

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND
I MUA I TE KŌTI TAIAO O AOTEAROA**

ENV-2019-AKL-

IN THE MATTER

of the Resource Management Act
1991 ("Act")

AND

IN THE MATTER

of an appeal pursuant to clause
14(1) of the First Schedule of the Act
in relation to the Proposed Regional
Plan for Northland

BETWEEN

**FEDERATED FARMERS OF NEW
ZEALAND ('FFNZ')**

Appellant

AND

**NORTHLAND REGIONAL
COUNCIL**

Respondent

NOTICE OF APPEAL



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**FORM 7 NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISIONS ON THE PROPOSED REGIONAL PLAN FOR NORTHLAND**

To: The Registrar
Environment Court
Auckland

1. FFNZ appeal against a decision of the Northland Regional Council on the following proposed plan:

Proposed Regional Plan for Northland

2. FFNZ made a submission and a further submission and presented evidence before Northland Regional Council Hearing Commissioners in respect of the proposed 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 referred to in this appeal on 3 May 2019.
5. The decision was made by the Respondent.
6. FFNZ is willing to undertake mediation.
7. The parts of the decision that FFNZ is appealing are:
 1. Definition of *Constructed wetland*.
 2. Definition of *Induced wetland*.
 3. Definition of *Natural wetland*.
 4. Definition of *Significant wetland*.
 5. Definition of *Vegetation clearance*.
 6. Definition of *Earthworks*.

7. Definition of *Quarrying*.
8. Rule C.2.1.10 Construction and installation of structures – permitted activity.
9. Rule C.2.1.15 Structures in a significant area - non-complying activity.
10. Rule C.2.2.1. Wetland management and enhancement - permitted activity.
11. Rule C.5.1.11 Water take below a minimum flow or water level – non-complying activity.
12. Rule C.6.3.1 Farm wastewater discharges to land – permitted activity.
13. Rule C.6.3.2 Discharges associated with the making or storage of silage - permitted activity.
14. Rule C.6.3.3 Discharges associated with the disposal of dead animals or offal – permitted activity.
15. Rule C.6.3.6A Farm wastewater discharges to water – non-complying activity.
16. Rule C.6.9.5 Discharges to land or water not provided for by other rules – permitted activity.
17. Rule C.8.1.1 Access of livestock to the bed of a water body or continually flowing artificial watercourse – permitted activity.
18. Rule C.8.1.2 Access of livestock to rivers, lakes, and wetlands – discretionary activity.
19. Rule C.8.2.1 Land preparation – permitted activity.
20. Rule C.8.3.1 Earthworks – permitted activity.
21. Rule C.8.4.2 Vegetation clearance in riparian areas – permitted activity.

22. Policy D.2.7 Managing adverse effects on indigenous biodiversity.
 23. Policy D.4.27 Natural Wetlands – requirements.
 24. Policy D.4.32 Exceptions to livestock exclusion requirements.
 25. D.1.5 and D.1.x – New policies sought on mapping of sites of significance to tangata whenua and process for incorporating these into the plan.
8. 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

9. 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 s32 of the Act;
 - b. The proposed plan does not have the most appropriate provisions for the objectives in terms of S32 of the Act;
 - c. The proposed plan is contrary to good resource management and planning practices.

Further relief sought

10. 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

11. FFNZ attaches the following documents to this notice:
- a. a copy of Federated Farmers submissions:
 - b. a copy of the relevant decision (*or* part of the decision):
 - c. any other documents necessary for an adequate understanding of the appeal:
 - d. a list of names and addresses of persons to be served with a copy of this notice.



Peter Matich
for Federated Farmers of New Zealand

14 June 2019

Address for service of appellant:

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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 and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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 (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

The copy of this notice served on you does not attach a copy of any other documents necessary for the adequate understanding of the appeal (of which there were none), or a list of names and addresses of persons to be served with a copy of this notice. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.

Schedule 1 – Relief sought by Appeal Point (including reasons)

	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
Definitions				
1	<p><i>Constructed wetland</i> definition</p>	<p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> 1) a wetland has not occurred naturally previously, and or 2) the current wetland vegetation cover cannot be delineated as indigenous, or 3) a wetland has been previously constructed legally. <p>This does not include induced wetland, reverted wetland or wetland created for conservation purposes; for example, as a requirement of resource consent. Examples of constructed wetlands includes wetlands created and subsequently maintained principally for or in connection with</p> <ol style="list-style-type: none"> 1) an effluent treatment and disposal system, or 2) stormwater management, or 3) an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or 4) other artificial wetland and water bodies including open drainage channels (that are authorised, such as those in drainage schemes) and engineered soil conservation structures. <p>...</p>	<p>That the definition be amended as follows:</p> <p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> 1) a wetland has not occurred naturally previously, and 2) a wetland has been previously constructed legally. <p>This does not includes induced wetland, <u>but not</u> reverted wetland or wetland created for conservation purposes; <u>for example, as a requirement of resource consent. Constructed wetlands includes wetlands created and subsequently maintained principally for or in connection with:</u></p> <ol style="list-style-type: none"> 1) <u>an effluent treatment and disposal system, or</u> 2) <u>stormwater management, or</u> 3) <u>an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or</u> 4) <u>other artificial wetland and water bodies including open drainage channels (that are authorised or previously constructed legally, such as those in drainage schemes) and engineered soil conservation structures.</u> <p>...</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 submitted on the definition of ‘induced wetlands’ seeking that these should be included in the definition of constructed wetlands, in recognition that these wetlands arise as a consequence of human activity and land use, albeit unintentionally. Therefore, these are not naturally occurring as such. They may occur simply because of wet ground formed due to the construction of races and fences on farms or due to other construction work like barns that can cause water to pond from time to time.</p> <p>The occurrence of induced wetlands could affect all sorts of farm assets such as productive pasture, farm tracks, underground pipelines and cables, fences, gates buildings etc. Where emergence of these wetlands is unforeseen, landowners should have reasonable ability to rectify problems that arise without onerous costs and delays for little or no environmental benefit. Federated Farmers are concerned that induced wetland may be caught up in rules that trigger resource consent requirements, which result in unduly onerous costs and delays for farmers for little or no environmental benefit.</p>

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2	<i>Induced wetlands</i> definition	<p>Are Wetlands that have formed naturally on an ecological sites where wetlands did not previously exist, as a result of human activities, such as construction of roads and railways bunds. While such wetlands have not been constructed for a specific purpose, they can be considered to be artificial in many cases given they arise through physical alteration of hydrology through mechanical modification. Does not include a constructed wetland.</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) Induced wetlands are a type of natural wetland. 2) <u>The relationship between the various types of wetlands is shown in: 'H.8 Wetland definitions relationships</u> 	<p>That the definition be amended as follows</p> <p>Wetlands that have formed naturally where wetlands did not previously exist, as a result of human activities such as construction of roads and railways bunds, <u>or farm access tracks or fence line bunds</u>. While such wetlands have not been constructed for a specific purpose, they can be considered to be artificial in many cases given they arise through physical alteration of hydrology through mechanical modification. <u>Induced wetlands are a type of constructed natural wetland.</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>.</p>	<p>This is consequential to the relief sought in Appeal point 1.</p>
3	<i>Natural wetland</i> definition	<p>Any wetland including <u>an</u> induced wetland and <u>a</u> reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include:</p> <ol style="list-style-type: none"> 1) a constructed wetland, or 2) wet pasture, damp gully heads, or 3) areas where water temporarily ponds after rain, or 4) pasture containing patches of rushes. <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) <i>The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website.</i> 2) <u>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'</u> 	<p>That the definition be amended as follows:</p> <p>Any wetland including an induced and a reverted wetland, regardless of whether if it is dominated by indigenous vegetation, but does not include:</p> <ol style="list-style-type: none"> 1) a constructed wetland, or 2) wet pasture, damp gully heads, <u>and artificial wet horticulture production land</u> or where water temporarily ponds after rain or pasture containing patches of rushes <u>or other such induced wetland.</u> <p>Notes</p> <ol style="list-style-type: none"> 1) The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website. 2) The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships' 	<p>This is related to Appeal Points 1 and 2. Federated Farmers submitted on the definition of <i>natural wetland</i>, and support that <i>constructed wetland</i> be treated differently from natural wetlands. Federated Farmers also support the exclusion of wet pasture land, but oppose <i>induced wetland</i> being included in the definition of <i>natural wetland</i>.</p> <p>Induced wetlands can potentially capture exotic plant species like crops or other horticulture plants due to the phrase “regardless of whether it is dominated by indigenous vegetation”. Federated Farmers prefer that exotic species which are not intended to be captured by the definition, be specifically excluded lest it result on onerous costs and</p>

Schedule 1 – Relief sought by Appeal Point (including reasons)

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			<p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>delays to obtain resource consent for little or no environmental benefit.</p> <p>Routine farm activities often include all manner of farming activity in wet patches of land where water has accumulated as a result of some farm activity or other (such as soil consolidation to maintain farm tracks). These accidental induced wetlands are inadvertently created and should not be subject to the same rules as natural wetlands, simply because they are a temporary and unintended consequence of farming.</p>
4	<p><i>Significant wetland definition</i></p>	<p>A natural wetland that triggers the significance criteria in the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments". This includes <u>natural</u> wetlands comprising indigenous vegetation exceeding any of the following area thresholds:</p> <ol style="list-style-type: none"> 1) saltmarsh greater than 0.5 hectare in area, or 2) <u>lake margins and river beds</u> with shallow water (lake margins and rivers) less than two metres deep and greater than 0.5 hectare in area, or 3) swamp greater than 0.4 hectare in area, or 4) bog greater than 0.2 hectare in area, or 5) paahi wet heathland (including gumland and ironstone heathland) greater than 0.2 hectare in area, or 6) marsh, fen, ephemeral wetlands or seepage/flush greater than 0.05 hectares in area. <p>Notes:</p>	<p>That the definition be amended as follows</p> <p>A natural wetland that <u>has been identified and mapped as a significant wetland in accordance with</u> triggers the significance criteria in the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments". This includes wetlands comprising indigenous vegetation exceeding any of the following area thresholds:</p> <ol style="list-style-type: none"> 1) saltmarsh greater than 0.5 hectare in area, or 2) lake margins and river beds with shallow water less than two metres deep and greater than 0.5 hectare in area, or 3) swamp greater than 0.4 hectare in area, or 4) bog greater than 0.2 hectare in area, or 5) wet heathland (including gumland and ironstone heathland) greater than 0.2 hectare in area, or 	<p>Federated Farmers submitted on the definition of <i>significant wetland</i> and submitted evidence at the Council hearing on this topic seeking that significant wetlands be mapped rather than rely on a definition for identification of such wetlands.</p> <p>Federated Farmers consider that mapping is a more certain method of identification, as it reduces subjective interpretation of rules and uncertainty around the manner land use and development in proximity to significant wetlands, particularly farm use and development. Farming activity is likely to have a higher incidence of instances requiring interpretation for this rule than other types of use and development, since it is highly likely that most <i>significant wetlands</i> are likely to be located in</p>

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		<p>4) If there is any doubt over wetland extent use: <u>Clarkson, B. R., 2013. A vegetation tool for wetland delineation in New Zealand. Prepared by Landcare Research for Meridian Energy Limited. Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand.</u></p> <p>2) The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of <u>this Plan. regional plan.</u></p> <p>3) <u>The relationship between the various types of wetlands is shown in: H.8 Wetland definitions relationships.</u></p>	<p>6) marsh, fen, ephemeral wetlands or seepage greater than 0.05 hectares in area.</p> <p>Notes:</p> <p>1) If there is any doubt over wetland extent use: Clarkson, B. R., 2013. A vegetation tool for wetland delineation in New Zealand. Prepared by Landcare Research for Meridian Energy Limited.</p> <p>2) The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of <u>this Plan. regional plan</u></p> <p>3) <u>The relationship between the various types of wetlands is shown in: H.8 Wetland definitions relationships.</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>rural areas.</p> <p>Federated Farmers submit that it is notoriously difficult to identify the extent of a wetland and whether it qualifies as <i>significant</i>, even with the helpful notes.</p> <p>In Appendix 5, the criteria for significance note that such criteria are to be applied by suitably qualified and experienced ecologists. This indicates the difficulty for a lay-person to apply these criteria, and Federated Farmers are concerned that this would trigger requirement for onerous evaluation and assessment costs, and that this will impose a high degree of uncertainty over day-to-day farming operations where there may be such wetlands present.</p> <p>Federated Farmers consider it imperative that any <i>significant wetland</i> be identified and mapped before any policies, methods and rules for <i>significant wetland</i> are applied.</p>
5	Vegetation clearance definition	<p>The cutting, burning, crushing, removal or destruction of native woody vegetation or native dune vegetation, but does not include clearing:</p> <p>1) plantation forestry, or</p> <p>2) vegetation that is part of an understory of a plantation forest or immediately adjacent to a plantation forest, or</p> <p>3) hedges and amenity plants, or</p>	<p>That the definition be amended as follows</p> <p>The cutting, burning, crushing, removal or destruction of vegetation, but does not include clearing:</p> <p>1) hedges and amenity plants, or</p> <p>2) vegetation along fences and around dams and ponds, or</p>	<p>Federated Farmers lodged a further submission opposing Landcorp's and Northland Fish and Games' submissions on vegetation clearance. Federated Farmers sought those submissions be disallowed in part ,and sought exclusion from definition of 'vegetation clearance' for vegetation</p>

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		<p>4) vegetation along fences and around dams and ponds, or</p> <p>5) vegetation around <u>public network utilities networks</u>, or</p> <p>6) vegetation that impedes or is likely to impede flood flows, or</p> <p>7) vegetation <u>alongside</u> for the maintenance of roads and tracks, or</p> <p>8) <u>vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>	<p>3) vegetation around network utilities, or</p> <p>4) vegetation alongside for the maintenance of roads and tracks, or</p> <p>5) vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</p> <p>6) <u>Vegetation clearance necessary for farm operation such as: removal/harvesting of crops and pasture, pasture maintenance, maintaining clearance around farm dwellings and other farm buildings and structures, farm access tracks, fence lines, rural fire breaks along farm boundaries, water supply pipelines, stock drinking water troughs, water storage tanks, dams, agrichemical and grain storage silos, fertiliser storage pits, and farm airstrips</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>clearance that is needed to support routine farm activities. Federated Farmers also submitted evidence at the Council hearing on the topic and definition of <i>vegetation clearance</i> seeking exemptions for typical farming operations.</p> <p>Federated Farmers oppose inclusion of any clearance associated with routine farming activities (such as maintaining firebreaks, vegetation clearance around farm buildings, stock and vehicle access, and pasture maintenance). Any routine vegetation clearance associated with farming could be caught by a definition that would otherwise trigger the need for resource consent, which would be unnecessarily burdensome for farmers, for arguably little or no environmental benefit.</p>
6	<p><i>Earthworks</i> definition</p>	<p><u>The mechanical disturbance of the surface of the land earth by excavation, cutting and filling, blading, ripping, contouring, quarrying or placing or replacing earth or cleanfill material, but does not include:</u></p> <p>1) <u>earthworks associated with a plantation forestry activity, or</u></p> <p>2) <u>the placement of cleanfill material, or</u></p> <p>3) <u>cultivation land preparation, or</u></p> <p>4) <u>construction, repair, alteration or maintenance of bores, or</u></p> <p>5) <u>the maintenance of walking and other recreational tracks and farm tracks, or</u></p> <p>6) <u>the placement of roading aggregates during road and track works, or</u></p>	<p>That the definition be amended as follows:</p> <p>The mechanical disturbance of the surface of the land earth by excavation, cutting and filling, blading, ripping, contouring, quarrying or placing or replacing earth or cleanfill material, but does not include:</p> <p>1) earthworks associated with a plantation forestry activity, or</p> <p>2) the placement of cleanfill material, or</p> <p>3) cultivation land preparation, or</p> <p>4) construction, repair, alteration or maintenance of bores, or</p> <p>5) the maintenance of walking and other</p>	<p>Federated Farmers lodged a further submission in opposition to GBC Winstone's submission seeking to include quarrying in the definition of earthworks. In particular, Federated Farmers sought that any definition does not include farm quarries.</p> <p>Federated Farmers also presented evidence at the Council hearing seeking an exemption list of typical farm earthworks</p> <p>Federated Farmers consider farm</p>

Schedule 1 – Relief sought by Appeal Point (including reasons)

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		7) <u>directional drilling, boring or thrusting up to 250mm diameter, or</u> 8) <u>digging post holes, or</u> 9) <u>planting trees.</u>	6) recreational tracks and farm tracks, or the placement of roading aggregates during road and track works, or 7) directional drilling, boring or thrusting up to 250mm diameter, or 8) digging post holes, or 9) planting trees. 10) <u>Farm quarries where the aggregate material is used only within the farm site where the farm quarry is situated, and is not otherwise disposed of.</u> And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns	quarrying (small in size and used only occasionally, winnings used on-site) to be significantly different to large-scale commercial quarries, and as such, should not be captured by the same definition. Please also refer to our appeal on the definition of Quarrying.
7	Quarrying definition	<u>A place where open surface extraction of rock material from the ground occurs, including the removal and placement of overlying earth, and the stacking, crushing, conveying, storing, depositing and treatment of the excavated material and the removal and placement of unwanted materials.</u>	That the definition be amended as follows: A place where open surface extraction of rock material from the ground occurs, including the removal and placement of overlying earth, and the stacking, crushing, conveying, storing, depositing and treatment of the excavated material and the removal and placement of unwanted materials, <u>but does not include farm quarries where extracted aggregate is only used on the farm site that the farm quarry is situated on, and is not sold or otherwise commercially disposed of.</u> And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns	Federated Farmers submitted against GBC Winstone's submission seeking a definition of <i>Quarrying</i> . Federated Farmers sought that any definition for <i>Quarrying</i> should not include farm quarries. Federated Farmers consider that farm quarries (small in size and used only occasionally, winnings used on-site) to be significantly different to large-scale commercial quarries. To do otherwise would unnecessarily trigger an onerous requirement for resource consent for little or no environmental benefit. Farm quarries are needed for the purpose of routine farm maintenance and entail occasional extraction of suitable aggregate material for maintaining farm tracks and hard-stand areas, which is important for maintaining the hoof health of livestock and safe

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				and stable farm vehicle access.
Rules				
8	C.2.1.10 Construction and installation of structures – permitted activity	<p>The construction or installation or erection, reconstruction, placement, alteration, or extension of a structure in, on, under or over the bed of a lake or river, <u>any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are</u> is a permitted activities activity, provided:</p> <p>...</p> <p>3) for culvert crossings:</p> <p>...</p> <p>h) the culvert is not in a significant wetland, an outstanding freshwater body or mapped (refer I Maps Ngā mahere matawhenua):</p> <p>i) Outstanding Natural Character Area, or</p> <p>ii) Outstanding Natural Feature, or</p> <p>iii) Historic Heritage Area, or</p> <p>iv) Site or Area of Significance to Tangata Whenua, and</p> <p>4) For single span bridges:</p> <p>...</p> <p>e) the bridge is not in a significant wetland, an outstanding freshwater body or mapped (refer I Maps Ngā mahere matawhenua):</p> <p>i) Outstanding Natural Character Area, or</p> <p>ii) Outstanding Natural Feature, or</p> <p>iii) Historic Heritage Area, or</p>	<p>That the rule incorporate the following amendments:</p> <p>3)...</p> <p>h) the culvert is not in a significant wetland, an outstanding freshwater body or mapped (refer I 'Maps'),</p> <p>i)...</p> <p>iv)...</p> <p><u>unless it is for the purposes of meeting rules C.8.1.1 or C.8.1.2:</u></p> <p>...</p> <p>4)...</p> <p>e) the bridge is not in a significant wetland, an outstanding freshwater body or mapped (refer I 'Maps'),</p> <p>i)...</p> <p>iv)...</p> <p><u>unless it is for the purposes of meeting rules C.8.1.1 or C.8.1.2:</u></p> <p>...</p> <p>5)...</p> <p>c) the ford is not in a significant wetland, an outstanding freshwater body or mapped (refer I 'Maps'),</p> <p>i) ...</p> <p>iv)...</p> <p><u>unless it is for the purposes of meeting rules C.8.1.1 or C.8.1.2:</u></p> <p>...</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as</p>	<p>Federated Farmers submitted on this rule, which provides clarification for permitted new single span bridges, culverts, and fords. It is essential to manage stock exclusion from waterways.</p> <p>However, Federated Farmers consider that exemption to permit culvert, bridge and ford structures for stock exclusion in significant areas (otherwise a non-complying activity under C.2.1.15) is appropriate. Such exemptions would more appropriately facilitate compliance with Livestock exclusion Rule C.8.1.1 and access of livestock to rivers, lakes and wetlands in Rule C.8.1.2.</p> <p>.</p>

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		<p>iv) Site or Area of Significance to Tangata Whenua, and</p> <p>5) For ford crossings: ... c) the ford is not in a significant wetland, an outstanding freshwater body or mapped (refer <u>↓ Maps Ngā mahere matawhenua</u>):</p> <p>i) Outstanding Natural Character Area, or</p> <p>ii) Outstanding Natural Feature, or</p> <p>iii) Historic Heritage Area, or</p> <p>iv) Site or Area of Significance to Tangata Whenua, and</p> <p>...</p>	<p>otherwise necessary to address or concerns</p>	
9	<p>C.2.1.15 Structures in a significant area - non-complying activity</p>	<p>A structure and any repair, alteration or replacement <u>The use, erection, reconstruction, placement, alteration, or extension of a structure, in, on, under or over the bed of a lake or river, that is located in, on, under or over part of a significant wetland or an outstanding freshwater body, or mapped (refer <u>↓ Maps Ngā mahere matawhenua</u>):</u></p> <p>1) Historic Heritage Area, or 2) Outstanding Natural Character Area, or 3) Outstanding Natural Feature, or 4) Site or Area of Significance to Tangata Whenua,</p> <p><u>that and is not the subject of any other rule in this Plan, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed,...</u></p> <p><u>are is a non-complying activities activity...</u></p>	<p>That the rule be amended with the following additional clause:</p> <p><u>Structures constructed for the purpose of meeting rule C.8.1.1. or C.8.1.2 are exempt and are a controlled activity under C.2.1.10</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>This is related and consequent to Appeal Point 8. Federated Farmers submitted on this rule seeking exemptions allowing permitted culvert, bridge and ford structures in specific ONC, ONF, and Sites or Areas of significance to tangata whenua, where these structures are necessary to facilitate stock exclusion.</p> <p>Federated Farmers submit that structures for the purpose of C.8.1.1 or C.8.1.2 should be exempt from non-complying activity status. Such structures can be instead be accommodated in Rule C.2.1.10 or under a new, separate rule. Such exemptions would enable easier compliance with livestock exclusion requirements in Rule C.8.1.1 and access of livestock to rivers, lakes</p>

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				and wetlands in Rule C.8.1.2. Whilst Federated Farmers agree in principle that significant areas require a high degree of protection, there is some concern that this protection may make it considerably more onerous to construct structures (e.g. fences, single span bridges, culverts and fords) that will assist with the overall aim of stock exclusion.
10	C.2.2.1. Wetland management and enhancement - permitted activity	The <u>damage, destruction, disturbance, or</u> removal of vegetation <u>in a wetland</u> or deliberate introduction of a plant in a wetland <u>for the purpose of wetland maintenance or wetland enhancement in a wetland</u> are <u>is a permitted activities activity</u> , provided:	That the rule be amended as follows: <u>The removal or control of vegetation of deliberate introduction of a plant in a constructed wetland is a permitted activity.</u> The damage, destruction, disturbance, or removal of vegetation in a wetland or deliberate introduction of a plant <u>in any other types of wetland</u> for the purpose of wetland maintenance or wetland enhancement are permitted activities, provided: ... And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.	Federated Farmers lodged a further submission supporting Fonterra's submission seeking to control over removal or deliberate introduction of plants in a constructed wetland. Federated Farmers consider that removal/control or deliberate introduction of plants in a constructed wetland should be permitted according to the preference of the landowner who constructed the wetland, particularly if becomes difficult to obtain specific indigenous endemically-sourced wetland plant species for constructed wetlands. Otherwise, farmers may be discouraged from planting constructed wetlands.
11	C.5.1.11 Water take below a minimum flow or water level – non-complying activity	The taking of <u>fresh</u> water from a river, lake or natural wetland when the flow in the river or water level in the natural wetland or lake is below a minimum flow or minimum level <u>set in H.6 Environmental flows and levels, and that is not permitted by a rule in this Plan</u> , is a non-complying activity.	That the rule be amended as follows: The taking of water from a river, lake or natural wetland when the flow in the river, lake or natural wetland or lake is below a <u>measured</u> minimum flow or <u>measured</u>	Federated Farmers submitted on this rule seeking a criterion of measured minimum flow. Federated Farmers support a high consent threshold for taking of water

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
		<p><u>The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:</u></p> <ul style="list-style-type: none"> • <u>Restrictions relating to water (s14(2)).</u> • <u>Taking and use of water from a river, lake or natural wetland (s14(2)).</u> 	<p>minimum level is a non-complying activity. ...</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns</p>	<p>below a minimum flow or water level, providing the low flow is a measured (rather than an estimated) flow.</p> <p>Federated Farmers doubt about the efficacy of taking a strict approach to allocation, if strict measures are not really shown to be necessary. Without confidence about the amount of low flow, farmers could incur a lot of expenditure and delay in seeking resource consent for a non-complying activity for what may amount to little or no environmental benefit.</p>
12	C.6.3.1 Farm wastewater discharges to land – permitted activity	<p>The discharge of farm wastewater onto or into land, and any associated discharge of odour to air is a <u>permitted activities-activity</u>, provided:</p> <ol style="list-style-type: none"> 1) there is no discharge: <ol style="list-style-type: none"> a) directly into water, or b) into surface water or to the coastal marine area via overland flow, or c) into surface water or to the coastal marine area via any tile, mole or other subsurface drain, or d) into an artificial watercourse, and 2) there is no discharge <u>onto or into</u> land or overland flow within: <ol style="list-style-type: none"> a) 20 metres of any stream, continually or intermittently flowing river, lake, natural wetland, or the coastal marine area, or ba) <u>50m of the water body for a distance of 2000 metres upstream of a public water supply intake servicing more than 25 people, and</u> 	<p>That the permitted activity status in this rule be retained with the following amendment:</p> <p>The discharge of farm wastewater onto or into land₁ is a permitted activity provided <u>that by 1 March 2025:</u></p> <p>...</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 submitted on this rule seeking a date for triggering compliance with permitted activity conditions after 1 March 2025.</p> <p>For currently un-consented farms that are unable to meet this rule, Federated Farmers are concerned that once a resource consent for either discharge to land or water is applied for and granted, the incentives for upgrading or investing in greater Farm Dairy Effluent (FDE) storage will be lost. If a 5-year transition period is granted (by 2023-2025), then there is an incentive for farms to affordably move towards individually appropriate storage targets and best management discharge to land practices.</p> <p>The inclusion of Clause 2) ba) in particular introduces a further quite</p>

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
		...		onerous (and somewhat arbitrary) restriction. This was introduced by way of another submission, and was not part of the original rule in the Proposed Plan that was initially notified. Federated Farmers are concerned that this clause (in particular) wasn't properly publicly consulted on, and many farmers are unlikely to be aware that they may have an offending discharge source that triggers non-compliance with this rule. Federated Farmers seek that the effect on this rule be delayed until 1 March 2025 so that farmers in this situation have time to amend any farm discharges to comply with this rule.
13	C.6.3.2 Discharges associated with the making or storage of silage - permitted activity	<p>The discharge of <u>a contaminants</u> onto or into land in association with the <u>resulting from the</u> making or storage of silage, <u>and any associated discharge of odour to air, is a are permitted activities</u> activity, provided:</p> <ol style="list-style-type: none"> 1) there is no discharge onto into surface water or to land within a setback distance in condition 2), and 2) the storage site is not located within: <ol style="list-style-type: none"> a) 50 metres of surface water, <u>a continually or intermittently flowing river, artificial watercourse, lake, natural wetland</u> or the coastal marine area, or b) 50 metres of the head of any water supply bore, or c) 50 metres of a dwelling owned or occupied by another person, or d) 20 metres of a public road or space, and 3) the discharge does not contaminate any 	<p>That the rule be amended as follows</p> <p>The discharge of contaminants onto or into land resulting from the making or storage of silage, and any associated discharge of odour to air, are permitted activities, provided:</p> <ol style="list-style-type: none"> 1) there is no discharge onto land within a setback distance in condition 2), and 2) the storage site is not located within: <ol style="list-style-type: none"> a) 50 metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or <p>...</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 submitted on the notified rule seeking that it be retained.</p> <p>The notified rule related to maintaining a 50m setback for discharges associated with silage storage, from surface water and the CMA, but this has now been extended to include artificial watercourses, as well as natural wetlands (amongst other things).</p> <p>Federated Farmers submitted on the definition of <i>natural wetland</i>, as well as on several other types of wetlands defined in the plan (which may incorporate artificial drainage channels). Federated Farmers are concerned that these have become</p>

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
		<p>groundwater supply or surface water, and</p> <p>4) catchment runoff water is prevented from entering the storage site, and</p> <p>5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.</p>		<p>caught up in this amended rule, and that this may trigger a requirement for silage making activity to have to obtain resource consent, thus subjecting farmers to onerous costs and delays for little or no environmental benefit.</p>
14	C.6.3.3 Discharges associated with the disposal of dead animals or offal – permitted activity	<p>The discharge of a contaminants onto or into land in association with resulting from the disposal of dead animals or offal, and any associated discharge of odour to air, are <u>is a permitted activities activity</u>, provided:</p> <ol style="list-style-type: none"> 1) there is no discharge into surface water, and 2) the disposal site is not located within: <ol style="list-style-type: none"> a) 50 metres of surface water, <u>a continually or intermittently flowing river, artificial watercourse, lake, natural wetland</u> or the coastal marine area, or b) 50 metres of the head of any water supply bore, or c) 50 metres of a dwelling owned or occupied by another person, or d) 20 metres of a public road or space, and 3) the discharge does not contaminate any groundwater supply or surface water, and 4) water catchment runoff is prevented from entering the disposal site, and 5) the disposal site is covered <u>or otherwise contained</u>, and 6) the discharge does not cause an offensive or objectionable odour beyond the property boundary, <u>and</u> 7) <u>where a composting process is used, only dead animals or animal parts from the production land activity within the property are to be composted, and industry guidelines specific to the type of dead animal being</u> 	<p>That the rule be amended as follows</p> <p>The discharge of a contaminant onto or into land resulting from the disposal of dead animals or offal, and any associated discharge of odour to air, are permitted activities, provided:</p> <ol style="list-style-type: none"> 1) ... 2) the disposal site is not located within: <ol style="list-style-type: none"> a) 50 metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or <p>...</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 submitted on the notified rule, seeking that it be retained.</p> <p>The notified rule related to maintaining a 50m setback from discharges associated with disposal of dead animals or offal, and surface water or the CMA, but this has now been extended to include artificial watercourses, as well as natural wetlands (amongst other things).</p> <p>Federated Farmers have submitted on the definition of <i>natural wetland</i>, as well as on several other types of wetlands defined in the plan (which may incorporate artificial drainage channels). Federated Farmers are concerned that these have become caught up in this amended rule, and that this may trigger a requirement for disposal of dead animals or offal activity to have to obtain resource consent, thus subjecting farmers to onerous costs and delays for little or no environmental benefit.</p>

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
		<u>composted are complied with.</u>		
15	<p>C.6.3.6 Farm wastewater discharges to water – discretionary activity</p> <p>And</p> <p>C.6.3.6A Farm wastewater discharges to water – non-complying activity</p>	<p>C.6.3.6 Farm wastewater and Horticulture wastewater discharges to water – discretionary activity</p> <p>The discharge of treated farm wastewater <u>horticulture wastewater</u> into water is a discretionary activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.</p> <p><u>The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:</u></p> <ul style="list-style-type: none"> Discharge of contaminants into environment (s15(1)(b)). Discharge of treated horticulture wastewater into water (s15(1)). <p><u>C.6.3.6A Farm wastewater discharges to water – non-complying activity</u></p> <p><u>The discharge of treated farm wastewater into water is a non-complying activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.</u></p> <p><u>For the avoidance of doubt this rule covers the following RMA activities:</u></p> <ul style="list-style-type: none"> <u>Discharge of treated farm wastewater into water (s15(1)).</u> 	<p>That a rule providing for farm wastewater discharge to water as a discretionary activity be retained.</p> <p>That clarification of the calculation method to be used for FDE storage be provided (preferably the DESC model).</p> <p>That any decision to notify applications be considered on a case-by-case basis</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 lodged a submission seeking that the notified rule (for Farm wastewater and horticulture wastewater discharges to water to be a discretionary activity) should be retained, subject to appropriate refinement through further submissions. This was based on an understanding that the existing discretionary activity rule for sewage discharges to water in Section 15 of the operative regional water and soil plan appeared to work well.</p> <p>Federated Farmers also lodged a further submission opposing Landcorp’s submission on the rule that all farm wastewater discharge consents to water require notification.</p> <p>The Council’s decision has amended the rule to apply only to Horticulture wastewater discharges as a discretionary activity. A new rule C.6.3.6A makes farm wastewater discharges to water a non-complying activity.</p> <p>Federated Farmers are concerned that this is a fundamental shift in the approach in the resource management framework of the plan, which subjects farm wastewater discharges to water to an onerous</p>

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				<p>gateway test in section 104D of the Act.</p> <p>Federated Farmers cannot understand the policy context for the council adopting this stance in the proposed regional plan. There is no policy that distinguishes farm wastewater discharges from other types of wastewater discharges to water. (The new Policy D.4.7A makes no such distinction, and there is to other policy that does). Farmers are not able to comply if they are not able to understand the basis of the rule/conditions.</p> <p>Federated Farmers further consider that discharge of farm wastewater is interconnected with storage and treatment of effluent. This is anticipated in permitted farm wastewater discharges in Rule C.6.3.1, and in this context, it is somewhat incongruous to treat farm wastewater discharge to water as a non-complying activity. Instead, Federated Farmers consider that this should be a discretionary activity, with clarification of the calculation method for FDE storage more properly incorporated as a discretionary activity assessment matter, with decision to notify applications being considered on a case-by-case basis.</p>

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16	C.6.9.5 Discharges to land or water not provided for by other rules – permitted activity	<p>The discharge of water or a contaminants into water, or onto or into land where it may enter water, that is regulated by the subject of any other rule in this Plan is a permitted activity, provided:</p> <p>...</p> <p>4) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20-metre radius from the point of discharge:</p> <p>...</p>	<p>That the rule be amended as follows:</p> <p>The discharge of water or a contaminant into water, or onto or into land where it may enter water, that is not the subject of any other rule in this Plan is a permitted activity, provided:...</p> <p>...</p> <p>4) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing <u>from the point of discharge:</u></p> <p>...</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 submitted that the notified rule should be retained subject to appropriate refinement through further submissions. This was based on an existing similar rule in the operative regional plan that appears to work well.</p> <p>Federated Farmers also made further submissions on the concept of a 'Zone of Reasonable Mixing' as the environment in consideration for managing effects of discharges.</p> <p>The Council decision to utilise this <i>Zone of Reasonable Mixing</i> for triggering resource consent, widens the environment in consideration for this rule over and above that which was initially notified in the proposed Plan. Federated Farmers are concerned that this intensifies the risk of delay and cost to farmers in having to pursue resource consent applications for everyday land cultivation, for what amounts to questionable environmental benefit.</p> <p>Federated Farmers would prefer that any question about this environment was confined to point source discharges, as initially proposed in the rule.</p>
17	C.8.1.1 Access of livestock to the bed of a water body or continually flowing artificial	<p>The access of livestock to a natural wetland, the bed of a lake or a continually permanently flowing river, or a continually permanently flowing <u>artificial watercourse drain</u> is a permitted activity, provided:</p> <p>1) native indigenous vegetation wetland</p>	<p>That the rule be amended to give effect to the following relief:</p> <p>Provide a minimum size threshold for stock exclusion from natural wetlands (e.g. 5 ha).</p>	<p>Federated Farmers lodged a submission seeking a minimum threshold for stock exclusion from natural wetlands of 5ha, and that significant wetlands be identified</p>

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	watercourse – permitted activity	<p>vegetation in a natural wetland is not damaged or destroyed, and</p> <p>1A) <u>livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a registered water supply intake servicing more than 25 people. and</u></p> <p>2A) <u>livestock are effectively excluded from any Inanga spawning sites identified by the Regional Council, and</u></p> <p>2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or <u>artificial watercourse drain</u> in accordance with the requirements in <u>Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses'</u> the following table, and</p> <p>3) livestock crossing points used by livestock (<u>excluding deer</u>) more than once per week must be bridged or culverted by the dates in <u>Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses'</u> the following table, and</p> <p>4) at a livestock crossing point that is not required to be bridged or culverted, livestock are:</p> <p>a) actively led or driven across the <u>water body or artificial watercourse in one continuous movement</u> river or drain, and</p> <p>b) effectively excluded from the river or drain between crossings by the dates in <u>Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses.'</u> the following table</p> <p>...</p>	<p>Map significant wetlands for livestock exclusion.</p> <p>That clause 1A) either be deleted, or modified to have a compliance commencement date of 1 January 2025</p> <p>Include a standard/consideration for stock unit rate, in the thresholds for stock exclusion, of 18 stock units per hectare.</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.</p>	<p>through mapping.</p> <p>Federated Farmers also lodged a further submission in support of L Newport's submission seeking that Table 7 be amended so that there is a differentiation in its requirements for dry stock to be excluded from waterways in lowland areas on the basis of stocking ratio (as an alternative consideration of stock exclusion based on intensity of use.</p> <p>Federated Farmers also lodged a further submission opposing Whangarei District Council submission on this rule which sought</p> <p>a) To include a non-complying activity status for livestock access (including crossings) within 5km upstream of public water intakes, including region-wide mapping and</p> <p>b) to have a livestock exclusion buffer zone in place within 2 years of the plan becoming operative.</p> <p>Federated Farmers are concerned that these requests affect existing farming operations in some areas, and that formal and specific consultation with farmers in the affected areas should be undertaken before considering these rules, rather than including such restrictions by way of relief sought in a submission.</p> <p>Federated Farmers are concerned if</p>

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				<p>these rules get applied to bridges and culverts where stock don't enter water, but cross it, and if this relief may apply to future new public water supply intakes, thus affecting existing farms.</p> <p>Federated Farmers support the flexibility in exclusion methods as Northland is renowned for experiencing extreme weather events which is likely to repeatedly damage fencing infrastructure and result in perverse outcomes. The flexibility also enables the utilisation of natural structures for exclusion e.g. cliffs etc.</p> <p>A minimum size threshold for natural wetlands (and identification of significant wetlands on a map) may discourage the perverse outcome of deliberate grazing of wetlands during the summer months or dry conditions prior to rule introduction.</p>
18	C.8.1.2 Access of livestock to rivers, lakes, and wetlands – discretionary activity	<p>The access of livestock to a natural wetland that is larger than 2000m², the bed of a lake or a <u>continually permanently-flowing river, or a continually permanently-flowing artificial watercourse drain</u> that is not:</p> <ol style="list-style-type: none"> 1) a permitted activity under <u>C.8.1.1 Access of livestock to the bed of a water body or continually permanently flowing artificial watercourse – permitted activity</u>, or 2) a permitted activity under <u>E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity</u>, or 	<p>That the rule be retained as a Restricted Discretionary activity subject to appropriate refinement.</p> <p>That a minimum size threshold of 5 ha be provided for required stock exclusion from natural wetlands.</p> <p>That significant wetlands be identified through mapping.</p> <p>That a stocking density trigger be provided stock exclusion requirements in hill country.</p>	<p>Federated Farmers lodged a submission seeking that the notified rule be retained as a restricted discretionary activity.</p> <p>Federated Farmers sought a minimum size threshold for stock exclusion from <i>natural wetlands</i> (e.g. 5 ha), and that mapping be done of <i>significant wetlands</i> (to provide certainty for farmers having to invest in livestock exclusion), and that a stocking density trigger be included</p>

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		<p>3) a permitted activity under <u>E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity</u>, or</p> <p>4) a non-complying activity under <u>C.8.1.3 Access of livestock to a significant wetland, an outstanding freshwater body, and or the coastal marine area – non-complying activity</u>,</p> <p>is a restricted discretionary activity.</p> <p>Matters of discretion:</p> <p>1) Effects on water quality.</p> <p>2) The extent to which livestock can be effectively excluded.</p> <p>3) The methods and timing for excluding livestock.</p> <p>4) The sensitivity of the water body to the effects of livestock access.</p> <p>5) Effects on:</p> <p>a) Mahinga kai and access to mahinga kai, and</p> <p>b) Indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and</p> <p>c) Wāhi tapu, and</p> <p>d) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps')</p> <p>Notification:</p> <p>Resource consent applications under this rule are precluded from notification (limited or public)</p>	<p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.</p>	<p>for hill country exclusion.</p> <p>Federated Farmers also lodged a further submission in support of L Newport's submission addressing the following matters amongst others:</p> <ul style="list-style-type: none"> • 'stocking ratio' • 'accuracy of the stock exclusion maps'. <p>Federated Farmers' appeal on this rule is closely linked to its appeal on Rule C.8.1.1 (Appeal Point 17).</p> <p>Federated Farmers are concerned that most deer farmers will be unable to meet conditions in C.8.1.1, and will require resource consent under this rule. Federated Farmers are further concerned that beef cattle and dairy support cattle are often grazed at lower densities than dairy cattle. This can make stock exclusion methods more-costly per hectare (compared to returns), which when coupled with a smaller economic base to recoup costs, will mean that this rule risks subjecting farmers to onerous costs, especially given that <i>significant wetlands</i> have not been mapped, and the consent status trigger for natural wetlands is 2,000m².</p> <p>Federated Farmers also point out that the effectiveness of this rule heavily relies on rules relating to the management and enhancement of</p>

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				sediment traps and constructed or reverted wetlands (C.2.2.3) (amongst other rules).
19	C.8.2.1 Land preparation – permitted activity	<p>Land preparation Cultivation of land and any associated damming and diversion of stormwater, and discharge of stormwater into water or onto or into land where it may enter water, is a are permitted activities, activity provided:</p> <p>1) the activity is not undertaken in the catchment of an outstanding lake or a dune lake with outstanding or high ecological value, and</p> <p>2) the activity is not undertaken: done on highly erodible land, and a) on erosion-prone land, or b) within five metres of a natural wetland, the bed of a lake, or the bed of a continually or intermittently flowing river, and</p> <p>3) if the land preparation is associated with horticulture and clause 2) is not complied with, it is undertaken in accordance with the <i>Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand)</i>, and the activity does not occur within: a) five metres of a natural wetland, the bed of a lake or a permanently or intermittently flowing river or stream, or b) an ephemeral watercourse, and</p> <p>4) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20 metre radius from a point of discharge. a) any conspicuous change in colour or visual clarity, or b) rendering fresh water unsuitable for consumption by farm animals, or c) any significant adverse effects on aquatic</p>	<p>That the rule be amended as follows:</p> <p>...</p> <p>4) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing from a point of discharge.</p> <p>...</p> <p>Further, that if a blanket setback rule is to be used, that this rule be amended to cater for land gradient. For example, a differential could be based on lowland and hill country area maps, as additional clauses, for example:</p> <p>5) <u>on lowland areas as mapped in I 'Maps', the activity does not occur within two metres of a natural wetland, the bed of a lake or a permanently or intermittently flowing river or stream, except for direct drilling, which shall be permitted within such setback; or</u></p> <p>6) <u>on hill country areas as mapped in I 'Maps', the activity does not occur within five metres of a natural wetland, the bed of a lake or a permanently or intermittently flowing river or stream, except for direct drilling, which shall be permitted within such setback</u></p> <p>...</p>	<p>Federated Farmers lodged a submission on this rule seeking deletion of ephemeral; watercourse, and reduction of the setback from 5m to something less restrictive for farmers. Federated Farmers also lodged a further submission opposing Royal Forest and Bird Protection Society's submission on this rule, which sought more controls on cultivation of land.</p> <p>Federated Farmers also made further submissions on the concept of a 'Zone of Reasonable Mixing' as the environment in consideration for managing effects of discharges. The Council decision to adopt the <i>Zone of Reasonable Mixing</i> concept widens the environment in consideration (for this rule), beyond what was initially anticipated in the notified proposed plan. This intensifies the risk of delay and cost to farmers in having to pursue resource consent applications for everyday land cultivation, where there is arguably little or no environmental benefit.</p> <p>Federated Farmers would prefer that any question about this environment was confined to point source discharges, as initially proposed in the rule so that it doesn't</p>

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		<p>life.</p>	<p>And that hill country area be mapped in Section I Maps.</p> <p>Alternatively, that a system such as the Auckland Unitary Plan be adopted, where a staged system is employed of 2m setback up ≤ 10°, 5 m setback between 10° and 20° and 10 m setback >20°.</p>	<p>unnecessarily capture non-point source discharges from normal farming activity.</p> <p>Further, a blanket 5m land cultivation setback from natural wetlands, beds of lakes or rivers is excessive in Federated Farmers' view, especially on flat and lower gradient land. Federated Farmer submitted in support of direct drilling land cultivation methods occurring within setbacks. Otherwise, setbacks prevent pasture renovation and summer cropping with turnip, chicory or maize from being conducted within the setback area.</p>
20	C.8.3.1 Earthworks – permitted activity	<p>Earthworks <u>outside the bed of a river, lake, wetland and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are</u> is a permitted activities activity provided:</p> <p>1) the area and volume amount of earthworks at a particular location or associated with a project complies with the thresholds in the following <u>Table 8:</u></p> <p>(Table 8 on Page 262 of the Council's tracked change decision version of the PRP sets out Permitted activity earthworks thresholds)</p> <p><u>1A) the discharge is not within 20 metres of a geothermal surface feature, and</u></p> <p>2) <u>good management practice</u> erosion and sediment control measures are implemented in accordance with, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland</p>	<p>That the rule be amended by adding exemptions from compliance standards for typical minor farm earthworks, including:</p> <p>The following farm earthworks, shall be exempt from compliance with permitted activity conditions in this rule:</p> <ul style="list-style-type: none"> • tilling or cultivation of soil for the establishment and maintenance of crops and pasture; • harvesting of crops; • planting trees; • removing trees; • horticultural root ripping; • digging of offal pits • burying dead stock and plant waste; • digging post holes; • drilling bores; • installing and maintaining services such as water pipes and troughs; • farm quarries where excavated material 	<p>Federated Farmers submitted on this rule, seeking that it be retained. Federated Farmers support targeted measures to reduce sediment from soil erosion in waterways. Whereas, blanket rules that do not make appropriate distinctions between different types of activities, risk unnecessarily capturing all manner of farm earthworks in costly and needless resource consent processes.</p> <p>In line with our appeal on the definition of <i>earthworks</i> (Appeal Point 6), Federated Farmers seek exemptions for typical farm earthworks from compliance with permitted activity standards (including the thresholds for permitted activity status) in this rule.</p>

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		<p><i>Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented for the duration of the activity, and</i></p> <p>3) batters and side castings are stabilised to prevent slumping, and</p> <p>4) areas of exposed earth is are stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, or otherwise contained, and</p> <p>5) earth and debris are not deposited into, or in a position where they can enter, a natural wetland, <u>a continually or intermittently flowing river, a lake, an artificial water course, or the coastal marine,</u> and</p> <p>6) the earthworks activity does not:</p> <p>a) reduce the height of a dune crest in a coastal hazard riparian and foredune management area, <u>except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work,</u> or</p> <p>b) exacerbate flood or coastal hazard risk on any other property, or</p> <p>c) create or contribute to the instability or subsidence of land on other property, or</p> <p>d) divert flood flow onto other property, and</p> <p>7) any associated <u>damming,</u> diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters <u>beyond the zone of reasonable mixing – a 20 metre radius of the point of discharge:</u></p> <p>a) any conspicuous change in the colour or visual clarity, or</p> <p>b) the rendering of fresh water unsuitable for consumption by farm animals, <u>and or c) any significant adverse effects on aquatic</u></p>	<p>is not removed from the farm site.</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 are concerned that the scale of limitations on earthworks (in the decisions version of Rule C.8.3.1) is problematic for practical rural earthworks. In rural areas, the scale of earthwork activity on farms is arguably different to what may be appropriate within urban areas. Rural amenity values are characterised by expansive open space and low development intensity, and such areas are more capable of absorbing potential adverse effects of earthworks than the more-confined spaces of urban areas. Furthermore, Federated Farmers submit that earthworks associated with farming are to be expected as part of the character of rural areas.</p> <p>Federated Farmers are concerned that if the thresholds for permitted earthworks in Rule C.8.3.1 remain inappropriately restrictive, then normal farming operations will be unduly triggered to requirement for resource consent, resulting in unnecessarily burdensome costs and delays for what amounts to little or no environmental benefit.</p>

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
		<p>life, and</p> <p>7A) <u>information on the source and composition of any clean fill material and its location within the disposal site are recorded and provided to the Regional Council on request, and</u></p> <p>8) the <u>Regional Council's compliance manager is given at least five working days' notice (in writing or by email) of any earthworks activity being undertaken within a high-risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in and sand dunes within a coastal-hazard riparian and foredune management area.</u></p> <p>Note: <u>It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.</u></p> <p><u>Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity could modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.</u></p>		

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
21	C.8.4.2 Vegetation clearance in riparian areas – permitted activity	<p>Vegetation clearance <u>within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake</u> the coastal hazard management area, and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are <u>is a permitted activities activity</u>, provided:</p> <ol style="list-style-type: none"> 1) the area of cleared vegetation does not exceed <u>200 square metres</u> the following thresholds in any 12-month period: <u>and</u> <ol style="list-style-type: none"> a) <u>200 square metres within 10 metres of a natural wetland or the bed of a river or lake, or</u> b) <u>five hectares on highly erodible land if the cleared area is replanted with woody vegetation within six months from completion of the clearance, or</u> c) <u>5000 square metres on highly erodible land if the cleared area is not replanted with woody vegetation, and</u> 2) vegetation is felled away from rivers, lakes, <u>and natural wetlands</u>, and the coastal marine area except where it is unsafe or impractical to do so, and 3) vegetation is not cleared by fire on peat soils, <u>and</u> 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it has the potential could to mobilise under <u>because of heavy rain or flood flows</u> and: <ol style="list-style-type: none"> a) be deposited on other property, or b) divert or dam water, or c) cause bed or bank erosion, or d) damage receiving environments, downstream infrastructure, or property, and 5) any discharge of sediment originating from the 	<p>That the rule be amended as follows:</p> <p>Vegetation clearance within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are <u>is a permitted activities activity</u>, provided:</p> <ol style="list-style-type: none"> 1) the area of cleared vegetation does not exceed <u>200 square metres</u> the following thresholds in any 12-month period: <u>and</u> <ol style="list-style-type: none"> a) <u>200 square metres within 10 metres of a natural wetland or the bed of a river or lake, or</u> b) <u>five hectares on highly erodible land if the cleared area is replanted with vegetation within six months from completion of the clearance, or</u> c) <u>5000 square metres on highly erodible land if the cleared area is not replanted with vegetation, and</u> 2) vegetation is felled away from rivers, lakes, and natural wetlands area except where it is unsafe or impractical to do so, and 3) 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise because of heavy rain or flood flows and: <ol style="list-style-type: none"> a) be deposited on other property, or b) divert or dam water, or c) cause bed or bank erosion, or d) damage receiving environments, downstream infrastructure, or property, and 	<p>Federated Farmers submitted on the notified rule seeking that it be retained and that the type of vegetation that was the topic of the rule be appropriately defined. In evidence submitted at the Council hearing, Federated Farmers sought exemptions for typical farm operations involving vegetation clearance, such as per para 4.3, 4.4 4.5 of P Match Hearing Statement of Evidence. This requested relief is reiterated in this appeal.</p> <p>Federated Farmers also lodged a further submission opposing Auckland Council's submission on this rule, which sought thresholds of 200m² (instead of 5,000m²) for triggering a consent requirement for <i>vegetation clearance</i>. The scale of limitations on vegetation trimming (in the decisions version of Rule C.8.4.2) is problematic for practical farming. In rural areas, amenity values are characterised by expansive open space and low development intensity, and these areas are capable of easily absorbing the potential adverse effects of significantly larger areas of vegetation removal. Moreover, farming (which typically involves all manner of vegetation trimming and removal for various reasons) is an activity that is to be expected in rural areas.</p> <p>Federated Farmers are concerned</p>

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
		<p>cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:</p> <p>a) any conspicuous change in colour or visual clarity, or</p> <p>b) the rendering of fresh water unsuitable for consumption by farm animals. or</p> <p>c) any significant adverse effects on aquatic life.</p>	<p>4) 5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:</p> <p style="padding-left: 20px;">a) any conspicuous change in colour or visual clarity, or</p> <p style="padding-left: 20px;">b) the rendering of fresh water unsuitable for consumption by farm animals</p> <p>Or</p> <p>5) <u>The vegetation clearance is associated with the following farm activities:</u></p> <p style="padding-left: 20px;">a) <u>Pasture maintenance</u></p> <p style="padding-left: 20px;">b) <u>Maintaining fences</u></p> <p style="padding-left: 20px;">c) <u>Maintaining water supply pipelines</u></p> <p style="padding-left: 20px;">d) <u>Maintaining farm water storage dams</u></p> <p style="padding-left: 20px;">e) <u>Maintaining rural fire breaks on property boundaries</u></p> <p style="padding-left: 20px;">f) <u>Maintaining 5 metre minimum clearance around farm dwellings and farm buildings and structures such a storage silos</u></p> <p style="padding-left: 20px;">g) <u>Maintaining clear farm access tracks</u></p> <p style="padding-left: 20px;">h) <u>Maintaining private topdressing airstrips and associated aircraft landing and take-off paths</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>that if the thresholds for permitted vegetation removal in Rule C.8.4.2 remain inappropriately restrictive, then normal farming operations will be unduly triggered to requirement for resource consent, resulting in unnecessarily burdensome costs and delays for what amounts to little or no environmental benefit.</p> <p>Federated Farmers also consider that the rule as it stands in the Council's decision will have the perverse outcome of discouraging planting of indigenous vegetation.</p> <p>Furthermore, there is some confusion about what is permitted in the Council's decision. Federated Farmers consider that the damming and diversion of stormwater is more appropriate as a topic of a different rule altogether.</p> <p>Taking all the above into consideration, Federated Farmers seek exemption for vegetation clearance associated with typical farming operations in the rule.</p>

Policies

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
22	D.2.7 Managing adverse effects on indigenous biodiversity	<p>Manage the adverse effects of activities requiring resource consent on indigenous biodiversity by:</p> <p>1A) <u>in the coastal environment:</u></p> <p>a) <u>avoiding adverse effects on:</u></p> <p>i) ...</p> <p>ii) <u>areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and</u></p> <p>iii) ...</p> <p>b) <u>avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:</u></p> <p>i) <u>areas of predominantly indigenous vegetation, other than areas of mangroves to be pruned or removed for one of the purposes listed in D.5.22, and</u></p> <p>ii) ...</p> <p>1B) <u>outside the coastal environment:</u></p> <p>a) <u>avoiding, remedying or mitigating adverse effects so they are no more than minor on:</u></p> <p>i) ...</p> <p>ii) <u>areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and</u></p> <p>iii) ...</p> <p>b) <u>avoiding, remedying or mitigating adverse effects so they are not significant on:</u></p> <p>ii) <u>areas of predominantly indigenous vegetation, and</u></p> <p>iii) ...</p> <p>1) <u>recognising the following layers in I ‘Maps’ as showing areas of significant indigenous vegetation and habitats of indigenous fauna in</u></p>	<p>That the policy be amended as follows:</p> <p>Manage the adverse effects of activities on indigenous biodiversity by:</p> <p>1A) <u>in the coastal environment:</u></p> <p>a) <u>avoiding adverse effects on:</u></p> <p>i) ...</p> <p>ii) <u>areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, which are identified through mapping, and</u></p> <p>iii) ...</p> <p>b) <u>avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:</u></p> <p>i) <u>areas of predominantly indigenous vegetation, other than areas of mangroves to be pruned or removed for one of the purposes listed in D.5.22 or permitted trimming or removal of vegetation associated with permitted farming activity, and</u></p> <p>ii) ...</p> <p>1B) <u>outside the coastal environment:</u></p> <p>a) <u>avoiding, remedying or mitigating adverse effects so they are no more than minor on:</u></p> <p>i) ...</p> <p>ii) <u>areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement which are identified through</u></p>	<p>Federated Farmers submitted on this policy seeking that the notified policy be retained and the balancing policy to enable positive effects be able to be considered when significant residual effects could not be avoided.</p> <p>Federated Farmers also lodged a further submission in respect of Landcorp’s submission on this policy which sought clarity on the term “connections” through specific criteria including size of area and distance between areas of indigenous biodiversity that is more explicit in its meaning and therefore will not be subject to multiple interpretations.</p> <p>Federated Farmers agree that clarity is needed around any policy or requirement to consider ecosystem ‘linkages’ or ‘connections’, which is otherwise somewhat vague in its meaning, and could needlessly generate consent requirements. In this regard, Federated Farmers are particularly concerned about how this ‘connectivity’ may affect day-to-day farming activity, where farmland is between identified priority biodiversity or vegetation management areas. Federated Farmers would not wish farming to be caught up in onerous resource consent requirements as a result of such policy.</p>

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		<p>the coastal marine area, in accordance with the assessment criteria of Appendix 5, Regional Policy Statement for Northland: <u>recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna include:</u></p> <ul style="list-style-type: none"> a) Significant Ecological Areas, and b) Significant Bird Areas, and c) Significant Marine Mammal and Seabird Areas, and <p>2) recognising damage, disturbance or loss to the following as being <u>potential</u> adverse effects:</p> <ul style="list-style-type: none"> a) connections between areas of indigenous biodiversity, and <p>...</p>	<p>mapping, and</p> <ul style="list-style-type: none"> iii) ... b) avoiding, remedying or mitigating adverse effects so they are not significant on: <ul style="list-style-type: none"> i) areas of predominantly indigenous vegetation <u>except for permitted trimming of removal of vegetation associated with permitted farming activity</u>, and <p>...</p> <p>1C) <u>In addition to measures to avoid, remedy or mitigate adverse effects, consider the use of biodiversity offsets in circumstances where there are ecologically significant residual effects and/or compensation or other measures that will result in positive effects.</u></p> <p>1) <u>recognising the following layers in I 'Maps' as showing areas of significant indigenous vegetation and habitats of indigenous fauna in the coastal marine area, in accordance with the assessment criteria of Appendix 5, Regional Policy Statement for Northland: recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna include:</u></p> <ul style="list-style-type: none"> a) Significant Ecological Areas, and b) Significant Bird Areas, and c) Significant Marine Mammal and Seabird Areas, and <p>2) recognising damage, disturbance or loss to the following as being <u>potential</u> adverse effects:</p> <ul style="list-style-type: none"> a) connections between areas of 	

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			<p>indigenous biodiversity <u>excluding any such areas on farmland</u>, and</p> <p>....</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.</p>	
23	D.4.27 Natural Wetlands - requirements	<p>Activities affecting a <u>natural</u> wetland must:</p> <p>1) <u>should</u> maintain the following important functions and values of wetlands, <u>including</u>:</p> <p>...</p> <p>d) <u>providing</u> habitat for indigenous flora and <u>fauna, including ecological connectivity to surrounding habitat</u>, and</p> <p>...</p>	<p>That the policy be amended to delete Clause 1) d) or as otherwise necessary to address our concerns.</p>	<p>Federated Farmers submitted on this policy, seeking that it apply to significant or natural wetlands, in order to reduce uncertainty for farmers, whereby activities on farmland that aren't in a significant or natural wetland, may've been affected by the policy.</p> <p>As it happens, the policy (as amended by the Council's decision) introduces a further element of uncertainty in Clause 1) d), which Federated Farmers would prefer removed. The phrase 'connectivity to surrounding habitat', creates uncertainty as to the extent of such 'connectivity', which raises similar concerns to those raised in Appeal Point 22.</p>
24	D.4.32 Exceptions to livestock exclusion requirements	<p>When considering an application for a resource consent to allow livestock access to the bed of a lake or a permanently <u>continually</u> flowing river, a permanently <u>continually</u> flowing drain <u>artificial watercourse</u>, a natural wetland, or the coastal marine area, have particular regard to:</p> <p>...</p> <p>3) the implementation of substitute <u>measures, mitigations</u> such as constructed wetlands, to avoid or <u>mitigate</u></p>	<p>That this policy be amended as follows:</p> <p>When considering an application for a resource consent to allow livestock access to the bed of a lake or a continually flowing river, a continually flowing artificial watercourse, a natural wetland, or the coastal marine area, have regard to:</p> <p>...</p> <p>3) the implementation of substitute measures such as constructed wetlands <u>and stocking</u></p>	<p>Federated Farmers submitted on this policy, concerned that some types of measures of implementation are included, which selectively ignore farm management measures.</p> <p>Federated Farmers consider stock density to be a relevant factor when considering adverse effects of livestock access to the bed of a lake,</p>

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		<p>minimise losses of sediment and faecal microbes to downstream water bodies and coastal waters., <u>and</u></p> <p>...</p>	<p><u>density</u>, to avoid or mitigate losses of sediment and faecal microbes to downstream water bodies and coastal waters, and...</p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.</p>	<p>river or wetland for the purpose of avoiding or mitigating losses of sediment and faecal microbes to waterbodies. Accordingly, Federated Farmers submit that this should be recognised in the policy.</p>
25	<p>D.1.5 and D.1.x – New policies sought on mapping of sites of significance to tangata whenua and process for incorporating these into the plan</p>	<p>Requested policies were not incorporated into the plan</p>	<p>That Policy D.1.5 be amended to include:</p> <p>2) is either</p> <p>a) a Site or Area of Significance to Tangata Whenua, which is a single resource or set of resources identified, described and <u>mapped in the Regional Plan (refer I Maps) contained in a mapped location</u>, or</p> <p>b) a Landscape of Significance to Tangata Whenua which is a collection of related resources identified and described and mapped in the Regional Plan (refer I Maps) within a mapped area....</p> <p>That new Policy (D.1.x) be incorporated along the following lines:</p> <p><u>D.1.x. Mechanism by which Sites, Areas and Landscapes of Significance to Tangata Whenua may be added to the Plan.</u></p> <p><u>Sites, Areas and Landscapes of Significance to Tangata Whenua shall only be added to Maps in the Regional Plan (refer I Maps) in accordance with the following procedure:</u></p> <p>1) <u>Any hapu or iwi, or iwi authority, may apply at any time to Council to include Sites, Areas and/or Landscapes of</u></p>	<p>Federated Farmers made a further submission in support of AFFCO's submissions seeking insertion of new policies on these matters.</p> <p>These submissions were rejected in the Council's decision.</p> <p>Nevertheless, Federated Farmers submit that such policies ought to be incorporated into the Plan, so that such areas are formally mapped and that there be a formal process for introducing new sites, etc, into the Plan, requiring notification so affected landowners and other parties can participate.</p>

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	Plan Provision	NRC Council decision	Federated Farmers appeal relief sought	Reason(s) for the relief sought
			<p><u>Significance to Tangata Whenua in Regional Plan Maps.</u></p> <p>2) <u>The inclusion by Council of such Sites, Areas and/or Landscapes of Significance to Tangata Whenua in Regional Plan Maps shall be treated as a Plan Change pursuant to Section 65 of the RMA</u></p> <p>And any consequential amendment(s) necessary to give effect to this relief or as otherwise necessary to address or concerns.</p>	