

BEFORE THE HEARING PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

Proposed Far North District Plan

BETWEEN

FAR NORTH DISTRICT COUNCIL

Local Authority

AND

**NORTHLAND FEDERATED FARMERS OF
NEW ZEALAND INC**

Submitter Number 421

**HEARING OF FAR NORTH PROPOSED DISTRICT PLAN – HEARING 4
'NATURAL ENVIRONMENT VALUES' AND 'COASTAL ENVIRONMENT'**

**HEARING STATEMENT OF JO-ANNE COOK-MUNRO ON BEHALF OF
NORTHLAND FEDERATED FARMERS OF NEW ZEALAND
(INCORPORATED)**

22 JULY 2024



Federated Farmers of New Zealand
444 Anglesea Street
Hamilton
Contact: Jo-Anne Cook-Munro
Phone: 027 273 310 084
Email: jcookmunro@fedfarm.org.nz

INTRODUCTION

1. My name is Jo-Anne Cook-Munro. I work for Federated Farmers of New Zealand (Incorporated) (**Federated Farmers**). I am a Senior Resource Management Solicitor based in Hamilton, and I am authorised to speak on behalf of Federated Farmers, including Northland Federated Farmers of New Zealand (Incorporated) (**the Northland Province**).
2. I hold the following qualifications:
 - (a) A Bachelor of Social Sciences, majoring in Accountancy and Human Geography from the University of Waikato.
 - (b) Master of Social Sciences (Honours) majoring in Human Geography and the role music plays in achieving peace, University of Waikato.
 - (c) Bachelor of Laws (Honours) in Environmental and Resource Management Law, International Environmental and Human Rights Law, University of Waikato.
 - (d) Post graduate Certification in Business Proficiency – Employment Law and Sports Law from Massey University.
3. I have approximately ten years' experience working as a town planner for local authorities and in-house. I have over twenty years' experience in the field of environment policy and law and have worked as a Policy and Planning Manager for a local authority focusing on the delivery of policies and bylaws under the Local Government Act 2002 and plans and policies under the Resource Management Act 1991.
4. I have been admitted as a barrister and solicitor of the High Court of New Zealand. I specialise in environment and resource management law. I have worked in private corporate law firms as well as local authorities in a variety of roles ranging from a solicitor to managing a policy and strategy team.
5. My role at Federated Farmers is to provide legal services for resource management and environmental planning, policy and legal matters such as district and regional plan views, plan changes and proceedings in the Environment Court.

6. I have read the code of conduct for expert witnesses which is set out in section 9 of the Environment Court Practice Note 2023. Please note that I am not putting myself forward as an expert witness presenting expert evidence. I am appearing in this hearing as an advocate for the Northland Province and my statement of evidence was prepared from this basis.
7. The purpose of evidence is to outlined the position of Federated Farmers and the Northern Province on the Section 42A report recommendations on our submissions and further submissions.
8. This evidence is focused on the following topics that have been grouped together for Far North Proposed District Plan (**Proposed District Plan**) - Hearing 4:
 - (a) Natural Environment Values; and
 - (b) Coastal Environment.

CONTEXT

9. Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers who are involved in a range of rural businesses.
10. Farming has a strong presence in the Northland region and contributes significantly to the region's economy. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
11. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region. We have over 147 members located within the Far North district and approximately 509 members located across the Northland region.
12. Federated Farmers key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - (a) our members may operate their business in a fair and flexible commercial environment;
 - (b) our members' families and their staff have access to services essential to the needs of the rural community; and

- (c) our members adopt responsible management and environmental practices.
13. Our members want and need district plans that balance environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based.
 14. They also want district plans that are written in plain English; are easy to use and understand; acknowledge and reward the positive effects farming has on conservation; and recognise the importance of collaborating with communities to achieve desired environmental outcomes.
 15. A lot of regulation has come at a significant cost on financial and mental health within the primary sector. Many of the costs are unnecessary and place additional pressure on the primary industry. Decision making needs to occur with consideration of the impacts that Councils decisions have economically, culturally, socially, and environmentally.

SUBMISSION AND FURTHER SUBMISSIONS

16. Federated Farmers made submissions (submitter number S421) and further submissions (further submitter number FS548) to the Proposed District Plan. Federated Farmers will now speak to each of its submission points and / or further submission points where considered relevant.

Natural Environment Values

Ecosystems and indigenous biodiversity

17. Federated Farmers lodged a submission in respect of the overview to the Ecosystems and Indigenous Biodiversity chapter of the Proposed District Plan. It sought the retention in the Plan of the objectives IB-O1; IB-O2; IB-O3; and IB-O4.¹
18. In the Section 42A report,² it is recommended that Federated Farmers submissions to objectives IB-O1 and IB-O4 are accepted with the objectives being retained as notified.

¹ Submissions S421.133, S421.134, S421.135 and S421.136 respectively.

² *Wyeth, J* on behalf of Far North District Council Section 42A Report Ecosystems and Indigenous Biodiversity.

19. In respect of objectives IB-O2 and IB-O3, it has been recommended that Federated Farmers' submissions are accepted in part.
20. Federated Farmers supports the recommendations outlined in the Section 42A report.
21. In respect of the policies for Ecosystems and Indigenous Biodiversity, Federated Farmers sought the addition of a new policy that read:

Policy IB-P11

Provide recognition for grazing and farming existing activities that had not increased in their scale or intensity of effects from the commencement date of the Plan.

22. Federated Farmers supports the priority that had been given to Significant Natural Areas in the policies along with the non-regulatory methods put forward by the Council. However, it had and still has concerns that the policies did not provide for existing activities to continue.
23. Federated Farmers believe that an additional policy (S421.137) is needed to recognise and provide for existing activities such as grazing and other farming activities to continue as long as the scale and intensity of these activities does not increase.
24. The Section 42A report recommends rejecting Federated Farmers' submission as clause (a) in IB-P5 that specifically provides for existing primary production activities to continue without unreasonable restrictions.
25. Having reread the wording in policy IB-P5, Federated Farmers supports agrees with the recommendation given in the Section 42A report.
26. Federated Farmers submission (S421.138) sought the retention of Rule IB-R1, and Schedule 4 as notified in the Proposed District Plan.
27. The Section 42A reports recommends that our submission is accepted in part. Amendments have been recommended to the rule to add clarification to the rule and what it is intended to cover.
28. Federated Farmers supports the recommendation as it has retained the intent of the rule and provided additional clarity.

Natural Character

29. Federated Farmers lodged submissions on the overview, objectives, policies and rules in the Natural Features and Landscape chapter of the Proposed District Plan.
30. A submission (S421.140) was made to the overview of the chapter which sought the addition of a sentence that recognised some activities will have a functional need to be located within an area containing natural character.
31. The Section 42A writer has agreed with Federated Farmers' submission point and recommends that an additional sentence be added to the overview that reads:

A range of land use activities can have adverse effects on the natural character of wetlands, lakes and rivers, including the construction and alteration of buildings or structures, earthworks, vegetation clearance and farming within their margins. Some activities have a functional need to be located within wetland, lake and river margins. This chapter seeks to manage these activities to ensure that the characteristics and qualities that contribute to the natural character values are preserved. Further, these provisions encourage land use activities that look to enhance natural character, such as the restoration planting.

...

32. Federated Farmers supports the recommendation shown above as it addresses the concern we raised in our submission.
33. Federated Farmers also sought in the same submission point that Schedule 7 'High natural character' and Schedule 8 'Outstanding natural character' be deleted and replaced with one schedule that dealt with natural character as a whole.
34. Natural character is a matter that Federated Farmers and its members are heavily invested in. This is a significant proportion of natural character located in the Far North and which has been preserved on farmland throughout the district.
35. Federated Farmers does not support the separation of natural character into high natural character (Schedule 7) and outstanding natural character (Schedule 8) (S421.141). Section 6(a) of the Resource Management Act 1991 (RMA) does not separate natural character out into separate categories. The section simply requires the preservation of natural

character of the coastal environment, wetlands, lakes, and rivers etc and their protection from inappropriate subdivision, use and development.

36. Council is required to be consistent with the provisions of the Act. This includes Part 2 of the Act as well as its functions under the Act. The separation of natural character into two separate categories does not achieve this. The additional layers are unnecessary and add additional layers of complexity and unwarranted barriers.
37. The Section 42A report recommends that the two separate overlays be retained in order to give effect to the NZCPS and NPS. It also recommends that ground truthing of all ONC and HNC areas occurs.
38. Federated Farmers is neutral about the recommendation.
39. Federated Farmers does not support objectives NATC-O1 and NATC-O2 as currently drafted (S421.143 and S421.144). The objectives are inconsistent with section 6(a) of the RMA which requires the protection of natural character from inappropriate subdivision, use, development. The objectives need to be amended to be consistent with section 6(a) of the Act.
40. The amendment of objective NATC-O1 so that it reads: and
"The natural character of wetland, lake and river margins are managed to ensure their long-term preservation ~~and protection~~ for future generations and protection against inappropriate use and development".
41. The amendment of objective NATC-O2 to read:
"Land use, development and subdivision is consistent with and does not inappropriately compromise the characteristics and qualities of the natural character of wetland, lake, and river margins".
42. The Section 42A report has recommended that objectives NATC-01 and NATC-02 are replaced with a single objective that better reflects s6(a) of the RMA. The new objective is proposed to read:
The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.
43. Federated Farmers supports the recommendation as shown in the Section 42A report.³

³ Lee, B M on behalf of the Far North District Council, Section 42A Report Natural Character, p30.

44. In its submissions on policy NATC-P2 and APP1 (S421.145 and S421.146) Federated Farmers did not support the use of the concept of high natural character. Section 6(b) of the RMA refers to the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
45. The Section 42A recommends that Federated Farmers submission is rejected but proposes amendments to the policy and associated APP1 – Mapping methods and criteria, natural character assessment criteria.
46. While its specified submission point has been rejected, Federated Farmers supports the proposed amendments as outlined in the Section 42A report.⁴ The amendments provide clarification as to what is being identified or assessed through the introduction of specific assessment criteria for the natural character of wetlands, lakes and river margins. This goes some way towards alleviating the concerns Federated Farmers had about the policy and associated appendix.
47. Federated Farmers made a submission that generally supported rules NATC-R1, NATC-R2 and NATC-R3. However, we sought the amendment of the rules to provide for activities with a functional need to be located within a natural character area as long as the subdivision, use and development is not inappropriate for the area.
48. The Section 42A report recommends accepting this submission point in part and proposes to amend Rule NATC-R1, NATC-R2 and NATC-R3 to provide for activities that need to be located within a natural character area as long as the subdivision, use and development is not inappropriate for the area.
49. Federated Farmers supports the recommendations outlined in the Section 42A report.

Natural Features and Landscapes

50. Federated Farmers lodged submissions on the overview, objectives, policies and rules in the Natural Features and Landscape chapter of the Proposed District Plan.

⁴ Lee (n1), p35-36.

51. In respect of the overview to the natural features and landscapes chapter, Federated Farmers opposed the overview as it was written. While we supported the protection of outstanding natural features and landscapes, it considers that this must be done through the appropriate identification of the features and landscapes as well as with consultation with the impacted landowners who are the ones with the role of protecting such areas.
52. Rural landowners are generally the ones who have preserved the landscapes and features on their properties around their working rural environment which is why such areas still exist today. If it was not for the landowners and the ability to graze around such areas the land would not be economically viable resulting in inappropriate subdivision, use and development to fund such land ownership.
53. Federated Farmers strongly opposes restricting farming activities within outstanding natural landscapes and features. Farming activities are appropriate land use activities that still preserves the character and amenity value of such areas of significance.
54. The Section 42A report recommends that the submission (S421.150) is accepted in full and proposes to introduce a new standalone third paragraph to the overview which reads:

Landowners play a critical role in the preservation of natural landscape and feature values – by retaining elements that contribute to those values (such as leaving large tracts of indigenous vegetation intact) and actively enhancing these elements (for example through pest control and native plantings).

55. Federated Farmers supports the recommendation on its submission as outlined in the S42A report.⁵
56. Federated Farmers appealed objectives NFL-O1 (S421.151) and NFL-O2 (S421.152). We sought the amendment of NFL-O1 to read:

~~*ONL and ONF are identified and managed to ensure their long-term protection for current and future generations.*~~

Outstanding natural features and landscapes that are important to the identity of the District are retained and protected from inappropriate subdivision, use and development.

⁵ Lee, B M on behalf of the Far North District Council, Section 42A Report Natural Features and Landscapes, p24.

57. The deletion of objective NFL-O2 was also sought.
58. It is felt that Objective NFL-O1 needs to be more aligned with section 6(b) of the RMA. Section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. It would be better for the objective to be consistent with the section so that it recognises that certain activities may be undertaken in the landscape or feature but are still considered appropriate for that specified area.
59. The Section 42A recommends that Federated Farmers' submissions are accepted in part through the deletion of both objectives and the introduction of a new objective that reads:
- ONF and ONL are protected from inappropriate land use and subdivision.*
60. Federated Farmers supports the recommendation as outlined in the S42A report.⁶
61. In respect of policies NFL-P2, NFL-P3 and NFL-P7 (S421.53), Federated Farmers believes that they need to be amended so that they are consistent with the relief sought by Federated Farmers for objectives NFL-O1 and NFL-O2 above. The policies need to focus on avoiding inappropriate subdivision, use and development within the two layers while recognising certain activities can occur as long as they are appropriate for the areas.
62. Our appeal sought:
- (a) the amendment of policies NFL-P2 and NFL-P3 to achieve consistency with section 6 of the RMA and to recognise the need to allow appropriate subdivision, use and development; and
- (b) the amendment of policy NFL-P7 to read:
- Prohibit inappropriate land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF.*
63. The Section 42A recommends that Federated Farmers' submission is rejected as:

⁶ Lee (n3), p27.

- (a) the approach used in the New Zealand Coastal Policy Statement (NZCPS) and Regional Policy Statement (RPS) to determine whether an activity is inappropriate is to focus on the extent of its effects and whether the activity meets the level of allowable adverse effects on ONL and ONF;
 - (b) the NZCPS sets a standard for inappropriate development through its requirement for activities to avoid adverse effects on ONL and ONF in the coastal environment;
 - (c) the RPS adopts the same approach for ONL and ONF in the coastal environment and sets a bar of avoiding significant adverse effects on ONL and ONF outside the coastal environment; and
 - (d) many other district and regional plans adopt the same approach. It is a common and well tested planning response to giving effect to the RMA section 6(b) direction for determining inappropriate subdivision, use and development.
64. Federated Farmers supports the recommendation and the reasoning behind it.
65. In respect of policy NPL-P7, it is recommended that the policy is deleted.⁷ Federated Farmers supports this recommendation.
66. Federated Farmers appealed Rule NFL-R1 on the grounds that the 25m² maximum area was too small (S421.156). While we supported the recognition given in the rule of the functional need for ancillary farming structures to be located in the rural environment, the proposed area is considered to be too small.
67. The 25m² maximum area restriction means that even a small kitset residential garage would be required to apply for a consent. For a farm building / structure this means that the rule does not provide for the necessary buildings (such as barns and machinery storage sheds) that a farmer relies upon to effectively operate within the landscape.
68. Farmers and the Council will find themselves going through the resource consent process for everyday buildings and structures that form part of

⁷ Lee (n3), p41.

normal farming operations, and which have no more than minor impacts on the values of outstanding natural landscapes and features.

69. The Section 42A report recommends that our submission is accepted in part. New buildings in an outstanding natural landscape (ONL) are allowed a floor area of no more 50m² in the coastal environment; 100m² outside the coastal environment and in a category A ONF outside the coastal environment; and 25m² in an outstanding natural feature (ONF) excluding a category A ONFL.
70. Federated Farmers supports recommendation as it has taken into account the points raised in its submission.
71. Rule NFL-R2 addresses repair or maintenance with Rule NFL-R3 deals with earthworks or indigenous vegetation clearance. Federated Farmers supported in part these rules but sought the amendment of the rules to add additional activities.
72. There are activities that are important for the continued viability and operational level for both landowners and emergency services to carry out their duties. These activities may include works that are located within an outstanding natural landscape and/or feature.
73. Examples of such activities included (but are not limited to) activities ancillary to farming activities, emergency related activities for fire, flooding etc and biosecurity related works.
74. Providing for emergency works is necessary to ensure that landowners undertaking necessary work to manage a sudden emergency event can be done without breaching district plan rules. Biosecurity related works are also relevant to ensure clearance can be done due to the increased risk of biosecurity breaches being spread around to flora and fauna.
75. The Section 42A report recommends that Federated Farmers' submission is accepted in part. It has been recommended that rule NFL-R2 (S421.157) is deleted and NFL-R3 (S421.158) is amended as set in the Section 421.159 report.⁸

⁸ Lee (n3), p67-69.

76. Federated Farmers supports the recommendation as it avoids the potentially perverse outcomes discussed in the Section 42A report.⁹
77. Federated Farmers opposed rule NFL-R6 as set out in the decisions version of the Proposed District Plan. The rule provides for farming within outstanding natural landscapes and outstanding natural features as a discretionary activity provided that the farming activity is located outside of the coastal environment.
78. Federated Farmers does not support the rule and the activity classification that it has. It is illogical for the Council to require farmers to gain a resource consent if they are farming within an outstanding natural landscape or feature that is located outside of the coastal environment.
79. Many farmers have existing operations which have occurred over decades with no more than minor effects on the surrounding environment. For many landowners, the resource consent process will be too costly to make their operation economically viable. This has the potential to result in farmers not expanding their operations across their land or, alternatively, being required to remove certain areas from their operations.
80. The rule as proposed is inconsistent with the purpose and principles of the RMA. It is inappropriate as many outstanding natural landscapes and features are located in rural areas where the rural landscape adds to their value. Farming operations assist in the maintenance and protection of outstanding natural landscapes and features. For example, grazing in these landscapes allow the landscapes to be preserved and viewed without the need for subdivision or other land uses which may inappropriately impact the outstanding natural landscape or feature or coastal environment.
81. It is felt that the Council is overreaching its functions under the Act through stating farming is inappropriate land use within the defined areas. It is not appropriate to try and retrofit a consenting framework through a proposed district plan for an activity which has been operating legally within the specified environments. Federated Farmers does not support the proposed requirement that farming as an activity will require resource consent moving forward. We also do not support relying on existing use

⁹ Lee (n3), p60-62.

rights as this does not provide any clarity for landowners and Council. A reliance on existing use rights typically results in expensive discussions to establish what is included under an existing use right if one exists.

82. Federated Farmers holds the view that existing use rights are for the same scale and character which is extremely hard to define for farming activities. Does changing from beef to sheep, ryegrass to plantain, Jersey to Friesian impact existing use rights and does a change in best practice for water quality or climate mitigation measures go beyond scope of existing use rights. How are the boundaries going to be defined and monitored? Is the Council prepared for the high number of applications it may get for existing use rights certification along with all of the new resource consents it appears to want and has encouraged under this rule.
83. The Section 42A recommends that rule NFL-R6 is deleted so as to remove an unnecessary restriction on farming activities. Federated Farmers supports this recommendation completely.

Coastal Environment

84. Federated Farmers appealed the overview of the coastal environment chapter of the Proposed District Plan.
85. Federated Farmers has identified that both coastal environment and coastal hazard layers have captured areas of rural farmland. It is important that the Council provides for everyday agricultural activities to occur in the coastal environment, many of which already do. The amount of land captured is small and would allow the Council to engage individually with each landowner to provide necessary education and information on the particular challenges and restrictions placed on their land.
86. Federated Farmers seeks that the areas of high natural character are deleted from this section as the coastal environment, outstanding natural character and indigenous biodiversity rules are consistent with section 6(a) of the RMA in protecting these areas from inappropriate subdivision and development.
87. Without the high natural character layer, the District Plan still meets the Council's obligations under the New Zealand Coastal Policy Statement as well as the Northland Regional Policy Statement.

88. The Section 42A recommends that Federated Farmers' submission is rejected because:
- (a) whether an activity is inappropriate in terms of section 6(a) of the RMA relates back to the natural character attributes that are to be preserved or protected;
 - (b) the NZCPS sets a standard for inappropriate subdivision, use and development through the clear direction in Policy 13 to avoid adverse effects on ONC area and avoid significant adverse effects in all other areas of the coastal environment;
 - (c) Policy 13(1)(c) requires local authorities to assess natural character of the coastal environment by mapping or otherwise identifying "at least areas of high natural character" to help protect and preserve natural character;
 - (d) The RPS takes the approach of differentiating between ONC, HNC and other natural character in the coastal environment, which the PDP gives effect to. Many other RMA planning documents adopt the same approach, and it is a common and well tested planning response to give effect to the direction in section 6(a) of the RMA and Policy 13 of the NZCPS to protect the natural character of the coastal environment inappropriate subdivision, use and development. It is also generally accepted as best practice as it helps to provide certainty to all parties on the different natural character values in the coastal environment and the threshold of adverse effects that applies when assessing subdivision and land use proposals within the coastal environment.
89. Federated Farmers accepts the recommendation.
90. Federated Farmers supported in part objective CE-O1. Objective CE-O1 as currently worded is not consistent with section 6 of the RMA. Federated Farmers seeks the amendment of the objective to be consistent with section 6 and to reflect protection of natural character from only inappropriate activities rather than all.
91. We sought the amendment of objective CE-O1 to read:

The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection from inappropriate use, development, and subdivision for current and future generations.

92. The Section 42A reports recommends that our submission is accepted in part through amending the objective to read as follows:

The natural character of the coastal environment is ~~identified and managed to ensure its long-term preservation and protection~~ from inappropriate use, development, and subdivision for current and future generations.

93. Federated Farmers supports the recommendation as outlined in the Section 42A report.¹⁰

94. Federated Farmers opposed policy CE-P1 as it promoted the identification and mapping of high character areas. We have consistently sought the deletion of the use and references to high character areas.

95. Federated Farmers sought the amendment of the policy so that the use of, and all references to high character areas were removed. The Section 42A report recommends rejecting our submission for the same reasons outlined in paragraph [87] above.

96. Federated Farmers supports the recommendation based on the reasons given.

97. Federated Farmers supported in part policy CE-P2 but sought that it be amended to better reflect s6 of the RMA. We also sought that the policy provided protection from inappropriate activities rather than all activities as was being implied.

98. Potential wording was provided as set out below:

Avoid adverse effects of inappropriate development, land use and subdivision on the characteristics and qualities of the coastal environment identified as: ...

99. The Section 42A report recommends that policy CE-P2 should be amended to read:

Avoid adverse effects of land use and subdivision on the characteristics, ~~and qualities~~ and values that make an area an outstanding natural character area in of the coastal environment ~~identified as outstanding natural character; ONL, ONF.~~

¹⁰ Wyeth, J on behalf of Far North District Council Section 42A Report Coastal Environment, p32-33.

100. Federated Farmers supports the recommendation as it provides clarity and gives effect to the NZCPS and RPS.
101. Federated Farmers opposed policy CE-P6 as it was notified. The policy has been written in such a way that it is implied that only existing farming activities can occur within the coastal environment. The scope of the policy needs to be broader to allow for new farming activities to occur within the coastal environments as well. Farmers needs to have the ability to diversify and change their farming operations into new areas that still fall under the concept of farming.
102. Federated Farmers sought the amendment of the policy so that it provided for new and existing farm activities to occur in the coastal environment as a right.
103. The Section 42A report recommends amending policy CE-P6 so that it reads:
- Enable farming activities within the coastal environment ~~where~~ by:*
- a. Recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and*
- b. Only allowing new farming outside outstanding and high natural character areas where appropriate.*
- ~~c. the use forms part of the values that established the natural character of the coastal environment; or~~*
- ~~d. the use is consistent with, and does not compromise the characteristics and qualities.~~*
104. Federated Farmers supports the recommendation as outlined by Mr Wyeth in his Section 42A report.¹¹
105. Federated Farmers does not support policy CE-P9 (S421.185). The policy is inconsistent with section 6 of the RMA in that it appears to prohibit all land use and subdivision from all outstanding natural character areas located in the coastal environment.
106. The policy as proposed is overly restrictive and does not provide for appropriate subdivision and land use to occur. It is not possible to undertake the sustainable management of the coastal environment if

¹¹ Wyeth (n8), p52.

there is no framework that allows for appropriate activities with no more than minor effects to occur.

107. Federated Farmers sought the deletion of policy CE-P9 in its entirety. The Section 42A report recommends that the policy is deleted as it is not necessary. Federated Farmers supports this recommendation.
108. Federated Farmers supported rule CE-R1 in part. The use of the high natural character layer is not support and we seek the removal of it.
109. As per our previous submission points, Federated Farmers does not support the use of the high natural character layer and seeks it removal in its entirety.
110. Federated Farmers supports new buildings ancillary to farming activities being permitted under rule CE-R1. We seek that the 25m² size for these buildings be increased to a reasonable size. The proposed size is too restrictive and is not fit for purpose as ancillary farm buildings are typically greater in size as they need to be able to accommodate farm machinery, hay bales etc.
111. The requirement for the new buildings to be located outside of outstanding natural character areas is not support as it does not recognise the functional need for farm buildings to be located where they are needed and where they are of the most use.
112. Federated Farmers sought the following in respect of rule CE-R1:
 - (a) the amendment of rule CE-R1 so that all references to the use and application of high character areas/layers is removed; and
 - (b) the amendment in PER-2 of the size of a new building ancillary to farming activities from 25m² to 250m²; and
 - (c) the deletion in PER-2 of the requirement that new building ancillary to farming activities to be located outside of outstanding natural character areas (S421.186).
113. The Section 42A report recommends accepting in part Federated Farmers submission and that the rule and associated performance standard 2 (PER-2) is amended as follows:

- (a) PER-2 is to be applied to the zones which are not referred to in PER-1. PER-2 will capture the rural zone.
 - (b) Under PER-2 buildings and structures are not able to be used for residential activity and should not have a gross floor area of greater than 25m² in an area of outstanding natural character, 50m² in an area of high natural character and 100m² in other areas of the coastal environment.
 - (c) Compliance with CE-S1 'Maximum height', CE-S2 'Colour and materials' and CE-S3 'Setbacks from MHWS' is required.
114. Federated Farmers supports the recommendation as shown in the Section 42A report.¹²
115. Federated Farmers supports rule CE-R2 as it is drafted in the proposed district plan and sought the retention of the rule in its entirety.
116. The Section 42A report rejects Federated Farmers' submission (S421.187) and recommends that the rule is deleted in its entirety. Mr Wyeth states that the deletion of the rule is an appropriate, efficient and effective way to achieve the relevant PDP objectives as it better achieves the policy intent to enable the repair and maintenance or common/essential activities and structures in the coastal environment. It also avoids the risk of interpretation issues associated with subjective "like for like" considerations in a permitted activity standard which could be debatable and potentially overly onerous.¹³
117. Federated Farmers is neutral about this recommendation.
118. Federated Farmers sought the deletion of rule CE-R3 (S421.188). The rule contains unnecessary duplication from the zoning, earthworks and indigenous biodiversity chapters which already include provisions to appropriately manage earthworks and vegetation clearance.
119. The Section 42A report recommends that our submission be rejected and that the rule and associated standard CE-S3 are amended so that it is clarified and expanded on when earthworks and indigenous vegetation

¹² Wyeth (n8), p75-76.

¹³ Ibid, p90.

clearance can be undertaken for specific purposes which is generally for essential, established and/or low-risk activities.

120. Federated Farmers supports the proposed amendments.
121. Federated Farmers opposed rule CE-R4 as it was notified (S421.189) as it supports the right of existing farm activities to occur as permitted activities within the coastal environment. It is recognised that the majority of the high and outstanding natural character layers capture biodiversity and non-farming land as well as farmland.
122. Federated Farmers wishes to ensure that any existing farming activities and farmland located in these overlays within the coastal environment are permitted to continue.
123. It is not appropriate for the district plan not to provide for existing, lawfully established farming activities to continue in the coastal environment. It is important to ensure that existing farmland is preserved and allowed to continue for future generations with a balance needing to achieve with the maintenance of the existing values formed by the coastal area.
124. The Section 42A report recommends that Federated Farmers' submission is rejected. Mr Wyeth supports the intent of rule CE-R4 and recommends that it is retained. It is not considered that CE-R4 imposes unreasonable restrictions on farming activities as existing farming activities within the coastal environment are not affected by the rule (subject to existing use rights), and new farming activities or a change in the scale and nature of the farming activity is also permitted under CE-R4.
125. Further, my understanding from the MAL Report (section 4.1) is that there is very instances of farming within a ONC or HNC area and therefore my expectation is that CE-R4 will not impose any undue restrictions on existing farming activities in these areas.
126. Federated Farmers supports the recommendation based on the reasons provided in the Section 42A Report.¹⁴

¹⁴ Wyeth (n8), p102.