

HAVE A SAY

You are invited to make a submission on the proposed Plan Change. Submissions close at 4.00 pm on Monday, 14 March, 2016.



Submission on a Variation/Change to the Tasman Resource Management Plan

Return your submission by the advertised closing date to:

Manager, Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 543-9524 OR Email steve.markham@tasman.govt.nz

OFFICE USE

Date received stamp:

14.3.16

Initials: SP

Submitter No. 1430

Note:

This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.

Submitter Name:

(organization/individual)

Nelson/Tasman branch of Forest and Bird

Representative/Contact:

(if different from above)

Cillian Pollock

Postal Address:

P.O. Box 7126
Nelson Transit Centre
7042

Home Phone: 540 2748

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Email: nelsontasman.branch@forestandbird.org.nz

Date: 12 March 2016

bird.org.nz

Signature: C. J. Pollock

(Signature of person making the submission or person authorised to sign on behalf of person making the submission)

Total number of pages submitted: 2

IMPORTANT – Please state:

This submission relates to Variation/Change No.: 60

Variation/Change Title/Subject: Rural Land Use and Subdivision Policy Review

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.



Nelson/Tasman Branch
 P O Box 7126,
 Nelson Mail Centre
 7010

Nelontasman.branch@forestandbird.org.nz

11 March 2016

Submission on F&B TDC Plan Change 60

PRINCIPLES OF DEVELOPMENT

The Environment

- Behind all development there must be an Environmental Bottom Line making it mandatory for existing native vegetation to be protected and a percentage of land is set aside for restoration. Fragmented green areas should as far as possible be linked. These links should permeate all subdivisions.
- Where an extensive area of land, involving over 1 hectare, is to be sub-divided the Environmental Bottom Line should include an environmental assessment by a qualified ecologist. Currently, whether or not to get such an assessment is up to the developer who is most unlikely to do this. The current situation means all smaller areas of native vegetation, including gullies and wetlands are at risk of being destroyed.
- All waterways should be protected and have a mandatory minimum 20m riparian area.
- Provision should be made for small-scale storage of storm water in holding areas in the form of wetlands which would contain run-off, including pollutants, then slowly release filtered water to the nearest waterway. These wetland areas would form urban habitats and complement the mandatory bushed restoration.
- Climate warming is putting many native species in a vulnerable situation with extinction of many a possibility. To alleviate this, trees and wetlands become even more vital as both retain moisture, cool the ground and provide habitats. Houses also benefit from the cooling effect of trees and shrubbery.
- The use of hard sealed surfaces should be reduced and absorbant alternatives for driveways and yards encouraged.

Past developmental practice

- In rural areas developers have filled valleys and waterways with stumps, slash, woody weeds and bulldozed soil. During subsequent rainfall the soil washes out into lower areas, including the estuaries, and the woody weeds flourish.
- Developers have also levelled regenerating native trees. It should be mandatory for developers to secure and protect any such regeneration.
- There has to be a better way of planning for new sub-divisions and life-style blocks with the council and developers showing more understanding of the composition of land. There should be no need for wholesale grooming and flattening which destroys habitat and soil structure and leads to the release of tons of organic carbon normally contained in the upper layers of humus. Bulldozing the countryside

also destroys the soil's ability to retain water and leaves a bland landscape where weeds are always first to regenerate.

- Apart from flattening the building site all other areas should be left in as natural a state as possible.

Special purpose land

We support all productive land especially horticultural being reserved specifically for the growth of food. It is essential that when, for any reason, trading overseas halts, this country and in particular the Tasman area should be able to feed itself.

Sea level rise

It is essential that there is space for tidal water to move inland and for new coastal habitats to establish as the sea level rises. Council policy should support coastal habitat resilience and this support should be written into all Plans. Coastal dunes and wetlands are the natural buffer between tides and the hinterland and these dynamic areas must be protected.

We support with some reservations:

1. Rural 1 and 2 Zone Subdivision

- Protection of productive potential and rural character and amenity on small lot subdivision (1)

2. Rural 1 and 2 Zone Subdivision

6.2.3.10 To avoid **or mitigate** the expansion of the urban area in Richmond West Development Area on land subject to sea level rise and flooding by:

(a) providing an open space zone adjacent to the Waimea Inlet generally below the 3-metre contour above mean sea level; (2)

(b) managing the actual and potential risks of development between the 3- to 4.6- metre contour above mean sea level through assessment as part of the subdivision and land use consent process, including **a building platform level** and reserves for stormwater management, and monitoring changes in coastal patterns;

Reservations –

- 1) we query 'mitigation measures'. There appears to be no bottom line for these and we oppose any more coastline hard-walling.
- 2) If a raised building platform is necessary the development is likely to be too close to the coast.

7.2.30

We consider that a whole of catchment approach is essential when any change of land use interferes with or pollutes the normal flow of fresh water. (3)

Plan Changes

Throughout the district, biodiversity protection has been ad hoc or absent and has failed to address cumulative adverse effects over time, leaving our flora and fauna in a perilous state. (4)

We ask the council to develop more stringent planning with high environmental aspirations so that ecosystems thrive. This will also lead to healthy communities.

WE WOULD LIKE TO BE HEARD

Signed: Gillian Pollock
Branch secretary

Submission on a Change to the Tasman Resource Management Plan

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Manager, Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR Email steve.markham@tasman.govt.nz

Cover Sheet

OFFICE USE

Date received stamp:

14-3-16



Initials:

Submitter No.

1440

Note:

This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.

Submitter Name: Simon Mark Vincent
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:

310 Church Valley Road
R.D.1 Wakefield 7095

Home Phone: 03 5419006

Bus. Phone: 021719668

Fax:

Email: simon.vincent@xtra.co.nz

Date: 11-Mar-2016

Postal address for service of person making submission:
(if different from above)

Signature:

NOTE: A signature is not required if you make your submission by electronic means.

Total number of pages submitted (including this page):

IMPORTANT – Please state:

This submission relates to Change No.: 60

Change Title/Subject:

Rural land Use and subdivision Policy Review

- I/we wish to be heard in support of my/our submission.
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Please attach this cover sheet to your supplementary sheet(s) outlining your submission request(s).

OFFICE USE Submitter Number: 1440

<p>(1) My submission relates to: Provision No or Planning Map No. <i>(Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)</i></p>	<p>(2) My submission is that: <i>(State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)</i></p>	<p>(3) I seek the following decisions from the Tasman District Council: <i>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)</i></p>	<p>OFFICE USE Submission No.</p>
<p>Proposed Objectives 7.1.2.2, 7.1.2.3, 7.1.3.2, and 7.1.3.3</p> <p>Operative 7.2.3.1.C and 7.2.3.1 D Intensification of Rural residential subdivisions.</p>	<p>Support these provisions</p> <p>Oppose these provisions unless adjacent rural R1 and R2 landowners concerns are addressed adequately. Intensifying Rural Residential Zone will increase cross boundary effects that are already occurring in but not limited to: - visual - for example Totara View has high double story white houses which have a negatively impact on the visual character of the areas, stand out above the ridge, destroy the rural character of the adjacent rural land and significantly destroy the privacy of adjacent rural land.</p> <p>Increasing the intensity of rural residential sub-divisions will significantly increase cross boundary effects - for example dogs, stock worrying / sheep measles.</p> <p>With intensification there will be more dogs and substantially less area for each dog. This must increase issues.</p>	<p>Add these provisions to the the Plan.</p> <p>Ensure that policies to achieve these outcomes are included in this act.</p> <p>Do not increase intensity of rural subdivision at Wakefield.</p> <p>Ensure that location and design of houses in the rural residential areas are such that they enhance the rural landscape rather than detract from it.</p> <p>The TDC talks and has policies about retaining productive land- but these policies have to be reflected - in planning requirements to limit and mitigate cross boundary effects from rural residential areas.</p> <p>Rural security must also be considered. I have just received a txt saying " 72 burglaries last sat nite Wakefield / Brightwater." Farmers are particularly vulnerable as much or the farm or sheds cannot be overviewed easily.</p>	<p>1</p>

Feel free to contact us:



Tasman District Council
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24 hour assistance

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Phone 03 528 2022
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Fax 03 525 9972

OFFICE USE Submitter Number: 1440

<p>(1) My submission relates to: Provision No or Planning Map No. <i>(Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)</i></p>	<p>(2) My submission is that: <i>(State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)</i></p>	<p>(3) I seek the following decisions from the Tasman District Council: <i>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)</i></p>	<p>OFFICE USE Submission No.</p>
	<p>historically always been farmed as Rural 1 or Rural 2 land and continues to be so.</p> <p>A farming operation often covers a range of land and the economic viability of the overall farm relies on all those aspects - if part is forced to be taken out the overall farm become uneconomic - what happens then in Nelson - it gets subdivided and we loss what small remaining rural character we have.</p> <p>If TDC want to be stronger on limiting subdivision of rural 1 and 2 land there needs to be more support from TDC on planning and other matters to ensure farming on this land is viable and sustainable.</p>		<p>4</p>

115

2/2

3777 HotHouse Communications

Feel free to contact us:



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Steve Markham

1440

From: Simon Vincent <simon.vincent@xtra.co.nz>
Sent: Monday, 14 March 2016 2:50 p.m.
To: Steve Markham
Subject: Plan change 60 - additional comment to add to submission

Steve

Additional to my recent submission please add the following:

- Environmental effect of street lighting rural residential areas.
- street lighting in rural residential area (particularly elevated areas) are an eye for miles around in rural areas.
- As rural folk we survive just fine without street lighting – in fact we like it that way.
- One would have thought people wanting to be in rural residential areas would be the same.
- It is important the rural residential does not become “residential” – with larger sections.
- There should be no street lighting – or if there the lights should be shrouded to ensure that it cannot be sighted from outside the residential area.

2

Thanks

Kind regards

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Federated Farmers of New Zealand

Submission on Proposed Plan Change 60: Rural Land Use and Subdivision Policy Review

3 March 2016



0800
327
646 | FED
FARM
.ORG.NZ

1521
R3.3-16-~~Q~~

SUBMISSION TO TASMAN DISTRICT COUNCIL ON PROPOSED PLAN CHANGE 60: RURAL LAND AND SUBDIVISION POLICY REVIEW

Form 5

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

To: Tasman District Council
189 Queen Street
Private Bag 4
Richmond 7050

steve.markham@tasman.govt.nz

Name of submitter: **Federated Farmers of New Zealand – Combined Golden Bay and Nelson Provinces**

Contact: **KIM REILLY**
REGIONAL POLICY MANAGER, SOUTH ISLAND

P 03 4777365
M 021 887 537
E kreilly@fedfarm.org.nz

Address for service: Federated Farmers of New Zealand
PO Box 5242
Dunedin 9058
New Zealand

This is a submission on Proposed Plan Change 60: Rural Land Use and Subdivision Policy Review

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

The specific provisions of the proposal that our 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.

1. INTRODUCTION

- 1.1 Federated Farmers welcomes the opportunity to comment on Tasman District Council's Proposed Plan Change 60: Rural Subdivision and Land Use Policy Review.
- 1.2 We commend Council for seeking feedback from the community on subdivision and land use issues and options at the beginning of the review process, and a draft Plan Change (54) in 2015. Federated Farmers has provided feedback throughout the rural subdivision and land use policy review.
- 1.3 A key recommendation in our feedback on the draft Plan Change was that Council allow for appropriate small-lot, well managed subdivision that enables the landowner to continue with a balance lot, where the remainder of the farm contains the most productive soils and operates as an economic farming operation.
- 1.4 We are concerned that the proposed Plan Change still seeks to restrict subdivision options in the Rural 1 and Rural 2 production zones.
- 1.5 Federated Farmers represents a number of landowners across Tasman, and is concerned that the Plan Change may not adequately reflect the views of the farming community. Our general feedback and rationale are presented below, as well as specific comments of the draft provisions in the following sections.
- 1.6 Overall, we recommend that Proposed Plan Change 60: Rural Subdivision and Land Use is adopted, but amended to ensure flexibility and choice for rural landowners when considering subdivision or other land use options for their property.

2. GENERAL SUBMISSIONS

- 2.1 For farmers and other large landowners, land is a critical asset and there are important implications arising from regulation of subdivision that need to be appropriately considered.
- 2.2 Inappropriately designed or located subdivision can result in the inefficient use of natural and physical resources and can give rise to adverse environmental effects. We broadly agree that these concerns should be addressed through the District Plan, in a way that provides certainty for developers and landowners, and which aligns subdivision provisions with Council's broader strategic planning.
- 2.3 However, it is also important that the District Plan recognises that unnecessary constraints on otherwise appropriate subdivision can also result in adverse effects. In considering the proposed rules around subdivision, Federated Farmers seeks to ensure there is a degree of flexibility for landowners in the rural area. This flexibility is necessary to recognise that the economic and social drivers for subdivision differ between farming operations, and that these different drivers often require different treatment.

- 2.4 Farmers undertake low impact subdivision for a variety of reasons. These vary from diversifying their business into tourism operations (lodgings and or associated tourism development and infrastructure), providing for or disposing of a surplus dwelling on the property where a neighbouring farm is purchased, providing for a family member or staff member to live on the farm or to implement a succession plan for multiple siblings through small lot subdivision.
- 2.5 A farm may be valued considerably beyond its underlying productive capacity, simply because of where the farm is located – for instance its proximity to an urban centre and urban infrastructure, particular views, if it is beside the coast or an area where the public wish to live or holiday – or its potential value for other land uses. This results in the example farm paying considerably more in rates or facing significantly increased opportunity costs from continuing to farm the land, as opposed to subdividing the property for some other land use. This in turn creates a significant economic driver for subdivision.
- 2.6 In addition, returns from farming are variable due to a number of factors outside the direct control of the land owner including weather conditions, economic conditions, individual property circumstances and market demands. Like any business, diversification, flexibility, responsiveness and cash flow are critically important to retaining the viability of farming.

Decision sought

- 2.7 In acknowledgement of these factors, Federated Farmers seeks an allowance for appropriate small lot, well managed subdivision that allows the landowner to continue with a balance lot where the remainder of the farm contains the most productive soils and operates as a sustainable farming operation.

3. CHAPTER 2: MEANINGS OF WORDS

Low impact building design

- 3.1 Federated Farmers opposes in part the definition of 'low impact building design', specifically the requirement to minimise "adverse effects on the productive potential of the land".
- 3.2 In some situations it will not be possible to consider the productive potential of building platforms. For example, an entire subdivision or block may be made up of productive land and therefore building a house anywhere will interrupt the productive potential of the land. Alternatively, a block may be productive apart from a hill-shaded, swampy patch of land, but it would be undesirable or impractical to build in that part of the block, meaning a productive piece of land might be instead used for the building platform.
- 3.3 While we appreciate Council's aim to protect the productive potential of the land, we consider its inclusion in the definition of 'low impact building design' would be overly restrictive and inappropriate in many situations.

Decision sought

- 3.4 Amend the definition of 'low impact building design' as follows:

Low impact building design – means the design of a building or structure to minimise the visual impact of the building or structure within the landscape, ~~adverse effects on the productive potential of the land,~~ and the effects of servicing the building or structure in terms of access, water supply, energy efficiency, stormwater and wastewater management. ①

Plant And Animal Production

- 3.5 Federated Farmers opposes in part the definition of 'plant and animal production'.
- 3.6 We consider that small-scale processing of animal or plant products may be appropriate in some rural settings, for example, farm-based cheese-making, honey production, taxidermy, or lavender oil making for farmer's markets etc.
- 3.7 These could take place on land and in buildings primarily associated with the production of animal or plant products (e.g. shearing sheds, or orchard buildings) without having a negative impact on the rural landscape. Small scale on-farm processing does not necessarily create an 'industrialised' landscape, and may be quite fitting in terms of innovative 'cottage' industries.
- 3.8 We note the definition of 'rural selling place', but consider it excludes situations where products may be made on-farm but sold elsewhere.

Decision sought

- 3.9 Amend the definition of 'plant and animal production' as follows:

Plant and animal production – means the use of land and buildings primarily for or associated with the production (but not large-scale processing) of plant or animal products, including agricultural, pastoral, horticultural and forestry products. ②

Rural character and reverse sensitivity

- 3.10 We support the inclusion in the proposed plan change of a definition of reverse sensitivity, and the proposed changes to clause (g) in the definition of rural character.
- 3.11 It is normal and expected for farming activities to produce a variety of discharges, sounds, and smells. It is important that the definition of rural character is explicit about the effects of everyday activities on-farm, and that normal farming practices are not constrained by new activities potentially sensitive to these effects.

Decision sought

- 3.12 Adopt the proposed definitions of reverse sensitivity and rural character. ③

4. CHAPTER 7: RURAL ENVIRONMENT EFFECTS

7.0 INTRODUCTION

- 4.1 Federated Farmers supports land in Rural 1 and Rural 2 zones being prioritised for activities involving plant and animal production.
- 4.2 However, we consider that there should be scope for appropriate small-lot subdivision. We do not agree that subdivision should only be undertaken where “the productive value of this land resource is not compromised, and there is no risk of further fragmentation”.
- 4.3 This is a considerable hurdle to meet, and does not recognise the need for subdivision for a number of different purposes to respond to the pressures and drivers of farming. It is also important to note that the productive capacity of the soil is never ‘lost’. It remains, regardless of ownership or size of the block.

Decision sought

- 4.4 Council adopt the introduction but throughout the plan ensure appropriate consideration is given to the need for flexibility around rules for subdivision.

7.1 CUMULATIVE EFFECTS OF LAND FRAGMENTATION ON PRODUCTIVE OPPORTUNITIES

7.1.2 Objectives

7.1.2.2 Retention and enhancement of opportunities for plant and animal production on land with the highest productive value in the District, identified as the Rural 1 Zone.

7.1.2.3 Retention of opportunities primarily for soil-based production on land that has varying productive values, identified as the Rural 2 Zone.

- 4.5 Federated Farmers supports the Objectives in part.
- 4.6 “Retention” of highly productive land is a considerable threshold for farmers to meet when considering subdivision, especially given the broad definition of ‘high productive land’.
- 4.7 It is important to acknowledge that subdivision in the rural area is often required for a number of different purposes, and that the ability for farms and farmers to adapt to pressures and drivers as they arise underpins the sustainability of farming in the District.
- 4.8 It is important that council’s planning processes recognise that a decision to subdivide a farming block can be made for a number of reasons which do not create significant additional impact on the District’s infrastructure; for instance, subdivision to allow for farm succession planning. This flexibility in turn underpins the economic and social wellbeing of the rural community. In addition, it is important for the District’s wellbeing that there is the opportunity for growth in the rural area, and an overly prescriptive planning approach will hamper this growth, rather than allowing for growth in a planned manner.

- 4.9 Where subdivision in the rural area will have little to no impact on the District's infrastructure, we consider it important that there is a more flexible approach adopted.

Decision sought

- 4.10 Council adopt the objectives as proposed but ensure appropriate consideration is given to the need for flexibility around rules for subdivision. Further, we seek recognition that subdivision is often required to enable and provide for growth in the rural area.

7.1.3 Policies protecting high production soils

7.1.3.6B To protect land with the highest productive value from residential activity.

7.1.3.6C To avoid further subdivision and development of existing allotments in the Rural 1 and Rural 2 zones that were created by boundary adjustment or amalgamation.

- 4.11 We support in part the Policies that seek to protect high production soils.
- 4.12 While there should be an appropriate emphasis on considering the irreversible effects of losing high value soils from productive use and a need to protect areas important for primary production, this must be balanced against an individual's right to manage their own property decisions. We caution against the assumption that because productive land is important, it is necessary for Council to adopt a prescriptive approach to protecting productive land, without considering the negative implications of doing so.
- 4.13 If land is productive then the farmer will factor this productive value into land management decisions. Productive land has a recognised and increasing economic value, and ownership or stewardship of land held for generations is often valued well above its economic cost.
- 4.14 Policies that seek to limit further subdivision of existing small allotments may be counter-productive in terms of the aim of protecting the productive capacity of the land. It may be beneficial to allow further subdivision of small lot subdivisions to retain the productive capacity of the remainder of the farm.
- 4.15 There needs to be an underlying profitability to farming to ensure food production in New Zealand is sustainable, and at times subdivision and other land management or land use decisions often underpin, enable or support this profitability, particularly in the face of product price volatility, increasing off-farm costs and changes to the drivers behind decisions around best practice and optimal land use.
- 4.16 Prescriptive planning does not allow farmers to react to these pressures on an as needed basis. Federated Farmers believes that council subdivision and development policies and planning should provide for managed growth in rural communities. This approach enables diversity and vibrancy in rural areas, sustains essential community infrastructure, and provides employment flexibility and opportunities.

Decision Sought

- 4.17 Council amend the policies to enable appropriate small-lot subdivision in Rural zones to enable flexibility in management of land assets and facilitate managed growth in rural communities.

Policy 7.1.3.6A

To limit further subdivision and residential development of existing small allotments in the Rural 1 and Rural 2 zones to avoid the potential for reverse sensitivity and increasing value of surrounding land, that cumulatively adversely affect the potential of that land to be used for plant and animal production.

- 4.18 We support this Policy in part.
- 4.19 Federated Farmers considers that subdivision policies need to place an appropriate emphasis on issues surrounding reverse sensitivity.
- 4.20 Farming in a rural area is a lawfully established existing activity. The problem of "reverse sensitivity" occurs when someone enters the rural landscape and seeks to impose unrealistic or urban based amenity standards upon what is essentially a rural production zone.
- 4.21 However, this should not restrict a land-owners' ability to manage their land, including developing or subdividing it.
- 4.22 Federated Farmers is of the opinion that where a person is entering a rural zone (or similar zone) they are doing so knowing the existing level of amenity and the type of activities occurring in that zone and that they must be made aware that the rural zone cannot always be expected to be a quiet, clean, or sweet-smelling. It is not appropriate for Council to place restrictions on the existing lawful farming activity to placate the newcomer.

Decision Sought

- 4.23 Council adopts the policy alongside an additional new policy on reverse sensitivity.

Policy 7.1.3.6F

To enable rural living opportunities in the Rural 1 and Rural 2 zones, where the actual or potential productive value of the land is retained and further subdivision opportunities are avoided.

- 4.24 We support in Part Policy 7.1.3.6F.
- 4.25 Land owners should not be prevented from being able to subdivide based on the actual or potential productive value of the land. There is a need to recognise that farmers undertake

small lot subdivision for a number of reasons, and that this flexibility is an important component of ensuring a farms ongoing economic sustainability.

- 4.26 While Federated Farmers acknowledges the concerns Council is seeking to address, we would prefer an approach that offers land users and landowners the opportunity to assess the particular merits of a subdivision proposal without specific restrictions regarding the productive capacity of the land.
- 4.27 As noted above, the act of subdivision in itself does not affect the productive capacity of the land.

Decision Sought

- 4.28 Council amends the Policy as follows:

To enable rural living opportunities in the Rural 1 and Rural 2 zones, where appropriate ~~the actual or potential productive value of the land is retained and further subdivision opportunities are avoided.~~

(9)

7.2 PROVISION FOR ACTIVITIES OTHER THAN PLANT AND ANIMAL PRODUCTION

7.2.2 Objectives

7.2.2.2 Provision of opportunities for a range of residential living options within rural locations, including coastal and peri-urban areas, in the form of the Rural Residential Zone.

7.2.2.3 Retention of existing rural industrial locations that provide an appropriate location for production-related industries in rural areas, in the form of the Rural Industrial Zone.

- 4.29 Federated Farmers supports in part Objectives 7.2.2.2 and 7.2.2.3.
- 4.30 We agree that rural-residential subdivision will be appropriate in the District, particularly in locations in close proximity to existing settlements. However, this should not preclude landowners in Rural zones from being able to undertake appropriate small-lot subdivision to response to their individual business needs.
- 4.31 We support the retention of existing rural industrial locations. These areas can be important to stimulating rural and regional growth.

Decision sought

Retain the Objectives but also enable appropriate small-lot subdivision in the rural zones.

(10)

Policy 7.2.3.1A

To identify locations for residential living opportunities in rural, coastal and peri-urban areas (as the Rural Residential Zone) that are appropriate locations for their variety of qualities and features to allow for rural lifestyle living choice.

- 4.32 We support this Policy.
- 4.33 Federated Farmers agrees that rural-residential subdivision will be appropriate in the District, particularly in locations in close proximity to existing settlements.

Decision Sought

- 4.34 Council adopt the policy but with appropriate regard to enabling managed growth in rural communities.

Policy 7.2.3.1C

To enable further subdivision and residential development within any existing Rural Residential Zone location where the land:

- (a) is not affected by coastal, flood, stormwater, geotechnical or earthquake hazard; and
(b) can accommodate the proposed development without adverse effects on landscape, rural, rural residential or coastal character and amenity values; and
(c) can be adequately serviced for water, wastewater, stormwater and road access.

- 4.35 Federated Farmers supports this Policy in part.
- 4.36 Requiring no adverse effects on landscape, rural and amenity values from subdivision is a particularly high threshold to meet.
- 4.37 Inevitably the landscape will change, and the Plan needs to accommodate this in order to provide for rural residential living. In addition, rural residential areas have been identified as those areas close to townships and other amenities where development is appropriate. While any development needs to be undertaken appropriately, we do not consider that a minor effect on amenity or the landscape should prohibit development opportunities.

Decision sought

- 4.38 Amend the Policy as follows:

To enable further subdivision and residential development within any existing Rural Residential Zone location where the land:

- (a) is not affected by coastal, flood, stormwater, geotechnical or earthquake hazard; and
(b) can accommodate the proposed development without significant adverse effects on landscape, rural, rural residential or coastal character and amenity values; and
(c) can be adequately serviced for water, wastewater, stormwater and road access.

Policy 7.2.3.1E

To minimise the potential for conflict between rural and residential activities by way of setbacks from boundaries and separation between incompatible uses.

- 4.39 We support this Policy in Part.

- 4.40 Council must take measures to ensure “reverse sensitivity” issues are proactively managed to ensure people considering a move into the ‘rural zone’ are made aware of what level of amenity and type of activities occur within that zone.
- 4.41 Federated Farmers argues that, especially in regards to development of lifestyle blocks or urban development, the onus should not be on the existing enterprise to acknowledge the reasonable effects of the existing activity and any approach to facilitate change should be based on this premise.

Decision sought

- 4.42 Adopt the Policy but ensure that existing activities are recognised and setbacks are incurred by new activities or land uses.

(15)
(16)

Policy 7.2.3.1F

To discourage residential activity in rural locations outside the Rural Residential Zone, on land having high productive value in the Rural 1, Rural 2 and Rural 3 zones.

- 4.43 We oppose this Policy in part.
- 4.44 While we agree that high productive land should be prioritised for plant and animal based production, we consider that the Plan Change should provide flexibility for landowners to develop land or undertake small-lot subdivision. As noted above, flexibility in land management is key to responding to internal or external drivers and maintaining a successful business. In some situations, subdivision may improve overall productivity by concentrating resources and providing for succession, which can stimulate innovative and growth.

Decision sought

- 4.45 Adopt the Policy, but ensure that the Plan enables appropriate consideration of subdivision and other land development opportunities.

(17)
(13)

7.4 RURAL CHARACTER AND AMENITY VALUES

Policy 7.4.3.5A

To discourage continuing subdivision of small allotments in the Rural 1 and Rural 2 zones where this may contribute to the cumulative loss of rural character and amenity values.

- 4.46 We support this policy in part.
- 4.47 While Federated Farmers is opposed to the protection of a rural ideal, landscape or amenity that largely involves working landscapes and is there as a result of the activities you would expect to find in a rural zone, we support Council focussing on the discouragement of ‘continuing’ subdivision with these effects.

Decision Sought

- 4.48 Adopt this policy.

(18)

Policies relating to allotment size

7.4.3.5B To avoid further subdivision of large allotments created by way of an average allotment size subdivision

7.4.3.5C To discourage dwelling development on existing small allotments, where this may cumulatively adversely affect rural character and amenity value.

- 4.49 Federated Farmers has some concerns that these Policies may prevent future flexibility in land management decisions.
- 4.50 While there should be an appropriate emphasis on considering the irreversible effects of losing high value soils from productive use and a need to protect areas important for primary production, this must be balanced against an individual's right to manage their own property decisions.
- 4.51 There needs to be an underlying profitability to farming to ensure food production in New Zealand is sustainable, and at times subdivision and other land management or land use decisions underpin, enable or support this profitability, particularly in the face of product price volatility, increasing off-farm costs and changes to the drivers behind decisions around best practice and optimal land use.
- 4.52 Prescriptive planning, such as through the use of the word 'avoid' does not allow farmers to react to these pressures on an as needed basis. Federated Farmers believes that council subdivision and development policies and planning should provide for managed growth in rural communities and enable diversity and vibrancy in rural areas, sustains essential community infrastructure, and provides employment flexibility and opportunities.

Decision Sought

- 4.53 Reconsider the use of the word 'avoid', thereby enabling landowners to apply for resource consent where this is appropriate.

(19)
(20)**5. 16.3 SUBDIVISION****16.3.5.3A Restricted Discretionary Subdivision (Rural 1 Zone)**

- 5.1 We oppose the average minimum allotment size of 12 hectares in the Rural 1 Zone.
- 5.2 We have received feedback from our members that the 12 hectare minimum lot requirements have resulted in additional productive land being subdivided that otherwise wouldn't have been required, for example, 6 hectares of unproductive/undeveloped land that needed to be subdivided with 6 hectares of prime farmland.
- 5.3 As noted above, returns from farming are variable due to a variety of factors including weather conditions, economic conditions, individual property circumstances and market

demands. Like any business, diversification, flexibility, responsiveness and cash flow are critically important to retaining the viability of farming.

- 5.4 Federated Farmers recognises that inappropriate subdivision can have adverse effects on the community, through negative effects arising from traffic movement, and disposal of effluent and stormwater, particularly where 'ribbon development' occurs. The Federation broadly agrees that these concerns should be appropriately addressed through the District Plan in a way that provides certainty for developers, and which aligns subdivision provisions with Council's broader strategic planning.
- 5.5 Recognising this, Federated Farmers seeks to ensure there is as much flexibility as possible for landowners in the rural area. This requires an allowance for appropriate small lot, well managed subdivision that allows the landowner to continue with a balance lot where the remainder of the farms to contain the most productive soils and operate as an sustainable farming operation.

Decision sought

- 5.6 Council reduce the minimum size for subdivision in the rural area to a minimum area of 2 hectares as a restricted discretionary activity. (2)
- 5.7 Reducing the minimum area to 2 hectares subject to a restricted discretionary activity status would still provide Council with the opportunity to address the primary concerns and issues outlined in the proposed plan changes. At the same time, it would also provide more flexibility for landowners, and reduce the potential for loss of productive farmland through subdivision in those instances where smaller subdivision may be more appropriate or preferable.

16.3.5.5A Non-Complying Subdivision

- 5.8 We oppose the non-complying status given to subdivisions with titles that did not exist before the Plan Change. In effect, this only allows one subdivision on existing properties in Rural 1 zone.
- 5.9 While we appreciate Council's overall aim of protecting the productive capacity of the land, we consider that this rule could lead to unintended consequences and negative outcomes. For example, instead of subdividing a paddock to sell off a surplus house, a landowner might feel pressured to undertake a bigger subdivision, because it is their only opportunity to do so. In effect, making future subdivisions non-complying may result in the loss of more productive land than a discretionary activity status.
- 5.10 We also oppose the non-complying status given to subdivisions with lot sizes under 12 hectares.
- 5.11 As noted above, farmers undertake low impact subdivision for a variety of reasons. These vary from diversifying their business into tourism operations (lodgings and or associated tourism development and infrastructure), providing for or disposing of a surplus dwelling on the property where a neighbouring farm is purchased, providing for a family member or

staff member to live on the farm or to implement a succession plan for multiple siblings through small lot subdivision.

- 5.12 Federated Farmers seeks to ensure there is a degree of flexibility for landowners in the rural area. This flexibility is necessary to recognise that the economic and social drivers for subdivision differ between farming operations, and that these different drivers often require different treatment.

Decision sought

- 5.13 Amend the proposed Rules so that subdivision of a title that did not exist before the Plan Change is a discretionary activity and subdivision with allotments less than 12 hectares is a discretionary activity.

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16.3.6.3A Restricted Discretionary Subdivision (Rural 2 Zone)

- 5.14 We oppose requirement for an average minimum allotment area of 50 hectares under this Rule.
- 5.15 There needs to be flexibility in the way land is managed in rural areas. Subdivision in the rural area is often required for a number of different purposes, and that the ability for farms and farmers to adapt to pressures and drivers as they arise underpins the sustainability of farming in the District.
- 5.16 In some cases, it may be appropriate to create smaller allotments.

Decision sought

- 5.17 Amend the Rule so that it provides flexibility in the number and size of allotments, depending on what is appropriate for the area and landscape.

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16.3.6.5A Non-Complying Subdivision

- 5.18 We oppose the non-complying status given to subdivisions of properties with titles that did not exist before the Plan Change. In effect, this only allows one subdivision on existing properties in Rural 2 zone.
- 5.19 We appreciate Council's aim but consider this rule could lead to unintended consequences and perverse outcomes. For example, instead of subdividing a paddock to sell a surplus house, a landowner might be forced to undertake a bigger subdivision, because it is their only opportunity.
- 5.20 We consider that landowners should have the flexibility to consider land development or subdivision when the need arises, particularly in terms of small-lot subdivision.
- 5.21 We also oppose the non-complying activity status given to subdivisions that do not meet the minimum average allotment sizes, for the reasons outlined above.

Decision sought

- 5.22 Amend the proposed Rules so that subdivision of a title that did not exist before the Plan Change is a discretionary activity.

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- 5.23 Amend the proposed rules so that subdivision with allotments averaging less than 50 hectares is a discretionary activity.

16.3.8.4A Restricted Discretionary Subdivision (Rural Residential Zone)

- 5.24 We oppose clause (4), and do not consider that rural, landscape, or coastal amenity values should be matters that Council considers when assessing applications for subdivision.
- 5.25 The Rural Residential Zone has been identified as areas that are suitable for increased residential activity and there is an expectation that the landscape will be changed. Therefore, Council should restrict its discretion to significant adverse affects on the identified values.

Decision sought

- 5.26 Amend clause (4) as follows:

Any matter relating to the significant adverse effect of the development on rural, landscape or coastal amenity values in the surrounding environment.

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6. **17.5 RURAL 1 ZONE RULES, 17.6 RURAL 2 ZONE RULES, and 17.7 RURAL 3 ZONE RULES**

Permitted Activities (Land Use – General) in the Rural 1, 2, and 3 zones

- 6.1 We support permitted activity status for the maintenance, repair, storing, or parking of agricultural machinery.
- 6.2 Many farms require multiple heavy vehicles to undertake agricultural and horticultural activities on-farm. It would be unworkable for farmers to be restricted to one heavy vehicle as a permitted activity.

Decision sought

- 6.3 Retain Rules 17.5.2.1(a)(xiv), 17.6.2.1(a)(xii), and 17.7.2.1(a)(xii).

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Air Emissions – Dust and Odour

- 6.4 We support the deletion of Rules 17.5.2.1(b), 17.6.2.1(b), and 17.6.2.1(c) “No activity may emit offensive and pervasive dust or odours that are discernible in a Residential Zone.”
- 6.5 Depending on the climatic conditions and distance of a residential zone to farming activities there may be a risk of dust and odour being transported over residential areas. While farmers utilise good management practices to minimise the risk of dust and odour moving beyond the farm gate, sometimes conditions change and the particulate or odour can be blown outside the farm boundaries.

Decision sought

- 6.6 Council deletes Rules 17.5.2.1(b), 17.6.2.1(b), and 17.6.2.1(c) as proposed.

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Permitted Activities (Home Occupations) in Rural zones 1, 2 and 3

- 6.7 Federated Farmers opposes Rules 17.5.2.1(b)(iv), 17.6.2.1(b)(iv), and 17.7.2.1(c)(iv) in part.
- 6.8 We question the rationale for excluding “animal body part processing” from the list of permitted home occupation activities.
- 6.9 There may be instances where landowners may wish to add diversity to their business by establishing an on-farm butchery, processing a small amount farm-grown meat and selling it locally.
- 6.10 We do not consider small farm-based animal and plant processing activities would interfere with ‘rural character’ and it may provide additional diversity and growth within the district. With the limits on floor area and employees, a business would not be able to expand to become unwieldy or out-of-place in the rural zone.

Decision sought

- 6.11 Amend Rules 17.5.2.1(b)(iv), 17.6.2.1(b)(iv), and 17.7.2.1(c)(iv) as follows:

(iv) is not bottle or scrap storage, rubbish collection—~~or animal body part processing~~, including the composting of animal body parts;

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Non-Complying Activities (Building Construction, Alteration or Use) in Rural zones 1, 2 and 3

- 6.12 We oppose the non-complying activity status given to any construction, alteration, or use of a building that does not comply with the conditions.
- 6.13 We do not consider that the conditions are flexible or comprehensive enough to cover all possible farm buildings or use of building on-farm. A farmer may need to build a shed over the specified height or size limit, that also has an effect on “amenity”, or needs to be located on a ridgeline. For example, a fertiliser storage shed or bin may need to be located on a ridge to service an agricultural airstrip (the CAA requires unobstructed air space and runway clearance distances).
- 6.14 We consider that farm buildings are a necessity on-farm and additional flexibility is needed to ensure farmers are not unnecessarily constrained in the size, placement, or construction of these buildings.

Decision sought

- 6.15 Amend the Rules so that farm buildings that do not meet the stated conditions are a discretionary activity.

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7. 19.2 INFORMATION REQUIRED FOR LAND USE OR SUBDIVISION CONSENT APPLICATIONS

Productive Value Report

- 7.1 We oppose in part the requirement for a Productive Value Report for any land use consent.

- 7.2 It is not appropriate or necessary to require a Productive Value Report for every land use consent application. These should be targeted at large developments that will have significant, long-term effects on the landscape, and where additional scrutiny over and above what is required through resource consent is needed.

Decision sought

- 7.3 Amend the Rule so that Productive Value Reports are only required for significant subdivision consents.

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8. FEDERATED FARMERS OF NEW ZEALAND

- 8.1 Federated Farmers of New Zealand is a primary sector organisation that represents over 17,000 farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.
- 8.2 The Federation aims to add value to its members' farming business. 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.