquake strengthening, and the extent of the impact of the work on the heritage values of the heritage resource;*
- (f) any cumulative effects, especially where the resource is part of a group of similar resources;*

- (g) *efforts by the applicant to retain important features of the heritage resource;*
- (h) *the extent to which any alteration or addition is in keeping with the original design and materials, or otherwise enhances the heritage value of the resource;*
- (i) *the need for ongoing recognition of the significance of sites currently identified by monuments or plaques;*
- (j) *options for retaining a heritage resource when its demolition is proposed; and*
- (k) *for heritage resources on the New Zealand Heritage List/Rārangi Kōrero, the*
- (l) *views of Heritage New Zealand.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports sub-policies (c), (d) and (e) which anticipate changes to the heritage resource to allow it to remain safe, relevant, and useful in today's world.

We submit that another consideration that must be had regard to is added, of the need for the positive effects to the economic, social, and cultural wellbeing of people and communities arising from the proposal. This will allow for a balance of positive and negative aspects to be assessed and taken into account.

We submit that scheduled Waahi Tapu sites can be included in Policy 10.1.7 and that Policy 10.1.8 is deleted.

Relief Sought:

- That the policy is amended to reads:

When assessing resource consent applications in relation to heritage resources, have regard to:

- (a) *the contribution the heritage resource makes to the local or national identity and sense of place;*
- (b) *the effect demolition, removal, alteration or additions will have on the heritage values of the heritage resource;*
- (c) *the extent to which the adaptive reuse of a heritage resource enables reasonable and economic use of that resource;*
- (d) *the extent to which the work is necessary to enable the continued use of the heritage resource;*
- (e) *the extent to which the work is necessary to ensure structural stability, accessibility, fire egress, sufficient earthquake strengthening, and the extent of the impact of the work on the heritage values of the heritage resource;*
- (f) *any cumulative effects, especially where the resource is part of a group of similar resources;*
- (g) *efforts by the applicant to retain important features of the heritage resource;*
- (h) *the extent to which any alteration or addition is in keeping with the original design and materials, or otherwise enhances the heritage value of the resource;*
- (i) *the need for ongoing recognition of the significance of sites currently identified by monuments or plaques;*

- (j) options for retaining a heritage resource when its demolition is proposed; and
- (k) for heritage resources on the New Zealand Heritage List/Rārangī Kōrero, the
- (l) views of Heritage New Zealand.
- (m) The positive effects on economic, social and cultural wellbeing arising from the proposal.

Subject matter and provision in the Plan:

Policy 10.1.8 – When assessing resource consent applications to destroy or modify a registered waahi tapu site or area, or to undertake activities in a place of significance to Marlborough’s tangata whenua iwi, have regard to:

- (n) *the effect of demolition, removal, alteration or additions on the heritage values of the heritage resource;*
- (o) *the position of the relevant iwi;*
- (p) *the views of Heritage New Zealand;*
- (q) *the effects of the destruction or alteration on the heritage resource or the effects of the proposed activity on the spiritual and cultural values of iwi;*
- (r) *any cumulative effects, especially where the resource or place is part of a group of similar resources or places;*
- (s) *efforts by the applicant to retain important features of the heritage resource, or spiritual and cultural values of iwi; and*
- (t) *whether the activity can be undertaken at an alternative location on the same property or on another property owned by the applicant, where the adverse effects on the heritage resource or place can be avoided.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers is concerned that this policy is ambiguous. Relying on the views of third parties when assessing a resource consent is uncertain. We are uncertain why waahi tapu sites need a separate policy, when they could be combined with other scheduled heritage resources under Policy 10.1.7.

We are unsure what features or sites it is referring to. The explanation for waahi tapu sites makes clear that for this policy to apply the site must be registered and scheduled. It should be clear that the site is detailed in the schedule attached to the Plan. However, the policy also states *to undertake activities in a place of significance to Marlborough’s tangata whenua iwi*. This is vague and does not provide any certainty for a landowner. How are they to know that a site is of significance? The sites are not scheduled in the Plan. Federated Farmers submits that any policies or rules should only apply to sites scheduled in the Plan, and not any site of significance.

There is no assessment of costs on landowners in the Section 32 analysis. In order to address the areas the policy asks regard to be given to, a cultural assessment would likely be required should a landowner have a known waahi tapu site or area, or wish to undertake activities in a place of significance to tangata whenua iwi. It appears that landowners would bear this cost. This is a significant cost burden on the landowner.

There are only three waahi tapu sites (called wahi tapu) in Appendix 13, it is unclear why waahi tapu sites need a policy separate from other heritage sites. We oppose Policy 10.1.8

if it is intended to apply to unscheduled sites, it is unreasonable to expect landowners to comply with provisions when they do not know where the sites are located. Unless it is a scheduled site, it should not be subject to a policy.

Relief Sought:

- That Policy 10.1.8 is deleted and Waahi Tapu sites undergo the same identification, mapping and management as other heritage resources.

Subject matter and provision in the Plan:

Policy 10.1.9 – Except as set out in Policy 10.1.11, primarily rely on Heritage New Zealand and the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate archaeological sites within Marlborough.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate archaeological sites in Marlborough, and agrees that there is no need for additional protection by the RMA.

Relief Sought:

- That Policy 10.1.9 is retained as notified.

Subject matter and provision in the Plan:

Policy 10.1.10 – Liaise with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi to develop and implement an appropriate discovery protocol for archaeological sites.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the intention to develop and provide to the community a set of protocols landowners should follow when discovering an archaeological site. At present the Plan does little to provide any process or impart knowledge to landowners whom may find these sites in the course of conducting their usual and lawful activities.

Accidental discovery of unrecorded heritage or cultural sites can be worrying for resource users. Unknown costs of having to get an archaeologist, heritage, or cultural expert in to assess the site, unknown cost and time delay of having to obtain a resource consent in order to complete the works started before the discovery, and unknown outcome of a resource consent application can all contribute to a view that heritage or cultural sites are a liability and a burden on the discoverer. In our experience developing discovery protocols which give landowners some confidence and control of the process can also help.

Federated Farmers submits that there is a wide range of mechanisms available to help protect heritage from the effects of land disturbance activities. Council should use this plan review to assess which methods work best. In our experience one option that can be provided as a management tool that should be included is a cost-sharing between the regulatory body and individual resource users. Councils could offer to waive a resource consent fee in the event of accidental discovery of a heritage site during works, and a cost-share arrangement for an archaeological or cultural impact assessment. Including this as an option will remind landowners that council understands their concerns and may prevent negative consequences that can sometimes occur.

Relief Sought:

- That Policy 10.1.10 is amended to read:

Liaise with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi to develop and implement an appropriate discovery protocol for archaeological sites. Council will meet the cost for an archaeological or cultural impact assessment for unrecorded heritage sites that are accidentally discovered.

Subject matter and provision in the Plan:

Policy 10.1.11 – Control land disturbance activities in places of significance to Marlborough's tangata whenua iwi.

Federated Farmers opposes this policy**Summary of reasons for this submission:**

Federated Farmers notes this policy will be difficult to implement. The explanatory text acknowledges that not all sites will be known and or recorded, and significance cannot necessarily be attributed to a discrete site. As a result, this policy will be extremely difficult for resource users to adhere to. This standard may in fact contribute to the view that archaeological sites are a liability. A landowner will not know when or where a site of significance is, and thus where land disturbance activities need to be managed, and therefore may genuinely accidentally find themselves working on a site of significance to iwi.

Federated Farmers considers that accidental discoveries are a prime opportunity for the Council to engage in a positive way with resource users, and change perceptions about archaeological sites. A waiver of the fee for a resource consent application and a cost-share arrangement for the archaeological or cultural impact assessment will go a long way to reassure resource users that the Council is not only a regulator, but also a partner.

Relief Sought:

- That Policy 10.1.11 is deleted.

Subject matter and provision in the Plan:

Objective 10.2 – Retain and protect trees that make a notable contribution to Marlborough's character.

Federated Farmers opposes in part this objective**Summary of reasons for this submission:**

Federated Farmers consider that objectives and policies about notable trees need to be consistent with the enabling provisions of Section 6(f) of the RMA. Section 6(f) states that the protection of historic heritage from inappropriate subdivision, use, and development needs to be considered as a matter of national importance. Federated Farmers submits that this policy focus only on inappropriate land use, development and subdivision as a risk to heritage.

When developing policy around heritage, the impacts on resource users must be addressed. Resource users do value heritage resources and Council's mechanisms to protect them should include encouragement for resource users. If the effects on landowners are ignored it could be perceived that recognised heritage resources are a hindrance and a liability,

resulting in negative consequences all around. Heritage trees may need to be pruned or felled if they pose a threat to the safety of people and property.

Relief Sought:

- That Objective 10.2 is deleted and replaced with:

To recognise and where appropriate, protect notable trees from inappropriate subdivision, use and development.

CHAPTER 11: NATURAL HAZARDS

Subject matter and provision in the Plan:

Objective 11.1 – Reduce the risks to life, property and regionally significant infrastructure from natural hazards.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers considers the primary concerns for the region in relation to natural hazards are human related. We consider the wording of the objective and subsequent policies reflect the focus is on protecting human wellbeing, ensuring that infrastructure, development and utilities are appropriately sited so as to minimise risk to human wellbeing, and that structures and earthworks are sited so as not to exacerbate the potential impacts of natural hazards.

We consider this is an appropriate approach. We would not support a more onerous regulatory approach which unnecessarily captured uninhabited structures in the rural area as this would not be justified on the basis of the risk posed to human wellbeing.

Relief Sought:

- That the objective is amended to read:

Reduce the risks to life, ~~property~~ habitable buildings and regionally significant infrastructure from natural hazards.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for a new policy as below

Summary of reasons for this submission:

Federated Farmers notes an absence in the Natural Hazards chapter of a policy which seeks to establish, at Regional Policy Statement level, the risk and subsequent approach to policy frameworks for the reduction of natural hazards. Federated Farmers considers that thought should be given to the consequences of natural hazard events, along with the costs of mitigating these events, prior to management frameworks being established.

Federated Farmers considers that it would be appropriate for a policy which looks to assess the consequences of natural hazards on Marlborough's human communities including by considering a number of factors, outlined in the relief sought below. Federated Farmers is keen to avoid an unnecessarily onerous burden for non-inhabited farm structures. The Plan should enable a balanced look at assessing the risks, and where the costs of addressing

remote/minimal risk is unacceptably high for non-inhabited buildings/activities, this lower level of risk should be reflected in local regulation.

Relief Sought:

- That the policy is included in the Plan which reads:

Assess the consequences of natural hazard events on Marlborough's human communities, including by considering:

a) The nature of activities in the area;

b) Individual and community vulnerability;

c) Impact on individual and community health and safety;

d) Impact on social, cultural and economic wellbeing;

e) Impact on infrastructure and property, including access and services;

f) Risk reduction and hazard mitigation measures;

g) Lifeline utilities, essential and emergency services, and their co-dependence;

h) Implications for civil defence agencies and emergency services;

i) Cumulative effects;

j) Factors that may exacerbate a hazard event;

k) The costs (including to landowners) of mitigating the hazard

Subject matter and provision in the Plan:

Policy 11.1.1 – Establish the extent of land subject to flooding, liquefaction and tunnel gully erosion and identify this land within the Marlborough Environment Plan as a hazard overlay.

Federated Farmers supports the policy

Summary of reasons for this submission:

Federated Farmers supports the initiative to identify and map areas so that resource users can understand land in the district that is subject to natural hazards. Indeed this can be useful knowledge that can inform land use and development in these areas.

However where this is not mapped accurately this can have significant implications and impose unnecessary restrictions. Federated Farmers submits that effort needs to be made to ensure that these are accurate through verification and discussions with landowners whom are affected by the overlays. Landowners have lived with the consequences of natural hazards and generally have a good understanding of the issues that affect their properties. We note that Flood Hazard Areas are mapped as an overlay, and a Floodway Zone has also been identified in the maps. However there does not appear to be a liquefaction zone/overlay, nor a tunnel gully erosion zone/overlay. We oppose provisions that will apply to an as-yet unidentified area. Landowners and the Council will have no certainty as to what land could be subject to liquefaction and tunnel gully erosion provisions and make decisions accordingly.

Relief Sought:

- That the policy is retained as notified.

- That landowners whom have overlays on their properties are engaged in the mapping process and their feedback taken into consideration through the Plan consultation process.
- That all provisions for liquefaction and tunnel gully erosion are deleted from the Plan until comprehensive identification and mapping has occurred in consultation with landowners.

Subject matter and provision in the Plan:

Policy 11.1.3 – To actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports Council's role in protecting the primary production land on the Lower Wairau Plain from flood hazards through maintenance of flood defences and ongoing flood mitigation works.

However this must not be at the cost of individual landowners. Flood infrastructure or works occurring on private land will need to go through a Public Works Act process. If a flood diversion channel or detention area is located over a farm then Section 60 of the Public Works Act 1981 allows for basic entitlement to compensation when a property suffers damage from the exercise of public works.

Relief Sought:

- That the policy is retained as amended to read:

To actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit and adverse effects from public works on privately owned land are avoided, remedied or mitigated.

Subject matter and provision in the Plan:

Policy 11.1.6 – Recognise and provide for gravel extraction as a means of mitigating the adverse effects of gravel deposition in river beds.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers strongly supports this policy and recognises gravel extraction is a critical activity and way to mitigate flood events. Gravel build up over time can lead to flooding hazards. Gravel extraction also provides a significant resource for road developments and industry. However we note that gravel extraction rules only apply to the Council, and do not allow landowners to undertake similar flood mitigation works and this should be provided for.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 11.1.7 – Mitigate the adverse effects of gravel extraction on ecological and recreational values, water clarity and bank stability by:

- (a) avoiding, where practicable, extraction from the wet bed of any river;*
- (b) placing limits on:*
 - (i) the timing of operations (especially to avoid bird nesting);*
 - (ii) the method of extraction;*
 - (iii) the location of the extraction and access to the location;*
 - (iv) the amount of gravel that can be extracted; and*
 - (v) the length of time over which the extraction can occur.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers understands that there is need to manage the adverse effects of gravel extraction on ecological and recreational values. This policy refers to a number of parameters which will be addressed through the consenting process, including avoiding bird nesting. Federated Farmers recognises that there are endangered species that nest in the river bed that may need protecting at certain times of the year, but this should not apply to all bird nesting. This policy requires refinement to ensure that the objectives of the Chapter are met.

In addition, it is important that the cultural, social and economic value of gravel extraction is balanced with the need to manage ecological and recreational values. This can be done by ensuring that Appendix 5 recognises values that water resources bring to the community.

Relief Sought:

- That the policy is amended to better refine the parameters around activities such as endangered bird nesting:

Mitigate the adverse effects of gravel extraction on ecological and recreational values, water clarity and bank stability by:

- (a) avoiding, where practicable, extraction from the wet bed of any river;*
- (b) placing limits on:*
 - (i) the timing of operations (where necessary to avoid ~~bird~~-nesting of endangered riverbed nesting birds);*
 - (ii) the method of extraction;*
 - (iii) the location of the extraction and access to the location;*
 - (iv) the amount of gravel that can be extracted; and*
 - (v) the length of time over which the extraction can occur.*

- That gravel extraction is recognised as a legitimate value for water resource units in Appendix 5.

Subject matter and provision in the Plan:

Policy 11.1.8 – Unless provided for by Policy 11.1.10(a), avoid locating houses and other habitable structures, including associated on-site wastewater management systems, where they could be inundated or otherwise damaged by flood events.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the focus of this policy on habitable structures. It is important that the regulatory response to these potential hazards is appropriate to the risk of the hazard to human communities. It is important to recognise the resilience of farming activities to natural hazards with simple farm structures (hay sheds, storage bins) exempt from natural hazards rules. Farming structures have a different risk profile to habitable dwellings, and the concept of risk tolerance will apply for farm structures and buildings.

Federated Farmers submits that on-site waste water systems only apply to domestic wastewater systems and not agricultural waste.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 11.1.10 – Control the erection and placement of houses and other habitable structures within areas subject to a flood hazard overlay, and reduce the risks to life and property by:

- (a) establishing minimum floor levels for houses and other habitable structures subject to a Level 1 flood risk, set at least 450 mm above the natural ground level as measured at any point of the building footprint. The building footprint includes any associated on-site wastewater management system;*
- (b) requiring houses and other habitable structures subject to a Level 2 flood risk to be subject to evaluation of the flooding hazard and effective mitigation actions; and*
- (c) avoiding houses and other habitable structures in locations where they will be subject to a Level 3 flood risk.*

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports the focus of this policy on habitable structures. We support the prioritised approach taken to flood hazard management. It is important that the regulatory response to these potential hazards is appropriate to the risk of the hazard to human communities. It is important to recognise the resilience of farming activities to natural hazards with simple farm structures (hay sheds, storage bins) exempt from natural hazards rules. Farming structures have a different risk profile to habitable dwellings, and the concept of risk tolerance will apply for farm structures and buildings.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 11.1.13 – Recognise that the risk to life and property during flood events is greater in rural environments.

Federated Farmers opposes this policy**Summary of reasons for this submission:**

Federated Farmers disagrees that flood risk is increased in rural areas simply because Civil Defence is not nearby. Flood risk is highest where flood water crosses roads, because this is where people will attempt to cross the road either by driving into flood water or entering on foot. This occurs irrespective of zoning.

Federated Farmers acknowledges that rural environments are faced with challenges of distance and isolation. In times of adverse events, this can make response from a central point difficult however it is often in these times that rural communities are at their strongest, as they pull together to get through the challenges.

We disagree that the slow response time from Council and Civil Defence is a reason to restrict the zoning of land for redevelopment in rural environments. There may be other reasons for restrictions (as discussed in the Rural Environment Chapter) however it should not be on this basis. It is not clear what this policy is trying to achieve, and therefore we consider that this policy should be deleted.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in Plan:

Policy 11.1.19- Control the erection and placement of structures within areas prone to tunnel gully erosion.

Federated Farmers opposes this policy**Summary of reasons for this submission**

As tunnel gully erosion areas are not identified nor mapped it is difficult for Federated Farmers to determine if this policy will impact farming and be of interest to us. We oppose provisions that will apply to an as-yet unidentified area. Landowners and the Council will have no certainty as to what land could be subject to tunnel gully erosion provisions and make decisions accordingly.

Policy 11.1.9 is unnecessary because there does not appear to be any rules for tunnel gully erosion in the Rural Zone chapter.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 11.1.21 – Locate new structures and works to:

- (a) avoid them being damaged from the adverse effects of land instability; and*

- (b) *avoid any increase in the adverse effects of slope instability that the structure or work may cause.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy needs to distinguish between structures and habitable structures, as provided for in earlier policies 11.1.8 and 11.1.10 on flood hazards. Structures, buildings ancillary to farming and regular farming activities do not have the same risk profile or impact on human life and do not require the same degree of protection from natural hazards.

Relief Sought:

- That the policy is amended to read:

Locate new habitable structures ~~and works~~ to:

- (a) *avoid them being damaged from the adverse effects of land instability; and*
(b) *avoid any increase in the adverse effects of slope instability that the structure or work may cause.*

Subject matter and provision in the Plan:

Policy 11.1.22 – Require a buffer between dwellings, ancillary structures and land used for commercial forestry.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers is unsure why such a policy and it's associated Rule 3.2.1.7 are needed in the District Plan at all. Has there been a wide-spread issue experienced regarding fires in commercial forestry destroying homes that needs regulation to manage?

What's more, if the Council was concerned about reducing fire risk then other regulations which impede actions should be deleted, such as Rules 3.1.20. and 3.3.20 *Land disturbance to create and maintain a fire break*; Rule 3.1.35 and 3.3.35 *Discharge of contaminants to air arising from the burning of materials while training people to put out fires*. Rules 3.1.11. and 3.3.11 *Indigenous vegetation clearance* and Rules 3.1.12 and 3.3.12 *Non-indigenous vegetation clearance* will also impede the ability for people and communities to cut firebreaks both as a preventative measure and during emergencies.

Although fire is included as a natural hazard in Section 2 *Interpretation* of the RMA and territorial authorities are tasked with the avoidance or mitigation of natural hazards in Section n30 of the RMA, this does not mean that regulation is required. Other methods may be used such as education. The Council does not seek to manage natural hazards like drought by regulation either, so provisions for fire should be removed from the proposed Plan.

The Council, in its role as the Rural Fire Authority, already has measures in place through its Fire Plan to assess fire hazard, and is routinely audited against national standards by the National Rural Fire Authority. Fire is not an RMA matter and does not need to be regulated by a district plan. Federated Farmers suggests education and collaboration with the National Rural Fire Authority (and the merged entity *Fire and Emergency New Zealand* authority once it is formed) be explored as a better option.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Objective 11.2 – Natural hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.

Federated Farmers supports in part this objective**Summary of reasons for this submission:**

Federated Farmers agrees that it is important to manage natural hazard risk. However it is important the regulatory response to these hazards is appropriate to the risk of the hazard to human communities. A natural hazard event that occurs and does not impact on people or property should not be a concern.

Relief Sought:

- That the objective is amended to read:

Natural hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events for human communities.

Subject matter and provision in the Plan:

Policy 11.2.1 – Designate Marlborough District Council administered floodways.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Floodways may occur over private land and so the Public Works Act will apply. Section 60 of the Public Works Act 1981 allows for basic entitlement to compensation when a property suffers damage from the exercise of public works.

We expect that any designation process to obtain an interest over private land will follow the full consultation process with affected landowners and adverse effects on private property will be avoided, remedied or mitigated.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 11.2.2 – Control land uses on or in close proximity to existing Marlborough District Council administered flood defences and within floodways to ensure that they do not compromise the effectiveness of any defence or the efficiency of any floodway.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers submits that only inappropriate land uses on flood defences or floodways should be controlled. Farming land uses such as livestock grazing, horticulture or cropping will be appropriate near these sites and already occurring near stop banks,

diversion channels and detention areas, likely taking advantage of flat fertile land. Farming will not need to be controlled as a land use that could negatively impact on flood defences and floodways like industrial, commercial or residential development.

Farming is proposed to be permitted in the Floodway Zone under Rule 21.1.17, so Policy 11.2.2 needs to be consistent.

We could not find any rules for land uses around Flood Defences, and wonder if Flood Defences are located within the Floodway Zone and so protected by these provisions. This needs to be clarified and the policy consistent.

Relief Sought:

- That Policy 11.2.2 is amended to read:

Control residential, commercial and industrial land uses on or in close proximity to existing Marlborough District Council administered flood defences and within floodways to ensure that they do not compromise the effectiveness of any defence or the efficiency of any floodway.

- That terminology for “flood defences”, “floodways” and the “Floodway Zone” is used consistently and clearly.

Subject matter and provision in the Plan:

Policy 11.2.4 – Where appropriate, require the creation of esplanade reserves and esplanade strips (as part of the subdivision consent process) to enable the mitigation of flooding hazards and to provide access for maintenance purposes. Priority rivers for setting aside esplanade reserves and esplanade strips for this purpose are:

- (a) *rivers on the Wairau River Floodplain; and*
- (b) *rivers flowing through or in the vicinity of residential development in the Marlborough Sounds.*

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that esplanade reserves already have a huge number of policies in Chapter 9, this policy is better deleted from the Natural Hazards Chapter and dealt with in Chapter 9 instead to reduce complexity and unnecessary duplication.

Relief Sought:

- That Policy 11.2.4 is deleted.

CHAPTER 12: URBAN ENVIRONMENTS

Subject matter and provision in the Plan:

Introduction to Chapter 12

Federated Farmers supports the introduction

Summary of reasons for this submission:

Federated Farmers supports the introductory text provided to Chapter 12: Urban Environments, on the fact it acknowledges the importance of the rural areas to the urban areas, and the interrelationship between the two. For example, the introduction notes that:

The prosperity of Marlborough's towns has always depended upon the value of production from their rural and marine hinterland. Diversification in new technologies and creative industries is expected to contribute positively to the economy in the future, with Marlborough's hinterland expected to continue supporting a robust economy.

We support this recognition of the importance of the rural hinterland to Marlborough's economy.

Relief Sought:

- That the introduction is retained as notified.

Subject matter and provision in the Plan:

Issue 12A – Meeting the residential needs of Marlborough's urban population whilst ensuring residential activity does not have adverse effects on the environment.

Federated Farmers supports in part this issue

Summary of reasons for this submission:

Federated Farmers seeks assurance that meeting the needs of Marlborough's urban population will not have adverse effects on the continued operation of legitimate primary production activities. In identification of this issue we seek that reverse sensitivity is also identified as a potential issue to address, where residential activity expands into or abuts the rural areas of the District.

Relief Sought:

- That the issue is amended to identify reverse sensitivity as a potential issue to address, where residential activity expands into or abuts the rural areas of the District.

Subject matter and provision in the Plan:

Policy 12.1.4 – In addition to the characteristics listed in Policy 12.1.3, the following additional characteristics are to be maintained and apply to:

(a) *the Urban Residential 2 Greenfields Zone, where:*

- (i) *there is a stronger connection with the Rural Environment Zone; and*
- (ii) *farming is enabled prior to residential development;*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports this policy because it appropriately enables farming to continue as a legitimate activity prior to residential development taking place in the zone. We seek that an additional clause is added to the policy to address the potential for reverse sensitivity in the Zone.

Relief Sought:

- That the policy is amended to read:

In addition to the characteristics listed in Policy 12.1.3, the following additional characteristics are to be maintained and apply to:

- (b) *the Urban Residential 2 Greenfields Zone, where:*
- (i) *there is a stronger connection with the Rural Environment Zone; and*
 - (ii) *farming is enabled prior to residential development;*
 - (iii) *the potential for reverse sensitivity is addressed*

Subject matter and provision in the Plan:

Policy 12.2.4 – In relation to five areas zoned as Urban Residential 2 Greenfields Zone to the north and west of Blenheim, the following matters apply for subdivision and land use activities:

- (a) *farming activities are permitted to continue until residential development of the land occurs;*
- (b) *subdivision yield should aim for between 10 and 12 dwellings per hectare. A greater yield will be encouraged where it is shown that this will result in quality urban design outcomes;*
- (c) *allotment sizes greater than 800m² are discouraged, other than at the boundary of the Urban Residential 2 Greenfields Zone and any non-residential zone, and then only for the purposes of managing reverse sensitivity effects from activities in adjoining zones;*
- (d) *subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully-established rural and non-residential activities;*

...

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy as it addresses the concerns we have around greenfield development, by providing for farming as a permitted activity prior to development, and considering reverse sensitivity issues. This policy provides for use of the land for farming until the land is required for residential development; we consider this an effective approach to providing for best use of the land until greenfield development is required.

Existing farming activities can only be expected to operate effectively and efficiently if relevant reverse sensitivity provisions are introduced in relation to greenfield development, and we support the acknowledgement this policy provides for this. The explanatory text notes that *In general, existing farming activities are able to continue in the Zone until the area is developed for residential use. An efficient pattern of subdivision for medium density housing is encouraged, although in order to mitigate the effects of reverse sensitivity at the rural/urban interface allowance is made in some circumstances for larger lots of 4,000m².* We support this approach.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Objective 12.3 - Activities that are non-residential in character are appropriately located and of a scale and nature that will not create adverse effects on the character of residential environments.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers submits that this objective is reworded to specifically provide for farming activities in the greenfield development areas. Otherwise, this objective may conflict with the earlier policies in the chapter relating to development. Federated Farmers considers this objective should be re-written to exclude existing farming and related activities.

Relief Sought:

- That the objective is amended to read:

Activities that are non-residential in character, with the exception of existing farming activities, are appropriately located and of a scale and nature that will not create adverse effects on the character of residential environments.

Subject matter and provision in the Plan:

Objective 12.4 – Marlborough has a well-structured and economically and socially successful range of business environments where the vitality, viability and identity of these environments is retained and enhanced.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement of the value of businesses to the economic and social wellbeing of the region. We similarly believe that such objectives should be instilled regarding the value of primary production to the vitality, viability and identity of other areas of the District.

Relief Sought:

- That a new objective is included in the Use of the Rural Environment Chapter that reflects a similar ethos to that embodied in this Objective.

CHAPTER 13: USE OF THE COASTAL ENVIRONMENT

Subject matter and provision in the Plan:

General submission on Chapter 13

Federated opposes the spreading out of coastal policies across the whole Plan

Summary of reasons for this submission:

As discussed within our submissions on other Chapters of the Plan, Federated Farmers submits that all policies relating to the use of the coastal environment and coastal marine area are contained within this Chapter.

Relief Sought:

- That all policies relating to the use of the coastal environment and coastal marine area are contained within this Chapter.

Subject matter and provision in the Plan:*Introduction****Federated Farmers opposes in part the wording within the Introduction*****Summary of reasons for this submission:**

The introductory part of this section fails to acknowledge the full range of activities undertaken within, and the values associated with, the coastal environment. For example, a portion of the landward extent of the coastal environment is held in private ownership and it is utilised for farming activities. Therefore, it is essential that rural activities and their associated and anticipated effects are recognised and provided for within the coastal environment.

Historically, farming activities have modified most of the South Marlborough coast changing it to what we see today. While many people value pastoral landscapes and view them as 'natural', it must be remembered that this is a highly modified environment and requires constant intervention by landowners to keep it this way, including livestock grazing, pasture maintenance and renewal, winter crop rotations, as well as a range of ancillary activities and infrastructure such as fences, farm buildings, lanes, and water reticulation. The potential for working farmland to be captured by the rules designed to give effect to the stated objectives and policies is a major concern for many farmers within the region and in particular those landowners in South Marlborough. The Sounds is also characterised by farming. Given the landward extent of the coastal environment, many farms occupy the Sounds, including dairy farming in the Linkwater area and pastoral farming in the Sounds itself.

It is critical that all coastal landholders are consulted when identifying areas of 'high natural character' as it is these landholders that will be most directly affected by any policies or provisions that result from such an exercise. In our experience, the best outcomes result in Council working collaboratively with landowners, right from the beginning of the process.

Relief Sought:

- Include the following points into Chapter 13:
 - Vast areas of the landward extent of the coastal environment are held in private ownership and the predominant land use is primary production.
 - Like infrastructure, primary production activities within the coastal environment are essential to the community's economic, social and cultural wellbeing.
 - Primary production activities and the associated effects must be recognised and provided for within the coastal environment chapter.
- Where Council embarks on any identification exercise that seeks to identify areas of natural character within the coastal environment landowners must be consulted from the beginning of the process.

Subject matter and provision in the Plan:

Issue 13A - Trying to identify appropriate subdivision, use and development activities in Marlborough's coastal environment while protecting the values of the environment.

Federated Farmers supports in part this issue

Summary of reasons for this submission:

It is important that this Plan manages the coastal environment in a way that meets the values of the community, including farming values. The coastal landscape is a working landscape providing for the economic and social fabric of the Marlborough region.

Relief Sought:

- That the Issue is amended as below:

Issue 13A - Trying to identify appropriate subdivision, use and development activities in Marlborough's coastal environment while protecting the values of the environment, including those relating to existing primary production values.

Subject matter and provision in the Plan:

New objective

Federated Farmers supports the need for a new objective as below

Summary of reasons for this submission:

Federated Farmers considers it is inappropriate and inconsistent with the purpose of the RMA that there are no objectives which recognise the positive benefits of using of the coastal environment to provide for the social, economic, and cultural wellbeing of the community. The only reference is in Objective 13.3, which acknowledges that recreation makes a significant contribution to people's health and wellbeing and to the tourism industry, while avoiding adverse effects on the environment.

Federated Farmers considers that given the depth and breadth of primary production in the coastal environment in Marlborough, it is appropriate to acknowledge this through an objective that recognises and provides for primary production activities, including but not limited to aquaculture, pastoral agriculture and forestry, in the coastal environment. These activities contribute positively to the social and economic wellbeing of communities through their use and development of the coastal environment.

Relief Sought:

- That a new objective is included in the Plan which recognises the contributions to the social, economic, and cultural wellbeing of people and communities from the use and development of the coastal marine area and coastal environment:

Subject matter and provision in the Plan:

Objective 13.1 - Areas of the coastal environment where the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided are clearly identified.

Federated Farmers opposes this objective

Summary of reasons for this submission:

Federated Farmers submits that this policy should focus on significant adverse effects, not all adverse effects, which may include minor, transient or temporary effects.

We are concerned with the use of the term avoided, particularly in light of the King Salmon decision, which we discussed earlier on within our Submission.

We consider that this Objective would best be deleted and the associated policies dealt with under Objective 13.2.

Relief Sought:

- That the Objective is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 13.1.1 – Avoid adverse effects from subdivision, use and development activities on areas identified as having:

- (a) outstanding natural character;*
- (b) outstanding natural features and/or outstanding natural landscapes;*
- (c) significant marine biodiversity value and/or are a significant wetland; or*
- (d) significant historic heritage value.*

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

We consider the focus of this policy should be on avoiding any significant adverse effects on the coastal environment. This would ensure consistency with both Section 5 and section 6(a) of the RMA, section 5 of the RMA and with Policies 13(1)(a) and 15(a) of the NZCPS.

The high natural character, very high natural character, and outstanding natural character overlays occur in the coastal environment, which includes land. All three of these natural character overlays have farms within them, and therefore primary production activities must be considered consistent with natural character values in these areas. We also have multiple members who have farms within outstanding natural landscapes identified within the coastal environment. This is not surprising given the extent of the coastal environment line as mapped within the Plan, which we discuss further on in our submission. As a result, Federated Farmers considers that this policy should adopt a more enabling approach to the management of natural character values and outstanding natural features and landscapes. We recognise that these values can co-exist with farming. Rural activities that are consistent with underlying rural zoning will not pose a risk to natural character values, and should be accommodated in provisions for outstanding natural landscapes.

Federated Farmers recognises that Policy 17 of the NZCPS addresses historic heritage in the coastal environment, however this is dealt with region wide through Chapter 10: Heritage Resources and Notable Trees, and therefore Federated Farmers considers that this policy does not need to repeat and duplicate provisions relating to significant heritage values. It is also unclear what is meant by significant heritage value.

Relief Sought:

- That the policy is amended to read:

Avoid significant adverse effects from subdivision, use and development activities on areas identified as having:

- (a) outstanding natural character;*
- (b) outstanding natural features and/or outstanding natural landscapes;*
- (c) significant marine biodiversity value and/or are a significant wetland.*
- ~~*(d) significant historic heritage value.*~~

as mapped in the Marlborough Environment Plan.

Subject matter and provision in the Plan:

Policy 13.1.2 – Areas identified in Policy 13.1.1 as having significant values will be mapped to provide certainty for resource users, Marlborough’s tangata whenua iwi, the wider community and decision makers.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports the identification of areas with significant values through both the mapping of areas and schedule of values in the Plan. This provides resource users with greater certainty. We consider however that this policy would be best addressed combined with Policy 13.1.1.

Relief Sought:

- That the policy is combined with Policy 13.1.2, as amended in the relief sought on the above policy.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for a new policy as below**Summary of reasons for this submission:**

Federated Farmers considers that there should be a policy in the Plan which states that the use of production land for productive purposes must not be constrained by the identification of areas of production land as being in the coastal environment and / or having significant natural character, features/landscapes, or being of historic heritage.

Federated Farmers considers that given the depth and breadth of primary production in the coastal environment in Marlborough, it is appropriate to acknowledge this through a policy that recognises and provides for primary production activities, including but not limited to aquaculture, pastoral agriculture and forestry, in the coastal environment. These activities contribute positively to the social and economic wellbeing of communities through their use and development of the coastal environment, and the designation of them as areas of significant natural character, features and landscapes should not compromise the ability of the land to continue to be used for primary production purposes.

Relief Sought:

- Include a new policy in the regional policy statement which provides that the use of production land for productive purposes will not be constrained by the identification of areas of production land as being in the coastal environment and / or having significant natural character, features/landscapes, or being of historic heritage.

Subject matter and provision in the Plan:

Objective 13.2 – Subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers supports this objective in part. It is important that appropriate subdivision, use, and development are well defined in this Chapter. Federated Farmers considers that given the mapped extent of the coastal environment and the active use of the land for primary production it is critical that these activities are provided for within the coastal environment.

Federated Farmers considers it is important that rules intended to restrict inappropriate development do not inadvertently restrict normal farming activities. Where the coastline is rural and the natural character is rural, then farming activities should be considered appropriate.

Relief Sought:

- That the objective is retained as notified but that throughout the chapter primary production activities are acknowledged and provided for as being appropriate

Subject matter and provision in the Plan:

Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough’s coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the following values:

- (a) the characteristics and qualities that contribute to natural character, natural features and landscape of an area;*
- (b) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- (c) the extensive area of open space within the coastal marine area available for the public to use and enjoy, including for recreational activities;*
- (d) the importance of public access to and along the coastal marine area, including opportunities for enhancing public access;*
- (e) the dynamic, complex and interdependent nature of coastal ecosystems;*
- (f) the high level of water quality generally experienced in Marlborough’s coastal waters; and*
- (g) those attributes that collectively contribute to individual and community expectations about coastal amenity values.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers notes that this policy focuses on the extensive area of open space within the coastal marine area available for the public to use and enjoy, and the importance of access to and along the coastal marine area, including enhancement of public access. We echo our comments made extensively on the public access and open space chapter.

Access to the coastal marine area, lakes and rivers in a wider sense often occurs across private land in a rural area, and there are risks associated with this to both the landowner and those seeking access. It is therefore appropriate that access is negotiated between the landowner and those seeking access, as and where appropriate. The Plan needs to be clear that access is not available across private land unless with permission from the landowner. Federated Farmers supports the identification of areas where it is a priority to improve access. However, public access should only be sought where it is considered necessary to

have access, and by the formation of esplanade reserves and strips through the subdivision and development process. We are concerned that the policy is not clear that access will be improved by esplanade reserves and strips, currently it appears that landowners may be compelled to provide public access over their private land.

It is important that primary production is recognised as a legitimate land use in the coastal environment and that any new subdivision, use, and development occurs in a way that recognises and provides for primary production activities.

Relief Sought:

- That the policy is amended to read:

The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough's coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the following values:

- (a) the characteristics and qualities that contribute to natural character, natural features and landscape of an area;*
- (b) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- (c) the extensive area of open space within the coastal marine area available for the public to use and enjoy, including for recreational activities;*
- (d) the importance of public access to and along the coastal marine area, including opportunities for enhancing public access;*
- (e) the dynamic, complex and interdependent nature of coastal ecosystems;*
- (f) the high level of water quality generally experienced in Marlborough's coastal waters; and*
- (g) those attributes that collectively contribute to individual and community expectations about coastal amenity values; and*
- (h) legitimate land uses including primary production.*

Subject matter and provision in the Plan:

Policy 13.2.2 – In addition to the values in Policy 13.2.1, the following matters shall be considered by decision makers in determining whether subdivision, use and development activities in Marlborough's coastal environment are appropriate at the location proposed and of an appropriate scale, form and design:

- (a) the contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;*
- (b) the efficient use of the natural and physical resources of the coastal environment;*
- (c) whether the efficient operation of established activities that depend on the use of the coastal marine area is adversely affected by the proposed subdivision, use or development activity;*
- (d) whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;*

- (e) *whether there will be a contribution to the restoration of the values of the coastal environment at the site, where these may have been adversely affected in the past;*
- (f) *whether the activity results, either individually or cumulatively, in sprawling or sporadic patterns of subdivision, use or development that would compromise the values and matters of Policies 13.2.1 and 13.2.2;*
- (g) *whether the proposed subdivision, use or development activity contributes to the network of regionally significant infrastructure identified in Policy 4.2.1;*
- (h) *whether the subdivision, use or development activity creates a demand for services or infrastructure that may result in a financial cost to the wider community and/or whether the safety and efficiency of the road network is affected; and*
- (i) *functionally, whether some uses and developments can only be located on land adjacent to the coast or in the coastal marine area.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition this policy provides for the contribution that subdivision, use, and development activities make to the social and economic wellbeing of people and communities. We support recognition of established activities that depend on the use of the coastal marine area.

Federated Farmers submits that this policy should recognise existing land uses within the coastal environment. Federated Farmers notes that farming activities are a legitimate and expected land use that occurs within the coastal environment. As such, consideration of these activities along with other legitimate existing land uses should be explicitly recognised as a matter for consideration when assessing and deciding on resource consent applications, notices of requirement or when changing or varying a policy statement or plan.

Relief Sought:

- That an additional sub clause is added to explicitly recognise existing land uses within the coastal environment.

Subject matter and provision in the Plan:

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, tranquillity and peacefulness.

Federated Farmers opposes this policy in part

Summary of reasons for this submission:

Federated Farmers is concerned by the reference to peace and tranquillity. The coastal environment is often a working landscape and therefore the sights and sounds associated with a working landscape should be anticipated. The explanatory text states that it is important to identify what attributes contribute to coastal amenity values. It is not clear what attributes have been identified, or whether these are the same values that have been identified in relation to natural character.

Federated Farmers submits that this policy should recognise existing land uses within the coastal environment. Federated Farmers notes that farming activities are a legitimate and

expected land use that occurs within the coastal environment. As such, consideration of these activities along with other legitimate existing land uses should be explicitly recognised as a matter for consideration when assessing and deciding on resource consent applications, notices of requirement or when changing or varying a policy statement or plan.

Relief Sought:

- That the policy is amended as below:

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, and existing land use ~~tranquillity and peacefulness.~~

Subject matter and provision in the Plan:

Policy 13.2.5 – Amenity values of the coastal environment can be maintained and enhanced by:

- (a) *recognising the contribution that open space and natural character make to amenity values and providing appropriate protection to areas of open space;*
- (b) *maintaining and enhancing coastal and freshwater quality where necessary;*
- (c) *maintaining or enhancing areas with indigenous biodiversity value;*
- (d) *maintaining or enhancing sites or areas of particular value for outdoor recreation;*
- (e) *making use of suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly in areas of public open space and along the coastal edge;*
- (f) *avoiding forms and location of development that effectively privatise the coastal edge and discourage or prevent access to and use of the coast;*
- (g) *recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;*
- (h) *establishing standards for activities within the coastal environment;*
- (i) *clustering together of structures and activities;*
- (j) *avoiding the establishment of activities resulting in high traffic generation;*
- (k) *ensuring the operation and speed of boats does not detract from people's enjoyment of the coastal marine area or cause navigational safety issues;*
- (l) *requiring the removal of derelict or redundant structures within the coastal marine area; or*
- (m) *encouraging appropriate design of new structures and other development in form, colour and positioning that complement, rather than detract from, the visual quality of the location.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers considers that this policy elevates amenity values to a similar level of protection as outstanding natural landscapes, which are currently assigned an unreasonably stringent level of protection under the NZCPS. Given how far the coastal environment

extends in Marlborough, and the broad and subjective interpretation that can be given to amenity values (or adverse effects on these values), Federated Farmers is concerned that the requirements of this policy will result in unreasonable expectations on landowners.

The policy also seeks to cluster buildings for the purposes of amenity. On a working farm, buildings may not always be able to be clustered. At times this is appropriate and at other times distances are required to satisfy the needs of running a successful farming operation. Further, encouraging appropriate design in the form, colour, and positioning to compliment the visual quality of the location needs to be considered in the context of farming as a working landscape. Appropriate design in the way that might be expected or possible of a new bach may not be possible for a new woolshed or set of stockyards. Federated Farmers submits that the degree of flexibility required for a farming operation needs to be acknowledged.

Relief Sought:

- That the policy is deleted

Subject matter and provision in the Plan:

Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:

- (a) require associated structures and occupy the coastal marine area;*
- (b) cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise and damage to significant indigenous vegetation and significant habitats of indigenous fauna;*
- (c) do not maintain or enhance public access to and along the coastal marine area;*
- (d) endanger public health and safety;*
- (e) compromise authorised uses and developments of the coastal marine area;*
or
- (f) adversely affect the amenity values of the area.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers is concerned that by referring to the public enjoying the amenity and recreational opportunities, this policy concerns public access to private land. There are significant costs associated with the maintenance of public access. It is inappropriate to facilitate access to the entire region's coastal environment, rivers, lakes and high country, as it is inappropriate to facilitate or enhance access where security, health safety and private property rights may be undermined. Access should be determined based on demand in which the public have identified a desire to have access. It must be noted, there is also no legal requirement for public access to areas of value on privately owned land and access must be negotiated with the landowner without the presumption of a right to public access.

This policy needs to be amended so that it is clear that it applies to recreational activities in public areas.

Relief Sought:

- That the policy is amended to clearly apply to recreational activities in public areas.

Subject matter and provision in the Plan:

Policy 13.3.2 – Maintain and enhance opportunities for recreational use of the coastal marine area.

Federated Farmers opposes this policy**Summary of reasons for this submission:**

Federated Farmers considers that this policy is addressed by public access in Chapter 9: Public Access and Open Space.

When access to the coastal marine area for recreational purposes occurs across private land in a rural area, there are risks associated with this to both the landowner and those seeking access, for example, risks associated with health and safety, privacy and security, interruption to sensitive farming activities such as lambing, carelessness in relation to leaving gates open, biosecurity risks to the farm and so on.

As a result, it is crucial that access is negotiated between the landowner and those seeking access. The Plan needs to be clear that access is not available across private land unless with permission from the landowner.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 13.3.3 – Ensure that the use of recreational vessels and vehicles does not create a public nuisance, compromise the health and safety of other users or result in adverse effects on the coastal environment.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the focus of this policy on recreational vehicles. Farmers need the ability to be able to continue to carry out normal farming activities in the coastal environment, including but not limited the droving of stock, and vehicle access and movement of machinery in and around the coastal environment and to the coastal marine area.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 13.5.1 – Identify areas where residential activity can take place.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers understands there is significant pressure on the coastal environment for use, development and subdivision for residential purposes. However, given the working environment within the coastal environment, it is essential that the accommodation required for farm owners and workers is considered appropriate, not just within areas designated as Coastal Living Zone. Accommodation including dwellings is required outside of these zones for the purpose of farming families and worker accommodation.

Relief Sought:

- That the policy is amended to ensure dwellings required as part of a working farm are appropriately provided for.

Subject matter and provision in the Plan:

Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:

- (a) protect recreational and coastal amenity values;*
- (b) avoid sprawling or sporadic patterns of residential development; and*
- (c) protect landscape, natural character and indigenous biodiversity values.*

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers understands there is significant pressure on the coastal environment for use, development and subdivision for residential purposes. However, it is essential that the accommodation required for farm owners and workers is considered appropriate within the coastal environment, not just within areas designated as Coastal Living Zone. Accommodation including dwellings is required outside of these zones for the purpose of farm worker accommodation.

Relief Sought:

- That the policy is amended to read:

Residential activity and subdivision for residential purposes where it is not ancillary to the purposes of primary production should take place within land that has been zoned Coastal Living, in order to:

- (a) protect recreational and coastal amenity values;*
- (b) avoid sprawling or sporadic patterns of residential development; and*
- (c) protect landscape, natural character and indigenous biodiversity values.*

Subject matter and provision in the Plan:

Policy 13.5.5 – Except in the case of land developed for papakāinga, residential activity on land zoned Coastal Environment will be provided for by enabling:

- (a) one dwelling per Computer Register;*
- (b) seasonal worker accommodation; and*
- (c) homestays.*

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports the intent of this policy. In the explanatory text it is described that that in some cases, ongoing primary production activities will occur and therefore it is appropriate that provision is made for any residential activities associated with this, including seasonal worker accommodation. However seasonal worker accommodation is not the only accommodation required on a farm. Dwellings can also be required for farm owners and

farm staff that reside permanently on the property. Federated Farmers submits that accommodation for these purposes should be enabled.

Relief Sought:

- That the policy is amended to read:

Except in the case of land developed for papakāinga or land associated with existing primary production activities, residential activity on land zoned Coastal Environment will be provided for by enabling:

- (a) one dwelling per Computer Register;*
- (b) seasonal family or farm worker accommodation; and*
- (c) homestays.*

Subject matter and provision in the Plan:

Policy 13.5.6 – Maintain the character and amenity values of land zoned Coastal Living by the setting of standards that reflect the following:

- (a) strong connection to the foreshore and coastal water;*
- (b) peaceful environments with relatively quiet background noise levels;*
- (c) predominance of residential activity by enabling one dwelling per Computer Register;*
- (d) privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;*
- (e) ample sunlight to buildings;*
- (f) minimal advertising signs;*
- (g) views to the surrounding environment, including to the sea;*
- (h) low building height; and*
- (i) limited infrastructure and services and low volumes of road traffic.*

Summary of reasons for this submission:

Federated Farmers submits that where the Coastal Living zone is located alongside the Coastal Environment Zone, noise associated with farming activities should be anticipated and expected. The Coastal Environment zone is home to working farms and therefore there is a degree of noise, smells and sounds associated with the activities that take place in these areas. Federated Farmers submits that a reverse sensitivity provision that protects existing established activities be applied to provide protection against complaints.

Relief Sought:

- That the policy appropriately provides for concerns around reverse sensitivity.

Subject matter and provision in the Plan:

Objective 13.10 – Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures are appropriately located and within appropriate forms and limits to protect the values of the coastal environment.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that structures can have positive effects on the coastal environment and therefore that this should be recognised in considering the appropriate forms and limits they should take. We are concerned that essential farm buildings could be unduly constrained in location, form or function as a result of this objective. Buildings ancillary to primary production should be considered for their contribution to economic and social wellbeing.

Relief Sought:

- That the Objective is amended as below:

Objective 13.10 – Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures, but excluding buildings associated with primary production activities, are appropriately located and within appropriate forms and limits to protect the values of the coastal environment.

Subject matter and provision in the Plan:

Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

The coastal environment has many uses, including primary production. There are well-established farms throughout the coastal environment. Therefore, use and development associated with farming must be provided for in the coastal environment, and recognised in the values of the coastal environment. This includes provided for buildings or other structures associated with farming.

Relief Sought:

- That the policy is amended to address the above concerns.

Subject matter and provision in the Plan:

Policy 13.10.7 – Structures shall be designed and located allowing for relevant dynamic coastal processes, including sea level rise.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers submits that this policy should specify where structures are required to be designed and located allowing for relevant and dynamic coastal processes. The explanatory text notes that structures are designed by appropriately qualified experts to ensure these matters are taken into account. Federated Farmers is unsure whether this means all structures in the coastal environment must be designed by experts to allow for dynamic coastal processes? It would be appropriate to specify that this policy applies to structures in the coastal marine area only.

Relief Sought:

- That the policy is amended to read:

Structures within the coastal marine area shall be designed and located allowing for relevant dynamic coastal processes, including sea level rise.

Subject matter and provision in the Plan:

Policy 13.10.24 – The establishment of coastal protection structures or works may be considered appropriate where:

- (a) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost or have greater adverse effects on the environment; and*
- (b) the works are justified by a community need; or*
- (c) regionally significant infrastructure is at risk.*

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy which provides for the establishment of coastal protection structures or works.

We submit that the maintenance and repair of coastal protection structures should be provided for as a permitted activity. It is our understanding that local communities have in the past given considerable time and personal expense to maintain coastal protection structures. Maintenance work, which is generally minor and requires timely attention, should not require resource consent. The plan must provide for proactive protection of coastal structures.

Relief Sought:

- That the Policy is adopted as notified.

Subject matter and provision in the Plan:

Policy 13.10.27 – Discourage the use of concrete slab retaining walls, sheet piling, car tyres or similar for coastal protection measures and encourage instead the use of materials similar to those found naturally occurring in the area or that can be locally sourced.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the provision for local material to be used, as allowed for by this policy. This is particularly relevant where coastal protection measures are in remote areas of the coastal environment where access is more difficult. However, where locally sourced materials do not have the durable qualities that are required for a robust coastal protection structure, it is important that concrete retaining walls can be utilised for coastal protection structures.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 13.11.4 – Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered:

- (a) the proposed reason for the reclamation/drainage and the benefits likely to arise from its use;*
- (b) if land-based alternatives are available to the proposed reclamation/drainage, why the coastal marine area location is preferred;*
- (c) the functional need for the activity to be carried out on the reclamation;*
- (d) the effects on:*
 - (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;*
 - (ii) cultural values;*
 - (iii) the terrestrial environment, including an assessment of any earthworks necessary;*
- (e) whether coastal processes will be adversely affected by the structure; and the operation of any existing activity or any activity that has been granted resource consent.*

Federated Farmers supports in part this submission

Summary of reasons for this submission:

Federated Farmers understands that the barge loading sites are covered through the policies in this chapter for reclaiming or drainage of the coastal marine area. Federated Farmers submits that for the pastoral farming enterprises and forestry operations in the Marlborough Sounds, barge loading sites are a useful means for stock movements and shifting of logging. The consent application process should be straight-forward, as it benefits not only the user, but also the local Sounds community by taking some of the heavy vehicles off Sounds roads.

Federated Farmers submits that an additional consideration of any consent application should be the impact on social and economic wellbeing.

Relief Sought:

- That the policy is amended to include a new consideration as follows (or similar):

Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered:

- (a) the proposed reason for the reclamation/drainage and the benefits likely to arise from its use;*
- (b) if land-based alternatives are available to the proposed reclamation/drainage, why the coastal marine area location is preferred;*
- (c) the functional need for the activity to be carried out on the reclamation;*
- (d) the effects on:*
 - (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;*
 - (ii) cultural values;*

(iii) *the terrestrial environment, including an assessment of any earthworks necessary;*

(e) *whether coastal processes will be adversely affected by the structure; and the operation of any existing activity or any activity that has been granted resource consent.*

(f) *The impacts on social and economic wellbeing of carrying out the activity.*

Subject matter and provision in the Plan:

Policy 13.13.3 – Discourage the use of motorised vehicles on the foreshore where this will impact on ecological values or safety of other foreshore users, where the foreshore acts as protection from the sea or on cultural, heritage and amenity values.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers considers that the use of motorised vehicles as part of farming activities may at times be necessary, for the purposes of moving stock and at times access to other parts of the farm. The question to be considered through the rules framework should be the degree of impact. Federated Farmers submits that this needs to be appropriately recognised within the policy.

Relief Sought:

- That the policy is amended to read:

Discourage the use of recreational motorised vehicles on the foreshore where this will impact on ecological values or safety of other foreshore users, where the foreshore acts as protection from the sea or on cultural, heritage and amenity values.

Subject matter and provision in the Plan:

Policy 13.13.5 – Enable opening of the Wairau River and Wairau Diversion mouths where this will assist to reduce the effects of flooding, improve land drainage and enable navigation across the river mouths.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the enabling of the river mouths to assist in reducing the effects of flooding on the Wairau plains and to improve the operation of the Drainage Channel Network.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 13.13.6 – Enable the clearing, cutting or realignment of stream and river mouths, drainage channels and stormwater outfalls and pipes within the coastal marine area to protect public health and property during flood events.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy as the build up of debris at stream and river mouths and drainage channels particularly during storm surge and tide events can present significant issues for all residents of the District.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Anticipated environmental results

13.AER.4

Continued availability of rural land for primary productive purposes existing at 9 June 2016.

Federated Farmers supports this AER

Summary of reasons for this submission:

Federated Farmers submits that this is a positive goal to include in the Coastal Environment Chapter. We support recognition of the coastal environment as an area of primary production.

However, despite this sentiment expressed clearly in the anticipated environmental results, it is not clear in the objectives and policies. There is little recognition of the coastal environment as a working environment as there is in the Use of the Rural Environment Chapter. Federated Farmers submits that if this result is to be achieved in the ten years from the date of the Plan becoming operative, the objectives and policies must be amended to reflect the importance of primary production in this Chapter.

Relief Sought:

- That the anticipated environmental result is retained as notified.
- That the objectives and policies in the Chapter are amended to better reflect the importance of primary production and the validity of primary production in the coastal environment.

CHAPTER 14: USE OF THE RURAL ENVIRONMENT

Subject matter and provision in the Plan:

Issue 14A – Safeguarding the potential of Marlborough's rural resources for primary production.

Summary of reasons for this submission:

Federated Farmers supports the statement *It is important to recognise therefore, that as a community there is a reliance on the use and development of rural resources for social, cultural and economic wellbeing.*

Federated Farmers notes mention of the approach to *recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.* Federated Farmers recognises that land, water and biodiversity are a common resource. However there is rarely the intervention in other people's businesses and way of life as there are in farming. The connotation of the above statement is that public

interests are favoured over private. We suggest that for the first bullet point listed above, that the statement be amended to read *recognise the rights of resource users*. Arguably the protection of the environment and acknowledgement of wider public interests are recognised for in the subsequent two bullet points.

We support the acknowledgement that primary production activities need to be able to continue to operate, in order to continue *to contribute to the wider economic wellbeing of Marlborough*.

Relief Sought:

- That the explanatory text is amended to read:

recognise the rights of resource users ~~by only intervening in the use of land to protect the environment and wider public interests in the environment.~~

Subject matter and provision in the Plan:

Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement of primary production to the economic wellbeing of the district. We support the statement that *a productive rural environment is important to the economic health of the district*, and that *this environment needs to be recognised as a productive resource*.

In addition to economic wellbeing, we also believe that primary production is important to the social wellbeing of the district and suggest this be included in conjunction with the term economic wellbeing.

Relief Sought:

- That the objective is amended to read:

Rural environments are maintained as a resource for primary production activities enabling these activities to continue contributing to economic and social wellbeing, whilst ensuring the adverse effects of these activities are appropriately managed.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for a new policy as below

Summary of reasons for this submission:

Federated Farmers submits that a new objective similar to that in the urban chapter be included, which as a vision seeks that Marlborough has a thriving primary production sector that actively contributes to the region's social and economic wellbeing.

Relief Sought:

- That a new policy is included in the Plan which notes the importance of a thriving primary production sector that actively contributes to the region's social and economic wellbeing.

Subject matter and provision in the Plan:

Policy 14.1.1 – Enable the efficient use and development of rural environments for primary production.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the enabling language and intent of this policy. Federated Farmers supports the acknowledgement that *at times there may be a change in land use or management practices for primary production to enhance the efficient use of land resources.* We support that *the MEP does not intend to unduly curtail any opportunity for this to occur.*

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.1.2 – Parcel size in rural environments shall ensure there is adequate choice for primary production and avoids the fragmentation of land for primary productive use.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers acknowledges the issues with subdivision in the rural environment, and the adverse effects on the ability to use rural land efficiently for productive purposes. We support the intention of the Plan to *ensure that the rural resource does not become so fragmented through subdivision that its use of land for primary production is diminished.*

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.1.3 – Activities and buildings in rural environments should be linked to land-based primary production of Marlborough's rural resources and require a rural location.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the intention to link activities and buildings in the rural environment to land based primary production, or for those that require a rural location. We understand the intent of this policy is to ensure that activities in the rural environment ensure the sustainable and economic use of rural environments.

We are unsure as to exactly what sort of buildings will be captured by this policy, and suggest that this needs to be clarified. Federated Farmers would expect that packing houses for horticulture, greenhouses and wineries would be captured within this policy, and submit that this should be clearly articulated in the policy. Rural contractors also have an important role as a service industry ancillary to primary production and as such industries and services ancillary to primary production should be enabled in the rural environment.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.1.4 – Manage primary production activities to ensure they are carried out sustainably through the implementation of policies and methods (including rules establishing standards for permitted activities) to address potential adverse effects on:

- (a) the life supporting capacity of soils, water, air and ecosystems;*
- (b) natural character of rivers, wetlands and lakes;*
- (c) water quality and water availability;*
- (d) areas with landscape significance;*
- (e) areas with significant indigenous vegetation and significant habitats of indigenous fauna;*
- (f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment; or*
- (g) the safe and efficient operation of the land transport network and Marlborough's airports.*

Federated Farmers opposes the need for this policy

Summary of reasons for this submission:

Federated Farmers submits that the potential of adverse effects on these features is already appropriately managed through the other policies and provisions in the plan, including in other chapters, and submit that this policy is deleted.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 14.1.7 – Recognise that primary production activities in rural environments may result in effects including noise, dust, smell and traffic generation, but that these will require mitigation where they have a significant adverse effect on the environment.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges that primary production activities may result in effects, including noise, dust, smell and traffic generation. However, Federated Farmers submits that these effects should be both anticipated and expected in a rural environment.

Federated Farmers suggests that it be acknowledged that effects are anticipated and expected in the rural environment. Furthermore, it should be acknowledged that some of these effects are essential in order for activities to continue.

The term *effects* has a negative connotation. Not all effects will be negative. We recommend that it is acknowledged that primary production activities can have both positive and negative effects.

Relief Sought:

- That the policy is replaced with:

Recognise that primary production activities in rural environments may result in effects, including noise, dust, smell and traffic generation, but that these will be anticipated and are consistent with the character and use of the rural zone. These effects will only require mitigation where they have a significant adverse effect on the environment.

Subject matter and provision in the Plan:

Policy 14.1.8 – Some management activities associated with primary production cause effects that may adversely affect the environment (including human health) and resource consent will be required to enable the Marlborough District Council to monitor effects.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy is broad and lacks clarity. While the explanatory text provides some indication as to the intent of the policy, the policy itself does not provide the required clarity and is both unnecessary and concerns are already adequately addressed elsewhere within the Plan.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in the Plan:

Policy 14.1.9 – Manage the effects of primary production activities to ensure the environmental qualities and amenity values in adjoining residential zones are not unreasonably degraded, bearing in mind their location adjacent to a primary production environment.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers acknowledges that rural environments can generate effects that may not be widely accepted in residential environments. Federated Farmers understands the need to manage effects at the interface between rural and residential zones. However this policy implies that primary production has the potential to degrade adjoining residential zones. Federated Farmers would suggest that those purchasing land or residences on the edge of residential zones, adjoining the primary production environment, need to expect the amenity values and character that come with a primary production area. Those legitimate existing land uses and activities need to have the ability to continue.

Federated Farmers suggests that in addition to visual screening and setbacks, that a no-complaints covenant on new sensitive activities could enable the management of reverse sensitivity, while giving priority to the existing lawfully established activities. We are concerned that the above mentioned policy does not adequately protect the rights of the existing primary production activities.

Relief Sought:

- That the policy is amended to read:

Give priority to and manage the reverse sensitivity effects of primary production activities by ensuring the environmental qualities and amenity values in adjoining residential zones are not unreasonably degraded, bearing in mind their location adjacent to a primary production environment. that new activities in neighbouring zones anticipate

the amenity values and character that come with locating near a primary production area.

Subject matter and provision in the Plan:

Policy 14.1.10 – Control water levels in the Marlborough District Council-administered drainage network by removing surplus water from the soils of the Lower Wairau Plain to enable primary production activities to continue.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers acknowledges the value that the Council administered drainage network provides to landowners in the Lower Wairau Plain. The continued maintenance of the drainage network is vital.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Objective 14.2 – The sustainability of Marlborough’s rural economy is not adversely affected by the spread or introduction of pests.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement of the importance of pest management in Marlborough. We support the recognition of the long history of pest management in traditional farming sectors, while acknowledging the risk of pests to other primary production activities.

Plant and animal pest control is important to farmers and primary producers. Pest and weed management is an important component in protecting our land based primary production. Unmanaged infestations of pest animals can spread disease, consume valuable and precious plants and pasture and increase soil erosion, resulting in lower farm production and loss of biodiversity. Weeds have the potential to adversely affect the production potential of farms, pose a health risk to stock and undermine farm conservation efforts.

Relief Sought:

- That the objective is retained as notified.

Subject matter and provision in the Plan:

Policy 14.2.1 – The Marlborough District Council will support any national response to an incursion of a pest(s) where this occurs, if it has the potential to reach Marlborough or is already present and/or has the potential to affect Marlborough’s primary production sector.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the intention of Council to support national strategies to address pest management, where required.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.2.2 – A strategic approach will be developed and maintained to manage the containment/eradication of pests impacting on Marlborough’s primary production sector in rural environments.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the multi-faceted approach of Council to pest management. We support the provision of rules in the plan that enables application of the chemicals, poisons and hazardous substances needed to control plant and animal pests.

We support the intent of Council to provide landowners with information and advice. We note the acknowledgement that landowners have a *significant responsibility for controlling and managing pests and animals on their land*, but would like to reinforce that the responsibilities in this area should not lie solely with landowners, that Council, crown administered land and adjacent properties also hold equivalent responsibilities in pest management, funding and resourcing. Many of our members commit tireless dedication and resources to reducing pests on their land. We also recognise the importance of statutory organisations in controlling and managing pests, and therefore commend the inclusion of such organisations in the explanatory text.

We acknowledge, like Council, there are limited resources to manage pests and that the most effective and efficient approach is preferred. We wholeheartedly support the approach of working in *strong partnership with landowners*. We applaud this non regulatory approach.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.2.3 – Raising community awareness that all individuals have responsibilities in pest management, particularly land occupiers.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the role of Council in advisory and education regarding pest management. As acknowledged, the task of strategic pest management is much greater than can be dealt with by Council alone. Successful pest control relies on land occupiers and the community to work jointly with Council to achieve the aims and aspirations. We believe a partnership approach to working with landowners is imperative to achieving good outcomes.

Sustaining biodiversity relies on the goodwill, co-operation and individual commitment of land owners and land managers. Many land occupiers take pride in their proximity to significant biodiversity and their contribution to its high value needs to be encouraged and acknowledged by Council. We consider that a partnership approach to pest management is essential and that a new Method is required in this regard.

In addition to rural landowners, it is important that education involves the urban community. Urban ratepayers both create and exacerbate weed and animal pest problems e.g. by inappropriate disposal of garden waste, releasing pets and failing to manage pests and weeds on their property. It is acknowledged that plant pests often originate from garden plants. We encourage the Council to explore ways to educate members of the community, including urban ratepayers, on identifying and reporting plant pest species when these are visible whether in rural or urban areas.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.2.4 – Recognise subdivision of land and more intensive development of rural areas increases the potential to spread pests and the Marlborough District Council will use a range of methods to reduce the risk of spread, including:

- (a) where resource consent is required for subdivision or development, consideration will be given to measures to reduce the risk of spread;*
- (b) undertaking greater monitoring and surveillance of pests within areas where pests are present;*
- (c) being proactive in coordinating the various groups involved with earth moving equipment to develop protocols and practices to assist with the reduction in the spread of plant pests; and*
- (d) providing information for new rural landowners and people subdividing rural property about their responsibilities in pest management, including whether landowners have obligations for their property under regional or national pest management plans.*

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers considers that this policy is very proactive and forward thinking. We commend Council on such a policy. Successful reduction in spreading of pest plants and animals requires Council to work with landowners from the outset of land subdivision or purchase.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Objective 14.3 – Activities that are not related to primary production are appropriate to be located within rural environments.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers submits that certainty is needed that commercial and industrial activities that are part of primary production, such as meat processing or wineries, are intended to fit into this policy.

Federated Farmers supports the statement *that the continued use of rural environments in Marlborough for primary productive uses and other land and soil resource dependent rural-based activities is important to the economic health and well-being of Marlborough*. We believe this is recognition of the importance of primary production to Marlborough, and needs to be more widely reflected within other chapters of the Plan, such as Chapter 15: Resource Quality.

Federated Farmers understands that there are risks associated with fragmentation of rural land that could be otherwise used for primary production. At the same time, we understand that there are a number of other related industries and activities that are of benefit to the primary sector by being located alongside primary production activities.

Many activities occur in the Rural Zone that are appropriate, such as rural contractors and on-site rural processing like packing sheds and wineries. It is important for the primary sector that these support services are not unduly restricted. However, there are potential commercial or industrial activities that may conflict with or otherwise compromise the rural environment and primary production activities. It needs to be acknowledged that not all such activities will be appropriate.

Relief Sought:

- That the objective is amended to read:

Activities that are not related or ancillary to primary production may be appropriate to be located within rural environments

Subject matter and provision in the Plan:

New policy on Rural Character & Productive Values

Federated Farmers supports the need for a new policy as below

Summary of reasons for this submission:

Federated Farmers submits that a new policy be added to the Plan which seeks to maintain rural character and rural productive values.

Relief Sought:

- That a new policy be added to the Plan as follows:

Ensure that new activities locating in the rural area are of a nature, scale, intensity and location consistent with maintaining the character of the rural areas and to be undertaken in a manner which avoid, remedies or mitigates adverse effects on rural character, including rural productive values.

Subject matter and provision in the Plan:

Policy 14.3.2 – Where an activity is not related to primary production and is not otherwise provided for as a permitted activity, a resource consent will be required and the following matters must be determined by decision makers in assessing the impacts on primary production before any assessment of other effects is undertaken:

- the extent to which the activity is related to primary production activities occurring at the site;*
- the functional need for the activity to be located within a rural zone and why it is not more appropriately located within another zone;*

- (c) *whether the proposed activity will result in a loss of land with primary production potential and the extent of this loss when considered in combination with other non-rural based activities; and*
- (d) *the extent to which the proposed activity supports primary production activities, including the processing of agricultural, viticultural or horticultural produce.*

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers considers that ancillary activities, including primary production processing and rural contractor businesses are appropriately related to primary production. However, where activities do not in any way relate to primary production, it is appropriate for consideration to be given to the impact these activities may have on the rural environment and the appropriate primary production activities within the zone.

Relief Sought:

- That the Policy is adopted as notified.

Subject matter and provision in the Plan:

Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.

Federated Farmers opposes in part this objective

Summary of reasons for this submission:

Federated Farmers supports the intention of Council to maintain rural character and amenity values, however, we do not accept that enhancing such character or amenity is practicable or necessary in every instance. Furthermore, we consider this policy is confusing and inconsistent with previous policies, and requires clarity. It is not clear whether the intent of the above policy is to limit primary production activities in order to avoid reverse sensitivity effects, or to ensure there are no onerous restrictions placed on normal and essential components of farming activities by new people subdividing and living in those areas.

We believe that in order to effectively achieve Objective 14.4, and avoid reverse sensitivity effects, primary production activities need to be protected in rural land use areas.

Relief Sought:

- That the objective is amended to read:

Rural character and amenity values are maintained and or enhanced where appropriate, and reverse sensitivity effects are avoided through the protection of primary production activities.

Subject matter and provision in the Plan:

Policy 14.4.1 – Subdivision, use and development of Marlborough's rural environments should be of a density, scale, intensity and location that individually and cumulatively recognises the following elements:

- (a) *a lack of buildings and structures;*
- (b) *a very high ratio of open space in relation to areas covered by buildings;*

- (c) *open space areas in pasture, trees, vineyards, crops or indigenous vegetation;*
- (d) *areas with regenerating indigenous vegetation, particularly in the Marlborough Sounds;*
- (e) *tracts of unmodified natural features, indigenous vegetation, streams, rivers and wetlands;*
- (f) *farm animals and wildlife;*
- (g) *noises, smells and sights of agriculture, viticulture, horticulture and forestry;*
- (h) *post and wire fences, purpose-built farm buildings and scattered dwellings;*
- (i) *low population density;*
- (j) *the presence of Blenheim, Omaka and Koromiko airports;*
- (k) *generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes; and*
- (l) *a general absence of urban-scale and urban-type infrastructure, such as roads with kerb and channel, footpaths, mown berms, street lights or advertising signs.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers considers this Policy is both unrealistic and overly prescriptive in nature. It fails to acknowledge that innovation, financial, weather or market pressures may require a change in land use and has the potential to lock land use in at a set point in time through the terms '*should be of a density, scale, intensity and location*'.

For instance, (a) *a lack of buildings and structures* fails to appropriately recognise that buildings are necessary for primary production activities. Rural buildings may be clustered together for ease of access, and others need to be of a certain size or dimension to be appropriately fit for purpose.

While we support the direct recognition of animals, noises, smells and sights of agriculture, viticulture, horticulture and forestry and the recognition of post and wire fences, purpose built farm buildings and scattered dwellings, overall, the Policy could have significant unintended consequences. Furthermore, we believe the recognition provided within this proposed policy should instead be carried through and applied to other policies and objectives in this Chapter.

Federated Farmers supports the acknowledgment that *rural environments are working and living environments, that provide much of the character and amenity values of the District as a whole.*

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Relief Sought:

- That the policy is deleted from the plan.

Subject matter and provision in the Plan:

Policy 14.4.2 – Retain an open and spacious character in Marlborough’s rural environments with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:

- (a) it will not unreasonably detract from the privacy or outlook of neighbouring properties;*
- (b) sites remain open and with a rural character as viewed from roads and other publicly accessible places; and*
- (c) the character and scale of buildings is compatible with existing development within the surrounding rural area.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers supports that new development within the rural environment is in keeping with existing development in the surrounding area. However, as noted in reference to the above policy, buildings are necessary for primary production activities. Where land use changes occur, buildings may need to be established that are new to the area and may not be compatible with the existing development. This policy needs to allow for land use changes in primary production.

The above policy states that *sites remain open*. Shelter belts are widely accepted as an important part of the farming operation, providing shelter for animals during adverse weather. Forestry limits the ability for a site to remain open. This policy should not limit the option for shelter belts or commercial or farm forestry in the rural environment.

Relief Sought:

- That the policy is amended to read:

Retain an open and spacious character in Marlborough’s rural environments with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:

- ~~*(a) it will not unreasonably detract from the privacy or outlook of neighbouring properties;*~~
- ~~*(b) sites remain open and with a rural character as viewed from roads and other publicly accessible places; and*~~
- ~~*(c) the character and scale of buildings is compatible with existing development within the surrounding rural area.*~~

Subject matter and provision in the Plan:

Policy 14.4.3 – Ensure buildings are set back a sufficient distance from property boundaries and road frontages to:

- (a) maintain privacy and outlook for people on adjoining allotments, including for existing houses on small allotments;*
- (b) encourage a sense of distance between buildings as well as between buildings and road boundaries; and*
- (c) maintain the pleasantness, coherence, openness and attractiveness of the site as viewed from the road and adjoining sites.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Privacy and amenity policies should not adversely impact on farming activities. While it is important that farmers are able to live on their land, primary production is the purpose of the rural environment zone. Federated Farmers supports the need for setback for new buildings, and therefore suggests that the term new be included in the policy.

We also anticipate that while this policy is appropriate for dwellings, it may not be appropriate for processing or storage facilities associated with primary production. In this case, we suggest that consideration is given to those complimenting the existing nature of primary production. For example, it would not be functional for a packing shed to be located in the middle of the productive land. Where products need to be transported to market it is only appropriate that buildings are located close to the road and close to each other. Milking sheds, where milk is collected each day by a tanker, is another example that utilises the road network and therefore is ideally located close to the road and to ancillary buildings.

We are concerned that part (a) of the above policy could establish a situation where a farmer may build a shed, and the neighbouring lifestyle block owner or occupant will complain that it ruins their view. Primary production must be the first priority within the rural environment zone.

Relief Sought:

- That the policy is amended to read:

Ensure new residential buildings are set back a sufficient distance from property boundaries and road frontages to:

- (a) Maintain privacy and outlook for people on adjoining allotments, including for existing houses on small allotments;*
- (b) Encourage a sense of distance between buildings and between buildings and road boundaries; and*
- (c) Maintain the pleasantness, coherence, openness and attractiveness of the site as viewed from the road and adjoining sites.*

Subject matter and provision in the Plan:

Policy 14.4.4 – Ensure subdivision in rural areas:

- (a) does not lead to a pattern of land uses that will adversely affect rural character and/or amenity values; and*
- (b) creates allotments of sufficient size for rural activities to predominate in rural areas.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers is aware that farmers face what are generally considered to be conflicting tensions in respect to subdivision. On one hand, farmers appreciate that the overall intention of the rural zone is for primary production, and that ad hoc and inappropriate or incompatible subdivision is not ideal for Marlborough or farming. On the other hand, farming in general, and more specifically the economic viability of farming and the ability to provide for farm succession long term, often relies to an extent on the ability to subdivide a

property as changing circumstances dictate. These latter aspects have some very significant implications for a farm's asset value.

Federated Farmers acknowledges that subdivision can cause to a reduction in land for primary production purposes. Subdivision can also be utilised by primary producers in ways that may be considered to lead to a pattern of land uses affecting rural character and amenity values, but are beneficial to the primary production activity.

Federated Farmers is concerned with the idea of creating allotments of sufficient size for rural activities to predominate. In our experience minimum lot sizes can be set too small for primary production activities to take place and too large for lifestyle block owners to care for the land and the pest management required.

Relief Sought:

- That the policy is retained as notified, bearing in mind the above concerns.

Subject matter and provision in the Plan:

Policy 14.4.5 – Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established to provide for the protection of community health and welfare.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers notes that traditional rural activities, such as the operation of machines frequently occur outside of standard business hours, and this is generally acceptable to those living within a farming community. We believe this policy should allow for the continuation of legitimately established activities, while noise limits can protect the ability of these activities to function as usual.

Noise generated by normal farming activities includes noise from livestock, particularly around weaning time; water pumps; from dairy sheds and shearing sheds; or seasonal activities like docking; and noise from machinery such as tractors and chainsaws; and top dressing aeroplanes. These are all activities that are part and parcel of primary production. Farming is a demanding business driven by seasonal requirements and dynamic environmental or climatic conditions beyond the control of the land owner or manager and noise-generating activities frequently occur outside business hours. Dairy cows are milked very early in the morning; hay may be baled very late at night to beat bad weather. Policies need to allow for these normal farming activities.

Relief Sought:

- That the policy is amended to read:

Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established to provide for the protection of community health and welfare while enabling lawfully established landuses.

Subject matter and provision in the Plan:

Policy 14.4.6 – Mitigate nuisance effects on adjoining dwellings or adjoining properties caused by dust from earthworks or stockpiled material.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers has concerns with this Policy. It will not always be possible or practicable to mitigate the effects of dust, particularly in a dry, drought-prone region. Such matters are best addressed through education, good management practices and common-sense, rather than being regulated in the way proposed.

Relief Sought:

- That the Policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 14.4.7 – Ensure significant adverse odour effects from rural activities are avoided or mitigated to protect lawfully established land uses.

Federated Farmers opposes this policy**Summary of reasons for this submission:**

Odour is difficult to objectively measure and complainants might consider an odour objectionable that a farmer would consider normal. Policies need to ensure that normal odour-generating production activities are protected from trivial complaints.

By their nature, farming activities can cause odour that some people not used to the rural environment may find objectionable. However, these odours should be anticipated and expected within the rural environment. We acknowledge the need, where these are significant negative effects, to protect the health and wellbeing of those within the environment but have concerns with what can be a subjective interpretation of what is considered to be 'significant' in this regard. It can also sometimes be extremely difficult to mitigate or avoid odour from legitimate rural activities, and wind for instance, can be unpredictable and the effects resulting only transient.

While we support the intention of the policy to protect *lawfully established land uses*, the policy drafting is confusing, and it is unclear how such protection will be provided.

Relief Sought:

- That the policy is deleted from the Plan

Subject matter and provision in the Plan:

Policy 14.4.10 – Control the establishment of residential activity within rural environments as a means of avoiding conflict between rural and residential amenity expectations.

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers supports the intention of Council to control the establishment of residential development in rural areas. We acknowledge the challenges that residential development can have in continuing primary production in such areas.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 14.4.11 – The cumulative adverse effects of subdivision and/or development on rural character and amenity values are to be avoided.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that the policy is deleted from the Plan.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Objective 14.5 – Residential activity takes place within appropriate locations and limits within rural environments.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers acknowledges that fragmentation of land holdings has the potential to remove the land from primary productive use options. Federated Farmers supports that rural environments are maintained for primary productive activities.

However, it is important that residential activity and subdivision is considered distinct from the need for dwellings and accommodation associated with primary production and farming activities, which are intended to be sustained through these policies.

Relief Sought:

- That the policy is retained as amended as follows:

Residential activity not associated with primary production takes place within appropriate locations and limits within rural environments.

Subject matter and provision in the Plan:

Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the identification of appropriate areas for residential activity not associated with primary production to take place. However, as noted above, it is important that residential activity and subdivision are considered distinct from the need for dwellings and accommodation associated with primary production and farming activities, which are intended to be sustained through these policies

Relief Sought:

- That the policy is amended as follows:

Identify areas within rural environments where residential activity not associated with primary production activities is appropriate.

Subject matter and provision in the Plan:

Policy 14.5.4 – Residential activity directly associated with primary production activity occurring on the same land, seasonal worker accommodation in remote locations and homestays, will be enabled.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the recognition of the value of additional dwellings to the operation of the farming activity. Often additional homes are required for employees, farm managers, family members, or retired parents.

In hill country and extensive pastoral properties there is often no nearby towns in which staff can be accommodated. Federated Farmers supports the provision of a policy that allows for multiple accommodation options on these farms. However, the issue of providing for worker accommodation is not just limited to remote locations. Farmers may require multiple workers on a dairy farm or cropping farm, and there are multiple reasons why accommodating workers on farm is safer and more practical for the operation of the business.

This policy needs to accommodate the provision of housing directly associated with primary production where ever this activity may take place, not just what is considered remote locations. It is important that the rules and associated appendixes in the Plan reflect this.

Relief Sought:

- That the policy is amended to read:

Residential activity directly associated with primary production activity ~~occurring on the same land~~, seasonal worker accommodation ~~in remote locations~~ and homestays, will be enabled.

CHAPTER 15: RESOURCE QUALITY

Subject matter and provision in the Plan:

Chapter 15: Resource Quality (Water, Air, Soil)

Federated Farmers opposes the drafting of the Chapter

Summary of reasons for this submission:

Federated Farmers submits that Chapter 5 and Chapter 15 need to be combined and completely redrafted. Both Chapters deal with water and the limit setting process, whether quality or quantity. The chapters are inconsistent and include contradictory policies. The Chapters should be consolidated so that all of the issues, objectives, policies and methods pertaining to water are included in one chapter. The issues, objectives and policies pertaining to Air and Soil should be separated from the new water chapter.

There are 134 issues, objectives and policies dealing with water. These need to be simplified into fewer clearer policies.

Relief Sought:

- That Chapters 5 (Allocation of Public Resources) & Chapter 15 (Resource Quality (Water section)) are combined and redrafted to remove inconsistencies and superfluous policies.

WATER QUALITY

Subject matter and provision in the Plan:

Introduction to Chapter 15

Federated Farmers supports in part the Introduction

Summary of reasons for this submission:

Federated Farmers supports the statements in the introduction that Marlborough enjoys good water quality in our coastal water, rivers, lakes wetlands and aquifers. Federated Farmers recommends that a snapshot of the results from Council's environmental monitoring reports is included in the introduction.'

Federated Farmers supports the recognition of the wide range of human and use values that freshwater bodies support, including freshwater and marine ecosystems, stock and domestic water supplies, commercial uses of water industry, agriculture, viticulture, marine farming and commercial fishing, and recreational uses, along with the importance to iwi.

Federated Farmers supports the recognition in the introduction that resource users have taken action to reduce impacts of discharges on water quality. This comment should be expanded to acknowledge the significant progress that has been made working in partnership with landowners, organisations and the community as part of the catchment work. Marlborough has a history of examples that they should be proud of, for example the extensive work undertaken by the Landcare Trust in partnership with landowners and other stakeholders in the Rai Valley.

Federated Farmers submits that the introduction should articulate the aim of the Plan that most rivers and streams have good or fair water quality, and that the main focus is on improving water quality currently classed as poor, in particular where this impacts on the swimming values or the health of indigenous aquatic ecosystems. Consistent with the guiding principles established in Chapter 1 of the Plan, Federated Farmers submits that the introduction of this Chapter should be amended to reflect the intention of Council to use non-regulatory methods where possible and to encourage and support individual, landowner, key stakeholder and community involvement and action, critical to effective resource management.

It is important that a non-regulatory focus is adopted: building on these principles; the approach undertaken for indigenous biodiversity with the management of Significant Natural Areas, and building on earlier successful catchment programs.

Relief Sought:

- That the introduction is amended to read as follows:

We are fortunate in Marlborough to generally enjoy good water quality² in our coastal waters, rivers, lakes, wetlands and aquifers. State of the environment reporting shows that:

- *The quality of Marlborough's groundwater remains high in terms of nitrate content*
- *For median nitrate concentrations across the 14 unconfined aquifer sites, all meet the drinking water standard;*
- *Historically there have been hotspots in areas on the southern margin of the main aquifer where less dilution occurs;*
- *Nitrate leaching rates are likely to have decreased over time;*
- *Seasonal patterns appear stable suggesting current land uses are in equilibrium with water resources;*
- *95% of sites monitored for macro-invertebrates are fair to excellent, only 3 out of 51 sites are graded "poor";*
- *95% of sites are in the A band for secondary contact recreation, with 2 out of 34 sites in the B band;*
- *95% of sites meet the proposed DRP standard, with 2 out of 34 sites at higher levels;*
- *Around 80% of sites meet the proposed SIN standard, with around 6 out of 34 sites at higher levels;*
- *Trend analysis shows a reduction in SIN concentrations for some of the sites with the highest concentrations.*

Monitoring has shown that the quality of water in these waterbodies is sufficient to support a wide range of natural and human use values. These include healthy freshwater and marine ecosystems, comprising native fish, plants, algae and invertebrates, trout and salmon; stock and domestic water supplies; commercial uses of water in industry, agriculture, viticulture, marine farming and commercial fishing; and recreational uses such as swimming, shellfish gathering and fishing, scenic and tourism purposes. Water is of considerable cultural and spiritual importance to Marlborough's tangata whenua iwi.

The contribution that these uses and values make to the community's social and economic wellbeing and to public health means that maintaining the quality of water in Marlborough's coastal waters, rivers, lakes, wetlands and aquifers is essential. Any reduction in water quality is therefore a significant issue in Marlborough.

Water quality can be adversely affected by discharges of contaminants resulting from human activities on land or water. Contaminants are those things that have the ability to change the physical, chemical or biological condition of the water. There are two types of contaminant discharge that can affect water quality: "point source" discharges (those that enter water at a

² Water quality refers to the physical, chemical and biological characteristics of water that affect its ability to sustain natural and human use values

definable point, often through a pipe or drain) and “non-point source” discharges (those that enter water from a diffuse source, such as land run-off or infiltration through soils).

The generally good state of water quality in Marlborough reflects the low number of point source discharges into waterbodies and coastal waters, good land management practices and lack of intensive land uses that can impact on water quality (e.g. dairying). It should also be acknowledged that over time, resource users have also taken action to reduce the impact of discharges on water quality. Significant progress has been made working in partnership with landowners, organisations and the community through catchment programmes. Marlborough has a proud history of examples in this regard, including the Rai Valley. ~~However, there is always the potential that point source and/or non-point source discharges will occur and adversely affect the life supporting capacity and community use of Marlborough’s rivers, lakes, wetlands, aquifers and coastal waters.~~

~~Unfortunately, water quality in some rivers has been degraded as a result of point source and non-point source discharges, impacting upon the uses and values that were once supported by the rivers and coastal waters.~~ In Marlborough most of the rivers and streams have good or fair water quality. The main management aim for water quality is on improving waterways currently classed as poor, in particular where this impacts on swimming values or the health of indigenous aquatic ecosystems.

~~The management of water quality has a strong regulatory focus. This is because the Resource Management Act 1991 (RMA) stipulates that the discharge of contaminants into water, or into or onto land in circumstances where it may enter water, is prohibited unless allowed by resource consent or a rule in a regional plan or a regulation.~~ non-regulatory regulatory focus, consistent with the MEP principles, the approach for indigenous biodiversity and building forward from earlier successful catchment programmes.

In addition, the National Policy Statement for Freshwater Management 2014 (NPSFM) sets out objectives and policies that direct the steps that must be taken to manage water in a sustainable manner. In particular, there is a requirement to set objectives for water resources and ~~subsequently~~ to set water quantity and quality limits in an iterative process informed by costs and achievability to achieve those objectives. The NPSFM sets as an objective that the overall state of water quality within any region must be maintained or improved.

A key component of the NPSFM is the National Objectives Framework (NOF). The NOF is designed to assist the process of establishing appropriate freshwater quality objectives in a nationally consistent manner. It is based on the identification of values supported by waterbodies and the setting of objectives to protect those values. The NOF contains two compulsory national values: ecosystem health and human health for recreation. The NOF allows for regions and local communities to determine other important values that they also seek to recognise. Attributes, or measurable physical, chemical and biological characteristics are identified with respect to these values.

Subject matter and provision in the Plan:

Issue 15A – The discharge of contaminants to water can adversely affect the life supporting capacity and the community's use of Marlborough's coastal waters, rivers, lakes, wetlands and aquifers.

Federated Farmers supports in part this issue

Summary of reasons for this submission:

Federated Farmers submits that this issue is amended to maintain consistency with the urban chapter, by noting the issue as meeting the needs of Marlborough's urban and rural economy whilst ensuring activities do not have adverse effects on water values and uses.

Federated Farmers submits that the first paragraph should recognise the importance of urban and rural activities to the social, economic and cultural well-being of people. Further, it should acknowledge that inappropriate land use and development can detract from the values and uses of water, including marine habitats. The Plan should seek to provide an enabling framework for development while prioritising and progressively reducing the adverse effects of discharges to water.

Federated Farmers does not support the final paragraph of the rural activities section of the explanatory text. The text states that in many other regions there has been a change from traditional pastoral farming to dairy farming, and that this has led to water quality degradation especially in lowland streams and for groundwater. This is a generalisation and we submit that this is deleted from the Plan.

We support the final paragraph relating to the issue which acknowledges the reduction in non-point source discharges to water and the challenges for management of non-point source discharges. We agree that the National Policy Statement for Freshwater Management sets a challenging task and will require innovative approaches. It is important that the Plan provides a framework which enables catchment communities to target sources and develop innovations tailored to the specific catchment situations, in order to maintain and enhance water quality.

Relief Sought:

- That the issue, consistent with the urban environment chapter, is deleted and replaced with:

Meeting the needs of Marlborough's urban and rural economy whilst ensuring activities do not have adverse effects on water values and uses.

- That the first paragraph of explanatory text is deleted and replaced with:

Urban and rural activities contribute to the social, economic and cultural well-being of people. Inappropriate land use and development can detract from the values and uses of water, including marine habitats. The MEP seeks to provide an enabling framework for development while prioritising and progressively reducing the adverse effects of discharges to water.

- That the last paragraph of the rural activities section is deleted.
- That the final paragraph of the explanatory text is retained with the following amendments:

There has been a strong preference for discharges to land since the first Marlborough Regional Policy Statement (MRPS) became operative in 1995. This has resulted in a reduction in the number of point source discharges to water. Consequently, the greatest risk to water quality is probably associated with non-point source discharges. Non-point source discharges are difficult to manage as there is no discrete point to which management can be applied. This situation does not justify inaction, but means that the management of non-point source discharges is challenging and will require innovative approaches. It is important that the MEP provides a framework to deal with the point source and non-point source discharges to maintain and enhance water quality in Marlborough's coastal waters, rivers, lakes, wetlands and aquifers through a framework which enables catchment communities to target sources and develop innovations tailored to the specific catchment situation.

Subject matter and provision in the Plan:

Issue 15B – Water quality in some of Marlborough's rivers has already been degraded, to the extent that their ability to support aquatic ecosystems and/or contact recreation has been compromised.

Federated Farmers supports in part this issue

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement in the explanatory text of the evidence of changes in nutrient, sediment and bacteria levels in some levels, as an indication of point source and non-point source discharges. We recognise that this is of concern given the contribution water based recreation makes to community wellbeing. We submit that the first paragraph of the explanatory text is retained.

The second paragraph discusses the use of the Canadian Water Quality Index (CWQI). Federated Farmers submits that the assessment of Marlborough's water quality should be based on a threshold that allows the region's water quality to be accurately compared with other regions, and on a robust methodology. The National Objectives Framework (NOF) allows for this.

Federated Farmers notes that the focus of the CWQI is not on ecosystem health but rather on water chemistry data. It is not appropriate to determine river degradation based on the CWQI for a number of reasons, including that the level of exceedance of the guidelines will not always result in ecosystem health degradation; the CWQI considers individual samples that exceed the annual compliance statistic; and the index is heavily weighted towards nitrogen forms and does not consider all ecological stressors.

It is appropriate to acknowledge the CWQI as this is how water quality degradation has been assessed in the past. However, Federated Farmers considers that the rivers identified in the Plan as prioritised for catchment enhancement plans should now be assessed against the

National Objectives Framework and specifically linked to the objectives proposed in 15.1 alongside the values and standards proposed in schedule 5. In future environmental reporting, the proxy values currently used in the CWQI should be updated to reflect the objectives and standards proposed in this plan.

Relief Sought:

- That the first paragraph of the explanatory text is retained.
- That the second paragraph is amended to read:

Water quality degradation ~~is~~ has previously been measured relative to the attribute values provided by the National Objectives Framework included in the NPSFM and/or the Council's water quality index. The water quality index, based on the Canadian Water Quality Index, summarises monthly measurements of nine chemical and physical parameters to produce an aggregate score for the state of water quality in Marlborough's rivers. The score allows the overall state of water quality to be categorised as excellent, good, fair, marginal and poor, relative to the ~~natural or desirable level~~ various guideline or default values selected. These proxy values have now been replaced with objectives and standards proposed in this plan

- That the third paragraph is deleted and replaced with:

The CWQI used various default measures as guidelines but these guideline values are now being replaced by the proposed MEP water quality standards in Appendix 5. The rivers determined to be priorities for catchment enhancement plans against the MEP proposed values, objectives and standards are identified in the tables below.

Subject matter and provision in the Plan:

Table 15.1 and Table 15.2

Federated Farmers supports in part Table 15.1 and 15.2

Summary of reasons for this submission:

Federated Farmers notes that Table 15.1 and Table 15.2 are based on the Canadian Water Quality Index, and set out the waterbodies that are identified as being degraded, and waterbodies identified as being at risk of degradation. It is not clear on what indicators these waterbodies have been assessed as being degraded, or at risk of degradation, nor in relation to what values.

Federated Farmers submits that waterbodies are prioritised for catchment enhancement plans against the proposed MEP values, objectives and water quality standards. We recommend restructuring the tables so that the purpose of enhancement is clear. This enables the development of a catchment enhancement plan that targets enhancement of these values, in partnership with landowners, community and industry, as proceeds in later policies. Federated Farmers considers that these amendments will provide a better link to the policies and appendixes in the Plan.

We recommend the prioritisation of these rivers according to those that are suitable for primary contact recreation, and secondary contact recreation, and also into a first and second tier prioritisation for the enhancement of ecosystem health. We additionally recommend an indicative order of catchment priorities to support the prioritisation of council, industry and community resources.

Relief Sought:

- That the tables are deleted and replaced with the following tables:

Table 15.1: Water bodies prioritised for enhancement of contact recreation

First priority –primary contact recreation (swimming)
Rai River
Waihopai River
Taylor River
Second priority - secondary contact recreation
Kaituna River
Cullens Creek
Are Are Creek
Doctors Creek

Table 15.2: Waterbodies prioritised for enhancement of indigenous ecosystems

First priority
Doctors Creek
Flaxbourne
Second priority
Are Are
Opawa
Omaka
Mill Creek

Murphys Creek

Table 15.3: Catchments prioritised for catchment investigations and catchment action plans

First priority
Opawa (Taylor River, Doctors Creek, Murphys Creek)
Second priority
Mid Wairau (Waihopai, Mill Creek)
Rai River
Third priority
Marlborough Sounds (Kaituna River, Cullens Creek)
Lower Wairau (Are Are Creek)
South Marlborough (Flaxbourne)

Subject matter and provision in the Plan:

Issue 15C - The mauri of wai (water) has been degraded due to the lack of understanding about its spiritual significance.

Federated Farmers supports in part this issue

Summary of reasons for this submission:

Federated Farmers believes that the whole of community catchment action plans are a good forum to collectively come to a better understanding of values, including mauri, and ways to enhance those values.

Relief Sought:

- That the issue is retained as notified.
- That community catchment action plans are acknowledged as a means of furthering community members knowledge with regards to mauri and other Maori values.

Subject matter and provision in the Plan:

Objective 15.1a – Maintain and where necessary enhance water quality in Marlborough’s rivers, lakes, wetlands, aquifers and coastal waters, so that:

- (a) the mauri of wai is protected;*
- (b) water quality at beaches is suitable for contact recreation;*

- (c) people can use the coast, rivers, lakes and wetlands for food gathering, cultural, commercial and other purposes;*
- (d) groundwater quality is suitable for drinking;*
- (e) the quality of surface water utilised for community drinking water supply remains suitable for drinking after existing treatment; and*
- (f) coastal waters support healthy ecosystems.*

Federated Farmers opposes in part this objective

Summary of reasons for this submission:

Federated Farmers acknowledges the need to maintain and where necessary enhance water quality, factoring in a range of considerations. However, we submit that the policy should also provide reference to the importance of water for primary production purposes.

Relief Sought:

- That the policy is amended to read:

Maintain and where necessary enhance water quality in Marlborough's rivers, lakes, wetlands, aquifers and coastal waters, so that:

- (a) the mauri of wai is protected;*
- (b) water quality at beaches is suitable for contact recreation;*
- (c) people can use the coast, rivers, lakes and wetlands for food gathering, cultural, commercial and other purposes;*
- (d) groundwater quality is suitable for drinking;*
- (e) the quality of surface water utilised for community drinking water supply remains suitable for drinking after existing treatment; and*
- (f) coastal waters support healthy ecosystems; and*
- (g) water is suitable for stock drinking water and irrigation.*

Subject matter and provision in the Plan:

Objective 15.1b – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is <1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is <1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers submits that any objectives for freshwater quality should be based on a five year rolling average rather than an annual concentration.

The explanation should clarify that Plan objectives will be subject to review as part of the development of Catchment Enhancement Plans.

Relief Sought:

- That the objective is amended to read:

Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the ~~annual~~five year rolling average median nitrate concentration is <1 milligram nitrate-nitrogen per litre and the ~~annual~~five year rolling average 95th percentile concentration is <1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

- That the explanation is amended to clarify that Plan objectives will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

Objective 15.1c – Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is <0.03 milligrams ammoniacal nitrogen per litre and the annual maximum concentration is <0.05 milligrams ammoniacal nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

Federated Farmers supports this objective

Summary of reasons for this submission:

Federated Farmers submits that any objectives for freshwater quality should be based on a five year rolling average rather than an annual concentration.

The explanation should clarify that Plan objectives will be subject to review as part of the development of Catchment Enhancement Plans.

Relief Sought:

- That the objective is amended to read:

Objective 15.1c – Maintain freshwater water quality in each Freshwater Management Unit so that the ~~annual~~five year rolling average median ammonia concentration is <0.03 milligrams ammoniacal nitrogen per litre and the ~~annual~~five year rolling average maximum concentration is <0.05 milligrams ammoniacal nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

- That the explanation is amended to clarify that Plan objectives will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

Objective 15.1d – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median E. coli level is <260 per 100 ml, as measured by the Council's State of the Environment monitoring programme.

Federated Farmers supports this objective

Summary of reasons for this submission:

It is important that the objectives are based on a five year rolling average rather than an annual concentration.

Relief Sought:

- That the objective is amended to read:
Objective 15.1d – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the ~~annual~~ five year rolling average median E. coli level is <260 per 100 ml, as measured by the Council's State of the Environment monitoring programme.
- That the explanation is amended to clarify that the Plan objectives will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

Objective 15.1e – Maintain or enhance freshwater water quality in waterbodies valued for primary contact recreation so that the 95th percentile E. coli level is <540 per 100 ml, as measured by the Council's State of the Environment monitoring programme.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers supports this objective to maintain or enhance freshwater quality in waterbodies valued for primary contact recreation so that the e.coli level is less than 540 per 100ml. This aligns with Federated Farmers policy to prioritise the rivers that are valued for swimming.

Relief Sought:

- That the objective is retained as notified.
- That the explanation is amended to clarify that the Plan objectives will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

Policy 15.1.1 – As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable for the following purposes:

- (d) *Coastal waters: protection of marine ecosystems; potential for contact recreation and food gathering/marine farming; and for cultural and aesthetic purposes;*
- (e) *Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;*

- (f) *Groundwater: drinking water supply; and*
- (g) *Wetlands: protection of aquatic ecosystems and the potential for food gathering.*

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers supports the purposes identified in this policy. In addition to the natural and human use purposes identified in the policy, Federated Farmers submits that stock drinking water, irrigation and primary production should also be recognised as legitimate purposes for the management of freshwater bodies, including rivers, lakes and groundwater.

Relief Sought:

- That the policy is amended to read:

~~As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable to provide~~ for the following purposes:

- (a) *Coastal waters: protection of marine ecosystems; potential for contact recreation and food gathering/marine farming; and for cultural and aesthetic purposes;*
- (b) *Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); ~~and~~ for cultural and aesthetic purposes; and for stock drinking irrigation and primary production purposes;*
- (c) *Groundwater: community and stock drinking water supply; for irrigation and primary production purposes; and*
- (d) *Wetlands: protection of aquatic ecosystems and the potential for food gathering.*

Subject matter and provision in the Plan:

Policy 15.1.2 – Apply water quality classifications (and water quality standards) to all surface water, groundwater and coastal water resources, which reflect:

- (a) *the management purposes specified in Policy 15.1.1; and*
- (b) *other uses and values supported by the waterbody or coastal waters; or*
- (c) *where water quality has already been degraded, the uses and values that are to be restored.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the intention to apply water quality classifications to all surface water, groundwater and coastal water resources.

We expect that the identification of water quality classifications and values supported by the water body or coastal waters will be reviewed through community consultation during the limit setting process. Therefore, we expect that the water quality classifications may require

a plan change during the catchment by catchment limit setting process as values are discussed.

Relief Sought:

- That the policy is amended to read:

Apply water quality classifications (and water quality standards) to all surface water, groundwater and coastal water resources, which reflect:

- (a) where and/or when the management purposes specified in Policy 15.1.1 apply; and
 - (b) other uses and values supported by the waterbody or coastal waters; or
 - (c) where water quality has already been degraded, the uses and values that are to be restored.
- That the explanation is amended to clarify that classifications, values and standards will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

Policy 15.1.3 – To investigate the capacity of fresh waterbodies to receive contaminants from all sources, having regard to the management purposes established by Policy 15.1.1 in order to establish cumulative contaminant limits by 2024.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports in part this policy in which Council undertakes to investigate the capacity of freshwater bodies to receive contaminants from all sources. We believe that having solid data is essential to good decision making.

The explanatory text accompanying this policy should clarify that the water quality classifications and standards in the Plan will be subject to review as part of the process of establishing limits. These limits should be added to the Plan by way of a plan change.

Relief Sought:

- That the second last paragraph of the explanatory text is amended to read:

This policy establishes a commitment to commence collecting and analysing resource use and environmental data required to establish cumulative contaminant limits. The use of limits could constrain the land uses that could occur in a catchment (existing and potential) or at least the way in which those land uses are managed. For these reasons, care needs to be exercised in establishing cumulative contaminant limits in respect of water quality. It is also important that the limits reflect the management purposes established by Policy 15.1.1, ~~otherwise Objectives 15.1a to 15.1e will not be achieved~~ and that communities review MEP objectives and standards based on catchment specific values and information. The cumulative limits and any catchment-specific revisions to values, objectives or standards will be added to the MEP by plan change ~~or upon review.~~

Subject matter and provision in the Plan:

15.M.1 Identification of uses and values supported by freshwater, groundwater or coastal water resources

To identify, on an ongoing basis, the uses and values supported by specific rivers, lakes, wetlands, aquifers and coastal waters. These values, including the spiritual and cultural values of Marlborough's tangata whenua iwi, will be identified in the MEP.

Federated Farmers supports this method

Summary of reasons for this submission:

Federated Farmers supports the identification of uses and values supported by freshwater. We consider identification of values to be an iterative process. Values change over time. It is critical that all values of freshwater, groundwater and coastal water are considered. The NPSFM directs Councils to identify the two compulsory values of ecosystem health and human health for contact recreation. The NPSFM also states the identification of values may also include any other national values or other values that the regional council considers appropriate, in either case having regard to local and regional circumstances. Federated Farmers considers that the process for identification of values should be set out in the policies.

Relief Sought:

- That the method is retained as notified.
- That the explanation is amended to clarify that uses and values will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

15.M.2 Water quality classifications

To establish water quality classifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody or that could be supported by the waterbody if water quality was enhanced. Classifications may include NS, AE, F, FS, CR, SG, A, WS and C. (Refer to Policy 15.1.2 for explanation of the classifications.)

Federated Farmers supports in part this method

Summary of reasons for this submission:

Federated Farmers supports the establishment of water qualifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody. We note that the classifications have been based on the Third Schedule of the RMA. Federated Farmers submits that it should be clear whether contact recreation refers to primary or secondary contact recreation.

We note with interest that while there are 11 classifications provided in the Third Schedule, only 9 have been used by Council in the preparation of the Plan, with the primary production and industry classification excluded. Federated Farmers submits that all classifications from the Third Schedule of the RMA are used.

Relief Sought:

- That the method is amended to read:

To establish water quality classifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody or that could be supported by the waterbody if water quality was enhanced. Classifications may include any of the standards listed in the Third Schedule of the RMA. NS, AE, F, FS, CR, SG, A, WS and C. (Refer to Policy 15.1.2 for explanation of the classifications.)

Subject matter and provision in the Plan:

Policy 15.1.4 – Take action to enhance water quality in the following rivers to meet Objective 15.1b within ten years of the Marlborough Environment Plan becoming operative:

- (a) Mill Creek; and*
- (b) Murphys Creek.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the principle of prioritising rivers and taking action through the development of catchment enhancement plans. We recognise the need to enhance water quality in areas where the water quality is not able to meet the values and uses that the community ascribes to a particular waterbody. It is critical that these Catchment Enhancement Plans are developed in partnership with landowners, the community and industry, through the establishment of Catchment Enhancement Groups.

We are supportive of the ten year timeframe contingent on the pace of change being determined by a solid understanding of the cause and effects and costs and benefits of enhancement. We note the need for improved understanding of the age of groundwater feeding the surface water courses. We have been unable to find any evidence on the age of the groundwater, and therefore should the groundwater be years old, it is inappropriate to expect dramatic change will happen in ten years. We also expect that the Catchment Enhancement Groups will have a role in decision making regarding the costs and benefits of chosen enhancement options.

Federated Farmers submits that the policy is edited for clarity.

Relief Sought:

- That the policy is amended to read:

~~Take action~~Develop catchment enhancement plans to enhance water quality in the following rivers to meet Objective 15.1b attribute state A of the NPSFM for nitrate within ten years of the Marlborough Environment Plan becoming operative:

- (a) Mill Creek; and*
- (b) Murphys Creek.*

- That the timeframe for improvement is included pending investigation of the age of groundwater feeding the above watercourses is undertaken, and community decisions with regards to costs and benefits.

Subject matter and provision in the Plan:

Policy 15.1.5 – Take action to enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative:

- (a) *Are Are Creek;*
- (b) *Cullens Creek;*
- (c) *Doctors Creek; and*
- (d) *Kaituna River.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the principle of prioritising rivers and taking action through the development of catchment enhancement plans. We recognise the need to enhance water quality in areas where the water quality is not able to meet the values and uses that the community ascribes to a particular waterbody. It is critical that these Catchment Enhancement Plans are developed in partnership with landowners, the community and industry, through the establishment of Catchment Enhancement Groups.

We are supportive of the ten year timeframe contingent on the pace of change being determined by a solid understanding of the cause and effects and costs and benefits of enhancement. We expect that the Catchment Enhancement Groups will have a role in decision making regarding the costs and benefits of chosen enhancement options. The costs may outweigh the benefits of moving from B band to A band, or may require longer time to reach the goal.

Federated Farmers submits that the policy is edited for clarity.

Relief Sought:

- That the policy is amended to read:

Policy 15.1.5 – ~~Take action~~ Develop catchment enhancement plans to enhance water quality in the following rivers to meet ~~Objective 15.1d~~ attribute state A for secondary contact recreation within ten years of the Marlborough Environment Plan becoming operative:

- (a) *Are Are Creek;*
- (b) *Cullens Creek;*
- (c) *Doctors Creek; and*
- (d) *Kaituna River.*

- That the timeframe for improvement is included pending community decisions with regards to costs and benefits.

Subject matter and provision in the Plan:

Policy 15.1.6 – Take action to enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:

- (a) Taylor River;*
- (b) Rai River; and*
- (c) Waihopai River.*

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports this policy. We believe in the importance of and are committed to having identified swimming rivers up to speed. This is a higher priority than the policy above for secondary contact recreation.

We support the intention to develop a catchment specific plan for enhancing water quality in each river catchment. It is critical that this process involves working alongside industry and landowners.

Relief Sought:

- That the policy is amended to read:

Policy 15.1.6 – ~~Take action~~ Develop catchment enhancement plans to enhance water quality in the following rivers to meet Objective 15.1e attribute state B for primary contact recreation within ten years of the Marlborough Environment Plan becoming operative:

- (a) Taylor River;*
- (b) Rai River; and*
- (c) Waihopai River.*

Subject matter and provision in the Plan:

Policy 15.1.7 – Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports the development of catchment enhancement plans that work with landowners, the community and industry to meet the desired values for a waterbody. We submit that this policy should explicitly refer to catchment enhancement plans and refer to tables 15.1, 15.2 and 15.3, as provided earlier in our submission.

Relief Sought:

- That the policy is amended to read:

Policy 15.1.7 – ~~Take action~~ Develop catchment enhancement plans to enhance water quality in the rivers identified in Tables 15.1, ~~and 15.2 and 15.3~~ so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.

Subject matter and provision in the Plan:

15.M.5 Catchment Enhancement Plans

Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in consultation with resource users in the catchment and other affected parties.

Federated Farmers supports in part this method

Summary of reasons for this submission:

Federated Farmers supports the intention of Council to develop Catchment Enhancement Plans. We commend Council on the intention to take a non-regulatory approach to working with landowners in priority catchments. Federated Farmers supports the establishment of a catchment specific strategy for enhancing water quality for each water body that is identified as not meeting water quality purposes.

We support the intention to determine the methods of enhancing water quality following an assessment of the cause and effect of degraded water quality. This allows for hot spots that are poor in quality to be targeted in a way that will address local concerns. Once these causes are known, options for improvement can be developed and cost and benefits examined, and decisions made about pathways forward.

We consider it is important that the catchment plans focus first on maintaining and improving water quality to support the values the community has identified as being important, and then prioritise the attributes important to achievement of these values. It is critical that in the preparation of these Catchment Enhancement Plans, where these catchments are based in rural areas, that primary production is recognised as a legitimate catchment value.

It is critical that this process is in partnership with the local community. The method refers to developing Plans in consultation with resource users. It is not clear what this process looks like, or what form it is intended to take. The success of this method relies on the community being engaged in decision making from the beginning, to achieve community buy in and ownership. For this reason we believe it is appropriate that Catchment Enhancement Groups are established to collectively develop the Catchment Enhancement Plans, bringing together landowners, community members, industry and Council.

Relief Sought:

- That a new method is included in the Plan for the development of Catchment Enhancement Groups.

- That the method is amended to read:

Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. Catchment Enhancement Groups will be established within each catchment. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality. Possible methods will be modelled to determine the costs and benefits, and decisions made by the Group regarding preferred pathways forward. This ~~and~~ will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in ~~consultation~~ partnership with land owners and community members ~~resource users~~ in the catchment, and industry through the Catchment Enhancement Groups. ~~and other affected parties.~~

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for a new policy as below

Summary of reasons for this submission:

Federated Farmers submits that the Plan recognises that water and land must provide for the social and economic wellbeing of the community.

Relief Sought:

- That a new policy is included in the Plan which reads:

Enable land use activities to enable the community to provide for it's economic, social and cultural wellbeing, while maintaining or improving water quality.

Subject matter and provision in the Plan:

Policy 15.1.8 – Encourage the discharge of contaminants to land in preference to water.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports this policy. It is positive that the Plan uses enabling language such as the term encourage. However within the policy itself it is not clear that the policy is referring to point source discharges. It should also be clear that discharge to land should occur where it is practical and the adverse effects associated with a discharge are less than a discharge to water.

Relief Sought:

- That the policy is amended to read:
Encourage the discharge of contaminants to land in preference to water where
a) a discharge to land is practicable;
b) the adverse effects of a discharge to land are less than a discharge to water.

Subject matter and provision in the Plan:

Policy 15.1.9 – Enable point source discharge of contaminants or water to water where the discharge will not result:

- (a) *in any of the following adverse effects beyond the zone of reasonable mixing:*
 - (i) *the production of conspicuous oil or grease films, scums, foams or floatable or suspended materials;*
 - (ii) *any conspicuous change in the colour or significant decrease in the clarity of the receiving waters;*
 - (iii) *the rendering of freshwater unsuitable for consumption by farm animals;*
 - (iv) *any significant adverse effect on the growth, reproduction or movement of aquatic life; or*
- (b) *in the flooding of or damage to another person's property.*

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the use of enabling language in this policy. We note that the Plan appears to be more flexible and enabling for discharges pertaining to urban areas and municipal systems than for rural activities. We believe in an equitable approach and thus Federated Farmers submits that this approach should be adopted throughout other policies within the Plan.

Relief Sought:

- That the enabling language of this policy is adapted to other areas of the Plan.

Subject matter and provision in the Plan:

Policy 15.1.16 – The duration of any new discharge permit will be either:

- (a) *Up to a maximum of 15 years for discharges into waterbodies or coastal waters where the discharge will comply with water quality classification standards for the waterbody or coastal waters; or*
- (b) *up to ten years for discharges into rivers identified in Policies 15.1.4, 15.1.5, 15.1.6 or 15.1.7 (where the water quality is to be enhanced) and the discharge will comply with water quality classification standards for the waterbody or coastal waters; or*
- (c) *no more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.*

With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate for Council to expect one standard of the community and private landowners and another for themselves. This policy needs to be amended so that it is equitable for all concerned.

Relief Sought:

- That the policy is amended to read:

The duration of any new discharge permit will be either:

- (a) Up to a maximum of 15 years for discharges into waterbodies or coastal waters where the discharge will comply with water quality classification standards for the waterbody or coastal waters; or*
- (b) up to ten years for discharges into rivers identified in Policies 15.1.4, 15.1.5, 15.1.6 or 15.1.7 (where the water quality is to be enhanced) and the discharge will comply with water quality classification standards for the waterbody or coastal waters; or*
- (c) no more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.*

~~*With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters.*~~

Subject matter and provision in the Plan:

Policy 15.1.19 – Progressively work toward eliminating the discharge of human sewage to coastal waters in the Marlborough Sounds, with the exception of regionally significant infrastructure.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate for Council to expect one standard of the community and private landowners and another for themselves. This policy needs to be amended so that it is equitable for all concerned. While the intention is to progressively work towards eliminating the discharge of human sewerage to coastal water in the Marlborough Sounds, regionally significant infrastructure is exempt. We are unsure as to why Council operated schemes should be exempt from complying with this policy, when all other resource users must comply

Relief Sought:

- That the policy is amended to read:
Progressively work toward eliminating the discharge of human sewage to coastal waters in the Marlborough Sounds, ~~with the exception of regionally significant infrastructure.~~

Subject matter and provision in the Plan:

Policy 15.1.21 – Manage the adverse effects of urban stormwater discharges on water quality by applying management to activities within each urban stormwater catchment in order to reduce the potential for stormwater to become contaminated at source.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports the focus of this policy on the adverse effects of urban stormwater discharges on water quality. We support the approach indicated to undertake a co-ordinated and integrated approach to managing stormwater quality and the intention to implement Stormwater Management Area Plans. We believe in taking steps that will over time reduce the contamination of stormwater and assist to improve water quality.

Relief Sought:

- That the policy is retained as notified in the Plan.

Subject matter and provision in the Plan:

Policy 15.1.23 – Avoid the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by:

- (a) preventing the direct discharge of collected animal effluent to water; and*
- (b) avoiding the access of intensively farmed stock to rivers.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers supports the move to prevent the direct discharge of collected animal effluent to water. We however note that the focus on stock access according to this policy is the impact of stock disturbance to riverbeds, and this policy seeks to avoid the access of intensively farmed stock to rivers. This is very different to the way the problem was framed by the community when consultation occurred in 2006. The consultation at the start of the RPS review indicated concern with daily crossings of waterways by dairy cattle going to and from the dairy shed. These crossings have been substantially reduced in numbers through earlier catchment projects and working with landowners, to the point where the remaining crossings are minor and used on only an occasional basis. It appears that the Plan has attempted to bring over the approach applied to dairy cattle access to waterways to all other stock, with limited critical thinking as to how this will practically work on farm.

Federated Farmers supports recognition in this policy of need to only manage livestock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1. Marlborough has good water quality and *E. coli* is not an issue everywhere. Practically, this means that stock exclusion should sensibly be prioritised to key catchments and sources, in the same manner as stormwater is through the use of Stormwater Management Plans. Federated Farmers submits that this policy should focus on assessing the causes of elevated *E. coli* levels and identifying the most appropriate and cost effective solutions where there is an identified problem. This will be best implemented

through Catchment Enhancement Plans that work with landowners, industry, community and Council for joint benefit.

Federated Farmers does not support prohibited status for access of intensively farmed livestock to rivers. The daily crossing of waterways by dairy cows is a very different issue to avoiding all access by intensively farmed stock to rivers. While we recognise that stock access at times may need to be managed, it is important that any policies to manage stock access adequately reflect the size and scale of the problem. In Marlborough, community action plans to target areas important for swimming and good management practices will achieve far more than a strict regulatory approach to stock access. Prohibition does not take into account adverse events, and the practicalities of farming. Stock may need to be moved through a waterway to be shifted from a flood or fire. If power is cut, stock may need to have access to a river for drinking should troughs not supply water to a fenced paddock. It is also important that intensively farmed stock is well defined. We will discuss this in our submission points on the rules and definitions.

Relief Sought:

- That the policy is amended to read:

Avoid Reduce the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, policy 15.1.5, and policy 15.1.6 by:

(a) assessing causes of elevated E. coli levels and identifying the most appropriate and cost-effective solutions for restricting stock access; and

b) preventing the direct discharge of collected animal effluent to water; and

(b) ~~avoiding~~ managing the access of intensively farmed stock to rivers to support achievement of Policy 15.1.5, and Policy 15.1.6.

- That the explanatory text is amended to read:

Animal effluent can be discharged directly into rivers and wetlands through either the point source discharge of collected animal effluent (e.g. farm dairy effluent) or through stock access to waterbodies. At the date of notification of the MEP, there were no authorised discharges of animal effluent into water. This policy seeks to avoid the significant risk posed to surface water quality by discharges of collected animal effluent. This will be implemented through a prohibited activity rule.

Stock can also access rivers when grazing riparian margins. While grazing of riparian margins is at times an important management tool, when on a continued basis ~~In such circumstances, it is likely that there may will be a discharge of animal effluent to water and the river bed may will be physically disturbed. The resulting increase in bacteria and turbidity in the receiving waters have the potential to reduce water quality. The adverse effects of casual access on water quality are dependent on a number of factors, including the type and density of stock. Intensively farmed stock such as dairy cattle, pigs, or cattle or deer grazed on irrigated pasture or breakfed on winter crops create a significant risk of adverse effects on water quality. For this reason, the policy seeks to avoid~~ manage stock access where stock is farmed intensively.

This policy seeks to understand the cause of elevated E. coli level and identify the most appropriate and cost effective solutions for restricting access in catchments where there is an identified problem. This work will be completed through the

Catchment Enhancement Plans, working collaboratively with landowners, industry, the community and Council to explore options.

Due to the practical difficulties in some situations of fencing stock out of waterbodies, particularly where stock are grazed extensively, or where rainfall events can cause ephemeral rivers to flow, and in situations where the costs of fencing and designing stock crossings are prohibitive for limited use, the Council has also adopted an approach of using permitted activity rules for managing the adverse effects of stock access not covered by this policy. The permitted activity rules will require compliance with any relevant water quality standard set for the affected waterbody that good management practice is followed to manage adverse effects on colour and visual clarity.

- That a new method is included in the Plan which provides for the assessment of causes of elevated *E. coli* levels and identification of the most appropriate and cost effective solutions for restricting stock access; and
- That a new method is included in the Plan which involves working with landowners and industry to implement good management practice around stock access to waterways, through Catchment Enhancement Groups, based on a better understanding of the causes and solutions.

Subject matter and provision in the Plan:

Section 32 Analysis on Policy 15.1.23

Federated Farmers opposes the Section 32 Analysis completed on Policy 15.1.23

Summary of reasons for this submission:

Federated Farmers submits that the Section 32 analysis completed on livestock access to waterways is insufficient to justify the approach undertaken within the Plan. The Section 32 analysis on Policy 15.1.23 makes generalisations such as eliminating dairy herd stream crossings and preventing intensively farmed livestock from accessing rivers will provide significant environmental effects as there will be an improvement in water quality in catchments where water quality has been degraded by these activities. Federated Farmers submits that this is not need for a widespread prohibition of intensively farmed livestock access to rivers. The analysis also states that the policy reflects the community's desire to address the adverse effects of stock in waterbodies on water quality. Federated Farmers is not aware of any recent community engagement on the matter that had dictated this response.

The Section 32 analysis also notes that there are costs associated with structures and other means to ensure livestock do not access waterbodies. This is not quantified, so that there is no appreciation of such costs or the impossibility of doing so. We also note the comment that the community benefit of eliminating stock from waterbodies is greater than the cost to any individual, despite no analysis of financial costs occurring. The Section 32 analysis also makes the comment that the cost of this policy is focussed on those undertaking the activity known to cause contamination of surface water in a number of river catchments. This appears to be in contradiction with earlier policies and objectives in the Plan which seek to better understand the cause and effect between water quality concerns.

It does not follow that if there are small pockets of concerns, there need to be widespread prohibited status. This would be better addressed through small group catchment enhancement plans working with landowners, community and industry. There is no link in the Section 32 analysis to other aspects of the Plan, including an attempt to consider this issue in light of the values of water for food production, an important value that Marlborough's rivers should be recognised for.

In summary, the Section 32 analysis is woefully inadequate and needs to be redone.

Relief Sought:

- That a thorough Section 32 Analysis, including calculated costs and benefits in economic, social and cultural terms, is completed on all provisions for livestock access to waterways in the Plan.

Subject matter and provision in the Plan:

Policy 15.1.25 – Recognise that, in many situations, non-regulatory methods will be an effective method of managing the adverse effects of non-point source discharges.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers wholeheartedly supports this policy. It is important recognition that in most situations non-regulatory approach to working with landowners is the most successful method of managing non-point source discharges. We support Council's intention to work with landowners over the life of the Plan to improve land use practices to minimise adverse effects of run-off.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 15.1.26 – Encourage, in close association with rural industry groups, the use of sustainable rural land management practices.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy for it provides recognition of the importance of working closely with rural industry groups to encourage sustainable rural land management practices. Levy funded industry bodies such as DairyNZ, Deer Industry New Zealand, and Beef and Lamb all have an active role working with landowners for the better or environmental practices on farm, as does co-operative Fonterra. It is essential that Council work closely with these organisations when encouraging sustainable land management. Federated Farmers, as one such industry group, endorses Council's focus on working with and through industry groups to co-operatively promote and encourage sustainable rural land use practices. We welcome any opportunity to work with Council to promote sustainable land use to our members. Federated Farmers considers that the above mentioned industry

partners should be activity engaged in the prioritised catchment action plans, as per our revised Tables 15.1, 15.2 and 15.3.

We support the intention of Council to undertake joint research projects with industry groups to understand the impact of rural land uses on water quality.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 15.1.27 – Promote the retirement and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the intention of this policy to promote the adoption of retirement and planting of riparian margins in rural areas. Riparian planting can help prevent sedimentation both by reducing river bank erosion and filtering run off. We consider that voluntary methods are preferable when it comes to managing riparian margins. Riparian planting provides for less sedimentation and increased water clarity, increased bank stability and lack of stock trampling banks. It also means that there is increased shading of the waterway, and therefore less algae growth at shaded sites, and biodiversity can be increased. We also note that when riparian planting, thought must be taken to managing weeds within the riparian strip. The wrong kind of riparian vegetation can choke waterways, impede and divert flow and create pest control issues for nearby land. Therefore riparian planting requires targeted approaches to achieve the desired outcomes for a particular waterbody.

This policy should focus on promoting appropriate riparian management. Where riparian margins are retired and/or not actively managed, conservation purposes may be better served by allowing grazing where consistent with good management practices. While it is noted that riparian retirement may require fencing to prevent stock entry to the riparian margin, there are a number of barriers to the adoption of riparian margins. These include when streams are the only supply of stock drinking water, cost can at times be prohibitive, and terrain can be difficult to fence in hill country or for waterways with steep banks.

Relief Sought:

- That the policy is amended to read:

Promote the retirement, management and appropriate riparian vegetation and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation in order to achieve the desired outcomes for the waterbody.

Subject matter and provision in the Plan:

Policy 15.1.28 – To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance water quality.

Federated Farmers opposes this policy

Summary of reasons for this submission:

The creation of esplanade reserves and strips is dealt with in Chapter 9: Public Access and Open Space and therefore we consider that the provision of esplanade reserves and strips is best dealt with in that Chapter.

Relief Sought:

- That this policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 15.1.29 – To control land disturbance activities in order to:

- (a) mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water; and*
- (b) avoid the potential for direct entry of contaminants into groundwater.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that land disturbance should be enabled where the effects of sediment runoff and potential for direct entry of contaminants into groundwater are mitigated.

Relief Sought:

- That the policy is amended to read:

To ~~control~~enable land disturbance activities ~~in order to~~where:

- (a) ~~mitigate~~ the effects of increased sediment runoff to fresh waterbodies or coastal water ~~are mitigated~~; and*
- (b) ~~avoid~~ the potential for direct entry of contaminants into groundwater are mitigated.*

Subject matter and provision in the Plan:

Policy 15.1.33 – Require land use consent for the establishment and operation of any new dairy farm.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers opposes the requirement for a land use consent for the establishment and operation of a new dairy farm. It is not clear what is meant by a new dairy farm and whether this includes the extension of an existing dairy farm, such as through the purchase of a neighbouring sheep and beef block for use on an existing dairy unit, or whether it only

applies to new dairy sheds being established. Federated Farmers does not see rapid growth in dairying that drives the need for a consenting regime. There are very few dairy conversions underway, and the total number of dairy farms has in fact decreased from over the past few years. Most farm land in Marlborough is too hilly for dairying, is in vineyards, or lacks suitable quantities of available water for irrigation essential to dairy farming in the Marlborough climate.

Industry has a critical role in encouraging farmers to fence waterbodies, plant riparian margins and provide advice on effluent storage.

Federated Farmers submits that these issues are well managed by industry, including through strict requirements under the Sustainable Dairying Water Accord, and in conjunction with existing consent requirements for effluent storage. Dairying should be a permitted activity, with new dairy farms requiring a farm environment plan developed with industry to strive for improvements.

Relief Sought:

- That Policy 15.1.33 and 15.1.34 are combined, and replaced with:

Enable the establishment and operation of any new dairy farm where a farm environment plan is developed with industry.

Subject matter and provision in the Plan:

Policy 15.1.34 – Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on ground or surface water quality or on significant wetlands. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:

- (a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;*
- (b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;*
- (c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;*
- (d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and*
- (e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy reads like a set of permitted activity standards. While we recognise the importance of some of these measures, these can be achieved through permitted activity standards for new dairy farming, including a requirement for the development of a farm environment plan.

Relief Sought:

- That Policy 15.1.33 and 15.1.34 are combined.
- That the standards in Policy 15.1.34, with amendments, are included in the permitted activity standards for a new dairy farm, as recommended in our relief sought on the provisions for a new dairy farm.

Subject matter and provision in the Plan:15.M.18 Liaison

Work with established rural industry groups to develop and implement sustainable land management programmes. The initial focus will be on viticulture, pastoral farming (especially dairy and intensive beef farming), arable farming and forestry, but may be expanded to other rural activities if the need arises.

Rural land uses upstream of or adjacent to rivers that have degraded water quality and rural land uses in groundwater protection areas are a priority for sustainable land management programmes.

Work with landowners and community groups to establish and enhance riparian margins and improve water quality.

Federated Farmers supports this method**Summary of reasons for this submission:**

Federated Farmers supports the intention to work with industry bodies to develop and implement sustainable land management programmes. This should be tied with the catchment enhancement plans. Federated Farmers wholeheartedly supports Council's approach of working in partnership with landowners.

Relief Sought:

- That the method is retained as notified.

Subject matter and provision in the Plan:15.M.25 Management plans for dairy farming

Water Quality Management Plans can be used as a means of demonstrating on an ongoing basis that any adverse effects on water quality resulting from dairy farming will be avoided, remedied or sufficiently mitigated. They provide the ability to consider all farm management practices with the potential to adversely affect surface or groundwater quality or wetlands and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or in the case of new

farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.

Nutrient Management Plans will be required as a means to demonstrate how nutrient inputs associated with dairy farming are to be managed to ensure any adverse effects on water quality will be avoided, remedied or mitigated. Nutrient Management Plans should be written documents that incorporate a nutrient budget developed by an accredited nutrient adviser using OVERSEER® or similar. This should describe how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium) and any other nutrients of importance to specialist crops will be managed (including all sources of nutrient - for example, discharges from farm dairy effluent systems, animal discharges and/or atmospheric nitrogen fixation).

Federated Farmers supports in part this method

Summary of reasons for this submission:

Federated Farmers supports the concept of farm environment plans, or water quality management plans as they are termed in this method. Federated Farmers submits that they should be used within the non-regulatory framework and linked to prioritised catchment enhancement plans.

Relief Sought:

- That farm environment plans are utilised in conjunction with the catchment enhancement plans as a non-regulatory tool to compliment the partnership approach.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for this new policy as below

Summary of reasons for this submission:

Federated Farmers would like to see Council undertake a collaborative approach to managing freshwater in the region. This is important for the priority catchment investigations and action plans. This will also be particularly important during the limit setting process that Council undertakes going forward.

Relief Sought:

- That a new policy is included in the Plan which reads:

Marlborough District Council will work to drive engagement and collaboration with landowners, iwi and communities through the planning and management of freshwater, including and in particular in the priority catchment investigations and action plans.

AIR QUALITY

Subject matter and provision in the Plan:

Issue 15E – The discharge of contaminants into air that reduce the amenity of the surrounding area or create an undue risk to human health

Federated Farmers supports in part this issue

Summary of reasons for this submission:

Federated Farmers supports the issue addressing undue risks to human health. However while we understand the links between air quality and amenity values, we are concerned that no reference is made to expectations about amenity being dependant on the character or zone. For example, the operational requirement of primary production activities like silage feeding and effluent spreading have effects which should be both anticipated and expected in a rural area. These activities stand to enhance the values within a rural area.

We submit that the interrelationship between amenity values and zones should be made more explicit. This extra emphasis is required because misunderstandings about expectations and amenity values can generate complaints and friction between neighbours.

Amenity values are intrinsically linked to the surrounding characteristics of the environment and as such an activity that negatively impacts on amenity in one area will not necessarily have the same affect in another. Rural production activities have the potential, at times, to generate adverse effects beyond the site, which must be acknowledged as being part of the rural environment. As a result, potential adverse effects on 'amenity value' should not always be at any cost. A measure of reasonableness must be applied, and in these circumstances adverse effects should be avoided, remedied or mitigated.

Federated Farmers is concerned that the Chapter is founded on issues regarding complaints. We expect the Chapter to be based on sound evidence and RMA obligations, not merely the concerns of disgruntled residents.

Relief Sought:

- That the issue is amended to read:

The discharge of contaminants into air that ~~reduce the amenity of the surrounding area or~~ create an undue risk to human health.

- That a new paragraph is added to the explanatory text which reads:

At times primary production activities will generate effects such as noise, odour and dust - residents living in the rural environment should therefore reasonably expect times when amenity values may be modified by such effects.

Subject matter and provision in the Plan:

Policy 15.3.4 – Manage the use of agrichemicals to avoid spraydrift. The boundary of the property on which the application of agrichemical occurs is the point at which management applies, as follows:

- (a) any agrichemical should not move, either directly or indirectly, beyond the property boundary of the site(s) where it is or has been applied; and*
- (b) agrichemical users will be required to utilise best practice and exercise reasonable care to achieve (a).*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the acknowledgement of the importance of agrichemicals in the rural environment to control animal and plant pests. We also support specific reference to best practice guidelines in this area.

However, while we acknowledge that it is Council's role to ensure there are no off-site side effects, there may be instances where it is unavoidable that an agrichemical does move, either directly or indirectly, beyond the property boundary of the site where it is or has been applied.

We are concerned that the policy as written does not reflect the realities of applying agrichemicals on farm. Periodically conditions may arise that cause agrichemicals to unintentionally drift beyond the specified area. The very nature of the material means that while all effort can be made to suitably avoid, remedy or mitigate the effects of drift, operators need to be able to work within the scope of the policy using good practice management.

Federated Farmers submits that this policy should focus on the adverse effects rather than referring to the drift itself. For example, when lime is spread, the drift can form large clouds of lime dust, but very little will actually land on neighbouring properties.

Relief Sought:

- That the policy is deleted and replaced with:

Require that appropriate measures and good management practice are taken to ensure that, to the extent reasonably possible, spray drift from the application of agrichemicals does not result in adverse effects that are offensive or objectionable beyond the property boundary.

Subject matter and provision in the Plan:

Policy 15.3.5 – Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:

- allowing, as permitted activities, discharges of contaminants into air from industrial or trade premises or industrial or trade processes that have no more than minor adverse effects on the environment;*
- avoiding or mitigating adverse effects of localised ground level concentrations of contaminants, including cumulative effects on:*
 - human health; and*
 - amenity values; and*
- avoiding or mitigating adverse effects on any other values.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

We note that where there are no more than adverse effects from discharges of contaminants into air from industrial or trade premises or industrial or trade processes, that the activity is permitted, and we support this.

However, we note that for other activities, including rural activities, the policy also refers to amenity values and to any adverse effects, including cumulative effects. The rural environment is a working one where everyday farming activities create dust, odour, smoke, and other discharges. Amenity values in a rural setting are a product of agricultural

practices that are necessary to enable landowners to economically and sustainably farm the land.

Federated Farmers considers that including amenity values in the issues and objectives prioritises the importance of preventing momentary nuisance emissions over farmers' ability to manage their land in accordance with good management practice. It must be noted that adverse effects of the discharge of odour, smoke, dust and fine particle matter will depend on what is appropriate for the predominant land use and environmental quality of the character areas within the region. Our concern is that if rural amenity is given too high a priority, agricultural practices will be unnecessarily constrained, creating a significant impact on farming.

Federated Farmers submits that as this policy is written it will capture activities such as the application of fertiliser. It is not clear how the application of fertiliser engages with the policy. For example, the odour of fertiliser could be considered to clash with the amenity value of an area if it wasn't considered an acceptable farming practice. Further, the avoidance or mitigation of adverse effects on any other values is not clear and does not provide any clarity or certainty to consent applicant. It is not clear what values are trying to be protected.

Relief Sought:

- That the policy is amended to read:

Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:

- (a) allowing, as permitted activities, discharges of contaminants into air from industrial or trade premises or industrial or trade processes that have no more than minor adverse effects on the environment;*
- ~~(b) avoiding or mitigating adverse effects of localised ground level concentrations of contaminants, including cumulative effects on:~~*
 - human health; and*
 - ~~(i) amenity values; and~~*
- (c) avoiding or mitigating more than minor adverse effects on any other values.*

Subject matter and provision in the Plan:

Policy 15.3.6 – Promote measures to avoid or mitigate the effects of the discharge of contaminants to air at their source.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports Council working with resource users to develop good practice guidelines to reduce the discharge of contaminants to air. We support the inclusion of non-regulatory means in achieving positive outcomes for air quality.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 15.3.7 – Having adequate information about the state of Marlborough’s air quality to enable the Council to assess the cumulative effects of discharges to air on amenity values and human health.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Federated Farmers supports Council’s acknowledgement that there is need to expand understanding of the state of air quality in Marlborough and supports Council’s work to increase the information and data available.

Federated Farmers submits that reference to amenity values is unnecessary, and as per our submission on Policy 15.3.5, is subjective.

Relief Sought:

- That the policy is amended to read:
Having adequate information about the state of Marlborough’s air quality to enable the Council to assess the cumulative effects of discharges to air on ~~amenity values~~ and human health.

Subject matter and provision in the Plan:*15.M.34 Information*

Ensure that the community is aware of prohibited materials that cannot be burned and why these prohibitions exist. Also ensure that alternative options to the burning of waste are well publicised.

Consider including information on LIMs advising prospective purchasers of rural land of the possible presence of activities that may affect amenity values (reverse sensitivity) through effects such as smoke and spraydrift.

Federated Farmers supports this method**Summary of reasons for this submission:**

Federated Farmers supports the inclusion of this method, which includes the provision of information to community members and rural land purchasers. It is important that those purchasing rural land are aware of the existing rights that users in that area have in regards to land use activities. Potential residents in the rural areas must be aware that certain management practices are part of the normal activity in the rural area. For example, Council could undertake the following:

- Include Advisory Notes in the relevant sections of the Plan;
- Attach a copy of the Advisory Note to all subdivision consents in the rural area, as a consent notice;
- Attach a copy of the Advisory Note to all building consents;
- Include a copy of the Advisory Note in all the Land Information Memorandums (LIM’s) for all such properties;
- Prepare information sheets detailing the type of activities that occur in rural areas (i.e. effluent distribution, shearing, milking etc) and seek a wide range of distribution mechanisms.

Relief Sought:

- That the method is retained as notified.

SOIL QUALITY**Subject matter and provision in the Plan:**

Policy 15.4.1 – Improve our understanding of the effect of land use on soil quality.

Federated Farmers supports the policy**Summary of reasons for this submission:**

Federated Farmers notes that there has been little soil quality monitoring. Federated Farmers supports efforts to enhance the understanding of the effect of land use on soil quality. We believe that knowledge is required before informed decisions can be made.

Federated Farmers supports the intent of the policy to equip rural landowners with the skills to monitor the condition of the soil resource on their own property. With the support of Council's tools and information, landowners will be able to recognise soil quality issues and enhance the capacity of the landowner to make appropriate changes to land management practices through landowner ownership of the issues.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 15.4.2 – Encourage land management practices that:

- (a) *maintain soil structure by:*
 - (i) *avoiding or remedying soil compaction;*
 - (ii) *avoiding the loss of soil organic matter; and*
 - (iii) *avoiding or remedying the effects of increased sodium levels;*
- (b) *maintain nutrients at appropriate levels; and*
- (c) *retain topsoil in situ.*

Federated Farmers supports the policy**Summary of reasons for this submission:**

Federated Farmers supports the enabling intent of this policy. Federated Farmers supports the intent of the policy to work with rural industry groups to ensure that land management practices address the issues. We support the enabling language within the policy, including to *encourage land management practices*. We support Council's intent to undertake joint investigations with rural industry groups to get a better understanding of the impact of rural land use activities and land management practices on the soil resource.

Federated Farmers notes that the explanatory text recognises that soil degradation, nutrient depilation/enrichment and soil erosion are not of widespread concern in Marlborough. Considering the guiding principle that the scope of the regulation is in keeping with the

activity being regulated, it would be appropriate that regulation for these issues are kept at a minimum and that they are rather managed by non-regulatory methods.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 15.4.3 – Control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

This policy seeks to control land disturbance activities with respect to retaining topsoil and minimising the potential for eroded soil to degrade water quality in lakes, river and coastal waters. Land disturbance is any activity which involves excavation, filing, cultivation, or vegetation clearance. Federated Farmers submits that earthworks can be required for a number of reasons, some of which are outside of a farmers' control. For example, in relation to a slip or flood damage. It is therefore unduly onerous to require consent to mitigate damage from a natural event. Earthworks can be required to maintain tracks which are a vital network through farms. We therefore see it responsible that enabling rules allow for such events. We see that discretionary activity status may be appropriate for larger scale land disturbance, but that small scale earthworks must be allowed for without requiring resource consent in the above situations.

Relief Sought:

- That the policy is amended to read:
ControlEnable land disturbance activities ~~whereto retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters~~ is avoided, remedied or mitigated.

Subject matter and provision in the Plan:

Policy 15.4.5 – Control of animal pests will be a significant focus in maintaining and enhancing soil quality, particularly in the hill and high country of the Wairau, Waihopai, Taylor, Awatere, Ure/Waima and Clarence river catchments.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy. Farmers know and understand the significant impact that pest animals can have on soil resources. Our members testify to the damage pest animals do to soil quality particularly in the hill and high country areas of the Wairau, Waihopai, Taylor, Awatere, Ure/Waima and Clarence River catchments. We support the development of a Regional Pest Management Plan to manage pests that have the potential to accelerate soil erosion, through partnerships between Council and landowners.

Relief Sought:

- That the policy is retained as notified.

Subject matter and provision in the Plan:

Policy 15.4.6 – Manage the erosion risk associated with loess soil by:

- (a) continuing to maintain the Wither Hills Soil Conservation Reserve;*
- (b) controlling the discharge of liquid waste onto or into loess soils; and*
- (c) controlling the excavation of loess soil on slopes.*

Federated Farmers supports this policy**Summary of reasons for this submission:**

Federated Farmers submits that non-regulatory methods are the best approach to managing soils and working with landowners to achieve the best outcomes for soil health.

Relief Sought:

- That the policy is amended to reflect a non-regulatory approach.

Subject matter and provision in the Plan:

Policy 15.5.1 – Primarily rely on regulations promulgated under the Hazardous Substances and New Organisms Act 1996 to ensure hazardous substances are used, stored and transported in an appropriate manner.

Federated Farmers supports the policy**Summary of reasons for this submission:**

Federated Farmers supports this policy. Hazardous substances are already controlled by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and agrichemicals are managed through NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards. Although territorial authorities have functions under Section 31 of the Resource Management Act 1991 (RMA) to control the use, storage, disposal or transport of hazardous substances, many rules are unnecessary duplication and difficult for councils to enforce.

Relief Sought:

- That the policy is retained as notified.

CHAPTER 16: WASTE**Subject matter and provision in the Plan:**

Policy 16.1.1 - Encourage waste minimisation practices by establishing a waste management hierarchy that ensures waste is managed in the following order of priority:

- (a) promoting lower levels of solid waste generation; then*
- (b) promoting higher levels of reuse, recycling and recovery of solid waste; then*
- (c) disposal of residual solid waste.*

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Federated Farmers supports efforts to minimise waste. However, on-farm options for lowering solid waste generation and reuse, recycling, and recovery of solid waste can be limited. It is important that disposal of solid waste remains cost-effective and practical on-farm.

We oppose in part this Policy because prioritising promotion above disposal options could result in proportionally more funding being spent on educative tools than on waste disposal. This could have significant consequences on waste disposal resources and options. If waste is generated it needs to be dealt with and the MEP needs to recognise and provide for this.

Relief Sought:

- Amend the Policy as follows:

Policy 16.1.1 - Encourage waste minimisation practices by ~~establishing a waste management hierarchy that ensures waste is managed in the following order of priority:~~

- (a) promoting lower levels of solid waste generation; ~~then~~*
- (b) promoting higher levels of reuse, recycling and recovery of solid waste; ~~then~~ and*
- (c) disposingal of residual solid waste.*

Subject matter and provision in the Plan:

16.M.1 Regional rules

Permitted activity rules will enable the discharge of inert and appropriate putrescible wastes to land. This will assist in the diversion of waste from disposal in the regional landfill.

Federated Farmers supports this method

Summary of reasons for this submission:

Federated Farmers considers it is appropriate for permitted activity rules to enable the discharge of inert and putrescible wastes to land. Disposing of waste on-farm is often the most cost-effective and environmentally-friendly way for farmers to deal with waste. It is important that “appropriate” putrescible wastes include all forms of waste from farms that will decay; it is inefficient and resource-intensive for farmers to transport any form of decaying waste to alternative locations, potentially significant distances away.

Relief Sought:

- Retain the method, but ensure that “appropriate putrescible wastes” include all farm-generated waste capable of decay.

Subject matter and provision in the Plan:

Objective 16.2 – Avoid, remedy or mitigate actual or potential adverse effects arising from solid waste management activities.

Federated Farmers opposes in part this objective

Summary of reasons for this submission:

Federated Farmers considers it is not possible to remedy or mitigate “potential adverse effects”. As a high-level planning document, provisions in the Plan should be clear and implementable.

Relief Sought:

- Amend Objective as follows:

~~Avoid, remedy or mitigate~~ Manage actual or potential adverse effects arising from solid waste management activities.

Subject matter and provision in the Plan:

Policy 16.2.1 – Continue to centralise solid waste disposal activities through the operation of a regional landfill and associated transfer stations.

Federated Farmers supports in part this policy**Summary of reasons for this submission:**

Marlborough is home to a dispersed rural population, where solid waste disposal methods such as landfill and transfer stations are not readily available. Council has a responsibility to provide residents in remote areas with access to waste disposal services, and permissive on-farm waste disposal rules, so that waste can be safely and efficiently disposed of.

Relief Sought:

- That a new policy is added which reads as follows:

Increase access for remote communities to solid waste disposal through the operation of landfill and associated transfer stations, and permissive on-farm waste disposal rules.

Subject matter and provision in the Plan:

Policy 16.2.3 – Require resource consent for the establishment of cleanfills to ensure the appropriate disposal of waste.

Federated Farmers opposes in part this policy**Summary of reasons for this submission:**

Due to the remoteness of many farms and the resource-intensive nature of carting cleanfill significant distances, some farms establish small cleanfills on their land for cleanfill generated within the farm.

Given the stable and non-toxic nature of cleanfill we consider there is a very low risk to the environment from appropriately located cleanfills on-farm. It is also an efficient and effective solution because it avoids the need to establish public cleanfills all across the region. As a result, we consider that small cleanfills on farm should be a permitted activity, subject to location standards (e.g. set-back from waterways) and size restrictions (e.g. maximum of 500m³).

Relief Sought:

- That the policy is amended to read:

Require resource consent for the establishment of cleanfills, excluding on-farm cleanfills that meet permitted activity standards, to ensure the appropriate disposal of waste.

Subject matter and provision in the Plan:

Policy 16.2.4 – Enable the application of solid waste to land from the processing of primary products, the disposal of animal waste in offal pits, the disposal of biodegradable material in farm rubbish pits or the processing/storage of compost or silage, where:

- (a) this does not occur within a Groundwater Protection Area or into or onto soils identified as a Soil Sensitive Area as being at risk; and*
- (b) standards for permitted activities are met.*

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports Council taking an enabling approach to waste disposal from primary production activities. As acknowledged in the supporting text, Marlborough's economy is based on primary production, and along with primary production activities, the processing and manufacturing of these products actively contribute to the region's economy.

We are however concerned with the application of this policy. While it is written to be enabling, it notes specifications around the location of disposal, such as where *this does not occur within a Groundwater Protection Area or into or onto soils identified as a Soil Sensitive Area as being at risk*. It also notes that the standards for permitted activities are met.

The permitted standards for a number of these activities in the Marlborough Environment Plan are onerous and will constrain waste disposal activities. Rather than referencing standards for permitted activities, this policy should focus on adverse effects that need to be avoided or mitigated.

Rural residents face disproportionate costs and barriers to disposing of solid waste and recycling compared to other sectors of the population. These costs and barriers are due to lack of rural infrastructure, long distances to collection points, limited opening hours of transfer stations and recycling options. Until these barriers are addressed, it is impractical and inequitable to impose stricter solid waste rules on rural residents. Federated Farmers believes that rural residents should continue to allow the disposal of non-hazardous domestic and farm refuse onto or into land until such time as non-regulatory methods have been established.

Relief Sought:

- That the policy is amended as follows:

Enable the application of solid waste to land from ~~the processing of primary products,~~ primary production activities, including the disposal of animal waste in offal pits, the disposal of ~~biodegradable~~ material in farm rubbish pits or the processing/storage of compost or silage, while avoiding or mitigating adverse effects.

- ~~(a) this does not occur within a Groundwater Protection Area or into or onto soils identified as a Soil Sensitive Area as being at risk; and~~
~~(b) standards for permitted activities are met.~~

Subject matter and provision in the Plan:

Policy 16.2.5 – Where resource consent is required for the discharge of solid waste to land from primary production activities, decision makers shall consider the following matters in deciding whether or not to grant consent and whether conditions can be imposed to avoid or mitigate any adverse effects on the environment:

- (a) the soil characteristics at the discharge location and whether the nature and volume of waste to be discharged will adversely affect soil structure;*
(b) where the discharge is within a Groundwater Protection Area or into or onto soil identified as a Soil Sensitive Area, the risks to groundwater, surface waterbodies or soil quality;
(c) contamination of freshwater resulting from nutrient (nitrogen and phosphorus) and organic nutrients (BOD) through leaching, runoff and/or direct discharge;
(d) the proximity of the discharge location to waterbodies with a high natural character or to waterbodies identified as having degraded water quality that needs to be enhanced through Policies 15.1.4 to 15.1.7 in Chapter 15 - Resource Quality (Water, Air, Soil); and
(e) the potential for reduced amenity values due to odour, vermin or visual effects from the discharge, particularly where this occurs in close proximity to residentially zoned land.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers considers that the discharge of solid waste to land from primary production activities should not require resource consent. As noted above, rural landowners face significant barrier to disposing of waste through Council operated landfills, in particular, significant distances to transfer stations means it is inefficient and uneconomical to use Council waste disposal options.

We consider that farmers should be able to continue to discharge solid waste to land from primary production activities as a permitted activity, subject to certain standards, including set-backs from waterways.

Relief Sought:

- That the policy is amended as follows:

~~Where resource consent is required for the discharge of solid waste to land from primary production activities will be provided for subject to the following adverse effects being avoided or mitigated, decision makers shall consider the following matters in deciding whether or not to grant consent and whether conditions can be imposed to avoid or mitigate any adverse effects on the environment:~~

- ~~(a) the soil characteristics at the discharge location and whether the nature and volume of waste to be discharged will adversely affect soil structure;~~
~~(b) where the discharge is within a Groundwater Protection Area or into or onto soil identified as a Soil Sensitive Area, the risks to groundwater, surface waterbodies or soil quality;~~
~~(c) contamination of freshwater resulting from nutrient (nitrogen and phosphorus) and organic nutrients (BOD) through leaching, runoff and/or direct discharge;~~

~~(d) the proximity of the discharge location to waterbodies with a high natural character or to waterbodies identified as having degraded water quality that needs to be enhanced through Policies 15.1.4 to 15.1.7 in Chapter 15 – Resource Quality (Water, Air, Soil); and~~
~~(e) the potential for reduced amenity values due to odour, vermin or visual effects from the discharge, particularly where this occurs in close proximity to residentially zoned land.~~

Subject matter and provision in the Plan:

Policy 16.2.8 – Encourage the responsible disposal of solid waste from remote locations.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers notes the supporting text, which states that *it is difficult to apply to waste minimisation hierarchy set out in Policy 16.1.1. to those parts of Marlborough that are a great distance from transfer stations and/or do not have road access.* We agree and consider that if Council cannot provide accessible waste disposal options that permissive rules are required about on-farm disposal of waste.

We consider that an “encourage” Policy is insufficient to provide appropriate options for waste disposal in remote rural communities. These communities need to be able to dispose of waste easily and economically.

Relief Sought:

- That a new policy is added that requires Council to provide accessible waste disposal options for remote rural communities and sets the framework for a permitted activity status for on-farm waste disposal.

Subject matter and provision in the Plan:

16.M.9 Regional and district rules

Standards for the discharge of contaminants to land, water and air from waste management facilities and for the monitoring of any such discharges will be established through regional rules. These standards will apply to community infrastructure, such as the regional landfill and transfer stations. Rules enabling discharges to land resulting from primary production activities are provided for, subject to meeting standards.

Resource consents will be required for cleanfills and for the discharge to land of organic waste material from primary production activities where the discharge occurs in a Groundwater Protection Area or in a Soil Sensitive Area. Resource consent will also be required where permitted activity standards cannot be met.

Prohibited activity rules will prevent the disposal of hazardous waste into the environment, except at the regional landfill.

Federated Farmers opposes in part this method

Summary of reasons for this submission:

It is inappropriate to require resource consents for on-farm cleanfills and for the discharge to land of waste from primary production activities. Rural residents need to be able to dispose of waste, and many communities cannot access Council waste disposal options.

Relief Sought:

- That on-farm waste disposal remains a permitted activity.

Subject matter and provision in the Plan:

Objective 16.3 – The discharge of liquid wastes onto or into land is managed in a way that avoids adverse effects on water and soil quality, land and water ecosystems, slope stability and cultural and amenity values.

Federated Farmers opposes this objective**Summary of reasons for this submission:**

As a result of the King Salmon case, “avoid” can effectively prohibit an activity. Therefore, this Policy risks the discharge of liquid wastes onto land becoming unlawful if any adverse effects result. This is completely inappropriate and impractical.

The RMA allows for adverse effects to also be mitigated or remedied and the Policy needs to include these options in order to be implementable. Ordinary farming activities inevitably involve the creation of sounds, smells, and discharges to air that may impact on ‘amenity’ values periodically, but are a necessary part of primary production, for example dairy shed effluent. The Plan needs to recognise and provide for discharges from normal farming activities.

We disagree that “carefully designing, constructing, managing and maintaining systems for the discharge of liquid waste to land so that they reflect environmental constraints” will avoid all adverse effects.

Relief Sought:

- That the policy is amended to read:

The discharge of liquid wastes onto or into land is managed in a way that avoids, mitigates, or remedies adverse effects on water and soil quality, land and water ecosystems, slope stability and cultural ~~and amenity~~ values.

Subject matter and provision in the Plan:

Policy 16.3.3 – Approve discharge permit applications to discharge contaminants onto or into land where:

- (a) the discharge is within the ability of the land to treat and/or contain contaminants present in the liquid waste, taking into account:
 - (i) the rate of discharge (including variability in the rate of discharge);*
 - (ii) the nature and concentration of contaminants within the liquid waste;*
 - (iii) the hydraulic properties of the soil within the land application area and any relevant physical, chemical or biological soil properties;**

- (iv) any other discharge of contaminants to the same land or to land in close proximity to the discharge;
- (b) the discharge does not adversely affect the drinking water quality of groundwater adjacent to or down gradient of the discharge, either alone or in combination with any other discharge;
- (c) the land application area is located as far as practicable from any surface waterbody or coastal water;
- (d) it is inappropriate (due to the potential impact on the performance of treatment plants and associated infrastructure) or impracticable to discharge the liquid waste into reticulated sewerage system;
- (e) the discharge will not initiate instability or make existing instability worse; and
- (f) the treatment unit and land application area are accessible for servicing.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers notes that this policy provides criteria for determining whether discharge permits should be granted or not. It is not clear whether this applies to farm dairy effluent or to domestic wastewater, however it appears that both type of discharges are considered by the policy. Given the distinctly different nature of these discharges, this policy is too broad and encompassing and all clauses will not be relevant for all types of discharge. For example the statement (f) that the treatment unit and land application area are accessible for servicing could be problematic for domestic onsite wastewater systems which are buried.

Federated Farmers considers it would be appropriate to include the line where relevant, so that only the matters of relevance are assessed within the application. Further we are struggling to distinguish between Policy 16.3.3 and 16.3.4, and suggest they are combined.

Relief Sought:

- That the policy is combined with 16.3.4 and amended to only apply where circumstances are relevant, as follows:

When considering discharge permit applications to discharge contaminants onto or into land, have regard where relevant to:

(a) the discharge is within the ability of the land to treat and/or contain contaminants present in the liquid waste, taking into account where relevant:

Subject matter and provision in the Plan:

Policy 16.3.4 – When considering discharge permit applications to discharge contaminants onto or into land, have regard to:

- (a) the extent of treatment prior to discharge;*
- (b) the method of distribution to and within the land application area following treatment;*
- (c) alternative options for managing the contaminants, including discharge to an alternative location or to a reticulated community sewerage system;*
- (d) the need for reserve land application areas;*
- (e) site constraints, including geology, topography, slope, climate and presence of waterbodies or structures;*
- (f) relevant guidelines and standards; and*

(g) potential cumulative effects.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers notes that this policy provides criteria for determining whether discharge permits should be granted or not. It is not clear whether this applies to farm dairy effluent or to domestic wastewater, however it appears that both type of discharges are considered by the policy. Given the distinctly different nature of these discharges, this policy is too broad and encompassing and all clauses will not be relevant for all types of discharge.

Federated Farmers considers it would be appropriate to include the line where relevant, so that only the matters of relevance are assessed within the application. Further we are struggling to distinguish between Policy 16.3.3 and 16.3.4, and suggest they are combined.

Relief Sought:

- That the policy is combined with 16.3.3 and amended to only apply where circumstances are relevant.

Subject matter and provision in the Plan:

Policy 16.3.5 – When considering discharge permit applications to discharge contaminants onto or into land, have regard to the cultural values of Marlborough’s tangata whenua iwi.

Federated Farmers supports in part this policy

Summary of reasons for this submission:

Federated Farmers supports the intent of this Policy as noted in the explanation. However, as currently worded the ‘cultural assessment’ may become overly burdensome due to it covering all cultural values. It is also not clear what ‘cultural values’ may be required to be considered which is not transparent for resource consent applicants. We support restricting the application of the Policy to sites of spiritual and/or cultural significance which is relevant to applications to discharge contaminants to land. It is important that these sites are identified in the Plan to provide clarity for plan users.

Relief Sought:

- That sites of spiritual and cultural significance are included in the Plan by way of reference to waahi tapu sites.
- That the policy is amended to read:

When considering discharge permit applications to discharge contaminants onto or into land, have regard to sites of spiritual and/or cultural significance ~~the cultural values~~ of Marlborough’s tangata whenua iwi.

Subject matter and provision in the Plan:

Policy 16.3.6 – Avoid the use of soak pits for the disposal of contaminants in liquid waste.

Federated Farmers opposes this policy

Summary of reasons for this submission:

Federated Farmers submits that this policy is amended to discourage the use of soak pits.

Relief Sought:

- That the policy is amended to read:

~~Avoid~~ Discourage the use of soak pits for the disposal of contaminants in liquid waste.

Subject matter and provision in the Plan:

Policy 16.3.8 – Monitor the operational performance of existing wastewater management systems and require poorly performing systems to be upgraded to or replaced with systems that effectively treat and contain all wastewater to the discharge site.

Federated Farmers opposes this policy

Summary of reasons for this submission:

It is not clear what wastewater systems this Policy applies to. Federated Farmers is aware that it is very difficult to monitor the performance of on-site domestic wastewater systems, because the whole system is usually buried, including the discharge sites. It would be extremely expensive, and in some cases impossible to reveal an onsite-wastewater system without damaging it.

In addition, the explanation to the Policy refers to “agricultural waste” but the definition of wastewater in the Plan only applies to onsite domestic wastewater systems. We strongly oppose Policies that combine both domestic wastewater and agricultural effluent. This confuses the issues that apply to different types of discharge and does not distinguish between the different requirements for management and monitoring of various systems.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Policy 16.3.9 – Encourage artificial wetlands as a means of managing the discharge of contaminants.

Federated Farmers supports this policy

Summary of reasons for this submission:

Federated Farmers supports this policy. We believe Council can have a role in encouraging the development and use of artificial wetlands to manage the discharge of contaminants. We would like to see Council take an active role in working with landowners to establish wetlands where there is identified benefit, through guidance and advice, and suggest that this is carried over to the methods.

Relief sought:

- That the policy is retained as notified.
- That a new method is included which sets out Council's role in working with landowners in encouraging artificial wetlands.

Subject matter and provision in the Plan:

16.M.20

Warrant of Fitness Develop and implement, within five years of the MEP becoming operative, a Warrant of Fitness scheme for existing on-site wastewater management systems not authorised by resource consent in the Marlborough Sounds and in Groundwater Protection Areas. This scheme will require an initial inspection of the adequacy and effectiveness of existing on-site wastewater management systems and subsequent re-inspections every five years. The inspections will include an assessment of the capacity and integrity of the treatment unit (e.g. septic tank) and an assessment of the condition of the means of distribution and land application area(s).

Federated Farmers opposes in part this method

Summary of reasons for this submission:

As noted above, we question how achievable it will be for Council to inspect on-site domestic wastewater systems, as all components are generally buried. In addition, several systems use dispersed drip systems which may be difficult to assess for functionality, even if they can be safely revealed.

We question the scientific basis for Council targeting on-site domestic wastewater systems. We do not consider they are a significant contributor to poor water quality outcomes, especially in extensive rural settings. In addition, in general these systems cannot be 'upgraded', the entire system needs to be replaced. Replacing systems is very expensive and we consider that the potential benefits would be minimal, and not worth the cost of \$20,000 each to replace.

Relief Sought:

- That the method is deleted from the Plan.

CHAPTER 17: TRANSPORTATION

Subject matter and provision in the Plan:

Policy 17.6.1 – Maintain amenity values in rural and urban areas by encouraging the use of national and arterial routes by high volumes of traffic and heavy vehicles and discouraging high volume and heavy traffic use of collector routes and local routes, particularly where these pass through residential areas.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers recognises that while the explanation for this policy has one comment about an exception being made for primary production activities which need to use collector and local routes, the policy itself does not recognise primary production's vital reliance on the land transport network. Pastoral farming and other primary production activities are located in rural areas that are well beyond national and arterial routes. Farming activities in these areas rely on the roading network for transportation of produce and livestock to market. It is critical that the policy provides for primary production.

Relief Sought:

- That the policy is amended to read:

Maintain amenity values in rural and urban areas by encouraging the use of national and arterial routes by high volumes of through traffic and heavy vehicles and discouraging high volume and heavy through traffic use of collector routes and local routes, particularly where these pass through residential areas, with the exception of transportation associated with primary production activities.

Subject matter and provision in the Plan:

New policy

Federated Farmers supports the need for this new policy as below

Summary of reasons for this submission:

Federated Farmers submits that a new policy is included within Chapter 17: Transportation, which recognises the need for linkages of the land transportation network with effluent dump sites, for the benefit of appropriate waste disposal. We suggest that a new policy is included within the Plan which encourages appropriately located effluent dump sites. Council should make provision for an effluent waste station between Picton and Spring Creek, so that trucks crossing to and from Nelson, Golden Bay and the West Coast or similarly distanced locations are able to offload effluent after/before crossing on the ferry. This would limit the habit of truck drivers unloading their tanks along the road verges, which carries an environmental risk. Federated Farmers is doing everything we can to educate our farmers to stand stock before loading, however once on the truck farmers have little control over truck drivers actions. Federated Farmers would like to see the Plan enable a new effluent dump site between Blenheim and Picton.

Relief Sought:

- That a new policy is included in the Plan which reads:

Encourage appropriately located effluent dump sites.

CHAPTER 19: CLIMATE CHANGE

Subject matter and provision in the Plan:

Policy 19.1.3 – Enable primary industries to adapt to the effects of climate change.

Federated Farmers supports the policy

Summary of reasons for this submission:

Federated Farmers wholeheartedly supports this policy and believes that ensuring that primary production can adapt to economic and environmental influences is of great importance. We support the enabling approach taken by this policy.

Federated Farmers submits that this ethos of adaption and enabling should also be embedded in other parts of the Plan.

Relief Sought:

- That the policy is retained as notified.

- That the ethos of enabling the primary industries to adapt is prevalent across the Plan.

Subject matter and provision in the Plan:

Policy 19.1.4 – Take a precautionary approach to the allocation of additional freshwater resources and where freshwater has already been allocated, ensure that the allocation reflects the status of the resource.

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers considers that this policy is already addressed in Chapter 5: Allocation of Public Resources and therefore should be deleted.

Relief Sought:

- That the policy is deleted.

Subject matter and provision in the Plan:

Policy 19.1.5 – Ensure that the freshwater that is available for out-of-stream use is allocated and used efficiently, by:

- (a) *requiring that the rate of water use authorised by water permit be no more than that required for the intended use, having regard to the local conditions;*
- (b) *enabling the transfer of water permits between users within the same Freshwater Management Unit; and*
- (c) *enabling the storage of water for subsequent use during low flow and low level periods.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers submits that these issues are best addressed by the policies in Chapter 5: Allocation of Public Resources and that the policy is deleted. This policy repeats the policies in Chapter 5 and should be removed to avoid repetition.

Relief Sought:

- That the policy is deleted from the Plan.

Subject matter and provision in the Plan:

Objective 19.2 – Avoid and mitigate the adverse effects of natural hazards influenced by climate change.

Federated Farmers supports in part this objective

Summary of reasons for this submission:

Federated Farmers considers the primary concerns for the District in relation to natural hazards are human related. We consider the wording of the Objective and subsequent policies should reflect that the focus is on protecting human wellbeing, ensuring that

infrastructure, development and utilities are appropriately sited so as to minimise risk to human wellbeing, and that structures and earthworks are sited so as not to exacerbate the potential impacts of natural hazards influenced by climate change.

We would not support a more onerous regulatory approach which unnecessarily captured uninhabited structures in the rural area as this would not be justified on the basis of the risk posed to human wellbeing.

Relief Sought:

- That the objective is amended to read:

Avoid and mitigate the adverse effects of natural hazards influenced by climate change on human communities.

Subject matter and provision in the Plan:

Policy 19.2.2 - Avoid any inundation of new buildings and where appropriate infrastructure within the coastal environment by ensuring that adequate allowance is made for the following factors when locating, designing and/or constructing any building or infrastructure:

- (a) *rising sea levels as a result of climate change of at least 0.5 metres relative to the 1980-1999 average; and*
- (b) *storm surge.*

Federated Farmers opposes in part this policy

Summary of reasons for this submission:

Federated Farmers considers the primary concerns for the District in relation to natural hazards are human related. We consider that this policy should focus on habitable buildings where there is risk to human life, not simply any buildings or infrastructure. There are many farmers who actively farm within the coastal environment. Farm sheds and other ancillary buildings and infrastructure are important to the operation of the farming business. Farm sheds, for example, do not need to be given the same regard for sea level rises as homes and other places of community congregation.

We do not support an onerous regulatory approach which unnecessarily captures uninhabited structures in the coastal environment area. This is not justified on the basis of the risk posed to human wellbeing.

Relief Sought:

- That the policy is amended to read:

Avoid any inundation of new habitable buildings ~~and where appropriate infrastructure~~ within the coastal environment by ensuring that adequate allowance is made for the following factors when locating, designing and/or constructing any building or infrastructure:

- (a) *rising sea levels as a result of climate change of at least 0.5 metres relative to the 1980-1999 average; and*
- (b) *storm surge.*

VOLUME 2: RULES

Subject matter and provision in the Plan:

General submission on layout of the rules

Federated Farmers opposes the layout of the rules

Summary of reasons for this submission:

Federated Farmers considers that the rules chapters are difficult to accurately interpret. It is difficult for a plan user to follow. One looks at the front page and notes that, for example under 3.1 Permitted Activities, their activity is permitted. However on turning five more pages into the Chapter they are confronted with a set of permitted activity standards which must be met for that rule.

Federated Farmers considers that the layout of the rules chapters could be made much simpler to follow through clearer formatting.

Relief Sought:

- That the layout of the rules is simplified so that the permitted activity standards are provided alongside the name of the permitted activity in the first instance.

Subject matter and provision in the Plan:

Use of activity status

Federated Farmers opposes the limited use of the six available activity classes

Summary of reasons for this submission:

Federated Farmers notes that Council has adopted an approach to utilise three predominant activity classes: permitted, discretionary and prohibited. While there is a spattering of other classes used for a small number of rules, the use of three activity classes means that plan users will predominantly find themselves undertaking an activity that is either permitted or requires discretionary activity resource consent.

We support the approach of using permitted activity status. Having said that, many activities default straight to discretionary status. We strongly oppose this. It is at odd with the Marlborough District Council intent to make policy in the Plan, not in the rules. The practical effect may be to create an open chequebook industry for consents staff and consultants. We seek a planning environment that seeks business certainty, not the reverse.

Federated Farmers submits that the Plan employ the full range of activity classes available in the RMA. We submit that any rural activities currently classified as discretionary or defaulting to discretionary are amended to controlled or restricted discretionary status, unless otherwise specified. It is appropriate that activities are controlled where they may not meet one of the permitted activity standards, where the effects of the activity are known and are not significant.

Relief Sought:

- That a graduated approach to activity status is used, including utilisation of the six activity classes: permitted, controlled, restricted discretionary, discretionary, non-complying and prohibited.
- That all rules currently classed as discretionary status or defaulting to discretionary status are amended to controlled or restricted discretionary status, unless otherwise specified.

Subject matter and provision in the Plan:

Permitted activity standards

Federated Farmers opposes the onerous nature of the permitted activity standards**Summary of reasons for this submission:**

Federated Farmers supports the use of permitted activity status. However, the permitted activity standards in the Plan are overly onerous. They are very prescriptive and extend from half a page of standards, to two pages of standards per permitted activity rule. The Plan includes seventeen standards for the clearance of indigenous vegetation. The Plan includes twenty standards for the harvesting of commercial forestry.

Federated Farmers submits that the permitted activity standards must accurately reflect the scope of the problem, as per the guiding principles of the Plan in the Introduction of Volume One. That is, the permitted activity standards should focus on the areas where adverse environmental effects are likely to occur.

Relief Sought:

- That the permitted activity standards are revised and simplified so that they focus on the key areas that may cause adverse effects.

Subject matter and provision in the Plan:

Use of prohibited status

Federated Farmers opposes the degree of use of prohibited activity status**Summary of reasons for this submission:**

With regards to the use of the 'prohibited activity' class, Federated Farmers position is that it must be used sparingly, to warrant justification of council fettering their decision making discretion; rules must be exceptionally drafted, to avoid confusion and uncertainty; and justified using robust cost/ benefit evaluations, which clearly establish why a less restrictive status or other methods could not achieve the same end.

This position has been shaped by the *Coromandel Watchdog* trilogy of cases relating to the prohibited activity status of mining in the Thames Coromandel district³, the requirements of the revised Section 32 evaluation introduced in 2013 and is consistent with best practice guidance from the Quality Planning website.

When considering the circumstances in which it is appropriate for a local authority to classify an activity as a prohibited activity, lower courts in *Coromandel Watchdog of Hauraki Inc v Chief Executive of the Ministry of Economic Development* established a high standard, essentially finding that:

A prohibited activity status can only be used when a planning authority is satisfied that, within the time span of the Plan, the activity in question should in no circumstances ever be allowed in the area under consideration.

The Court of Appeal ruled that the absolutist position was unnecessary and had the potential to limit unduly the circumstances in which the allocation of prohibited activity status may be the most appropriate option. When considering the statutory scheme the Court at para 26 reinforced how a council will determine what the most appropriate option will be, stating *in formulating a plan and before its public notification, a local authority is required under s32(1) to undertake an evaluation*. The process requirements of the evaluation requires an examination as to whether policies, rules or other methods are the most appropriate for achieving objectives. Further at para 28 *The important point for present purposes is that the exercise required by s32, when applied to the allocation of activity statuses in terms of s77B, requires a council to focus on what is the “the most appropriate” status for achieving the objectives of the district plan, which, in turn, must be the most appropriate way of achieving the purpose of sustainable management.*

Key points to note - the Court of Appeal overturned the decisions of the lower courts with an analysis of the process requirements of the Act, specifically the statutory requirements of s32 and its application to s77A (former s77B). It established that the most appropriate activity status will be determined by the s32 evaluation. The decision was also clear in its expectation that the s32 evaluation was to be undertaken during the formulation / drafting stage not after notification- clearly the intention is for it to inform the process, not defend predetermined positions.

The Section 32 analysis prepared for activities where prohibited activity status has been proposed in the Plan is unsatisfactory. It does not take into account the economic, social or cultural costs on landowners concerned. Rather, general statements are made about whole of community benefit.

A prohibited activity status has the effect of placing an activity ‘outside’ the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming or

³ *Coromandel Watchdog of Hauraki Incorporated v Chief Executive of the Ministry of Economic Development* CA285/05 [2007] NZCA 473, *Coromandel Watchdog of Hauraki Incorporated v Chief Executive of the Ministry of Economic Development* (2005) 12 ELRNZ 18,

primary production that could justify the huge leap in costs, uncertainty of outcome and time delays associated with the use of prohibited status activity class.

Relief Sought:

- That prohibited activity status is only used when an activity must be avoided, and has been through a robust Section 32 analysis to determine the costs and benefits of such an approach.

Subject matter and provision in the Plan:

Default to discretionary status for activities not listed

Federated Farmers opposes the default to discretionary status for activities not listed

Summary of reasons for this submission:

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”. Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

Rules which assign a discretionary status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That the rules are amended so that any activity not listed, where it is a land use, the activity defaults to a permitted activity status.

Subject matter and provision in the Plan:

Guidance for preparation of discretionary consent applications

Federated Farmers opposes the lack of guidance for discretionary consent applications

Summary of reasons for this submission:

Federated Farmers submits that for a plan user, particularly a farmer that may be preparing their own submission, it will be incredibly difficult to make sense of what policies apply to their given activity. There is no guidance within the rules as to which policies apply or do not apply in the preparation of a consent application. Federated Farmers understands that the nature of the discretionary activity does mean that any objectives, policies and matters are

open for consideration. It would be useful however if the plan could signal some policies that particular regard should be given to.

All farming activities should have a list of assessment criteria. The operative Plan sets out the assessment criteria for discretionary activities, which while it does acknowledge any relevant objectives, policies and rules, it also sets out particular matters for consideration. The operative Plan also sets out the resource consent conditions. Both of these features we consider useful in providing clarity for plan users, and should be included in the Plan.

Relief Sought:

- That the rules specify the policies that need to be referred to in the preparation of a consent application for activities listed as discretionary activities, and the list of assessment criteria for all controlled, restricted discretionary and discretionary activities.

Subject matter and provision in the Plan:

General submission on consents required

Federated Farmers supports all efforts to make the resource consenting process as efficient as possible

Summary of reasons for this submission:

Federated Farmers submits that for the many farmers under the proposed Plan requiring multiple resource consents for daily farming activities, processing by the Council must be efficient. While is our preference that the daily activities required for farming do not require a resource consent, where a resource consent is required we seek that these are provided through a clear, simple and efficient process. Where a farmer requires multiple resource consents, we seek that these are bundled to avoid wasting time, energy and expense.

Relief Sought:

- That the resource consent process is as efficient as possible, including the bundling of consents.

Subject matter and provision in the Plan:

General submission on the use of the Munsell Scale

Federated Farmers opposes the use of the Munsell Scale

Summary of reasons for this submission:

Federated Farmers notes that the Munsell Scale is referred to throughout the permitted activity standards relating to water quality. We consider it is inappropriate to use a method such as the Munsell Scale, that is not widely known and requires technical expertise in a permitted activity standard. It will be impossible for a farmer to know whether or not they are

compliant with the water quality standards, without having to research extensively to ascertain what is required or specified.

Relief Sought:

- That all reference to the Munsell Scale is deleted from the Plan.

Subject matter and provision in the Plan:

General submission on the forestry rules

Federated Farmers supports the need for clarity regarding the forestry rules

Summary of reasons for this submission:

Federated Farmers notes that there are extensive rules for forestry included in the Plan. At the same time, the National Environmental Standard for Plantation Forestry is due for release in early 2017. It is expected that much of the NES will override the rules pertaining to forestry in this Plan. It is not clear in the Plan how this will be dealt with.

Federated Farmers submits in support of the deletion of forestry rules in Plan to avoid duplication with NES-PF. There is no use for a resource user to have two sets of near identical rules to follow, or worse – a set of NES rules and then a contradicting set of council rules.

However we seek clarification as to where woodlot forestry will fit into this regime. Woodlot forestry will be of lesser scale and have less potential for adverse effects compared to forestry, so it therefore should also have less regulation than forestry. Woodlot forestry should be a permitted activity providing for both planting, maintenance and harvesting.

Relief Sought:

- That the forestry provisions are deleted to avoid duplication and consistency with the pending NES.
- That woodlot forestry is provided for as a permitted activity with no standards.

Subject matter and provision in the Plan:

General submission on Section 32 analysis of rules

Federated Farmers opposes the lack of Section 32 analysis completed on the rules

Summary of reasons for this submission:

Federated Farmers submits that there is no Section 32 analysis provided on the rules with the Plan. While there has been a Section 32 analysis developed for the objectives, policies and methods, this does not extend to the rules. This is evident in that the rules do not appear

to have been through any rigid sort of cost benefit analysis, that determines that the benefits and outcomes of the proposed approach will outweigh the cost on the resource user or the community.

Relief sought:

- That a thorough Section 32 analysis is completed on the rules that this submission seeks relief from, so as to determine that the approach taken by Council is the most cost effective approach.

DEFINITIONS

Subject matter and provision in the Plan:

General submission on definitions

Federated Farmers opposes the format of defined words in the text

Summary of reasons for this submission:

Where defined words are used throughout the body of the plan, it is useful to bold or italicise these words in the text so the reader is aware that there is a definition and can refer to it. For clarity, all words included in the definitions list should be lower case, unless referring to another document or Appendix in the Plan, in which case they should be capitalised as appropriate.

Relief Sought:

- That every time a defined word appears in the text of a provision it is italicised, so the reader is aware that there is an associated definition.
- That all words included in the definitions list are in lower case unless they are referring to another document or Appendix in the Plan and need to be capitalised.

Subject matter and provision in the Plan:

Definition: Agrichemical

means any substance, whether inorganic or organic, manufactured or naturally occurring, modified or in its natural state, that is used in any agriculture, horticulture, forestry, management of public amenity areas, or related activity, to eradicate, modify, or control flora or fauna. This includes agricultural compounds, but excludes fertilisers, vertebrate pest control products and organ nutrition compounds

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers submits that organ nutrition compound is incorrect. This definition should refer to *oral* nutrition compounds as an exclusion from the definition of agrichemical, being a substance ingested by an animal as feed, or a nutritional preparation intended for oral administration to an animal to achieve a nutritional benefit. Support is given for the other exclusions of fertilisers and vertebrate pest control products.

Relief Sought:

- That the definition of Agrichemical is corrected to refer to oral nutrition compounds as an exclusion, not organ nutrition compound.

Subject matter and provision in the Plan:

New Definition: Archaeological Site

Federated Farmers supports this new definition

Summary of reasons for this submission:

Federated Farmers submits that should the term archaeological site remain in the General Rules chapter, a definition needs to be provided in the Plan and sites clearly mapped.

Relief Sought:

- That a definition for archaeological site is provided in the Plan, and sites mapped in the Planning maps.

Subject matter and provision in the Plan:

Definition: Bare Ground

means ground not covered by vegetation or a vegetation canopy, as viewed vertically from a point higher than the tallest vegetation on the site

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition for *Bare Ground* and all associated provisions throughout the Plan are deleted as being uncertain and unnecessary.

Relief Sought:

- That the definition for *Bare Ground* and all associated provisions in the Plan are deleted.

Subject matter and provision in the Plan:

Definition: Breakfeeding

Means the feeding of animals on paddocks where feeding space is controlled by the movement of an electric fence.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers that as a first preference this term is deleted from the Plan, in accordance with our submission on the livestock access rules. As a second preference we submit that this definition be edited for clarity.

Relief Sought:

- That the definition is amended to read:

Means the feeding of ~~animals-livestock~~ on ~~paddocks~~ pasture or forage where feeding ~~space-allocation~~ is controlled by the movement of an electric fence. For the purpose of this Plan, breakfeeding refers to winter months (June to September).

Subject matter and provision in the Plan:

Definition: Building

has the same meaning as in Section 8 of the Building Act 2004.

Federated Farmers opposes this definition

Summary of reasons for this submission:

The proposal is that 'building' shall have the same meaning as the Building Act 2004. Section 8 of the Building Act defines 'building' as, unless the context otherwise requires; "...a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels)". As written, this definition appears to include irrigation infrastructure and other small scale structures on farm. There are no exemptions provided.

Inclusion, intentional or otherwise, of irrigation infrastructure in the definition of building has the potential to impose significant and unnecessary costs on rural land users. Specifically excluding irrigation infrastructure is consistent with both the intent of the Environment Court's decision in Haldon Station v Mackenzie District Council (2014 NZEnvC 136) and with Council's Practice Note 1/2014 on *Centre Pivot & Linear Irrigators under the QLDC District Plan*, within which Council concluded that the principles of Haldon should apply equally in Queenstown Lakes District in that an irrigator should be considered a vehicle, not a building, as it 'has wheels and carries something'. As part of the practice note, Council concluded:

"The Haldon decision will reduce the regulatory requirements for a common piece of agricultural equipment that can be expected within the rural environment. As structures

within the Rural General zone, irrigators are consistent with the principles of the zone which is designed to enable productive use of the land resource and which is characterised by farming activities”.

Federated Farmers submits that the definition for building needs to be refined. As it is defined in the building act it takes in any temporary or permanent movable or immovable structure. Federated Farmers suggests that Council look to a definition of building such as the definition recently adopted in the Horowhenua District Council, in which small structures are exempt from the definition. Alternatively, Dunedin City Council’s definition was Proposed as *development activity which includes a new building that is permanently fixed to the land and over 10m²* which meant that incidental and insignificant development which will have no significant adverse impact through both size limit and the requirement that the building is permanently fixed was addressed.

Relief Sought:

- That the definition is deleted and replaced with the following definition, or similar wording:

means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:

(a) Any fence or wall which has a height of 2 metres or less.

(b) Any structure which has a height of 2 metres or less and having a floor area of less than 5.5m² which is located at least 1 metre from any adjoining property boundary.

(c) Any vehicle, trailer, tent, caravan, or boat.

(d) Any swimming pool or tank which has a height of less than 1 metre above ground.

(e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.

(f) Any electricity poles and towers.

(g) Any pergola, crop structure or vertical crop protection structure.

(h) Scaffolding or falsework erected temporarily for maintenance and construction purposes.

(i) Lightning rods and their mountings where they do not exceed 2 metres above the building or structure to which it is attached.

Subject matter and provision in the Plan:

Definition: Carbon sequestration forestry planting (permanent)

means a planting that will never be harvested.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers opposes this definition and all provisions relating to carbon sequestration forestry, because this is already managed by the Emissions Trading Scheme and does not need conflicting duplication in the proposed Plan. It is unclear what is meant by *permanent* and if this means that the trees are left in situ to die naturally, ETS forestry may be harvested and replanted, or harvested and a deforestation liability incurred.

Relief Sought:

- That the definition for Carbon sequestration forestry planting (permanent) is deleted.

Subject matter and provision in the Plan:

Definition: Carbon sequestration forestry planting (non-permanent)

means a planting that may be harvested. For clarity, a carbon sequestration forestry planting (non-permanent) becomes commercial forestry harvesting when it is harvested.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers opposes this definition and all provisions relating to carbon sequestration forestry, because this is already managed by the Emissions Trading Scheme and does not need conflicting duplication in the proposed Plan.

It is unclear what is meant by *non-permanent* or *may be harvested*. ETS forestry may be harvested and replanted, or harvested and a deforestation liability incurred. A definition cannot state that it “*may*” be this because this gives no certainty.

Relief Sought:

- That the definition for Carbon sequestration forestry planting (non-permanent) is deleted.

Subject matter and provision in the Plan:

Definition: Clean fill

means material that does not have the potential to contaminate the environment. This material includes clay, soil, rock, concrete, Brick or demolition products that are free of combustible, organic materials and contaminants and are, therefore, not subject to biological or chemical breakdown. This will involve bulk filling operations where material is required to be carted to the filling site or specifically placed there rather than cut to fill operations such as normally occurs with construction of tracks, roads and landings.

Federated Farmers supports in part this definition

Summary of reasons for this submission:

Cleanfill material is often used on farms, like gravel for the base of dairy races, around troughs and gateways to prevent mud, or to maintain farm access tracks. Minerals are also used, like limestone for the wearing course layer of a dairy race. Cleanfill and minerals used for normal farming activities should be exempt from this rule. At present the definition vaguely refers to cut to fill operations that normally happen with the construction of tracks, roads and landings. These operations need to be clearly excluded from the definition along with cleanfill required for the maintenance of farming operations.

Relief Sought:

- That the definition is amended to read:

means material that does not have the potential to contaminate the environment. This material includes clay, soil, rock, concrete, Brick or demolition products that are free of combustible, organic materials and contaminants and are, therefore, not subject to biological or chemical breakdown. This will involve bulk filling operations where material is required to be carted to the filling site or specifically placed there. ~~rather than~~ This definition excludes cut to fill operations such as normally occurs with construction of tracks, roads and landings and cleanfill required for normal farming activities.

Subject matter and provision in the Plan:

Definition: Commercial forestry

means indigenous or exotic tree species deliberately established for wood production.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition of commercial forestry be amended to exclude trees planted for amenity purposes, such as landscape enhancement and animal shelter; all farm shelter belts; erosion control, riparian margin strips; for scientific or research purposes; or where the trees are intended to remain in perpetuity, such as trees contained within a QEII covenant or similar.

This approach would be consistent with the Greater Wellington Regional Council definition of Plantation Forestry. Excluding plantings for these specified purposes will mean that these activities are not unintentionally regulated as they will not have the same resource management issues as commercial forestry. Over-regulating these plantings will act as a disincentive for landowners.

Federated Farmers also submits it would be appropriate to exclude small scale farm forestry from the definition of commercial forestry, such as the 10 ha steep paddock out the back of the farm. In our view it is appropriate that smaller blocks are not subject to the same provisions as large scale forestry.

Relief Sought:

- That the definition is amended to read:

means indigenous or exotic tree species deliberately established for wood production, excluding any trees:

(a) less than 10ha in extent, or

(b) planted for primarily amenity purposes, for example landscape enhancement or animal shelter, (including farm shelter belts) where the primary purpose of the trees is not commercial harvesting, or

(c) planted primarily for erosion control, including riparian margin strips, where the primary purpose of the trees is not commercial harvesting, or

(d) planted for scientific or research purpose, including established arboretums, or

(e) intended to remain in perpetuity, for instance trees planted for purposes of permanent carbon accumulation, or trees contained in a QEII or similar covenant.

Subject matter and provision in the Plan:

Definition: Commercial forestry planting

means indigenous or exotic tree species deliberately established for wood production. Includes the planting, management and replanting of trees, and the preparation of the land for planting.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that there is no need to have separate definitions for planting and harvesting of Commercial Forestry, or to separate out particular phases of the single activity. Commercial forestry should have a single definition as Commercial Forestry.

Relief Sought:

- That the definition is deleted.

Subject matter and provision in the Plan:

Definition: Commercial forestry harvesting

means the felling and removal from the land of trees, for the purposes of commercial forestry, and includes:

(a) excavation or filling, or both, to prepare the land for harvesting (for example, skid, forestry road or forestry track construction or maintenance);

(b) de-limbing, trimming, cutting to length, and sorting and grading of felled trees;

(c) recovery of windfall and other fallen trees; but does not include the transportation of the trees from the land or the processing of timber on the land.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that there is no need to have separate definitions for planting and harvesting of Commercial Forestry, or to separate out particular phases of the single activity. Commercial forestry should have a single definition as Commercial Forestry.

Relief Sought:

- That the definition is deleted.

Subject matter and provision in the Plan:

New Definition: Compost

Federated Farmers supports the need for this new definition

Summary of reasons for this submission:

There is no definition in the Plan for compost, however the word is used in excess of eighteen times within the Plan.

Relief Sought:

- That a definition for compost is included in the Plan.

Subject matter and provision in the Plan:

Definition: Computer Register

Computer Register has the same meaning as in Section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 but does not include a Computer Interest Register.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the term Computer Register is deleted from the proposed Plan because it would not be understood by readers. We note that the term is used throughout the proposed Plan as if in relation to a property with a Certificate of Title, yet this definition does not enlighten the reader as to what it means. It is not a term used by other Councils, nor in wider use. It will impact significantly on farming activities as the term sets out permitted limits for vegetation clearance and excavation amongst other activities.

Relief Sought:

- That the definition Computer Register is deleted.

Subject matter and provision in the Plan:

Definition: Conservation planting

means the management and planning of areas of shrubs and vegetation, of which the primary purpose is for amenity and landscape, soil conservation purposes and/or other conservation purposes.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate for conservation planting and carbon sequestration forestry planting to be managed through regulation in the Plan, and accordingly submit that all provisions and associated definitions including that for conservation planting are deleted.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Consumptive uses

means a use that involves the taking and using of water, for example, crop irrigation or industrial purposes.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition for consumptive uses be deleted from the Plan as the term is not used at all within Volume Two and therefore a definition is unnecessary.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Cultivation

Means breaking up or turning soil such that the surface contour of the land is not altered.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that direct drilling, strip tilling, no-till practices and the harvesting of forage and crops are excluded from the definition of cultivation.

Relief Sought:

- That the definition is amended to read:

Means breaking up or turning soil such that the surface contour of the land is not altered, excluding:

a) direct drilling and strip tiling

b) no-till practices

c) harvesting of forage and crops including ground disturbance

d) forestry.

Subject matter and provision in the Plan:

New definition: Dairy cattle

Federated Farmers supports this new definition**Summary of reasons for this submission:**

Federated Farmers submits that the term dairy cattle is deleted from the Plan, as per our submission on the livestock access provisions.

As a second preference, a new definition needs to be added for dairy cattle to provide clarity for the use of the term dairy cattle in the Plan. The term is used in the Plan in the definition for intensively farmed stock. It is not clear whether the term refers to those dairy cows on the milking platform, any animal with a dairy background or includes calves and young stock.

Federated Farmers submits that dairy cattle is defined as milking cows located on the dairy platform.

Relief Sought:

- That a definition for dairy cattle is included in the Plan which reads:

means milking cows located on the dairy platform.

Subject matter and provision in the Plan:

Definition: Domestic livestock

means livestock bred, reared and/or kept on the property for home consumption, or as pets, or for hobby purposes and from which little or no income is derived.

Federated Farmers opposes this definition**Summary of reasons for this submission:**

Federated Farmers submits that the definition of domestic livestock and all associated provisions are deleted from the Plan. There is no need to define, or provide for the keeping of domestic livestock in the Plan. Domestic livestock are not a resource management issue that need provisions in the Plan.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Drainage channel

Means an artificial or other watercourse maintained or created for the purposes of removing unwanted water.

Federated Farmers opposes in part this definition**Summary of reasons for this submission:**

Federated Farmers submits that this definition should only apply to a permanently flowing watercourse that is designed and constructed for the purpose of removing unwanted surface water. This definition will capture farm drains and it is important that it is specific, given the setback distances required from drainage channels for common farming activities including the spreading of dairy effluent, silage pits and ofal pits.

Relief Sought:

- That the definition is amended to read:

Means a permanently flowing artificial or other watercourse maintained or created for the purposes of removing unwanted water. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times are excluded from this definition.

Subject matter and provision in the Plan:

Definition: Ephemeral

Means a wetland, lake, river or reach of river that only exists or flows for a short period following heavy or persistent precipitation or snowmelt.

Federated Farmers opposes this definition**Summary of reasons for this submission:**

Federated Farmers submits that the definition of ephemeral is very similar to intermittently flowing, which means *a wetland, lake, river, or reach of a river that exists or flows for weeks, or months each year*. It is not clear the difference between an ephemeral or intermittently flowing river, and many farmers will struggle to determine whether they are looking at an ephemeral or intermittently flowing river, and therefore which rules apply. It also appears that ephemeral river will capture events like overland storm water flow, or ponding in a paddock over winter after heavy rain.

Federated Farmers submits that the definition of ephemeral and all associated provisions are deleted from the Plan.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Excavation

Means to dig out soil or natural material from the ground such that the surface contour of the land is permanently altered.

Federated Farmers supports in part this definition**Summary of reasons for this submission:**

Federated Farmers considers that normal production activities that involve earthmoving are excluded from the definition of excavation. Activities such as fence post holes, harvesting of crops, forming and maintaining farm tracks, and filling around troughs and gates are considered minor and consistent with the production land use occurring in rural areas. These are different activities to major windfarm development or subdivisions, or public works like dam construction. It is important that low scale and expected activities in the rural areas are provided for. For example, the maintenance of existing farm tracks is an important, expected and necessary component of farming, with minimal adverse effects.

Federated Farmers recommends that earthworks excludes normal farming earthworks. Earthworks are part and parcel of farming activities, and comprise of such a range of activities from depositing clean fill around gates and troughs to reduce mud, laying water pipes to troughs, digging silage pits, bulldozing for new fence lines, and farm tracking. These are all activities that are expected to occur on farms and are minor scale compared to subdivision development earthworks or network utility earthworks.

Councils such as Western Bay of Plenty and Horowhenua exclude agricultural and horticultural earthworks from the definition of *Earthworks* and thus a subsequent exclusion from regulation. This is a common-sense approach that acknowledges how important agriculture and horticulture is to these rural districts. Their approach means that farmers and orchardists are permitted to carry on their normal activities and that the Council need not waste time and resources processing consents that have little environmental benefit.

The Western Bay of Plenty definition of Earthworks is:

“Earthworks” means the alteration of land contours on any site including, without limitation; deposition, disturbance of land by moving, removing, placing or replacing soil by excavating, cutting, filling or backfilling and re-compacting of existing ground, but does not include domestic and reserve gardening, quarrying and normal agricultural and horticultural practices.

This approach of exempting minor and common farming earthworks can also be seen in Horowhenua, where the definition of Earthworks specifically excludes activities cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping,

digging post holes; drilling bores, digging offal pits, and burials of dead stock and plant waste and installation of services.

Relief Sought:

- That the definition of *Excavation* excludes normal production earthmoving activities including the formation and maintenance of farm tracks, fence post holes, filling around troughs and gates, cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping, drilling bores, digging offal pits, and burials of dead stock and plant waste and installation of services.

Subject matter and provision in the Plan:

Definition: Farming

Means a land based activity, having at its primary purpose the commercial production and sale of any livestock or vegetative matter. Farming does not include intensive farming, forestry and in the case of vegetative matter, does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the farming unit.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers considers that the definition of farming is too narrow in scope. It would be appropriate that this definition include the buildings and activities which are ancillary to farming including earthworks activities and woodlots forestry.

Relief Sought:

- That the definition is amended to read:

Means a land based primary production activity including agriculture, horticulture, floriculture, arboriculture, arable and cropping activities, plantation forestry, woodlot forestry, associated structures and buildings, and activities ancillary to the above.

Subject matter and provision in the Plan:

Definition: Heavy Industrial Activity

means activities that process raw materials to finished products; materials that have generally been processed at least once; meat processing; heavy fabrication; making and assembling parts that are, in themselves, large and heavy.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers is concerned that this definition of heavy industrial activity is not clearly articulated and will capture regular primary production activities.

The definition will capture innovative small producers that are making boutique products from raw materials, for example small cheese making businesses and including meat processing will capture homekill operators. These operators run small businesses on site in the rural environment and should not be refined to heavy industrial activities in another zone. The qualifier that the products are large and heavy is ambiguous.

We see that *Industrial or Trade Premises* and *Industrial Process* are defined in the proposed Plan as having the same meaning as Section 2 of the Act. This is sufficient and the addition of an imprecise definition for Heavy Industrial Activity is unnecessary.

Relief Sought:

- That the definition is deleted.

Subject matter and provision in the Plan:

Definition: Heritage resource

Means any type of historic heritage place or area. It may include a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition of heritage resource should be limited to those sites and items identified in Appendix 13.

Federated Farmers is concerned that this definition will capture *any type of historic heritage place or area* and in doing so have a significant effect on buildings and sites on farms across the District. It is not clear that this definition only applies to those buildings, sites and landscapes which have been identified as heritage resources listed in the Marlborough Environment Plan, or as registered by Heritage New Zealand.

The term should be capitalised and the definition amended so that the term Heritage Resources in the Plan only applies to those items within Appendix 13.

It is unlikely that additional heritage sites and items listed by Heritage New Zealand will not be in the proposed Plan, so there is no need to refer to the Heritage New Zealand registry.

Relief Sought:

- That the definition is amended to read:

Means an ~~type of~~ historic heritage place or area identified within Appendix 13: Register of Significant Heritage Resources, within the Marlborough Environment Plan. ~~It may include~~ The schedule includes a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. ~~The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand.~~

Subject matter and provision in the Plan:

Definition: High rate discharge system

Means a system that delivers a discharge rate of >10mm/hr on an instantaneous basis, for example, but not limited to, travelling irrigators.

Federated Farmers opposes in part this definition**Summary of reasons for this submission:**

Federated Farmers opposes this definition because it is ambiguous and not a term that is widely used in the agricultural industry. We assume that it is referring to dairy effluent from looking at Rule 3.3.26, but this is uncertain.

The particular method or technology that a farmer uses for land application of farm dairy effluent should not be regulated by the proposed Plan. Rather, any regulation should focus on effects.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Home Occupation

means any occupation, business, trade, craft or profession, the primary purpose of which is to derive income. Excluded from this definition are any activities involving escort agencies, brothels, massage parlours, homestays, retail sales, panel beating, spray painting, motor vehicle repairs, heavy trade vehicles, fibre-glassing, sheet metal work, wrecking of motor vehicles, bottle and scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process that involves continual use of power tools and drilling or hammering or any other activity that would detract from the amenities of the neighbourhood or locality.

Federated Farmers opposes in part this definition**Summary of reasons for this submission:**

Federated Farmers submits that the definition of home occupation needs to exclude primary production. A farmer's home is also the centre of their business. While primary production and farming do utilise a farmer's home, if farming is caught in this definition it will be subject to hours in the zone rules, which would restrict the hours that the activity can be completed.

Relief Sought:

- That the definition is amended to read:

means any occupation, business, trade, craft or profession conducted from the home, the primary purpose of which is to derive income. Excluded from this definition are any activities involving escort agencies, brothels, massage parlours, homestays, retail sales, panel beating, spray painting, motor vehicle repairs, heavy trade vehicles, fibre-glassing, sheet metal work, wrecking of motor vehicles, bottle and

scrap metal storage, rubbish collection service, wrought iron work, fish processing, motor body building and any process that involves continual use of power tools and drilling or hammering or any other activity that would detract from the amenities of the neighbourhood or locality. Excludes primary production.

Subject matter and provision in the Plan:

Definition: Indigenous Vegetation

means naturally occurring vegetation, regardless of height, where the plant species are indigenous to the District.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition needs to exclude scattered trees and plants occurring in pasture. Both of these examples are common on productive land, particularly in hilly areas, and do not contribute much in the way of biodiversity being mainly common colonising species such as Manuka, bracken or toetoe, and scrub species such as Tauhinu. We consider it necessary for the areas of coverage proposed within the definition to provide more flexibility so as to not unnecessarily constrain farming in rural areas and ensure that regulation is targeted at quality remnant instead of pasture.

Relief Sought:

- That the definition is amended to read:

means naturally occurring vegetation, regardless of height, where the plant species are indigenous to the District. Excludes scattered trees and plants occurring in pasture.

Subject matter and provision in the Plan:

Definition: Intensively farmed livestock

Means:

(a) cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops;

(a) dairy cattle;

(b) farmed pigs.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers is particularly interested in the definition of intensively farmed livestock given its relation to the stock access rules within the Plan, which appears to be the only place the term is used.

While we appreciate that Council has made efforts to attempt to distinguish between the way stock are grazed more intensively on the lowland areas, we have concerns regarding the way that intensively farmed livestock have been defined with respect to the vast areas of hill and high country in Marlborough.

- Grazed on irrigated land or contained for breakfeeding of winter feed crops

The definition of intensively farmed livestock includes cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops. Breakfeeding and grazing by deer and cattle on irrigated land are both pastoral farming methods, and should not be considered intensive farming. Irrigation can be used for a range of methods, including to increase pasture and crop production, and to maintain pasture cover during the dry periods over the summer months. Given Marlborough's climate it is often the later, with irrigation used to increase the feed available for stock, rather than to increase stocking rate. Irrigation in this context should be considered distinct from other areas where irrigation leads to an increase in stocking rate.

There are multiple scenarios with regard to the grazing on irrigated land and breakfeeding where it is not clear whether a farmer will be placed in relation to this definition. Farmers in Marlborough will graze their cattle or deer on irrigated land, and on breakfeed on winter feed crops, in select paddocks, including amongst vineyards, before the stock are turned out onto larger paddocks. It is not clear whether such farmers would be classed as having intensively farmed stock, these practices should not be considered as intensive farming compared with the more widely recognised irrigation and breakfeeding practices and if livestock are not concentrated in small areas then the definition of intensively farmed stock would be inappropriate.

- Dairy cattle

Federated Farmers submits that dairy cattle should only be included as intensively farmed stock where they are located on the milking platform. This will ensure that young stock and dry stock are not indecently captured within the definition of intensively farmed stock. There are many farmers in the drier and more extensive areas of Marlborough that take dairy cattle during the winter months while they are dried off and not being milked. These stock run on the hills at a lower stocking capacity than when they are held on the flats, much like beef cattle are. It is appropriate that they are excluded from the definition of intensively farmed stock.

- Farmed pigs

Federated Farmers is not sure why farmed pigs is included in the definition of intensively farmed livestock, as the pig farming that we understand occurs in Marlborough is indoors and is classified as intensive farming.

Relief Sought:

- That the definition is amended to read:

Means:

(a) cattle or deer ~~grazed on irrigated land~~ or contained for breakfeeding of winter feed crops (July – September);

(a) dairy cattle located on the milking platform;

(b) farmed pigs.

Subject matter and provision in the Plan:

Definition: Intensive farming

means any primary production activity exhibiting two or more of the following characteristics:

- (a) *little dependence on the quality of the soils of the site, such as greenhouses, mushrooms, plant nurseries;*
- (b) *in excess of 50% coverage in permanent buildings having concrete or otherwise impervious floors for the housing and growing of livestock and/or vegetative matter;*
- (c) *substantial environmental control and/or modification to facilitate growth of livestock and/or vegetative matter;*
- (d) *high output of collected waste material per hectare and includes all pig farming, poultry farming, rabbit farming; greenhouses not relying on the soils, mushrooms, container growing nursery; and*
- (e) *land based aquaculture.*

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that this definition is ambiguous and needs clarity around the activities that are or are not intended to be captured by the term intensive farming.

Currently the definition only requires two of the five characteristics to be met, but some normal pastoral farming activities might unjustifiably reach this threshold. The definition needs to focus on the permanent year-round nature of intensive indoor farming of livestock. Conventional pastoral farming can require housing of livestock during part of the year and additional inputs of feed brought into the building, such as calf rearing. Feed pads can also involve the feeding of supplements on concrete pads. These activities should not be captured by the definition of intensive farming. We submit that all characteristics need to be met before being classified as intensive farming.

Relief Sought:

- That the definition is amended to read:

means any primary production activity exhibiting ~~two or more~~ of the following characteristics:

- (a) *little dependence on the quality of the soils of the site, such as greenhouses, mushrooms, plant nurseries; and*
- (b) *in excess of 50% coverage in permanent buildings having concrete or otherwise impervious floors for the housing and growing of livestock and/or vegetative matter; and*
- (c) *substantial indoor environmental control and/or modification to facilitate growth of livestock and/or vegetative matter; and*

- (d) *high output of collected waste material per hectare and includes all pig farming, poultry farming, rabbit farming; greenhouses not relying on the soils, mushrooms, container growing nursery; or*
- (e) *land based aquaculture.*

Subject matter and provision in the Plan:

Definition: Intermittently flowing

means a wetland, lake, river, or reach of river that exists or flows for weeks, or months each year.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition of intermittently flowing is ambiguous and inappropriate. According to the proposed definitions, is not clear the difference between an ephemeral or intermittently flowing river, and many farmers will struggle to determine whether they are looking at an ephemeral or intermittently flowing river, and therefore which rules apply. It also appears that ephemeral river will capture events like overland storm water flow, or ponding in a paddock over winter after heavy rain.

Federated Farmers submits that the definition of intermittently flowing and all associated provisions are deleted from the Plan.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Lawfully established

means an activity that is permitted through a rule in a plan, a resource consent, a national environmental standard or by an existing use right.

Federated Farmers supports in part this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition for lawfully established should include common rights too.

Relief Sought:

- That the definition is amended to read:

means an activity that is permitted through a rule in a plan, a resource consent, a national environmental standard, common law or by an existing use right.

Subject matter and provision in the Plan:

Definition: Land disturbance activity

means any activity that includes excavation, filling, cultivation or vegetation clearance.

Federated Farmers opposes this definition**Summary of reasons for this submission:**

Federated Farmers notes that the term land disturbance activity is not used within the Rural Environment Zone and therefore it is unclear where the term is used or applied. Federated Farmers submits that the term is deleted and replaced where necessary with the specific activities being referred to. All of the activities included in this definition are managed elsewhere, so there is no need for a definition or regulation specifically for land disturbance.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Maintenance and Replacement

means any work, including foundation work, or activity necessary to continue the operation and or functioning of an existing line, building, structure or (for the purpose of utilities) other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose.

Federated Farmers supports this definition**Summary of reasons for this submission:**

Federated Farmers supports the definition for maintenance and replacement which limits these activities to those of same or similar scale. We submit that same or similar character and intensity is included alongside scale.

Relief Sought:

- That the definition is amended to read:

means any work, including foundation work, or activity necessary to continue the operation and or functioning of an existing line, building, structure or (for the purpose of utilities) other facility with another of the same or similar character, intensity, height, size or scale, within the same or similar position and for the same or similar purpose.

Subject matter and provision in the Plan:

Definition: Meat processing

means the use of land and buildings for the yarding and slaughtering of animals; the associated processing of meat including by-product and co-product processing; rendering;

fish and shellfish processing; fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products.

Federated Farmers opposes in part this submission

Summary of reasons for this submission:

Federated Farmers seeks that the definition of meat processing excludes animals that are slaughtered for domestic consumption. Many farmers will slaughter and process one of their animals for their own domestic consumption, known as a home kill. This is either completed on farm by the farmer or by a home kill butcher.

At present, the definition of meat processing includes the *use of land and building for the yarding and slaughtering of animals; the associated processing of meat....and the associated chilling freezing, packaging and storage of meat and associated products.* We understand the need to regulate where this is occurring for commercial purposes however this could unintentionally cover the home kill situation that regularly occurs on farms. As a result, this legitimate activity within the farming operation would then be captured by the definition of heavy industrial activity.

Relief Sought:

- That the definition is amended to read:

means the use of land and buildings for the commercial yarding and slaughtering of animals; the associated processing of meat including by-product and co-product processing; rendering; fish and shellfish processing; fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products. Excludes primary production where farmed or wild animals are slaughtered for home consumption.

Subject matter and provision in the Plan:

Definition: Minor upgrading

means an increase in the carrying capacity, efficiency or security of electricity (for the purpose of utilities) lines, telecommunication lines and radio communication facilities, using the existing support structures or structures of a similar scale and character, and includes:

- The addition of circuits and conductors;*
- The re-conductoring of the line with higher capacity conductors;*
- The re-sagging of conductors;*
- The addition of longer or more efficient insulators;*
- The addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;*
- Foundation works associated with the minor upgrading.*

Minor upgrading does not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

Federated Farmers supports this definition

Summary of reasons for this submission:

Federated Farmers supports the definition for minor upgrading, which limits activities to those of similar scale and character.

We submit that this can be further clarified by specifying injurious affection is not experienced.

Relief Sought:

- That the definition is amended to read:

means an increase in the carrying capacity, efficiency or security of electricity (for the purpose of utilities) lines, telecommunication lines and radio communication facilities, using the existing support structures or structures of a similar scale and character, and do not result in injurious affection...etc.

Subject matter and provision in the Plan:

Definition: Munsell scale

Is one of the most widely used colour systems and is suitable for routine water resource surveys and monitoring matching of natural colours to the Munsell scale.

Federated Farmers opposes this definition**Summary of reasons for this submission:**

Federated Farmers disagrees with the explanation provided next to the term Munsell scale which states it is one of the most widely used colour systems and suitable for routine water monitoring. While we are aware that a few Councils have referred to this method in their Plans, there seems to be much confusion amongst even the science community as to how this is used. We consider it is inappropriate to use a method such as the Munsell Scale that is by the contrary not widely known and requires technical expertise, in a permitted activity standard. It will be impossible for a farmer to know whether or not they are compliant with the water quality standards, when they are out in the paddock.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: National Grid Transmission Yard

means:

- *the area located 12m in any direction from the outer edge of a National Grid support structure; and*
- *the area located 10m either side of the centreline of an overhead 110kV National Grid line on single poles; or*

- *the area located 12m either side of the centreline of any overhead National Grid line on pi poles or towers.*

Federated Farmers supports in part this definition

Summary of reasons for this submission:

Federated Farmers supports consistency with NZECP34:2001 for any provisions relating to the National Grid Transmission Yard. The distances of 10m from 110kv lines, 12m from lines with pi poles and towers are consistent with safety distances and are accepted.

However the 12m distance from all support structures is opposed. The distance from a single pole should be only 8m to be consistent with Section 2.4.1 of NZECP34:2001. A 12m distance is acceptable for towers and pi-poles, but not for single poles.

Relief Sought:

- That the definition is amended to read:
 - *the area located 12m in any direction from the outer edge of a pylon or tower National Grid support structure and 8m from a pole; and*
 - *the area located 10m either side of the centreline of an overhead 110kV National Grid line on single poles; or*
 - *the area located 12m either side of the centreline of any overhead National Grid line on pi poles or towers.*

Subject matter and provision in the Plan:

Definition: Natural clarity

refers to the transmission of light through water. There are two aspects: visual clarity, which can be taken as the hydrological range – the distance a perfect black body can be seen horizontally underwater; and the depth to which diffuse sunlight can penetrate vertically into water. Natural clarity shall be measured by using accepted scientific methods, and shall be taken to be the clarity of a water body immediately upstream of any discharge from a land disturbance site, or in the case of lakes or the sea, the clarity of water beyond the sediment ‘plume’ in the water. Reduction in clarity due to the discharge shall be measured at a point 50m downstream or offshore from the point of discharge, or two river widths, whichever is the greater.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers notes this definition is used throughout the Plan with regards to permitted activity standards for examining effects of an activity on water quality. It is important that when this term is used Plan users can know and understand what is meant by it so they know whether they are able to comply with the permitted standards of the activity or not. Federated Farmers submits that this definition needs to be clarified with language that a Plan reader can understand.

Relief Sought:

- That the definition is clarified and everyday language is used.

Subject matter and provision in the Plan:

New definition: New dairy farm

Federated Farmers supports the need for this new definition**Summary of reasons for this submission:**

Federated Farmers submits that the term new dairy farm should only refer to the establishment of a new milking shed. It should not capture the extension of an individual's dairy farming operation onto neighbouring land that had not been grazed before by dairy cattle, whether leased or obtained by the dairy farmer.

Relief Sought:

- That a definition for new dairy farm is included in the Plan which reads:

means the establishment of a new milking plant and surrounding land for the farming of dairy cattle for milk production. Excludes additional land brought into an existing dairy farm.

Subject matter and provision in the Plan:

Definition: Offal pit

Means a hole excavated on a rural property to be used on an ongoing basis for the purpose of disposing of offal or dead animals generated on that property.

Federated Farmers supports in part this definition**Summary of reasons for this submission:**

Federated Farmers submits that the definition of offal pit should clearly exclude single animal burial, where the effects are minor and do not need to be regulated by this Plan. Not only dead animals may be thrown in an offal pit, sometimes other material like plant matter can be thrown in to decompose.

Relief Sought:

- That the definition is amended to read:

Means a hole excavated on a rural property to be used on an ongoing basis for the purpose of disposing of offal or dead animals, and decomposable material generated on that property. Excludes single animal burial.

Subject matter and provision in the Plan:

Definition: On-site waste water system

means a system that services a residential dwelling, or other facility that generates domestic wastewater, by receiving, treating and absorbing the domestic wastewater within the

property boundaries of the site of generation. The system consists of a treatment unit and land application area.

A new on-site wastewater management system is one installed after 9 June 2016 and includes an extension to, or replacement of, an existing land application area.

Federated Farmers supports this definition

Summary of reasons for this submission:

Federated Farmers supports the focus of this definition on residential and domestic waste water. This appears to be confused in both the Natural Hazard and Waste Chapter policies. Federated Farmers submits that the definition is retained referencing only domestic wastewater so that agricultural systems such as dairy effluent are not captured by this rule.

Relief Sought:

- That the definition is retained as notified.

Subject matter and provision in the Plan:

Definition: Pit

In relation to the making of silage, means a pit dug below ground or into the side of a hill. For the purpose of this definition, no excavation of the land is to be undertaken.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that this definition is poorly worded and lacking in clarity. On one hand it says that the pit is dug, on the other it says no excavation; this is a contradiction.

The word “pit” on its own can refer to a pit used for many different purposes, like a soak pit, an offal pit, the key is to identify the use of the pit in the name. Here the Council should call it a silage pit which is the term used by farmers. Silage pits are used for fermenting and storing silage. Silage pits can be dug or they can be constructed from concrete. Both are common and need to be provided for as permitted.

Relief Sought:

- That the definition is deleted.

Subject matter and provision in the Plan:

Definition: Reasonable mixing

means for any point source discharge the zone of reasonable mixing in the receiving water must extend from the discharge point as follows:

For rivers and streams, the lesser of:

(a) a distance downstream that equals seven times the width of the river or stream when the flow is at half the median flow; or

(b) 200m downstream

For rivers subject to tidal influence:

As for rivers and streams plus a distance upstream equal to half of that allowed downstream when the width is taken at half the median river flow at mid-tide.

For artificial watercourses (including farm drainage channels), the greater of:

(a) 200m downstream; or

(b) the property boundary.

For lakes:

Within a radius of 100m.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers opposes the inclusion of artificial watercourses in this definition and submits they be removed. The definition for River in both this proposed Plan and the RMA excludes artificial watercourses, so the definition for reasonable mixing should too.

Federated Farmers notes that this definition is for reasonable mixing *from point-source discharges*, and that the zone of reasonable mixing starts at the point-source discharge position (ie a pipe outlet). However throughout the proposed Plan reasonable mixing is used as a standard for many non-point source activities, such as livestock access to waterbodies.

Federated Farmers strongly opposes any provisions which consider livestock to be a point-source discharge. Livestock are not a point-source discharge under Section 15 of the RMA, because are not under the direct or reasonably direct control of a person like a discharge from a pipe which can be turned on and off or flow adjusted. Farming livestock is more appropriately a land use activity rather than a discharge.

Relief Sought:

- That the definition is amended to read:

Reasonable mixing means for any point source discharge the zone of reasonable mixing in the receiving water must extend from the discharge point as follows:

For rivers and streams, the lesser of:

(a) a distance downstream that equals seven times the width of the river or stream when the flow is at half the median flow; or

(b) 200m downstream

For rivers subject to tidal influence:

As for rivers and streams plus a distance upstream equal to half of that allowed downstream when the width is taken at half the median river flow at mid-tide.

~~*For artificial watercourses (including farm drainage channels), the greater of:*~~

~~*(a) 200m downstream; or*~~

~~*(b) the property boundary.*~~

For lakes:

Within a radius of 100m.

Subject matter and provision in the Plan:

Definition: Riparian Natural Character Management Area

as mapped on the *Riparian Natural Character Management Areas Maps 1 to 8.*

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition for Riparian Natural Character Management Area in accordance with our submission points on Chapter 6, Natural Character, and Volume 2 and 3. Natural character will already be adequately provided for via Outstanding Natural Landscapes and esplanade reserves and there is no need to identify separate natural character areas.

Relief Sought:

- That the definition is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: River

has the same meaning as in Section 2 of the Act..

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that the use of the definition of river from the Act means the definition of river is broad and encompassing, and vulnerable to subjective interpretations.

Federated Farmers supports the exclusion of artificial watercourses (including irrigation canals, water supply races, canals for electricity power generation, and farm drainage canals) from the definition as these do not pose the same resource management issues and so it is sensible to exclude them from provisions intended for rivers. However the RMA definition can be improved by specifying rivers must have a defined channel and flow permanently. This will avoid unintentionally capturing rills, gullies and slope hollows where water flows after rainfall.

Federated Farmers supports the Dairying and Clean Stream's Accord definition "*deeper than a red-band gumboot (ankle deep), wider than a stride (1 metre) and permanently flowing*" as being pragmatic for both councils and farmers to apply in the field and widely known and understood.

Relief Sought:

- That the definition is amended to read:

River means a continually or intermittently flowing body of fresh water that is 1 metre or wider, 30cms or deeper, and permanently flowing. This includes a stream and

modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

Subject matter and provision in the Plan:

Definition: Significant Wetland as identified on Zone Maps.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers submits that Significant Wetlands should be scheduled with details provided on how they have met the criteria for significance.

Relief Sought:

- That the definition is amended to refer to the new schedule of Significant Wetlands that have met the significance criteria.

Subject matter and provision in the Plan:

New Definition: Silage

Federated Farmers supports this new definition

Summary of reasons for this submission:

Federated Farmers submits that silage should be defined in the Plan. There is no definition for silage provided in the Plan.

Relief Sought:

- That a definition for silage is included in the Plan which reads:

A fermented, stored fodder which can be fed to ruminants. Excludes baleage.

Subject matter and provision in the Plan:

Definition: Site

Definition 1:

in relation to a building or structure, means any area of land/or volume of space of sufficient dimensions to accommodate any complying activity provided for by a rule in the Plan:

(a) Corner site - will be deemed to be a 'front site';

(b) Front site - means a site having one frontage of not less than the minimum prescribed by the Plan for the particular zone in which the site is situated to a road, private road, or the sea; and

(c) Rear site - means a site that is situated generally to the rear of another site and that has not the frontage required for a front site for that use in the zone.

Where a right of way is employed, the line(s) defining the extent of that right of way on a survey plan must be treated as a legal boundary for the purpose of bulk and location controls for buildings.

Definition 2:

where in the context it is appropriate, includes an area or place or river reach.

Definition 3:

means a place or area where an activity takes place.

Definition 4:

in relation to frost fans, has the meaning of single land holding.

Federated Farmers opposes four definitions for the word site

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate and confusing to have a single term defined four ways in a Plan. We do not believe it will be clear to users of the Plan which definition is intended to be applied to which situation. If a building site is being referred to, then this should be termed “building site.” If an activity site is being referred to, this should be termed “activity site.”

The definition needs to be amended so that landowners and plan users have clarity, and therefore one definition for the term site we consider will be appropriate. Most councils use the term “site” to mean a property with a single Certificate of Title, we note that this proposed Plan uses the term “Computer Register” to refer to a property which most people reading this Plan would be confused about.

Relief Sought:

- That Definition 1 is renamed as being for “Building Sites”.
- That definitions 2, 3 and 4 are deleted.
- That “site” is defined as being a property with a Certificate of Title.

Subject matter and provision in the Plan:

Definition: Stormwater

Means rainfall that runs off land and for which specific drainage channels or pipes have been constructed.

Federated Farmers opposes the definition of stormwater

Summary of reasons for this submission:

Federated Farmers submits that the definition is amended to exclude farm drains and land drainage canals and associated structures. Otherwise, this definition as proposed in the Plan risks encompassing run off over land and from farm drains, over which a landowner has no control. Stormwater rules in Chapter 2 assume the rate of discharge can be controlled and that there is a point source, which means that rain is collected and channelled into a pipe or drain where it becomes stormwater. This is an activity that occurs where there are impervious surfaces.

Relief Sought:

- That the definition is amended to read:

Means rainfall that ~~runs off land~~ is collected from impervious surfaces and directed into ~~for which~~ specific drainage channels or pipes which have been constructed for this purpose.

Subject matter and provision in the Plan:

Definition: Structure

has the same meaning as in Section 2 of the Act and includes an underwater cable

Federated Farmers opposes the definition of structure

Summary of reasons for this submission:

Federated Farmers notes that a structure, as defined in Section 2 of the Act, *means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.* This definition will include a fence, water trough supplying stock drinking water, and other basic and small scale farming infrastructure. This is impractical as it will result in these small ubiquitous structures being subject to regulation that is intended for buildings.

While there may be pressures to address fencing in urban areas, in rural zones fencing is a fundamental requirement for primary production land use and an expected and compatible activity which has no significant adverse effect, and many positive ones. Subsequently we consider fencing, water tanks, pipes and troughs should be excluded from this definition.

Relief Sought:

- That the definition is amended to exclude farm fencing, tanks, pipes and troughs.

Subject matter and provision in the Plan:

Definition: Surface water

means water contained in lakes, wetlands, drainage channel, rivers, streams, either permanently or intermittently. As opposed to groundwater.

Federated Farmers opposes the definition of surface water

Summary of reasons for this submission:

Federated Farmers submits that this definition should exclude drains, drainage channels, water races and dams. Ephemeral flow paths should also be excluded, along with bodies of water that are designed, installed and maintained as water storage ponds, water treatment ponds.

Relief Sought:

- That the definition is amended to read:

means water contained permanently in lakes, wetlands, ~~drainage channel~~, rivers, streams, ~~either permanently or intermittently~~. For the purpose of this plan, surface water does not include water in drains, drainage channels, water races, dams, ephemeral flow paths and bodies of water designed, installed and maintained for any of the following purposes: water storage ponds including but not limited for fire fighting, irrigation or stock watering, and water treatment ponds including but not limited to wastewater, stormwater, nutrient attenuation, sediment control or animal effluent. As opposed to groundwater.

Subject matter and provision in the Plan:

Definition: Vegetation clearance

Means the cutting, destruction or the removal of all forms of vegetation including indigenous and exotic plant vegetation by cutting, burning, cultivation, crushing, spraying or chemical treatment.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers opposes the provisions for clearance of vegetation that is not indigenous, and therefore we oppose this definition too. Federated Farmers submits that standing be added to the definition of vegetation clearance for clarity.

Relief Sought:

- That the definition is amended to read:

Indigenous Vegetation Clearance Means the cutting, destruction or the removal of all forms of standing vegetation that is indigenous to New Zealand ~~including indigenous and exotic plant vegetation~~ by cutting, burning, cultivation, crushing, spraying or chemical treatment.

Subject matter and provision in the Plan:

Definition: Wetland

has the same meaning as in Section 2 of the Act but does not include these areas where they are entirely man made.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers notes that the term *wetland* is only ever used in the Plan when referring to a Significant Wetland. *Significant wetland* is defined separately, to avoid confusion, the definition for *wetland* should be deleted from the Plan.

The RMA definition for wetland is ambiguous and vulnerable to subjective interpretation. Federated Farmers considers that the following situations should be expressly excluded from being defined as a wetland: wet pasture or cropping land; artificial wetlands used for wastewater or stormwater treatment; farm dams and detention dams; land drainage canals

and drains; reservoirs for fire fighting, domestic water supply; temporary ponded rainfall; artificial wetlands created for beautification purposes.

Relief Sought:

- That the definition be deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Winery

means a facility for the processing of grapes or other fruit for the production of wine, or juice for the subsequent production of wine, and the blending, storage, bottling and packaging of wine.

Federated Farmers supports in part this definition

Summary of reasons for this submission:

Federated Farmers submits that the definition of winery should include ancillary activities and buildings, including the retail sale of wine and other vertical integrated activities.

Relief Sought:

- That the definition be amended to read:

means a facility involving all buildings and plant for the processing of grapes or other fruit for the production of wine, or juice for the subsequent production of wine, and the blending, storage, bottling and packaging of wine. It also includes the vertical integration of other activities aligned with the on-site wine making, such as the retail sale of wine produced on the site, and the serving of food and beverages.

Subject matter and provision in the Plan:

Definition: Worker Accommodation

means the use of land and buildings for accommodating the short term labour requirements of a farming activity where the accommodation is provided on the property on which the farming activity occurs.

Federated Farmers opposes in part this definition

Summary of reasons for this submission:

Federated Farmers submits this term will unintentionally capture farming operations that rely on having staff permanently living on farm. Workers often live on farm to ensure that they are available to complete tasks after hours, to reduce unnecessary travelling time, for health and safety reasons, and as part of the package that an employer can offer their staff member. Workers may live here with their families and consider these dwellings as their permanent place of residence. This needs to be clearly separated from accommodation blocks, shared

lodges or caravans that are intended for temporary workers to stay for days/weeks for seasonal work, such as shearers or apple pickers.

Permanent worker housing needs to be provided for in the Plan through workable rules and a practical definition. Rural housing provides an important social function and should not be discouraged. Federated Farmers submits that all reference to the worker accommodation exclusion area and Appendix 24 are deleted from the Plan, and worker accommodation is provided for as a permitted activity.

Relief Sought:

- That the definition be amended to:
means the use of land and buildings for accommodating the short term temporary labour requirements of a seasonal farming activity ~~where the accommodation is provided on the property on which the farming activity occurs.~~
- That permanent worker accommodation is provided for as a permitted activity, and that all reference to the Worker Accommodation Exclusion Area is deleted from the Plan.

Subject matter and provision in the Plan:

Definition: Woodlot forestry

means the planting, replanting and maintenance of indigenous or exotic trees for non-commercial purposes provided that no more than 2 hectares or 5% of land, whichever is greater, is planted on land within any one Computer Register.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers opposes this definition of woodlot because the activities that it describes are part of normal farming.

Federated Farmers notes that as defined in the proposed Plan, woodlot forestry will include any trees planted for non-commercial purposes, including for the purposes of erosion control, use for firewood, shelterbelts and along riparian margins. On this basis we can see no purpose for rules that dictate the planting of woodlot forestry. Federated Farmers accordingly submits that all polices, provisions and definitions relating to woodlot forestry are deleted, and that woodlot forestry is instead included in the definition of *Farming* and provided for under the farming provisions.

Relief Sought:

- That the definition and all associated provisions for woodlot forestry be deleted from the Plan.
- That woodlot forestry is included in the definition of Farming and provided for under the farming provisions.

Subject matter and provision in the Plan:

Definition: Woodlot forestry harvesting

means the felling of trees for the purposes of Woodlot Forestry, and includes excavation and/or filling to prepare the land for harvesting, de-limbing, trimming and cutting to length of felled trees and recovery of windfall and other fallen trees.

Federated Farmers opposes this definition

Summary of reasons for this submission:

Federated Farmers notes that as defined in the proposed Plan, woodlot forestry will include any trees planted for non-commercial purposes, including for the purposes of erosion control, use for firewood, shelterbelts and along riparian margins. On this basis we can see no purpose for rules that dictate the planting of woodlot forestry. Federated Farmers accordingly submits that all polices, provisions and definitions relating to woodlot forestry are deleted.

Relief Sought:

- That the definition and all associated provisions for woodlot forestry harvesting be deleted from the Plan.

Subject matter and provision in the Plan:

New Definition: Quarrying

Federated Farmers supports the need for this new definition as below

Summary of reasons for this submission:

Quarrying is proposed (along with mineral extraction) as a discretionary activity in the Rural Environment Zone. There is no definition for quarrying provided in the Plan.

Federated Farmers is concerned that this will apply to small scale on-farm quarries.

Many farms have small quarries for the purpose of obtaining aggregates when needed, which are then used to maintain tracks and races and around troughs and pads on the farm. Federated Farmers demonstrates the difference between on-farm quarries and what we consider to be extractive industries in the table below:

Activity:	Defining features:
Commercial quarrying	<ul style="list-style-type: none"> • Large scale • Winnings are transported off the property and on roads • Winnings are for sale • Used daily/weekly, presence of equipment and employees • Commercial enterprise in own right

Farm quarries	<ul style="list-style-type: none"> • Small scale • Winnings are used on the property • Winnings not for sale but for personal use • Used intermittently when needed • Ancillary to existing land use
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These farm quarries are of significantly smaller scale and used intermittently compared to commercial mining operations, and winnings are used on the same property from which they were on rather than being transported on the districts roads. Including a definition for quarrying that clarifies the commercial nature of the enterprise would ensure that farm quarries are not captured in the same manner.

Relief Sought:

- That a definition for quarrying is included in the Plan which reads:

Quarrying means any activity where open or surface excavation of rock or other material deposits including gravel, rock, soil, clay, sand or peat is undertaken and removed from the property for commercial purposes.

CHAPTER 2: GENERAL RULES

Subject matter and provision in the Plan:

2.1.1. Environmental flows and levels, as specified in Appendix 6, control the quantity, level, and flow of water.

2.1.1.1. The environmental flows and levels, as specified in Appendix 6, do not apply to the Permitted Activities in 2.2.

2.1.1.2. The environmental flows and levels, as specified in Appendix 6, do not apply to a take, use, damming or diversion of water required by Rule 2.4.1, as it relates to not meeting the applicable Standards of a Permitted Activity in 2.2.

Federated Farmers opposes in part this note on environmental flows and levels

Summary of reasons for this submission:

Federated Farmers submits this note on environmental flows provides added confusion to chapter. Standard 1 is not necessary. A resource user will only need to comply with Appendix 6 where it is a condition of a permitted activity rule.

Standard 2 references Rule 2.4.1 which relates to the taking and storage of water, namely the Take and damming C Class water for the purpose of retaining water in storage for subsequent use. Federated Farmers submits that if this standard is specific to Rule 2.4.1 as it appears to be, it should be located with the rule it is referring to, not vaguely floating at the front of the Plan.

Relief Sought:

- That note 2.1.1 is deleted, and 2.1.1.2 more appropriately located alongside Rule 2.4.1.

Subject matter and provision in the Plan:

2.3.1. Take and use of water for an individual's reasonable domestic needs up to 5m³ per day per dwelling.

2.3.1.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.

2.3.1.2. The take is limited to one dwelling per take point except where multiple dwellings exist on a single Computer Register or on contiguous Computer Registers under the same ownership, in which case there may be up to three dwellings per take point.

2.3.1.3. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.1.4. There must not be a municipal water supply available to the property boundary.

2.3.1.5. The take must not be otherwise provided for by a resource consent.

Federated Farmers opposes in part this rule**Summary of reasons for this submission:**

Federated Farmers is of the view that S 14 (3) (b) of the Act enables people to take a reasonable amount of water for their domestic and stock needs without the need for the activity to be stated within a plan as a permitted activity such as is being proposed by this rule. While the Federation acknowledges that such takes under the Act are not without restrictions, it is however our view that the onus is upon the Council to determine, on a case-by-case basis that a take under S13(3)(b) is having an adverse environmental effect necessitating a rule such as is being proposed here.

Federated Farmers is however supportive and believes it is totally necessary to provide an amount of water for people to take, over and above S14 (3) (b) takes which requires an appropriate rule framework. In addition it is unclear as to whether this rule is to apply to takes from ground and/or surface waterways. The Federation is aware that often plans differentiate between the taking of ground and surface waters for a number of legitimate reasons. One being that often it is entirely appropriate to allow for a larger volume of water to be taken from larger waterways and smaller volume from smaller waterways as a permitted activity.

Lastly, Federated Farmers is also aware that under the previous plan provided for up to 10m³/day to be taken from both the Wairau/Awatere area. We note that this plan now seeks to classify the Wairau Aquifer at least (e.g. policy 5.5.4). Assuming that this rule applies to the Wairau Aquifer, this puts landowners in somewhat unenviable position where they have made legitimate business decisions based upon the ability to take up to 10m³/day, they are now potentially having the amount of water they are able to take as a permitted activity halved, and face the possibility that they may not be able to gain the 'extra' water as if

the Wairau Aquifer is 'over allocated' then the NPS-FW and indeed the new plan is clear that in such situations additional consents for water are unlikely to be granted.

Relief Sought:

- That the rule is deleted and replaced with:
- 2.3.1.(a) The take and use of groundwater is a permitted activity provided no more than 10m³/day at a rate not exceeding 5l/s is taken
 (b) The taking and use of surface water is a permitted activity in accordance with the table below:

River	< 100 L/s	0.5 L/s	2 m ³
River	100 – 500 L/s	2 L/s	10 m ³
River	500 L/s – 10 m ³ /s	5 L/s	20 m ³
River	10 – 20 m ³ /s	5 L/s	50 m ³
River	>20 m ³ /s	5 L/s	100 m ³
Artificial watercourse	N/A	10 L/s	10 m ³
Lakes	N/A	5 L/s	50 m ³

Note: Nothing in this Plan affects an individual's right to take water in accordance with section 14(3)(b) of the RMA.

Subject matter and provision in the Plan:

2.3.4. Take and use of water for the reasonable drinking water needs of an individual's animals.

2.3.4.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.

2.3.4.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.4.3. The take must not be otherwise provided for by a resource consent.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers is of the view that S 14 (3) (b) of the Act enables people to take a reasonable amount of water for their domestic and stock needs without the need for the activity to be stated within a plan as a permitted activity such as is being proposed by this rule. While the Federation acknowledges that such takes under the Act are not without restrictions, it is however our view that the onus is upon the Council to determine, on a case-

by-case basis that a take under S14 (3)(b) is having an adverse environmental effect necessitating a rule such as is being proposed here.

As outlined above Federated Farmers is however supportive and believes it is totally necessary to provide an amount of water for people to take, over and above S14 (3) (b) takes which requires an appropriate rule framework and have proposed an alternative framework above. Given this in our view this rule is unnecessary and should be removed. .

Relief Sought:

- That the rule is deleted

Subject matter and provision in the Plan:

2.3.5. Take and use of water for incidental use associated with farming up to 5m³ per day per Computer Register.

2.3.5.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.

2.3.5.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.5.3. The take must not be otherwise provided for by a permitted activity or a resource consent.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision for the take and use of water for incidental use associated with farming. This is important for uses of water including filling up of spray tanks. As outlined above, Federated Farmers submits that 10m³ would be a more appropriate amount for groundwater permits and that the rate/volume of water taken from a surface waterways should be proportioned to the size of the waterway from which the waterway is being taken from. Given Federated Farmers submission on Rule 2.3.1 this rule is now superfluous and as such should be deleted.

Relief Sought:

- That the rule is deleted; OR
- That the rule is amended to provide for up to 10m³ per day.

Subject matter and provision in the Plan:

2.3.6. Take and use of water for dairy shed wash down up to 15m³ per day per dairy shed.

2.3.6.1. Where the take is from a river, except an ephemerally flowing river, the instantaneous take rate must not exceed 5% of river flow at any time.

2.3.6.2. The take must not be from a Water Resource Unit with a Natural State water quality classification, or a Significant Wetland.

2.3.6.3. The take must not be otherwise provided for by a permitted activity or a resource consent.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers understands that under the existing plan many dairy shed wash down activities may have required consent to enable them to be established. We understand that this provision has never been enforced. While the Federation acknowledges that there is a reasonable expectation placed upon farmers to comply with the rules of a plan, there is also a reasonable expectation that Council will enforce their own rules. We understand that it has become 'wide spread practice' not to require dairy farmers gain the necessary water permits for their dairy shed wash down water. This now has led to an unfortunate situation where farmers have established a business, which is now under threat, especially within catchments which the council deems to be 'over allocated'. In the view of the Federation this situation could have been avoided by the Council actively enforcing their own rules.

As we outlined later in this submission we do question the allocation status of some of the named catchments. That said, the Federation seeks that the plan provides the ability for dairy farmers which existed at the time of notification of the plan, where their dairy shed wash down water exceeds 15m³/day to gain the necessary resource consents. We believe that this can easily be achieved by having a specific allocation for these consents within the various catchments or as we suggest by having a new controlled activity where the applicant must provide proof that the dairy shed (dairy farming operation) existed before the date of this plan being notified and that the amount of water being applied for is reasonable and efficient use within the dairy shed.

Relief Sought:

- That existing dairy farmers subject to a consent under the proposed Plan are assisted to receive these consents, whether or not they are in an overallocated catchment.
- New rule that is of Controlled Activity status:

The taking and use of more than 15m³/day for dairy shed wash down water where the dairy shed existed before 9th June 2016.

Matters of control

(a) the dairy shed was lawfully established before [date of notification] and the applicant is able to provide proof of this.

(b) The water being taken and used within the dairy shed is reasonable and efficient use of water.

Note: Proof the dairy shed being lawfully established before 9th June 2016 can be done by way of providing the following. It should be noted that these are not the only way that the dairy shed can be proven to be lawfully established before 9th June 2016:

(a) building permit code of compliance; or

(b) a resource consent for a dairy shed effluent disposal

Subject matter and provision in the Plan:

2.3.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ per day for any purpose until 9 June 2017.

2.3.7.1. The take and use of water must have been a lawfully established permitted activity prior to 9 June 2016.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers notes that this rule carries on the permitted activity status applied to the take and use of any water from the Wairau Aquifer, up to 15m³ per day. We are supportive of Council allowing a transition time for those who have been taking water as a permitted activity from the Wairau Aquifer. Federated Farmers submits that a longer transition time from the date of the Plan becoming operative would be more appropriate. The date of notification means that resource users would not have had advance warning.

Federated Farmers expects that the Council will notify affected people that this specific rule applies to them.

Relief Sought:

- That the rule is amended to read:

2.3.7. Take and use of water from the Wairau Aquifer Freshwater Management Unit up to 15m³ per day for any purpose until ~~9 June 2017~~ one year after the Plan becomes operative.

2.3.7.1. The take and use of water must have been a lawfully established permitted activity prior to 9 June 2016.

Subject matter and provision in the Plan:

2.3.16. Damming water and the subsequent use of that water.

The damming and subsequent use of water does not authorise the construction of a dam, which is governed by provisions in the Zone rules.

2.3.16.1. No more than 5,000m³ of water is dammed at any time.

2.3.16.2. The damming and water use must not be otherwise provided for by a resource consent.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the damming of water as a permitted activity. However, we note that the volume of water provided for under this rule is substantially less than that anticipated by the Building Act of 20,000m³. In addition it is somewhat unclear as to whether this rule applies to the instream or out of stream damming of water. In the view of Federated Farmers the rule should be amended to align better with the damming provisions of the Building Act, and numerous other Regional Plans, which anticipates up to 20,000m³ or for the amount of water dammed above ground to be less than 3m. In our view council should

be encouraging water storage with the region as this is a legitimate way for the resource to be more efficiently and effectively utilised.

Relief Sought:

- That a new permitted activity rule is included in the Plan which reads:
 1. For the damming or impounding of water outside the bed of a river or natural lake:
 - (a) the volume of water impounded is less than 20,000 m³; or
 - (b) the maximum depth of water is less than 3 m; and
 - (c) if the volume of water impounded is greater than 1,000 m³, the design and construction of the dam is certified by a Recognised Engineer; and
 - (d) the land is not contaminated or potentially contaminated.
 2. For the damming of water in the bed of a river and the constructing, altering, using, maintaining and operating of dam structures within the bed of a river:
 - (a) The volume of water impounded is less than 20,000 m³; and
 - (b) The maximum depth of water is less than 3 m; and
 - (c) The dam does not impound the full flow of the river; and
 - (d) Any existing passage of fish is not impeded; and
 - (e) The damming of water does not cause water flow to fail to meet any limits in Appendix 6 or fall below the minimum flow for the surface waterbody if the waterbody is subject to a minimum flow as set out in Appendix 6; and
 - (f) The damming does not prevent water being taken by any domestic or stock water supply, or reduce the reliability of supply of any existing legally authorised water take.

Subject matter and provision in the Plan:

New rule

Federated Farmers supports the need for this new rule as below

Summary of reasons for this submission:

Federated Farmers notes that the policies and objectives are very supportive of the ability to transfer a water permit. However, the transfer of a water permit is not provided for in the rules. Federated Farmers submits a restricted discretionary rule should set out matters including impacts on existing users, compliance with allocation limits and reasonable and efficient use.

Relief Sought:

- That a new rule is included in the Plan which provides for the transfer of a water permit as a restricted discretionary activity, addressing the above concerns.

Subject matter and provision in the Plan:

2.4.1. Take and damming C Class water for the purpose of retaining water in storage for subsequent use.

Standards and terms:

2.4.1.1. The application must be for an allocation of C Class water from a FMU with a C Class water quantity allocation limit specified in Appendix 6.

Matters over which the Council has reserved control:

2.4.1.2. Allocation limits.

2.4.1.3. Interference effects on other water users.

2.4.1.4. Permit terms and review periods.

2.4.1.5. Monitoring requirements.

2.4.1.6. Rationing requirements.

Federated Farmers supports this rule

Summary of reasons for this submission:

Federated Farmers supports the taking and damming of C class water for the purpose of retaining water in storage for future use.

However the purpose of storing water during times of plenty is so that it can be used in times of scarcity without impacting on river flows, groundwater levels or other users. Therefore matters of reserved control of rationing, interference with other users, and allocation limits are incongruent with the activity.

It is unclear what the Council intends to assess when it comes to rationing requirements. Is it intended that the stored water will have conditions rationing its use? If a farmer has stored water for use on their farm it is not clear why should this be rationed by the Council. A farmer should be able to use the stored water at whatever rate, or whatever time, they choose. Federated Farmers suggests an advice note is provided that says this rule doesn't relate to the taking from the dam and subsequent use.

Relief Sought:

- That the rule is retained as notified; and
- That an advice note is provided that says the rule doesn't relate to the taking from the dam and subsequent use.

Subject matter and provision in the Plan:

2.6.1. Take of water that would cause the water quantity allocation limit for the relevant Freshwater Management Unit to be exceeded, unless the take is:

(a) provided for as a Permitted Activity;

(b) the subject of a resource consent application affected by section 124 of the RMA.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers notes that the take of water that would cause the water quantity allocation limit for the relevant Freshwater Management Unit to be exceeded is a prohibited activity.

Federated Farmers submits that Section 14(3)(b) takes for domestic needs and animal drinking need to be clearly exempted from the prohibited activity and allowed even when a catchment allocation limit has been exceeded. Stock drinking and household supply is highly valued by farmers and needs to be allowed as an unrestricted in this Plan.

Relief sought:

- That Rule 2.6.1 is amended to read:
 - 2.6.1. Take of water that would cause the water quantity allocation limit for the relevant Freshwater Management Unit to be exceeded, unless the take is:*
 - (a) provided for as a Permitted Activity;*
 - (b) the subject of a resource consent application affected by section 124 of the RMA.*
 - (c) A take in accordance with Section 14(3)(b) for domestic needs and stock drinking.*

Subject matter and provision in the Plan:

2.8.1. General.

- 2.8.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance, including but not limited to oil, hydraulic fluid or other fluid lubricants, must take place within 20m of water.
- 2.8.1.2. The activity must not cause flooding or erosion of private land.
- 2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.
- 2.8.1.4. Any discharge of sediment into water must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.
- 2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of a nesting bird in a lakebed or riverbed.
- 2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

Federated Farmers opposes in part these general standards

Summary of reasons for this submission:

Federated Farmers submits that there are a number of general provisions applying to activities in, on, over or under the bed of a lake or river which will difficult for farmers to meet and not achieve sustainable management. The lengthy number of provisions adds to the regulatory burden incurred by farmers in the District. Federated Farmers considers it interesting that by contrast, the number of general standards that apply to Marlborough District Council's work on the Drainage Channel Network is comparatively slim; ie there are

only three general provisions. We consider that any standards should relate to the adverse effects not to the user.

- Fuel and hazardous substances

Federated Farmers opposes all local authority regulation of hazardous substances as this is a subject already well under control of HSNO Act 1996. Federated Farmers opposes the rule that no refuelling or fuel storage can take place within 20m of water. This is inappropriate given the context in which diesel irrigation pumps drawing water from a water hole or river need a nearby supply of fuel. Farmers have no other choice than to refuel pumps on the banks of the river. While they may like to utilise an electric pump in many parts of Marlborough there is not access to three phase power and so farmers are limited to diesel pumps. The fuel and irrigation pump is one unit. The RMA is effects based and therefore the rule should focus on the effects of the refuelling, not limiting the activity itself. Our relief sought details suggested amendments which reflect this.

It is impractical to require no placement of hazardous substances within 20m of a waterbody, given this will include agrichemicals and pesticides. If this rule intends to regulate only hazardous substances related to vehicles then it is not clearly communicated, as the definition of hazardous substance in the Plan refers to the HSNO Act 1996. What is meant by placement is also unclear. Most other councils only require that hazardous substances do not enter water. If Council is attempting to refer to a specific hazardous substance then these should be listed. Federated Farmers submits that there is no need for hazardous substances rules because it is unnecessary duplication of or contradiction with HSNO Act 1996.

- Use of the Munsell Scale

We oppose reference to the Munsell scale in the permitted activity standards, and as per our general submission submit that this should be deleted.

- Nesting bird provisions

Federated Farmers understands that the intent of the provisions for nesting birds was designed to aid the survival of endangered riverbed nesting birds. As the provision is written however, it captures all nesting birds within a lakebed or riverbed. Thus, according to the rule no activity can occur within 50 metres. Federated Farmers is unclear, does this mean livestock cannot cross the bed of a river within 50m of a nesting bird? Will the farmer be prosecuted if his cattle move through a creek or riverbed in the high country and he isn't even present? Does this rule include Canadian Geese and other pest species? There are so many ambiguities, that Federated Farmers submits that the provision must be deleted.

- Activities in a tidal reach

The final general rule applying to all standards is that an activity cannot be carried out within the wetted area of a riverbed in a tidal reach during seven months of the year. These also are some of the warmest seven months, and the most likely times for farmers to engage in activities such as drain clearance. At other times of the year it is simply too wet to do so. Accordingly Federated Farmers submits that the provision is deleted.

Relief Sought:

- That the rule is amended to read:

~~2.8.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance, including but not limited to oil, hydraulic fluid or other fluid lubricants, must take place within 20m of water.~~

~~2.8.1.2. The activity must not cause flooding or erosion of private land.~~

~~2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.~~

~~2.8.1.4. Any discharge of sediment into water must not, after reasonable mixing, cause a change in colour of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.~~

~~2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of a nesting bird in a lakebed or riverbed.~~

~~2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.~~

Subject matter and provision in the Plan:

2.8.2. Removal and control of terrestrial vegetation.

2.8.2.1. Removal and control must be done by mechanical or other physical means.

2.8.2.2. All cut or felled vegetation that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river (except an ephemeral river or intermittently flowing river, when not flowing).

2.8.2.3. Machinery must not be operated in flowing water.

2.8.2.4. Removal of trees overhanging or partially in water must be by machinery operated on the lake or river bank or mounted on boats or barges.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of permitted activity standards for the removal and control of terrestrial vegetation. This is an activity that does not have adverse effects and is necessary for people and communities to provide for their wellbeing.

However in the Rural Zone this subject is already managed by Rules 3.1.12 and 3.1.13 and associated standards, so another set of standards here is confusing and conflicting.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

2.8.3. Dust.

- 2.8.3.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule should recognise the practicalities of working with dust. It may not be possible to avoid, remedy, or mitigate the adverse effects of dust as a result of normal farming activities beyond the property boundary. Farmers can only do so much in dry conditions and regardless as to good management processes undertaken, dust will occur in certain weather conditions. Even livestock can raise dust and it should be accepted as part of the rural zone. It is important that rules do not place undue restrictions on legitimate farming activities, or the operation of activities where they contribute to the social and economic wellbeing of the District.

Relief Sought:

- That the rule is amended to read:

Good management practice ~~*The best practicable method must be adopted to avoid manage dust beyond the legal boundary of the area of land on which the activity is occurring.*~~

Subject matter and provision in the Plan:

2.9.1. Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river.

- 2.9.1.1. The structure must have been lawfully established.
- 2.9.1.2. The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.
- 2.9.1.3. There must be no significant change to the external appearance of the structure. Painting a structure is not a significant change for the purposes of this Standard.
- 2.9.1.4. No greater than 10% of the cross-sectional area of the lakebed or riverbed must be disturbed.
- 2.9.1.5. Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of the alternation, repair and maintenance of an existing structure in, on or over the bed of a lake or river as a permitted activity. Being able to maintain bridges and culverts that provide access for stock and farm vehicles over waterways is important.

However the standards must be effects based to be justified. There is no purpose to standard 2.9.1.3, external appearance of a structure is of no consequence. The area of disturbance will be limited by the fact that only minor <5% alteration, repair and maintenance activities can be carried out. There is no need to specify that detritus will be removed by mechanical means, as there is no other alternative.

Relief Sought:

- That Rule 2.9.1 is amended to read:

~~2.9.1. Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river.~~

~~2.9.1.1. The structure must have been lawfully established.~~

~~2.9.1.2. The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.~~

~~2.9.1.3. There must be no significant change to the external appearance of the structure. Painting a structure is not a significant change for the purposes of this Standard.~~

~~2.9.1.4. No greater than 10% of the cross-sectional area of the lakebed or riverbed must be disturbed.~~

~~2.9.1.5. Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.~~

Subject matter and provision in the Plan:

2.9.2. Protection works in, on or over the bed of a lake or river for existing structures.

2.9.2.1. The structure must have been lawfully established.

2.9.2.2. There must be no reduction in the capacity of the river at the structure.

2.9.2.3. Rock may be used for protecting existing structures.

2.9.2.4. Rock from damaged or redundant structures may be recovered from the lakebed or riverbed.

2.9.2.5. Continuous lengths exceeding 50m of vertical gabion bank walls must be avoided by interposing some gently sloping sections for bird access.

2.9.2.6. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.

2.9.2.7. Placement of rock rip-rap in estuarine areas must not take place between 1 August and 30 November in any year.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of protection works to protect existing structures as a permitted activity.

However specifying that rock *may* be used and where this *may* be sourced from is not a standard, rather it reads like it is presenting possible options to the resource user. It is

unclear what reducing the capacity of the river may be, the same amount of water will always flow down the river regardless of structures.

The effect of a gabion wall over 50m in length will not be any more detrimental to birds than a natural river bank, the bird will find another location to scramble up or even fly up. If this is standard is intended to protect habitat requirements of exotic birds like swans and ducks then this is unnecessary.

Relief Sought:

- That the rule is amended to read:

2.9.2. Protection works in, on or over the bed of a lake or river for existing structures.

2.9.2.1. The structure must have been lawfully established.

~~*2.9.2.2. There must be no reduction in the capacity of the river at the structure.*~~

~~*2.9.2.3. Rock may be used for protecting existing structures.*~~

~~*2.9.2.4. Rock from damaged or redundant structures may be recovered from the lakebed or riverbed.*~~

~~*2.9.2.5. Continuous lengths exceeding 50m of vertical gabion bank walls must be avoided by interposing some gently sloping sections for bird access.*~~

2.9.2.6. Motor vehicle bodies, old machinery and scrap iron must not be used for bank protection works.

2.9.2.7. Placement of rock rip-rap in estuarine areas must not take place between 1 August and 30 November in any year.

Subject matter and provision in the Plan:

2.9.4 Construction of a dam on an ephemeral river.

2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.

2.9.4.2. The dam must not intersect groundwater.

2.9.4.3. The dam must not be located in, or within 8m of, a Significant Wetland.

2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.

2.9.4.5. The dam construction activity complies with all the permitted activity excavation, filling and vegetation clearance rules for the zone in which the activity is taking place.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule is conflicting with other rules for dams found throughout the Plan.

We oppose all provisions for ephemeral rivers because the definition is unclear and is the same as the definition for intermittent river, so there is no certainty as to when a farmer is looking at one or the other and therefore what rules apply. There will be no adverse effect on water quality for activities taking place where no water is running.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

2.9.5. Construction or placement of a new structure in, on, under, or over the bed of an ephemeral river.

2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.

2.9.5.2. The structure must not intersect the groundwater.

2.9.5.3. The structure must not be located in, or within 8m of, a Significant Wetland.

2.9.5.4. The construction or placement must comply with all the permitted activity land disturbance rules for the Zone in which the activity is taking place.

Federated Farmers opposes this rule**Summary of reasons for this submission:**

It is unclear what adverse effect this rule is attempting to manage. Structures like a fence in an ephemeral river will be unlikely to cause floods by blocking flow as they are very small creeks and only flow infrequently. New Zealand does not have large ephemeral rivers like the Murray-Darling in Australia. A structure in an ephemeral river will not have negative impacts on water quality from disturbance of sediment during construction as it will be built when the creek is dry. Nor will a structure impact on habitat during construction as once again, the creek will be dry and no biota will be present.

Relief Sought:

- That structures be provided for in, on, under, or over the bed of an ephemeral river as a permitted activity without any standards.

Subject matter and provision in the Plan:

New rule

Federated Farmers supports the need for this new rule as below**Summary of reasons for this submission:**

Federated Farmers submits that a new rule is included which enables the placement of a new structure within the bed of any permanently flowing river or lake. At present there is no provision for structures within the plan making them a discretionary activity. This means if a farmer needs to erect a new fence, or a bridge through the bed of a river they would require a discretionary consent.

Relief Sought:

- That a new rule is included in the Plan which provided permitted status for structures such as fences, culverts, bridges and stock /vehicle crossings on the bed of a lake or permanently flowing river.

Subject matter and provision in the Plan:

2.9.7 Culvert installation in, on, under, or over the bed of a river.

- 2.9.7.1. A secondary flow path must be provided which enables overtopping floodwaters to return to the downstream channel without increasing the flood hazard to any person's property not undertaking the culvert installation.
- 2.9.7.2. The culvert must be placed below the level of the riverbed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.
- 2.9.7.3. There must be no increase in the velocity of flow through or downstream of the culvert at the river's median flow.
- 2.9.7.4. The total length of the culvert must not exceed 8m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed 20m.
- 2.9.7.5. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

Federated Farmers supports this rule**Summary of reasons for this submission:**

Federated Farmers supports the provision of the installation of a culvert as a permitted activity.

Relief Sought:

- That the rule is retained.

Subject matter and provision in the Plan:

New rule

Federated Farmers supports the need for this new rule as below**Summary of reasons for this submission:**

Federated Farmers submits that a new rule is included in the Plan to permit river crossing structures, consistent with the permitted activity approach taken to culverts.

Relief Sought:

- That a new permitted rule is included in the Plan which reads:

The placement of a river crossing structure, including but not limited to weirs, fords and small bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on under, or over the bed of a river including any associated disturbance of and deposition on the river or lake bed, and diversion of water and discharge of sediment to water.

Subject matter and provision in the Plan:

New rule

Federated Farmers supports the need for a new rule as below

Summary of reasons for this submission:

Federated Farmers submits that the maintenance of farm drains should be provided for in the plan as a permitted activity. We note with interest that the Plan provides for Council to maintain the Drainage Channel Network through the removal and control of aquatic vegetation by cutting with an excavator, and the removal and control of terrestrial vegetation by mechanical means, as a permitted activity. Federated Farmers is therefore particularly interested that there are not equivalent permitted activity rules that provide for the maintenance of farm drains. Under the Proposed Plan, farmers efforts to clear their farm drains would be a discretionary activity. We have submitted on the Drainage Channel Network provisions requesting that these apply to all landowners doing maintenance of drains.

It is imperative that there is provision in the Plan for the clearance and maintenance of farm drains so that sediment and silt build up can be removed. This is critical to ensure the continued effective operation of the farm drain. Farmers need to be able to clear out excess sediment every three to four years. This involves removal of both vegetation and sediment.

Federated Farmers acknowledges that it would be helpful if Council worked with industry to develop good management practice guidance for drain clearance and maintenance in Marlborough. We suggest this is included in a new method in the Plan.

Relief Sought:

- That Council work with industry to develop good management practice guidance for drain clearance and maintenance, which is acknowledged through an additional method in the Plan.
- That a new rule is included in the Plan which provides for the maintenance of existing farm drains as a permitted activity.

Subject matter and provision in the Plan:

2.9.9. Livestock entering onto, or passing across, the bed of a river.

2.9.9.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.

2.9.9.2. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;

- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
 - (c) the change in reflectance must be <50%.
- 2.9.9.3. After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in a change in concentration of following:
- (a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);
 - (b) dissolved reactive phosphorus;
 - (c) dissolved inorganic nitrogen;
 - (d) Escherichia coli (E. coli).

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits in support of the permitted status of stock entering and passing across the bed of a river. However this rule appears twice, here in Chapter 2 General, and again in Chapter 3 Rural Environment. This is unnecessary duplication.

Livestock crossing is important to get them from one side to the other and will be particularly important where farmers have fenced off waterways or where a farm is bisected by rivers and streams. We note that permitted status excludes intensively farmed stock, which is defined as being cattle or deer which are grazed on irrigated land or breakfed, and dairy cattle. Unfortunately this rule does not take into account the limited adverse effects of stock crossings, which by their nature are often short in duration and infrequent in occurrence. Federated Farmers opposes Standard 1 and the exclusion of these animals from crossing a river as a permitted activity standard. Until work has been completed on the cause and effect of water quality concerns within those catchments designated for Catchment Enhancement Plans, widespread regulation of stock access should be avoided.

- The definition of river

Federated Farmers submits that the use of the definition of river from the Act means the definition of river is broad and encompassing. As defined in the act, river means a *continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)*. This means that this rule applies to the movement of livestock across any continually or intermittently flowing body of freshwater including a stream or modified water course.

- Dairy cattle

While the dairy industry through non-regulatory methods have taken great lengths to reduce the number of dairy cattle having access to rivers, there are some circumstances where there are practical difficulties to fencing stock out of waterbodies. In Marlborough, the nature of ephemeral rivers means that there are rivers that may have water in them at only limited times during the year, and it is not economical to fence or design crossings for such limited

use. This rule would mean that dairy farmers would not be able to use significant parts of their farm. The nature of heavy rainfall events on ephemeral rivers also means that placing a culvert or crossing to move stock is not always appropriate, as this can be easily shifted or washed away with each rainfall event. Therefore we believe it is appropriate that a permitted activity status is provided for dairy cattle that are being crossed only intermittently where it is impractical to construct crossings and bridges.

In addition to the access of dairy cattle to waterways on the milking platform, the rule as it is proposed will unnecessarily limit the ability of farmers to winter their dairy cattle off the platform. We have heard from many farmers who will not be able to take on off-season dairy grazing due to the significant cost of fencing their run off blocks, or who will lose the ability to send their cattle off to a run off block during the winter months.

- Grazed on irrigated land or contained for breakfeeding of winter feed crops

Breakfeeding and grazing by deer and cattle on irrigated land are pastoral farming methods, and should not be considered intensive farming. The permitted baseline will allow for cattle and deer that are not on irrigated land or breakfed to cross, with the understanding that it is an activity that will allow people and communities to provide for their wellbeing and will have minor adverse effects. A cattle beast that has been breakfed will not have an adverse effect any greater than a cattle beast that has not. Cattle are recommended to have no more than 70% of their diet being forage crops; it is not good practice to allow stock to go with insufficient fibre as this reduces absorption of nutrients. Animal health is already an incentive for farmers to reduce the liquidity of animal faeces, if this is the effect that Council is concerned about.

Federated Farmers notes that this rule prevents all cattle and deer grazed on irrigated land and breakfed for winter feedcrops having access to waterways, regardless of the duration or occurrence of the activity. The rule does not distinguish between ongoing access to waterways where wallowing may occur, and briefer short duration movements of stock across the bed of the river.

Water quality standards will be sufficient to manage adverse effects that the Council is concerned about, so there is no need to single out particular types of livestock that cannot cross as permitted.

- Adverse events

Heavy rainfall events can occur suddenly and stock may need to be moved to a different paddock, requiring the crossing of stock through a waterway. For the welfare of all livestock, this needs to be provided for without requirement for a resource consent. During these times stock cannot be expected to meet the proposed Plan's permitted activity standards due to the nature of a high rainfall event causing changes to the colour and visual clarity.

- Water quality standards

It is important that any water quality standards used within the Plan are practical and easy for resource users to understand and know whether or not they can comply. With regard to standards 2(a) and (b) and Standard 3, it will be impossible for a farmer to know if they are compliant with this rule. We submit that these standards are deleted from the Plan.

Relief Sought:

- That the rule is amended to read:

2.9.9. *Live stock entering onto, or passing across, the bed of a river.*

2.9.9.1 The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river, except in the following circumstances:

2.9.9.1.1 where stock crossing occurs occasionally as part of grazing rotation, or

2.9.9.1.2 to access other areas of a farm that are separated by the waterbody, or

2.9.9.1.3 where the crossing is necessary for stock safety, or

2.9.9.1.4 where there are practical difficulties constructing a bridge or culvert;

2.9.9.4. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;

~~(c) the change in reflectance must be <50%.~~

~~2.9.9.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:~~

~~(a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);~~

~~(b) dissolved reactive phosphorus;~~

~~(c) dissolved inorganic nitrogen;~~

~~(d) Escherichia coli (E. coli).~~

Subject matter and provision in the Plan:

2.10.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the discretionary status of activities that do not meet permitted standards. We submit that restricted discretionary status is appropriate for regional rules, with discretion restricted to the matters arising from the standard that cannot be met.

Restricted Discretionary status provides consent applications and Council processing officers a narrow field of matters that need to be assessed, leading to quicker, more efficient processing times and more certainty as to what information is to be provided in the application.

Relief Sought:

- That the rule amended so activities not meeting permitted standards have restricted discretionary status.

Subject matter and provision in the Plan:

2.11.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the use of prohibited activity status for intensively farmed livestock entering onto the bed of a river when there is water flowing in the river. A prohibited activity status has the effect of placing an activity 'outside' the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.

Federated Farmers supports the use of definitive and objective information as the driver of regulation. Federated Farmers is unsure as to the reasoning for a prohibited status for Stock Access. Once a prohibited status has been applied to an activity there is no ability for the Council to take into account extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. Prohibited status is final and does not allow for all situations that present themselves in a farming environment, in which farmers are constantly subject to varying weather conditions that impact on the way they manage their farm and their stock. When a water supply is compromised or fails, a farmer may need to rely on rivers or creeks for stock drinking water.

Stock access rules need to recognise different stock and different farms will have different needs. Stock crossing water bodies at a designated point is one option farmers have to mitigate potential effects to water bodies caused by *ad hoc* access and should be encouraged. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. Federated Farmers questions the expense of monitoring and enforcing a prohibited status activity.

Federated Farmers notes that the approach taken within the Plan to stock access is inconsistent with the national direction provided by the LAWF report and also by the Ministry's consultation on the Next Steps for Freshwater document. Both documents establish a tiered approach for the regulation of stock access.

Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules. Federated Farmers suggests that non regulatory, educational methods can be very effective in achieving 'buy-in', outlining expectations and creating desired behavioural change.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

2.11.5. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the use of prohibited activity status for intensively farmed livestock entering onto the bed of a river when there is water flowing in the river. A prohibited activity status has the effect of placing an activity 'outside' the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.

Federated Farmers supports the use of definitive and objective information as the driver of regulation. Federated Farmers is unsure as to the reasoning for a prohibited status for Stock Access. Once a prohibited status has been applied to an activity there is no ability for the Council to take into account extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. Prohibited status is final and does not allow for all situations that present themselves in a farming environment, in which farmers are constantly subject to varying weather conditions that impact on the way they manage their farm and their stock. When a water supply is compromised or fails, a farmer may need to rely on rivers or creeks for stock drinking water.

Stock access rules need to recognise different stock and different farms will have different needs. Stock crossing water bodies at a designated point is one option farmers have to mitigate potential effects to water bodies caused by *ad hoc* access and should be encouraged. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. Federated Farmers questions the expense of monitoring and enforcing a prohibited status activity.

Federated Farmers notes that the approach taken within the Plan to stock access is inconsistent with the national direction provided by the LAWF report and also by the Ministry's consultation on the Next Steps for Freshwater document. Both documents establish a tiered approach for the regulation of stock access.

Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules. Federated Farmers suggests that non regulatory, educational methods can be very effective in achieving 'buy-in', outlining expectations and creating desired behavioural change.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

General submission on Drainage Channel Network Activity provisions

Federated Farmers opposes in part the Drainage Channel Network Activity provisions**Summary of reasons for this submission:**

Federated Farmers opposes the Drainage Channel Network Activity provisions within Chapter 2 on the basis that that as these rules are currently written it based on whom the resource user is and not the potential adverse affects. Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain of farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that the provisions pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

Relief Sought:

- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.

Subject matter and provision in the Plan:

2.14.4. Maintenance of a culvert or floodgate.

- 2.14.4.1. A temporary coffer dam constructed for the purpose of maintenance must be removed at the completion of the maintenance.

Federated Farmers opposes in part this rule**Summary of reasons for this submission:**

Federated Farmers notes that this permitted activity standard only applies to the Council completing work within the Drainage Channel Network. While we are supportive of the permitted activity standard for the maintenance of a culvert or floodgate, the same permitted activity standards should be applied to other landowners completing the work on their culverts and farm drains. Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

Federated Farmers does note that there is provision in the Plan for the alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river (2.9.1), however this rule carries with it a much longer set of standards that are interestingly not applied to the Council when maintaining the Drainage Channel Network.

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain of farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that this rule pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

Relief Sought:

- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.

Subject matter and provision in the Plan:

2.14.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

- 2.14.6.1. When vegetation is planted for the purposes of aquatic habitat protection, native plant species must be preferentially planted.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers notes that this permitted activity standard only applies to the Council completing work within the Drainage Channel Network. While we are supportive of the permitted activity standard for the planting of vegetation for the purposes of habitat protection and the prevention of bank erosion, the same permitted activity standards should be applied to other landowners completing the work on their farm drainage systems. Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

This standard does not read like a permitted standard, but more like advice for the resource user. Expressing a preference in a Standard is inappropriate.

Federated Farmers does notes there is no provision in the General Rules for the planting of vegetation for the purpose of habitat protection and bank erosion. The plan also states that

all other activities not provided for in the Plan fall into the discretionary consent activity status. Does this mean that landowners wishing to plant vegetation for the purposes of aquatic protection and prevention of bank erosion will be required to apply for a resource consent?

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that this rule pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

Relief Sought:

- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.

Subject matter and provision in the Plan:

2.14.7. Removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.

2.14.7.1. Cutting must not be carried out more than once in any 12 month period on any section of drainage channel.

2.14.7.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

2.14.7.3. The excavator must not enter flowing water.

2.14.7.4. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.

2.14.7.5. Removed material must be retained on adjacent channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers notes that this permitted activity standard only applies to the Council completing work within the Drainage Channel Network. While we are supportive of the permitted activity standard for the removal and control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades, the same permitted activity standards should be applied to other landowners completing the work on their farm drainage systems.

Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

The removal of aquatic vegetation within drains is an important management tool for landowners to reduce the likelihood of flooding of their properties. Where vegetation builds up, the likelihood of flooding is much greater.

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain of farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that this rule pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

In terms of the merits of the standards of this rule, standard 2 requires that the removal and control must not be carried out in a tidal reach between 1 February and 30th April, and 1st August and 30th November in any year. Farmers consider that any removal and control of aquatic vegetation is best completed during the warmer months, and therefore this limits the ability for the activity to be conducted when the weather is drier and the activity is able to be conducted.

Relief Sought:

- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.
- That the rule is amended to read:

2.14.7.1. Cutting must not be carried out more than once in any 12 month period on any section of drainage channel.

~~*2.14.7.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.*~~

~~*2.14.7.3. The excavator must not enter flowing water.*~~

2.14.7.4. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.

~~*2.14.7.5. Removed material must be retained on adjacent channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.*~~

Subject matter and provision in the Plan:

2.14.8. Removal and control of aquatic vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes).

- 2.14.8.1. Cutting by mechanical means must not be carried out more than once in any 12 month period on any section of drainage channel.
- 2.14.8.2. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.
- 2.14.8.3. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers notes that this permitted activity standard only applies to the Council completing work within the Drainage Channel Network. While we are supportive of the permitted activity standard for the removal and control of aquatic vegetation by a floating weedcutter or hand held cutters, the same permitted activity standards should be applied to other landowners completing the work on their farm drainage systems. Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

The removal of aquatic vegetation within drains is an important management tool for landowners to reduce the likelihood of flooding of their properties. Where vegetation builds up, the likelihood of flooding is much greater.

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain of farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that this rule pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

Relief Sought:

- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.

Subject matter and provision in the Plan:

- 2.14.9. Removal and control of terrestrial vegetation by mechanical or other physical means.
 - 2.14.9.1. The cut or felled vegetation must be removed from a drainage channel less than 3m in width.
 - 2.14.9.2. Vegetation greater than 100mm in diameter must be removed from a drainage channel wider than 3m.
 - 2.14.9.3. Machinery must not be operated in flowing water.

2.14.9.4. Removal of trees overhanging or partially in water must be by machinery operated on the drainage channel bank or mounted on boats or barges.

2.14.9.5. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision to removal or control vegetation.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers notes that this permitted activity standard only applies to the Council completing work within the Drainage Channel Network. While we are supportive of the permitted activity standard for the removal and control of terrestrial vegetation by mechanical or other physical means, the same permitted activity standards should be applied to other landowners completing the work on their farm drainage systems. Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

The removal of vegetation overhanging and blocking drains is an important management tool for landowners to reduce the likelihood of flooding of their properties. Where vegetation builds up and interferes with the operation of the drain, the likelihood of flooding is much greater.

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain of farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that this rule pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

Relief Sought:

- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.

Subject matter and provision in the Plan:

2.14.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

2.14.10.1. The discharge must be undertaken in accordance with the most recent product label.

2.14.10.2. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.

2.14.10.3. The agrichemical must not enter water.

2.14.10.4. An assessment of the benefits of retaining vegetation, including an analysis of the potential ecological benefits to instream values, must be made before making a decision on vegetation removal.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers opposes the Drainage Channel Network Activity provisions within Chapter 2 on the basis that that as these rules are currently written it based on whom the resource user is and not the potential adverse affects. Under the rules for the Drainage Channel Network, Council can carry out these activities as permitted, meanwhile to do same activity on a farm drain, will require a resource consent.

Federated Farmers considers that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards, and therefore rules in the proposed Plan are unnecessary.

The RMA does not discriminate between resource users, but is effects based. The proposed Plan anticipates and accepts a certain level of adverse effects resulting from these activities because the benefits for economic, social and/or cultural wellbeings are considerable in that flooding is prevented. The same permitted activity status should apply to any one carrying out the same activity on their own farm drains. A landowner carrying out activities to maintain of farm drainage will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that the provisions pertaining to the Drainage Channel Network apply to anyone doing these activities, not just the Council, and to both the Drainage Channel Network and more broadly to farm drains.

We note that Rule 3.3.22 provides permitted standards for farmers applying agrichemicals onto land, however the standards that farmers have to adhere to are more stringent than the standards that the Council has to comply with. This discrimination has no place in an RMA document.

The Council does not have to avoid Triazine herbicide on a Soil Sensitive Area identified as free-draining soils, like a farmer does under Standard 3.3.22.2. The Council does not have to apply the agrichemical in accordance with the most recent product label like a farmer does under Standard 3.3.22.4. The Council does not have apply the agrichemical in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 *Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals* like a farmer does under Standard 3.3.22.5.

When applying agrichemicals the Council is required under Standard 2.14.10.3 *the agrichemical must not enter water*, whereas the equivalent for a farmer under Standard

3.3.22.3 is that *the application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water*. The standard for the Council is must clearer and to the point, whereas the farmer has more instructions.

Standards for the same activity with the same resource management issues and potential effects should apply equally to all resource users.

Relief Sought:

- That provisions for agrichemicals are deleted from the proposed Plan because agrichemicals are already managed by the HSNO Act.
- That the rules for the Drainage Channel Network Activity apply to anyone maintaining drains, whether the Council in their responsibility for the Drainage Channel Network or landowners maintaining farm drains.

Subject matter and provision in the Plan:

2.17.3. Discharge of stormwater to water.

2.17.3.1. For stormwater sourced from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s.

2.17.3.2. For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s.

2.17.3.3. For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s.

2.17.3.4. The discharge must not have, after reasonable mixing, any of the following effects on water quality:

- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) any conspicuous change in the colour or visual clarity;
- (c) any emission of objectionable odour;
- (d) the rendering of fresh water unsuitable for consumption by farm animals;
- (e) any significant adverse effects on aquatic life.

2.17.3.5. The discharge must not cause flooding on land other than land within the Floodway Zone.

2.17.3.6. The discharge must not cause erosion at, or downstream of, the discharge point.

2.17.3.7. The discharge must not alter the natural course of the receiving water.

2.17.3.8. The discharge point and any associated structure must be maintained so that it is clear of debris and structurally sound.

2.17.3.9. The discharge must not contain stormwater from an area where a hazardous substance is stored unless:

- (a) the hazardous substance cannot enter the stormwater;

(b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system.

2.17.3.10. If the discharge is from a reticulated community stormwater network administered by the Council as at 9 June 2016, the discharge must not be from stormwater sourced from land zoned Business 1, Business 3, Industrial 1 or Industrial 2.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers seeks certainty that this rule for the discharge of stormwater to water does not apply to farm drains. A farm drain is very different from a pipe source discharge of stormwater because it there is no ability to control the flow, and a farmer does not have any control over the rate of discharge, and adverse effects of rainwater collecting and following in farm drains is minimal.

Federated Farmers considers there is merit in having quantifiable standards within the discharge of stormwater provisions, along with allowances for storm events. The above standards refer to conspicuous change in the colour or visual clarity, and objectionable odour, yet it is not clear what this means. What is conspicuous or objectionable to one person may be different to another. We seek quantitative measures that will rectify this ambiguity.

Federated Farmers also seeks allowances for adverse weather events in circumstances where parties don't have control over the discharge. It is possible that a 1 in 100 year storm event will cause erosion and alter the natural course of water. There is nothing that can be done about this and therefore this should not be considered an offence.

Relief Sought:

- That farm drains are specifically excluded from this discharge of stormwater to water rule.
- That quantitative measures are included in the discharge to stormwater provisions.
- That allowances for adverse weather events are provided.

Subject matter and provision in the Plan:

2.20.1. Discharge of dairy farm effluent to water.

Federated Farmers opposes this rule

Summary of reasons for this submission:

As noted with regards to Policy 15.1.23, Federated Farmers supports the move to prevent the direct discharge of collected animal effluent to water. However, this rule is a prohibited status, which states the discharge of dairy farm effluent to water. It is not clear reading this rule whether this is referring to farm dairy effluent from a cow that is defecating in water, collected untreated effluent, or collected treated effluent. Federated Farmers submits that as

it is currently written it could appear to capture a cow that is walking through a waterway. According with our submission on the use of prohibited activity status, Federated Farmers submits that the rule is deleted from the Plan.

Relief sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

2.22.1. Application of an agrichemical.

- 2.22.1.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.
- 2.22.1.2. The application must not result in the agrichemical being deposited on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.
- 2.22.1.3. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately
- 2.22.1.4. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards, and therefore rules in the proposed Plan are unnecessary.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

General submission on Heritage Resource Provisions

Federated Farmers opposes the general nature of the rules for heritage resources

Summary of reasons for this submission:

Federated Farmers submits that all the rules for heritage resources only apply to those resources that are identified in Appendix 13. This could be easily done through an amendment to the definition of Heritage Resources so that the provisions clearly only capture sites that meet the criteria.

Relief Sought:

- That the rule is amended to apply only to heritage resources listed in Appendix 13.

Subject matter and provision in the Plan:

2.33.2. Any land use activity relating to transportation not provided for as a Permitted Activity.

Federated Farmers opposes this rule

Summary of reasons for this submission:

It is not clear what is meant by the discretionary status applied to any land use activity relating to transportation not provided for as a permitted activity. It is Federated Farmers understanding that those activities involving land use not addressed in the Plan default to permitted activity standard. It is inappropriate for the Plan to default to discretionary for there may be activities Council has not anticipated. Council has not addressed the transportation of primary produce to and from farms to markets and ports. This is a critical component of primary production. It is not clear whether the Plan then requires that such transportation requires a discretionary consent. Federated Farmers submits that the Plan clarify the permitted status of such movements.

Relief sought:

- That any land use activity relating to transportation not provided for in the Plan defaults to a permitted activity status.

Subject matter and provision in the Plan:

2.38.4 Maintenance and replacement of the following network utility infrastructure existing at 9 June 2016:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication apparatus or facility;
- (d) a meteorological service apparatus or facility.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports maintenance activities as permitted. However replacement is of a different scale and can create some significant adverse effects on land owners and surrounding land uses resulting in injurious affection, and so permitted status is inappropriate.

National Environmental Standards for Electricity Transmission Activities (NESETA) Section 14 does provide a permitted status for replacement of transmission line support structures, but this is within conditions that aim to keep replacement structures similar in scale, character and intensity to the existing one. There are limits on height and width increases, and a pole must not be replaced with a tower. This does not apply to electricity line facilities, or other network utilities like telecommunication, radio or meteorological.

Relief Sought:

- That the rule is amended to allow for maintenance and replacement of electricity transmission lines and support structures in accordance with NESETA as permitted.
- That maintenance of telecommunication lines and facilities, radio communication apparatus and facilities, and meteorological service apparatus and facilities is permitted.
- That replacement of telecommunication lines, radio communication apparatus, and meteorological service apparatus and facilities is a discretionary activity.

Subject matter and provision in the Plan:

2.38.5 Minor upgrading of the following network utility infrastructure existing at 9 June 2016:

an electricity line or facility;

(b) a telecommunication line or facility;

(c) a radio communication apparatus or facility;

(d) a meteorological service apparatus or facility.

Federated Farmers opposes in part this rule**Summary of reasons for this submission:**

Federated Farmers submits that permitted status for minor upgrading is inappropriate. These network utilities could be located on private land and the activity of minor upgrading will have the potential to adversely effect existing land uses like farming.

Federated Farmers looks to Electricity Act 1992 section 23(3)(b) when considering what minor upgrading to electricity transmission lines (both National Grid and local distribution lines) may be. This Section of the Act discusses replacement or upgrade of existing works as long as the land will not be injuriously affected as a result.

We consider that the principle of privately owned land not being injuriously affected needs to be incorporated into the definition for minor upgrading, not just for electricity transmission but also for telecommunication lines and facilities, radio communication apparatus and facilities, and meteorological service apparatus and facilities.

Federated Farmers has no opposition to minor upgrading occurring when this is on land owned by the network utility operator.

Relief Sought:

- That where network utilities are located on land owned by someone other than the utility operator, that minor upgrading is only permitted when no injurious affection is experienced.

Subject matter and provision in the Plan:

2.39.1 Network utility infrastructure listed as follows:

- (a) an electricity line or facility;
- (b) a telecommunication line or facility;
- (c) a radio communication apparatus or facility;
- (d) a meteorological service apparatus or facility;
- (e) a navigational aid, lighthouse or beacon;
- (f) a reservoir, well or supply intake for the reticulation or provision of public water supply;
- (g) a speed camera installation and associated structures, facility, plant or equipment for traffic purposes;
- (h) water and sewerage treatment facilities, underground pipe networks for the conveyance and drainage of water or sewage, and any ancillary equipment;
- (i) telephone call boxes and the erection and use of postal boxes

2.39.1.1. The utility must not be in the Coastal Marine Zone.

2.39.1.2. The utility must not be in the White Bluffs Outstanding Feature and Landscape.

2.39.1.3. The maximum height of a building must not exceed 5m.

2.39.1.4. The maximum gross floor area of a building must not exceed 65m².

2.39.1.5. The maximum height of a facility or network utility structure, aerial or antenna for a telecommunication, radiocommunication or meteorological facility must not exceed 25m above ground level.

2.39.1.6. On land within the Wairau Dry Hills Landscape the maximum height of a utility structure (including any associated aerial, antennae mounting or aerial antennae, mast tower, pole cable or line) must not exceed 15m above the associated building platform.

2.39.1.7. The maximum height of any aerial or support structure attached to the top of a building must not exceed the height of the building by more than 3m.

2.39.1.8. The maximum diameter of a dish antenna must not exceed 3m.

2.39.1.9. A new line, including a cable television line, must be located underground within any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Business 1, Business 2, Industrial 1, Industrial 2, Open Space 1 or Open Space 2.

2.39.1.10. A network utility structure for a line within the Rural Environment Zone or Coastal Environment Zone must be set back a minimum distance of 15m from any road intersection and must be measured parallel from the centreline of the carriageways, at the point where the roads intersect.

2.39.1.11. A building larger than 15m² in ground floor area or over 2m in height must be setback from the road boundary by a distance of not less than half the height of the building.

2.39.1.12. On any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, a building larger than 1m² in ground floor area or

2m in height must be set back from the property boundaries by a distance of not less than half the height of the structure.

2.39.1.13. Excavation, filling, vegetation clearance (indigenous and non-indigenous), noise and discharge rules for the relevant zone in which the network utility is located must be complied with.

2.39.1.14. A line or network utility structure, or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located:

(a) in, or within 8m of, a Significant Wetland;

(b) within 8m of a river or the Drainage Channel Network;

(c) on, or adjacent to, any land used for the purposes of a farm airstrip, or in such a manner as to adversely affect the safe operation of a farm airstrip existing at the time of the Plan becoming operative.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers is concerned that this rule is allowing for new utilities as a permitted activity. Network utilities are often located across private land and encumber existing land uses, and permitted status for network utilities disregards the adverse effects on landowners and surrounding land uses like farming. Network utilities companies should not be granted automatic right in a district plan to impact, cause “injurious effect”, impose costs, controls or restrictions on adjacent land uses. Any such rights should be obtained through purchase or negotiation.

Network utilities can have a significant impact on farming activities. To achieve sustainable management, impacts on existing land uses need to be considered when making decisions about network utilities. Federated Farmers supports recognition of the farm airstrip but considers this should be managed through purchase or negotiation with the landowner, along with the consent requirements of construction of a new network utility.

Relief Sought:

- That the rule is deleted from the Plan.

CHAPTER 3: RURAL ENVIRONMENT ZONE

Subject matter and provision in the Plan:

3.1.47. Keeping of domestic livestock

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that the definition of domestic livestock and all associated provisions are deleted from the Plan. There is no need to define, or provide for the keeping of domestic livestock in the Plan. Domestic livestock are not a resource management issue that need provisions in the Plan. There are no rules for pets in the urban zones, similarly there should be no rules for pets in the rural zones.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.2.1. Construction and siting of a building or structure except a temporary building or structure, an unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities).

- 3.2.1.1. No more than one residential dwelling must be constructed or sited per Computer Register.
- 3.2.1.2. The maximum height of a building or structure must not exceed 10m.
- 3.2.1.3. Within the Omaka Valley Area, the maximum height of a building or structure must not exceed 7.5m.
- 3.2.1.4. On a site smaller than 4000m², no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.
- 3.2.1.5. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.
- 3.2.1.6. A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.
- 3.2.1.7. A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 3.2.1.8. A building or structure must not be located within 90m of the designation boundary (or secured yard) of the National Grid Blenheim substation.
- 3.2.1.9. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 3.2.1.10. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, the landward toe of any stopbank, or the sea.
- 3.2.1.11. Permanent buildings must not cover more than 15% of the net site area within a Computer Register. For the purposes of this Standard, the net site area does not include a greenhouse utilising the soils of the site.
- 3.2.1.12. For a site larger than 4000m², the following minimum setbacks must be provided:
 - (a) 8m for the front boundary;
 - (b) 8m for the rear boundary;
 - (c) 5m for a side boundary.
- 3.2.1.13. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:
 - (a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below a Significant Ridgeline;
 - (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 3.2.1.14. On land within the Wairau Dry Hills Landscape:
 - (a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below any Significant Ridgeline;

- (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 3.2.1.15. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 3.2.1.16. A building or structure must not be within a Level 3 Flood Hazard Area.
- 3.2.1.17. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height;
 - (b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;
 - (c) a building alteration or addition must be contained within the original building height and footprint;
 - (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 3.2.1.18. Around National Grid Support Structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
 - (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

- One dwelling per computer register

Federated Farmers submits that standard 1 be amended to allow for an additional residential dwelling on sites of 20ha or above. Rural housing provides for social wellbeing in dispersed communities by providing homes for farm owners and farm workers and their families, retired farmers, disabled family members, rural school teachers, rural contractors and other rural service providers. A graduated approach where the number of dwellings permitted depends on the size of the property is encouraged, because it managed density of dwellings in the rural zone while also providing for more houses for larger properties. Federated Farmer also expects that any accommodation required for primary production will be provided for within the rural zone.

- Maximum building height

We submit that the maximum height per building (standard 2) should be increased to 20m. While we understand the height standard is intended to protect rural amenity, most woolsheds and other implement sheds are likely to exceed the 10 metre height restriction proposed in the Plan. Federated Farmers submits that the reference to height limit in relation to road, may be appropriate in the urban area but it is not appropriate in a rural zone where the primary purpose is primary production.

- Setback distances

In regards to setback distances (standards 7, 8 and 10), Federated Farmers submits that these setbacks only apply to dwellings. It is inappropriate for other buildings to be subject to the same restrictions, for example a pump shed is required to be located beside rivers and drainage channels to access water. Further, standard 12 applies setbacks from the front, rear and side boundary, which are inappropriate in the rural zone. For example, loading ramps and yards are often required to be located on the edge of a property close to a boundary so that stock can be transported to market.

- Riparian Natural Character Management Area

Federated Farmers submits that standard 9 is deleted. We oppose the identification of Riparian Natural Character Management Areas. This rule will prevent farmers from erecting a fence along a river or creek in a Riparian Natural Character Management Area, as encouraged and required through other parts of the Plan.

- Permanent building cover

We submit that standard 11 is deleted. Federated Farmers is concerned that horticultural structures and stock yards may be captured by the definition of permanent buildings and therefore by this rule, and therefore require a consent.

- Provisions for buildings and structures in Landscape overlays

Federated Farmers is concerned regarding building controls within Landscapes. While we support a permitted provision that recognises buildings are necessary, the floor area limit is too restrictive for common farm buildings that at times by necessity are required to be located on ridgelines and hill tops. For example, rural airstrips are required to be located on ridgelines as is the associated infrastructure such as fertiliser storage bins and sheds. Buildings and earthworks required to build such infrastructure should be enabled regardless of any landscape overlay or zoning. This also is consistent with the need to only protect ONFLs from inappropriate activities, and therefore farm buildings and structures should be regarded as appropriate.

Federated Farmers also submits that all provisions pertaining to Significant Ridgelines are deleted from the Plan. Federated Farmers submits that all rules pertaining to the Wairau Dry Hills Landscape are deleted from the Plan, as per our submissions on Chapter 7: Landscapes regarding high amenity value landscapes.

- Flood Hazard Area provisions

Primary production is an appropriate land use for land that may be subject to natural hazards such as flooding. Primary production can effectively harness fertile soil resources and can do so in a low density manner as opposed to higher density land uses.

Federated Farmers considers that natural hazard provisions intended to protect houses should not capture farm buildings or fences. Small buildings such as pump sheds, and farm implement sheds with concrete or dirt floors would not experience so much damage from a natural hazard such as flooding as a dwelling would, nor would lives be at risk as farm buildings are not habitable. The concept of risk tolerance needs to be incorporated into provisions. A farmer may decide to tolerate the risk of a shed flooding for the benefit of having equipment near to the lowland cropping fields. If a large rain event is forecasted and

the farmer is worried that the nearby river will flood, the farmer can simply move their equipment to a safer location. This scenario is vastly different to a dwelling that could be flooded meaning lives are at risk or at the least people are displaced when their home becomes uninhabitable.

Federated Farmers considers that rules such as these, for the abovementioned reasons, should exclude farm buildings and structures including fences. We expect that this rule is written for a town situation where buildings and fences are very different to those on farms. Farmers are required to fence waterways as part of managing stock access and water quality issues, and fences to keep stock out of waterways should not be captured by these rules.

The Level 2 flood hazard area takes in large areas of the District that are farmland. Buildings and structures ancillary to primary production should be exempt from rules for Level 2 flood hazards. The Level 3 flood hazard are also takes in areas at the edges of riverbanks, and flats. It is important that fences and trellises can still locate in these areas. Pump sheds will also be located in these areas and these should not require a consent.

- National Grid Yard provisions

Federated Farmers supports the use of permitted activity standards within the National Grid Yard. This specifies that only Transpower owned assets are protected by the rules. Other power companies should not have the same level of protection as Transpower. Federated Farmers supports the permitted activity standards surrounding buildings and structures in the National Grid. Federated Farmers considers that milking sheds should be considered like any other uninhabitable building used for farming or horticulture. Farm sheds and yards should be permitted, as should accessory structures. We consider it may be useful to specify this. Federated Farmers supports the use of permitted activity standards for fences between 12m and 5m from a National Grid Support Structure.

Relief Sought:

- That the rule is amended to read:

3.2.1.1. No more than one residential dwelling must be constructed or sited per Computer Register, unless the site is over 20ha where one additional residential dwelling is permitted.

3.2.1.2. The maximum height of a building or structure must not exceed ~~40~~20m.

~~3.2.1.3. Within the Omaka Valley Area, the maximum height of a building or structure must not exceed 7.5m.~~

3.2.1.4. On a site smaller than 4000m², no part of any building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.

~~3.2.1.5. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.~~

3.2.1.6. A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.

- 3.2.1.7. A ~~dwelling habitable structure or accessory building~~ must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 3.2.1.8. A ~~dwelling building or structure~~ must not be located within 90m of the designation boundary (or secured yard) of the National Grid Blenheim substation.
- ~~3.2.1.9. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.~~
- 3.2.1.10. A ~~dwelling building~~ must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, the landward toe of any stopbank, or the sea.
- ~~3.2.1.11. Permanent buildings must not cover more than 15% of the net site area within a Computer Register. For the purposes of this Standard, the net site area does not include a greenhouse utilising the soils of the site.~~
- ~~3.2.1.12. For a site larger than 4000m², the following minimum setbacks must be provided:~~
- ~~(a) 8m for the front boundary;~~
 - ~~(b) 8m for the rear boundary;~~
 - ~~(c) 5m for a side boundary.~~
- ~~3.2.1.13. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:~~
- ~~(a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below a Significant Ridgeline;~~
 - ~~(b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.~~
- ~~3.2.1.14. On land within the Wairau Dry Hills Landscape:~~
- ~~(a) except for a building or structure with a total area of 10m² or less, a building platform must be located at least 20m vertically below any Significant Ridgeline;~~
 - ~~(b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.~~
- 3.2.1.15. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area, with the exception of buildings and structures (including trellises and fences) ancillary to primary production.
- 3.2.1.16. A building or structure must not be within a Level 3 Flood Hazard Area, with the exception of buildings and structures (including trellises and fences) ancillary to primary production.
- 3.2.1.17. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height;
 - (b) a building or structure must be uninhabitable and used for farming or horticulture ~~but must not be used as a dairy shed, intensive farming building or commercial greenhouse;~~
 - (c) a building alteration or addition must be contained within the original building height and footprint;
 - (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 3.2.1.18. Around National Grid Support Structures within the National Grid Yard the following apply:

- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
- (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

Subject matter and provision in the Plan:

3.2.3. Noise.

3.2.3.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:

7.00 am to 10.00 pm	65 dBA LAeq
10.00 pm to 7.00 am	65 dBA LAeq 75dB LAFmax

3.2.3.2. An activity undertaken within the Rural Environment Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Rural Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dBA LAeq
10.00 pm to 7.00 am	40 dBA LAeq 70dB LAFmax

3.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) sirens and call out sirens associated with the activities of the New Zealand Fire Service;
- (b) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone;
- (c) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

3.2.3.4. Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA LAeq(15 min) at all times.

3.2.3.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

3.2.3.6. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the exemption from maximum noise limits for the use of mobile machinery that is being used for agricultural or horticultural purposes. Our submission is that this exemption should extend to noise all primary production activities and other forms of rural noise. As it is written, mobile machinery used during forestry maintenance or harvest will not be exempt from the noise limits. We have based our relief sought on the Horowhenua District Plan, which amended their noise exemption rule to also exempt temporary primary production noise from limits in response to Federated Farmers submission.

Other activities that occur on farms also create noise, such as livestock, frost fans, water pumps or noise from dairy sheds, shearing sheds or seasonal activities like docking lambs' tails should also be included in the exemption.

Federated Farmers supports standard (c) which provides exemptions for fixed motors, equipment and pumps.

Relief Sought:

- That the standard is amended to read:

...

1. 3.2.3.3. *The following activities are excluded from having to comply with the noise limits:*

(a) *sirens and call out sirens associated with the activities of the New Zealand Fire Service;*

~~(b) *mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone;*~~

Mobile sources associated with primary production activities; temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting; and noise from rural livestock;

(c) *any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.*

Subject matter and provision in the Plan:

3.2.7. Odour.

3.2.7.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that it must be recognised that normal primary production activities can sometimes cause odour, and that this is accepted as a normal aspect of the rural zone and provided for as permitted. Odour can arise from activities like livestock, farm dairy effluent disposal, and silage. Reverse sensitivity must not be perpetuated by regulation that has unreasonable expectations of odour arising from farming.

Relief Sought:

- That the rule is amended to provide for farming as a legitimate activity occurring in the rural zone.

Subject matter and provision in the Plan:

3.2.9. Dust.

3.2.9.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

Federated Farmers supports in part this rule**Summary of reasons for this submission:**

Federated Farmers submits that this rule should recognise the practicalities of working with dust. It may not be possible to avoid, remedy, or mitigate the adverse effects of dust as a result of normal farming activities beyond the property boundary. Farmers can only do so much in dry conditions and regardless as to good management processes undertaken, dust will occur in certain weather conditions. Even livestock can raise dust and it should be accepted as part of the rural zone. It is important that rules do not place undue restrictions on legitimate farming activities, or the operation of activities where they contribute to the social and economic wellbeing of the District.

Relief Sought:

- That the rule is amended to read:

Good management practice ~~The best practicable method must be adopted to avoid manage dust beyond the legal boundary of the area of land on which the activity is occurring.~~

Subject matter and provision in the Plan:

3.3.1. Farming.

3.3.1.1. The farming must not include a dairy farm established after 9 June 2016.

Federated Farmers supports in part this rule**Summary of reasons for this submission:**

Federated Farmers supports the provision of farming as a permitted activity. We note the definition of farming includes a land based activity, having at its primary purpose the commercial production and sale of any livestock or vegetative matter. We submit that in accordance with the Proposed Hastings District Plan, the definition should also include accessory buildings. We also submit that normal farming earthworks should be recognised as part of land based primary production and included in the permitted activity rule. Although excavation is provided for under its own permitted activity rule, this is only up to 1000m³ in any two year period, and less in a ONFL. The Plan tends to treat earthworks as though it were a separate and detached activity from farming, when common earthworks associated with farming such as fence post holes, track formation, tree removal and infill around troughs and gates should be included as part of the definition of farming.

Federated Farmers opposes the exclusion of new dairy farming from the permitted activity standards. We have included a new rule below which outlines our relief sought on this.

Relief Sought:

- That farming is retained as a permitted activity with no standards.
- That earthworks ancillary to farming are permitted.

Subject matter and provision in the Plan:

3.3.2. Farm airstrip or farm helipad.

3.3.2.1 The airstrip or helipad must be integral to the use of the land on which the airstrip or helipad is located for farming.

Federated Farmers supports this rule

Summary of reasons for this submission:

Federated Farmers supports the provision for a farm airstrip or farm helipad as a permitted activity. We consider it may be more appropriate that the airstrip or helipad is ancillary to the primary production on the land.

Relief Sought:

- That the standard is amended to read:
 2. 3.3.2.1 The airstrip or helipad must be ~~integral~~ ancillary to the use of the land for primary production on which the airstrip or helipad is located ~~for farming~~.
 - 3.

Subject matter and provision in the Plan:

3.3.4. Temporary building or structure, or unmodified shipping container.

3.3.4.1 For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

- (a) exceed 40m² in area;
- (b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

3.3.4.2 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.

3.3.4.3. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 3.2.1.4 and 3.2.1.12.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Farmers often use shipping containers for storage of materials, woodsheds, and as workshops and shelters. These are legitimate uses of shipping containers and should not be subject to the need for a resource consent when they are on site for over one month.

Unlike smaller lifestyle blocks closer to town, rural landowners are often in far flung back roads and on large blocks of land where the structure or unmodified shipping container is unlikely to be seen by others. It is not clear what resource management issue is trying to be solved by this rule, or how the standards detailing the location between the front boundary and the dwelling will affect rural landowners.

Federated Farmers submits that these standards do not apply to shipping containers and the requirement for them to not be within the front boundary and the dwelling is removed.

Relief Sought:

- That the rule is amended to read:

~~4. 3.3.4.1 For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:~~

~~(a) exceed 40m² in area;~~

~~(b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.~~

~~5. 3.3.4.2 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.~~

~~6. 3.3.4.3 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 3.2.1.4 and 3.2.1.12.~~

Subject matter and provision in the Plan:

3.3.6. Commercial forestry planting and carbon sequestration forestry planting (non-permanent).

3.3.6.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

3.3.6.2. Planting must not be in, or within:

- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;
- (b) 100m of a habitable structure or accessory building located on any adjacent land under different ownership;
- (c) 30m of a formed and sealed public road;

- (d) 8m of a river (except an ephemeral river) or lake;
- (e) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (f) 200m of the coastal marine area;
- (g) an Afforestation Flow Sensitive Site;
- (h) Steep Erosion-Prone Land, unless replanting harvested commercial forest lawfully established;
- (i) the Limestone Coastline Outstanding Natural Feature and Landscape;
- (j) the Wairau Dry Hills Landscape. 3.3.6.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers oppose any provisions for commercial forestry because this will be managed by the National Environment Standards –Plantation Forestry, which is intended to replace councils’ existing district and regional plan rules for managing plantation forestry and provide a nationally consistent approach. Federated Farmers also submits that the provisions for commercial forestry planting should not capture farm forestry, which distinct from commercial forestry, is an important part of the farming operation. In addition we offer the following submissions.

- Species of pine

Federated Farmers agrees that it is important to manage exotic vegetation with the potential to spread and naturalise. However, where the risks are appropriately managed the adverse effects of exotic plants can be negligible at best. This is particularly the case in relation to species of pines (wilding pines). These are a useful and often necessary tool in areas of the District, particularly for shelter. However they are also a recognised and particularly costly pest plant for farmers.

Subsequently Federated Farmers seeks a balanced approach which allows for the use of wilding pines in isolated and well managed areas, while ensuring the adverse effects of the plant are appropriately managed. Rather than make the planting of douglas fir a discretionary activity, the control of wildings could be managed in areas where they are likely to take off. This could be implemented through a permitted activity standard, such as a rule regarding control of wildings within a certain metres of a planted forest rather than blanket use of discretionary status.

This could also require a consent for the planting of a grove or stand of wilding pines in the rural area, with the conditions of that consent setting out the management obligations of the consent holder in relation to the pest plant attributes and risk associated with the planting. A consent of this nature may require, for example, setbacks from the boundaries of a property to ensure the pest management risks of the plantings are contained; for example sufficient setbacks to ensure any seedlings are grazed by stock rather than resulting in spread over property boundaries.

- Restrictions on location of planting

Federated Farmers does not understand the need to have a large setback from a formed or sealed road. The proposed National Environmental Standard establishes a set back of 10m. This is sufficient. A setback of 30m from the coastal marine area is also appropriate. In terms of the setbacks from habitable structures and accessory buildings, we note this would be more appropriately referred to as a dwelling as to avoid picking up farm sheds and other farm buildings and structures that do not require the same set backs or protection.

- Afforestation Flow Sensitive Sites

Afforestation flow sensitive sites are another layer of unnecessary classifications that unfairly limit where forestry cannot occur. Combined with all the other layers that restrict forestry there is little land left in the region where forestry can occur as permitted, and this is mostly used for food and beverage production. This is unnecessarily limiting people and communities ability to provide for their wellbeing.

- Steep Erosion Prone Land

Federated Farmers submits that preventing the establishment of forestry on steep erosion prone land is counterproductive to management of these areas. The Steep erosion prone land overlay covers extensive areas of the Marlborough region, this rule as it defaults to prohibited status, is inappropriately prohibiting a land use that has many benefits from occurring in much of the region.

- Forestry within an Outstanding Natural Landscape or high amenity value landscape

Primary production is a legitimate land use in the Wairau Dry Hills and Limestone Coast ONL. Forestry can also be an appropriate land use within an Outstanding Natural Landscape and high amenity landscape. Areas that have been identified as amenity landscapes or ONL occur on rural zoned land that is used for production, and forestry is an existing and appropriate land use that will not adversely affect these amenity values. Even Outstanding Natural Features and Landscapes are only required by the RMA to be protected from *inappropriate* landuse. Forestry can be compatible with these landscapes and not adversely affect their inherent values.

Relief Sought:

- That farm forestry is exempt from the definition of commercial forestry.
- With regards to wilding pines, permitted activity criteria for plantings under a certain area (a small geographical area), in low risk conditions (with low risk conditions including a setback from property boundaries to ensure seedlings are likely to be grazed, rather than spread over property boundaries); and
- The ability to apply for a consent setting out the management obligations of the consent holder in relation to the pest plant attributes and risk associated with the planting, for small to medium sized plantings, again with appropriate setbacks from property boundaries; and
- That the standards are amended to read:

3.3.6.2. *Planting must not be in, or within:*

- (a) 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;
- (b) 100m of a ~~dwellinghabitable structure or accessory building~~ located on any adjacent land under different ownership;
- (c) ~~30~~10m of a formed and sealed public road;
- (d) 8m of a river (except an ephemeral river) or lake;
- (e) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (f) ~~200~~30m of the coastal marine area;
- ~~(g) an Afforestation Flow Sensitive Site;~~
- ~~(h) Steep Erosion-Prone Land, unless replanting harvested commercial forest lawfully established;~~
- ~~(i) the Limestone Coastline Outstanding Natural Feature and Landscape;~~
- ~~(j) the Wairau Dry Hills Landscape.~~

~~3.3.6.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.~~

Subject matter and provision in the Plan:

3.3.7. Commercial forestry harvesting.

3.3.7.1. Notification must be given to Council not more than 60 working days and not less than 20 working days before harvesting commences. Notification must include a Commercial Forestry Harvest Plan that addresses all of the matters set out in Appendix 22.

3.3.7.2. Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.

3.3.7.3. Harvesting must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
- (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (c) 200m of the coastal marine area.

3.3.7.4. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.7.5. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

3.3.7.6. No excavation must occur on any land with a slope greater than 35°.

3.3.7.7. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

3.3.7.8. Water control measures and sediment control measures must be constructed and maintained in:

- (a) all areas disturbed by any excavation or filling undertaken on the land;
 - (b) all forestry roads, forestry tracks or skid sites on the land (including existing forestry roads, forestry tracks or skid sites);
 - (c) such that the areas, roads, tracks and sites are stable.
- 3.3.7.9. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.7.10. Notwithstanding 3.3.7.9, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 3.3.7.11. Except for trees felled in accordance with 3.3.7.10, no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 3.3.7.12. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.7.13. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing) or lake except where:
- (a) access is essential to assisting in the directional felling of trees away from the river or lake;
 - (b) crossing the bed of a river to enable access;
 - (c) tree slash or soil debris must be removed from the river or lake so as to comply with other Standards for commercial forestry harvesting.
- In all cases, the Council must be notified at least 2 working days prior to the use of the machinery.
- 3.3.7.14. Wheeled or tracked machinery must not be operated in or within 8m of a Significant Wetland or the coastal marine area.
- 3.3.7.15. Trees must be fully suspended when being pulled across a river (except an ephemeral river or intermittently flowing river, when not flowing).
- 3.3.7.16. Stembuts must be lifted clear of the ground during extraction and transport to the skid site, where practicable.
- 3.3.7.17. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
 - (c) the change in reflectance must be <50%.

3.3.7.18. All significant forestry road failures, slope failures and skid failures must be reported to Council within 2 working days of the land owner or harvest operator (including any employee or contractor of the owner or harvest operator) becoming aware of the failures.

3.3.7.19. Within 30 days after they are no longer required to be used for harvesting, all harvesting tracks must be recovered so that the contour of the land is restored as closely as practicable to that before the harvesting or associated land disturbance.

3.3.7.20. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers submits that the provisions for commercial forestry planting should not capture farm forestry, which distinct from commercial forestry, is an important part of the farming operation. In addition we offer the following submissions.

Twenty permitted activity standards for the harvesting of commercial forestry is excessive. Forestry is an important industry and many farmers have mixed primary production models on their properties which include forestry blocks.

- Commercial Forestry Harvest Plan

With regards to 3.3.7.1, Federated Farmers considers that this standard goes beyond the scope of the latest National Environmental Standard for commercial forestry harvesting. As written, the standard requires that a Commercial Forestry Harvest Plan be given to Council between 60 and 20 days prior to harvest. The draft NES requires that a Plan is written but not required to be given to the Council. The NES states that Councils can also waive this requirement for larger owners with systems in place to manage harvest. Federated Farmers is not sure what will be achieved through Council having a collection of plans.

With regards to 3.3.7.2, the Plan does not provide any guidance as to what is referred to as a material change to the Commercial Forestry Harvest Plan. The twenty days in advance for notification of a material change is excessive and impractical in terms of timing. Pastoral farming and forestry are similar in that they both work with the natural environment a degree of flexibility is required. If machinery breaks down or if there is adverse weather, plans for harvest may change, and this flexibility is required. It is not possible to then postpone harvest for another twenty days to meet Council's notification requirement, or then require a discretionary consent and the costs and time associated with that.

Federated Farmers submits that more practical notification periods should be used. For example, Horizons Regional Council only requires 48 hours notification.

- Setback distances and excavation limits

Federated Farmers submits that setback distances and excavation limits are adopted in line with the relief sought we have sought on the commercial forestry planting provisions and the excavation provisions.

Relief Sought:

- That farm forestry is exempt from the definitions and provisions for commercial forestry.

- That the rule is amended to read:

~~3.3.7.1. Notification must be given to Council not more than 60 working days and not less than 20 working days before harvesting commences. Notification must include a Commercial Forestry Harvest Plan that addresses all of the matters set out in Appendix 22.~~

~~3.3.7.2. Any material change to the Commercial Forestry Harvest Plan must be notified to Council at least 20 working days before the change is implemented.~~

...

Subject matter and provision in the Plan:

3.3.8. Woodlot forestry planting.

3.3.8.1. The following species must not be planted:

- Douglas fir (*Pseudotsuga menziesii*);
- Lodgepole pine (*Pinus contorta*);
- Muricata pine (*Pinus muricata*);
- European larch (*Larix decidua*);
- Scots pine (*Pinus sylvestris*);
- Mountain or dwarf pine (*Pinus mugo*);
- Corsican pine (*Pinus nigra*).

3.3.8.2. Planting must not be in, or within:

- 100m of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Rural Living or Coastal Living;
- 30m of a formed and sealed public road;
- 8m of a river (except an ephemeral river) or lake;
- 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- 200m of the coastal marine area;
- Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.

3.3.8.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers notes that as defined in the proposed Plan, woodlot forestry will include any trees planted for non-commercial purposes, including for the purposes of erosion control, use for firewood, shelterbelts and along riparian margins. On this basis we can see no purpose for rules that dictate the planting of woodlot forestry. Rules are supposed to respond to a resource management problem, and there are no adverse effects that Federated Farmers is aware of that requires the regulation of the planting of trees for non-

commercial use. Federated Farmers accordingly submits that all polices, provisions and definitions relating to woodlot forestry are deleted.

Relief sought:

- That all provisions relating to woodlot forestry are deleted from the Plan.

Subject matter and provision in the Plan:

3.3.9. Woodlot forestry harvesting.

3.3.9.1. Harvesting must not be in, or within:

- (a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);
- (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (c) 200m of the coastal marine area.

3.3.9.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.9.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

3.3.9.4. No excavation must occur on any land with a slope greater than 35°.

3.3.9.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

3.3.9.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.

3.3.9.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.

3.3.9.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.

3.3.9.9. Trees, slash and soil debris must:

- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
- (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
- (c) be stored on stable ground;
- (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

3.3.9.10. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

3.3.9.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, as measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale.
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
- (c) the change in reflectance must be <50%.

3.3.9.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers notes that as defined in the proposed Plan, woodlot forestry will include any trees planted for non-commercial purposes, including for the purposes of erosion control, use for firewood, shelterbelts and along riparian margins. On this basis we can see no purpose for rules that dictate the planting of woodlot forestry. Rules are supposed to respond to a resource management problem, and there are no adverse effects that Federated Farmers is aware of that requires the regulation of the planting of trees for non-commercial use. Federated Farmers accordingly submits that all polices, provisions and definitions relating to woodlot forestry are deleted.

Relief sought:

- That all provisions relating to woodlot forestry are deleted from the Plan.

Subject matter and provision in the Plan:

3.3.10. Conservation planting and carbon sequestration forestry planting (permanent).

3.3.10.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga Menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

3.3.10.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

3.3.10.3. There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building located on any adjacent land under different ownership.

3.3.10.4. There must be no planting within the Wairau Dry Hills Landscape.

3.3.10.5. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate for conservation planting and carbon sequestration forestry planting to be managed through regulation of this manner, and accordingly submit that all provisions are deleted.

Relief sought:

- That all provisions relating to conservation planting are deleted from the Plan.

Subject matter and provision in the Plan:

3.3.11. Indigenous vegetation clearance.

3.3.11.1. Indigenous vegetation clearance must comply with Standards 3.3.12.1 to 3.1.12.11 (inclusive).

3.3.11.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.11.3 to 3.3.11.6 (inclusive):

- (a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
- (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
- (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
- (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
- (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.

3.3.11.3. Clearance of indigenous vegetation must not occur:

- (a) on a Threatened Environments – Indigenous Vegetation Site;
 - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 3.3.11.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:
- (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.

3.3.11.5. Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

3.3.11.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:

- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed: (i) 500m² of indigenous sub-alpine vegetation;
- (ii) 100m² of tall tussock of the genus *Chinochloa*.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that seventeen standards for indigenous vegetation clearance is excessive and a significant burden on landowners. The standards should be amended so that only the key matters likely to cause an adverse effect are addressed. The provisions for indigenous vegetation clearance should not apply to scattered trees or regrowth within pasture, as per our submission on the definition of indigenous vegetation.

- Exemptions from indigenous vegetation clearance standards

Farmers have an expectation that the Council will allow them to maintain their productive pasture. Federated Farmers understands that council has introduced these exemptions as a way of meeting that expectation. The standard provides for permitted clearance of manuka, kanuka, tauhinu, bracken fern and silver tussock, which has grown naturally from previously cleared land where the regrowth is less than twenty years in age.

Farmers have clearance schedules that may have a cycle of many years as they clear one section of the farm at a time on a revolving basis, but other factors such as natural disaster may forestall clearance for several years due to financial prioritising, or market forces may mean that it is uneconomic to keep land clear for years. It is important that farmers can maintain their pasture from the threat of regenerating Manuka, kanuka, tauhinu, bracken fern and silver tussock. Federated Farmers submits that a time for growth does not need to be set.

The three District Councils in the Wairarapa were comfortable that the suite of provisions and incentives provided in their combined district plan were enough to ensure RMA requirements were being met. That coupled with a lack of identified risk for wholesale clearance resulted in the permitted clearance of kanuka, manuka and tauhinu species without extra standards or thresholds being applied to the clearance activity. Federated Farmers considers the suite of provisions and incentives along with the lack of identified risk puts Council in a position to seriously consider adopting the same approach.

Federated Farmers supports the exemption for the maintenance of an existing road, forestry road, harvesting track or farm track and considers this same exemption should also apply to maintenance of fence lines. In addition Federated Farmers notes that the following exemptions should also apply, in line with Otorohanga's approach to indigenous vegetation clearance: Avoiding danger to human life or existing buildings / structures; Avoiding risks to the safe and efficient operation of existing network utility operations and existing electricity generation activities; Management of fire risk; Stream / river crossing formation and

maintenance; Formation and maintenance of farm drains; To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010; Construction and maintenance of fences; Maintaining existing tracks; Gathering of plants in accordance with Maori customs / values; Installing a bait station network; and Undertaking plant pest management activities.

- Threatened Environment overlay

Federated Farmers opposes the Threatened Environments overlay and submits this is deleted from the planning maps. We assume that the reference to Ecologically Significant Marine sites means that clearance cannot happen within 20m of the mean high tide mark, however this should be made clear to the Plan user.

- Clearance of indigenous vegetation within the coastal environment

Standard 4 specifies a range of grassland species that cannot be cleared. Federated Farmers considers this goes beyond the scope of the NZCPS requirements in policy 11, Indigenous biological diversity. It is not clear whether these species includes grazing of these grasses by stock that may be in the coastal environment. Federated Farmers considers that the provisions should not capture these grasses if they are grazed by stock.

- Vegetation clearance limits

Federated Farmers appreciates and supports the intention to preserve indigenous vegetation, and agree there should be reasonable limits with a permitted activity approach with these limits. However, the protection of indigenous vegetation on private land should strike a balance between ensuring species are appropriately protected while providing for reasonable use of that land.

The clearance limits do not take into account the amount of indigenous vegetation that is protected by the farm business, whether through stock exclusion or goat control, which for many farmers is large parts of their property. Nor does a clearance limit take an overall farm approach of balancing protection of vegetation with clearing of vegetation for business viability. Federated Farmers submits that the vegetation clearance limits as proposed are much too small for a large property, and submits that a percentage per hectare approach could be beneficial, rather than a set limit that applies to a property of any size. Indigenous vegetation clearance limits need to be increased.

Relief sought:

- That the indigenous vegetation clearance limits are increased to more appropriately allow for farming in the rural environment.
- That the standards are amended to read:
 - 3.3.11.1. *Indigenous vegetation clearance must comply with Standards 3.3.12.1 to 3.1.12.11 (inclusive).*
 - 3.3.11.2. *The clearance of indigenous vegetation in the following circumstances is exempt from Standards 3.3.11.3 to 3.3.11.6 (inclusive):*
 - (a) *indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;*

- (b) *indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;*
- (c) *indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;*
- (d) *where the clearance is associated with the formation or maintenance of a fence line, an existing road, forestry road, harvesting track, or farm track, farm drain, stream/river crossings and bridges ;*
- (e) *where the clearance is ~~on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.~~*
- (f) Avoiding danger to human life or existing buildings / structures;
- (g) Avoiding risks to the safe and efficient operation of existing network utilities and private infrastructure
- (h) Management of fire risk;
- (i) To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949
- (j) Undertaking plant pest management activities.

~~3.3.11.3. Clearance of indigenous vegetation must not occur:~~

- ~~(a) on a Threatened Environments – Indigenous Vegetation Site;~~
- ~~(b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.~~

~~3.3.11.4. Clearance of indigenous vegetation clearance within the coastal environment must not include the following habitats/species:~~

...

Subject matter and provision in the Plan:

3.3.12. Non-indigenous vegetation clearance.

- 3.3.12.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 3.3.12.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 3.3.12.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- 3.3.12.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.12.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.12.6. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.

- 3.3.12.7. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.12.8. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 3.3.12.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 3.3.12.10. Woody material greater than 100mm in diameter and soil debris must:
- not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - be stored on stable ground;
 - be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 3.3.12.11. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, measured as follows:
- hue must not be changed by more than 10 points on the Munsell scale;
 - the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - the change in reflectance must be <50%.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that it is not clear what is meant by non- indigenous vegetation clearance, as it is not defined in the Plan. It is unclear whether this captures forestry and woodlot forestry, adding to the provisions already laid out in earlier parts of the plan.

It is not clear what the standards for non-indigenous vegetation are intended to address. Are these to protect and regulate the removal of weeds? Federated Farmers submits that there should not be regulation imposed on the removal of non-indigenous vegetation, and accordingly this rule should be deleted from the Plan.

Relief sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.3.13. Cultivation.

- 3.3.13.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land; except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 3.3.13.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 3.3.13.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 3.3.13.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.
- 3.3.13.5. On completion of the cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 3.3.13.6. Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;
 - (c) the change in reflectance must be <50%.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports set-backs from waterways for cultivation to reduce sedimentation and loss of top-soil, but disagree with the extent of those proposed. There is a significant amount of land that would not be able to be worked for crops, even those crops that are fast growing and would not be used for intensive winter grazing. We submit that the standards should be amended to reflect practical attention on the key issues that have the potential to cause adverse effects.

Relief Sought:

- That the rule is amended to read:
 - 3.3.13.1. ~~On all slopes greater than 20° cultivation must~~should be undertaken parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour where reasonably practical.
 - 3.3.13.2. ~~On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.~~
 - 3.3.13.3. ~~On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.~~

~~3.3.13.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.~~

~~3.3.13.5. On completion of the cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.~~

~~3.3.13.6. Cultivation Any run off to a surface water body must not cause any conspicuous change in the colour or visual clarity of a flowing river after beyond the zone of reasonable mixing, or a Significant Wetland, lake or the coastal marine area measured as follows:~~

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;~~

~~(c) the change in reflectance must be <50%.~~

Subject matter and provision in the Plan:

3.3.14. Excavation.

3.3.14.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period.

3.3.14.2. Excavation must not occur on any land with a slope greater than 35°.

3.3.14.3. Excavation must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;

(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;

(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.

3.3.14.4. The excavation must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.

3.3.14.5. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.

3.3.14.6. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

3.3.14.7. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.

3.3.14.8. There must be no excavation in excess of 500m³ per Computer Register Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:

(a) Chalk Range;

(b) Inland Kaikoura Range;

(c) Molesworth Station and Upper Clarence;

(d) Limestone Coastline.

- 3.3.14.9. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 3.3.14.10. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 3.3.14.11. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 3.3.14.12. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the intention to provide for excavation as a permitted activity without any earthworks limits, where the property is not within an ONL identified in standard 8 or the activity is not occurring on a slope.

- Slope

Federated Farmers notes restrictions on excavation with regards to slope, regardless of soil type. We are unsure whether this is to mitigate effects on visual amenity or soil erosion. It is not clear, for standard 1, what area is taken in. Is this supposed to apply per property or per computer register?

The provision of a limit of 1000m³ on land over 20 degrees over a 24 month period is too small for farmers to be able to conduct regular farming activities which often require work on slopes greater than 20 degrees. Earthmoving activities include cropping and ploughing, digging silage pits, effluent ponds and offal pits, forming and maintaining tracks and races, obtaining aggregates on farm to use around troughs and gates, excavation to maintain or lay water pipes to troughs, and tidying up slips. Farmers often carry out this work all at once when they hire an earthmoving contractor, but then carry out no earthworks for a few years afterwards. This makes setting an annual or biannual limit impractical. These earthworks activities also have minor effects and are part of farming operations and should be anticipated in a rural environment.

Federated Farmers considers that earthworks ancillary to farming should be permitted with no volume limits. As a comparison, Franklin District has expressly excluded earthworks associated with farming and forestry from the Earthworks Rule 15.5.2.3 in recognition that these activities are expected to occur in the Rural Zone. Waikato District allows for earthworks in the Rural Zone for the construction and/or maintenance of farm tracks, fences and farm drains with no volume or area limit in Rule 25.25.1 (which has been resolved during *Federated Farmers v Waikato District Council ENV-2007-AKL-000051*). We urge

Marlborough to adopt the same approach. Hastings also increased their earthworks limits from 1,000m³ to 2,000m³ per hectare of land following hearings on earthworks.

Federated Farmers is concerned that requiring a consent for any slope over 35 degrees will target land where farm tracking will be most needed. This means that any farmer needing to maintain his farm tracks at the back of a hill country or high country block will need a resource consent. We submit that standard 2 is deleted, or alternatively that farm tracking should be exempt from any slope limits.

- Soil Sensitive Areas

Standard 4 does not permit excavation on a slope of over 7.5 degrees in a loess soils area. The area mapped as loess soils takes in vast tracks south of Blenheim and towards the Seddon area. It is critical that in these areas farm tracks can be maintained, and fencing is enabled to occur. This will require excavation at slopes of greater than 7.5 degrees. These activities are integral farm management practices in the rural area, and will have at most only minor impacts on soil erosion. Federated Farmers submits that the definition of excavation excludes the maintenance of existing farm tracks, fencing and earthworks for filling around troughs and gates, along with other agricultural earthworks such as the construction or maintenance of drains and culverts

- Flood Hazard Area

Federated Farmers opposes the exclusion of excavation within a Flood Hazard 2 or 3 area from the permitted activity standard. The Flood Hazard 2 Area takes in vast areas of land across the District, effectively preventing farmers from doing any earthworks without a consent. Excavation are essential for many farming activities, including the making of silage pits, farm dumps, ofal pits, along with regular activities including the maintenance of farm races and filling around troughs.

- Outstanding Natural Features and Landscapes

Many ONLs are identified over farms, and earthworks are a normal part of farming, then these should be considered appropriate for that farmed landscape and enabled. The volume limit of only 500m³ within ONLs will not enable farmers to maintain existing tracks, fences and drains as a permitted activity, let alone allow for the formation of new activities.

Relief Sought:

- That the rule is amended to read:

3.3.14.1. Excavation in excess of 42000m³ must not occur on any hectare of land with a slope greater than 20° within any 124-month period, or

3.3.14.2 Excavation for the purpose of forming and maintaining farm tracks, fences and drains

~~*3.3.14.2. Excavation must not occur on any land with a slope greater than 35°.*~~

~~*3.3.14.3. Excavation must not be in, or within:*~~

~~*(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;*~~

~~*(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;*~~

- ~~(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.~~
- ~~3.3.14.4. The excavation must not occur on a slope greater than 7.5° if the activity is within a Soil Sensitive Area identified as loess soils.~~
- ~~3.3.14.5. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.~~
- 3.3.14.6. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- ~~3.3.14.7. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Condors Overflow.~~
- 3.3.14.8. There must be no excavation in excess of 500m³ per Computer Register Computer Register Excavation for the purpose of forming and maintaining farm tracks, fences and drains located within the following Outstanding Natural Features and Landscapes within any 12 month period:
- (a) Chalk Range;
 - (b) Inland Kaikoura Range;
 - (c) Molesworth Station and Upper Clarence;
 - (d) Limestone Coastline.
- ~~3.3.14.9. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.~~
- 3.3.14.10. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 3.3.14.11. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 3.3.14.12. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - ~~(c) the change in reflectance must be <50%.~~

Subject matter and provision in the Plan:

3.3.15. Excavation or filling within the National Grid Yard.

- 3.3.15.1. Excavation within the National Grid Yard in the following circumstances is exempt from the remaining standards under this rule:
- (a) Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
 - (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;

- (c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation. 3.3.15.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.
- 3.3.15.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.
- 3.3.15.4. The excavation must not compromise the stability of a National Grid Support Structure.
- 3.3.15.5. The filling must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the exemption for excavation undertaken as part of agricultural cultivation, or repair and sealing of a farm track. It would be useful if for clarity, horticultural cultivation and repair of a forestry track could be included in these permitted activity standards, to be consistent with the definition of farming.

We support the use of permitted activity standards for the excavation of a vertical hole for a farm fence, however as written fences can only be built if they are more than 5m, from the visible outer edge of a tower support structure foundation and 1.5m from the outer edge of a pole support structure or stay wire. Federated Farmers considers they should be enabled within this distance where they do not compromise the stability of a national grid support structure.

Relief Sought:

- That the rule is amended to read:
 - 3.3.15.1. *Excavation within the National Grid Yard in the following circumstances is exempt from the remaining standards under this rule:*
 - (a) *Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm or forestry track;*
 - (b) *Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;*
 - (c) *Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.*
 - 3.3.15.2. *The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.*
 - 3.3.15.3. *The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.*
 - 3.3.15.4. *The excavation must not compromise the stability of a National Grid Support Structure.*
 - 3.3.15.5. *The filling must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).*

Subject matter and provision in the Plan:

3.3.16. Filling of land with clean fill.

- 3.3.16.1. The filling must not use commercial clean fill.
- 3.3.16.2. Filling in excess of 1000m³ must not occur within any 24 month period.
- 3.3.16.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.
- 3.3.16.4. Fill must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.
- 3.3.16.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 3.3.16.6. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 3.3.16.7. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 3.3.16.8. Filling must not be in, or within:
 - (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
 - (c) 8m of the landward toe of a stopbank.
- 3.3.16.9. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 3.3.16.10. There must be no filling in excess of 500m³ per Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:
 - (a) Chalk Range;
 - (b) Inland Kaikoura Range;
 - (c) Molesworth Station and Upper Clarence;
 - (d) Limestone Coastline.
- 3.3.16.11. Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
 - (c) the change in reflectance must be <50%.
- 3.3.16.12. The filling must not occur in a Soil Sensitive Area identified as loess soils.

Federated Farmers opposes in part this submission

Summary of reasons for this submission:

Cleanfill material is often used on farms, like gravel for the base of dairy races, around troughs and gateways to prevent mud, or to maintain farm access tracks. Minerals are also used, like limestone for the wearing course layer of a dairy race. Cleanfill and minerals used for normal farming activities should be exempt from this rule. It appears this is the case from the proposed definition of cleanfill and these circumstances should remain exempt.

Federated Farmers is unsure why the use of commercial clean fill requires discretionary resource consent. We are unsure why clean fill can not be utilised within a Level 2 or 3 Flood Hazard Area. It may be utilised to increase the height of land to reduce flooding susceptibility.

Federated Farmers submits that being in a Soil Sensitive Area classed as loess soils should not prevent the deposition of clean fill. This does not determine any amount, and therefore the deposition of clean fill may only be small and therefore have a non-existent effect. There will be no need to restrict clean fill near waterbodies when the adverse effects from poor sediment control is already managed by 3.3.16.6 and 3.3.16.11.

We are unsure what adverse effect that cleanfill may have on ONLs that warrant it's restriction to only 500m³. This will not enable normal farming activities that will be consistent with the amenity values that already exist on those ONLs which are farmed. Cleanfill used for maintain tracks, races and around troughs will not have a negative impact on ONL values.

Relief Sought:

- That the rule is amended to read:

3.3.16.1. The filling must not use commercial clean fill.

3.3.16.2. Filling in excess of 1000m³ must not occur within any ~~24~~ 12 month period.

~~3.3.16.3. Fill must not be placed over woody vegetation on land with a slope greater than 40°.~~

~~3.3.16.4. Fill must not be within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.~~

3.3.16.5. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

3.3.16.6. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.

3.3.16.7. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.

~~3.3.16.8. Filling must not be in, or within:~~

~~(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;~~

~~(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;~~

~~(c) 8m of the landward toe of a stopbank.~~

3.3.16.9. *Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.*

~~3.3.16.10. There must be no filling in excess of 500m³ per Computer Register located within the following Outstanding Natural Features and Landscapes within any 12 month period:~~

~~(a) Chalk Range;~~

~~(b) Inland Kaikoura Range;~~

~~(c) Molesworth Station and Upper Clarence;~~

~~(d) Limestone Coastline.~~

3.3.16.11. *Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:*

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;~~

~~(c) the change in reflectance must be <50%.~~

~~3.3.16.12. The filling must not occur in a Soil Sensitive Area identified as loess soils.~~

Subject matter and provision in the Plan:

3.3.19 Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

3.3.19.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.

3.3.19.2. The dam must not intersect the groundwater.

3.3.19.3. The dam must not be located in, or within 8m of, a Significant Wetland.

3.3.19.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.

3.3.19.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Rural Environment Zone.

3.3.19.6. The dam walls must comply with the setbacks for buildings in Standards 3.2.1.4 and 3.2.1.12.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the permitted status of off-river dams. Many farms have dams for the purpose of stock water, providing an alternative to stock using a natural flowing waterway for drinking.

We are unclear how this rule will interact with general rules (particularly Rule 2.3.16) because it seems counter-intuitive that this permitted rule for construction of the dam doesn't also provide for taking, use, damming or diversion of water, it seems that this rule is only

providing for the ability to dig a hole in the ground. A dam should be a single activity and the construction, taking, use, damming and diversion of water in the dam should all be aspects of the same activity managed by a single rule.

Relief Sought:

- That farm dams up to 20,000m³ are permitted, and that the construction, taking, use, damming and diversion of water in the dam are managed by a single rule.

Subject matter and provision in the Plan:

3.3.20. Land disturbance to create and maintain a fire break.

3.3.20.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of land disturbance to create and maintain a fire break as a permitted activity.

However despite this rule, in reality a fire break cannot be constructed as a permitted activity because the indigenous vegetation and non-indigenous clearance rules impose so many other restrictions. The most likely location for a firebreak is in vegetation where the fire risk is, so land disturbance without vegetation removal won't happen. Firebreaks are not constructed on bare ground or pasture.

Relief Sought:

- That firebreaks involving both land disturbance and vegetation (indigenous and non-indigenous) clearance are permitted.

Subject matter and provision in the Plan:

3.3.21. Live stock entering onto, or passing across, the bed of a river.

3.3.21.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.

3.3.21.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
- (c) the change in reflectance must be <50%.

3.3.21.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:

- (a) daily average carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C filter);
- (b) dissolved reactive phosphorus;
- (c) dissolved inorganic nitrogen;
- (d) Escherichia coli (E. coli).

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits in support of the permitted status of stock entering and passing across the bed of a river. However this rule appears twice, here in Chapter 2 General, and again in Chapter 3 Rural Environment. This is unnecessary duplication.

Livestock crossing is important to get them from one side to the other and will be particularly important where farmers have fenced off waterways or where a farm is bisected by rivers and streams. We note that permitted status excludes intensively farmed stock, which is defined as being cattle or deer which are grazed on irrigated land or breakfed, and dairy cattle. Unfortunately this rule does not take into account the limited adverse effects of stock crossings, which by their nature are often short in duration and infrequent in occurrence. Federated Farmers opposes Standard 1 and the exclusion of these animals from crossing a river as a permitted activity standard. Until work has been completed on the cause and effect of water quality concerns within those catchments designated for Catchment Enhancement Plans, widespread regulation of stock access should be avoided.

- The definition of river

Federated Farmers submits that the use of the definition of river from the Act means the definition of river is broad and encompassing. As defined in the act, river means a *continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)*. This means that this rule applies to the movement of livestock across any continually or intermittently flowing body of freshwater including a stream or modified water course.

- Dairy cattle

While the dairy industry through non-regulatory methods have taken great lengths to reduce the number of dairy cattle having access to rivers, there are some circumstances where there are practical difficulties to fencing stock out of waterbodies. In Marlborough, the nature of ephemeral rivers means that there are rivers that may have water in them at only limited times during the year, and it is not economical to fence or design crossings for such limited use. This rule would mean that dairy farmers would not be able to use significant parts of their farm. The nature of heavy rainfall events on ephemeral rivers also means that placing a culvert or crossing to move stock is not always appropriate, as this can be easily shifted or washed away with each rainfall event. Therefore we believe it is appropriate that a permitted activity status is provided for dairy cattle that are being crossed only intermittently where it is impractical to construct crossings and bridges.

In addition to the access of dairy cattle to waterways on the milking platform, the rule as it is proposed will unnecessarily limit the ability of farmers to winter their dairy cattle off the

platform. We have heard from many farmers who will not be able to take on off-season dairy grazing due to the significant cost of fencing their run off blocks, or who will lose the ability to send their cattle off to a run off block during the winter months.

- Grazed on irrigated land or contained for breakfeeding of winter feed crops

Breakfeeding and grazing by deer and cattle on irrigated land are pastoral farming methods, and should not be considered intensive farming. The permitted baseline will allow for cattle and deer that are not on irrigated land or breakfed to cross, with the understanding that it is an activity that will allow people and communities to provide for their wellbeing and will have minor adverse effects. A cattle beast that has been breakfed will not have an adverse effect any greater than a cattle beast that has not. Cattle are recommended to have no more than 70% of their diet being forage crops; it is not good practice to allow stock to go with insufficient fibre as this reduces absorption of nutrients. Animal health is already an incentive for farmers to reduce the liquidity of animal faeces, if this is the effect that Council is concerned about.

Federated Farmers notes that this rule prevents all cattle and deer grazed on irrigated land and breakfed for winter feedcrops having access to waterways, regardless of the duration or occurrence of the activity. The rule does not distinguish between ongoing access to waterways where wallowing may occur, and briefer short duration movements of stock across the bed of the river.

Water quality standards will be sufficient to manage adverse effects that the Council is concerned about, so there is no need to single out particular types of livestock that cannot cross as permitted.

- Adverse events

Heavy rainfall events can occur suddenly and stock may need to be moved to a different paddock, requiring the crossing of stock through a waterway. For the welfare of all livestock, this needs to be provided for without requirement for a resource consent. During these times stock cannot be expected to meet the proposed Plan's permitted activity standards due to the nature of a high rainfall event causing changes to the colour and visual clarity.

- Water quality standards

It is important that any water quality standards used within the Plan are practical and easy for resource users to understand and know whether or not they can comply. With regard to standards 2(a) and (b) and Standard 3, it will be impossible for a farmer to know if they are compliant with this rule. We submit that these standards are deleted from the Plan.

Relief Sought:

- That the rule is amended to read:

3.3.21. Live stock entering onto, or passing across, the bed of a river.

3.3.21.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river, except in the following circumstances:

3.3.21.1.1 where stock crossing occurs occasionally as part of grazing rotation, or

3.3.21.1.2 to access other areas of a farm that are separated by the waterbody, or

3.3.21.1.3 where the crossing is necessary for stock safety, or

~~3.3.21.1.4 where there are practical difficulties constructing a bridge or culvert;~~

~~3.3.21.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:~~

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;~~

~~(c) the change in reflectance must be <50%.~~

~~3.3.21.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:~~

~~(a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);~~

~~(b) dissolved reactive phosphorus;~~

~~(c) dissolved inorganic nitrogen;~~

~~(d) Escherichia coli (E. coli).~~

Subject matter and provision in the Plan:

New rule

Federated Farmers supports the need for this new rule as below

Summary of reasons for this submission:

Federated Farmers submits that a new rule should be included in the Plan which allows for the active management of riparian margins through the grazing of margins for weed control purposes as a permitted activity. The ability to graze stock for weed control in riparian margins is important and should be permitted. Weed control allows streams to flow freely to reduce flooding.

Relief Sought:

- That a new rule is included in the Plan which reads:

Grazing of a permanently fenced riparian margin may occur for weed control purposes .

Subject matter and provision in the Plan:

3.3.22. Application of an agrichemical into or onto land.

3.3.22.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.

3.3.22.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.

3.3.22.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

3.3.22.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

3.3.22.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards, and therefore this rule should be deleted.

We are unsure as to why triazine herbicide cannot be applied to free-draining soils.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.3.23. Application of fertiliser or lime into or onto land.

3.3.23.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.

3.3.23.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.

3.3.23.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

3.3.23.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

3.3.23.5. The application must not occur when the soil moisture exceeds field capacity.

3.3.23.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards, and therefore as a first preference, this rule should be deleted.

Federated Farmers is unsure for the reasons of lime being captured by this rule. This rule should be amended so that it only applies to fertiliser. This does not reflect the focus of the RMA in which rules are meant to be effects based. We are unsure why fertiliser cannot be

applied to free-draining soils. This rule is an input based rule and should rather be focused on the adverse effects that may arise from such application.

Standard 2 specifies that fertiliser must be stored on an impermeable, bunded surface and covered at all times. Often fertiliser will sit in a hay shed or other farm shed, where it may not be on impermeable surface. Federated Farmers suggests that it would be more appropriate to defer to the HASNO requirements than to specify the manner of storage which will be impractical for a farmer to follow.

Relief Sought:

That the rule is deleted and addressed by the HSNO Act, as a first preference; alternatively that the rule is amended to read: 3.3.23. Application of fertiliser ~~or lime~~ into or onto land.

~~3.3.23.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free draining soils.~~

~~3.3.23.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.~~

3.3.23.3. The application must not result in the fertiliser being intentionally deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

3.3.23.4. Total cumulative nitrogen (N) loading from the application of fertiliser on the areal extent of land used ~~for the application~~ must not exceed 200 kg N/ha/year ~~(excluding N from direct animal inputs).~~

3.3.23.5. The application must not occur when the soil moisture exceeds field capacity.

3.3.23.6. All ~~reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.~~ practical measures are taken to minimise fertiliser drift beyond the target area.

Subject matter and provision in the Plan:

3.3.25. Application of compost or solid agricultural waste into or onto land.

3.3.25.1. The application must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 10m of a dwelling on any adjacent land in different ownership.

3.3.25.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

Federated Farmers opposes this rule

Summary of reasons for this submission:

We assume that solid agricultural waste is an alternative reference for grape marc. Federated Farmers submits that this rule is deleted, because adverse effects of grape marc being fed out to livestock on water quality are de minimus.

Grape marc is not *applied to land*, it is fed out for the purpose of being eaten by livestock. There is no risk to water quality from this activity and no need to regulate it.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

3.3.26. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

3.3.26.1. The discharge must not occur into or onto a Soil Sensitive Area.

3.3.26.2. The discharge must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 10m of the boundary of any adjacent land in different ownership.

3.3.26.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.

3.3.26.4. The discharge must not occur when the soil moisture exceeds field capacity.

3.3.26.5. Ponding must not be detectable beyond 24 hours after the discharge.

3.3.26.6. The discharge must not result in anaerobic soil conditions.

3.3.26.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).

3.3.26.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.

3.3.26.9. Records of pH levels must be kept and available upon request by the Council.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule is unclear as to what activity it is intended to manage. The definition is no help as it only gives information about moisture content which will be difficult for resource users to determine in the field.

If the rule is intended for grape marc as livestock feed, then the rule needs to say this. However as per our submission for the silage rule 3.3.25 above, where grape marc is being fed out to stock it will have de minimus effects on water quality because it will not be sitting in situ for long. It will not be wasted by being allowed to wash into waterways, as stock feed is considered a valuable resource.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

3.3.27. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

3.3.27.1. Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.

3.3.27.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.

3.3.27.3. The application must be undertaken in accordance with the manufacturer's instructions.

3.3.27.4. The application rates must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.

Federated Farmers oppose rule

Summary of reasons for this submission:

Federated Farmers supports the permitted status herbicide for removing pest plants in a Significant Wetland. However, the use of Appendix 25 is a poor execution of this good intent, as it only includes a short number of species of pest plants.

Federated Farmers considers that the removal of pest plants should be supported, however it is inappropriate for Council to develop a short list of pest plants that can be removed, without acknowledging that different ecosystems and areas of the region will be subject to different threats. These pest species may also change with time and the Plan risks locking these in. It would be more appropriate to allow landowners to remove exotic species from these areas than to specify what species can be removed, recognising there may be omissions.

In any case, Federated Farmers submits that aquatic herbicides are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and have to apply to the EPA for permission to use aquatic herbicides, and therefore this rule should be deleted.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

3.3.28. Discharge of dairy farm effluent into or onto land.

3.3.28.1. The discharge must not occur into or onto a Soil Sensitive Area.

3.3.28.2. The discharge must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 10m of the boundary of any adjacent land in different ownership.

- 3.3.28.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.
- 3.3.28.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 3.3.28.5. Ponding must not be detectable beyond 24 hours after the discharge.
- 3.3.28.6. The discharge must not result in anaerobic soil conditions.
- 3.3.28.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).
- 3.3.28.8. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional as being sufficient to allow for discharges to be deferred so that standards 3.3.28.4, 3.3.28.5 and 3.3.28.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system.
- 3.3.28.9. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.
- 3.3.28.10. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
- (a) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
 - (b) 20m of the boundary of any adjacent land in different ownership;
 - (c) a Flood Hazard Area.
- 3.3.28.11. From 9 June 2019, Standards 3.3.28.8, 3.3.28.9 and 3.3.28.10 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

- Discharge onto Soil Sensitive areas

Federated Farmers opposes standard 1 which states that the discharge must not occur into or onto a Soil Sensitive Area. The use of an effluent storage calculator will determine the soil risk for areas on a farm to which effluent will be applied. Farmers generally understand their soils well and understand which soils are better accommodated to application of dairy effluent, and engage in the activity accordingly. Federated Farmers considers that the other standards in this rule address any potential effects that are attempting to be managed by this rule.

- Discharge system

Federated Farmers opposes standard 3 that specifies a high rate discharge system must not be used to discharge into land with an average slopes of 7 degrees or greater. Prescriptive plans that intervene in aspects of operation or design, regardless of on-farm risk, are opposed because they can result in confusion and wasted investment in systems that do not properly manage adverse environmental effects. Effluent can be applied at a high rate by a slurry tanker, with little risk if applied at a low depth.

The standard is not practical for use in the paddock. We are unsure how a farmer is supposed to determine whether or not they meet the standard. How is the average slope to

be measured? Is it per paddock or per farm? A farmer will not know whether a slope is over or under the 11.3 degrees.

- Ponding and anaerobic soil conditions

Federated Farmers supports the provision of good effects based conditions, such as standard 5, that ponding must not be detectable beyond 24 hours. Standard 6 refers to the discharge must not result in anaerobic soil conditions. It is not clear what is meant by anaerobic soil conditions, as the term has not been defined within the Plan. It is assumed that saturated soil will be anaerobic. This doubles up with standards 4 and 5, for little discernible benefit. There are also enforceability issues with this standard. Federated Farmers is unclear how is one to know an application is not going to breach this criteria, making it difficult for both farmers and Council to apply in the field. Avoidance of anaerobic conditions caused by wastewater discharges is already managed by prior standards, when farmers do not discharge during field capacity or at a rate that causing significant ponding. We submit accordingly that the standard is deleted.

- Cumulative Nitrogen

Standard 7 refers to a total cumulative nitrogen loading. Federated Farmers is unclear as to what the purpose of the rule suite is: is the purpose to manage adverse effects of nutrient leaching on the life-supporting capacity of waterways; or is the purpose to avoid unacceptable contamination of water for human use. Aside from being very difficult to measure, Federated Farmers submits that this is best addressed through the limit setting process that will occur in due course, not through numbers thrown into the Plan.

- On-site storage system

Many Councils now require farmers to have a pond to store effluent until soil conditions are appropriate for it to be applied to land. Climate, soil type and system design determine the size of the pond, which in turn greatly influences required performance standards and therefore cost. The common perception that 60-90 days storage will provide an appropriate 'rule of thumb' no longer stands. There are many areas that will be able to cope with a smaller pond, particularly in areas like Canterbury where free draining soils and a dry climate predominate. In other situations, such as high rainfall environments, it may not be practical to expect that farmers will store all effluent collected until soil conditions are suitable for effluent application. Marlborough has a diverse range of climatic conditions from high rainfall areas in the Rai Valley to the drier Wairau Valley, and therefore it is important that a professional works with the landowner to determine the appropriate length of storage required.

It is noted that the storage capacity must be certified by a recognised professional. It is not clear what constitutes a recognised professional, nor is it clear what certification Council wishes to see prior to the effluent entering the storage system. We would hope that the services provided to dairy farmers through their co-operative, by Fonterra's Sustainable Dairying Advisor, would be considered as a recognised professional. Federated Farmers submits that having completed a pond storage calculation should be satisfactory for Council.

- Sealing of storage systems

Standard 9 establishes the need for the storage system to be sealed with an impermeable material. It is not clear what is meant by an impermeable material, as the term is not defined in the Plan. A term such as this should be defined to provide clarity to those landowners investing in a new storage system. For existing dairy farms, it is important that farmers have the ability to show that their systems meet the standard. Otherwise, this standard may force many existing dairy farmers in the District into having to get a resource consent, or install a new system, despite having a pond that is sufficient and posing little environmental risk. Some Councils have allowed for a drop test which provides farmers with an opportunity to prove that there is no leaking of effluent from the pond. Storage systems are a large investment and therefore Federated Farmers submits that farmers should only be required to line ponds where this is going to translate to environmental benefit.

- Storage systems in Flood Hazard Areas

Federated Farmers understands most dairy farms are located in a flood hazard area of some level, according to the planning maps. Not all of these farmers believe that the maps accurately address the flood hazard risk, an item we will address in our submission on the overlays. That aside, Federated Farmers submits that storage systems in these areas should only be avoided where there is significant risk of regular inundation. It is not appropriate to avoid locating a pond in an area where there is only a once in one hundred year event. We submit that this standard should only apply to Flood Hazard Area 4, with storage systems not permitted in these areas. This is in line with the policy approach in the Plan which is to focus on the risk to life and habitable structures, not farm infrastructure.

- Timeframes on standards for existing dairy farms

The investment in on site storage systems is a significant cost for farmers. Federated Farmers submits that the application of storage system standards to existing dairy farms should be three years from the Plan becoming operative, as opposed to the date of notification of the Plan. The planning process may take a number of years to get through and during this time the permitted activity standards may change, therefore we submit that farmers should be allowed three years from the date of notification when these standards are then certain.

- Setbacks

There is no need to specify a setback for disposal from a property boundary, as the adverse effects on houses and already managed by the setback that houses themselves have to be from the property boundary.

Relief Sought:

- That the rule is amended to read:

~~3.3.28.1. The discharge must not occur into or onto a Soil Sensitive Area.~~

3.3.28.2. The discharge must not occur within:

- ~~(a) 50-20m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.~~
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- ~~(c) 10m of the boundary of any adjacent land in different ownership.~~

- ~~3.3.28.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.~~
- 3.3.28.4. The discharge must not occur when the soil moisture exceeds field capacity.
- 3.3.28.5. Ponding must not be detectable beyond 24 hours after the discharge.
- ~~3.3.28.6. The discharge must not result in anaerobic soil conditions.~~
- ~~3.3.28.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).~~
- 3.3.28.8. For a new dairy farm established after 9 June 2016, there must be an on-site storage system ~~with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be~~ designed and certified by a recognised professional as being sufficient to allow for discharges to be deferred so that standards 3.3.28.4, 3.3.28.5 and 3.3.28.6 are not breached. The certification must be provided to the Council prior to effluent entering the storage system.
- 3.3.28.9. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.
- 3.3.28.10. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
- (a) 20m of a river, lake, Significant Wetland, ~~drainage channel or Drainage Channel Network;~~
- (b) 20m of the boundary of any adjacent land in different ownership;
- (c) a Level 4 Flood Hazard Area.
- 3.3.28.11. ~~From 9 June 2019~~ three years of the Plan becoming operative, Standards 3.3.28.8, 3.3.28.9 and 3.3.28.10 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.

Subject matter and provision in the Plan:

3.3.30. Discharge of human effluent into or onto land.

- 3.3.30.1. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 3.3.30.2. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 3.3.30.3. There must be:
- (a) no ponding of effluent;
- (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, Drainage Channel Network, groundwater or coastal water.
- 3.3.30.4. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 3.3.30.5. Effluent must be able to:
- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or

- (b) *infiltrate through at least 300mm of unsaturated soil following secondary treatment.*
- 3.3.30.6. *The discharge must not occur within a Groundwater Protection Area.*
- 3.3.30.7. *The discharge must not occur within 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU.*
- 3.3.30.8. *The discharge must not be within a Level 2 or 3 Flood Hazard Area.*
- 3.3.30.9. *For a new discharge of human effluent to land commencing after 9 June 2016, the discharge must not occur into or onto a Soil Sensitive Area.*

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the permitted activity status for discharges from on-site wastewater systems, but considers some of the conditions are too restrictive. For example, the requirements for infiltration (3.3.30.5) unnecessarily restrict the type of system that can be installed. We also consider it is unnecessary to restrict discharges from on-site wastewater systems within a Level 2 or 3 Flood Hazard Area and a Soil Sensitive Area.

In addition, this provision needs to be reframed as ‘discharges from on-site wastewater systems’, rather than ‘discharge of human effluent’. On-site wastewater systems will contain a range of contaminants associated with wastewater systems, for example, hand soap. It is expected that on-site wastewater systems will receive a range of normal household contaminants and this must be reflected in the discharge provisions.

Relief Sought:

- Delete clauses 3.3.30.5, 3.3.30.8 and 3.3.30.9, and amend the provision so that it deals with ‘discharges from on-site wastewater systems’, rather than ‘discharge of human effluent’.

Subject matter and provision in the Plan:

3.3.31. Disposal of farm rubbish into a pit.

- 3.3.31.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.
- 3.3.31.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.
- 3.3.31.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.
- 3.3.31.4. The farm rubbish pit must not be located within:
- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 50m of any boundary of the property or a dwelling.
- 3.3.31.5. Surface run-off must not enter the pit.
- 3.3.31.6. When a pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers supports the intention to provide for farm dumps as a permitted activity.

- Material that can be disposed of into a farm pit

We have significant concerns with standard one, however. Standard 1 only allows for biodegradable material to be disposed of in a farm rubbish pit. It does not allow for offal and carcass to be disposed of as it considers these fall under a separate rule. To address this point firstly, this would mean that all farmers need to have two pits on site rather than one pit. This is impractical, at times farmers may run one pit and this should be provided for as a permitted activity, given the standards are similar.

The rule provides for the disposal of biodegradable material into the farm pit, with all other material either requiring a resource consent to be buried on farm, or needing to be taken off the property. Marlborough is characterised by farms many kilometres and hours from rubbish disposal facilities and therefore it is not practical for farmers to be required to dispose of rubbish at these centralised facilities. We support the intention to adopt non-regulatory methods which will assist with the disposal of rural waste, however until such time as these methods are further developed and adopted, we cannot support a hard regulatory approach to rural waste. Under this standard, all farmers in Marlborough will require a discretionary resource consent.

Federated Farmers suggests that Council place greater emphasis on the development of non-regulatory options to assist landowners with the disposal of rural waste, and waste generated from primary production including baleage wrap and plastics.

- Other standards

Farmers may often have multiple properties and it is not practical to expect that they will have a farm dump on each property. Farmers should be able to bring farm rubbish sourced from any property in their ownership to the one farm dump.

Standard 5 specifies that no surface run off can enter the pit. During times of heavy rain the movement of water overland into the pit may be unavoidable. Federated Farmers suggests that this would be best addressed by specifying that only surface water cannot enter the pit. This should also be rectified by standard 4 which specifies the location of farm rubbish pits.

Relief Sought:

- That the rule is amended to read:

~~3.3.31.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.~~

3.3.31.2. Only farm rubbish sourced from the same property or a property under the same ownership must be disposed of to a farm rubbish pit.

3.3.31.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.

3.3.31.4. The farm rubbish pit must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 50m of any boundary of the property or a dwelling.

3.3.31.5. Surface ~~run-off~~ water must not enter the pit.

3.3.31.6. When a pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

Subject matter and provision in the Plan:

3.3.32. Disposal of offal or a carcass into an offal pit.

3.3.32.1. The offal or carcass must be from pastoral agriculture, except intensive farming, undertaken on the same property.

3.3.32.2. Only offal or a carcass may be disposed of to an offal pit.

3.3.32.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.

3.3.32.4. The offal pit must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 50m of any boundary of the property or a dwelling.

3.3.32.5. The offal pit must be located above the natural ground water level at all times.

3.3.32.6. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that the use of the term intensive farming is unclear and easily conflicts with the term intensively farmed stock. We are not sure why offal or carcass from intensive farming operations, which would seem to include pig, poultry and rabbit farming, cannot be disposed of to an offal pit.

Federated Farmers notes that to meet the permitted activity standards offal must be from farming undertaken on the same property. The standards should provide for a farmer that has multiple properties to provide for burial of animals without needing multiple pits. The rule should also allow for hunters to dispose of pigs, possums and other feral animals in a farm offal pit, as this is recommended by Osprey to avoid transfer of disease. Therefore Federated Farmers submits that Standard 1 is deleted.

Standard 3 stipulates that the pit cannot be in a loess soils area. Federated Farmers submits that the burial of carcasses in an offal pit will not have a significant effect on the soil. This standard is not effects based and therefore should be deleted.

Federated Farmers submits that it is impractical to expect that an offal pit will be covered by an impermeable material at all times. Offal pits are often holes dug into the ground, where

dead stock may be placed. To require them to be covered with a plastic sheet or tarp, or other impermeable material, is impractical. We submit that this requirement should be deleted from the rule.

Federated Farmers seeks clarification that stock can be buried without being placed into an offal pit according to these standards. To suggest that all animals be disposed of in an offal pit is not workable or practical, as there are times when an animal will perish in a far-flung paddock where bringing a tractor in is unpractical. For this we believe it is reasonable to expect that a farmer will at times be required to bury animals outside of an offal pit. We consider regulation around the burying of single animal carcasses is unnecessary as it will have little adverse effect.

Relief Sought:

- That the rule is amended to read:

~~3.3.32.1. The offal or carcass must be from pastoral agriculture, except intensive farming, undertaken on the same property.~~

~~3.3.32.2. Only offal or a carcass may be disposed of to an offal pit.~~

~~3.3.32.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.~~

3.3.32.4. The offal pit must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, ~~drainage channel or Drainage Channel Network~~;

(c) 50m of any boundary of the property or a dwelling.

~~3.3.32.5. The offal pit must be located above the natural ground water level at all times.~~

3.3.32.6. The offal pit must be ~~completely covered by an impermeable material at all times or otherwise~~ designed to prevent the entry of surface runoff when not in use.

Subject matter and provision in the Plan:

3.3.33. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

3.3.33.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils.

3.3.33.2. The pit must not be located on a Soil Sensitive Area identified as a free-draining soil or a loess soil.

3.3.33.3. The pit, stack or stockpile must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 10m of any boundary of any adjacent land in different ownership.

3.3.33.4. The pit or stack must be completely covered by an impermeable material when not in use.

3.3.33.5. There must be no runoff of leachate from the pit, stack or stockpile.

3.3.33.6. Surface run-off must not enter the pit, stack or stockpile.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule should be more appropriately termed the *fermentation* of compost or silage in a pit or stack, as opposed to the making of silage. The making of silage is completed in a paddock by mowing grass and then taking the grass to a pit where it is piled and covered with plastic and weighed down to encourage fermentation. Silage is a beneficial activity, as it simply involves the harvesting of grass when it's growing. Modern silage has a lower moisture content than historically, and industry research is in line with this showing the risks of leaching are minor. Federated Farmers submits that for this reason the standards relating to soil sensitive areas are not necessary.

Federated Farmers submits that it is not clear why a pit or stack needs to be 50m from a bore, or 20m from a river, lake, Significant Wetland or drainage channel. 5m is a sufficient setback from bores, rivers, and Significant Wetlands.

Federated Farmers is confused by the reference to the need to cover the pit or stack with an impermeable material when not in use. When a silage pit is not in use, it is empty and therefore a cover should not be required. When the silage pit is in use, the pit is covered by plastic and tyres that keep the silage tightly packed. This is essential to the process of making silage. The front face is open to allow the tractor bucket access to the silage. It would not be beneficial nor practical to cover and uncover this side every day when needing to access the silage to feed out to stock. Federated Farmers considers standard 4 is therefore unnecessary and is in part managed by the nature of working with silage.

Standard 5 relates to the runoff of leachate from a pit, stack or stockpile. Federated Farmers submits that this standard should focus on the run off of leachate into a waterbody.

Relief Sought:

- That the rule is amended to read:

3.3.33. *Making Fermentation of compost or silage in a pit or stack, or stockpiling agricultural solid waste.*

~~3.3.33.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils.~~

~~3.3.33.2. The pit must not be located on a Soil Sensitive Area identified as a free-draining soil or a loess soil.~~

3.3.33.3. *The pit, stack or stockpile must not be located within:*

(a) *50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;*

(b) *205m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;*

~~(c) 10m of any boundary of any adjacent land in different ownership.~~

~~3.3.33.4. The pit or stack must be completely covered by an impermeable material when not in use.~~

3.3.33.5. *There must be no runoff of leachate from the pit, stack or stockpile into a waterbody.*

~~3.3.33.6. *Surface run-off must not enter the pit, stack or stockpile.*~~

Subject matter and provision in the Plan:

3.3.34. Storage of compost not in a pit or stack.

3.3.34.1. The storage of compost must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 10m of any dwelling on any adjacent land in different ownership.

3.3.34.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

3.3.34.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area.

Summary of reasons for this submission:

Federated Farmers submits that storage of grape marc is an important farming technique and should not be unnecessarily constrained by regulation.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

3.3.36. Discharge of contaminants to air arising from burning in the open.

3.3.36.1. Only material generated on the same property or a property under the same ownership must be burned.

3.3.36.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule needs to provide considerably more clarity for the Plan user. There is a plethora of other burning rules (which we also submit on) that this rule seems to either contradict them or be irrelevant.

It is not clear what can be burnt under this permitted activity. It would appear any material can be burned. However, a few pages further into the Chapter there are a list of materials that are prohibited from being burnt, and therefore this rule appears to be deceptive.

Relief Sought:

- That this rule is deleted, and burning of materials provided for as a permitted activity.

Subject matter and provision in the Plan:

3.3.37. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

3.3.37.1. Burning must not be carried out on Class 7e or Class 8 land when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977) for the burn are:

- (a) drought code - 200 or higher;
- (b) build up index - 40 or higher.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule is not clear for a Plan user. It is not clear what class 7e or Class 8 land are. Who has determined this? Where can this be found in the Plan? The rule references the Rural Fire Authority. There is a plethora of other burning rules (which we also submit on) that this rule seems to either contradict them or be irrelevant.

We submit that this rule is deleted from the Plan.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.3.45. Worker accommodation.

3.3.45.1. The worker accommodation must not be located within a Worker Accommodation Exclusion Area as identified in Appendix 24.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of permitted activity status for worker accommodation. Often additional homes are needed associated with primary production activities, as they are required for employees, farm managers, family members, or retired parents.

However the definition for worker accommodation is unclear whether it refers to lodging for temporary or seasonal workers for a few days or weeks, or dwellings for permanent employees who consider this their primary place of residence.

This rule needs to provide for housing directly associated with primary production where ever this activity may take place, not just in what is considered remote locations. In hill country and extensive pastoral properties there is often no nearby towns in which staff can be accommodated. However, the issue of providing for worker accommodation is not just limited to remote locations. Farmers may require multiple workers on a dairy farm or

cropping farm, and there are multiple reasons why accommodating workers on farm is safer and more practical for the operation of the business.

In reference to Appendix 24, Federated Farmers submits that map is poorly executed and will affect many farmers who legitimately need to house workers on their properties. Accordingly, we submit that the appendix is deleted from the Plan, and that worker accommodation is provided for as a permitted activity. If Council wants to manage seasonal worker accommodation, Council needs to develop plans to encourage this in appropriate locations.

Relief Sought:

- That standard 1 is deleted and worker accommodation and accommodation associated with primary production is provided for as a permitted activity with no standards.

Subject matter and provision in the Plan:

3.5.1. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities.

Matters over which the Council has restricted its discretion:

3.5.1.1. The effects on water quality and soil conservation from the excavation.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers is supportive of the use of restricted discretionary rule as a graduated approach from permitted activity status. However, as per our submission on the excavation rules in the Rural Environment Zone, the threshold for not meeting the permitted activity status is much too low and will easily capture many farming activities.

Federated Farmers submits that the restricted discretionary status is retained, however amended to reflect our relief sought for Rule 3.3.14.

Relief Sought:

- That the rule is amended to read:

Excavation in excess of ~~4~~2000m³ on any hectare of land with a slope greater than 20° within any ~~24~~12 month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities.

Matters over which the Council has restricted its discretion:

3.5.1.1. The effects on water quality and soil conservation from the excavation.

Subject matter and provision in the Plan:

3.6.8. Dairy farm established after 9th June 2016.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers is concerned by the discretionary status applying to new dairy farms.

Resource consents for dairy farming activities continue to get more complex and expensive, for applicants and Council. We consider that new or expanded dairy farming should be a permitted activity, with the requirement for the development of a farm environment plan. This would clarify the information needs of Council, and make the process more efficient and cost-effective.

We consider applying for a discretionary consent will not help to achieve good environmental outcomes that Council wants to address. The costs and energy applying for a consent will be better utilised in developing a plan for good management practice and enacting on this with practical works.

Relief Sought:

- That the rule is deleted and replaced with a permitted activity rule that reads:

New dairy farm established after 9th June 2016.

A farm environment plan detailing plans to achieve good practice management must be developed in conjunction with industry that sets out:

- (c) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;
- (d) provision, where appropriate, of a non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture;
- (e) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;
- (f) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and
- (g) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input.

And be available to Council on request.

Subject matter and provision in the Plan:

3.6.11. Any use of land not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity or limited as a Prohibited Activity.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district

and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”. Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

Rules which assign a discretionary status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That the rules are amended so that any activity not listed, where it is a land use, the activity defaults to a permitted activity status.

Subject matter and provision in the Plan:

3.7.1. Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of planting on erosion-prone land.

The Steep erosion prone land overlay covers extensive areas of the Marlborough region, this rule is inappropriately prohibiting a land use that has many benefits from occurring in much of the region.

Woodlot forestry is important to provide shelter and shade for livestock, soil stability, or for amenity and ecological purposes. These are activities that should not be prohibited in steep erosion prone land, and can provide many benefits and allow people and communities to provide for their wellbeing. We seek permitted status for all woodlot forestry and that it is including in the definition of farming.

We also oppose any provisions for commercial forestry because this will be managed by the National Environment Standards –Plantation Forestry, which is intended to replace councils’ existing district and regional plan rules for managing plantation forestry and provide a nationally consistent approach.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.7.2. Planting Lodgepole pine (*Pinus contorta*).

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of Lodgepole pine because it is unnecessary duplication.

The Lodgepole pine is already managed under the Biosecurity Act 1993 as an Unwanted Organism, legally anyone (including researchers) wanting to sell, exhibit, propagate, breed or multiply the plant must have a s53 Biosecurity Act Permission from the Ministry for Primary Industries.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.7.3. Carbon sequestration forestry (permanent) harvesting.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of harvesting of carbon sequestration forestry. This is inconsistent with the Emissions Trading Scheme which provides for harvesting and replanting, or harvesting and not replanting but incurring a deforestation liability. Landowners should not be prohibited from harvesting by the proposed Plan, when they are allowed to do this under the ETS, albeit with conditions.

Relief Sought:

- That rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.7.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the use of prohibited activity status for intensively farmed livestock entering onto the bed of a river when there is water flowing in the river. A prohibited activity status has the effect of placing an activity 'outside' the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.

Federated Farmers supports the use of definitive and objective information as the driver of regulation. Federated Farmers is unsure as to the reasoning for a prohibited status for Stock Access. Once a prohibited status has been applied to an activity there is no ability for the Council to take into account extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. Prohibited status is final and does not allow for all situations that present themselves in a farming environment, in which farmers are constantly subject to varying weather conditions that impact on the way they manage their farm and their stock. When a water supply is compromised or fails, a farmer may need to rely on rivers or creeks for stock drinking water.

Stock access rules need to recognise different stock and different farms will have different needs. Stock crossing water bodies at a designated point is one option farmers have to mitigate potential effects to water bodies caused by *ad hoc* access and should be encouraged. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. Federated Farmers questions the expense of monitoring and enforcing a prohibited status activity.

Federated Farmers notes that the approach taken within the Plan to stock access is inconsistent with the national direction provided by the LAWF report and also by the Ministry's consultation on the Next Steps for Freshwater document. Both documents establish a tiered approach for the regulation of stock access.

Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules. Federated Farmers suggests that non regulatory, educational methods can be very effective in achieving 'buy-in', outlining expectations and creating desired behavioural change.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.7.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the use of prohibited activity status for intensively farmed livestock entering onto the bed of a river when there is water flowing in the river. A prohibited activity status has the effect of placing an activity 'outside' the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.

Federated Farmers supports the use of definitive and objective information as the driver of regulation. Federated Farmers is unsure as to the reasoning for a prohibited status for Stock Access. Once a prohibited status has been applied to an activity there is no ability for the Council to take into account extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. Prohibited status is final and does not allow for all situations that present themselves in a farming environment, in which farmers are constantly subject to varying weather conditions that impact on the way they manage their farm and their stock. When a water supply is compromised or fails, a farmer may need to rely on rivers or creeks for stock drinking water.

Stock access rules need to recognise different stock and different farms will have different needs. Stock crossing water bodies at a designated point is one option farmers have to mitigate potential effects to water bodies caused by *ad hoc* access and should be encouraged. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. Federated Farmers questions the expense of monitoring and enforcing a prohibited status activity.

Federated Farmers notes that the approach taken within the Plan to stock access is inconsistent with the national direction provided by the LAWF report and also by the Ministry's consultation on the Next Steps for Freshwater document. Both documents establish a tiered approach for the regulation of stock access.

Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules. Federated Farmers suggests that non regulatory, educational methods can be very effective in achieving 'buy-in', outlining expectations and creating desired behavioural change.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

3.7.14. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;

- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Federated farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of discharge of contaminants from burning. Prohibited status is extreme, will have unintended consequences and will not allow for people and communities to provide for their wellbeing. The rule does not allow for accidents or special cases.

Wood that is painted, stained oiled or coated may accidentally burn in a housefire, Council seeking to prosecute because this is prohibited by 3.7.14(b) is unreasonable, likewise in the event of a forest fire under Rule 3.7.14(a).

We are unsure what animal waste is referring to in (n). Animal waste from farms definitely should not be prohibited from being burnt as this will be an option that farmers may need to dispose carcasses, particularly in the event of a biosecurity outbreak and because offal pits rules limit that as a disposal option. This standard also effectively prohibits cremations, particularly if the deceased had a pacemaker.

Relief Sought:

- That the rule is deleted from the Plan.

CHAPTER 4: COASTAL ENVIRONMENT

Subject matter and provision in the Plan:

4.1.46. Keeping of domestic livestock

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that the definition of domestic livestock and all associated provisions are deleted from the Plan. There is no need to define, or provide for the keeping of domestic livestock in the Plan. Domestic livestock are not a resource management issue that need provisions in the Plan.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.2.1. Construction and siting of a building or structure except a temporary building or structure, unmodified shipping container or an off-river dam (unless any Standards listed below are specified as Standards for those activities).

- 4.2.1.1. No more than one residential dwelling must be constructed or sited per Computer Register.
- 4.2.1.2. The maximum height of a building or structure must not exceed 10m.
- 4.2.1.3. On a site smaller than 4000m², no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.
- 4.2.1.4. No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.
- 4.2.1.5. A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.
- 4.2.1.6. A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.
- 4.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 4.2.1.8. A building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, the landward toe of any stopbank or the sea.
- 4.2.1.9. Permanent buildings must not cover more than 15% of the net site area within a Computer Register. The net site area does not include any greenhouse utilising the soils of the site.
- 4.2.1.10. For a site larger than 4000m², the following minimum setbacks must be provided:
 - (a) 8m for the front boundary;
 - (b) 8m for the rear boundary;
 - (c) 5m for a side boundary.
- 4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:
 - (a) a building or structure must not exceed 10m²;
 - (b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.12. On land within the Marlborough Sounds Coastal Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 4.2.1.13. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.
- 4.2.1.14. A building or structure must not be within a Level 3 Flood Hazard Area.
- 4.2.1.15. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:

- (a) a fence must not exceed 2.5m in height;
- (b) a building or structure must be uninhabitable and used for farming or horticulture but must not be used as a dairy shed, intensive farming building or commercial greenhouse;
- (c) building alterations and additions must be contained within the original building height and footprint;
- (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001. 4.2.1.16. Around National Grid Support Structures within the National Grid Yard the following apply:
 - (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
 - (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

- One dwelling per computer register

Federated Farmers submits that standard 1 be amended to allow for an additional residential dwelling on sites of 20ha or above. Rural housing provides for social wellbeing in dispersed communities by providing homes for farm owners and farm workers and their families, retired farmers, disabled family members, rural school teachers, rural contractors and other rural service providers. A graduated approach where the number of dwellings permitted depends on the size of the property is encouraged, because it managed density of dwellings in the rural zone while also providing for more houses for larger properties. Federated Farmer also expects that any accommodation required for primary production will be provided for within the rural zone.

- Maximum building height

We submit that the maximum height per building (standard 2) should be increased to 20m. While we understand the height standard is intended to protect rural amenity, most woolsheds and other implement sheds are likely to exceed the 10 metre height restriction proposed in the Plan. Federated Farmers submits that the reference to height limit in relation to road, may be appropriate in the urban area but it is not appropriate in a coastal zone where primary production is plentiful.

- Setback distances

In regards to setback distances (standards 6, 8 and 10), Federated Farmers submits that these setbacks only apply to dwellings. It is inappropriate for other buildings to be subject to the same restrictions, for example a pump shed is required to be located beside rivers and drainage channels to access water. Further, standard 12 applies setbacks from the front, rear and side boundary, which are inappropriate in the rural zone. For example, loading ramps and yards are often required to be located on the edge of a property close to a boundary so that stock can be transported to market.

- Riparian Natural Character Management Area

Federated Farmers submits that standard 7 is deleted. We oppose the identification of Riparian Natural Character Management Areas. This rule will prevent farmers from erecting a fence along a river or creek in a Riparian Natural Character Management Area, as encouraged and required through other parts of the Plan.

- Permanent building cover

We submit that standard 9 is deleted. Federated Farmers is concerned that horticultural structures and stock yards may be captured by the definition of permanent buildings and therefore by this rule, and therefore require a consent.

- Marlborough Sounds Outstanding Natural Feature and Landscape

Federated Farmers understands that Council will want to control land use activities that have the potential to create more than minor adverse effects on ONFLs. Federated Farmers submits that normal farming activities which may, in part, make up those ONFL values and are appropriate within the underlying zone should not be subjected to unduly onerous land use controls.

While we support a permitted provision that recognises that buildings are necessary, the building controls outlined in this rule are much too restrictive for common farm buildings that need space for storing agricultural vehicles and equipment, stock fodder or as animal shelters. Federated Farmers believes that limiting buildings to only 10m² for the ONFLs fails to recognise that these ONFLs are active farms. The very small limit will not provide for reasonable use of the resources or enable people and communities to provide for their economic, social or cultural well being. Buildings and earthworks ancillary to land based primary production should be permitted, regardless of overlaid ONFL classification.

Federated Farmers submits that the requirement for any paint applied to the exterior cladding of a building or structure to have a light reflectance value of 45% or less is inappropriate. The Marlborough Sounds Coastal Landscape is a high amenity value landscape and does not meet the tests of an Outstanding Natural Landscape. Therefore we submit that the provision is deleted.

- Flood Hazard Area provisions

Primary production is an appropriate land use for land that may be subject to natural hazards such as flooding. Primary production can effectively harness fertile soil resources and can do so in a low density manner as opposed to higher density land uses.

Federated Farmers considers that natural hazard provisions intended to protect houses should not capture farm buildings or fences. Small buildings such as pump sheds, and farm implement sheds with concrete or dirt floors would not experience so much damage from a natural hazard such as flooding as a dwelling would, nor would lives be at risk as farm buildings are not habitable. The concept of risk tolerance needs to be incorporated into provisions. A farmer may decide to tolerate the risk of a shed flooding for the benefit of having equipment near to the lowland cropping fields. If a large rain event is forecasted and the farmer is worried that the nearby river will flood, the farmer can simply move their equipment to a safer location. This scenario is vastly different to a dwelling that could be flooded meaning lives are at risk or at the least people are displaced when their home becomes uninhabitable.

Federated Farmers considers that rules such as these, for the abovementioned reasons, should exclude farm buildings and structures including fences. We expect that this rule is

written for a town situation where buildings and fences are very different to those on farms. Farmers are required to fence waterways as part of managing stock access and water quality issues, and fences to keep stock out of waterways should not be captured by these rules.

The Level 2 flood hazard area takes in large areas of the District that are farmland. Buildings and structures ancillary to primary production should be exempt from rules for Level 2 flood hazards. The Level 3 flood hazard are also takes in areas at the edges of riverbanks, and flats. It is important that fences can still locate in these are as. Pump sheds will also be located in these areas and these should not require a consent.

- National Grid Yard provisions

Federated Farmers supports the use of permitted activity standards within the National Grid Yard. This specifies that only Transpower owned assets are protected by the rules. Other power companies should not have the same level of protection as Transpower. Federated Farmers supports the permitted activity standards surrounding buildings and structures in the National Grid. Federated Farmers considers that milking sheds should be considered like any other uninhabitable building used for farming or horticulture. Farm sheds and yards should be permitted, as should accessory structures. We consider it may be useful to specify this. Federated Farmers supports the use of permitted activity standards for fences between 12m and 5m from a National Grid Support Structure.

Relief Sought:

- That the rule is amended to read:
 - 4.2.1.1. *No more than one residential dwelling must be constructed or sited per Computer Register, unless the site is over 20ha where one additional residential dwelling is permitted.*
 - 4.2.1.2. *The maximum height of a building or structure must not exceed 420m.*
 - 4.2.1.3. *On a site smaller than 4000m², no part of a building must exceed a height equal to the recession plane angle determined by the application of the Recession Plane and Height Controls in Appendix 26. The recession plane angle must be measured from a starting point 2m above ground level.*
 - 4.2.1.4. *~~No part of a building must exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the site where it abuts the road.~~*
 - 4.2.1.5. *A dwelling must not be sited closer than 150m to the outer bank of an oxidation pond, sewage treatment works or a site designated for such works.*
 - 4.2.1.6. *A dwelling ~~habitable structure or accessory building~~ must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.*
 - 4.2.1.7. *~~A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.~~*
 - 4.2.1.8. *A dwelling building must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, the landward toe of any stopbank or the sea.*
 - 4.2.1.9. *~~Permanent buildings must not cover more than 15% of the net site area within a Computer Register. The net site area does not include any greenhouse utilising the soils of the site.~~*
 - 4.2.1.10. *For a site larger than 4000m², the following minimum setbacks must be provided:*

- ~~(a) 8m for the front boundary;~~
- ~~(b) 8m for the rear boundary; —~~
- ~~(c) 5m for a side boundary.~~
- ~~4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:~~
- ~~(a) a building or structure must not exceed 10m²;~~
- ~~(b) any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.~~
- ~~4.2.1.12. On land within the Marlborough Sounds Coastal Landscape any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.~~
- 4.2.1.13. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area, with the exception of buildings and structures (including trellises and fences) ancillary to primary production.
- 4.2.1.14. A building or structure must not be within a Level 3 Flood Hazard Area, with the exception of buildings and structures (including trellises and fences) ancillary to primary production.
- 4.2.1.15. Under the National Grid Conductors (wires) within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height;
- (b) a building or structure must be uninhabitable and used for farming or horticulture ~~but must not be used as a dairy shed, intensive farming building or commercial greenhouse;~~
- (c) building alterations and additions must be contained within the original building height and footprint;
- (d) a building or structure must have a minimum vertical clearance of 10m below the lowest point of the conductor associated with the National Grid line or otherwise comply with NZECP34:2001.
- 4.2.1.16. Around National Grid Support Structures within the National Grid Yard the following apply:
- (a) a fence must not exceed 2.5m in height and must not be closer than 5m from a National Grid Support Structure;
- (b) a building or structure must not be closer than 12m to a National Grid Support Structure.

Subject matter and provision in the Plan:

4.2.2. Noise.

4.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:

7.00 am to 10.00 pm	65 dBA LAeq
10.00 pm to 7.00 am	65 dBA LAeq 75dB LAFmax

4.2.2.2. An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dBA L _{Aeq}
10.00 pm to 7.00 am	40 dBA L _{Aeq} 70dB L _{AFmax}

4.2.2.3. The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Coastal Environment Zone;
- (b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

4.2.2.4. Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA L_{Aeq}(15 min) at all times.

4.2.2.5. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

4.2.2.6. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the exemption from maximum noise limits for the use of mobile machinery that is being used for agricultural or horticultural purposes. Our submission is that this exemption should extend to noise all primary production activities and other forms of rural noise. As it is written, mobile machinery used during forestry maintenance or harvest will not be exempt from the noise limits. We have based our relief sought on the Horowhenua District Plan, which amended their noise exemption rule to also exempt temporary primary production noise from limits in response to Federated Farmers submission.

Other activities that occur on farms also create noise, such as livestock, frost fans, water pumps or noise from dairy sheds, shearing sheds or seasonal activities like docking lambs' tails should also be included in the exemption.

Federated Farmers supports standard (c) which provides exemptions for fixed motors, equipment and pumps.

Relief Sought:

- That the rule is amended to read:

4.2.2.3. The following activities are excluded from having to comply with the noise limits:

~~(a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone;~~

Mobile sources associated with primary production activities; temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting; and noise from rural livestock;

(b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

Subject matter and provision in the Plan:

4.2.4. Odour.

4.2.4.1. *The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.*

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that it must be recognised that normal primary production activities can sometimes cause odour, and that this is accepted as a normal aspect of the rural zone and provided for as permitted. Odour can arise from activities like livestock, farm dairy effluent disposal, and silage. Reverse sensitivity must not be perpetuated by regulation that has unreasonable expectations of odour arising from farming.

Relief Sought:

- That the rule is amended to provide for farming as a legitimate activity occurring in the coastal zone.

Subject matter and provision in the Plan:

4.2.6. Dust.

4.2.6.1. *The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.*

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule should recognise the practicalities of working with dust. It may not be possible to avoid, remedy, or mitigate the adverse effects of dust as a result of normal farming activities beyond the property boundary. Farmers can only do so much in dry conditions and regardless as to good management processes undertaken, dust will occur in certain weather conditions. Even livestock can raise dust and it should be accepted as part of the coastal zone. It is important that rules do not place undue restrictions on legitimate farming activities, or the operation of activities where they contribute to the social and economic wellbeing of the District.

Relief Sought:

- That the rule is amended to read:

Good management practice ~~The best practicable method~~ must be adopted to ~~avoid manage~~ dust beyond the legal boundary of the area of land on which the activity is occurring.

Subject matter and provision in the Plan:

4.3.1. Farming.

4.3.1.1. The farming must not include a dairy farm established after 9 June 2016.

Federated Farmers supports in part this rule**Summary of reasons for this submission:**

Federated Farmers supports the provision of farming as a permitted activity. We note the definition of farming includes a land based activity, having at its primary purpose the commercial production and sale of any livestock or vegetative matter. We submit that in accordance with the Proposed Hastings District Plan, the definition should also include accessory buildings. We also submit that normal farming earthworks should be recognised as part of land based primary production and included in the permitted activity rule. Although excavation is provided for under its own permitted activity rule, this is only up to 1000m³ in any two year period, and less in a ONFL. The Plan tends to treat earthworks as though it were a separate and detached activity from farming, when common earthworks associated with farming such as fence post holes, track formation, tree removal and infill around troughs and gates should be included as part of the definition of farming.

Federated Farmers opposes the exclusion of new dairy farming from the permitted activity standards. We have included a new rule below which outlines our relief sought on this.

Relief Sought:

- That farming is retained as a permitted activity with no standards.
- That earthworks ancillary to farming are permitted.

Subject matter and provision in the Plan:

4.3.2. Farm airstrip or farm helipad.

4.3.2.1. The airstrip or helipad must be integral to the use of the land on which the airstrip or helipad is located for farming.

Federated Farmers supports this rule

Summary of reasons for this submission:

Federated Farmers supports the provision for a farm airstrip or farm helipad as a permitted activity. We consider it may be more appropriate that the airstrip or helipad is ancillary to the primary production on the land.

Relief Sought:

- That the standard is amended to read:

7. 4.3.2.1 *The airstrip or helipad must be ~~integral~~ ancillary to the use of the land for primary production on which the airstrip or helipad is located ~~for farming~~.*

Subject matter and provision in the Plan:

4.3.4. Temporary building or structure, or unmodified shipping container.

4.3.4.1. For a temporary building or structure, or an unmodified shipping container, ancillary to a building or construction project the building, structure or container must not:

(a) exceed 40m² in area;

(b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser. 4.3.4.2. A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.

4.3.4.3. A temporary building or structure, or unmodified shipping container, on site for a purpose other than those specified in Standard 4.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 4.2.1.3 and 4.2.1.10.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Farmers often use shipping containers for storage of materials, woodsheds, and as workshops and shelters. These are legitimate uses of shipping containers and should not be subject to the need for a resource consent when they are on site for over one month.

Unlike smaller lifestyle blocks closer to town, rural landowners are often in far flung back roads and on large blocks of land where the structure or unmodified shipping container is unlikely to be seen by others. It is not clear what resource management issue is trying to be solved by this rule, or how the standards detailing the location between the front boundary and the dwelling will affect rural landowners.

Federated Farmers submits that these standards do not apply to shipping containers and the requirement for them to not be within the front boundary and the dwelling is removed.

Relief Sought:

- That the rule is amended to read:

4.3.4.1 *For a temporary building ~~or structure, or an unmodified shipping container~~, ancillary to a building or construction project the building, ~~structure or container~~ must not:*

(a) exceed 40m² in area;

(b) remain on the site for longer than the duration of the project or 12 months, whichever is the lesser.

~~4.3.4.2 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 (such as the storage of goods or materials, or a gala, market or public meeting) must not remain on site longer than 1 month.~~

~~4.3.4.3 A temporary building or structure, or an unmodified shipping container, on site for a purpose other than those specified in Standard 3.3.4.1 must not be located between the front boundary and the dwelling, and must also comply with Standards 3.2.1.4 and 3.2.1.12.~~

Subject matter and provision in the Plan:

4.3.6. Commercial forestry replanting.

4.3.6.1. Replanting must not be in, or within:

- (a) 8 metres of a river (except an ephemeral river) or lake;
- (b) 8m of a Significant Wetland;
- (c) 30 metres of the coastal marine area.

4.3.6.2. Replanting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of commercial forestry replanting as a permitted activity, however are concerned to see planting in the Coastal Environment requires a discretionary resource consent. We will address this concern later in our submission. With regards to the standards applied to replanting, legally established forestry has existing use rights and therefore all standards under this rule should be deleted.

Relief Sought:

- That permitted activity status is retained for the replanting of commercial forestry, with no standards.

Subject matter and provision in the Plan:

4.3.7. Woodlot forestry planting.

4.3.7.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);

(f) Mountain or dwarf pine (*Pinus mugo*);

(g) Corsican pine (*Pinus nigra*).

4.3.7.2. Planting must not be in, or within:

(a) 30m of a formed and sealed public road;

(b) 8m of a river (except an ephemeral river) or lake;

(c) 8m of a Significant Wetland;

(d) 200m of the coastal marine area;

(e) Steep Erosion-Prone Land, unless replanting harvested woodlot forest lawfully established.

4.3.7.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers notes that as defined in the proposed Plan, woodlot forestry will include any trees planted for non-commercial purposes, including for the purposes of erosion control, use for firewood, shelterbelts and along riparian margins. On this basis we can see no purpose for rules that dictate the planting of woodlot forestry. Rules are supposed to respond to a resource management problem, and there are no adverse effects that Federated Farmers is aware of that requires the regulation of the planting of trees for non-commercial use. Federated Farmers accordingly submits that all polices, provisions and definitions relating to woodlot forestry are deleted.

Relief Sought:

- That all provisions relating to woodlot forestry are deleted from the Plan.

Subject matter and provision in the Plan:

4.3.8. Woodlot forestry harvesting.

4.3.8.1. Harvesting must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing) or lake, except where the trees being harvested were lawfully established prior to 9 June 2016 (this exception does not apply to excavation);

(b) 8m of a Significant Wetland;

(c) 200m of the coastal marine area. 4.3.8.2. Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.8.3. No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.

4.3.8.4. No excavation must occur on any land with a slope greater than 35°.

4.3.8.5. Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.

- 4.3.8.6. Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.
- 4.3.8.7. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.8.8. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 4.3.8.9. Trees, slash and soil debris must:
- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 4.3.8.10. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.8.11. Harvesting must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area, as measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale.
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the harvesting site.
 - (c) the change in reflectance must be <50%.
- 4.3.8.12. Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers notes that as defined in the proposed Plan, woodlot forestry will include any trees planted for non-commercial purposes, including for the purposes of erosion control, use for firewood, shelterbelts and along riparian margins. On this basis we can see no purpose for rules that dictate the planting of woodlot forestry. Rules are supposed to respond to a resource management problem, and there are no adverse effects that Federated Farmers is aware of that requires the regulation of the planting of trees for non-commercial use. Federated Farmers accordingly submits that all polices, provisions and definitions relating to woodlot forestry are deleted.

Relief Sought:

- That all provision relating to woodlot forestry are deleted from the Plan.

Subject matter and provision in the Plan:

4.3.9. Conservation planting.

4.3.9.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga Menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*).

4.3.9.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

4.3.9.3. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate for conservation planting and carbon sequestration forestry planting to be managed through regulation in the Plan, and accordingly submit that all provisions and associated definitions including that for conservation planting are deleted.

Relief Sought:

- That all provisions relating to conservation planting are deleted from the Plan.

Subject matter and provision in the Plan:

4.3.10. Indigenous vegetation clearance.

4.3.10.1. Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.11 (inclusive).

4.3.10.2. The clearance of indigenous vegetation in the following circumstances is exempt from Standards 4.3.10.3 to 4.3.10.6 (inclusive):

- (a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
- (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
- (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
- (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
- (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.

4.3.10.3. Clearance of indigenous vegetation must not occur:

- (a) on a Threatened Environments – Indigenous Vegetation Site;
 - (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.
- 4.3.10.4. Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
 - (b) coastal grassland;
 - (c) coastal flaxlands;
 - (d) coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (*Phormium cookianum*);
 - (e) coastal broadleaved shrubland;
 - (f) coastal small-leaved shrubland;
 - (g) coastal salt turf;
 - (h) coastal speargrass herbfield.
- 4.3.10.5. Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

4.3.10.6. Clearance of indigenous vegetation, per Computer Register, must not exceed:

- (a) 2,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (b) 10,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed: (i) 500m² of indigenous sub-alpine vegetation;
- (ii) 100m² of tall tussock of the genus *Chinochloa*.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that seventeen standards for indigenous vegetation clearance is excessive and a significant burden on landowners. The standards should be amended so that only the key matters likely to cause an adverse effect are addressed. The provisions for indigenous vegetation clearance should not apply to scattered trees or regrowth within pasture, as per our submission on the definition of indigenous vegetation.

- Exemptions from indigenous vegetation clearance standards

Farmers have an expectation that the Council will allow them to maintain their productive pasture. Federated Farmers understands that council has introduced these exemptions as a way of meeting that expectation. The standard provides for permitted clearance of manuka, kanuka, tauhinu, bracken fern and silver tussock, which has grown naturally from previously cleared land where the regrowth is less than twenty years in age.

Farmers have clearance schedules that may have a cycle of many years as they clear one section of the farm at a time on a revolving basis, but other factors such as natural disaster may forestall clearance for several years due to financial prioritising, or market forces may mean that it is uneconomic to keep land clear for years. It is important that farmers can maintain their pasture from the threat of regenerating Manuka, kanuka, tauhinu, bracken fern and silver tussock. Federated Farmers submits that a time for growth does not need to be set.

The three District Councils in the Wairarapa were comfortable that the suite of provisions and incentives provided in their combined district plan were enough to ensure RMA requirements were being met. That coupled with a lack of identified risk for wholesale clearance resulted in the permitted clearance of kanuka, manuka and tauhinu species without extra standards or thresholds being applied to the clearance activity. Federated Farmers considers the suite of provisions and incentives along with the lack of identified risk puts Council in a position to seriously consider adopting the same approach.

Federated Farmers supports the exemption for the maintenance of an existing road, forestry road, harvesting track or farm track and considers this same exemption should also apply to maintenance of fence lines. In addition Federated Farmers notes that the following exemptions should also apply, in line with Otorohanga's approach to indigenous vegetation clearance: Avoiding danger to human life or existing buildings / structures; Avoiding risks to the safe and efficient operation of existing network utility operations and existing electricity generation activities; Management of fire risk; Stream / river crossing formation and maintenance; Formation and maintenance of farm drains; To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010; Construction and maintenance of fences; Maintaining existing tracks; Gathering of plants in accordance with Maori customs / values; Installing a bait station network; and Undertaking plant pest management activities.

- Threatened Environment overlay

Federated Farmers opposes the Threatened Environments overlay and submits this is deleted from the planning maps. We assume that the reference to Ecologically Significant Marine sites means that clearance cannot happen within 20m of the mean high tide mark, however this should be made clear to the Plan user.

- Clearance of indigenous vegetation within the coastal environment

Standard 4 specifies a range of grassland species that cannot be cleared. Federated Farmers considers this goes beyond the scope of the NZCPS requirements in policy 11, Indigenous biological diversity. It is not clear whether these species includes grazing of these grasses by stock that may be in the coastal environment. Federated Farmers considers that the provisions should not capture these grasses if they are grazed by stock.

- Vegetation clearance limits

Federated Farmers appreciates and supports the intention to preserve indigenous vegetation, and agree there should be reasonable limits with a permitted activity approach with these limits. However, the protection of indigenous vegetation on private land should strike a balance between ensuring species are appropriately protected while providing for reasonable use of that land.

The clearance limits do not take into account the amount of indigenous vegetation that is protected by the farm business, whether through stock exclusion or goat control, which for many farmers is large parts of their property. Nor does a clearance limit take an overall farm approach of balancing protection of vegetation with clearing of vegetation for business viability. Federated Farmers submits that the vegetation clearance limits as proposed are much too small for a large property, and submits that a percentage per hectare approach

could be beneficial, rather than a set limit that applies to a property of any size. Indigenous vegetation clearance limits need to be increased.

Relief Sought:

- That the indigenous vegetation clearance limits are increased to more appropriately allow for farming in the coastal environment.
- That the rule is amended to read:
 - 4.3.10.1. *Indigenous vegetation clearance must comply with Standards 4.3.11.1 to 4.3.11.11 (inclusive).*
 - 4.3.10.2. *The clearance of indigenous vegetation in the following circumstances is exempt from Standards 4.3.10.3 to 4.3.10.6 (inclusive):*
 - (a) *indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;*
 - (b) *indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;*
 - (c) *indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;*
 - (d) *where the clearance is associated with the maintenance of a fence line, an existing road, forestry road, harvesting track or farm track;*
 - (e) *where the clearance is ~~on a Threatened Environments — Indigenous Vegetation Site and the clearance is within~~ the curtilage of a dwelling.*
 - (f) *Avoiding danger to human life or existing buildings / structures;*
 - (g) *Avoiding risks to the safe and efficient operation of existing network utility operations and existing electricity generation activities;*
 - (h) *Management of fire risk;*
 - (i) *Stream / river crossing formation and maintenance;*
 - (j) *Formation and maintenance of farm drains;*
 - (k) *To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010;*
 - (l) *Construction and maintenance of fences;*
 - (m) *Maintaining existing tracks;*
 - (n) *Gathering of plants in accordance with Maori customs / values;*
 - (o) *Installing a bait station network*
 - (p) *Undertaking plant pest management activities.*
 - 4.3.10.3. *Clearance of indigenous vegetation must not occur:*
 - ~~(a) on a Threatened Environments — Indigenous Vegetation Site;~~
 - (b) *on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.*
 - 4.3.10.4. ~~Clearance of indigenous vegetation~~ clearance *within the coastal environment must not include the following habitats/species:*

...

Subject matter and provision in the Plan:

4.3.11. Non-indigenous vegetation clearance.

- 4.3.11.1. Where clearance is by mechanical means, blading or root-raking by a bulldozer must not be used on slopes greater than 20°.
- 4.3.11.2. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.
- 4.3.11.3. Vegetation clearance must not be in, or within 8m of a Significant Wetland.
- 4.3.11.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.11.5. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.11.6. No tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake or Significant Wetland or through the coastal marine area.
- 4.3.11.7. Wheeled or tracked machinery must not be operated in or within 8m of a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.11.8. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 4.3.11.9. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 4.3.11.10. Woody material greater than 100mm in diameter and soil debris must:
 - (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river when not flowing), lake, Significant Wetland or the coastal marine area;
 - (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;
 - (c) be stored on stable ground;
 - (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.
- 4.3.11.11. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
 - (c) the change in reflectance must be <50%.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that it is not clear what is meant by non- indigenous vegetation clearance, as it is not defined in the Plan. It is unclear whether this captures forestry and woodlot forestry, adding to the provisions already laid out in earlier parts of the plan.

It is not clear what the standards for non-indigenous vegetation are intended to address. Are these to protect and regulate the removal of weeds? Federated Farmers submits that there should not be regulation imposed on the removal of non-indigenous vegetation, and accordingly this rule should be deleted from the Plan.

Relief Sought:

- That the rule is deleted from the Plan

Subject matter and provision in the Plan:

4.3.12. Cultivation.

- 4.3.12.1. On all slopes greater than 20° cultivation must be parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour.
- 4.3.12.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.
- 4.3.12.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.
- 4.3.12.5. On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.
- 4.3.12.6. Cultivation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area measured as follows:
 - (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;
 - (c) the change in reflectance must be <50%.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of cultivation as a permitted activity. Federated Farmers submits that the standards should be amended to focus on conditions for practical application and proportionate with effects. Federated Farmers supports set-backs from waterways for cultivation to reduce sedimentation and loss of top-soil, but disagree with the

extent of those proposed. There is a significant amount of land that would not be able to be worked for crops, even those crops that are fast growing and would not be used for intensive winter grazing. We submit that the standards should be amended to reflect practical attention on the key issues that have the potential to cause adverse effects.

Relief Sought:

- That the rule is amended to read:

~~4.3.12.1. On all slopes greater than 20° cultivation must should be undertaken parallel to the contour of the land, except that up to 15% of the cultivated area may be cultivated at an angle to the contour where reasonably practical.~~

~~4.3.12.2. On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.~~

~~4.3.12.3. On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or coastal marine area.~~

~~4.3.12.4. Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary.~~

~~4.3.12.5. On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the cultivation taking place.~~

~~4.3.12.6. Cultivation Any run off to a surface water body must not cause any conspicuous change in the colour or visual clarity of a flowing river after beyond the zone of reasonable mixing, or a Significant Wetland, lake or the coastal marine area measured as follows:~~

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the cultivation site;~~

~~(c) the change in reflectance must be <50%.~~

Subject matter and provision in the Plan:

4.3.13. Excavation.

4.3.13.1. Excavation in excess of 1000m³ must not occur on any land with a slope greater than 20° within any 24 month period.

4.3.13.2. Excavation must not occur on any land with a slope greater than 35°.

4.3.13.3. Excavation must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;

(b) 8m of a Significant Wetland;

(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.

- 4.3.13.4. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.13.5. Excavation must not be within a Level 2 or 3 Flood Hazard Area.
- 4.3.13.6. There must be no excavation in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.13.7. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.13.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 4.3.13.9. Water control measures and sediment control measures must be designed, constructed and maintained in a area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 4.3.13.10. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
 - (c) the change in reflectance must be <50%.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the intention to provide for excavation as a permitted activity without any earthworks limits, where the property is not within an ONL identified in standard 8 or the activity is not occurring on a slope.

- Slope

Federated Farmers notes restrictions on excavation with regards to slope, regardless of soil type. We are unsure whether this is to mitigate effects on visual amenity or soil erosion. It is not clear, for standard 1, what area is taken in. Is this supposed to apply per property or per computer register?

The provision of a limit of 1000m³ on land over 20 degrees over a 24 month period is too small for farmers to be able to conduct regular farming activities which often require work on slopes greater than 20 degrees. Earthmoving activities include cropping and ploughing, digging silage pits, effluent ponds and offal pits, forming and maintaining tracks and races, obtaining aggregates on farm to use around troughs and gates, excavation to maintain or lay water pipes to troughs, and tidying up slips. Farmers often carry out this work all at once when they hire an earthmoving contractor, but then carry out no earthworks for a few years afterwards. This makes setting an annual or biannual limit impractical. These earthworks activities also have minor effects and are part of farming operations and should be anticipated in a rural environment.

Federated Farmers considers that earthworks ancillary to farming should be permitted with no volume limits. As a comparison, Franklin District has expressly excluded earthworks associated with farming and forestry from the Earthworks Rule 15.5.2.3 in recognition that these activities are expected to occur in the Rural Zone. Waikato District allows for earthworks in the Rural Zone for the construction and/or maintenance of farm tracks, fences and farm drains with no volume or area limit in Rule 25.25.1 (which has been resolved during *Federated Farmers v Waikato District Council ENV-2007-AKL-000051*). We urge Marlborough to adopt the same approach. Hastings also increased their earthworks limits from 1,000m³ to 2,000m³ per hectare of land following hearings on earthworks.

Federated Farmers is concerned that requiring a consent for any slope over 35 degrees will target land where farm tracking will be most needed. This means that any farmer needing to maintain his farm tracks at the back of a hill country or high country block will need a resource consent. We submit that standard 2 is deleted, or alternatively that farm tracking should be exempt from any slope limits.

- Flood Hazard Area

Federated Farmers opposes the exclusion of excavation within a Flood Hazard 2 or 3 area from the permitted activity standard. The Flood Hazard 2 Area takes in vast areas of land across the District, effectively preventing farmers from doing any earthworks without a consent. Excavation are essential for many farming activities, including the making of silage pits, farm dumps, ofal pits, along with regular activities including the maintenance of farm races and filling around troughs.

- Outstanding Natural Features and Landscapes

Many ONLs are identified over farms, and earthworks are a normal part of farming, then these should be considered appropriate for that farmed landscape and enabled. The volume limit of only 500m³ within ONLs will not enable farmers to maintain existing tracks, fences and drains as a permitted activity, let alone formation of new activities.

Relief Sought:

- That the rule is amended to read:

4.3.13.1. Excavation in excess of 42000m³ must not occur on any hectare of land with a slope greater than 20° within any 124 month period.

~~*4.3.13.2. Excavation must not occur on any land with a slope greater than 35°.*~~

4.3.13.3. Excavation must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;

(b) 8m of a Significant Wetland;

(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that must not exceed 15% of the distance between the landward toe of the stopbank and the excavation.

4.3.13.4. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

~~*4.3.13.5. Excavation must not be within a Level 2 or 3 Flood Hazard Area.*~~

- 4.3.13.6. excavation for formation and maintenance of farm tracks, races, fences and drains located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.13.7. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.
- 4.3.13.8. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 4.3.13.9. Water control measures and sediment control measures must be designed, constructed and maintained in a area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of any culvert used to drain excavation must not be less than 300mm.
- 4.3.13.10. Excavation must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in any Significant Wetland, lake or the coastal marine area, measured as follows:
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
- ~~(c) the change in reflectance must be <50%.~~

Subject matter and provision in the Plan:

4.3.14. Excavation or filling within the National Grid Yard.

- 4.3.14.1. Excavation within the National Grid Yard in the following circumstances is exempt from Standards 4.3.14.2 to 4.3.14.5 (inclusive):
- (a) Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;
- (b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;
- (c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation.
- 4.3.14.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.
- 4.3.14.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.
- 4.3.14.4. The excavation must not compromise the stability of a National Grid Support Structure.
- 4.3.14.5. The filling must not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the exemption for excavation undertaken as part of agricultural cultivation, or repair and sealing of a farm track. It would be useful if for clarity, horticultural

cultivation and repair of a forestry track could be included in these permitted activity standards, to be consistent with the definition of farming.

We support the use of permitted activity standards for the excavation of a vertical hole for a farm fence, however as written fences can only be built if they are more than 5m, from the visible outer edge of a tower support structure foundation and 1.5m from the outer edge of a pole support structure or stay wire. Federated Farmers considers they should be enabled within this distance where they do not compromise the stability of a national grid support structure.

Federated Farmers considers it would be appropriate to include the distances or ground to conductor clearance rather than refer to the NZ Electrical Code of Practice. We have provided the distances in the relief sought below.

Relief Sought:

- That the rule is amended to read:

4.3.14.1. Excavation within the National Grid Yard in the following circumstances is exempt from Standards 4.3.14.2 to 4.3.14.5 (inclusive):

(a) Excavation that is undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;

(b) Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from the outer edge of a pole support structure or stay wire;

(c) Excavation of a vertical hole, not exceeding 500mm in diameter, that is a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation. 4.3.14.2. The excavation must be no deeper than 300mm within 6m of the outer visible edge of a Transmission Tower Support Structure.

4.3.14.3. The excavation must be no deeper than 3m between 6m and 12m of the outer visible edge of a Transmission Tower Support Structure.

4.3.14.4. The excavation must not compromise the stability of a National Grid Support Structure.

4.3.14.5. The filling must not result in a reduction in the ground to conductor clearance distances of less than: 6.5m (measured vertically) from a 110Kv National Grid transmission line; or 7.5m (measured vertically) from a 220kV National Grid transmission line as required in Table 4 of the New Zealand Electrical Code of Practice (NZECP34:2001).

Subject matter and provision in the Plan:

4.3.15. Filling of land with clean fill.

4.3.15.1. The filling must not use commercial clean fill.

4.3.15.2. Filling in excess of 1000m³ must not occur within any 24 month period.

4.3.15.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.

4.3.15.4. Fill must not be within a Level 2 or 3 Flood Hazard Area.

- 4.3.15.5. There must be no filling in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.
- 4.3.15.6. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 4.3.15.7. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.
- 4.3.15.8. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.
- 4.3.15.9. Filling must not be in, or within:
- (a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;
 - (b) 8m of, a Significant Wetland;
 - (c) 8m of the landward toe of a stopbank.
- 4.3.15.10. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.
- 4.3.15.11. Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:
- (a) hue must not be changed by more than 10 points on the Munsell scale;
 - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;
 - (c) the change in reflectance must be <50%.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Cleanfill material is often used on farms, like gravel for the base of dairy races, around troughs and gateways to prevent mud, or to maintain farm access tracks. Minerals are also used, like limestone for the wearing course layer of a dairy race. Cleanfill and minerals used for normal farming activities should be exempt from this rule. It appears this is the case from the proposed definition of cleanfill and these circumstances should remain exempt.

Federated Farmers is unsure why the use of commercial clean fill requires discretionary resource consent.

We are unsure why clean fill can not be utilised within a Level 2 or 3 Flood Hazard Area. It may be utilised to increase the height of land to reduce flooding susceptibility.

We are unsure what adverse effect that cleanfill may have on ONLs that warrant it's restriction to only 500m³. This will not enable normal farming activities that will be consistent with the amenity values that already exist on those ONLs which are farmed. Cleanfill used for maintain tracks, races and around troughs will not have a negative impact on ONL values.

Relief Sought:

- That the rule is amended to read:

4.3.15.1. The filling must not use commercial clean fill.

4.3.15.2. Filling in excess of 1000m³ must not occur within any ~~24~~12 month period.

~~4.3.15.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.~~

~~4.3.15.4. Fill must not be within a Level 2 or 3 Flood Hazard Area.~~

~~4.3.15.5. There must be no filling in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.~~

4.3.15.6. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

4.3.15.7. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain fill areas must not be less than 300mm.

4.3.15.8. When the filling has been completed the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.

4.3.15.9. Filling must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;

(b) 8m of, a Significant Wetland;

(c) 8m of the landward toe of a stopbank.

4.3.15.10. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

4.3.15.11. Filling must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or the coastal marine area measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site;

~~(c) the change in reflectance must be <50%.~~

Subject matter and provision in the Plan:

4.3.18. Construction of an off-river dam.

The construction of a dam does not authorise the taking, use, damming or diversion of water, rules for these activities are in the General Rules.

4.3.18.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.

4.3.18.2. The dam must not intersect the groundwater.

- 4.3.18.3. The dam must not be located in, or within 8m of, a Significant Wetland.
- 4.3.18.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.
- 4.3.18.5. The construction must comply with the Permitted Activity standards for Excavation, Filling, Indigenous Vegetation Clearance and Non-Indigenous Vegetation Clearance in the Coastal Environment Zone.
- 4.3.18.6. The dam walls must comply with the setbacks for buildings in Standards 4.2.1.3 and 4.2.1.10.

Summary of reasons for this submission:

Federated Farmers supports the permitted status of off-river dams. Many farms have dams for the purpose of stock water, providing an alternative to stock using a natural flowing waterway for drinking.

We are unclear how this rule will interact with general rules (particularly 2.3.16) because it seems counter-intuitive that this permitted rule for construction of the dam doesn't also provide for taking, use, damming or diversion of water, it seems that this rule is only providing for the ability to dig a hole in the ground. A dam should be a single activity and the construction, taking, use, damming and diversion of water in the dam should all be aspects of the same activity managed by a single rule.

Relief Sought:

- That farm dams up to 20,000m³ are permitted, and that the construction, taking, use, damming and diversion of water in the dam are managed by a single rule

Subject matter and provision in the Plan:

- 4.3.19. Land disturbance to create and maintain a fire break.
- 4.3.19.1. Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after completion of the land disturbance.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

However despite this rule, in reality a fire break cannot be constructed as a permitted activity because the indigenous vegetation and non-indigenous clearance rules impose so many other restrictions. The most likely location for a firebreak is in vegetation where the fire risk is, so land disturbance without vegetation removal won't happen. Firebreaks are not constructed on bare ground or pasture.

Relief Sought:

- That firebreaks involving both land disturbance and vegetation (indigenous and non-indigenous) clearance are permitted.

Subject matter and provision in the Plan:

4.3.20. Livestock entering onto, or passing across, the bed of a river.

4.3.20.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.

4.3.20.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;
- (c) the change in reflectance must be <50%.

4.3.20.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:

- (a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);
- (b) dissolved reactive phosphorus;
- (c) dissolved inorganic nitrogen;
- (d) Escherichia coli (E. coli).

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits in support of the permitted status of stock entering and passing across the bed of a river. Livestock crossing is important to get them from one side to the other and will be particularly important where farmers have fenced off waterways or where a farm is bisected by rivers and streams. We note that permitted status excludes intensively farmed stock, which is defined as being cattle or deer which are grazed on irrigated land or breakfed, and dairy cattle. Unfortunately this rule does not take into account the limited adverse effects of stock crossings, which by their nature are often short in duration and infrequent in occurrence. Federated Farmers opposes Standard 1 and the exclusion of these animals from crossing a river as a permitted activity standard. Until work has been completed on the cause and effect of water quality concerns within those catchments designated for Catchment Enhancement Plans, widespread regulation of stock access should be avoided.

- The definition of river

Federated Farmers submits that the use of the definition of river from the Act means the definition of river is broad and encompassing. As defined in the act, river means a *continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)*. This means that this rule applies to the movement of livestock across any continually or intermittently flowing body of freshwater including a stream or modified water course.

- Dairy cattle

While the dairy industry through non-regulatory methods have taken great lengths to reduce the number of dairy cattle having access to rivers, there are some circumstances where there are practical difficulties to fencing stock out of waterbodies. In Marlborough, the nature of ephemeral rivers means that there are rivers that may have water in them at only limited times during the year, and it is not economical to fence or design crossings for such limited use. This rule would mean that dairy farmers would not be able to use significant parts of their farm. The nature of heavy rainfall events on ephemeral rivers also means that placing a culvert or crossing to move stock is not always appropriate, as this can be easily shifted or washed away with each rainfall event. Therefore we believe it is appropriate that a permitted activity status is provided for dairy cattle that are being crossed only intermittently where it is impractical to construct crossings and bridges.

In addition to the access of dairy cattle to waterways on the milking platform, the rule as it is proposed will unnecessarily limit the ability of farmers to winter their dairy cattle off the platform. We have heard from many farmers who will not be able to take on of-season dairy grazing due to the significant cost of fencing their run off blocks, or who will lose the ability to send their cattle off to a run off block during the winter months.

- Grazed on irrigated land or contained for breakfeeding of winter feed crops

Breakfeeding and grazing by deer and cattle on irrigated land are pastoral farming methods, and should not be considered intensive farming. The permitted baseline will allow for cattle and deer that are not on irrigated land or breakfed to cross, with the understanding that it is an activity that will allow people and communities to provide for their wellbeing and will have minor adverse effects. A cattle beast that has been breakfed will not have an adverse effect any greater than a cattle beast that has not. Cattle are recommended to have no more than 70% of their diet being forage crops; it is not good practice to allow stock to go with insufficient fibre as this reduces absorption of nutrients. Animal health is already an incentive for farmers to reduce the liquidity of animal faeces, if this is the effect that Council is concerned about.

Federated Farmers notes that this rule prevents all cattle and deer grazed on irrigated land and breakfed for winter feedcrops having access to waterways, regardless of the duration or occurrence of the activity. The rule does not distinguish between ongoing access to waterways where wallowing may occur, and briefer short duration movements of stock across the bed of the river.

Water quality standards will be sufficient to manage adverse effects that the Council is concerned about, so there is no need to single out particular types of livestock that cannot cross as permitted.

- Adverse events

Heavy rainfall events can occur suddenly and stock may need to be moved to a different paddock, requiring the crossing of stock through a waterway. For the welfare of all livestock, this needs to be provided for without requirement for a resource consent. During these times stock cannot be expected to meet the proposed Plan's permitted activity standards due to the nature of a high rainfall event causing changes to the colour and visual clarity.

- Water quality standards

It is important that any water quality standards used within the Plan are practical and easy for resource users to understand and know whether or not they can comply. With regard to standards 2(a) and (b) and Standard 3, it will be impossible for a farmer to know if they are compliant with this rule. We submit that these standards are deleted from the Plan.

Relief Sought:

- That the rule is amended to read:

4.3.20. Live stock entering onto, or passing across, the bed of a river.

4.3.20.1. The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river, except in the following circumstances:

4.3.20.1.1 where stock crossing occurs occasionally as part of grazing rotation, or

4.3.20.1.2 to access other areas of a farm that are separated by the waterbody, or

4.3.20.1.3 where the crossing is necessary for stock safety, or

4.3.20.1.4 where there are practical difficulties constructing a bridge or culvert;

4.3.20.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;~~

~~(c) the change in reflectance must be <50%.~~

~~4.3.20.3 After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following:~~

~~(a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter);~~

~~(b) dissolved reactive phosphorus;~~

~~(c) dissolved inorganic nitrogen;~~

~~(d) Escherichia coli (E. coli).~~

Subject matter and provision in the Plan:

4.3.21. Application of an agrichemical into or onto land.

4.3.21.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.

4.3.21.2. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.

4.3.21.3. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

4.3.21.4. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

4.3.22. Application of fertiliser or lime into or onto land.

4.3.22.1. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.

4.3.22.2. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.

4.3.22.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.

4.3.22.5. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards, and therefore as a first preference, this rule should be deleted.

Federated Farmers is unsure for the reasons of lime being captured by this rule. This rule should be amended so that it only applies to fertiliser. This does not reflect the focus of the RMA in which rules are meant to be effects based.

Standard 1 specifies that fertiliser must be stores on an impermeable, bunded surface and covered at all times. Often fertiliser will sit in a hay shed or other farm shed, where it may not be on impermeable surface. Federated Farmers suggests that it would be more appropriate to defer to the HASNO requirements than to specify the manner of storage which will be impractical for a farmer to follow.

Relief Sought:

- That the rule is amended to read:

- ~~4.3.22.1. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.~~
- 4.3.22.2. The application must not result in the fertiliser being intentionally deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.
- 4.3.22.3. Total cumulative nitrogen (N) loading from the application of fertiliser on the areal extent of land used for the application must not exceed 200 kg N/ha/year ~~(excluding N from direct animal inputs).~~
- 4.3.22.4. The application must not occur when the soil moisture exceeds field capacity.
- 4.3.22.5. ~~All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime must not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.~~ practical measures are taken to minimise fertiliser drift beyond the target area.

Subject matter and provision in the Plan:

4.3.24. Application of compost or solid agricultural waste into or onto land.

4.3.24.1. The application must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland or drainage channel;
- (c) 10m of a dwelling on any adjacent land in different ownership.

4.3.24.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

Federated Farmers opposes this rule

Summary of reasons for this submission:

We assume that solid agricultural waste is an alternative reference for grape marc. Federated Farmers submits that this rule is deleted, because adverse effects of grape marc being fed out to livestock on water quality are de minimus.

Grape marc is not *applied to land*, it is fed out for the purpose of being eaten by livestock. There is no risk to water quality from this activity and no need to regulate it.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.3.25. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

4.3.25.1. The discharge must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland or drainage channel;

(c) 10m of the boundary of any adjacent land in different ownership. 4.3.25.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.

- 4.3.25.3. The discharge must not occur when the soil moisture exceeds field capacity.
- 4.3.25.4. Ponding must not be detectable beyond 24 hours after the discharge.
- 4.3.25.5. The discharge must not result in anaerobic soil conditions.
- 4.3.25.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).
- 4.3.25.7. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.
- 4.3.25.8. Records of pH levels must be kept and available upon request by the Council.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule is unclear as to what activity it is intended to manage. The definition is no help as it only gives information about moisture content which will be difficult for resource users to determine in the field.

If the rule is intended for grape marc as livestock feed, then the rule needs to say this. However as per our submission for the silage rule 3.3.25 above, where grape marc is being fed out to stock it will have de minimus effects on water quality because it will not be sitting in situ for long. It will not be wasted by being allowed to wash into waterways, as stock feed is considered a valuable resource.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

4.3.26. Discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland.

- 4.3.26.1. Pest Plants identified in the Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.
- 4.3.26.2. The aquatic herbicide used must be one approved for aquatic use by the Environmental Protection Authority.
- 4.3.26.3. The application must be undertaken in accordance with the manufacturer's instructions.
- 4.3.26.4. The application rate must not exceed that stated on the most recent product label for the relevant application equipment or method and target species.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the permitted status herbicide for removing pest plants in a Significant Wetland. However, the use of Appendix 25 is a poor execution of this good intent, as it only includes a short number of species of pest plants.

Federated Farmers considers that the removal of pest plants should be supported, however it is inappropriate for Council to develop a short list of pest plants that can be removed,

without acknowledging that different ecosystems and areas of the region will be subject to different threats. These pest species may also change with time and the Plan risks locking these in. It would be more appropriate to allow landowners to remove exotic species from these areas than to specify what species can be removed, recognising there may be omissions.

In any case, Federated Farmers submits that aquatic herbicides are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and have to apply to the EPA for permission to use aquatic herbicides, and therefore this rule should be deleted.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.3.27. Discharge of dairy farm effluent into or onto land.

4.3.27.1. The discharge must not occur within:

- (a) 50m of a bore;
- (b) 20m of a river, lake, Significant Wetland or drainage channel;
- (c) 10m of the boundary of any adjacent land in different ownership.

4.3.27.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.

4.3.27.3. The discharge must not occur when the soil moisture exceeds field capacity.

4.3.27.4. Ponding must not be detectable beyond 24 hours after the discharge.

4.3.27.5. The discharge must not result in anaerobic soil conditions.

4.3.27.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).

4.3.27.7. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be certified by a recognised professional as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system.

4.3.27.8. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.

4.3.27.9. For a new dairy farm established after 9 June 2016, the storage system must not be located within:

- (a) 20m of a river, lake, Significant Wetland or drainage channel;
- (b) 20m of the boundary of any adjacent land in different ownership;

(c) a Flood Hazard Area. 4.3.27.10. From 9 June 2019, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

- Discharge system

Federated Farmers opposes standard 2 that specifies a high rate discharge system must not be used to discharge into land with an average slopes of 7 degrees or greater. Prescriptive plans that intervene in aspects of operation or design, regardless of on-farm risk, are opposed because they can result in confusion and wasted investment in systems that do not properly manage adverse environmental effects. Effluent can be applied at a high rate by a slurry tanker, with little risk if applied at a low depth.

The standard is not practical for use in the paddock. We are unsure how a farmer is supposed to determine whether or not they meet the standard. How is the average slope to be measured? Is it per paddock or per farm? A farmer will not know whether a slope is over of under the 11.3 degrees.

- Ponding and anaerobic soil conditions

Federated Farmers supports the provision of good effects based conditions, such as standard 4, that ponding must not be detectable beyond 24 hours. Standard 6 refers to the discharge must not result in anaerobic soil conditions. It is not clear what is meant by anaerobic soil conditions, as the term has not been defined within the Plan. It is assumed that saturated soil will be anaerobic. This doubles up with standards 3 and 4, for little discernible benefit. There are also enforceability issues with this standard. Federated Farmers is unclear how is one to know an application is not going to breach this criteria, making it difficult for both farmers and Council to apply in the field. Avoidance of anaerobic conditions caused by wastewater discharges is already managed by prior standards, when farmers do not discharge during field capacity or at a rate that causing significant ponding. We submit accordingly that the standard is deleted.

- Cumulative Nitrogen

Standard 7 refers to a total cumulative nitrogen loading. Federated Farmers is unclear as to what the purpose of the rule suite is: is the purpose to manage adverse effects of nutrient leaching on the life-supporting capacity of waterways; or is the purpose to avoid unacceptable contamination of water for human use. Aside from being very difficult to measure, Federated Farmers submits that this is best addressed through the limit setting process that will occur in due course, not through numbers thrown into the Plan.

- On-site storage system

Many Councils now require farmers to have a pond to store effluent until soil conditions are appropriate for it to be applied to land. Climate, soil type and system design determine the size of the pond, which in turn greatly influences required performance standards and therefore cost. The common perception that 60-90 days storage will provide an appropriate 'rule of thumb' no longer stands. There are many areas that will be able to cope with a smaller pond, particularly in areas like Canterbury where free draining soils and a dry climate predominate. In other situations, such as high rainfall environments, it may not be practical to expect that farmers will store all effluent collected until soil conditions are suitable for effluent application. Marlborough has a diverse range of climatic conditions from high rainfall areas in the Rai Valley to the drier Wairau Valley, and therefore it is important that a

professional works with the landowner to determine the appropriate length of storage required.

It is noted that the storage capacity must be certified by a recognised professional. It is not clear what constitutes a recognised professional, nor is it clear what certification Council wishes to see prior to the effluent entering the storage system. We would hope that the services provided to dairy farmers through their co-operative, by Fonterra's Sustainable Dairying Advisor, would be considered as a recognised professional. Federated Farmers submits that having completed a pond storage calculation should be satisfactory for Council.

- Sealing of storage systems

Standard 8 establishes the need for the storage system to be sealed with an impermeable material. It is not clear what is meant by an impermeable material, as the term is not defined in the Plan. A term such as this should be defined to provide clarity to those landowners investing in a new storage system. For existing dairy farms, it is important that farmers have the ability to show that their systems meet the standard. Otherwise, this standard may force many existing dairy farmers in the District into having to get a resource consent, or install a new system, despite having a pond that is sufficient and posing little environmental risk. Some Councils have allowed for a drop test which provides farmers with an opportunity to prove that there is no leaking of effluent from the pond. Storage systems are a large investment and therefore Federated Farmers submits that farmers should only be required to line ponds where this is going to translate to environmental benefit.

- Storage systems in Flood Hazard Areas

Federated Farmers understands most dairy farms are located in a flood hazard area of some level, according to the planning maps. Not all of these farmers believe that the maps accurately address the flood hazard risk, an item we will address in our submission on the overlays. That aside, Federated Farmers submits that storage systems in these areas should only be avoided where there is significant risk of regular inundation. It is not appropriate to avoid locating a pond in an area where there is only a once in one hundred year event. We submit that this standard should only apply to Flood Hazard Area 4, with storage systems not permitted in these areas. This is in line with the policy approach in the Plan which is to focus on the risk to life and habitable structures, not farm infrastructure.

- Timeframes on standards for existing dairy farms

The investment in on site storage systems is a significant cost for farmers. Federated Farmers submits that the application of storage system standards to existing dairy farms should be three years from the Plan becoming operative, as opposed to the date of notification of the Plan. The planning process may take a number of years to get through and during this time the permitted activity standards may change, therefore we submit that farmers should be allowed three years from the date of notification when these standards are then certain.

Relief Sought:

- That the rule is amended to read:
4.3.27.1. The discharge must not occur within:
(a) ~~50~~ 20m of a bore;

- (b) 20m of a river, lake, Significant Wetland or drainage channel;
- (c) 10m of the boundary of any adjacent land in different ownership.
- ~~4.3.27.2. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.~~
- 4.3.27.3. The discharge must not occur when the soil moisture exceeds field capacity.
- 4.3.27.4. Ponding must not be detectable beyond 24 hours after the discharge.
- ~~4.3.27.5. The discharge must not result in anaerobic soil conditions.~~
- ~~4.3.27.6. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200kg N/hectare/year (excluding N from direct animal inputs).~~
- 4.3.27.7. For a new dairy farm established after 9 June 2016, there must be an on-site storage system with a minimum of 3 months storage or, if less than 3 months, the storage capacity must be designed and certified by a recognised professional as being sufficient to allow for discharges to be deferred so that Standards 4.3.27.3, 4.3.27.4 and 4.3.27.5 are not breached. The certification report must be provided to the Council prior to effluent entering the storage system.
- 4.3.27.8. For a new dairy farm established after 9 June 2016, the storage system must be sealed with an impermeable material certified by a recognised professional.
- 4.3.27.9. For a new dairy farm established after 9 June 2016, the storage system must not be located within:
- (a) 20m of a river, lake, Significant Wetland or drainage channel;
- (b) 20m of the boundary of any adjacent land in different ownership;
- (c) a Level 4 Flood Hazard Area.
- ~~4.3.27.10. From 9 June 2019 three years of the Plan becoming operative, Standards 4.3.27.7, 4.3.27.8 and 4.3.27.9 apply to a dairy farm existing at 9 June 2016 and a new dairy farm established after 9 June 2016.~~

Subject matter and provision in the Plan:

- 4.3.29. Discharge of human effluent into or onto land through an onsite management system.
- 4.3.29.1. The discharge was lawfully established without Resource Consent prior to 9 June 2016.
- 4.3.29.2. The human effluent must be treated via an on-site wastewater management system which must be maintained in an efficient operating condition at all times.
- 4.3.29.3. There must be no increase in the rate of discharge due to an increased occupancy of the building(s).
- 4.3.29.4. There must be:
- (a) no ponding of effluent;
- (b) no run-off or infiltration of effluent beyond the property boundary or into a river, lake, Significant Wetland, drainage channel, groundwater or coastal water.
- 4.3.29.5. The discharge rate must not exceed 2000 litres per day, averaged over any 7 day period.
- 4.3.29.6. Effluent must be able to:
- (a) infiltrate through at least 600mm of unsaturated soil following primary treatment; or

(b) infiltrate through at least 300mm of unsaturated soil following secondary treatment.

4.3.29.7. The discharge must not occur within 50m of a bore.

4.3.29.8. The discharge must not be within a Level 2 or 3 Flood Hazard Area.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the permitted activity status for discharges from on-site wastewater systems, but considers some of the conditions are too restrictive. For example, the requirements for infiltration (4.3.29.6) unnecessarily restrict the type of system that can be installed. We also consider it is unnecessary to restrict discharges from on-site wastewater systems within the Level 2 or 3 Flood Hazard Area.

In addition, this provision needs to be reframed as 'discharges from on-site wastewater systems', rather than 'discharge of human effluent'. On-site wastewater systems will contain a range of contaminants associated with wastewater systems, for example, hand soap. It is expected that on-site wastewater systems will receive a range of normal household contaminants and this must be reflected in the discharge provisions.

Relief Sought:

- Delete clauses 4.3.29.6 and 4.3.29.8, and amend the provision so that it deals with 'discharges from on-site wastewater systems', rather than 'discharge of human effluent'.

Subject matter and provision in the Plan:

4.3.30. Disposal of farm rubbish into a pit.

4.3.30.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.

4.3.30.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.

4.3.30.3. The farm rubbish pit must not be located within:

(a) 50m of a bore;

(b) 20m of a river, lake, Significant Wetland or drainage channel;

(c) 50m of any boundary of the property or a dwelling.

4.3.30.4. Surface run-off must not enter the pit.

4.3.30.5. When a pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers supports the intention to provide for farm dumps as a permitted activity.

- Material that can be disposed of into a farm pit

We have significant concerns with standard one, however. Standard 1 only allows for biodegradable material to be disposed of in a farm rubbish pit. It does not allow for offal and carcass to be disposed of as it considers these fall under a separate rule. To address this point firstly, this would mean that all farmers need to have two pits on site rather than one pit. This is impractical, at times farmers may run one pit and this should be provided for as a permitted activity, given the standards are similar.

The rule provides for the disposal of biodegradable material into the farm pit, with all other material either requiring a resource consent to be buried on farm, or needing to be taken off the property. Marlborough is characterised by farms many kilometres and hours from rubbish disposal facilities and therefore it is not practical for farmers to be required to dispose of rubbish at these centralised facilities. We support the intention to adopt non-regulatory methods which will assist with the disposal of rural waste, however until such time as these methods are further developed and adopted, we cannot support a hard regulatory approach to rural waste. Under this standard, all farmers in Marlborough would require a discretionary resource consent.

Federated Farmers suggests that Council place greater emphasis on the development of non-regulatory options to assist landowners with the disposal of rural waste, and waste generated from primary production including baleage wrap and plastics.

- Other standards

Farmers may often have multiple properties and it is not practical to expect that they will have a farm dump on each property. Farmers should be able to bring farm rubbish sourced from any property in their ownership to the one farm dump.

Standard 5 specifies that no surface run off can enter the pit. During times of heavy rain the movement of water overland into the pit may be unavoidable. Federated Farmers suggests that this would be best addressed by specifying that only surface water cannot enter the pit. This should also be rectified by standard 3 which specifies the location of farm rubbish pits.

Relief Sought:

- That the rule is amended to read:

~~4.3.30.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.~~

4.3.30.2. Only farm rubbish sourced from the same property or a property under the same ownership must be disposed of to a farm rubbish pit.

4.3.30.3. The farm rubbish pit must not be located within:

(a) 50m of a bore;

(b) 20m of a river, lake, Significant Wetland or drainage channel;

(c) 50m of any boundary of the property or a dwelling.

4.3.30.4. Surface ~~run-off~~ water must not enter the pit.

4.3.30.5. When a pit is filled to within 0.5 m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

Subject matter and provision in the Plan:

4.3.31. Disposal of offal or a carcass into an offal pit.

4.3.31.1. The offal or carcass must be sourced from pastoral agriculture (except intensive farming) undertaken on the same property.

4.3.31.2. Only offal or a carcass may be disposed of to an offal pit.

4.3.31.3. The offal pit must not be located within:

(a) 50m of a bore;

(b) 20m of a river, lake, Significant Wetland or drainage channel;

(c) 50m of any boundary of the property or a dwelling.

4.3.31.4. The offal pit must be located above the natural ground water level at all times.

4.3.31.5. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that the use of the term intensive farming is unclear and easily conflicts with the term intensively farmed stock. We are not sure why offal or carcass from intensive farming operations, which would seem to include pig, poultry and rabbit farming, cannot be disposed of to an offal pit.

Federated Farmers notes that to meet the permitted activity standards offal must be from farming undertaken on the same property. The standards should provide for a farmer that has multiple properties to provide for burial of animals without needing multiple pits. The rule should also allow for hunters to dispose of pigs, possums and other feral animals in a farm offal pit, as this is recommended by Osprey to avoid transfer of disease. Therefore Federated Farmers submits that Standard 1 is deleted.

Federated Farmers submits that it is impractical to expect that an offal pit will be covered by an impermeable material at all times. Offal pits are often holes dug into the ground, where dead stock may be placed. To require them to be covered with a plastic sheet or tarp, or other impermeable material, is impractical. We submit that this requirement should be deleted from the rule.

Federated Farmers seeks clarification that stock can be buried without being placed into an offal pit according to these standards. To suggest that all animals be disposed of in an offal pit is not workable or practical, as there are times when an animal will perish in a far-flung paddock where bringing a tractor in is unpractical. For this we believe it is reasonable to expect that a farmer will at times be required to bury animals outside of an offal pit. We consider regulation around the burying of single animal carcasses is unnecessary as it will have little adverse effect.

Relief Sought:

- That the rule is amended to read:

~~4.3.31.1. The offal or carcass must be sourced from pastoral agriculture (except intensive farming) undertaken on the same property.~~

~~4.3.31.2. Only offal or a carcass may be disposed of to an offal pit.~~

4.3.31.3. The offal pit must not be located within:

(a) 50m of a bore;

(b) 20m of a river, lake, Significant Wetland ~~or drainage channel~~;

(c) 50m of any boundary of the property or a dwelling.

4.3.31.4. The offal pit must be located above the natural ground water level at all times.

4.3.31.5. The offal pit must be ~~completely covered by an impermeable material at all times~~
~~or otherwise~~ designed to prevent the entry of surface runoff when not in use.

Subject matter and provision in the Plan:

4.3.32. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

4.3.32.1. The pit, stack or stockpile must not be located within:

(a) 50m of a bore;

(b) 20m of a river, lake, Significant Wetland or drainage channel;

(c) 10m of any boundary of any adjacent land in different ownership.

4.3.32.2. The pit or stack must be completely covered by an impermeable material when not in use.

4.3.32.3. There must be no runoff of leachate from the pit, stack or stockpile.

4.3.32.4. Stormwater must not enter the pit, stack or stockpile.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule should be more appropriately termed the *fermentation* of compost or silage in a pit or stack, as opposed to the making of silage. The making of silage is completed in a paddock by mowing grass and then taking the grass to a pit where it is piled and covered with plastic and weighed down to encourage fermentation. Silage is a beneficial activity, as it simply involves the harvesting of grass when it's growing. Modern silage has a lower moisture content than historically, and industry research is in line with this showing the risks of leaching are minor. Federated Farmers submits that for this reason the standards relating to soil sensitive areas are not necessary.

Federated Farmers submits that it is not clear why a pit or stack needs to be 50m from a bore, or 20m from a river, lake, Significant Wetland or drainage channel. 5m is a sufficient setback from bores, rivers, and Significant Wetlands.

Federated Farmers is confused by the reference to the need to cover the pit or stack with an impermeable material when not in use. When a silage pit is not in use, it is empty and therefore a cover should not be required. When the silage pit is in use, the pit is covered by plastic and tyres that keep the silage tightly packed. This is essential to the process of making silage. The front face is open to allow the tractor bucket access to the silage. It would not be beneficial nor practical to cover and uncover this side every day when needing to access the silage to feed out to stock. Federated Farmers considers standard 4 is therefore unnecessary and is in part managed by the nature of working with silage.

Standard 3 relates to the runoff of leachate from a pit, stack or stockpile. Federated Farmers submits that this standard should focus on the run off of leachate into a waterbody. It is not clear what is meant by stormwater entering the pit or stack in this context; the standard should be deleted.

Relief Sought:

- That the rule is amended to read:

4.3.32. ~~Making~~ Fermentation of compost or silage in a pit or stack, or stockpiling agricultural solid waste.

4.3.32.1. The pit, stack or stockpile must not be located within:

(a) 50m of a bore;

(b) ~~20~~5m of a river, lake, Significant Wetland or drainage channel;

(c) ~~10m of any boundary of any adjacent land in different ownership.~~

~~4.3.32.2. The pit or stack must be completely covered by an impermeable material when not in use.~~

4.3.32.3. There must be no runoff of leachate from the pit, stack or stockpile into a waterbody.

~~4.3.32.4. Stormwater must not enter the pit, stack or stockpile.~~

Subject matter and provision in the Plan:

4.3.33. Storage of compost not in a pit or stack.

4.3.33.1. The storage of compost must not occur within:

(a) 50m of a bore;

(b) 20m of a river, lake, Significant Wetland, or drainage channel;

(c) 10m of any dwelling on any adjacent land in different ownership.

4.3.33.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that storage of grape marc is an important farming technique and should not be unnecessary constrained by regulation.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

4.3.35. Discharge of contaminants to air arising from burning in the open.

4.3.35.1. Only material generated on the same property or a property under the same ownership must be burned.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule needs to provide considerably more clarity for the Plan user. It is not clear what can be burnt under this permitted activity. It would appear any material can be burned. However, a few pages further into the Chapter there are a list of materials that are prohibited from being burnt, and therefore this rule appears to be deceptive. There is a plethora of other burning rules (which we also submit on) that this rule seems to either contradict them or be irrelevant.

Relief Sought:

- That this rule is deleted.

Subject matter and provision in the Plan:

4.5.1. Construction and siting of a building or structure exceeding 10m² on land within the Marlborough Sounds Outstanding Natural Feature and Landscape.

Matters over which the Council will exercise discretion:

4.5.1.1. The effects of the building or structure on the values of the Marlborough Sounds Outstanding Natural Feature and Landscape.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of restricted discretionary as the next step for a building not meeting the permitted activity standards in the Plan. However, the threshold of 10m² is much too small for a building or structure in the Marlborough Sounds Outstanding Natural Feature and Landscape. The Landscape is a working environment with many working farms.

Federated Farmers understands that Council will want to control land use activities that have the potential to create more than minor adverse effects on ONFLs. Federated Farmers submits that normal farming activities which may, in part, make up those ONFL values and are appropriate within the underlying zone should not be subjected to unduly onerous land use controls.

While we support a permitted provision that recognises that buildings are necessary, the building controls outlined in this rule are much too restrictive for common farm buildings that need space for storing agricultural vehicles and equipment, stock fodder or as animal shelters. Federated Farmers believes that limiting buildings to only 10m² for the ONFLs fails to recognise that these ONFLs are active farms. The very small limit will not provide for reasonable use of the resources or enable people and communities to provide for their

economic, social or cultural well being. Buildings and earthworks ancillary to land based primary production should be permitted, regardless of overlaid ONFL classification.

Relief Sought:

- That farm buildings in ONLs are permitted with no floor area limit.

Subject matter and provision in the Plan:

4.5.2. Excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting.

Matters over which the Council has restricted its discretion

4.5.2.1. The effects on water quality and soil conservation from the excavation.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

F Federated Farmers is supportive of the use of restricted discretionary rule as a graduated approach from permitted activity status. However, as per our submission on the excavation rules in the Coastal Environment Zone, the threshold for not meeting the permitted activity status is much to low and will easily capture many farming activities.

Federated Farmers submits that the restricted discretionary status is retained, however amended to reflect our relief sought for Rule 4.3.13.

Relief Sought:

- That the rule is amended to read:

Excavation in excess of 42000m³ on any hectare of land with a slope greater than 20° within any 24-12 month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities.

Matters over which the Council has restricted its discretion:

4.5.2.1. The effects on water quality and soil conservation from the excavation.

Subject matter and provision in the Plan:

4.6.3. Commercial forestry planting.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that the planting of forestry in the Coastal Environment Zone should be a permitted activity as it is in the Rural Environment Zone.

Relief Sought:

- That the planting of commercial forestry provided for in the Plan as a permitted activity.

Subject matter and provision in the Plan:

4.6.4. Commercial forestry harvesting.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that the harvesting of forestry in the Coastal Environment Zone should be a permitted activity as it is in the Rural Environment Zone.

Relief Sought:

- That the harvesting of commercial forestry is provided for in the Plan as a permitted activity.

Subject matter and provision in the Plan:

4.6.8. Dairy farm established after 9 June 2016.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers is concerned by the discretionary status applying to new dairy farms. Resource consents for dairy farming activities continue to get more complex and expensive, for applicants and Council. We consider that new or expanded dairy farming should be a permitted activity, with the requirement for the development of a farm environment plan. This would clarify the information needs of Council, and make the process more efficient and cost-effective.

We consider applying for a discretionary consent will not help to achieve good environmental outcomes that Council wants to address. The costs and energy applying for a consent will be better utilised in developing a plan for good management practice and enacting on this with practical works.

Relief Sought:

- That the rule is deleted and replaced with a permitted activity rule that reads:

New dairy farm established after 9th June 2016.

A farm environment plan detailing plans to achieve good practice management must be developed in conjunction with industry that sets out:

- (h) *measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;*
- (i) *provision, where appropriate, of a non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture;*

- (j) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;
- (k) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and
- (l) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input.

And be available to Council on request.

Subject matter and provision in the Plan:

4.6.12. Any use of land not provided for as Permitted Activity, Controlled Activity or Restricted Discretionary Activity or limited as a Prohibited Activity.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”. Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

Rules which assign a discretionary status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That the rules are amended so that any activity not listed, where it is a land use, the activity defaults to a permitted activity status.

Subject matter and provision in the Plan:

4.7.1. Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of planting on erosion-prone land. The Steep erosion prone land overlay covers extensive areas of the Marlborough region, this rule is inappropriately prohibiting a land use that has many benefits from occurring in much of the region.

Woodlot forestry is important to provide shelter and shade for livestock, soil stability, or for amenity and ecological purposes. These are activities that should not be prohibited in steep erosion prone land, and can provide many benefits and allow people and communities to provide for their wellbeing. We seek permitted status for all woodlot forestry and that it is including in the definition of farming.

We also oppose any provisions for commercial forestry because this will be managed by the National Environment Standards –Plantation Forestry, which is intended to replace councils' existing district and regional plan rules for managing plantation forestry and provide a nationally consistent approach.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.7.2. The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.

Federated Farmers opposes this rule**Summary of reasons for this submission:**

Federated Farmers opposes the prohibited status of harvesting of commercial forestry or woodlot forestry on land identified as Steep Erosion Prone Land.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.7.3. Planting Lodgepole pine (*Pinus contorta*).

Federated Farmers opposes this rule**Summary of reasons for this submission:**

Federated Farmers opposes the prohibited status of Lodgepole pine because it is unnecessary duplication.

The Lodgepole pine is already managed under the Biosecurity Act 1993 as an Unwanted Organism, legally anyone (including researchers) wanting to sell, exhibit, propagate, breed

or multiply the plant must have a s53 Biosecurity Act Permission from the Ministry for Primary Industries.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.7.4. From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the use of prohibited activity status for intensively farmed livestock entering onto the bed of a river when there is water flowing in the river. A prohibited activity status has the effect of placing an activity 'outside' the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.

Federated Farmers supports the use of definitive and objective information as the driver of regulation. Federated Farmers is unsure as to the reasoning for a prohibited status for Stock Access. Once a prohibited status has been applied to an activity there is no ability for the Council to take into account extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. Prohibited status is final and does not allow for all situations that present themselves in a farming environment, in which farmers are constantly subject to varying weather conditions that impact on the way they manage their farm and their stock. When a water supply is compromised or fails, a farmer may need to rely on rivers or creeks for stock drinking water.

Stock access rules need to recognise different stock and different farms will have different needs. Stock crossing water bodies at a designated point is one option farmers have to mitigate potential effects to water bodies caused by *ad hoc* access and should be encouraged. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. Federated Farmers questions the expense of monitoring and enforcing a prohibited status activity.

Federated Farmers notes that the approach taken within the Plan to stock access is inconsistent with the national direction provided by the LAWF report and also by the Ministry's consultation on the Next Steps for Freshwater document. Both documents establish a tiered approach for the regulation of stock access.

Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules.

Federated Farmers suggests that non regulatory, educational methods can be very effective in achieving 'buy-in', outlining expectations and creating desired behavioural change

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.7.5. From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the use of prohibited activity status for intensively farmed livestock entering onto the bed of a river when there is water flowing in the river. A prohibited activity status has the effect of placing an activity 'outside' the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class.

Federated Farmers supports the use of definitive and objective information as the driver of regulation. Federated Farmers is unsure as to the reasoning for a prohibited status for Stock Access. Once a prohibited status has been applied to an activity there is no ability for the Council to take into account extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. Prohibited status is final and does not allow for all situations that present themselves in a farming environment, in which farmers are constantly subject to varying weather conditions that impact on the way they manage their farm and their stock. When a water supply is compromised or fails, a farmer may need to rely on rivers or creeks for stock drinking water.

Stock access rules need to recognise different stock and different farms will have different needs. Stock crossing water bodies at a designated point is one option farmers have to mitigate potential effects to water bodies caused by *ad hoc* access and should be encouraged. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. Federated Farmers questions the expense of monitoring and enforcing a prohibited status activity.

Federated Farmers notes that the approach taken within the Plan to stock access is inconsistent with the national direction provided by the LAWF report and also by the Ministry's consultation on the Next Steps for Freshwater document. Both documents establish a tiered approach for the regulation of stock access.

Industry has taken the lead regarding stock access, with the Sustainable Dairying Water Accord. Council rules need to be aligned with industry standards to provide farmers with a consistent and clear approach, rather than creating confusion through two sets of rules.

Federated Farmers suggests that non regulatory, educational methods can be very effective in achieving 'buy-in', outlining expectations and creating desired behavioural change.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

4.7.9. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic;
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil;
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of discharge of contaminants from burning. Prohibited status is extreme, will have unintended consequences and will not allow for people and communities to provide for their wellbeing. The rule does not allow for accidents or special cases.

Wood that is painted, stained oiled or coated may accidentally burn in a housefire, Council seeking to prosecute because this is prohibited by 3.7.14(b) is unreasonable, likewise in the event of a forest fire under Rule 3.7.14(a).

We are unsure what animal waste is referring to in (n). Animal waste from farms definitely should not be prohibited from being burnt as this will be an option that farmers may need to dispose carcasses, particularly in the event of a biosecurity outbreak and because offal pits

rules limit that as a disposal option. This standard also effectively prohibits cremations, particularly if the deceased had a pacemaker.

Relief Sought:

- That the rule is deleted from the Plan.

CHAPTER 5: URBAN RESIDENTIAL 1 & 2 ZONE

Subject matter and provision in the Plan:

5.1.29. Farming on a Computer Register in the Urban Residential 2 Greenfields Zone prior to the part or full development of the site for residential activity.

Federated Farmers supports this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of farming as a permitted activity within the Urban Residential 2 Greenfields Zone prior to the development of housing in this area. This is presently an area occupied by horticultural production and cropping and it is important that these activities remain legitimate activities until the time comes that these sites are developed.

Relief sought:

- That the rule is retained as notified.

CHAPTER 16: COASTAL MARINE ZONE

Subject matter and provision in the Plan:

16.2.2. Maintenance, repair or replacement of a building or structure.

16.2.2.1. In the case of replacement, the building or structure to be replaced must have been lawfully established.

16.2.2.2. There must be no increase in the height, size, or scale of the building or structure.

16.2.2.3. There must be no change in the location of the building or structure.

16.2.2.4. There must be no increase in the glazed area, or change to the location of existing glazing.

16.2.2.5. Any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

16.2.2.6. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of maintenance, repair or replacement of a building or structure applying to all permitted activities. Federated Farmers submits that the

maintenance, repair and replacement of buildings or structures should be permitted in its own right. The standards should be simplified to focus on the replacement of like with like.

We do not support onerous standards regarding glazing and light reflectance. Farming is a practical industry and should be able to utilise the tools available to run an efficient farm. Farming should not be restricted by rules regarding light reflectance or glazing that may inhibit the ability for the business to be efficient and practical.

Federated Farmers submits that the reference to Riparian Natural Character Management Areas should be deleted as they are an unnecessary regulatory burden and not a requirement under the RMA.

Relief Sought:

- That the rule is amended to read, and enabled as a permitted activity in it's own right:
 - 16.2.2. Maintenance, repair or replacement of a building or structure.*
 - 16.2.2.1. In the case of replacement, the building or structure to be replaced must have been lawfully established.*
 - 16.2.2.2. There must be no increase in the height, size, or scale of the building or structure.*
 - 16.2.2.3. There must be no change in the location of the building or structure.*
 - ~~*16.2.2.4. There must be no increase in the glazed area, or change to the location of existing glazing.*~~
 - ~~*16.2.2.5. Any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.*~~
 - ~~*16.2.2.6. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.*~~

Subject matter and provision in the Plan:

16.3.10. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

- 16.3.10.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 16.3.10.2. Disturbance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 16.3.10.3. All equipment must be removed from the site on completion of the operation.
- 16.3.10.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.10.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 16.3.10.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.10.7. Fish passage must not be impeded.
- 16.3.10.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of permitted activity standards for the clearance of natural material from a river mouth for flood mitigation. However, this should not be a permitted activity for only the Council works team, but a permitted activity for all members of the community when carried out adhering to the above standards.

Federated Farmers understands the importance of unblocking river mouths, for our members are well versed with the challenges that can be presented from natural material and debris congregating at the mouth of a river. In most instances blockages at river and creek mouths need to be cleared quickly in order to restore flow. If debris and/or build up cannot be removed quickly then flooding, erosion and ponding can occur. This will result in further flooding and damage to property. In Marlborough context where there are many remote parts of the Sounds, acting quickly is important.

In these circumstances applying for a resource consent is not practical. Permitted activity status eliminates the necessity to apply for resource consent in those circumstances and allow landowners to unblock river and creek mouths as necessary. Federated Farmers submits that it is appropriate that landowners are required to advise Councils of the works that have been undertaken before they have been conducted.

Relief Sought:

- That the rule is amended as follows:

~~16.3.10.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.~~

16.3.10.2. Disturbance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.

16.3.10.3. All equipment must be removed from the site on completion of the operation.

16.3.10.4. The best practicable option must be adopted to avoid significant sedimentation.

16.3.10.5. The clearance must not cause a safety hazard to other users of the river mouth.

16.3.10.6. There must be no contaminants released from equipment being used for the activity.

16.3.10.7. Fish passage must not be impeded.

16.3.10.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

16.3.10.9. Council must be advised prior to the works occurring.

Subject matter and provision in the Plan:

16.3.11. Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.

16.3.11.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.

16.3.11.2. Disturbance must be limited to the amount necessary to clear the outfall pipeline, drain or culvert for flood protection purposes.

16.3.11.3. All equipment must be removed from the site on completion of the operation.

- 16.3.11.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.11.5. The clearance must not cause a safety hazard to other users of the waterbody.
- 16.3.11.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.11.7. Fish passage must not be impeded.
- 16.3.11.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of permitted activity standards for the clearance of natural material from a stormwater outfall pipeline, drain or culvert. However, this should not be a permitted activity for only the Council works team, but a permitted activity for all members of the community and landowners when carried out adhering to the above standards.

Like rivermouths, Federated Farmers understands the importance of unblocking drains and culverts, for our members are well versed with the challenges that can be presented from natural material and debris congregating at these areas. In most instances blockages of drains and culverts need to be cleared quickly in order to restore flow. If debris and/or build up cannot be removed quickly then flooding, erosion and ponding can occur. This will result in further flooding and damage to property. In Marlborough context where there are many remote parts of the Sounds, acting quickly is important.

In these circumstances applying for a resource consent is not practical. Permitted activity status eliminates the necessity to apply for resource consent in those circumstances and allow landowners to unblock drains and culverts when necessary. Federated Farmers submits that it is appropriate that landowners are required to advise Councils of the works that have been undertaken before they have been conducted.

Relief Sought:

- That the rule is amended as follows:

~~16.3.11.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.~~

16.3.11.2. Disturbance must be limited to the amount necessary to clear the outfall pipeline, drain or culvert for flood protection purposes.

16.3.11.3. All equipment must be removed from the site on completion of the operation.

16.3.11.4. The best practicable option must be adopted to avoid significant sedimentation.

16.3.11.5. The clearance must not cause a safety hazard to other users of the waterbody.

16.3.11.6. There must be no contaminants released from equipment being used for the activity.

16.3.11.7. Fish passage must not be impeded.

16.3.11.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

16.3.11.9 Council must be advised prior to the works occurring.

Subject matter and provision in the Plan:

16.3.13. Non-mechanical removal of natural material from the foreshore or seabed.

16.3.13.1. Natural material must not be removed from Shelley Beach, Picton Foreshore or Waikawa Bay.

16.3.13.2. No more than 0.5m³ of natural material, including but not limited to sand, shell or shingle but not including vegetation, must be removed by any individual within a calendar year.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports this rule that allows for the non-mechanical removal of natural material from the foreshore or seabed. We submit that 1m³ would be a more appropriate amount to allow per individual.

Federated Farmers submits that this rule should provide for the removal of driftwood and vegetation from the coastal marine zone. The removal of driftwood by hand has minimal impacts as it is material moved by wave action. Driftwood removal should be permitted provided it is removed by hand and is not taken from a seabed, estuary or lagoon area.

Relief Sought:

- That the rule is amended to read:

16.3.13.1. Natural material must not be removed from Shelley Beach, Picton Foreshore or Waikawa Bay.

16.3.13.2. No more than ~~0.5m³~~ 1m³ of natural material, including but not limited to sand, shell or shingle but not including vegetation, must be removed by any individual within a calendar year.

16.3.13.3 Driftwood is not removed from a seabed, estuary or lagoon area.

Subject matter and provision in the Plan:

New rule

Federated Farmers supports the need for this new rule

Summary of reasons for this submission:

Federated Farmers submits that a new rule should be included to allow for the removal of debris from the coastal marine area following flood events.

Relief Sought:

- That a new rule is included which reads:

Disturbance in the coastal marine area for the purpose of clearing debris, excluding gravel.

(a) The disturbance is limited to the extent necessary to clear the debris;

(b) The disturbance does not damage any riverbank, riverbed, or cause any flooding or erosion;

(c) All reasonable steps are taken to minimise the release of sediment during the disturbance;

(d) The site is left tidy following completion of the activity;

(e) The debris removal is carried out within twelve months of the flood event that deposited the debris.

Subject matter and provision in the Plan:

New Rule

Federated Farmers supports the need for a new rule as below

Summary of reasons for this submission:

Federated Farmers is concerned that it does not appear that the maintenance of coastal protection structures is provided for as a permitted activity. We submit that the maintenance and repair of coastal protection structures should be a permitted activity. It is our understanding that local communities have in the past given considerable time and personal expense to maintain coastal protection structures. The exclusion of coastal protection structures from the permitted activity rules would require all such maintenance work, which is generally minor and requires timely attention, to have resource consent. In practical terms this does not make sense and seems to penalise proactive protection of the coastal environment which runs counter to the intention of the plan.

Relief Sought:

- That a new permitted activity rule is included in the Plan which reads:

Maintenance and repair of coastal protection structures.

CHAPTER 19: OPEN SPACE 3 ZONE

Subject matter and provision in the Plan:

19.2.1. Construction and siting of any building and structure.

19.2.1.1. The maximum height of a building or structure must not exceed 10m.

19.2.1.2. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

19.2.1.3. A building or structure must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank or the sea.

19.2.1.4. A habitable or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

19.2.1.5. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:

(a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;

(b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

19.2.1.6. On land within the Wairau Dry Hills Landscape:

(a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;

(b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.

19.2.1.7. Except for the construction or siting of a fence or gate necessary for farming activity, or for conservation purposes, no building or structure must be constructed or sited within the White Bluffs Outstanding Natural Feature and Landscape.

19.2.1.8. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.

19.2.1.9. A building or structure must not be within a Level 3 Flood Hazard Area.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

- Maximum building height

We submit that the maximum height per building (standard 1) should be increased to 15m. While we understand the height standard is intended to protect rural amenity, most woolsheds and other implement sheds are likely to exceed the 10 metre height restriction proposed in the Plan. Federated Farmers submits that the reference to height limit in relation to road, may be appropriate in the urban area but it is not appropriate in a rural zone where the primary purpose is primary production.

- Riparian Natural Character Management Area

Federated Farmers submits that standard 9 is deleted. We oppose the identification of Riparian Natural Character Management Areas. This rule will prevent farmers from erecting a fence along a river or creek in a Riparian Natural Character Management Area, as encouraged and required through other parts of the Plan.

Federated Farmers understands that Council will want to control land use activities that have the potential to create more than minor adverse effects on ONFLs. Federated Farmers submits that normal farming activities which may, in part, make up those ONFL values and are appropriate within the underlying zone should not be subjected to unduly onerous land use controls.

While we support a permitted provision that recognises that buildings are necessary, the building controls outlined in this rule are much too restrictive for common farm buildings that need space for storing agricultural vehicles and equipment, stock fodder or as animal shelters. Federated Farmers believes that limiting buildings to only 10m² for the ONFLs fails to recognise that these ONFLs are active farms. The very small limit will not provide for reasonable use of the resources or enable people and communities to provide for their economic, social or cultural well being. Buildings and earthworks ancillary to land based primary production should be permitted, regardless of overlaid ONFL classification.

Federated Farmers appreciates the intention to exempt fences and gates in the White Bluff ONL from the exemptions however this should be applied to all buildings and structures ancillary to farming.

- Flood Hazard Area provisions

Primary production is an appropriate land use for land that may be subject to natural hazards such as flooding. Primary production can effectively harness fertile soil resources and can do so in a low density manner as opposed to higher density land uses.

Federated Farmers considers that natural hazard provisions intended to protect houses should not capture farm buildings or fences. Small buildings such as pump sheds, and farm implement sheds with concrete or dirt floors would not experience so much damage from a natural hazard such as flooding as a dwelling would, nor would lives be at risk as farm buildings are not habitable. The concept of risk tolerance needs to be incorporated into provisions. A farmer may decide to tolerate the risk of a shed flooding for the benefit of having equipment near to the lowland cropping fields. If a large rain event is forecasted and the farmer is worried that the nearby river will flood, the farmer can simply move their equipment to a safer location. This scenario is vastly different to a dwelling that could be flooded meaning lives are at risk or at the least people are displaced when their home becomes uninhabitable.

Federated Farmers considers that rules such as these, for the abovementioned reasons, should exclude farm buildings and structures including fences. We expect that this rule is written for a town situation where buildings and fences are very different to those on farms. Farmers are required to fence waterways as part of managing stock access and water quality issues, and fences to keep stock out of waterways should not be captured by these rules.

The Level 2 flood hazard area takes in large areas of the District that are farmland. Buildings and structures ancillary to primary production should be exempt from rules for Level 2 flood hazards. The Level 3 flood hazard are also takes in areas at the edges of riverbanks, and flats. It is important that fences can still locate in these are as. Pump sheds will also be located in these areas and these should not require a consent.

Relief Sought:

- That the rule is amended to read:

19.2.1.1. The maximum height of a building or structure must not exceed ~~40~~15m.

~~19.2.1.2. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.~~

19.2.1.3. A building or structure must not be sited in, or within 8m of, a river, lake, Significant Wetland, drainage channel, Drainage Channel Network or the landward toe of any stopbank or the sea.

19.2.1.4. A ~~dwelling habitable or accessory building~~ must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

~~19.2.1.5. On land within the Limestone Coastline Outstanding Natural Feature and Landscape:~~

~~(a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;~~

~~(b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.~~

~~19.2.1.6. On land within the Wairau Dry Hills Landscape:~~

~~(a) except for a building or structure with a total area not exceeding 10m², a building platform must be located at least 20m vertically below a Significant Ridgeline;~~

~~(b) the paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.~~

19.2.1.7. Except for the construction or siting of a ~~fence or gate~~ building or structure necessary for farming activity, or for conservation purposes, no building or structure must be constructed or sited within the White Bluffs Outstanding Natural Feature and Landscape.

19.2.1.8. A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area with the exception of buildings and structures (including trellises and fences) ancillary to primary production.

19.2.1.9. A building or structure must not be within a Level 3 Flood Hazard Area with the exception of buildings and structures (including trellises and fences) ancillary to primary production.

Subject matter and provision in the Plan:

19.2.2. Noise.

19.2.2.1. An activity must not cause noise that exceeds the following limits at the Zone boundary or within the Zone:

7.00 am to 10.00 pm	50	dBA LAeq
10.00 pm to 7.00 am	40	dBA LAeq 70dB LAFmax

19.2.2.2. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

19.2.2.3. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers notes that the same exemptions from the maximum noise limits that apply in the Rural Environment and Coastal Environment Zone should be applied in the Open Space Zone, where there are working farms. This exemption should extend to noise all primary production activities and other forms of rural noise. As it is written, mobile machinery used during forestry maintenance or harvest will not be exempt from the noise limits. We have based our relief sought on the Horowhenua District Plan, which amended their noise exemption rule to also exempt temporary primary production noise from limits in response to Federated Farmers submission.

Other activities that occur on farms also create noise, such as livestock, frost fans, water pumps or noise from dairy sheds, shearing sheds or seasonal activities like docking lambs' tails should also be included in the exemption.

Relief Sought:

- That the following exemptions are added to the noise limits:

Mobile sources associated with primary production activities; temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting; and noise from rural livestock;

any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.

Subject matter and provision in the Plan:

19.2.3. Odour.

19.2.3.1. The odour must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

Federated Farmers supports in part this rule**Summary of reasons for this submission:**

Federated Farmers submits that it must be recognised that normal primary production activities can sometimes cause odour, and that this is accepted as a normal aspect of the rural zone and provided for as permitted. Odour can arise from activities like livestock, farm dairy effluent disposal, and silage. Reverse sensitivity must not be perpetuated by regulation that has unreasonable expectations of odour arising from farming.

Relief Sought:

- That the rule is amended to provide for farming as a legitimate activity occurring in the Open Space 3 Zone.

Subject matter and provision in the Plan:

19.2.5. Dust.

19.2.5.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

Federated Farmers supports in part this rule**Summary of reasons for this submission:**

Federated Farmers submits that this rule should recognise the practicalities of working with dust. It may not be possible to avoid, remedy, or mitigate the adverse effects of dust as a result of normal farming activities beyond the property boundary. Farmers can only do so much in dry conditions and regardless as to good management processes undertaken, dust will occur in certain weather conditions. Even livestock can raise dust and it should be accepted as part of the Open Space 3 Zone. It is important that rules do not place undue restrictions on legitimate farming activities, or the operation of activities where they contribute to the social and economic wellbeing of the District.

Relief Sought:

- That the rule is amended to read:

Good management practice ~~The best practicable method~~ must be adopted to ~~avoid manage~~ dust beyond the legal boundary of the area of land on which the activity is occurring.

Subject matter and provision in the Plan:

19.3.2. Conservation planting.

19.3.2.1. The following species must not be planted:

- (a) Douglas fir (*Pseudotsuga Menziesii*);
- (b) Lodgepole pine (*Pinus contorta*);
- (c) Muricata pine (*Pinus muricata*);
- (d) European larch (*Larix decidua*);
- (e) Scots pine (*Pinus sylvestris*);
- (f) Mountain or dwarf pine (*Pinus mugo*);
- (g) Corsican pine (*Pinus nigra*);

19.3.2.2. There must be no planting of vegetation which will mature to a height exceeding 6m within 30m of a formed and sealed road.

19.3.2.3. There must be no planting within the Wairau Dry Hills Landscape.

19.3.2.4. Only indigenous species must be planted in, or within 8m of, a Significant Wetland.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that it is inappropriate for conservation planting and carbon sequestration forestry planting to be managed through regulation in the Plan, and accordingly submit that all provisions and associated definitions including that for conservation planting are deleted.

Relief Sought:

- That all provisions relating to conservation planting are deleted from the Plan.

Subject matter and provision in the Plan:

19.3.3. Indigenous vegetation clearance.

19.3.3.1. Indigenous vegetation clearance must comply with Standards 19.3.4.1 to 19.3.4.6 (inclusive).

19.3.3.2. The clearance of indigenous vegetation in the following

- (a) Indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
- (b) Indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;

(c) Indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;

(d) Where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track.

19.3.3.3. Clearance of indigenous vegetation must not occur:

(a) On land identified on the Threatened Environments – Indigenous Vegetation Sites;

(b) On land above mean high water springs that is within 20m of an Ecologically Significant Marine Sites

19.3.3.4. Clearance of indigenous forest must not exceed 1000m² per Computer Register in any 5 year period. 19.3.3.5. Clearance of indigenous vegetation, per Computer Register, must not exceed:

(a) 2000m² in any 5 year period where the average canopy height is between 3m and 6m;

(b) 10000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance must not exceed:

(i) 500m² of indigenous sub-alpine vegetation;

(ii) 100m² of tall tussock of the genus *Chinochloa*.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that seventeen standards for indigenous vegetation clearance is excessive and a significant burden on landowners. The standards should be amended so that only the key matters likely to cause an adverse effect are addressed. The provisions for indigenous vegetation clearance should not apply to scattered trees or regrowth within pasture, as per our submission on the definition of indigenous vegetation.

- Exemptions from indigenous vegetation clearance standards

Farmers have an expectation that the Council will allow them to maintain their productive pasture. Federated Farmers understands that council has introduced these exemptions as a way of meeting that expectation. The standard provides for permitted clearance of manuka, kanuka, tauhinu, bracken fern and silver tussock, which has grown naturally from previously cleared land where the regrowth is less than twenty years in age.

Farmers have clearance schedules that may have a cycle of many years as they clear one section of the farm at a time on a revolving basis, but other factors such as natural disaster may forestall clearance for several years due to financial prioritising, or market forces may mean that it is uneconomic to keep land clear for years. It is important that farmers can maintain their pasture from the threat of regenerating Manuka, kanuka, tauhinu, bracken fern and silver tussock. Federated Farmers submits that a time for growth does not need to be set.

The three District Councils in the Wairarapa were comfortable that the suite of provisions and incentives provided in their combined district plan were enough to ensure RMA requirements were being met. That coupled with a lack of identified risk for wholesale clearance resulted in the permitted clearance of kanuka, manuka and tauhinu species

without extra standards or thresholds being applied to the clearance activity. Federated Farmers considers the suite of provisions and incentives along with the lack of identified risk puts Council in a position to seriously consider adopting the same approach.

Federated Farmers supports the exemption for the maintenance of an existing road, forestry road, harvesting track or farm track and considers this same exemption should also apply to maintenance of fence lines. In addition Federated Farmers notes that the following exemptions should also apply, in line with Otorohanga's approach to indigenous vegetation clearance: Avoiding danger to human life or existing buildings / structures; Avoiding risks to the safe and efficient operation of existing network utility operations and existing electricity generation activities; Management of fire risk; Stream / river crossing formation and maintenance; Formation and maintenance of farm drains; To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010; Construction and maintenance of fences; Maintaining existing tracks; Gathering of plants in accordance with Maori customs / values; Installing a bait station network; and Undertaking plant pest management activities.

- Threatened Environment overlay

Federated Farmers opposes the Threatened Environments overlay and submits this is deleted from the planning maps. We assume that the reference to Ecologically Significant Marine sites means that clearance cannot happen within 20m of the mean high tide mark, however this should be made clear to the Plan user.

- Vegetation clearance limits

Federated Farmers appreciates and supports the intention to preserve indigenous vegetation, and agree there should be reasonable limits with a permitted activity approach with these limits. However, the protection of indigenous vegetation on private land should strike a balance between ensuring species are appropriately protected while providing for reasonable use of that land.

The clearance limits do not take into account the amount of indigenous vegetation that is protected by the farm business, whether through stock exclusion or goat control, which for many farmers is large parts of their property. Nor does a clearance limit take an overall farm approach of balancing protection of vegetation with clearing of vegetation for business viability. Federated Farmers submits that the vegetation clearance limits as proposed are much too small for a large property, and submits that a percentage per hectare approach could be beneficial, rather than a set limit that applies to a property of any size. Indigenous vegetation clearance limits need to be increased.

Relief Sought:

- That the indigenous vegetation clearance limits are increased to more appropriately allow for farming in the Open Space 3 Zone.
- That the rule is amended to read:

19.3.3.1. Indigenous vegetation clearance must comply with Standards 19.3.4.1 to 19.3.4.6 (inclusive).

19.3.3.2. The clearance of indigenous vegetation in the following

- (a) Indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
- (b) Indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land ~~(i.e. regrowth) and where the regrowth is less than 20 years in age;~~
- (c) Indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land ~~(i.e. regrowth) and where the regrowth is less than 50 years in age;~~
- (d) Where the clearance is associated with the maintenance of a fence line an existing road, forestry road, harvesting track or farm track.
- (f) Avoiding danger to human life or existing buildings / structures;
- (g) Avoiding risks to the safe and efficient operation of existing network utilities and private infrastructure
- (h) Management of fire risk;
- (i) To give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949
- (j) Undertaking plant pest management activities.

~~19.3.3.3. Clearance of indigenous vegetation must not occur:~~

- ~~(a) On land identified on the Threatened Environments – Indigenous Vegetation Sites;~~
- ~~(b) On land above mean high water springs that is within 20m of an Ecologically Significant Marine Sites~~

...

Subject matter and provision in the Plan:

19.3.4. Non-indigenous vegetation clearance.

19.3.4.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area.

19.3.4.2. Vegetation clearance must not be in, or within 30m of, a river within a Water Resource Unit with a Natural State classification.

19.3.4.3. Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.

19.3.4.4. Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

19.3.4.5. Woody material greater than 100mm in diameter and soil debris must:

(a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area;

(b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river), lake, Significant Wetland or the coastal marine area;

(c) be stored on stable ground;

(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

19.3.4.6. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
- (c) the change in reflectance must be <50%.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that it is not clear what is meant by non- indigenous vegetation clearance, as it is not defined in the Plan. It is unclear whether this captures forestry and woodlot forestry, adding to the provisions already laid out in earlier parts of the plan.

It is not clear what the standards for non-indigenous vegetation are intended to address. Are these to protect and regulate the removal of weeds? Federated Farmers submits that there should not be regulation imposed on the removal of non-indigenous vegetation, and accordingly this rule should be deleted from the Plan.

Relief sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

19.3.5. Excavation.

19.3.5.1. There must be no excavation in excess of 1000m³ on any land with a slope greater than 20 degrees within any 24 month period.

19.3.5.2. Excavation must not occur on any land with a slope greater than 35°.

19.3.5.3. Excavation must not be in, or within:

- (a) 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;
- (b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;
- (c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank.

19.3.5.4. The excavation must not occur in a Soil Sensitive Area identified as loess soils.

19.3.5.5. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

19.3.5.6. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or within the Level 4 Flood Hazard Area in the vicinity of Condors Overflow.

19.3.5.7. There must be no excavation in excess of 500m³ per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation

Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.

19.3.5.8. There must be no excavation in excess of 500m³ per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.

19.3.5.9. There must be no excavation in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.

19.3.5.10. There must be no excavation in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.

19.3.5.11. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.

19.3.5.12. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except any ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.

19.3.5.13. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

19.3.5.14. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain any excavation must not be less than 300mm.

19.3.5.15. Excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale;
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;
- (c) the change in reflectance must be <50%.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the intention to provide for excavation as a permitted activity.

- Slope

Federated Farmers notes restrictions on excavation with regards to slope, regardless of soil type. We are unsure whether this is to mitigate effects on visual amenity or soil erosion. It is not clear, for standard 1, what area is taken in. Is this supposed to apply per property or per computer register?

The provision of a limit of 1000m³ on land over 20 degrees over a 24 month period is too small for farmers to be able to conduct regular farming activities which often require work on slopes greater than 20 degrees. Earthmoving activities include cropping and ploughing, digging silage pits, effluent ponds and offal pits, forming and maintaining tracks and races, obtaining aggregates on farm to use around troughs and gates, excavation to maintain or lay water pipes to troughs, and tidying up slips. Farmers often carry out this work all at once when they hire an earthmoving contractor, but then carry out no earthworks for a few years afterwards. This makes setting an annual or biannual limit impractical. These earthworks

activities also have minor effects and are part of farming operations and should be anticipated in a rural environment.

Federated Farmers considers that earthworks ancillary to farming should be permitted with no volume limits. As a comparison, Franklin District has expressly excluded earthworks associated with farming and forestry from the Earthworks Rule 15.5.2.3 in recognition that these activities are expected to occur in the Rural Zone. Waikato District allows for earthworks in the Rural Zone for the construction and/or maintenance of farm tracks, fences and farm drains with no volume or area limit in Rule 25.25.1 (which has been resolved during *Federated Farmers v Waikato District Council* ENV-2007-AKL-000051). We urge Marlborough to adopt the same approach. Hastings also increased their earthworks limits from 1,000m³ to 2,000m³ per hectare of land following hearings on earthworks.

Federated Farmers is concerned that requiring a consent for any slope over 35 degrees will target land where farm tracking will be most needed. This means that any farmer needing to maintain his farm tracks at the back of a hill country or high country block will need a resource consent. We submit that standard 2 is deleted, or alternatively that farm tracking should be exempt from any slope limits.

- Soil Sensitive Areas

Standard 4 does not permit excavation on a slope of over 7.5 degrees in a loess soils area. The area mapped as loess soils takes in vast tracks south of Blenheim and towards the Seddon area. It is critical that in these areas farm tracks can be maintained, and fencing is enabled to occur. This will require excavation at slopes of greater than 7.5 degrees. These activities are integral farm management practices in the rural area, and will have at most only minor impacts on soil erosion. Federated Farmers submits that the definition of excavation excludes the maintenance of existing farm tracks, fencing and earthworks for filling around troughs and gates, along with other agricultural earthworks such as the construction or maintenance of drains and culverts

- Flood Hazard Area

Federated Farmers opposes the exclusion of excavation within a Flood Hazard 2 or 3 area from the permitted activity standard. The Flood Hazard 2 Area takes in vast areas of land across the District, effectively preventing farmers from doing any earthworks without a consent. Excavation are essential for many farming activities, including the making of silage pits, farm dumps, offal pits, along with regular activities including the maintenance of farm races and filling around troughs.

- Outstanding Natural Features and Landscapes

Many ONLs are identified over farms, and earthworks are a normal part of farming, then these should be considered appropriate for that farmed landscape and enabled. The volume limit of only 500m³ within ONLs will not enable farmers to maintain existing tracks, fences and drains as a permitted activity, let alone allow for the formation of new activities.

Relief Sought:

- That the rule is amended to read:

19.3.5.1. There must be no excavation in excess of 12000m³ on any hectare of land with a slope greater than 20 degrees within any 12 month period.

19.3.5.2. Excavation for the purpose of forming and maintaining farm tracks, fences and drains, including within an ONL.

~~19.3.5.2. Excavation must not occur on any land with a slope greater than 35°.~~

~~19.3.5.3. Excavation must not be in, or within:~~

~~(a) 8m of a river (except any ephemeral river when not flowing), lake or the coastal marine area;~~

~~(b) 8m of a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;~~

~~(c) 8m of the landward toe of a stopbank and the depth of any excavation beyond that may not exceed 15% of the distance from the stopbank.~~

~~19.3.5.4. The excavation must not occur in a Soil Sensitive Area identified as loess soils.~~

19.3.5.5. Excavation must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

~~19.3.5.6. Excavation must not be within a Level 2 or 3 Flood Hazard Area, or within the Level 4 Flood Hazard Area in the vicinity of Condors Overflow.~~

~~19.3.5.7. There must be no excavation in excess of 500m³ per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.~~

~~19.3.5.8. There must be no excavation in excess of 500m³ per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.~~

~~19.3.5.9. There must be no excavation in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.~~

~~19.3.5.10. There must be no excavation in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.~~

19.3.5.11. There must be no excavation in excess of 10m³ within a Groundwater Protection Area.

~~19.3.5.12. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except any ephemeral river or intermittently flowing river, when not flowing), lake, Significant Wetland or the coastal marine area.~~

19.3.5.13. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.

19.3.5.14. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the excavation. The diameter of a culvert used to drain any excavation must not be less than 300mm.

19.3.5.15. Excavation must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the excavation site;

~~*(c) the change in reflectance must be <50%.*~~

Subject matter and provision in the Plan:

19.3.6. Filling of land with clean fill.

19.3.6.1. The filling must not use commercial clean fill.

19.3.6.2. Filling in excess of 1000m³ must not occur within any 24 month period.

19.3.6.3. Fill must not be placed over woody vegetation on land with a slope greater than 10°.

19.3.6.4. Filling must not be in, or within:

(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;

(b) 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;

(c) 8m of the landward toe of a stopbank.

19.3.6.5. The filling must not occur in a Soil Sensitive Area identified as loess soils.

19.3.6.6. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

19.3.6.7. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

19.3.6.8. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain any fill areas must be less than 300mm.

19.3.6.9. When the filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.

19.3.6.10. Filling must not be within a Level 2 or 3 Flood Hazard Area.

19.3.6.11. There must be no filling in excess of 500m³ per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.

19.3.6.12. There must be no filling in excess of 500m³ per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.

19.3.6.13. There must be no filling in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.

19.3.6.14. There must be no filling in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.

19.3.6.15. The filling must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:

- (a) hue must not be changed by more than 10 points on the Munsell scale.
- (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site.
- (c) the change in reflectance must be <50%.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Cleanfill material is often used on farms, like gravel for the base of dairy races, around troughs and gateways to prevent mud, or to maintain farm access tracks. Minerals are also used, like limestone for the wearing course layer of a dairy race. Cleanfill and minerals used for normal farming activities should be exempt from this rule. It appears this is the case from the proposed definition of cleanfill and these circumstances should remain exempt.

Federated Farmers is unsure why the use of commercial clean fill requires discretionary resource consent. We are unsure why clean fill can not be utilised within a Level 2 or 3 Flood Hazard Area. It may be utilised to increase the height of land to reduce flooding susceptibility.

Federated Farmers submits that being in a Soil Sensitive Area classed as loess soils should not prevent the deposition of clean fill. This does not determine any amount, and therefore the deposition of clean fill may only be small and therefore have a non-existent effect. There will be no need to restrict clean fill near waterbodies when the adverse effects from poor sediment control is already managed by other standards.

We are unsure what adverse effect that cleanfill may have on ONLs that warrant it's restriction to only 500m³. This will not enable normal farming activities that will be consistent with the amenity values that already exist on those ONLs which are farmed. Cleanfill used for maintain tracks, races and around troughs will not have a negative impact on ONL values.

Relief Sought:

- That the rule is amended to read:

~~19.3.6.1. The filling must not use commercial clean fill.~~

19.3.6.2. Filling in excess of 1000m³ must not occur within any 12-24 month period.

~~19.3.6.3. Fill must not be placed over woody vegetation on land with a slope greater than 40°.~~

~~19.3.6.4. Filling must not be in, or within:~~

~~(a) 8m of a river (except an ephemeral river when not flowing), lake or the coastal marine area;~~

~~(b) 8m of, a Significant Wetland or 30m of a river within a Water Resource Unit with a Natural State classification;~~

~~(c) 8m of the landward toe of a stopbank.~~

~~19.3.6.5. The filling must not occur in a Soil Sensitive Area identified as loess soils.~~

19.3.6.6. Filling must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.

19.3.6.7. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.

19.3.6.8. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of any culvert used to drain any fill areas must be less than 300mm.

~~19.3.6.9. When the filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover.~~

~~19.3.6.10. Filling must not be within a Level 2 or 3 Flood Hazard Area.~~

~~19.3.6.11. There must be no filling in excess of 500m³ per Computer Register located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period.~~

~~19.3.6.12. There must be no filling in excess of 500m³ per Computer Register located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period.~~

~~19.3.6.13. There must be no filling in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period.~~

~~19.3.6.14. There must be no filling in excess of 500m³ per Computer Register located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period.~~

19.3.6.15. The filling must not cause any conspicuous change in the colour or visual clarity of any flowing river after reasonable mixing, or the water in a Significant Wetland, lake or coastal marine area measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale.~~

(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the filling site.

~~(c) the change in reflectance must be <50%.~~

Subject matter and provision in the Plan:

19.3.8. Farming.

19.3.8.1. The farming must not include a dairy farm or pig farm established after 9 June 2016.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of farming as a permitted activity in the Open Space 3 Zone. We note the definition of farming includes a land based activity, having at its primary purpose the commercial production and sale of any livestock or vegetative matter. We submit that in accordance with the Proposed Hastings District Plan, the definition should also include accessory buildings. We also submit that normal farming earthworks should be recognised as part of land based primary production and included in the permitted activity rule. Although excavation is provided for under its own permitted activity rule, this is only up to 1000m³ in any two year period, and less in a ONFL. The Plan tends to treat earthworks as though it were a separate and detached activity from farming, when common earthworks associated with farming such as fence post holes, track formation, tree removal and infill around troughs and gates should be included as part of the definition of farming.

Relief Sought:

- That the farming is retained as a permitted activity.
- That earthworks ancillary to farming are permitted.

Subject matter and provision in the Plan:

19.3.10. Discharge of contaminants to air from burning for the purposes of vegetation clearance.

19.3.10.1. Burning must not be carried out on Class 7e or Class 8 land when the Fire Weather Index Parameters (as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977) for the burn are:

- (a) Drought code - 200 or higher; or
- (b) Build up index - 40 or higher.

Federated Farmers opposes this rule

Federated Farmers submits that this rule is not clear for a Plan user. It is not clear what class 7e or Class 8 land are. Who has determined this? Where can this be found in the Plan? The rule references the Rural Fire Authority. There is a plethora of other burning rules (which we also submit on) that this rule seems to either contradict them or be irrelevant.

We submit that this rule is deleted from the Plan.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

19.3.11. Discharge of contaminants to air arising from burning in the open.

19.3.11.1. Only material generated on the same property or a property under the same ownership can be burned.

19.3.11.2. The property where the burning is to occur must be located outside of the Blenheim Airshed.

19.3.11.3. The total volume of material being burned must not exceed 2m³ if the property is adjoining any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3, Coastal Living or Rural Living.

Federated Farmers supports in part this rule**Summary of reasons for this submission:**

Federated Farmers submits that this rule needs to provide considerably more clarity for the Plan user. There is a plethora of other burning rules (which we also submit on) that this rule seems to either contradict them or be irrelevant.

It is not clear what can be burnt under this permitted activity. It would appear any material can be burned. However, a few pages further into the Chapter there are a list of materials that are prohibited from being burnt, and therefore this rule appears to be deceptive.

If the property is next to one of the specified zones that should not prevent burning. The adjoining property might be large and burning not detectable at the boundary. This is not an effects based standard and should be deleted.

Relief Sought:

- That this rule is deleted, and burning of materials provided for as a permitted activity.

Subject matter and provision in the Plan:

19.3.15. Application of an agrichemical into or onto land.

19.3.15.1. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996.

19.3.15.2. Triazine herbicide must not be applied to a Soil Sensitive Area identified as free-draining soils.

19.3.15.3. The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

19.3.15.4. The application must be undertaken in accordance with the most recent product label. All spills of agrichemicals above the application rate must be notified to Council immediately.

19.3.15.5. The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.

Federated Farmers supports this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

19.3.16. Discharge of an aquatic herbicide or glyphosate into or onto land for the purposes of removing pest plants from Significant Wetlands.

19.3.16.1. Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.

19.3.16.2. The aquatic herbicide or glyphosate must be approved for aquatic use by the Environmental Protection Authority.

19.3.16.3. The application must be undertaken in accordance with the manufacturer's instructions, if consistent with any requirements of the Environmental Protection Authority.

19.3.16.4. Application rates must not exceed those required by the Environmental Protection Authority or, if none, those stated on the most recent product label for the relevant application equipment or method and target species.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the permitted status herbicide for removing pest plants in a Significant Wetland. However, the use of Appendix 25 is a poor execution of this good intent, as it only includes a short number of species of pest plants.

Federated Farmers considers that the removal of pest plants should be supported, however it is inappropriate for Council to develop a short list of pest plants that can be removed, without acknowledging that different ecosystems and areas of the region will be subject to different threats. These pest species may also change with time and the Plan risks locking these in. It would be more appropriate to allow landowners to remove exotic species from these areas than to specify what species can be removed, recognising there may be omissions.

In any case, Federated Farmers submits that aquatic herbicides are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and have to apply to the EPA for permission to use aquatic herbicides, and therefore this rule should be deleted.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

19.3.17. Application of fertiliser or lime into or onto land.

19.3.17.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.

19.3.17.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.

19.3.17.3. The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

19.3.17.4. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

19.3.17.5. The application must not occur when the soil moisture exceeds field capacity.

19.3.17.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime does not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that Agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the Agrichemical Standard NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards, and therefore as a first preference, this rule should be deleted.

Federated Farmers is unsure for the reasons of lime being captured by this rule. This rule should be amended so that it only applies to fertiliser. This does not reflect the focus of the

RMA in which rules are meant to be effects based. Federated Farmers opposes the need for a discretionary consent to apply fertiliser to free-draining soils.

Standard 1 specifies that fertiliser must be stored on an impermeable, bunded surface and covered at all times. Often fertiliser will sit in a hay shed or other farm shed, where it may not be on impermeable surface. Federated Farmers suggests that it would be more appropriate to defer to the HASNO requirements than to specify the manner of storage which will be impractical for a farmer to follow.

Relief Sought:

- That the rule is amended to read:

~~19.3.17.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.~~

~~19.3.17.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times.~~

19.3.17.3. The application must not result in the fertiliser being *intentionally* deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

19.3.17.4. Total cumulative nitrogen (N) loading *from the application of fertiliser* on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

19.3.17.5. The application must not occur when the soil moisture exceeds field capacity.

~~19.3.17.6. All reasonable care must be exercised with the application so as to ensure that the fertiliser or lime does not pass beyond the legal boundary of the area of land on which the fertiliser or lime is being applied.~~ practical measures are taken to minimise fertiliser drift beyond the target area.

Subject matter and provision in the Plan:

19.3.18. Application of compost and solid agricultural waste into or onto land.

19.3.18.1. The application must not occur within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 10m of a dwelling on any adjacent land in different ownership.

19.3.18.2. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land used for the application must not exceed 200 kg N/ha/year (excluding N from direct animal inputs).

Federated Farmers opposes this rule

We assume that solid agricultural waste is an alternative reference for grape marc. Federated Farmers submits that this rule is deleted, because adverse effects of grape marc being fed out to livestock on water quality are de minimus.

Grape marc is not *applied to land*, it is fed out for the purpose of being eaten by livestock. There is no risk to water quality from this activity and no need to regulate it.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

19.3.19. Discharge of agricultural liquid waste (except dairy farm effluent) into or onto land.

19.3.19.1. The discharge must not occur into or onto a Soil Sensitive Area.

19.3.19.2. The discharge must not occur within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 10m of the boundary of any adjacent land in different ownership.

19.3.19.3. A high rate discharge system must not be used to discharge onto land with an average slope of 7° or greater, and the slope must not exceed 11.3° (1:5) at any point.

19.3.19.4. The discharge must not occur when the soil moisture exceeds field capacity.

19.3.19.5. Ponding must not be detectable beyond 24 hours after discharge.

19.3.19.6. The discharge must not result in anaerobic soil conditions.

19.3.19.7. The total cumulative nitrogen (N) loading from all discharges on the areal extent of land to be used for the discharge must not exceed 200 kg N/hectare/year (excluding N from direct animal inputs).

19.3.19.8. The pH of the liquid waste must range between 4.5 and 9 immediately prior to discharge.

19.3.19.9. Records of pH levels must be kept and available upon request by the Council.

Federated Farmers opposes this rule**Summary of reasons for this submission:**

Federated Farmers submits that this rule is unclear as to what activity it is intended to manage. The definition is no help as it only gives information about moisture content which will be difficult for resource users to determine in the field.

If the rule is intended for grape marc as livestock feed, then the rule needs to say this. However as per our submission for the silage rule, where grape marc is being fed out to stock it will have de minimus effects on water quality because it will not be sitting in situ for long. It will not be wasted by being allowed to wash into waterways, as stock feed is considered a valuable resource.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

19.3.20. Disposal of farm rubbish into a pit.

19.3.20.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.

19.3.20.2. Only farm rubbish sourced from the same property must be disposed of to a farm rubbish pit.

19.3.20.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.

19.3.20.4. The farm rubbish pit must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 50m of any boundary of the property or a dwelling.

19.3.20.5. Surface run-off must not enter the pit.

19.3.20.6. When any pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers supports the intention to provide for farm dumps as a permitted activity.

- Material that can be disposed of into a farm pit

We have significant concerns with standard one, however. Standard 1 only allows for biodegradable material to be disposed of in a farm rubbish pit. It does not allow for offal and carcass to be disposed of as it considers these fall under a separate rule. To address this point firstly, this would mean that all farmers need to have two pits on site rather than one pit. This is impractical, at times farmers may run one pit and this should be provided for as a permitted activity, given the standards are similar.

The rule provides for the disposal of biodegradable material into the farm pit, with all other material either requiring a resource consent to be buried on farm, or needing to be taken off the property. Marlborough is characterised by farms many kilometres and hours from rubbish disposal facilities and therefore it is not practical for farmers to be required to dispose of rubbish at these centralised facilities. We support the intention to adopt non-regulatory methods which will assist with the disposal of rural waste, however until such time as these methods are further developed and adopted, we cannot support a hard regulatory approach to rural waste. Under this standard, all farmers in Marlborough will require a discretionary resource consent.

Federated Farmers suggests that Council place greater emphasis on the development of non-regulatory options to assist landowners with the disposal of rural waste, and waste generated from primary production including baleage wrap and plastics.

- Other standards

Farmers may often have multiple properties and it is not practical to expect that they will have a farm dump on each property. Farmers should be able to bring farm rubbish sourced from any property in their ownership to the one farm dump.

Standard 5 specifies that no surface run off can enter the pit. During times of heavy rain the movement of water overland into the pit may be unavoidable. Federated Farmers suggests that this would be best addressed by specifying that only surface water cannot enter the pit. This should also be rectified by standard 4 which specifies the location of farm rubbish pits.

Relief sought:

- That the rule is amended to read:

~~19.3.20.1. Only biodegradable material (except offal or a carcass) must be disposed of to a farm rubbish pit.~~

19.3.20.2. Only farm rubbish sourced from the same property or a property under the same ownership must be disposed of to a farm rubbish pit.

19.3.20.3. The farm rubbish pit must not be sited within a Groundwater Protection Area.

19.3.20.4. The farm rubbish pit must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 50m of any boundary of the property or a dwelling.

19.3.20.5. ~~Surface run-off~~water must not enter the pit.

19.3.20.6. When any pit is filled to within 0.5m of the original land surface, or is no longer used, the contents must be covered with soil to a depth of at least 0.5m.

Subject matter and provision in the Plan:

19.3.21. Disposal of offal or a carcass into an offal pit.

19.3.21.1. The offal or carcass must be from pastoral agriculture except intensive farming undertaken on the same property.

19.3.21.2. Only offal and carcasses may be disposed of to an offal pit.

19.3.21.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.

19.3.21.4. The offal pit must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;
- (c) 50m of any boundary of the property or a dwelling.

19.3.21.5. The offal pit must be located above the natural ground water level at all times.

19.3.21.6. The offal pit must be completely covered by an impermeable material at all times or otherwise designed to prevent the entry of surface runoff when not in use.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that the use of the term intensive farming is unclear and easily conflicts with the term intensively farmed stock. We are not sure why offal or carcass from intensive farming operations, which would seem to include pig, poultry and rabbit farming, cannot be disposed of to an offal pit.

Federated Farmers notes that to meet the permitted activity standards offal must be from farming undertaken on the same property. The standards should provide for a farmer that has multiple properties to provide for burial of animals without needing multiple pits. The rule should also allow for hunters to dispose of pigs, possums and other feral animals in a farm offal pit, as this is recommended by Osprey to avoid transfer of disease. Therefore Federated Farmers submits that Standard 1 is deleted.

Standard 3 stipulates that the pit cannot be in a loess soils area. Federated Farmers submits that the burial of carcasses in an offal pit will not have a significant effect on the soil. This standard is not effects based and therefore should be deleted.

Federated Farmers submits that it is impractical to expect that an offal pit will be covered by an impermeable material at all times. Offal pits are often holes dug into the ground, where dead stock may be placed. To require them to be covered with a plastic sheet or tarp, or other impermeable material, is impractical. We submit that this requirement should be deleted from the rule.

Federated Farmers seeks clarification that stock can be buried without being placed into an offal pit according to these standards. To suggest that all animals be disposed of in an offal pit is not workable or practical, as there are times when an animal will perish in a far-flung paddock where bringing a tractor in is unpractical. For this we believe it is reasonable to expect that a farmer will at times be required to bury animals outside of an offal pit. We consider regulation around the burying of single animal carcasses is unnecessary as it will have little adverse effect.

Relief Sought:

- That the rule is amended to read:

~~19.3.21.1. The offal or carcass must be from pastoral agriculture except intensive farming undertaken on the same property.~~

~~19.3.21.2. Only offal and carcasses may be disposed of to an offal pit.~~

~~19.3.21.3. The disposal must not occur into or onto a Soil Sensitive Area identified as loess soils.~~

19.3.21.4. The offal pit must not be located within:

- (a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;
- (b) 20m of a river, lake, Significant Wetland, ~~drainage channel or Drainage Channel Network;~~
- (c) 50m of any boundary of the property or a dwelling.

~~19.3.21.5. The offal pit must be located above the natural ground water level at all times.~~

19.3.21.6. The offal pit must be ~~completely covered by an impermeable material at all times or otherwise~~ designed to prevent the entry of surface runoff when not in use.

Subject matter and provision in the Plan:

19.3.22. Making compost or silage in a pit or stack, or stockpiling agricultural solid waste.

19.3.22.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils.

19.3.22.2. The pit must not be located on a Soil Sensitive Area identified as freedraining soils or loess soils. 19.3.22.3. The pit, stack or stockpile must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 10m of any boundary of any adjacent land in different ownership.

19.3.22.4. The pit or stack must be completely covered by an impermeable material when not in use.

19.3.22.5. There must be no runoff of leachate from the pit, stack or stockpile.

19.3.22.6. Surface run-off must not enter the pit, stack or stockpile

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this rule should be more appropriately termed the *fermentation* of compost or silage in a pit or stack, as opposed to the making of silage. The making of silage is completed in a paddock by mowing grass and then taking the grass to a pit where it is piled and covered with plastic and weighed down to encourage fermentation. Silage is a beneficial activity, as it simply involves the harvesting of grass when it's growing. Modern silage has a lower moisture content than historically, and industry research is in line with this showing the risks of leaching are minor. Federated Farmers submits that for this reason the standards relating to soil sensitive areas are not necessary.

Federated Farmers submits that it is not clear why a pit or stack needs to be 50m from a bore, or 20m from a river, lake, Significant Wetland or drainage channel. 5m is a sufficient setback from bores, rivers, and Significant Wetlands.

Federated Farmers is confused by the reference to the need to cover the pit or stack with an impermeable material when not in use. When a silage pit is not in use, it is empty and therefore a cover should not be required. When the silage pit is in use, the pit is covered by plastic and tyres that keep the silage tightly packed. This is essential to the process of making silage. The front face is open to allow the tractor bucket access to the silage. It would not be beneficial nor practical to cover and uncover this side every day when needing to access the silage to feed out to stock. Federated Farmers considers standard 4 is therefore unnecessary and is in part managed by the nature of working with silage.

Standard 5 relates to the runoff of leachate from a pit, stack or stockpile. Federated Farmers submits that this standard should focus on the run off of leachate into a waterbody.

Relief Sought:

- That the rule is amended to read:

~~19.3.22.1. The stack or stockpile must not be located on a Soil Sensitive Area identified as free-draining soils.~~

~~19.3.22.2. The pit must not be located on a Soil Sensitive Area identified as freedraining soils or loess soils.~~

19.3.22.3. The pit, stack or stockpile must not be located within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 205m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

~~(c) 10m of any boundary of any adjacent land in different ownership.~~

~~19.3.22.4. The pit or stack must be completely covered by an impermeable material when not in use.~~

19.3.22.5. There must be no runoff of leachate from the pit, stack or stockpile into a waterbody.

~~19.3.22.6. Surface run-off must not enter the pit, stack or stockpile~~

Subject matter and provision in the Plan:

19.3.23. Storage of compost not in a pit or stack.

19.3.23.1. The storage of compost must not occur within:

(a) 50m of a bore unless the bore intercepts the confined layer of Riverlands FMU or the confined layer of the Wairau Aquifer FMU;

(b) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(c) 10m of any dwelling on any adjacent land in different ownership.

19.3.23.2. If the compost is stored for longer than 3 months, the compost must be completely covered with an impermeable material.

19.3.23.3. If stored for longer than 3 months, the compost must not be located in a Soil Sensitive Area

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers submits that storage of grape marc is an important farming technique and should not be unnecessary constrained by regulation.

Relief Sought:

- That the rule is deleted.

Subject matter and provision in the Plan:

19.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Under Section 9 the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why the council should be identifying resource issues specific to the district and only control land use relating to the management of any adverse effects on those resources.

As per section 76(3) when making a rule a territorial authority shall have regard to the actual or potential effect on the environment. The power to include rules in plans is provided by section 77A and the types of activities can only be described as per section 77B. There is no provision for activities to be described as “any activities not listed”. Further, the issue of adverse effects which have not been anticipated can be addressed via a plan change or variation. This is the appropriate remedy as provided by the Act.

Rules which assign a discretionary status to activities that are not otherwise anticipated should be deleted.

Relief Sought:

- That the rules are amended so that any activity not listed, where it is a land use, the activity defaults to a permitted activity status.

Subject matter and provision in the Plan:

19.5.1. Discharge of contaminants to air arising from the burning of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA);
- (d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals, including but not limited to cables
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or type of plastics;
- (k) waste oil;
- (l) peat;

(m) sludge from industrial processes;

(n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of discharge of contaminants from burning. Prohibited status is extreme, will have unintended consequences and will not allow for people and communities to provide for their wellbeing. The rule does not allow for accidents or special cases.

Wood that is painted, stained oiled or coated may accidentally burn in a housefire, Council seeking to prosecute because this is prohibited by 3.7.14(b) is unreasonable, likewise in the event of a forest fire under Rule 3.7.14(a).

We are unsure what animal waste is referring to in (n). Animal waste from farms definitely should not be prohibited from being burnt as this will be an option that farmers may need to dispose carcasses, particularly in the event of a biosecurity outbreak and because offal pits rules limit that as a disposal option. This standard also effectively prohibits cremations, particularly if the deceased had a pacemaker.

Relief Sought:

- That the rule is deleted from the Plan.

Subject matter and provision in the Plan:

19.5.3. Planting Lodgepole pine (*Pinus contorta*).

Federated Farmers opposes this rule

Summary of reasons for this submission:

Federated Farmers opposes the prohibited status of Lodgepole pine because it is unnecessary duplication.

The Lodgepole pine is already managed under the Biosecurity Act 1993 as an Unwanted Organism, legally anyone (including researchers) wanting to sell, exhibit, propagate, breed or multiply the plant must have a s53 Biosecurity Act Permission from the Ministry for Primary Industries.

Relief Sought:

- That the rule is deleted from the Plan.

CHAPTER 21: FLOODWAY ZONE

Subject matter and provision in the Plan:

21.3.15. Discharge of agrichemicals into or onto land.

21.3.15.1. The discharge must be undertaken in accordance with the most recent product label.

21.3.15.2. The agrichemical must be approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all conditions of the approval.

21.3.15.3. The agrichemical must not enter water.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers notes that under this rule, the discharge of agrichemicals into or onto land is only a permitted activity in the floodway zone when undertaken by Council. This means that farmers with land bordering the floodway zone are not able to manage pest plants in the floodway zone that risk encroaching on their property.

The rule as currently written is based on who the resource user is and not the potential adverse effects, as the Regional Council can carry out the same activity over the same land as permitted. The RMA does not discriminate between resource users, but is effects based.

The proposed Plan anticipates and accepts a certain level of adverse effects resulting from the application of agrichemicals because the benefits for economic, social and/or cultural wellbeings are considerable in that pest plant spread is prevented. The same permitted activity status should apply to any one carrying out the same activity. A landowner carrying out application of agrichemicals will have the same potential effects, as well as the same benefits to economic, social and/or cultural wellbeings of people and communities.

Federated Farmers therefore submits that the provision for discharge of agrichemicals into or onto land within the floodway zone applies to anyone doing the activity, not just the Council.

Relief sought:

- That the rule is amended apply to anyone undertaking the discharge of agrichemicals into or onto land in the Floodway Zone, not just Council.

Subject matter and provision in the Plan:

21.3.16. Farming undertaken by any person.

21.2.16.1. The activity must be authorised by the Council through a formal agreement.

21.3.16.2. The farming must not include a dairy farm or a pig farm established after 9 June 2016.

21.3.16.3. Standards 2.9.9.1 to 2.9.9.3 (inclusive) in the General Rules for livestock entering onto, or passing across, the bed of a river apply.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers supports the provision of farming as a permitted activity within the floodway zone. Federated Farmers is not clear whether standard 3 means that the only way

stock can be moved across the Floodway Zone is if a farmer has have a formal agreement with Council.

Relief sought:

- That the rule is retained as notified.
- That clarity is provided with regards to the need for a formal agreement to move livestock across the Floodway Zone.

CHAPTER 24: SUBDIVISION

Subject matter and provision in the Plan:

24.1.16 In accordance with Section 230 of the RMA, in respect of any subdivision of land in which any allotment of less than 4 hectares is created, an esplanade reserve or esplanade strip of 20m must be provided, unless the property adjoins the Waikawa Marina or Picton Marina.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers submits that this permitted activity rule should only require the provision of an esplanade reserve or strip where the area is an area that is a priority focus on enhancing access to and within these areas. Twenty metres is too large

Relief Sought:

- That the rule focuses on the areas identified as being a high priority focus to enhance access to and within high priority access waterbodies.
- That this rule is amended to read:

In accordance with Section 230 of the RMA, in respect of any subdivision of land in which any allotment of less than 4 hectares is created, an esplanade reserve or esplanade strip of 20m must be provided, unless the property adjoins the Waikawa Marina or Picton Marina, where it boundaries:

- Wairau River from State Highway 63 bridge to the sea;*
- high priority waterbodies for public access on the Wairau Plain and in close proximity to Picton, Waikawa, Havelock, Renwick, Seddon, Ward and Okiwi Bay;*
- coastal marine area, particularly in and near Picton, Waikawa and Havelock, Kaiuma Bay, Queen Charlotte Sound (including Tory Channel), Port Underwood, Kenepuru Sound, Mahau Sound, Mahikipawa Arm and Croiselles Harbour, Rarangī to the Wairau River mouth, Wairau Lagoons, Marfells Beach and Ward Beach;*
- connections would be made with other public land (including esplanade reserves) or other land where esplanade strips or access strips already exist; and*
- the Queen Charlotte Track.*

Subject matter and provision in the Plan:

24.3.1. Subdivision of land in the following zones:

...

Standards and terms:

24.3.1.1. The subdivision must comply with Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10.

24.3.1.2. The subdivision must create allotments that exceed the minimum net allotment area, minimum building shape factor and minimum frontage set out in the table below:

...

Federated Farmers supports in part this rule

Summary of reasons for this submission:

In considering this proposal, Federated Farmers is aware that farmers face what are generally considered to be conflicting tensions in respect to subdivision. On one hand, farmers appreciate that the overall intention of the rural zone is for primary production, and that ad hoc and inappropriate or incompatible subdivision is not ideal for Marlborough or farming. On the other hand, farming in general, and more specifically the economic viability of farming and the ability to provide for farm succession long term, often relies to an extent on the ability to subdivide a property as changing circumstances dictate. These latter aspects have some very significant implications for a farm's asset value.

By setting out minimum subdivision sizes, Council is effectively defining that the rural environment is for primary production activities, and subsequently requiring farmers to give up can be a significant cost in the form of foregone potential for subdivision. Farmers are also opposed more generally to subdivision which requires the loss of large chunks of what would otherwise be productive land. If a residential activity specifically, or subdivision more generally, is required to occur in the rural area, farmers would generally support flexibility in planning. It is also noted that a significant proportion of the drivers for the proposed subdivision rules are to retain the rural amenity, not simply for those living and working in the rural environment but also for the overall benefit of the people of Marlborough.

Overall, we recognise the planning approach proposed in respect to subdivision in the rural areas is built upon a zoning approach which defines appropriate activities for the rural environment. Subsequently we support the overall approach proposed. However, we consider the default status where the Minimum site size standards are not met should be restricted discretionary.

Finally, while outside the scope of the District Plan, we encourage Council to further investigate ways to support the efforts of farmers in respect to retaining the rural amenity in addition to these regulations (including rates remissions and support for replanting).

Relief Sought:

- That the minimum lot sizes are retained, noting our above concerns.

Subject matter and provision in the Plan:

24.3.1. Subdivision of land in the following zones:

...

Matters over which the Council has reserved control:

24.3.1.9. The use of the site.

24.3.1.10. The shape and position of any allotment.

24.3.1.11. The provision of drinkable water supply, water storage and water treatment.

24.3.1.12. Effluent management.

24.3.1.13. Stormwater control and treatment.

24.3.1.14. Service easements.

24.3.1.15. Roading, access, parking and manoeuvring, including any necessary easements.

24.3.1.16. The provision of reserves for open space and recreation.

24.3.1.17. The provision of esplanade reserves and esplanade strips.

24.3.1.18. The protection of existing vegetation and revegetation.

24.3.1.19. The securing of any necessary covenants or other instruments to protect any significant environmental features or other special feature(s) on any lot.

24.3.1.20. Fencing responsibilities.

24.3.1.21. Staging of developments or the timing of any works.

24.3.1.22. Controls to mitigate the adverse effects of subdivision construction.

24.3.1.23. Hazard avoidance, remediation or mitigation.

24.3.1.24. Council access to rivers and drainage channels.

24.3.1.25. Geotechnical matters.

24.3.1.26. Provision of water for fire fighting.

Federated Farmers supports in part this rule

Summary of reasons for this submission:

Federated Farmers submits that reverse sensitivity should also be addressed within the matters over which Council has reserved control, so that existing farming activities are able to continue without undue burden of new subdivision.

Relief Sought:

- That an additional criteria is added to address reverse sensitivity issues.

Subject matter and provision in the Plan:

24.5. Discretionary Activities

24.5.1. Any subdivision of land that does not comply with Rules 24.1.1 to 24.1.18.

24.5.2. Any permitted activity, controlled activity or restricted discretionary activity subdivision of land that does not meet the applicable standards.

24.5.3. Any subdivision of land not provided for as a permitted, controlled or restricted discretionary activity.

Federated Farmers opposes in part this rule

Summary of reasons for this submission:

Federated Farmers submits that any subdivision that does not meet the permitted activity standards should be classed as a restricted discretionary activity, on the basis that the Council should be able to come up with a list of factors against which they will consider an application. In doing so, that will provide more guidance to potential developers.

Relief Sought:

- That rule 24.5.1, 25.5.2 and 24.5.3 are amended to be restricted discretionary activities, with criteria set out for prospective applicants.

VOLUME 3: APPENDICES

Subject matter and provision in the Plan:

Appendix 1: Values contributing to areas with outstanding natural features and landscapes and areas with high amenity value

Federated Farmers opposes in part this appendix

Summary of reasons for this submission:

Federated Farmers submits that the values in Appendix 1 should accurately reflect the values of the landscape, including primary production to that landscape. We acknowledge that the values in the appendix are critical to recognising how important farming has been in shaping these landscapes, and providing for these activities to continue.

Federated Farmers supports the recognition of pastoral agriculture as contributing to ONLs such as The Limestone Coastline ONL, of which it states that unencumbered, predominantly pastoral land retained a high level of visual coherence, and modifications including pastoral land, occasional fences and farm tracks are noted. Federated Farmers further supports recognition of the landscape values which contribute to the Molesworth Station and Upper Clarence ONL, including recognition of Molesworth's presence as the country's biggest farm and largest herd of cattle. We support reference to the associated modifications including farm tracks, buildings and stockyards, occasional small quarries and pasture.

However, when we look at the values identified regarding other ONLs, there are numerous ONLs that do not recognise contribution of working farms to the landscape. For example, when looking at three of the Sounds ONLs that are occupied by pastoral agriculture – the Northern Lands of Inner Queen Charlotte Sound, Havelock (Pelorous Estuary), Mt Cawte and Northern Hills, and Forested Ridges around Crail Bay – there is recognition of high estuarine values, exceptional biophysical and associative landscape values and very high sensory landscape values. This we do not disagree. However there is no mention of pastoral farming as contributing to these values.

Further, we have numerous members with properties in The Chalk Range and The Inland Kaikoura Range ONLs. Both recognise modifications of farm tracks, fencing and sparsely located farm related buildings and structures, which we strongly support. The values should also identify the value of pastoral farming to the ONLs. Federated Farmers expects that

consultation and engagement with landowners whom have their properties mapped as ONLs would greatly assist in determining accurate values for the landscape.

It is imperative that where landscapes are mapped over farmland, that the values that have shaped that landscape are recognised. Too often in Federated Farmers experience working farms are mapped as landscapes, with the values of farming and primary production which have actively contributed to shaping the landscape not then appropriately acknowledged.

As per our submission on Chapter 7: Landscapes, we submit that high amenity value landscapes are deleted from the appendix. The two high amenity landscapes identified within the appendix do not recognise pastoral farming despite it's contribution to both the Sounds and to the Wairau Dry Hills Landscape, both of which take in working farms. Rather, the Wairau Dry Hills Landscape values speak to the importance of the hills as a backdrop to Blenheim and the visual contrast, that have become an important presence for the urban population.

The maps contained within the appendix are not clear and need to better identify the landscapes within the chapter. Federated Farmers suggests that this could be done by a shaded colour system and key on the maps referencing each different landscape.

Relief Sought:

- That recognition of farm related modifications are retained in the schedule of values in Appendix 1.
- That Appendix 1 is amended so that the values include the primary production activities that have actively contributed to shaping the landscape.
- That the areas of high amenity value are deleted from the Appendix, and associated policies deleted from the Plan.
- That the maps contained within Appendix 1 are made clearer.

Subject matter and provision in the Plan:

Appendix 2: Values contributing to high, very high and outstanding coastal natural character

Federated Farmers opposes in part this appendix

Summary of reasons for this submission:

Federated Farmers supports the recognition of marine farms within the coastal marine areas. We note the recognition of privately owned jetties and mooring, with the comment that these are considered to have only small localised effects ecologically. We submit that the additional comments section should be to supply an objective comment of the features of the area, not make an assessment of ecological effects.

Activities that are consistent with the level of existing natural character should be acknowledged and enabled within the Plan through the values in the appendix, so as to allow for farming activities to occur in areas that gain natural character from rural landscape.

Federated Farmers notes that there is a lack of recognition of primary production values as contributing to natural character in Appendix 2. For example, Cape Campbell is identified as an area with Outstanding Coastal Natural Character. In the description it is mentioned that the coast is largely unmodified with no aquaculture or jetties/wharves. It does not mention that the backdrop is a working farm.

In reference to the Campbell Coastal Terrestrial Area, it does note that modification is limited to light grazing and the occasional track, fence and small building. Federated Farmers submits that rather than see these areas as having a negative effect on coastal natural character, these aspects should be seen to enhance the natural character.

Federated Farmers submits that Appendix 2 is difficult to use. While the Coastal Marine and Coastal Terrestrial Areas are identified on the maps at the back of the appendix, the areas are broken into sub areas in the tables. It is not evident how the sub areas have been identified. Federated Farmers submits that the maps in the appendix need to be clearer and identify the sub areas within each Coastal Marine or Terrestrial Area.

Further, according to the maps provided within Appendix 2, all of the Sounds and coastline appears to have mapped high, very high or outstanding natural character. However, a closer study of the Boffa Miskell report on the mapping of the Marlborough Coastal Environment reveals that there are only some areas of the mapped components that actually meet this criteria. For example, at Level 4 and 5 of detail, only certain parts of each coastal terrestrial area is revealed as meeting the criteria for very high or high natural character. Thus, the maps in the appendix are misleading.

Relief Sought:

- That Appendix 1 is amended so that primary production is recognised as an asset and contributor to coastal natural character, and is identified in the Appendix where it has actively shaped the landscape.
- That the maps contained within Appendix 1 are clarified, and show each sub area, and provided in the same detail as provided in the Boffa Miskell report.

Subject matter and provision in the Plan:

Appendix 3: Ecological Significance Criteria for terrestrial, wetland and coastal environments

Federated Farmers supports in part this appendix

Summary of reasons for this submission:

Federated Farmers supports the criteria used for the identification of ecological significance for terrestrial, wetland and coastal environments. We consider that this would provide Council with useful criteria for the prioritisation of sites for partnership programmes with landowners and the community.

Federated Farmers considers that for the site to be considered significant, one of the first four criteria must rank as high, and/or two or more must rank as medium.

Relief Sought:

- That the second paragraph is amended to read:

Ranking within each criterion are: H = High; M = Medium; L = Low. They collectively contribute to an overall ranking indicating the degree of significance. For a site to be considered significant at least one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness) must rank M or H and/or two or more must rank M.

Subject matter and provision in the Plan:

Appendix 5: Water Resource Unit Values and Water Quality Classification Standards

Schedule 1 – Water Resource Unit Values

Federated Farmers opposes in part this appendix**Summary of reasons for this submission:**

Federated Farmers recognises the value of water resources in the region for ecosystem health and human health for recreation. These are important values for the community and we acknowledge and support the way they are identified in the Schedule 1 – Water Resource Unit Values through recognition of the values of water resources for aesthetic, contact recreation, natural state, aquatic ecosystem, fisheries, shellfish gathering, cultural, fish spawning and water supply.

In addition, this appendix should recognise the value of water to primary production and the livelihoods of rural communities. Not only do the water resource units, or rivers and streams identified, support ecological and cultural values, they also support social and economic values. These values include water for irrigation and food production (dairy farms, vineyards, sheep and beef properties, horticulture and cropping), stock drinking water (trough and open range grazing), fishing (trout, salmon and crayfish), hydro-electric, firefighting, forestry (erosion management) and marine farming (mussels, king salmon, oysters and seaweed). Commercial and industrial use for wineries and aquaculture product processing factories at Picton, Blenheim, Renwick and Havelock also rely on water. Rural employment and sense of community ultimately too, is a result of the water resources in the region and all need to be recognised accordingly.

In regards to Water Quality Classification standards, Federated Farmers notes that the classifications have been based on the Third Schedule of the RMA. We note with interest that while there are 11 classifications provided in the Third Schedule, only 9 have been used by Council in the preparation of the Plan, with the primary production and industry classification excluded. Federated Farmers submits that all classifications from the Third Schedule of the RMA are used.

Relief Sought:

- That that all classifications from the Third Schedule of the RMA are used when identifying Water Quality Classification standards, including irrigation purposes and industrial abstraction.

- That the water resource units are restructured to group by catchment.
- That the abbreviations are amended as follows:
 - CR to read primary contact recreation (1 November – 30th April)
 - FS to read fish spawning (May – December dependent on species)
- That the appendix is amended to include recognition of the following values, as per the NPSFM:
 - Economic and commercial development
 - Irrigation and food production
 - Stock drinking water
- That a preamble be added to clarify that classifications, values and standards will be subject to review as part of the development of Catchment Enhancement Plans.

Subject matter and provision in the Plan:

Appendix 4: Criteria for Determining Significant Adverse Effects

Federated Farmers opposes in part this appendix

Summary of reasons for this submission:

Federated Farmers submits that the appendix which is supposed to provide a criteria for determining adverse effects is vague and will provide little guidance for assessing the affect of a consent application, leaving too much discretion with those interpreting the Plan.

Relief sought:

- That the appendix is amended to make it a more robust decision making tool.

Subject matter and provision in the Plan:

Appendix 5: Water Resource Unit Values and Water Quality Classification Standards

Schedule 2 – Water Quality Classification Standards

Federated Farmers supports in part this appendix

Summary of reasons for this submission:

Federated Farmers generally support the proposed regional water quality standards, subject to clarification that these will be subject to review as part of the catchment specific processes for setting limits.

We propose some amendments for consistency and clarity, including ecoli, turbidity and stock drinking water. We recommend that some attributes be removed at this time pending the further technical work and environmental monitoring which is being undertaken

preparatory to the catchment processes. In particular, development of standards for periphyton and deposited sediment need to be informed by regional data which has not been available to date. It is our understanding that work is in train and will be available to support the catchment processes.

Standards for nutrients for managing nuisance periphyton growth should be assessed as part of the catchment processes, supported by catchment specific data on chlorophyll and algae growth, and catchment-specific assessment of the relative importance of nutrients, light, flow and grazers.

Relief Sought:

- That the following amendments are made to the schedule:

Standard/Parameter	Interpretation of Standard/Parameter	Classification
Biological growths	<p>Bacterial and/or fungal slime growths must not be visible to the naked eye as obvious plumose growths or mats.</p> <p>The daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter) must not exceed 2mg/l.</p> <p>Dissolved reactive phosphorus (DRP) must be <0.015mg/l when rivers are at < median flow.</p> <p>Dissolved inorganic nitrogen (DIN) must be <0.444mg/l when rivers are at < median flow.</p>	AE, FS
Turbidity	<p>Turbidity must be no greater than 5.6 Nephelometric Turbidity Units <u>when rivers are at < median flow.</u></p> <p><u>The Awatere River is excluded from this standard.</u></p>	AE, FS, CR
Deposited Fine Sediment (DFS) – Stony Bottom Streams	The DFS cover must be <20%.	AE, FS
Suitability for consumption by farm animals	<p>Water must not be rendered unsuitable for farm animals.</p> <p><u>E.coli levels must be <1000/100mL..</u></p>	AE, FS, F

Macroinvertebrate Community Index (MCI) – Stoney Bottom Streams	Must be >40 <u>80</u> when river flow is < median <u>flow</u> .	F
Escherichia coli (E. coli)	<p>Between 1 November and 30 April of the following year mean<u>median</u> <i>E. coli</i> levels must be <426<u>260</u>/100mL when rivers are at < median flow.</p> <p>At all other times mean<u>median</u> <i>E. coli</i> levels must be <260/100mL when rivers are at < median flow.</p> <p>Between 1 November and 30 April of the following year maximum<u>the 95th percentile</u> <i>E. coli</i> levels must be <260<u>540</u>/100mL when rivers are at < median flow.</p> <p>Between 1 November and 30 April of the following year maximum <i>E. coli</i> levels must be <260/100mL when rivers are at < median flow.</p>	CR
Colour or visual clarity	<p>Measurements are to be made immediately upstream of the discharge and below the discharge after reasonable mixing.</p> <p>Hue must not be changed by more than 5 points on the Munsell scale.</p> <p>Turbidity must be no greater<u>not change more</u> than 1.5 Nephelometric Turbidity Units.</p>	A

Subject matter and provision in the Plan:

Appendix 6: Environmental Flows and Levels

Federated Farmers supports in part this appendix

Summary of reasons for this submission:

Federated Farmers supports the provision of minimum flows to provide resource users with certainty. While we note that on the whole the minimum flows appear to be mostly the same, some additional flows have been added to the proposed Plan and we seek to better understand how these changes will affect resource users' reliability and certainty.

Relief Sought:

- That information is made available to resource users on the effects of the proposed changes, and transition times are provided for.

Subject matter and provision in the Plan:

Appendix 13: Register of Significant Heritage Resources

Schedule 1: Category I Heritage Resources

Schedule 2: Category II and Locally Significant Heritage Resources

Schedule 3: Notable Trees

Federated Farmers supports in part this appendix**Summary of reasons for this submission:**

Federated Farmers notes the inclusion of a schedule of buildings with identified heritage values, contained within both Schedule 1 and Schedule 2. We support the acknowledgement of heritage values, however when developing policy around heritage, impacts on resource users must be addressed. If effects on landowners are ignored it could be perceived that recognised heritage resources are a hindrance and a liability, resulting in unintended negative consequences.

The care of heritage items relies on the co-operation of the owner therefore consent by the owner for the item to be included in the Plan should be sought. We would expect that in the case of the buildings listed in Schedule 1 and 2, the owners have given their consent to be included in the Plan. We would be concerned if the owners permission had not be sought, as this could set a precedent for other heritage buildings within the District, some of which may be on farmland as old homesteads.

Relief Sought:

- That the owners of all listed buildings in the Plan are individually notified of the new provisions in the Plan, and that no building is included without the owner's written agreement to its inclusion and the rules that the building will be bound by.
- Waihi Tapu sites and any sites of significance to iwi are identified in the appendix.

Subject matter and provision in the Plan:

Appendix 24: Worker Accommodation Exclusion Area

Federated Farmers supports in part this appendix**Summary of reasons for this submission:**

Federated Farmers submits that the mapped worker accommodation should be deleted from the Plan. The map is poorly executed and will affect many farmers who legitimately need to house workers on their properties.

The mapped area takes in parts of the coastal environment. This is in conflict with Policy 13.5.5 which states that seasonal worker accommodation will be enabled in land zoned Coastal Environment. Accordingly, we submit that the appendix is deleted from the Plan, and that worker accommodation is provided for as a permitted activity.

Relief Sought:

- That the appendix is deleted from the Plan.

Subject matter and provision in the Plan:

Appendix 25: Pest Plants

Federated Farmers opposes this appendix

Summary of reasons for this submission:

Federated Farmers understands Council's intention in identifying pest plant species that can be removed from drainage channels, waterbodies and Significant Wetlands. However, the use of Appendix 25 is a poor execution of this good intent. We note that the Appendix is referred to in the General Rules for the discharge of aquatic agrichemical to a waterbody. It is also referred to in the Rural Environment and Coastal Environment Chapter for the discharge of aquatic herbicide for the purposes of removing pest plants in a Significant Wetland.

Federated Farmers considers that the removal of pest plants should be supported; however it is inappropriate for Council to develop a short list of pest plants that can be removed, without acknowledging that different ecosystems and areas of the region will be subject to different threats. These pest species may also change with time and the Plan risks locking these in. It would be more appropriate to allow landowners to remove exotic species from these areas than to specify what species can be removed, recognising there may be omissions.

Relief Sought:

- That the appendix is deleted from the Plan.

VOLUME 4: MAPS

Subject matter and provision in the Plan:

General submission on the status of the maps

Federated Farmers supports the need for clarification on the status of the maps

Summary of reasons for this submission:

Federated Farmers notes that it is important to clarify at appropriate places within the plan that Planning Maps (including those depicting the extent of the coastal environment, areas of outstanding natural features and outstanding natural landscape, and high or outstanding

natural character) have the status of District Plan maps, or at least can be amended in response to new information.

Relief Sought:

- That clarification of the status of the planning maps is provided within the Plan.

Subject matter and provision in the Plan:

Accuracy of maps and overlays applying to specific properties

Federated Farmers supports the need for greater accuracy of the maps

Summary of reasons for this submission:

Federated Farmers has provided no view on the accuracy of the maps, including the overlays applied, on a specific property basis. We have instead considered the rules associated with these areas and submitted accordingly.

Primarily we consider this a matter between Council and the individual landowner, with the onus on Council to both map the areas accurately, and in respect to Hazard overlays, to ensure that both the level of risk posed by specific hazards and the geographical risk profiles proposed for each property are accurate to a degree acceptable to both the landowner and Council.

However, we note that a number of farmers have contacted us with concerns around the accuracy of the maps, and whether these accurately capture the relative risks. This is specifically a concern where the implications are controls on farmer decision making and land use. In many instances farmers have indicated the maps and level of risk outlined do not capture their personal experiences.

Particularly in respect to the areas defined as flood prone, where there is concern in relation to the accuracy of the maps/overlays or the level of risk posed, we ask Council revisit the proposed zones and consult with landowners on the accuracy of the maps and subsequent risk assessments.

Relief Sought:

- That where landowners have concerns with the accuracy of overlay maps or, in respect to hazard overlays, the level of risk assumed for a specific property, we ask that Council revisits these matters with the landowner in question.

Subject matter and provision in the Plan:

Zone Maps: Significant Wetlands

Federated Farmers opposes the mapping of Significant Wetlands on the Zone Maps

Summary of reasons for this submission:

Federated Farmers supports the identification and protection of regionally Significant Wetlands. However, we have concerns over the accuracy of the mapping of Significant

Wetlands. It is difficult to assess the accuracy or completeness of the list when there is no explanation of how the Council decided which wetlands were worthy of classification, or work that shows how wetlands compared against the significance criteria.

While these sites were supposedly identified and notification to all landowners provided with a site visit offered, we are aware of landowners finding new wetlands on their properties when looking at the Plan maps. We are also aware of wetlands that have been identified when in reality they are just boggy paddocks or insignificant pieces of land.

Federated Farmers submits that Council must undertake to ground-truth all sites before they are included in the Plan. Council must also undertake to consult with individual landowners during the process as to how the classification restricts how they can use their land.

Relief Sought:

- That Council undertake to ground-truth all sites through a comprehensive wetlands assessment before there are included in the Plan.
- That Council delete the mapped wetlands until landowner consultation and the groundtruthing assessment has been adequately completed.

Subject matter and provision in the Plan:

Zone Maps: Floodway Zone

Federated Farmers opposes in part the Floodway Zone overlay

Summary of reasons for this submission:

Federated Farmers notes that the Floodway Zone as mapped in the Plan takes in some private property. It is not clear whether this is the intention or whether this is a mapping error. Federated Farmers submits that where private property is encompassed by the Floodway Zone, landowners should be able to do the same activities as they can do on their land with regards to application of agrichemicals, farming and livestock access to beds of lakes and rivers as a permitted activity as it is in the Rural Environment Zone.

Relief Sought:

- That the Floodway Zone overlay is reviewed with regards to encompassing private property.

Subject matter and provision in the Plan:

Overlay: Afforestation Flow Sensitive Sites

Federated Farmers opposes the Afforestation Flow Sensitive Sites overlay

Summary of reasons for this submission:

Federated Farmers opposes the identification of Afforestation Flow Sensitive Sites, as per our submission on the Rural Environment Zone.

Relief Sought:

- That Afforestation Flow Sensitive Sites and all associated provisions are deleted from the Plan.

Subject matter and provision in the Plan:

Overlay: Coastal Natural Character

Federated Farmers opposes in part the Coastal Natural Character overlay**Summary of reasons for this submission:**

Federated Farmers opposes the Coastal Natural Character overlays because robust identification and consultation processes have not occurred.

Federated Farmers notes that the *Coastal Natural Character is mapped within the report Natural Character of the Marlborough Coast – June 2014*. Federated Farmers is not aware of consultation occurring with landowners with regards to the Coastal Natural Character overlay, despite the overlay taking in many coastal farms along the South Marlborough Coast and also across the Sounds.

In addition to use of robust and objective criteria to assess Coastal Natural Character, Federated Farmers strongly urges Council to consult with landowners, both collectively and individually on this matter. Federated Farmers considers that it is vital that only landscapes with true outstanding qualities and naturalness are identified, so that efforts can be focused where they will have the most benefit. Ground truthing is also vital to ensure that desk-top exercises to classify Coastal Natural Character are confirmed by visiting the sites on the ground. Desk-top analysis is limited by the quality of information which may be either out of date or incomplete. Accurate identification of Coastal Natural Character will be achieved by meeting with landowners and visiting sites, and engaging with landowners on the inclusion of their land.

Clear identification of Coastal Natural Character on planning maps provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary protection to landscapes that do not meet the criteria. This will ensure that landowners are well informed about the specialness of their land, but also aid in making decisions about land use and ways to avoid, remedy or mitigate and effects on values.

Relief Sought:

- That robust and objective criteria is used to identify Coastal Natural Character and that a landscape must meet all or most criteria to be classified as having high or outstanding Coastal Natural Character L; and
- That all land is ground truthed and landowners with Coastal Natural Character mapped over private land consulted with; and
- That landowners with Coastal Natural Character identified on their property are provided with copies of the *Natural Character of the Marlborough Coast – June 2014 report*. This will ensure that landowners are well informed about the specialness of

their land, and also aid in making decisions about land use and ways to avoid, remedy or mitigate and effects on values; and

- That where Coastal Natural Character is mapped over farmland, that the values of farming and primary production are appropriately acknowledged.

Subject matter and provision in the Plan:

Overlay: Flood Hazard Areas

Federated Farmers opposes the Flood Hazard Area overlay

Summary of reasons for this submission:

Federated Farmers has heard from a number of farmers regarding the inaccuracy of the mapping of Flood Hazard Areas. Many have observed that the area specified is far greater than their knowledge of the flood hazard areas. Federated Farmers questions how old the information is that has been used to inform the mapping of the Flood Hazard Areas.

While we do support the intention to map Flood Hazard Areas, it is critical that the areas are accurately mapped. There are numerous farming activities with permitted activity standards that identify flood hazard areas, including the inability to locate a dairy effluent storage system on a flood hazard area. Inaccurately mapped Flood Hazard Areas will place considerable cost burden on landowners for little environmental benefit.

Federated Farmers submits that the Flood Hazard Areas are removed from the Plan until such time as new mapping is completed that more accurately represents the flood hazard risk. Until then all policies and provisions relating to Flood Hazard Areas should be removed from the Plan.

Relief Sought:

- That the Flood Hazard Areas maps are removed from the Plan until such time as new mapping is completed that more accurately represents the current flood hazard risk.

Subject matter and provision in the Plan:

Overlay: Outstanding Natural Features and Landscapes

Federated Farmers opposes in part the Outstanding Natural Features and Landscapes overlay

Summary of reasons for this submission:

In addition to use of robust and objective criteria to assess ONFLS, Federated Farmers strongly urges Council to consult with landowners, both collectively and individually on this matter. Federated Farmers considers that it is vital that only landscapes with true outstanding qualities and naturalness are identified, so that efforts can be focused where they will have the most benefit. Ground truthing is also vital to ensure that desk-top

exercises to classify ONFLs are confirmed by visiting the sites on the ground. Desk-top analysis is limited by the quality of information which may be either out of date or incomplete. Accurate identification of ONFLs will be achieved by meeting with landowners and visiting sites.

Clear identification of Outstanding Natural Features and Landscapes on planning maps provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary protection to landscapes that are not considered Outstanding. A description of the values that contribute to their identification as Outstanding should be included in the Plan. This will ensure that landowners are well informed about the specialness of their land, but also aid in making decisions about land use and ways to avoid, remedy or mitigate and effects on values.

Relief Sought:

- That robust and objective criteria is used to identify ONFLs and that a landscape must meet all or most criteria to be classified as an ONFL; and
- That all ONFLs are ground truthed and landowners with ONFLs mapped over private land consulted with; and
- That a robust cost benefit analysis of the identification of ONFLS over private land is included in the Plan; and
- That landowners with ONFLs identified on their property are provided with copies of the *'Marlborough Landscape Study August 2015'*. This will ensure that landowners are well informed about the specialness of their land, and also aid in making decisions about land use and ways to avoid, remedy or mitigate and effects on values; and
- That where landscapes are mapped over farmland, that the values of farming and primary production are appropriately acknowledged.

Subject matter and provision in the Plan:

Overlay: High Amenity Value Landscapes

Federated Farmers opposes the High Amenity Landscapes overlay

Summary of reasons for this submission:

Federated Farmers submits that in keeping with our submissions on Chapter 7: Landscapes, the High Amenity Value Landscapes are deleted from the Plan.

Relief Sought:

- That the overlay of High Amenity Value Landscapes and all associated policies and provisions are deleted from the Plan.

Subject matter and provision in the Plan:

Overlay: Riparian Natural Character Management Area

Federated Farmers opposes the Riparian Natural Character Management Area overlay

Summary of reasons for this submission:

Federated Farmers submits that in keeping with our submissions on Chapter 6; Natural Character, the Riparian Natural Character Management Areas are deleted from the Plan.

Relief Sought:

- That the overlay of Riparian Natural Character Management Areas and all associated policies and provisions are deleted from the Plan.

Subject matter and provision in the Plan:

Overlay: Soil Sensitive Areas

Federated Farmers opposes the Soil Sensitive Areas overlay

Summary of reasons for this submission:

Primary production activities inherently recognise and make use of the underlying value of the soil resource, and therefore there is generally a significant incentive to keep the soil in situ. Farmers generally know their land very well and are accustomed to the soil types. Farmers value and invest in their soils and the stability of their soils. We have heard reports from farmers who are concerned with the veracity of the information contained within the soil maps.

It is Federated Farmers view that Council should address the increased threat of erosion from loess soils through non-regulatory guidance and advice, as they should for free-draining soils and impeded soils. Good management of soils is better, and more cost-effectively, dealt with via education and extension rather than regulation.

Relief Sought:

- That the overlay of Soil Sensitive Areas and all associated provisions are deleted from the Plan, and retained by Council as a non-regulatory tool to assist landowners with making decisions about their property.

Subject matter and provision in the Plan:

Overlay: Significant Ridgelines

Federated Farmers opposes the Significant Ridgelines overlay

Summary of reasons for this submission:

Federated Farmers submits that only landscapes and features that meet ONFL criteria and are considered to be outstanding need protection as a RMA Section 6 matter of national importance. Significant ridgelines do not meet ONFL criteria, otherwise they would be classified as ONFLs, and therefore do not need to be identified on planning maps or be subject to this associated rule.

These Significant Ridgelines occur on rural zoned land and are either actively farmed themselves or part of a farmed property. There is no need to limit the location of buildings on rural land for amenity or scenic purposes. There are already areas of land that are identified and mapped as ONFLs and a suite of provisions intending to protect these from inappropriate activities, so the risk that the District's special landscapes could have inappropriate development is already taken care of. Significant Ridgelines are unnecessary extra classifications that do not correspond to any RMA requirements and associated provisions and rules will unnecessarily restrict opportunities for social, economic and cultural wellbeing by limiting use of land.

Relief Sought:

- That the overlay of Significant Ridgelines and all associated policies and provisions are deleted from the Plan.

Subject matter and provision in the Plan:

Overlay: Steep Erosion Prone Land

Federated Farmers opposes the Steep Erosion Prone Land overlay

Summary of reasons for this submission:

Federated Farmers notes the steep erosion prone land overlay covers extensive areas of the Marlborough region. The overlay is used to inappropriately prohibiting a type of land use – forestry - that has many benefits from occurring in much of the region. Federated Farmers submits that the overlay is deleted from the Plan.

Relief Sought:

- That the overlay of Steep Erosion Prone Land and all associated provisions are deleted from the Plan.

Subject matter and provision in the Plan:

Overlay: Threatened Environments

Federated Farmers opposes the Threatened Environments overlay

Summary of reasons for this submission:

Federated Farmers submits that the Threatened Environments overlay is deleted from the planning maps.

There is no reference or justification for the mapping of Threatened Environments in Volume One: Issues, Objectives, Policies and Methods. The only reference to Threatened Environments in Chapter 8: Indigenous Biodiversity is in the monitoring effectiveness section, which notes an increase in the area of land covered in indigenous vegetation in parts of Marlborough mapped in the Threatened Environment Classification.

Federated Farmers considers that the primary focus should be on developing indigenous vegetation rules that seek to identify and protect species based on how threatened or

endangered that species is, and/or the intrinsic value of that species. While we appreciate the role Land Environments of New Zealand at Level IV (LENZ) can play in respect to providing an environmental classification system, we note that this is only intended to underpin an overall approach to addressing conservation and resource management issues. We are not comfortable with LENZ being used at the pointy end of regulation as is proposed in this policy.

This in effect adds an additional layer to the overall approach to the protection, maintenance or enhancement of indigenous vegetation in the District, and as a result rather than providing clarity to the District's resource users, potentially reduces this clarity. This is a concern because we consider a reasonable, partnership based approach which provides for farming while protecting the indigenous vegetation stock is the most effective and efficient approach.

LENZ is a quantitative based approach and as a result does not address qualitative issues. While we consider it may be considered an appropriate tool for the urban environment we do not consider it adds anything, other than complexity, to assessments of indigenous vegetation in the rural environment.

Relief Sought:

- That the overlay is deleted from the planning maps, along with all methods and provisions.

Subject matter and provision in the Plan:

Mapped extent of the Coastal Environment

Federated Farmers opposes in part the mapped extent of the coastal environment

Summary of reasons for this submission:

Federated Farmers supports the concept of identification of the coastal environment through a mapped line to provide plan users with certainty. The line has been mapped so that it captures a vast amount of land used for primary production purposes. It is important for local authorities to consult with landholders, the community, tangata whenua and other key stakeholders in the identification of the coastal environment line, and in particular those who hold land which could be potentially affected by any policies or rules that result from the identification of the landward extent of the coastal environment.

Relief Sought:

- That landowners, the community, tangata whenua and other key stakeholders are involved in the identification of the coastal environment line.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

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

Our members may operate their business in a fair and flexible commercial environment;

Our members' families and their staff have access to services essential to the needs of the rural community; and

Our members adopt responsible management and environmental practices.

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

Federated Farmers thanks the Marlborough District Council on considering our submission on the Marlborough Environment Plan.



FURTHER SUBMISSION



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

To: **Marlborough District Council**

From: Federated Farmers of New Zealand

On the: **Marlborough Environment Plan**

Date: Friday 23rd June 2017

Contact: **Kristy McGregor**
Regional Policy Advisor

Federated Farmers of New Zealand
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Please find following Federated Farmers of New Zealand Further Submission on the Marlborough Environment Plan. Where Federated Farmers submitted on the same point as any other submitter it stands by its original submission. This Further Submission seeks only to provide Federated Farmers views on points raised by other submitters that are not already covered in our original submission.

Federated Farmers has an interest in the proposal that is greater than the interest the general public has. The grounds for saying that I come within this category are that:

- Federated Farmers of New Zealand is a representative body for all farmers. The subject matter of the Plan is a matter of interest for the farmers of the Marlborough, and they constitute a sector of the public at large. Federated Farmers is in an appropriate position to represent that interest.

We wish to be heard in support of our submission. If others make a similar further submission I would be prepared to consider presenting a joint case with them at the hearing.

Federated Farmers acknowledges that by taking part in this public submission process the submission (including names and addresses) will be made public.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Accolade Wines NZ Limited	457	Definition of agricultural waste	Amend definition to directly refer to viticulture and viticulture processing.	Support	For clarity.
Aquaculture NZ	401	Add definition for primary production	Include definition for primary production which reads: "All forms of agriculture, horticulture, silviculture and aquaculture, whether on land or on sea, and includes the processing, preparation for market and sale of those products."	Support in part	Support the inclusion of a definition of primary production. However, the definition should include forestry.
Awatere Water Users Group	548	Issue 4A	That Council undertake the following and amend Issue 4A including provide a full assessment of the social and economic benefits to Marlborough including the added value from primary production; provide an explanation of how the economic indicators are derived; provide reference to the economic monitoring reports that are used.	Support	Support relief sought by submitter to provide vital social and economic context to the plan.
Awatere Water Users Group	548	4.AER.1	That Council provide more information for submitters to make an informed judgement on whether the monitoring target is appropriate, including a summary of primary sector contributions to Marlborough GDP over the last ten years; providing the rationale for the stated monitoring target "the primary sector contributes over 15% of Marlborough GDP",	Support	Support relief sought by submitter to better inform an appropriate monitoring target, as raised within original submission the primary sector expected to contribute over 15% to GDP and the AER should be amended accordingly.
Awatere Water Users Group	548	Policy 11.1.7	Amend policy to recognise the effects of gravel extraction on downstream irrigation takes.	Support	Support pragmatic addition.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Awatere Water Users Group	548	Policy 15.1.32	Amend policy to acknowledge the need to undertake disturbance of the riverbeds or land in close proximity to water bodies for the installation and maintenance of irrigation supply intakes.	Support	Support pragmatic additions.
Awatere Water Users Group	548	Method 5.M.18 Method 5.M.24	Include additional method regarding working with water use groups and other agencies to develop riverbed activity guidelines to prevent or minimise the adverse effects of activities in, on, under or over riverbeds, to assist on the preparation of site specific management plans and for the processing of resource consent applications.	Support in part	Support the development of non-regulatory guidance for riverbed activities, provided they remain non-regulatory.
Awatere Water Users Group	548	Policy 15.1.23	Impractical to exclude stock from all water bodies on extensively grazed properties; essential that livestock have access to drinking water and that they are able to be shifted across streams between paddocks. Support approach of using permitted activity rules for managing adverse effects of stock on freshwater bodies. Recommend Council work with industry groups to develop a code of practice.	Support	Support practical reasoning offered by submitter and the approach of permitted standards and working collaboratively with industry.
Beef & Lamb New Zealand	459	General submission on nature of regulation	Ensure all rules within the MEP are effects based, rather than regulating actual farming activities.	Support	Support focus on effects.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Beef & Lamb New Zealand	459	General submission on Farm Environment Plans	Introduce voluntary Farm Environment Planning into the Plan as an alternative pathway to encourage proactive on-farm behaviour through their adoption either as a permitted activity, or as a method in the Plan. Suggest a schedule for FEPs would include a map and description of good management practices.	Support	Support the inclusion of voluntary FEPs as an alternative pathway for farmers
Beef & Lamb New Zealand	459	General submission on rules and standards	Amend the rules so that any measurements used are practical, part of everyday vernacular and can be interpreted by the community.	Support	Support a clear plan that plan users can easily understand and have certainty over their compliance with it.
Blind River Irrigation Limited	462	Definition of intensively farmed livestock	Amend definition to exclude dairy cattle off the milking platform, and the crossing of stock across a river from an extensively grazed area to an intensively / break fed grazed area.	Support in part	In addition to our original submission, support the exclusion that this definition does not apply to the crossing of stock across a river from an extensively grazed area to a breakfed grazed area.
Clive Tozer	319	New definition for floodway zone	Submitter requests new definitions for floodway and stopbank defense system.	Support	Provides greater plan certainty and clarity of provisions

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Clova Bay Residents Association Incorporated	152	New policy for cumulative adverse effects on landscape values	Include a new policy which meets the requirements of the NZCPS Policy 7 and prescribes the positive identification of areas where coastal landscape values are under threat from adverse cumulative effects; that for all activities requiring a resource consent in the coastal marine environment an assessment needs to be undertaken; that acceptable limits of cumulative effects will be determined by reference to thresholds or by effects not reducing landscape value, or by guidelines of best practice. May require a retraction of consented activities through re-consenting attrition.	Oppose	Does not allow for sustainable management.
Department of Conservation	479	Policy 8.3.5	Amend policy to note the loss of threatened or at risk species or their habitats and species which are rare within the region or ecological district.	Support in part	Support further accuracy of the clause. Note comments on ecological significance criteria.
Department of Conservation	479	Policy 8.3.8	Replace policy with new policy and Appendix that sets out clarity with where biodiversity offsetting sits within the mitigation hierarchy.	Oppose	Oppose intent to create a hierarchy in terms of compensation, mitigation and offsetting, as per original submission.
Department of Conservation	479	Policy 10.2.3	Amend policy to include a new clause that provides a pathway for consenting when the tree is a significant cause of wilding tree spread affecting indigenous biodiversity.	Support	Support pragmatic addition.
Department of Conservation	479	Policy 11.1.7	Amend to provide for the avoidance or remedying of adverse effects where gravel extraction may have a negative effect such as disturbing freshwater habitats and indigenous wading birds.	Oppose	Policy as proposed provided sufficiently for the ecological and recreational values as proposed.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Department Conservation	of 479	Policy 13.1.1	Amend policy to avoid adverse effects from subdivision, use and development activities on the characteristics and values of the areas identified.	Oppose in part	Would only support amendments if primary production characteristics and values are acknowledged for each area. Original relief sought remains.
Department Conservation	of 479	Objective 15.1a	Amend objective to apply to coastal waters, rivers and lakes as suitable for contact recreation.	Oppose	Not all waterbodies need to be suitable – only those identified as being spots where contact recreation is enjoyed.
Department Conservation	of 479	Rule 2.2.8	Amend to allow for the permitted taking of water for the purpose of spraying and weed and pest control.	Support	Support pragmatic addition.
Department Conservation	of 479	Rule 2.7.1	Amend rule to include operation of existing structures and to require fish passages to be maintained.	Oppose	While in some cases it might be fair to introduce fish passages into new culverting, it cannot be expected to be a permitted activity standard for existing culverts.
Department Conservation	of 479	Rule 2.11.4	Amend rule to prohibit the access of intensively farmed livestock to lakes and wetlands.	Oppose	Oppose the use of prohibited status for livestock access.
Department Conservation	of 479	Rule 2.11.5	Amend rule to prohibit the access of intensively farmed livestock to lakes and wetlands.	Oppose	Oppose the use of prohibited status for livestock access.
Department Conservation	of 479	Rule 2.14.6	Amend rule to ensure that where the planting of vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion are completed, it needs to be with indigenous plant species.	Oppose	Should not be a regulatory requirement, but Council can certainly encourage native plantings.
Department Conservation	of 479	Rule 3.1.11 Rule 3.3.11	Include new activity standard which requires that the clearance of indigenous vegetation must not occur where the area to be cleared is determined to be significant when assessed against the criteria in Appendix 3.	Oppose	This would require any land owner undertaking to clear indigenous vegetation of any size/scale, to have to under the process of assessing their vegetation against the significance criteria, potentially through the guide of a trained ecologist, before being able to clear vegetation. Relief sought by submitter lacking practicality.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Department Conservation	of 479	Rule 3.7.4 Rule 3.7.5	Amend rules to prohibit the access of intensively farmed livestock to lakes and wetlands.	Oppose	Oppose the use of prohibited status for livestock access.
Department Conservation	of 479	Rule 4.1.10	Include new activity standard which requires that the clearance of indigenous vegetation must not occur where the area to be cleared is determined to be significant when assessed against the criteria in Appendix 3.	Oppose	This would require any land owner undertaking to clear indigenous vegetation of any size/scale, to have to under the process of assessing their vegetation against the significance criteria, potentially through the guide of a trained ecologist, before being able to clear vegetation. Relief sought by submitter lacking practicality.
Department Conservation	of 479	Rule 4.7.4 Rule 4.7.5	Amend rules to prohibit the access of intensively farmed livestock to lakes and wetlands.	Oppose	Oppose the use of prohibited status for livestock access.
Department Conservation	of 479	Rule 19.1.17 Rule 19.3.15	Include a new permitted activity standard requiring any spray drift from the discharge to be contained within the property boundary.	Oppose	Impractical to expect all spray drift will be contained by the property boundary. Agrichemical managed by the HSNO Act and does not need to be regulated in the Plan.
Department Conservation	of 479	Appendix 3	Provide further guidance around what constitutes a site.	Support	Support need to clarify what constitutes a site, as this will have a significant influence on the application and findings of significance.
East Bay Conservation Society	100	Rule 4.5.1	Amend rule by increasing size of permitted structures in the coastal environment zone which includes much rural land and farming properties.	Support	Support practical reasoning of submitter Refer to our original submission for relief sought.
East Bay Conservation Society	100	Issue 4C	Amend explanatory text of Issue to highlight issues of past unsustainable use of the environment to spell out what can be learned from, including the reason pastoral farming has ceased in the sounds.	Oppose in part	An accurate summary of the drivers of natural and physical resource use in the sounds should also articulate the manner in which past and present activities have shaped and continue to shape the character and intrinsic values of the unique environment.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	General submission on rules framework for overlays	That the trigger point for environmental overlays will be set to ensure the rules framework gives effect to the RMA; Plan fails to adequately control in the environmental overlays are construction and siting of buildings and structure, vegetation clearance, forestry & farming, cultivation and excavation, subdivision.	Oppose	The submitter's concerns are adequately addressed in existing plan provisions.
Environmental Defence Society	698	General submission on overlays	That a specific chapter be included in Volume 2 setting out the rules framework for each environmental overlay addressing all relevant activities.	Support	Support the provision of a chapter which sets out the rules for each overlay. Will ensure plan is more user friendly and provides necessary clarity and certainty for plan users.
Environmental Defence Society	698	General submission on stock exclusion	Stock exclusion rules are tightened by action being taken now and fast (not waiting until 2022); rules should not be limited to flowing rivers; stock also should be excluded from the active bed and riparian river of main-stem rivers and other intermittent and ephemeral rivers where they are important habitats or breeding areas or important to the hydrological function of the waterbody.	Oppose	Disagree with submitters reasoning re state of water quality in Marlborough; plan recognises it to be very good. Oppose immediate exclusion of stock and submitter's request to extend to the active bed of rivers where water is not flowing. Such rules are not suitable for 'one size fits all solutions'. The area is complex and this isn't reflected in submission.
Environmental Defence Society	698	General submission on farm animal discharges	That discharges from farm animals to land as part of a farming operation are identified and controlled by the Plan as a Discretionary activity.	Oppose	Not practical, would not stand up to a robust cost benefit analysis and well beyond intent of the RMA.
Environmental Defence Society	698	Guiding principles	That the guiding principles are deleted because they conflict with Part 2 of the RMA, marginalise the protection of the environment and fail to reflect the concept of environmental bottom lines, and import and inappropriate focus on private property rights.	Oppose	Oppose submitter's reasoning and relief sought which is not in line with the sustainable management philosophy embedded within the RMA.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Review process	That the section is deleted as it is unnecessary and does not add to the interpretation or implementation of the Plan; section is reviewed and amended to make more streamlined and focused.	Oppose	Oppose removal of the review process from the background section, as it provides important context for the Plan development.
Environmental Defence Society	698	Use of RMA Terms - Enable	Amend wording of section to recognise and discuss Section 5 of the RMA, and reflect fact that the RMA was intended to install a regulatory regime to establish non-negotiable biophysical bottom lines to provide for development within the capacity of the environment and the ecosystems that supported.	Oppose	Unnecessary and goes beyond intent of the RMA.
Environmental Defence Society	698	Use of RMA Terms - Avoid	Amend wording of section to reflect EDS v King Salmon Supreme Court findings.	Oppose	Oppose the inclusion of judicial wording into a plan in the way proposed. Inappropriate and opens council in position of needing to initiate plan change in light of subsequent judicial decisions.
Environmental Defence Society	698	General submission on Chapter 4	Amend to identify that use and development should only occur within the capacity of the environment/within environmental limits. That the Plan should set environmental bottom lines in the regional context.	Oppose	Other areas of the Plan already address this issue through the specific theme based chapters. Oppose relief sought, as through the rule framework environmental bottom lines are in effect established.
Environmental Defence Society	698	New objective 4.3.1	Include a new objective that recognises use and development occurs within the ability of the environment to maintain its life-supporting capacity.	Oppose	Such wording could lead to subjectivity, confusion and uncertainty. Unsure what this adds to the overall plan structure.
Environmental Defence Society	698	New policy 4.3.x	Include new policy that says set clear and non-derogable environmental limits for each resource that ensure use and development only occurs within the ability of the environment to sustain its life supporting capacity.	Oppose	Impossible for this level of complexity to be detailed within a single policy in the way proposed.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Introduction to Chapter 5	Amend introduction to identify that allocation of natural resources for use should only occur above non-derogable environmental bottom lines set to safeguard the life supporting capacity of the resource in question.	Oppose	Until there is certainty and clear understanding of the applicable life supporting capacity for each resource, such wording adds only confusion and uncertainty.
Environmental Defence Society	698	Policy 5.2.4	Amend policy to provide clarity re values and to seek enhancement to meet freshwater quality limits.	Oppose	Refer to relief sought in original submission.
Environmental Defence Society	698	Policy 5.2.7	Delete policy as variations of limits should be undertaken via a plan change.	Oppose	Policy provides for discretion through the consent process, which balances environmental and other considerations as appropriate. Retain policy as per original submission.
Environmental Defence Society	698	Policy 5.3.1	Amend policy to allocate priority firstly to the waterbody in the quantum required to safeguard its life supporting capacity.	Oppose in part	Consider our submission addressed the matter better.
Environmental Defence Society	698	Policy 5.3.5	Delete policy as all water should be taken within sustainable limits. All permitted and consented takes should be incorporated into the allocatable quantum to ensure water is managed within sustainable limits.	Oppose	Policy as proposed is practical and in line with the sustainable management philosophy of the RMA.
Environmental Defence Society	698	Policy 5.3.10	Delete policy as even a take of short duration exceeding the limit can have significant adverse effects on instream ecological values.	Oppose	Policy provides critical flexibility for resource users while setting limits within which this can occur and within which this conversation can be had.
Environmental Defence Society	698	Policy 15.3.14	Amend to provide for common review dates to allow an efficiency assessment to reduce the take amount if it is not being utilised or is being poorly utilised.	Oppose	Oppose common review dates and efficiency assessment as a narrow focus on use or application efficacy may lead to perverse outcomes.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Section under Issue 5D/ Objective 5.4	Amend section to provide for the common review clauses to assess how and if authorised takes are being used efficiently. Assessment should occur against clear and specific use; if take is not being efficiently used then quantum should be reduced so it can be accessed by new users. Amend to include efficiency reviews provided for on termination of a water permit.	Oppose	Oppose common review dates and efficiency assessment as a narrow focus on use or application efficacy may lead to perverse outcomes.
Environmental Defence Society	698	Policy 5.4.5	Amend policy to identify that the intended use of the transferred water is separately assessed and subject to a consent to ensure that the environmental effects of that use are assessed and appropriately controlled.	Oppose	Unnecessary additional considerations – doesn't allow for innovation, flexibility and assumes full knowledge within staff or unanimous expert views on resource use.
Environmental Defence Society	698	Policy 5.5.4	Amend policy to ensure that takes reflect both reasonable demand and efficient practice as assessed using a common assessment tool or criteria given intended use.	Oppose	Additional regulation unnecessary bureaucratic. Unnecessary additional considerations – doesn't allow for innovation, flexibility and assumes full knowledge within staff or unanimous expert views on resource use.
Environmental Defence Society	698	Policy 5.5.5	Amend policy so that water gained through proportional reductions is not reallocated to water users but rather allocated to the environment.	Oppose	Additional regulation unnecessary bureaucratic. Unnecessary additional considerations – doesn't allow for innovation, flexibility and assumes full knowledge within staff or unanimous expert views on resource use.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Policy 5.7.3	Amend policy to ensure efficient practice and in addition to showing that more water is required the applicant will need to show that the water is being used on site; additional water is necessary for the specific use; the applicant demonstrates that water will be used efficiently; the permit includes review dates to assess use and efficiency; the additional take will not result in over-allocation.	Oppose	Goes over and above accepted and necessary practice.
Environmental Defence Society	698	Policy 5.8.1	Amend policy to ensure storage is consistent with safeguarding ecosystem health. Amend explanatory text to reflect the environmental impacts of storage.	Oppose	Storage is essential in a watershort region like Marlborough and needs to be encouraged within appropriate limits as per original submission.
Environmental Defence Society	698	Objective 5.9	Amend objective and associated policies to apply an efficiency test to all existing uses on application for renewal of water permits.	Oppose	Inconsistent with current practice and disregards that 100% efficiency is neither achievable nor will lead to best environmental outcomes
Environmental Defence Society	698	Policy 6.1.4	Amend to reflect mapping of the areas of the coastal environment with high, very high or outstanding	Support	Support addition as practical amendment.
Environmental Defence Society	698	Policy 6.2.4	Amend policy to set out requirements of application for resource consent to undertake an activity in a coastal or freshwater environment with high, very high or outstanding natural character, including potential adverse effects, and how earlier policies will be achieved.	Oppose	As per original submission, areas of natural character take in primary production and rule framework should reflect need for farming and associated activities to occur in these environments. Matters set out by submitter onerous for small non-compliance with permitted activity standards.
Environmental Defence Society	698	Introduction to Chapter 7 - Landscape	Amend introductory text to describe use of term significant landscapes, and explains landscape areas.	Oppose in part	Oppose identification of amenity landscapes as per original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Policy 7.1.5	Amend so that more detailed landscape assessment of values can only be completed by Council. Clarify that the policy is not intended to open the door for the relitigation of mapping on a case by case basis.	Oppose in part	Support more detailed mapping. However, landscape assessments should be able to be submitted by landowners and not just Council. Mapping should be able to be considered on a case by case basis.
Environmental Defence Society	698	Policy 7.2.1	Amend to apply to ONLs and amenity landscapes. Amend to ensure resource consent applications address the potential adverse effects on the characteristics and values of the landscape; how Chapter 7 policies will be taken into account including a number of factors listed.	Oppose	Oppose application of policy to amenity landscapes, as per original submission. Relief sought by submitter onerous and unnecessary. Additional relief regarding natural characters and qualities confused and lacking clarity.
Environmental Defence Society	698	Policy 7.2.5	Amend policy so that adverse effects on characteristics and values that contribute to outstanding natural features and landscapes are avoided. Amend supporting text to suit.	Oppose	Oppose as avoid is not a requirement, effects can be remedied or mitigated, as per original submission.
Environmental Defence Society	698	Policy 7.2.6	Amend policy to state that avoidance is preferred, and only if avoidance is not possible than adverse effects can be remedied or mitigated.	Oppose	Oppose as avoid is not a requirement, effects can be remedied or mitigated, as per original submission.
Environmental Defence Society	698	Policy 7.2.10	Amend policy to require consent conditions to require forestry operations to remove wilding pines within 1km of the designated forestry boundary and to cover the cost of removing wilding pines at a greater distance; and to require wilding removal as part of subdivisions.	Oppose	Oppose as per original submission, seek a balanced approach with allows for use of wilding pines in isolated and well management areas. Management of wilding pines is primarily dealt with by the National Policy Direction requiring Council to develop a Regional Pest Management Plan.
Environmental Defence Society	698	Policy 7.2.12	Amend policy to take a more active stance on managing areas with high amenity values to ensure they are maintained or enhance under s7.	Oppose	Oppose identification and regulation of areas of high amenity value, as per original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Policy 8.1.3	Amend policy to explain development of an information database, using the consent proves to identify and map significant biodiversity areas in the terrestrial, freshwater and coastal environments; collating information on the extent, condition and diversity of indigenous biodiversity in Marlborough.	Support in part	Support collection of information through the consenting process and incorporation into the plan through the Schedule 1 process. Provides clarity around a course of action.
Environmental Defence Society	698	Policy 8.2.2	Amend to reflect voluntary partnership as a tool, not as the primary means for achieving the protection of areas of significant indigenous biodiversity.	Oppose in part	Oppose changes to policy. Policy is pragmatic as per original submission.
Environmental Defence Society	698	Policy 8.3.3	Amend policy to include land disturbance, drainage and subdivision as matters of control for retention of ecosystems, habitats and areas with indigenous biodiversity value.	Oppose	Relief sought by submitter is already dealt with in other chapters.
Environmental Defence Society	698	Method 8.M..2	Amend to include requirement for resource consent where subdivision will modify certain species or habitats with indigenous biodiversity.	Oppose	Impacts of subdivision will be caught by rules for other activities; subdivision in itself does not constitute a loss or risk to biodiversity. In some cases smaller landowners can take just as much or more care.
Environmental Defence Society	698	Policy 13.1.1	Amend policy to include reference to sites identified as having significant coastal biodiversity value under Policy 8.1.1 and the values, habitats and ecosystems in Policy 11(a) of the NZCPS.	Oppose	Oppose reference to Policy 8.1.1. and values, habitats or ecosystems in Policy 11(a) of NZCPS as this provides no certainty for the plan user. As per original submission should be limited to areas a), b) and c) mapped in the Plan.
Environmental Defence Society	698	Policy 13.1.2	Amend policy so that proposed amendments to Policy 13.1.1 are identified on a case by case basis using consistent criteria to ensure consistency in amendments and to provide certainty.	Oppose	Oppose identification on a case by case basis. Plan users need mapping and a schedule of values for certainty, not having results on a case by case basis, as per original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Policy 13.5.3	Delete policy as it appears to earmark all coastal zones as being available for residential development. Development should be directed towards the coastal living zone and not actively provided for in the Coastal Environment Zone.	Oppose	Oppose reasoning offered by submitter. Use of the Coastal Environment Zone is required for residential purposes for example, when associated with primary production in the Coastal Environment Zone, as per original submission.
Environmental Defence Society	698	Issue 15C	Amend issue to reflect that degradation of water quality has been from not only a lack of understanding of the spiritual significance of the term but lack of understanding and control of water quality stressors.	Oppose	Oppose amendments as the issues referred to by the submitter are dealt with in other parts of the Plan.
Environmental Defence Society	698	Objective 15.1a	Amend objective to identify a goal of achieving quality limits and targets. This provides the trigger for the following policies. The objective should specify which level of 'contact' recreation is intended. It should set a goal of primary contact recreation or swimmability. This is consistent with the current trajectory of national policy. Swimmability should not be limited to beaches. It should apply across water body types.	Oppose	The task of doing water quality limits and targets is the NPS job, where proper info is needed, community participation and catchment specific information. Oppose making all rivers swimmable in this Plan; should prioritise those areas for swimming based on places that are known swim spots.
Environmental Defence Society	698	Objective 15.1b	Amend Objective 15.1b to require the level of dissolved inorganic nitrogen to be set at 0.444mg/l as a more appropriate measure of ecosystem health. Nitrogen should also be measured and controlled using DIN limits. The objective should be amended to require the level of dissolved inorganic nitrogen to be set at 0.444mg/l as a more appropriate measure of ecosystem health.	Oppose	Oppose the inclusion of 0.444m/ as a default. The task of developing objective supported by appropriate objectives for nutrients in combination of other management techniques is the task that needs to be done properly with catchment specific data in the NPS implementation program. Support Councils commitment to doing the NPS implementation program.

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Environmental Defence Society	698	Policy 15.1.1	Amend objective to provide for primary contact recreation.	Oppose	Oppose all areas being swimmable in the way proposed – should only be for priority swimming spots. Within term of Plan let's prioritise swimming rivers for action. Beyond that community by community choose.
Environmental Defence Society	698	Policy 15.1.3	Amend Plan to identify and include interim cumulative contaminant limits set (at) a precautionary level to achieve ecosystem health, to ensure that contaminants are appropriately managed in the interregnum between instigation of the 2012 programme and its completion.	Oppose	Support NPS implementation program as already approved by Council. No need to include interim limits in the way proposed.
Environmental Defence Society	698	Policy 15.1.25	Amend policy to identify non-regulatory methods as a tool but not to set up a preference for their use as is currently inferred.	Oppose	Oppose setting of precautionary interim limits. Rules are managing activities. Oppose the use of land use capability to set limits at a property level. Not crude quick and dirty,
Environmental Defence Society	698	Policy 15.1.26	Amend policy to require good management practice.	Oppose	Oppose amendment from encourage to require. This will not lead to best outcomes.
Environmental Defence Society	698	Policy 15.1.27	Amend policy to require planting or riparian margins as a condition of consent where it is an effective management tool in intercepting contaminant run off, excluding stock, or preventing sediment loss.	Oppose	Oppose. Strongly connect to intended community process, catchment action plans already committed to within the catchment plans.
Environmental Defence Society	698	Policy 15.1.29	Amend policy to control land disturbance activities so that increased sediment does not occur.	Oppose	Oppose;. Sediment is not a significant issue in District.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Environmental Defence Society	698	Policy 15.1.34	Amend should be amended to include maximum leaching limits for dairy farming that are based on the inherent productive potential (LUC) of the subject land. This ensures that production and intensification occur within the capacity of the environment to sustain itself. Changes are also required to: <ul style="list-style-type: none"> - Make clear that the other assessment requirements stipulated in Schedule 1 must be addressed. - Ensure NMPs also address output figures. - Clarify that an assessment of the discharge must occur and that must address cumulative effects. - To clarify that discharge limits will be put in place and that the activity must be actively managed to stay within/achieve those. 	Oppose	Oppose the introduction of interim limits. Has to go through a full Schedule 1 process. a
Environmental Defence Society	698	Appendix 3	Amend appendix to improve clarity and ensure consistency around the scale of spatial classification used for each environment type. Provide guidance as to a good example of biological features.	Support in part	Support the need for further clarity regarding scale of the environments. Support guidance for a "good example" to reduce risk of subjectivity.
Environmental Defence Society	698	Appendix 4	Amend appendix to reflect need to assess effects in two contexts: specific effects of proposal and the cumulative effects of the proposal in combination with all other relevant environmental stressors.	Oppose	Logistically too difficult to undertake as proposed.
Fonterra	1251	General submission on stock exclusion from productive farmland	Provide for periodic stock crossings as a restricted discretionary activity.	Support in part	Support the provision of period stock crossings. Refer to relief sought in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Fonterra	1251	Policy 5.2.10	Retain policy as notified provided that the term human use values are defined. Otherwise, amend policy to ensure that regard is had to any effects on consumptive users.	Support	Support consideration of human use values in this policy.
Fonterra	1251	Policy 5.2.16	Amend policy to refer to reductions during low flow to be undertaken in conjunction with relief sought re policy 5.2.5.	Support	Support prioritisation of uses during low flow as requested by submitter.
Fonterra	1251	Policy 9.1.1	Identify within the plan, whether by introducing a new definition, table in an appendix or map overlays, those parts of the water bodies that are considered high priority for public access.	Support	Support need to identify water bodies referred to in this policy to provide landowners with certainty., in addition to reasoning and relief sought in original submission.
Fonterra	1251	Objective 15.1a	Amend objective so that where groundwater is suitable for drinking, that suitability is not compromised.	Support	Support alignment with NPSFM to provide for water that meet's peoples potable needs, and for water quality and quantity to enable domestic water supply to be safe for drinking without treatment – not all groundwater everywhere.
Fonterra	1251	Policy 15.1.1	Amend policy to clarify which rivers and lakes need to be maintained for primary contact recreation and which rivers and lakes need to be maintained for secondary contact recreation. Amend so that where groundwater is suitable for drinking, that suitability is not compromised.	Support	Support clarification of policy as use of term potential for contact recreation is vague. Support amendments to groundwater as per relief sought in original submission.
Fonterra	1251	Policy 16.3.3	Amend policy to offer protection for groundwater water such that it can continue to meet drinking water standards in localities and at depths groundwater is taken for drinking purposes.	Support	Support relief sought by submitter that focuses the effects where groundwater is suitable for drinking.
Fonterra	1251	Rules 2.2.4 and 2.3.4	Amend rules to refer to persons rather than individuals.	Support	Support consistency with RMA.

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Fonterra	1251	Rule 21.3.16	Delete rule as permitted activity cannot rely on an agreement that is not provided for the in the Plan.	Oppose in part	Oppose deletion of this rule, as the Plan needs to allow for farming to be undertaken in the Floodway Zone. Many farms are legitimately, and through agreement with Council, farming in the flood way zone, and it would be in appropriate for them to require consent as sought by the submitter.
Fonterra	1251	Policy 14.4.10	Amend policy to reflect the avoidance of reverse sensitivity effects on primary production and rural industry activities.	Support	Support recognition of reverse sensitivity effects on primary production and rural industry in this policy.
Fulton Hogan	717	New definition of rural productive activity	Include a definition of rural productive activity which means farming, plantation forestry, intensive forestry, horticulture and quarrying activities.	Support in part	Support the inclusion of a definition for rural productive activity. This should include all farming, horticulture quarrying and forestry, and should not exclude different types of forestry.
Heritage New Zealand Pouhere Taonga	768	Policy 10.1.5	Amend to include reference to new section in Appendix 13.	Oppose	Any addition of new sites need to go through a full consultation process with landowners.
Heritage New Zealand Pouhere Taonga	768	Policy 10.1.8	Amend to include reference to new section in Appendix 13.	Oppose	Any addition of new sites need to go through a full consultation process with landowners.
Heritage New Zealand Pouhere Taonga	768	Policy 10.1.11	Amend to include reference to new section in Appendix 13.	Oppose	Any addition of new sites need to go through a full consultation process with landowners.
Heritage New Zealand Pouhere Taonga	768	10.M.1	Amend to include reference to new section in Appendix 13.	Oppose	Any addition of new sites need to go through a full consultation process with landowners. Landowners can't comply with provisions if they don't know the exact location of a site.
Heritage New Zealand Pouhere Taonga	768	10.AER.1	Amend AER to expect no loss of sites.	Oppose	No loss is unrealistic as some loss is permitted.
Heritage New Zealand Pouhere Taonga	768	Policy 14.5.2	Amend to include reference to new section in Appendix 13.	Oppose	Any addition of new sites need to go through a full consultation process with landowners. Landowners can't comply with provisions if they don't know the exact location of a site.

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Heritage New Zealand Pouhere Taonga	768	Rule 2.24.3	Amend to include reference to new section in Appendix 13.	Oppose	Oppose because the relief sought will extend the rule to cover new areas that were not included in the proposed Plan. Agricultural land may be unnecessarily captured by the relief sought when it was not previously. Inclusion of fencing as a permitted activity is supported.
Heritage New Zealand Pouhere Taonga	768	Standard 2.25	Add additional performance standard for the maintenance of a site of significance to Maori.	Oppose	Permitted activity standards should not require approval from a third party in order to proceed.
Heritage New Zealand Pouhere Taonga	768	Rule 2.26	Include additional regulation for ONFLs with historic and cultural associative values.	Oppose	Provision for ONLs should not be in the heritage chapter, rather in Chapter 7. Oppose the introduction of discretionary activity status for land disturbance in a landscape identified within Appendix 1 that has historic heritage related associative values.
Heritage New Zealand Pouhere Taonga	768	Rule 2.26.2	Amend rule to include a range of activities.	Oppose	Rule should be deleted as it is too wide in scope.
Heritage New Zealand Pouhere Taonga	768	Prohibited Activity 2.27	Insert new additional prohibited activity rule.	Oppose	Oppose the use of prohibited activity status in this situation as it is onerous and does not allow activities to be assessed on a case by case basis.
Heritage New Zealand Pouhere Taonga	768	General submissions on definitions	That Council consult with tangata whenua to agree on how sites of significance to Maori should be referred to, and then an appropriate definition be included within the Chapter.	Oppose	Tangata whenua not the only party that should be consulted. Landowners should also be consulted.

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Heritage New Zealand Pouhere Taonga	768	General submission on discovery protocol	That the discovery protocol as provided by Heritage NZ be added to the Plan.	Support in part	Support in principle the provision of more information for the public regarding responsibilities re archaeological sites. As per original submission on policy 10.1.10 Council should meet the cost for an archaeological or cultural impact assessment for unrecorded heritage sites that are accidentally discovered.
Heritage New Zealand Pouhere Taonga	768	New schedule in appendix 13	Include a new schedule to Appendix 13 for sites of significance to Maori including wahi tapu.	Oppose	Oppose because any new sites identified in a schedule need to go through a full consultation process with landowners. Landowners can't comply with provisions if they don't know the exact location of a site.
Horticulture NZ	769	Definition of accessory	Amend definition to also include a building that is incidental to the activities on the site.	Support	Support as more accurately reflects reality of accessory buildings in rural areas.
Horticulture NZ	769	Definition of bare ground	Amend definition to exclude land that is part of a rotational growing system where it is between crops.	Support	Support exclusion of bare land between crops or where the seed is yet to sprout, from the definition of bare ground.
Horticulture NZ	769	Definition of cultivation	Amend definition to include breaking up, turning and mounding of soil in preparation for sowing and harvesting a crop, including ancillary erosion and control methods to minimise sediment runoff to water.	Support	Support inclusion of preparation for sowing and harvesting, and the methods of implementing controls to minimise sediment runoff to water.
Ian Balfour Mitchell	364	Policy 11.1.5	Retain policy.	Support	Maintenance of existing flood defences and flood mitigation works are important.
Institution of Professional Engineers New Zealand	274	General submission on agricultural structures and facilities	Amend so that where the design of any agricultural structure or facility is complex or potentially has significant safety or environmental risks, the work should be undertaken by a Chartered Professional Engineer. Including standards 3.3.28.8 and 3.3.28.9.	Oppose	Oppose added cost to both Council and farmers, for marginal or unjustified benefit. Refer to relief sought for suitably qualified and experienced person in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Kenepuru and Central Sounds Residents Association	870	Definitions	Provide clarity for plan users with definitions, and where a word is defined, include it in the MEP definitions list not as a reference to another document.	Support	Support clarity for plan users.
Marine Farming Association		Policy 6.2.7	Amend to read that recognition should be given to the extent of cumulative effects from existing modifications in the environment.	Support	Support pragmatic approach.
Land Vision Limited	904	Rule 3.3.21.1	Amend rule to exclude the beds of intermittent rivers from the ruling.	Support	Oppose the inclusion of intermittent or ephemeral streams within the rule on livestock access.
Land Vision Limited	904	Rule 3.3.8	Amend rule to exclude plantings for stream bank erosion control and riparian plantings from this rule. Delete rule that does not permit erosion prone plantings on Steep Erosion Prone Land.	Support	Support the need for plantings for stream bank erosion control and riparian plantings. Agree scale of information is not relevant to scale at which farmer will be operating. As per original submission, support deletion of rule from plan.
Marlborough District Council	91	Rule 4.2.2.3(b)	Exclusion of fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes an error, should be captured by the noise limits.	Oppose	As per original submission, noise from primary production and rural activities should be expected in the coastal environment zone.
Marlborough District Council	91	Rule 3.2.3.3(c)	Exclusion of fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes an error, should be captured by the noise limits.	Oppose	As per original submission, noise from primary production and rural activities should be expected in the rural environment zone.

Name of Submitter		Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Marlborough Council	District	91	Rule 21.2.2.3(b)	Exclusion of fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes an error, should be captured by the noise limits.	Oppose	As per original submission, noise from primary production and rural activities should be expected in the floodway zone.
Marlborough Council	District	91	Policy 5.3.16	Amendment to explanation to policy to include reference to carbon sequestration forestry.	Oppose	As per original submission, oppose Policy 5.3.15 and therefore Policy 5.3.16 which is supplementary to that.
Marlborough Council	District	91	New rule for the Drainage Channel Network	Addition of a new permitted activity rule for sediment removal, to enable Council to carry out its functions in relation to drainage networks.	Support in part	Support the intention to include a rule for sediment removal. This should be for anyone undertaking drain maintenance, not just the Council maintaining their network. Amendments are required to make the rule practical, through removal of the final standard and reference to tidal reach.
Marlborough Council	District	91	15.AER.1	New indicator to reflect increasing number of catchment enhancement plans being developed	Support in part	Support the intention to develop catchment enhancement plans. However, the submission point and use of the word increase seems to assume it is necessary to increase what has already been undertaken. To be successful, catchment plans needs to be developed in conjunction with the community and stakeholders. Catchment enhancement plans will only be useful if they are done in a more collaborative manner with stakeholders.
Marlborough Council	District	91	Definition for setback	Delete definition which is confusing and not helpful to understanding the rules.	Support	For clarity.

Name of Submitter		Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Marlborough Council	District	91	14.AER.7	Amendment of indicator so that it better correlates with the environmental result.	Support	For clarity.
Marlborough Council	District	91	Standard 2.14.8.3	Delete "and 1 August and 30 November".	Support	Rules should only be included where they have a clear purpose. They should not unnecessarily restrict riverbed activities.
Marlborough Council	District	91	Standard 2.14.7.2	Delete "and 1 August and 30 November".	Support	As per original submission, rules should only be included where they have a clear purpose. They should not unnecessarily restrict riverbed activities.
Marlborough Council	District	91	Standard 2.8.1.6	Delete "and 1 August and 30 November".	Support	As per original submission, rules should only be included where they have a clear purpose. They should not unnecessarily restrict riverbed activities.
Marlborough Council	District	91	Definition of wastewater	Change the definition of wastewater to be the definition of human effluent.	Support	For clarity.
Marlborough Council	District	91	Rule 21.4.4	Amend rule to enable a third party to apply for a resource consent to discharge contaminants.	Support	Rules should be effects based and not restricted to the activity only being undertaken by Council.
Marlborough Council	District	91	Rule 21.4.3	Amend rule to enable a third party to apply for a resource consent to use the bed of a lake or river.	Support	Rules should be effects based and not restricted to the activity only being undertaken by Council.
Marlborough Council	District	91	Rule 21.4.2	Amend rule to enable a third party to apply for a resource consent for a land use activity.	Support	Rules should be effects based and not restricted to the activity only being undertaken by Council.
Marlborough Council	District	91	Standard 21.3.15.2	Delete standard that unnecessarily limits the agrichemical used.	Support	Support removal of unnecessary regulation.
Marlborough Council	District	91	Rule 2.16.3	Addition of standard to state that discharge must not be into a significant wetland.	Support in part	Support provided that as per original submission, the rule for discharge of stormwater does not apply to farm drains. These can regularly flow into wetlands.

Name of Submitter		Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Marlborough Council	District	91	Method 8.M.2	Addition to reflect use of the Threatened Environments Overlay.	Oppose	As per original submission, oppose the use of the Threatened Environments overlay as policy. Rules for indigenous vegetation clearance need to be clear for resource users and overlays justified.
Marlborough Council	District	91	Definition of run off	Amend to recognise that run off does not always enter a river, lake or the sea.	Support in part	Support practical definition however seek to understand how this intersects with the rules for run off. Seek that they are assessed against the proposed new definition.
Marlborough Council	District	91	Definition of dairy farm effluent	Amend to include sealed feed pads where the wash down is directed into the effluent collection facility.	Support	Provides clarity to resource users.
Marlborough Council	District	91	Definition of non-commercial clean fill	Replace definition of non-commercial clean fill with the definition of commercial clean fill, which means the placing or dumping of fill that involves remuneration paid, or any other form of consideration provided, to the contractor or persons bringing fill onto site.	Oppose in part	Support the need to define clean fill, however this definition will capture farmers going about their regular activities and therefore, according to the rules trigger the need for a discretionary consent.
Marlborough Council	District	91	Additional permitted activity rule in Chapter 19: Open space	Addition of rule and standards for livestock, entering or passing across, the bed of any river.	Support in part	Support the need for a rule for livestock entering and passing across the beds of rivers in the Open Space zone. Rule should be consistent with relief sought in Federated Farmers original submission on same rules in other chapters.
Marlborough Council	District	91	Standard 3.2.3.3	Amendment to standard so that forestry activities are exempt from mobile sources of noise.	Support	Support exemption for forestry activities in addition to relief sought in original submission.
Marlborough Council	District	91	Standard 4.2.2.3	Amendment to standard so that forestry activities are exempt from mobile sources of noise.	Support	Support exemption for forestry activities in addition to relief sought in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Marlborough District Council	91	Standard 2.14.7.4	Amendment to standard so that it only applies to drainage channels with a width greater than 2m, for practical reasons.	Support in part	Practical and achievable rules are critical for all resource users. This amendment should apply to anyone maintaining drains, whether the Council in their responsibility or landowners maintaining farm drains.
Millen Associates Limited	972	Rule 3.1.7	Include requirements for all agricultural landuses to have effective management plans for their activities, similar to the Commercial Harvest Plan required for forestry	Oppose	Oppose the introduction of regulated management plans for all agricultural landuses.
Millen Associates Limited	972	Rule 3.3.21	Include a minimum 1 metre set back as often existing fencing on drains is so close there is little vegetation to intercept flows in winter.	Oppose	Rule does not specify fencing as a requirement, nor should it, but rather should focus on managing effects that can be practically examined.
Millen Associates Limited	972	Rule 4.3.20	Include a minimum 1 metre set back as often existing fencing on drains is so close there is little vegetation to intercept flows in winter.	Oppose	Rule does not specify fencing as a requirement, nor should it, but rather should focus on managing effects that can be practically examined.
Ministry for Primary Industries	973	Policy 5.3.16	Amend the policy to clarify the threshold referred to.	Oppose	Oppose policy, as per original submission on Policy 5.3.15.
Ministry for Primary Industries	973	General submissions on indigenous vegetation clearance	Recognise sustainable indigenous forest management as distinct from vegetation clearance resulting in total forest removal; clarity around single trees/small groups of trees; review of amended rule for trees over 6m.	Support	Support pragmatic inclusions.
Ministry for Primary Industries	973	Industry Audited Self Management	Consider future implementation of audited self management programmes in the Plan.	Support in part	It is not clear what constitutes IASM. Support non-regulatory methods to increase adoption of good management practice.
Nelson Marlborough District Health Board	280	New policies re hazardous substances	Include a new policy which requires operators to appropriately locate, design, construct and manage treatment and or/spill response facilities where appropriate for hazardous substances. Similar policy for preventing or mitigating the contamination of soils where activities do not occur on impervious surfaces.	Oppose in part	Oppose additional regulation for hazardous substances. Already covered elsewhere in the Plan and by the HSNO Act 1996.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	Definition of intensively farmed livestock	Amend to include all cattle on low-land farms, not just cattle on irrigated land or contained for break-feeding of winter feed crops.	Oppose	Refer to relief sought in original submission.
Nelson Marlborough Fish & Game	509	Definition of wetland	Amend definition to include areas where they are entirely man made and amend to ensure that improve pasture/crop areas are considered wetlands.	Oppose	Wet boggy paddock should not be considered a wetland.
Nelson Marlborough Fish & Game	509	Definition of significant wetland	Amend definition to ensure that all remaining wetlands be identified as significant, including Lake Elterwater.	Oppose	Significant wetlands should only be those that meet the significance criteria, including Lake Elterwater.
Nelson Marlborough Fish & Game	509	Allocation limits	Clarify the relationship between water resource availability and allocation limits set to ensure limits are realistic. Introduce new objectives, policies and rules to underpin freshwater management, environmental flow and level setting, surface and groundwater allocation.	Oppose in part	Objectives, policies and rules should be further determined through the NPSFM implementation process that Council is intending to take on a catchment by catchment basis following this plan.
Nelson Marlborough Fish & Game	509	New policy on significant areas	Include new policy to ensure the protection of significant areas.	Oppose	Submitters concerns already addressed through other aspects of the Plan.
Nelson Marlborough Fish & Game	509	New policy on management of freshwater to achieve freshwater quality standards	Freshwater to be managed to achieve the water quality standards in Appendix 5, Schedule 2 for all FMUs.	Oppose in part	Support changes to Schedule 2 as per original submission. Submitters concerns already addressed through other aspects of the Plan.
Nelson Marlborough Fish & Game	509	New policy on management of freshwater to achieve freshwater quality standards	That the plan identify all the waterbodies that do not meet the water quality standards contained in Appendix 5 and seek to improve the water quality within these waterbodies to achieve the standards by 2030.	Oppose	NPS implementation program yet to be undertaken. Support collaborative efforts to work towards water quality where there are identified gaps, as per relief sought in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New policy on management of land use and discharge in waterbodies	Seek objectives and policies in the plan that manage land use and discharges in waterbodies identified as not meeting water quality standards in Appendix 5.	Oppose	Submitters concerns already addressed through other aspects of the Plan.
Nelson Marlborough Fish & Game	509	New policy on management of land use and discharge in waterbodies	Seek rules in the plan that manage land use and discharges in waterbodies identified as not meeting water quality standards in Appendix 5.	Oppose	Submitters concerns already addressed through other aspects of the Plan.
Nelson Marlborough Fish & Game	509	Objective 15.1a	Amend policy to ensure that water quality in all coastal and freshwater quality is maintained, and where necessary restored and enhanced to enable primary contact recreation, fishing and the intrinsic values of ecosystems.	Oppose	Refer to relief sought in original submission.
Nelson Marlborough Fish & Game	509	New objective on dissolved reactive phosphorous	Add an objective to ensure that the maintenance or enhancement of freshwater quality in each FMU so that the annual average concentration of dissolved reactive phosphorus must be of a certain standard, and be achieved by 2030.	Oppose	Oppose inclusion of objective in the way proposed, which doesn't reflect the NPS process and planned and accepted implementation program. Need catchment level solutions with catchment info to achieve result community looking to for the river.
Nelson Marlborough Fish & Game	509	New objective on sediment	Include new objective on refined sediment to ensure that the maintenance or enhancement of freshwater quality in each FMU, so that the maximum cover of visible riverbed by deposited fine sediment concentration is less than 20% and ensure that this is achieved by 2030.	Oppose	Oppose inclusion of objective in the way proposed, which doesn't reflect the NPS process and planned and accepted implementation program. Need catchment level solutions with catchment info to achieve results the community is looking for in the river.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New objective on integrity of freshwater habitats and natural species diversity	Reinstate objective 5.1.20 from the operative regional policy statement or objective with similar wording to effect that ensure the integrity of freshwater habitats and natural species diversity are maintained or enhanced.	Oppose	Unnecessary. Submitter concerns have been covered by other aspects of the Plan.
Nelson Marlborough Fish & Game	509	Objective 15.1d	Amend policy to ensure it applies to each waterbody and ensure this is achieved by 2030.	Oppose	Oppose timeframe.
Nelson Marlborough Fish & Game	509	Objective 15.1e	Amend policy to seek all waterbodies swimmable by 2030 through amendments to the E. coli levels.	Oppose	Oppose this direction. NPSFM implementation process in which community determines these outcomes yet to occur.
Nelson Marlborough Fish & Game	509	Policy 15.1.3	Amend policy to reflect that water quality standards are set as in-stream limits and these limits are to be achieved through the implementation of rules by 2030.	Oppose	This is not a limit setting process. Support Council's approach to staged NPS implementation.
Nelson Marlborough Fish & Game	509	Policy 15.1.21	Amend policy to provide clearer guidance on what is to be achieved for urban storm water discharges.	Support in part	Support need for clarity to provide better guidance within the policy re what is being sought.
Nelson Marlborough Fish & Game	509	Policy 15.1.23	Amend policy to ensure all intensively farmed livestock access to rivers, lakes and wetlands is avoided.	Oppose	Oppose amendments to policy. Oppose amendments to definition of intensively farmed livestock.
Nelson Marlborough Fish & Game	509	Policy 15.1.30	Amend to ensure the policy applies to all land use activities that affect water quality, or include a new policy in the plan to that effect.	Oppose	Policy is already wide enough and it needs to be a good risk based exercise.
Nelson Marlborough Fish & Game	509	Policy 15.1.34	Amend policy to specify maximum nitrogen leaching standards, management practices to avoid loss of phosphorus and sediment and faecal contamination.	Oppose	Use of maximum leaching numbers, through Overseer, do not result in better outcomes. Should focus on good management practices through a permitted activity standard.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New policy on allocation status	New policy that defines the allocation status of freshwater management units as under-allocated, fully-allocated or over-allocated and waterbodies that do not meet the standards in Appendix 5 are restored by 2030.	Oppose	Oppose as can only determine if under, fully or over if have limits. At this stage no limits set.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New policy/rule on farming activities	New policy that states farming activities must comply with a sustainable nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub catchment, zone or catchment. Based on a flat per hectare allocation of nitrogen leaching or allowance per hectare based on land use capability class, or other methodology to achieve efficient use of natural resources.	Oppose	Strongly oppose as this is effectively trying to completely bypass the value-setting, community processes that are required by the NPSFM when considering such matters. Further the earlier un-critical adoption of output based "standards" derived from modelled estimates is now being replaced by more critical assessment of the assumptions, gaps and uncertainties inherent in modelled estimates. Of particular relevance in the Marlborough context is the advice from OVERSEER owners (AgResearch/MPI, 2013) that estimates outside calibration/validation range need to be considered extremely cautiously, including shallow soils, irrigated soils, peat soils, clay soils, the cropping sector and the hill country sheep and beef sector. Equally importantly, an increasing body of research – NZ and international – is highlighting the importance of understanding attenuation processes and pathways, against the risk that a lot of money gets spent in areas not well targeted to achieving the actual result in the river. A third critical factor is that Overseer is inevitably always behind the eight-ball on leading edge practice and innovation. It is this that we seek to encourage, not to knee-cap.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New policy on management practices for farming	Require farms to comply with specified management practices which minimise or reduce the loss of nitrogen, phosphorous, sediment and faecal contamination including requirement to seal effluent ponds, practice deferred irrigation, good management practices for the application of fertiliser and other nutrient sources including setbacks from waterbodies, permanent fencing and planting of riparian margins, good management practices for earthworks and cultivation including setbacks from waterbodies to avoid or minimise sediment run off to water.	Oppose	<p>Regulation is well-suited to proscribing detrimental activities; it is not at all well-suited to prescribing "good management practice".</p> <p>Attempts to do this almost inevitably run into problems with one-size-fits-all solutions or conditions intended to provide an element of flexibility but equally often giving only uncertainty.</p> <p>For this reason, we support ;</p> <ul style="list-style-type: none"> • clear rules based on evidence and effects with clear and certain conditions • development and implementation of good management practices within the non-regulatory industry/council partnership programmes which are already successfully established and delivering in this region.
Nelson Marlborough Fish & Game	509	New policy on nutrient budgets	Require nutrient budgets to be prepared annually by a person who has completed the courses in Sustainable Nutrient Management at Massey University, and provided to Council, including a nutrient budget, nitrogen, phosphorus, summary & nitrogen overview.	Oppose in part	Not cost effective; not shown that annual budgets are necessary in the way proposed; inadequate experts working in this area to complete this work. Unnecessarily onerous.
Nelson Marlborough Fish & Game	509	New policy on stock exclusion	Exclude all livestock from rivers, lakes and wetlands and to culvert or bridge all regular stock crossings.	Oppose in part	Goes well beyond accepted good management practice, LAWf recommendations and central government direction.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New prohibited activity rule	Include a prohibited activity rule for new or intensified use of production in subcatchments that are currently over allocated for nitrogen or phosphorus.	Oppose	Insufficient accepted base data to provide for workability of this rule
Nelson Marlborough Fish & Game	509	New policy/rule on trading of nitrogen or phosphorus	Provide for the trading of nitrogen or phosphorus loss rates between production land in the same sub catchment so long as the water quality standards	Oppose	Oppose in way proposed. Science is not adequate to support this in a certain way.
Nelson Marlborough Fish & Game	509	New policy on activities and land uses	That those activities and land uses which are contributing the most to the over allocation bear the majority of the cost of reducing the over allocation.	Oppose	Insufficient information to show how this would work in reality
Nelson Marlborough Fish & Game	509	General submission on rules	Amend plan to remove unnecessary duplication of activities by listing activities and their associated standards once.	Support	Support for clarity and succinct communication of rules.
Nelson Marlborough Fish & Game	509	New schedule and rules on farm good management practice standards	Include a new schedule similar to Schedule 24 of the Canterbury Land & Water Regional Plan, relating to farm practices. Insert rules that require the schedule to be complied with.	Oppose	Strongly oppose. While we support good management practice, we oppose any attempt to put these practices into the plan via submissions. Such proposals require full involvement of impacted parties through a full Schedule 1 process, to ensure whatever is in the plan is workable and is ultimately the best approach to resolving a particular problem. The submitter is risking locking in solutions which may be best 'at a given point of time' or may not be the best approach for all sectors, topography or Districts, and regulating on that basis; this is not the most efficient or effective solution.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	New schedule on farm environment management plans	Include a new schedule similar to Schedule 7 of the Canterbury L&WP, outlining requirements for Farm Environment Plans.	Oppose	The Canterbury process was intended to reflect significant community input, These conversations have not been had in Marlborough.
Nelson Marlborough Fish & Game	509	General submission on principles of nutrient allocation	Apply allocation of nutrients principles from Beef & Lamb NZ to the policies and rules when considering the allocation of nutrients for farming activities.	Oppose	Marlborough has not begun the allocation of nutrients discussion and it is inappropriate to begin promoting specific sector approaches before the discussions have begun.
Nelson Marlborough Fish & Game	509	Rule 2.2.1 & associated standards	Amend to ensure cumulative effects of multiple takes are addressed and that the standards apply to ephemeral rivers.	Oppose	Oppose application of rule to ephemeral rivers.
Nelson Marlborough Fish & Game	509	Rule 2.2.2 & associated standards	Amend to ensure cumulative effects of multiple takes are addressed and that the standards apply to ephemeral rivers.	Oppose	Oppose application of rule to ephemeral rivers.
Nelson Marlborough Fish & Game	509	Rule 2.3.4 & associated standards	Amend to include a maximum volume of 30m3. Amend standards to ensure that the cumulative effects of multiple takes are addressed and that the standards apply to ephemeral rivers.	Oppose	Stock drinking water is provided for under the RMA. Oppose a restriction on the volume of water that can be taken for stock drinking water. Oppose application of rule to ephemeral rivers.
Nelson Marlborough Fish & Game	509	Rule 2.2.5 & associated standards	Amend to ensure cumulative effects of multiple takes are addressed and that the standards apply to ephemeral rivers.	Oppose	Oppose application of rule to ephemeral rivers.
Nelson Marlborough Fish & Game	509	Rule 2.2.6 & associated standards	Amend to ensure cumulative effects of multiple takes are addressed and that the standards apply to ephemeral rivers.	Oppose	Oppose application of rule to ephemeral rivers.
Nelson Marlborough Fish & Game	509	New rule re diversion of water	Include a new standard to protect scarce wetland resources that applies to all activities; that the diversion or discharge of water does not result in the lowering of water levels in any wetland.	Oppose in part	Concerned by implication of this rule with the proposed definitions offered by the submitter.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	Rule 2.7.4 Standards 2.9.4	Replace permitted activity standards for construction of a dam in an ephemeral river, with full discretionary activity status so the affects can be fully considered.	Oppose	Activity can be adequately managed with permitted activity standards.
Nelson Marlborough Fish & Game	509	Rule 2.7.5 Standards 2.9.5	Replace permitted activity standards for construction of new structure with full discretionary activity status so the affects can be fully considered.	Oppose	Activity can be adequately managed with permitted activity standards.
Nelson Marlborough Fish & Game	509	Standard 2.9.9.1	Amend standard to ensure that intensively farmed livestock entering into or passing across the bed of a river does not involve conspicuous pugging.	Oppose	Oppose; not practical.
Nelson Marlborough Fish & Game	509	Standard 2.8.1.1	Amend setback for refuelling and fuel storage to be within 20m of a riverbed, not just waterbody.	Oppose	Unnecessary.
Nelson Marlborough Fish & Game	509	Standard 2.8.1.5	Include a new standard applicable to all activities that restricts activities from occurring during trout spawning season in trout spawning rivers from June 1 – September 1.	Oppose	Not pragmatic or in line with the overall intent of the RMA.
Nelson Marlborough Fish & Game	509	Rule 3.1.22	Amend to ensure that all discharge rules include conditions that ensure water quality standards are met.	Oppose	Relief sought from submitter unclear, potentially onerous.
Nelson Marlborough Fish & Game	509	Rule 3.1.23	Amend to ensure that all discharge rules include conditions that ensure water quality standards are met.	Oppose	Relief sought from submitter unclear; potentially onerous.
Nelson Marlborough Fish & Game	509	Rule 3.1.24	Amend to ensure that all discharge rules include conditions that ensure water quality standards are met.	Oppose	Relief sought from submitter unclear; potentially onerous.
Nelson Marlborough Fish & Game	509	Rule 3.1.26	Replace permitted activity rule with a discretionary activity rule.	Oppose	Unnecessary; effects can be managed through permitted activity standards.
Nelson Marlborough Fish & Game	509	Rule 3.1.27	Amend to ensure that all discharge rules include conditions that ensure water quality standards are met.	Oppose	Relief sought from submitter unclear.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Nelson Marlborough Fish & Game	509	Rule 3.1.28	Replace permitted activity rule with a discretionary activity rule.	Oppose	Unnecessary; effects can be managed through permitted activity standards.
Nelson Marlborough Fish & Game	509	Rule 3.1.33	Amend standard with amendment to require the sealing of the bottom of any pit, stack or agricultural waste stockpile.	Oppose	Requirement to seal is not always practical and as a costly investment, not always the best use of resources.
Nelson Marlborough Fish & Game	509	New prohibited activity for wetlands	Include new prohibited activity or activities to ensure the protection of wetlands by ensuring no livestock including intensively farmed livestock will have access to significant wetlands and no grazing or cropping is undertaken within any wetland area.	Oppose	Oppose use of prohibited status associated with farming activities. As defined will capture unintended areas.
Nelson Marlborough Fish & Game	509	Schedule 2 – Water Quality Classification Standards	Amend Schedule 2	Oppose	Oppose changes to Schedule 2. Refer to original submission.
Nelson Marlborough Fish & Game	509	General submission on Open Space 3 Zoning	Consider a new Conservation Zone to be included in the plan which allows for the recognition of significant values of those areas and enables recreational use of these areas while ensuring that their values are protected and where possible enhanced.	Oppose	Areas of the Open Space 3 zone are farmed; it is unclear what the submitter means by an Open Space Zone and how this would affect regular farming activities. Current plan with relief sought is sufficient to protect the zone.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
New Zealand Fish Passage Advisory Group	994	General submission on structures in waterways, including policy 5.2.4(c) and 5.2.21(a)_	Amend policies so they apply more broadly to include all structures in waterways. Include additional policies re consent renewal and delaying the legal effect of the rules to allow time to remediate the instream structures including a policy to assess the need to provide for the passage of fish at existing structures when renewing consents or when setting priorities for remedial or enforcement action. Include a second policy to delay the legal effect of the rules regulating culverts, fords and tidal flood gates for range of purposes.	Oppose	Oppose requirement for fish passages for all structures in all waterways. Does not allow for flexibility. Relief sought by submitter does not provide for sustainable management.
New Zealand Fish Passage Advisory Group	994	Rule 2.9.1	Amend to include a condition in the general permitted activity rules requiring fish passage for all existing structures in waterways within five years of the date of the plan becoming operative.	Oppose	Not appropriate to require amendments to existing structures.
New Zealand Fish Passage Advisory Group	994	Rule 2.9.7	Include new standards for the installation of culverts including that the design, placement and maintenance of any structure does not impede the passage of fish.	Oppose	Does not promote sustainable management.
New Zealand Pork Industry Board	998	New objective on air quality	Include new objective on incompatible uses and development are separated to manage adverse effects on air quality from discharges of contaminants into air and avoid or mitigate reverse sensitivity effects. Include second objective that the operational requirements of rural activities are recognised and provided for.	Support in part	Support the principle of the first objective so long as the primary production activity is protected and not inadvertently the new sensitive activity. Support the inclusion of objective on operational requirements.
New Zealand Pork Industry Board	998	New policy on air quality	Include new policies that	Support	Support relief sought by submitter that rural air quality is a result of primary production activities and needs to be recognised.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
New Zealand Pork Industry Board	998	Standard 3.2.1.12	Amend to increase residential setback distances.	Oppose	Disagree with submitter that a 20m setback is necessary, especially when there is no intensive farming activity on the neighbouring property. Disagree that accessory buildings need such a setback.
New Zealand Pork Industry Board	998	Rule 24.3	Amend subdivision rule status.	Oppose in part	Disagree with submitter as controlled status will be appropriate in some cases. Original submission sought additional criteria to address reverse sensitivity issues.
New Zealand Transport Agency	1002	Method 4.M.6	Identify buffer and effects areas on planning maps to facilitate Council in appropriately addressing reverse sensitivity effects.	Oppose	Oppose inclusion of buffer and effects areas on planning maps for road network.
New Zealand Transport Agency	1002	Policy 5.3.12	Amend the explanation to the policy by recognising that bore can be also used to investigate and monitor conditions below the ground surface.	Support	Support proposed amendments to the reasoning to better reflect the uses of bores.
New Zealand Transport Agency	1002	Policy 8.1.1	Clarify when an assessment would be required under the policy.	Support	In addition to our original submission on this policy, support the need to clarify under what circumstances Council would require an assessment.
New Zealand Transport Agency	1002	Policy 14.4.3	Amend policy to ensure noise sensitive buildings are designed and set back from road frontages and land transport network boundaries.	Oppose in part	As per original submission, should only apply to new residential buildings.
New Zealand Transport Agency	1002	Policy 14.4.15	Amend policy to recognise cumulative effects on the road network.	Oppose	Oppose relief sought by submitter.
New Zealand Transport Agency	1002	Objective 17.4	Amend objective to be consistent with the NZTA's Reverse Sensitivity Guide and to reflect the hierarchy of addressing effects in the RMA. Include rules to address reverse sensitivity effects, included in Annexure 1.	Oppose	Oppose relief sought by submitter. The original wording reflected the need to minimise conflict. It should be accepted that conflicts are minimised; they cannot be expected to be avoided. It is not the role of the Plan to manage the submitter's assets. Oppose rules proposed in Annexure 1.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
New Zealand Transport Agency	1002	Policy 17.4.1	Amend policy to include specific management of cumulative and reverse sensitivity effects of activities on the road network, recognition that division/activity design can manage these effects and add a series of overlays.	Oppose	Unclear what is meant by cumulative effects in this context.
New Zealand Transport Agency	1002	Policy 17.4.2	Amend policy to include cumulative effects.	Oppose	Unclear what is meant by cumulative effects in this context.
New Zealand Transport Agency	1002	Policy 17.5.6	Amend policy to include a new point related specifically to the effects of land use, subdivision, and access on the State Highway.	Oppose	Unclear how new or altered land uses will be assessed to avoid, remedy, mitigate or improve road safety.
New Zealand Transport Agency	1002	New policy on reverse sensitivity	Include two new policies to support new proposed rules on reverse sensitivity effects, consistent with the Transport Agency Reverse Sensitivity Guide.	Oppose	Oppose introduction of new rules to protect the roading network at the expense of existing landowners.
New Zealand Transport Agency	1002	New method for Road Cumulative Effects Areas	Include new method on road cumulative effects areas that are at or nearing capacity, where the ability of the road may be comprised if further subdivision or development occurs. Roading authority to be considered an effected party for any subdivision or land use consent application.	Oppose in part	Oppose introduction of new rules to protect the roading network at the expense of existing landowners.
New Zealand Transport Agency	1002	New rule for drain maintenance and clearance	Include a new rule that allows for the removal of vegetation or bed material and associated sediment from any drainage channel including associated disturbance, deposition, diversion of water and discharge of sediment.	Support	Support pragmatic additions. As per original submission support drainage clearance by parties other than Council as a permitted activity, including the associated disturbance, deposition, diversion of water and sediment.
New Zealand Transport Agency	1002	Rule 2.29.3	Amend to allow for emergency works to a notable tree where there is a threat to the safe operation of a road.	Support	Support practical amendments, and that the rule applies to the activity undertaken by any person.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
New Zealand Transport Agency	1002	New rules for noise sensitive activities	Introduce new permitted activity standards and restricted discretionary rules for all noise sensitive activities, as set out in Annexure 1, in State Highway Buffer Area and State Highway Effects Area.	Oppose	Not practical. Relief sought will have a significant effect on members with little consideration of cost benefit.
New Zealand Transport Agency	1002	New policies and methods for cumulative effects from transport in identified areas	Introduce a policy and method framework to manage cumulative effects from transport in identified areas.	Oppose	Not practical. Relief sought will have a significant effect on members with little consideration of cost benefit.
New Zealand Transport Agency	1002	Rule 3.4.2	Amend rule so that farm produce cannot be served by vehicle access directly from a State Highway, or from a road that leads onto a state highway.	Oppose	Unnecessarily restrictive.
New Zealand Transport Agency	1002	Rule 4.4.2	Amend rule so that farm produce cannot be served by vehicle access directly from a State Highway, or from a road that leads onto a state highway.	Oppose	Unnecessarily restrictive.
New Zealand Transport Agency	1002	Definition of access	Replace definition with submitter's own definition.	Oppose in part	Unclear what the implications for farmers and unformed legal roads will be as a result of change to the definition.
New Zealand Transport Agency	1002	Definition of point source and non point source discharges	Include a definition for point source discharge within the Plan, defining point source as a discharge that runs off land or structures and is collected or diverted through specifically constructed drainage channels or pipes. Non-point source as a discharge that runs off land or structures in a diffuse manner, for which no specific drainage channels or pipes have been constructed.	Oppose in part	Oppose inclusion of a drainage channel as a point source discharge. Support rationale and need for inclusion of the definition of non-point source discharges for clarity for plan users. Definitions need to be carefully considered to ensure they don't have unintended consequences.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
New Zealand Transport Agency	1002	Definition for reverse sensitivity	Include a definition for reverse sensitivity as the vulnerability of an established land use, which can compromise established land use.	Support	Support inclusion of a definition of reverse sensitivity.
New Zealand Transport Agency	1002	New definition for State Highway buffer area	Include a new definition for a buffer area alongside State Highways for the purpose of managing reverse sensitivity effects.	Oppose	Oppose provision of overlay that will limit land use and development opportunities without consultation with affected landowners.
New Zealand Transport Agency	1002	New definition for State Highway effects area	Include a new definition for an effects area along State Highways for managing reverse sensitivity effects.	Oppose	Oppose provision of overlay that will limit land use and development opportunities without consultation with affected landowners.
New Zealand Transport Agency	1002	Definition for stormwater	Amend definition to include contaminants within the runoff.	Oppose	Refer to relief sought in original submission.
New Zealand Transport Agency	1002	Appendix 22- Commercial Forestry Harvest Plan	Amend to address impacts of commercial forestry harvesting on State Highways and the public road network.	Oppose	Oppose the onerous provisions that will apply to farmers who are harvesting small amounts of farm forestry.
New Zealand Transport Agency	1002	New overlay map for State Highway buffer area and effects area	New overlay to enable specific rules for noise sensitive activities adjacent to designated State Highways, up to 100m from the edge of both sides of the State Highway.	Oppose	Oppose provision of overlay that will limit land use and development opportunities without consultation with affected landowners. Sitting at back of 90 page submission on Plan not good enough consultation with affected landowners.
New Zealand Transport Agency	1002	New overlay map for Road Cumulative Effects areas	New overlay to signal to Council that roading authority should be considered an effected party, where parts of the roading network are either at or nearing capacity.	Oppose	Oppose provision of overlay that will limit land use and development opportunities without consultation with affected landowners. No information as to where these areas are in the region included in the submission, so impossible for affected landowners to comment if they were to read the submitter's relief sought. Insufficient consultation for overlays to now be included in the Plan.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
New Zealand Transport Agency	1002	Use of term road reserve	Replace references to road reserve with legal road.	Support in part	Support correct use of term, however clarity required regarding how this relates to paper roads.
New Zealand Transport Agency	1002	Annexure 1- Proposed Reverse Sensitivity Provisions	Include rules for all buildings with new and altered noise sensitive activities within the buffer and effects area.	Oppose	Oppose as conditions are overly onerous.
Queen Elizabeth the Second National Trust	1265	Standard 3.3.10.2 Standard 4.3.9.2	Amend rules so do not apply to restoration planting of indigenous species near roadways.	Support	Support the need for a rule framework that
Queen Elizabeth the Second National Trust	1265	Standard 3.3.10.4	Amend rules so do not apply to restoration planting of indigenous species within the Wairau Dry Hills landscape.	Support	Support the need for a rule framework that provides for restoration not creates barriers.
Queen Elizabeth the Second National Trust	1265	Rules for wetland restoration	Amend rules to allow the removal of any non-indigenous species as part of a restoration project.	Support	Support pragmatic addition, as per our original submission on wetland rules.
Queen Elizabeth the Second National Trust	1265	Rules for restoration projects	Amend rules so that removal of any non-indigenous species as part of a restoration project throughout the District is allowed.	Support	Support pragmatic addition.
Ravensdown Limited	1090	Policy 3.1.2	Amend to only require consultation with iwi in the development of a plan change.	Support	Support consistency with the RMA.
Ravensdown Limited	1090	Policy 14.4.4	Amend policy to reflect objective 14.4 by recognising that reverse sensitivity issues may occur when sensitive activities locate near existing rural activities.	Support	Support amendments requested by submitter which reflects issues of reverse sensitivity.
Ravensdown Limited	1090	Issue 15A Explanation	Delete last paragraph under the rural activities section which is a generalisation and not supported by evidence.	Support	Support deletion of paragraph. The comments do not reflect widespread evidence or the Marlborough context.
Ravensdown Limited	1090	Method 15.M.3 Investigations	Amend the method for clarity.	Support	Support the amendments which provide better clarity within the method.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Ravensdown Limited	1090	15.M.25	Amend method to change name to Farm Environment Plans, and encompass intensively farmed livestock as well as dairy farming.	Support in part	Submitter seems to be confused between intensive farming and intensively farmed livestock. Support proposed amendments to method, with the exception of application to all intensively farmed livestock, and encompassing points made in original submission re utilising the farm environment plans in conjunction with catchment enhancement plans as a non-regulatory tool to compliment the partnership approach.
Ravensdown Limited	1090	Issue 15F	Amend paragraph 4 of the explanation to Issue 15F.	Support	Support amendments which provides better framing of the context.
Ravensdown Limited	1090	15.M.39	Amend paragraph 3 of method to better describe how nutrient budgeting may be useful.	Support	Support amendments which provide better understanding for the value of nutrient budgeting.
Ravensdown Limited	1090	15.M.42	Retain method as currently written.	Support in part	Support intent of method however it should be amended to reflect the fact that Council's role will be to promote codes of practice and guidelines through their role working with land managers.
Ravensdown Limited	1090	New rule	Include a new rule in 3.1 which permits the discharge of stormwater to land in the rural environment, subject to appropriate permitted activity standards. Non-compliance with permitted activity should be a restricted discretionary activity.	Support	Support the need for permitted activity status for the discharge of stormwater to land in the rural environment .
Ravensdown Limited	1090	Rule 3.6.6	Provide for quarrying and mineral extraction as a restricted discretionary activity.	Support	Support the provision of quarrying as a restricted discretionary activity on the basis of the matters set out by the submitter.
Ravensdown Limited	1090	Rule 4.6.6.	Provide for quarrying and mineral extraction as a restricted discretionary activity.	Support	Support the provision of quarrying as a restricted discretionary activity on the basis of the matters set out by the submitter.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Ravensdown Limited	1090	New definition for fertiliser	Include a definition of fertiliser based on the industry accepted definition of fertiliser.	Support	Support the need for a definition which provides clarity for plan users.
Ravensdown Limited	1090	New definition for good management practices	Include a definition of good management practice, based on the industry accepted definition, with additional reference to identifying them as the good management practices supplied in the document dated September 2015.	Oppose in part	Support the inclusion of a definition for good management practice which recognises that such practice evolves through time and is not stagnant. Oppose including reference to these are the Industry Agreed Good Management Practices booklet. Good management practices vary by region, climate and topography and need to be worked through, by industry in collaboration with Council, not simply transplanted from another region into the plan without consultation.
Ravensdown Limited	1090	New definition for certified nutrient management advisor	Include a definition of certified nutrient management advisor, based on the industry accepted definition.	Support	Support the inclusion of a definition so that plan users have clarity around who they can engage with.
Ravensdown Limited	1090	New appendix 27 – farm environment plans	Introduce a Farm Environment Plan as an appendix, by adopting the proposed appendix provided by the Fertiliser Association of New Zealand.	Support in part	Support farm plans as a non-regulatory tool.
Royal Forest & Bird Protection Society	496	General submission on landscapes	Amend to explain the relationship between this Chapter, Chapter 6 Natural Character, Chapter 8 Indigenous Biodiversity and Chapter 13 Coastal Environments.	Support	Support clarity in relationships between chapters.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	General submission on landscapes	Amend to set clear policy direction for the identification of Outstanding and High Amenity landscapes, referring to the relevant values and prioritisation consistent with assessment undertaken by Council, and Appendix 1.	Oppose	Oppose identification of high amenity landscapes, as per original submission.
Royal Forest & Bird Protection Society	496	General submission on water management	Further allocation of water is not provided until basic flow requirements to protect freshwater biodiversity is obtained on a river and catchment basis.	Oppose in part	Oppose stopping all allocation. However do support gathering of information to inform the NPSFM process, which needs to involve full community involvement.
Royal Forest & Bird Protection Society	496	General submission on water management	Include increased setbacks from waterbodies and riparian management in the plan to support the limits on nutrient inputs and ensure a precautionary approach to protect water quality. Greater setbacks required for the protection of sensitive sites.	Oppose	Setbacks need to be considered on a case by case basis and cannot be regulated across the District.
Royal Forest & Bird Protection Society	496	General submission on water management	Amend so that provisions seek to encourage or direct where necessary, retirement of land from forestry, where soils are particularly vulnerable to erosion and unsuitable for forestry.	Oppose in part	Support efforts to encourage sustainable land management but do not support regulation around types of land use.
Royal Forest & Bird Protection Society	496	General submission on water management	That the plan include methods for Council to develop individually customised plans for each catchment or river system, identifying potential sources of contamination and response.	Support in part	Support the establishment of catchment enhancement plans in conjunction with key stakeholders, as per original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	General submission on indigenous biodiversity	Amend to include a map layer identifying "potential SNA's" using aerial photography and desk top assessment of other publically available information to capture significant natural areas outside the Threatened Environments sites. And that this is used as a trigger for consent requirements for indigenous vegetation clearance rules.	Oppose	Oppose the identification of potential SNAs through aerial photography. Any work to identify SNAs needs to be based on solid information that is undertaken through groundtruthing and full consultation with the landowner.
Royal Forest & Bird Protection Society	496	General submission on indigenous biodiversity	Amend so that where SNA's are confirmed through consent processes or by landowner request results of assessments are accurately recorded so that it can support a future specific regularity approach that provides more certainty to land owners for the environment that will be protected/	Oppose	Support voluntary approach to SNAs in Plan.
Royal Forest & Bird Protection Society	496	General submission on indigenous biodiversity	Amend to include rules to protect indigenous vegetation cover including low stature vegetation, grass lands, herb lands, shrub lands as this is inadequately provided for by the Threatened Environments Sites and may not be readily identified through aerial surveys.	Oppose	Indigenous vegetation provisions, with relief sought in original submission, sufficient to address concerns.
Royal Forest & Bird Protection Society	496	General submission on indigenous biodiversity	Amend Plan to set out the approach Council will undertake to identify SNA's in the southern Marlborough area.	Oppose	Understand that there are SNAs within the voluntary SNA program in the southern Marlborough area.
Royal Forest & Bird Protection Society	496	General submission on indigenous biodiversity	Amend Plan to include provisions to direct and support the identification of SNA's to be identified in the Plan in the future.	Oppose in part	Support the present non-regulatory approach to SNAs. Where SNAs will need to be defined and included in the Plan, robust scientific information must be used, groundtruthing must occur and landowners involved in consultation from the outset.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	General submission on coastal environment	Include clear policy direction and matters for discretion to ensure that disturbance activities will seek to identify nesting sites and avoid bird breeding period. Include policies and methods within the plan that will restrict access to important bird breeding areas on the coast when necessary to protect indigenous bird species.	Oppose	References to bird nesting sites in the proposed Plan overly vague and wide in scope and do not provide any certainty for plan users.
Royal Forest & Bird Protection Society	496	Introduction to Chapter 4	Amend chapter so it provides a clear purpose within the plan and avoid supplication or unnecessary separation of similar matters between chapters.	Oppose	Introduction provides a critical introduction and scene setting for the plan. Retain as notified.
Royal Forest & Bird Protection Society	496	Introduction to Chapter 5	Amend to recognise any further flow assessments are needed to ensure any future allocation retains necessary instream flows for indigenous vegetation and habitat of indigenous species. Amend policies and methods to set out a process for Council to review flows of all major streams and rivers to understand what can be subsequently allocated and to stay within those limits.	Oppose	Support the NPSFM implementation program as indicated by Council.
Royal Forest & Bird Protection Society	496	Policy 5.3.16	Amend so that cumulative effects will be avoided.	Oppose	Oppose total avoidance; provide room for discretion.
Royal Forest & Bird Protection Society	496	New policies	Include policy direction for efficient irrigation and avoidance of irrigating outside the command area, avoidance of irrigation on areas of significant indigenous vegetation, riparian stream and waterways or wetlands.	Oppose	Acknowledge importance of irrigation efficiency. Refer to relief sought in original submission.
Royal Forest & Bird Protection Society	496	Policy 5.5.1	Amend to add policy direction for review of consents in any catchment where allocation has unanticipated environmental effects.	Oppose	Investors need certainty with their takes.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	Objective 5.7	Amend to include requirement for rate to be based on efficient irrigation/best practice.	Oppose in part	Plan with relief sought allows for efficient irrigation.
Royal Forest & Bird Protection Society	496	Objective 5.8	Amend objective to recognise that limits include adequate provision for instream biodiversity during low flows.	Oppose	Refer to relief sought in submission on chapter.
Royal Forest & Bird Protection Society	496	New policy on criteria for natural character of wetlands	Include new policy which sets out the criteria or values used to assess the natural character of wetlands.	Oppose in part	Support the inclusion of guidance on the criteria and values used to assess the natural character of wetlands, to provide clarity for plan users. Suggest this is done with one clear policy that identifies the components of natural character.
Royal Forest & Bird Protection Society	496	Policy 6.1.3	Amend policy to include guidance on the values that contribute to natural character and establishing areas which have high and very high natural character.	Oppose in part	Support clarity on process and values that contribute to natural character. Suggest this is done with one clear policy that identifies the components of natural character.
Royal Forest & Bird Protection Society	496	New policy re outstanding natural character	Include new policy to guide the determination of outstanding natural areas.	Oppose	Sufficient policy guidance in proposed plan for natural character.
Royal Forest & Bird Protection Society	496	Methods for natural character	Add method to indicate financial or staff resource support towards restoration.	Support	Support pragmatic addition.
Royal Forest & Bird Protection Society	496	New policy re outstanding landscapes	Include a new policy which seeks to protect outstanding landscapes by requiring a resource consent of activities which are likely to have an impact on the values identified in Appendix 1; providing standards for permitted activities within ONF/Ls and providing standards for permitted activities and ensure no more than minor outside the Coastal Environment.	Oppose	Refer to relief sought in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	Policy 7.1.5	Amend to include capacity to refine and update values and areas, including adding new ONF/Ls or high amenity value landscapes in response to new information.	Support in part	Support amendments to refine and update values and areas based on new information. This will require a publicly notified plan change. Oppose identification of high amenity value landscapes, as per original submission.
Royal Forest & Bird Protection Society	496	Policy 7.2.2	Amend policy to ensure it protects the values and characteristics of the landscape.	Oppose	Oppose identification of Wairau Dry Hills Landscape as per original submission.
Royal Forest & Bird Protection Society	496	Method 7.M.8	Retain and include methods which provide for a proactive program to increase public awareness of landscape values and requirements to protect these values to achieve compliance with permitted standards, seeking consent when needed, and covenant incentives.	Support	Support non regulatory approaches and education regarding landscape values.
Royal Forest & Bird Protection Society	496	New policy on Threatened Environments Classification	Include policy direction to apply the Threatened Environments classification as an overlay.	Oppose	Oppose the use of the Threatened Environments Overlay as a regulatory tool.
Royal Forest & Bird Protection Society	496	New policy on wetlands	Include policy direction and methods to provide for further wetland and marine sites to be identified for protection over time.	Oppose in part	Support policy allowing for identification of sites where sites meet set criteria, are only added through a Schedule 1 process, robust and objective criteria is used, groundtruthing is completed on all sites, landowners informed and invited to participate in the consultation process, as per original submission.
Royal Forest & Bird Protection Society	496	Policy 8.2.2	Amend the plan to include policy and method direction such that significant indigenous biodiversity areas can ultimately be identified within schedules or maps within the Plan.	Oppose	Support current voluntary SNA program.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	Policy 8.2.3	Amend policy to clarify that this is intended to provide direction for funding. Priority should not be given to legally protected sites for protection, maintenance and restoration.	Oppose in part	Support prioritisation of funding but also to the protection, maintenance and restoration of areas with indigenous biodiversity .
Royal Forest & Bird Protection Society	496	New policy for the voluntary assessment of significant indigenous biodiversity	Include a policy for the voluntary assessment of significant indigenous biodiversity on private land and inclusion on a schedule (and or map) into the MEP through future plan change with priority for support towards active management from Council.	Support in part	Support the acknowledgement of active management from Council. If landowners wish to engage in voluntary assessment of biodiversity and inclusion on schedule then support choice to do so.
Royal Forest & Bird Protection Society	496	New methods for pest control	Introduce new methods for MDC to develop a strategy which would include staff and funding to work with central government on its Predator Free NZ; method for areas of high value to be recognised in the Plan and pest control plans be developed for these areas.	Support in part	Support the intention to introduce methods which focus on non-regulatory partnership approach to predator control. Support identification of high value sites and development of non-regulatory plans for these areas, working with landowners, community groups. However suggest these might be more appropriately located in the Pest Management Strategy currently being developed for the region.
Royal Forest & Bird Protection Society	496	Policy 8.2.8 / New policy for potential sites	Amend or include a new policy for the aerial identification of potential significant indigenous biodiversity sites. Sites should be included in the Plan and used in a similar manner to the Threatened Environments overlay.	Oppose	Any introduction of new sites should go through the full Schedule 1 process.
Royal Forest & Bird Protection Society	496	Policy 13.1.1 / New policy for terrestrial indigenous biodiversity	Amend or include another policy to give effect to Policy 11(a) in terms of terrestrial coastal biodiversity.	Oppose	Chapter 8 provides for the protection of significant indigenous biodiversity in terrestrial, freshwater and coastal environments, and therefore recognition of terrestrial coastal biodiversity does not need to be repeated in Chapter 13.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	Policy 13.5.2	Amend to provide stronger guidance for residential activities to only occur in the Coastal Living Zones within the Sounds.	Oppose	Oppose. As per original submission, accommodation for farm owners and workers should be considered appropriate within the coastal environment.
Royal Forest & Bird Protection Society	496	Policy 13.5.3	Delete policy or amend to reflect provision of guidance to support appropriate residential development within areas zoned as Coastal Living.	Oppose	As per original submission, residential activity associated with the purposes of primary production should be permitted.
Royal Forest & Bird Protection Society	496	New policy re disturbance	Include a new policy which prohibits disturbance not provided for elsewhere.	Oppose	Oppose use of prohibited status.
Royal Forest & Bird Protection Society	496	Standard 2.8.1.5	Amend standard to extend period of nesting bird breeding season, to 5 months.	Oppose	Oppose. As per original submission rule is ambiguous and widening scope will not assist in sustainable management but cause uncertainty.
Royal Forest & Bird Protection Society	496	Standard 2.9.9.2	Amend standard to address submission points around urination and defecation outside of riverbeds, encouraging growth of vegetated areas. When stock are allowed into riverbeds owners must mitigate by removing vegetation in bed and providing a wider nesting area clear of vegetation where stock access is prevented. Non-intensively farmed livestock should be progressively excluded from waterways.	Oppose	Oppose relief sought by submitter. Onerous and will not promote sustainable management.
Royal Forest & Bird Protection Society	496	Use of non-complying status	Amend activity status throughout the plan to non-complying where appropriate, where an activity is likely to have adverse effects on high value parts of the environment and should only proceed if the effect will in fact be less than minor, if the plan provides for the activity.	Support	Support inclusion of a non-complying status.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	Rule 3.3.11	Amend standards to prevent indigenous vegetation clearance in Marlborough's threatened environments and protect significant biological diversity.	Oppose	Refer to relief sought in original submission.
Royal Forest & Bird Protection Society	496	New standard for rule 3.3.11	Include new standard to ensure protection of significant indigenous vegetation outside the coastal environment, and outside the Threatened Environment. Including species description, height, density and area of clearance limitation.	Oppose	Rule 3.3.11, according to relief sought in original submission, sufficient for providing for the protection of significant indigenous vegetation, alongside voluntary programmes.
Royal Forest & Bird Protection Society	496	Rule 3.3.13	Amend to address submission points re inadequate setbacks; cultivation rules being linked to limits and targets to give effects to the NPSFM and requiring consent near FMUs that are overallocated or approaching their allocation limit for sediment or nutrient load.	Oppose	Relief sought by submitter onerous. This is not a limit setting process.
Royal Forest & Bird Protection Society	496	Rule 3.3.14	Amend to address submission points re excavation rules being linked to limits and targets to give effects to the NPSFM and requiring consent near FMUs that are overallocated or approaching their allocation limit for sediment or nutrient load.	Oppose	Relief sought by submitter onerous. This is not a limit setting process.
Royal Forest & Bird Protection Society	496	Rule 3.3.21.1	Apply rule to other waterbodies such as lakes and wetlands and the CMA. Progressively exclude stock from waterways.	Oppose	Submitter appears to want to see all livestock progressively excluded from all waterways. Oppose the application of rules to lakes and wetlands. In some cases in hill and high country, lakes and wetlands are an important water source and it is impossible to fence stock out of.
Royal Forest & Bird Protection Society	496	Rule 3.3.23	Amend rule to include setback from 20m from a wetland or other waterbody. Amend to set limit for N based on targets/limits to give effect to the NPSFM.	Oppose	Rule 3.3.23, with relief sought in original submission, provides adequately for waterbodies. Should only be applied to Significant Wetlands.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Royal Forest & Bird Protection Society	496	Rule 3.3.25	Amend rule to include setback from 20m from a wetland or other waterbody	Oppose	Rule should be deleted, as per original submission.
Royal Forest & Bird Protection Society	496	Rule 3.3.26	Amend rule to include setback from 20m from a wetland or other waterbody	Oppose	Rule should be deleted, as per original submission.
Royal Forest & Bird Protection Society	496	Rule 3.3.28	Amend rule to include setback from 20m from a wetland or other waterbody	Oppose	Support 20m setback as per original submission, only for Significant Wetlands not all wetlands.
Royal Forest & Bird Protection Society	496	Non-complying activity	Include non-complying activity for indigenous vegetation clearance beyond the specified permitted standards.	Support in part	Support non-complying activity for clearance beyond permitted activities sought in original submission.
Royal Forest & Bird Protection Society	496	Appendix 1	Include Wairau Dry Hills landscape and Wairau River as outstanding natural landscapes.	Oppose	Only landscapes that meet the criteria should be included.
Royal Forest & Bird Protection Society	496	Appendix 22	Amend appendix to minimise the extent to which any water catchment is exposed or clear felled at any one time.	Oppose	Oppose as will be difficult to manage when multiple owners of a catchment. Harvesting required as trees are ready for harvest.
Rural Contractors New Zealand	1096	New permitted activity & discretionary for rural contractor depot	Include a new permitted activity standard for a rural contractor in both the rural and coastal environment zones. Include a discretionary activity rule for where the permitted activity standards cannot be met.	Support	Support pragmatic relief sought by the submitter. Rural contracting is often a logical extension of the existing farming operation for seasonal work.
Rural Contractors New Zealand	1096	Definition of rural industry	Amend to exclude rural contractors depots from the definition of rural industry	Support	Support exclusion of rural contractors from the definition, as many farmers will run a small contracting business from their farm and this is different to large scale industrial activity.
Rural Contractors New Zealand	1096	New definition for rural contractor depot	Addition of a definition for rural contractor depot	Support	Support as per above.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Soil & Health Association of New Zealand	1153	General submission on genetically modified organisms (GMOs)	Amend plan to include the following policies adopt a precautionary approach to the management of GMOs by prohibiting the field-testing or release of a GMO, and to adopt a resource management framework for the management of GMOs that is District specific taking into account environmental, economic and social wellbeing considerations; to review the plan provisions relating to GMOs, particularly if there is new information that becomes available on the benefits/adverse effects of a GMO activity.	Oppose	Oppose regulation of GMOs by District and Regional Councils as this is managed by the HSNO Act and central government. The submitters concerns are already addressed and there is no need for duplication.
Te Atiawa o Te Waka-a-Mauii	1186	General submission on Outstanding Natural Character, Landscapes & Features	That a peer review of the landscape assessment process and methodology and specific consultation with iwi on the approach taken.	Oppose in part	Do not support a further review of the landscape assessment and methodology. Notwithstanding this, if a review is to happen, it needs to be an independent review undertaken in consultation with all stakeholders.
Te Atiawa o Te Waka-a-Mauii	1186	General submission on restoration initiatives	In all zones of the MEP be provided with a permitted activity of restoring or rehabilitating habitat, undertaking restoration activities, research and placement of structures/undertaking of works associated with the restoration or rehabilitation of habitat for native vegetation/habitat or animals or both.	Support	Fully endorse relief sought by submitter.
Te Atiawa o Te Waka-a-Mauii	1186	General submission on cultural values/issues	Include objectives, policies, methods, rules, standards, matters of control and discretion be created and included in all chapters that relate to cultural values/issues to ensure they are addressed.	Support in part	Support the inclusion of cultural values and issues across the plan provided they go through a full Schedule 1 process so that landowners are consulted on such inclusions.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Mauui	1186	General submission on sedimentation issues	Include objectives, policies. Methods, rules, standards, matters of control and discretion relating to terrestrial sedimentation on coastal water quality and benthic habitats.	Oppose in part	Any rules for management of terrestrial sedimentation on coastal water quality need to go through a full Schedule 1 process.
Te Atiawa o Te Waka-a-Mauui	1186	General submission on cultural indicators	Include cultural indicators into the water allocation regime, the air shed management, and management of the coast.	Oppose in part	It is not clear what is meant by "cultural indicators", what they would be and how they would change the water allocation regime, air shed management or management of the coast. These resources should be managed as proposed in Federated Farmers' submission.
Te Atiawa o Te Waka-a-Mauui	1186	General submission on register of iwi sites	That all cultural sites of significant (whether registered or not) are protected by the Plan provisions.	Oppose	It is impossible for a landowner to comply with regulations that apply to a specific site without knowing the location of the site. All sites on private land requiring protection by regulation need to be identified and mapped within the Plan, and go through a full Schedule 1 process.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 5.3.1	Include cultural values in the hierarchy of water allocation at a) or b).	Oppose	Refer to relief sought in original submission.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 5.3.5	Amend the policy by adding cultural values to the end of the policy.	Oppose	Refer to relief sought in original submission,
Te Atiawa o Te Waka-a-Mauui	1186	Policy 5.3.14	Reduce the minimum term for water permits to 10 years.	Oppose	Provides no certainty for investment.. Refer to relief sought in original submission.
Te Atiawa o Te Waka-a-Mauui	1186	Objective 5.8	Amend the objective to account for cultural values in considering availability.	Oppose	Retain objective as written.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 6.1.1	Amend the natural character qualities list to include cultural and spiritual values as a component that contributes to the assessment of natural character.	Oppose	Cultural sites are dealt with in Chapter 10 of the Plan and should be mapped and included within an Appendix.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Mauui	1186	Policy 7.1.1	Reconsider assessment of associative values to give a broader definition to cultural values and more weighting to cultural values in the determination of the overall site/landscape value.	Oppose	Cultural sites are dealt with in Chapter 10 of the Plan and should be mapped and included within an Appendix.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 7.1.1	Include a new point that states whether a landscape is identified as a feature of high cultural value.	Oppose	Cultural sites are dealt with in Chapter 10 of the Plan and should be mapped and included within an Appendix.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 10.1.7	Amend policy and the list to contain explicit consideration of cultural sites of significance to tangata whenua. Add commentary to explain that not all sites of significance to iwi are included in the historic heritage register.	Oppose in part	All cultural sites need to be identified through a Schedule 1 process and included within the register to provide certainty to landowners.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 10.1.8	Amend policy to apply to the consideration of resource consent applications for not only sites or areas that are registered.	Oppose	All cultural sites need to be identified through a Schedule 1 process and included within the register to provide certainty to landowners. It is unreasonable and impractical to require a resource consent application to be made for a site if the landowner does not even know the site exists on their land.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 11.2.1	Amend the policy and commentary to contain explicit requirement that the approval of Council and relevant iwi are to be sought if any person wants to do works within the floodways.	Oppose	Federated Farmers is not aware of the basis for asserting that iwi has this right and is concerned about the potential implications for reasonable activities within flood ways. Federated Farmers seeks the retention of this policy as proposed in its submission.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 13.1.1	Amend policy to indicate that iwi sites of significance are also important to take into account but they may not always be mapped.	Oppose	Refer to relief sought in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Mauui	1186	Policy 13.2.2	Include the consideration of protection of cultural values, beliefs, structures, resources and/or locations to the decision making framework for determining whether subdivision, use and development activities in the coastal environment are appropriate.	Oppose	The list of factors that are proposed for consideration under policy 13.2.2 are extremely broad and uncertain. It is not clear that they are reasonable or necessary. Federated Farmers seeks the retention of this policy as amended in its submission.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 13.2.4	Amend the policy to include cultural values as an attribute that can be considered when considering effects on coastal amenity value.	Oppose	Cultural values do not appear to be an amenity attribute. Cultural values ought to be considered as part of identifying cultural sites of significance (through a Schedule 1 process). Retain this policy as amended in Federated Farmers' submission.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 14.1.4	Amend the policy so that primary production activities are managed in a way that ensures they address potential adverse effects on cultural values.	Oppose	The proposed amendment is vague and will potentially unreasonably restrict primary production activities. It does not provide certainty to land owners as to whether their activity will be permitted. Farming activities (and primary production activities more broadly) ought to be permitted in rural areas. If there are significant cultural values associated with sites they ought to be specifically identified through a schedule 1 process.
Te Atiawa o Te Waka-a-Mauui	1186	Policy 16.3.5	Amend policy to ensure that the cultural values of iwi are recognised and provided for when considering discharge permit applications to discharge contaminants onto or into land.	Oppose	Refer to relief sought in original submission.
Te Atiawa o Te Waka-a-Mauui	1186	Rule 2.9.2	Amend the standard to include consultation with iwi and consideration of adverse effects on cultural values.	Oppose	Inappropriate to require consultation as part of a permitted activity standard.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Mauui	1186	Rule 2.9.3	Amend the standard list to restrict suction hoses being located within cultural sites/areas.	Oppose	Relief sought is too vague and will unreasonably restrict primary production activities and other reasonable land use activities.
Te Atiawa o Te Waka-a-Mauui	1186	Rule 2.9.4	Amend the standard list to include a consideration/restriction around cultural values, cultural areas and cultural sites.	Oppose	Relief sought is too vague and the impacts on resource users is unclear. It is likely to unreasonably restrict reasonable land use activities.
Te Atiawa o Te Waka-a-Mauui	1186	Rule 2.9.5	Amend standard to include consultation with iwi and consideration of adverse effects on cultural values.	Oppose	Inappropriate to require consultation as part of a permitted activity standard (and Federated Farmer would strongly oppose this being a condition of a consent or criteria for assessment). Relief around cultural values is too vague and would unreasonably restrict reasonable land use activities.
Te Atiawa o Te Waka-a-Mauui	1186	Rule 2.9.7	Amend standard to include consultation with iwi and consideration of adverse effects on cultural values.	Oppose	Inappropriate to require consultation as part of a permitted activity standard (and Federated Farmers would strongly oppose this being a condition of a consent or criteria for assessment). Relief around cultural values is too vague and would unreasonably restrict reasonable land use activities.
Te Atiawa o Te Waka-a-Mauui	1186	Rule 3.2	Amend the standards that apply to all permitted activities in the rural zone to account for cultural matters and protect cultural sites, areas and resources.	Oppose	Relief sought is too vague, uncertain and would unreasonably restrict reasonable land use activities.
Te Atiawa o Te Waka-a-Mauui	1186	Rule 3.3.62	Amend standards to protect cultural sites; commercial forestry should not be allowed to be planted on or within 5 m of an urupa, wahi tapu or other sacred sites.	Oppose	Any cultural sites ought to be significant and specifically identified through a Schedule 1 process. Any restrictions on commercial forestry ought to be reasonable.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Maui	1186	Rule 3.3.8	Amend standards to protect cultural sites; woodlot forestry should not be allowed to be planted on or within 5 m of an urupa, wahi tapu or other sacred sites.	Oppose	Oppose regulation for woodlot forestry; refer to relief sought in original submission.
Te Atiawa o Te Waka-a-Maui	1186	Rule 3.3.13	Amend standards to protect cultural sites; cultivation should not be permitted on or over urupa, wahi tapu or other sacred sites.	Oppose	Urupas and wahi tapu often in paddocks of pastoral farming properties. Any cultural sites ought to be significant and specifically identified through a Schedule 1 process. Any restrictions on cultivation ought to be reasonable.
Te Atiawa o Te Waka-a-Maui	1186	Rule 3.3.14	Amend standards to protect cultural sites; excavation should not be permitted on or over urupa, wahi tapu or other sacred sites.	Oppose in part	Any cultural sites ought to be significant and specifically identified through a Schedule 1 process. Any restrictions on excavation ought to be reasonable.
Te Atiawa o Te Waka-a-Maui	1186	Rule 4.3.6	Amend standards to protect cultural sites; commercial forestry should not be allowed to be planted on or within 5 m of an urupa, wahi tapu or other sacred sites.	Oppose	Any cultural sites ought to be significant and specifically identified through a Schedule 1 process. Any restrictions on commercial forestry ought to be reasonable.
Te Atiawa o Te Waka-a-Maui	1186	Rule 4.3.7	Amend standards to protect cultural sites; woodlot forestry should not be allowed to be planted on or within 5 m of an urupa, wahi tapu or other sacred sites.	Oppose	Oppose regulation for woodlot forestry; refer to relief sought in original submission.
Te Atiawa o Te Waka-a-Maui	1186	Rule 4.3.11	Amend permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted without the adequate consideration of potential adverse effects on resources, values or sites.	Oppose	Not clear how this would be applied. This will likely unreasonably restrict land use activities, create uncertainty for plan users and impose unreasonable cost on land use activities.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Maui	1186	Rule 4.3.12	Amend standards to protect cultural sites; cultivation should not be permitted on or over urupa, wahi tapu or other sacred sites.	Oppose	Urupas and wahi tapu often in paddocks of pastoral farming properties. Any cultural sites ought to be significant and specifically identified through a Schedule 1 process. Any restrictions on cultivation ought to be reasonable.
Te Atiawa o Te Waka-a-Maui	1186	Rule 4.3.13	Amend standards to protect cultural sites; excavation should not be permitted on or over urupa, wahi tapu or other sacred sites.		Urupas and wahi tapu often in paddocks of pastoral farming properties. Any cultural sites ought to be significant and specifically identified through a Schedule 1 process. Any restrictions on excavation ought to be reasonable.
Te Atiawa o Te Waka-a-Maui	1186	Rule 21.3.1	Amend the standards that apply to all activities in the Floodway Zone to account for cultural matters and protect cultural sites, areas and resources.	Oppose	Unclear what exact relief submitter is seeking. Retain rule as amended in Federated Farmers' submission.
Te Atiawa o Te Waka-a-Maui	1186	New definition for cultural area/sites, cultural values, or cultural commercial	Include new definitions in the plan for cultural values, cultural sites and cultural commercial activities. Cultural values should include those important values of iwi that need to be taken into account. Cultural sites should state that locations of specific cultural significance.	Support in part	Support definition of cultural sites and cultural values provided those sites are ground truthed and identified/defined through a Schedule 1 process. It is important that all stakeholders are consulted, that robust criteria is used to identify the sites/definitions and that reasonable land use activities can continue.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Atiawa o Te Waka-a-Maui	1186	Schedule 2 – Water Quality Classification standards	Amend schedule by inserting cultural water quality indicators.	Oppose in part	<p>Understand the intended inclusion of cultural water quality indicators but difficult to support the indicators themselves without knowing what these will be.</p> <p>Accordingly, oppose due to a lack of certainty and clarity (e.g. it is not clear that this would comply with the NPS-FM). All stakeholders need to be involved in any water quality assessment or discussion and such assessment (including cultural water quality indicators) ought to be undertaken in accordance with the NPS-FM.</p>
Te Atiawa o Te Waka-a-Maui	1186	Appendix 13	Amend introduction to identify that the register is not complete and indicate that there are significant resources within District not contained in the register.	Oppose	All cultural sites need to be significant, identified using robust criteria and a Schedule 1 process, and mapped and ground truthed for certainty.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Objective 5.3	Amend objective to provide greater explanation for plan users regarding the involvement of tangata whenua iwi.	Oppose in part	Clarity required within the plan regarding what iwi involvement in resource management decision making looks like in practice. Any involvement needs to be transparent and justified.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy on consultation	Include a new policy that the Council will consult with iwi on applications that may have an impact on their relationship with land, water, wahi tapu or wahi taonga, or on cultural values.	Oppose	This potentially imposes a significant and uncertain obligation on council. It could have significant implications for consent applications and may result in all iwi having to be consulted on all applications. This will impose significant cost and uncertainty on applications for unclear benefits.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 3.1.3	Amend policy to ensure that where a resource consent is likely to affect the relationship of iwi with their culture and traditions decision makers should consult with and notify resource consent applications to iwi.	Oppose in part	Unclear re how this will relate to small resource consents that might be required for farming activities. Should specify that only applies to large scale resource consent or plan change applicants, as per relief sought on policy 3.1.2 and 3.1.4
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy on subdivision	Include a new policy to avoid or manage from the outset potential effects on iwi cultural values, particularly re wahi tapu, wahi taonga, mahinga kai, freshwater and coastal water.	Oppose in part	The relief sought by submitter is already addressed through other parts of the plan.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 4.1.3	Amend policy to refer to the need to recognise that a precautionary approach may be required to maintain the quality of resources; that the intergenerational needs for the quality of natural resources.	Oppose	Do not support reference to precautionary approach; does not promote sustainable management. Refer to relief sought in original submission.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Introduction – Chapter 5	Amend introduction to recognise a healthy economy must be premised on a healthy environment.	Support in part	Support relief sought by submitter coupled with relief sought in original submission for recognition on Chapter 4 of the importance of primary production activities in the District.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 5.2.1	Amend to provide greater clarity in interpretation of the policy.	Oppose	Refer to relief sought in original submission.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 7.1.1	Amend policy to take into account assessment of tangata whenua values.	Oppose	Cultural values are dealt with in Chapter 10 and associated mapped sites.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 7.1.2	Amend policy so that definition of landscape boundaries required consultation with Tangata Whenua iwi.	Oppose in part	If iwi are to be consulted so should all stakeholders, and particularly landowners, who are notably absent from the policy.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 7.2.1	Amend policy to note assessments of effects on landscape values may also include consultation with iwi, particularly where a landscape has tangata whenua values.	Oppose	Refer to relief sought in original submission.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 7.2.4	Amend policy to note assessments of effects on landscape values may also include consultation with iwi, particularly where a landscape has tangata whenua values.	Oppose	Refer to relief sought in original submission.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy for customary harvesting	Insert a new policy for customary harvesting, not currently provided for within the plan, that allows iwi to exercise kaitiakitanga.	Support in part	Support need for plan to provide for kaitiakitanga provided policy recognises rights of private landowners.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 8.2.13	Amend policy so that when establishment or restoration of indigenous or exotic vegetation and habitat is undertaken, preference is given to the use of native species.	Support in part	Support pragmatic addition to policy, provided policy remains as a non-regulatory tool.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 8.3.8	Amend policy so that offsetting is required to be made on the same or immediately adjacent site to ensure gains are retained within the local area or catchment.	Oppose in part	Understand concerns of submitter however this should be a consideration in any consent not as a specific criterion.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New objective re public access	Include a new objective which seeks enabling of access for iwi with their ancestral lands, water, wahi tapu, and wahi taonga through opportunities to provide for customary access.	Support in part	Ensure that objective clearly only provides for public access where landowner permission is granted.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy on customary access	Include a new policy which enables opportunities for customary access which can arise during resource consent processes.	Oppose in part	Any customary access ought to be negotiated with landowner agreement and private property rights recognised. Explanation and policy proposed does not seem to match reasoning of submitter.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 10.1.10	Amend policy to note the need to work with iwi to develop a accidental discovery protocol, to be included as a condition of consent on relevant planning consents.	Oppose in part	Support in principle the development of a protocol. Unsure how this will be used in the context of consents. As per original submission, where cultural impact assessments for unrecorded sites are required they should be covered for by Council. Will be very difficult for landowners to understand their obligations if different approaches to ADP are preferred by different iwi.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy for wahi tapu and wahi taonga	Include new policy for the protection of wahi tapu and wahi taonga sites.	Oppose in part	Unclear how proposed policy will apply to rule frameworks. Agree in principle that a policy for wahi tapu and wahi taonga may provide clarity for plan users however need to better understand how this will affect landowners. Also need clarity about where these sites are and what "protection means." Any sites ought to be significant, identified through a robust process, ground truthed and through a Schedule 1 process.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy for sites of significance to tangata whenua iwi	Include a policy which provides a pathway for future work to be undertaken by Council and iwi to identify sites throughout the district.	Support in part	Support inclusion of a policy which seeks to identify sites of significance to iwi within District. These will need to be identified using a robust process, go through a full Schedule 1 process before they are included in the plan, ground truthed and landowners need to be consulted in the early stages of the process.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 13.1.1	Amend policy to identify the essential relationship between Maori and their ancestral lands, water, wahi tapu and wahi taonga, in avoiding adverse effects from subdivision, use and development.	Oppose	Cultural sites are dealt with through Chapter 10 of the plan.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 14.1.4	Amend policy to recognise the relationship of iwi with their lands, water sites, wahi tapu, wahi taonga, and the ability of iwi to exercise kaitiakitanga.	Oppose	Refer to relief sought in original submission.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 15.1.3	Amend policy to note the need to consult with iwi in the establishment of cumulative limits.	Oppose	Limit setting needs to be a collaborative process and not just iwi engaged, but the entire community. Must give effect to the NPS-FM.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Policy 15.1.9	Amend to include reference to adverse effects on tangata whenua iwi values associated with water.	Oppose in part	Not clear how relief sought by submitter will apply in the rule framework.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New policy for nutrient management framework	Include a new policy requiring the Council to undertake a plan change to introduce a nutrient management framework into the Plan, in the event that landuse changes occur or are foreseen to occur which are not anticipated or regulated by the operative plan.	Oppose	Plan is required to be reviewed in 10 years under RMA obligations. Limit setting process will set a nutrient management framework by FMU, so relief sought by submitter already covered.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Rule 2.4.1	Amend to a restricted discretionary status.	Oppose	Remain a notified; pragmatic.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	New permitted activity for customary harvesting	Include new rule in plan to provide for customary harvesting.	Support in part	Support providing the rule acknowledges the need for landowner permission to access private land.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Rule 3.3.1 Rule 3.6.8	Amend to include dairy support within the definition of dairy farming, and therefore any additional dairy support activity as a discretionary activity after June 2016.	Oppose	Oppose inclusion of dairy support within the definition of dairy farming. Dairy support often occurs on much more extensive pastoral land, including many sheep and beef properties for short periods of the year.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Rule 4.3.1 Rule 4.6.8	Amend to include dairy support within the definition of dairy farming, and therefore any additional dairy support activity as a discretionary activity after June 2016.	Oppose	Oppose inclusion of dairy support within the definition of dairy farming. Dairy support often occurs on much more extensive pastoral land, including many sheep and beef properties for short periods of the year.
Te Runanga O Kaikoura & Te Runanga O Ngai Tahu	1189	Rule 2.4.3.1	Amend and include new matters of control for subdivision.	Oppose in part	Lengthy list of considerations.
Te Runanga O Ngati Kuia	501	Policy 5.3.6	Amend to bring in line with national direction of Iwi Leaders Group and 20% of total allocation of water should be set aside for iwi. Should iwi choose not to extract water, it would remain in the waterway to protect instream values and enable iwi to exercise Kaitiakitanga.	Oppose	Does not give effect to the NPSFM. Any such decisions need to be made at a national level rather than piecemeal around the country. Costs/benefits of any such proposal should be appropriately considered at that national level.
Te Runanga O Ngati Kuia	501	Policy 6.2.3	Oppose as the policy should seek to protect all remaining natural character. No further degradation should be considered appropriate.	Oppose	Natural character is on a spectrum. Impractical not to have any further degradation occur of any degree of natural character unless no development at all was to occur.
Te Runanga O Ngati Kuia	501	Policy 6.2.8	Amend to include setbacks for farming activities including riparian distances.	Oppose	Oppose regulatory riparian setbacks. Each riparian planting situation is different and requires different mitigations.
Te Runanga O Ngati Kuia	501	Issue 15C/New objective	Amend to include new objective relating to achieving swimmable water quality and drinkable in identified areas.	Oppose in part	Relief sought by submitter already covered in other parts of the Chapter.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga o Toa Rangatira	166	General submission on cultural sites	Includes sites, areas and/or habitats that are culturally significant as an Appendix and an overlay. Caveat should be placed that not all information needs to be disclosed by iwi and that this information should only be used to start dialogue with the appropriate groups.	Support in part	Support mapping of sites where they are genuine cultural sites to provide landowners with certainty, as per original submission. Clear specific information required by landowners so they can utilise their land resources with certainty. Provision in any appendix needs to go through a full consultation process through which landowners are engaged.
Te Runanga o Toa Rangatira	166	Policy 4.1.1	Include in methods that all applicants should consult iwi if the area is within statutory acknowledgement areas. Accidental discovery protocol and iwi monitor may be requested.	Oppose in part	Oppose broad use of the requirement for consultation with iwi. Needs to be clear on what occasions and specific sites this is required. And only if consultation is required under the relevant legislation.
Te Runanga o Toa Rangatira	166	Policy 14.1.10	Delete policy as it contradicts objectives in the plan which highlight the need to restore and enhance wetlands within Marlborough.	Oppose	As per original submission, the drainage network is vital for removing surplus water from the soils of the lower Wairau Plain. Support the protection of wetlands where they are identified and verified as significant wetlands.
Te Runanga o Toa Rangatira	166	General submission on Chapter 15	Include a policy to allow Council to control land use for viticulture, which has an impact on the environment if not controlled appropriately.	Oppose	Issues raised by the submitter managed by other rules within the plan.
Te Runanga o Toa Rangatira	166	Method 3.M.2	Include an appendix of all statutory acknowledgements relating to the MDC area, to satisfy the method.	Oppose in part	Support certainty for resource users, however concerned regarding what obligations this places on resource users and how large these areas are.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Te Runanga o Toa Rangatira	166	General submission on Chapter 3	Include specific rules and methods to ensure Council's legal obligations are met including requiring resource applicants to consult with iwi in certain areas; Kaitiakitanga as a permitted activity in all zones to allow for Maori to have a relationship with their culture and traditions; regional rules developed to ensure consultation between iwi, applicants and MDC. Develop a Tangata Whenua programme, monitoring, support, information, guidelines.	Support in part	Requirement to consult with iwi already in the RMA; does not need duplication in plan. In principle agree with the principle of kaitiakitanga. Oppose use of regional rules to achieve this however support use and inclusion of non-regulatory methods including monitoring, support and information, and cultural monitoring.
The Fertiliser Association of New Zealand	1192	Method 15.M.25	Amend method to change name to Farm Management Plans, and encompass intensively farmed livestock as well as dairy farming.	Oppose in part	Support Farm Management Plans only as a non-regulatory tool.
The Fertiliser Association of New Zealand	1192	Issue 15F	Amend explanation of issue to better explain soil quality issues.	Support	Support relief sought by submitter which focuses on soil quality issues.
The Fertiliser Association of New Zealand	1192	Objective 15.4	Amend objective to focus on maintaining the health and function of the soil resource, as opposed to enhancing it.	Support	Support pragmatic reasoning and relief sought by submitter.
The Fertiliser Association of New Zealand	1192	Policy 15.4.2	Amend to reference industry agreed good management practices.	Support	Support the relief sought by submitter.
The Fertiliser Association of New Zealand	1192	Method 15.M.41	Replace text with an explanation that acknowledges industry codes of practice, industry guidelines,	Support in part	Support intention to reference good management practices and industry codes of practice. Oppose including reference to these are the Industry Agreed Good Management Practices booklet. Good management practices vary by region, climate and topography and need to be worked through, by industry in collaboration with Council, not simply transplanted from another region into the plan without consultation.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
The Marlborough Environment Centre Incorporated	1193	Standard 3.3.14.1	Amend rule to include an upper limit on excavation to prevent large scale landscape changes being able to occur as a permitted activity and prevent effects such as potential sedimentation, permanent alteration of soil structure and drainage patterns.	Support	Support the provision of an upper limit on excavation on land under 20 degrees. Suggested 20,000m ³ is too high, and we would like to be part of the discussion re an appropriate limit.
Transpower	1198	New policies 4.2.x	<p>Include two additional policies. One which enables the operation, maintenance, upgrading and development of essential network utilities throughout Marlborough.</p> <p>Second policy which sets out what must be had regard to when considering environmental effects of National Grid activities.</p>	Oppose	Oppose the enabling of upgrading and development through the policy framework. As per our original submission operation and maintenance activities are supported, however replacement is off a different scale and can create significant adverse effects on landowners and surrounding landowners. Impact on existing should be included in
Transpower	1198	4.M.9	Amend method to provide for rules that address the development of the national grid.	Oppose	Oppose the provision of upgrading and development. Where it has the potential to create significant adverse effects on landowners, landowners should have the opportunity to have a say.
Transpower	1198	Policy 7.2.6	Amend policy to address situations where the development of nationally significant infrastructure will have residual adverse effects in a manner that is consistent with the environmental outcomes anticipated by other planning documents.	Support in part	Support amendments to the first sentence of the policy to acknowledge mitigations to the extent reasonably possible.
Transpower	1198	Policy 13.1.1	Amend policy to better reflect Section 6 of the RMA and the NZCPS, which only applies to the avoidance of inappropriate subdivision, use and development.	Support	Support amendments to focus on inappropriate subdivision, use and development within the coastal environment, in addition to relief sought in our original submission. Current policy over onerous.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Transpower	1198	Policy 15.4.4	Amend policy to recognise the impact of land disturbance activities on the national grid.	Oppose	Adequately addressed elsewhere.
Transpower	1198	General submission on activity status	Amend rules throughout Volume 2 to include non-complying activities in a manner that gives effect to policies in the NPSET.	Support in part	Support introduction of non-complying activity status, not just for the National Grid but for all activities.
Transpower	1198	New rule for National Grid Yard	Include new rule for network utilities within the National Grid Yard, which requires that reticulation	Oppose	The purpose of the National Grid Yard is to manage the issue of reverse sensitivity according to the NPSET. Water storage and reticulation will not cause reverse sensitivity issues and therefore do not need to be regulated. There is no need for addition National Grid Yard rules as there already a regulatory framework for safety distances for buildings, earthworks and trees. NZECP34:2001 (attached) outlines safe distances for excavation in Section 2.2, safe distances for buildings from electric line support structures in Section 2.4, and Section 3.3 has distances between buildings and conductors. Federated Farmers disputes that water reticulation will compromise the maintenance operation or upgrading of the national grid. Any provisions intended to implement the NPS-ET need to be consistent with policies 10 and 11, and water reticulation is not identified as a reverse sensitivity threat to transmission that needs regulation.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Transpower	1198	Standard 2.39.1.14	Delete standard as it inappropriately prioritises farm airstrips over the national significance of the National Grid.	Oppose	Not withstanding our original submission, oppose the rationale as any rules around network utilities will only apply to upgrades and new lines. Therefore existing land uses by way of farm airstrips, should take priority.
Transpower	1198	New Rule 3.1.x and standard 3.3.x	Delete standards 3.2.17 and 3.2.18 and insert a new rule which provides for not only buildings and structures but activities in the National Grid Yard.	Oppose in part	Use of the term vicinity is too uncertain; should refer to the National Grid Yard which is defined within the Plan. Oppose the exclusion of structures associated with the reticulation and storage of water for irrigation purposes as there are no issues presented by this activity. The exemption of holes less than 500mm in diameter at least 5m away from the pole foot needs to be consistent with NZECP34 to allow for fence post holes. Support is dependent on farming activities being permitted within the National Grid Yard, and Yard widths being proportional to the transmission lines consistent with NZECP34:2001. Accept that milking sheds are NC within the Yard, but that the associated fences, races and uninhabited farm buildings should be permitted. Support provision of non-complying status for any activities within the National Grid yard that do not meet the permitted activity standards.
Warrick Lissaman	255	Definition of offal pit	Amend to apply to a hole only greater than 3m deep.	Support	Support relief sought in addition to original submission, as this focuses the rule on managing the activity where there is most likely to be the greatest effect.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Summary of relevant part of Submission	Support/ Oppose	Reason
Wine Marlborough	431	New policy re water for non-irrigation purposes	Include new policy providing direction for decision makers when assessing applications for resource consent to abstract and use water for non-irrigation purposes.	Support	Support need for new policy as per relief sought by submitter.
Wine Marlborough	431	Policy 5.7.3	Reword policy to reflect there will be many circumstances when reasonable demand does not reflect actual demand due to property specific data.	Support	As per original submission, recognise the need to take into account property specific data. Support proposed rewording as sought by submitter.
Wine Marlborough	431	Policy 15.1.32	Amend to recognise the economic implications of not being able to install and maintain water supply intakes.	Support	Support as relief sought is pragmatic.
Wine Marlborough	431	New policy for groundwater abstraction	Include new policy that provides for groundwater to be abstracted to storage to provide water users with greater flexibility to manage water on-site.	Support	Support as relief sought is pragmatic.
Wine Marlborough	431	Rule 3.4.2	Delete or amend rule regarding scale of farm produce from rural selling place, as will impact vineyards, wineries and associated retail.	Support	Support deletion of rule which will also impact on farm produce.