

**Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.**

**Form 5 Submission on publically notified proposal for policy statement or plan, change or variation**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Timaru District Council - Planning Unit

**Date received:** 14/12/2022

**Submission Reference Number #:**36

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

**Submitter:**

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**I wish to be heard:** Yes

**I am willing to present a joint case:** Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **N/A**

**Submission points**

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**Point 36.1**

**Section:** NH – Natural Hazards

**Sub-section: Rules**

**Provision:**

<b>NH- R2</b>	<b>Fences</b>	
<b>Flood Assessment Area Overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Restricted Discretionary</b>
	<b>Where:</b>	<b>Matters of discretion are restricted to:</b>
	<b>PER-1</b>	1. the type of fencing and materials proposed and the potential to obstruct water flow; and
	At least 70% of the surface area of the fence is permeable above ground; or	2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and
	<b>PER-2</b>	3. any increased flood risk for people, property, or public spaces; and
	A Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flow path.	4. the effectiveness and potential adverse effects of any proposed mitigation measures.

**Sentiment:** Amend

**Submission:**

While the intent of the rule is understood, it has not taken into account the practicalities of farming and the need for secure fencing and therefore needs to be amended.

**Relief sought**

The Council needs to take into consideration the practicalities of farming and the need for different types of fences required and other practical and realistic measures that can be taken to prevent damage due to flood.

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**Point 36.2**

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Objectives

**Provision:**

<b>SASM-O3</b>	<b>Protection of Sites and Areas of Significance</b>
The values of identified areas and sites of significance to Kāti Huirapa are recognised and protected from inappropriate subdivision, use and development.	

**Sentiment:** Amend

**Submission:**

It is not clear who is responsible for determining what an 'inappropriate' subdivision, use or development is and how they have made this decision

**Relief sought**

### Point 36.3

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Policies

**Provision:**

#### **SASM-P2 Consultation and engagement with Kāti Huirapa**

Encourage and facilitate consultation and engagement between landowners and applicants with Kāti Huirapa, prior to applying for consent and/or undertaking activities within or adjacent to the identified sites and areas listed in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa, as being the most appropriate way to obtain understanding of the potential impact of any activity on the site or area.

**Sentiment:** Amend

**Submission:**

The suggestion that consultation and engagement with Kati Huirapa prior to undertaking activities adjacent to identified sites should occur is ambiguous and out of scope. The Plan is already suggesting significant restrictions within the identified Sites of Significance to Maori. There is no need to control functional activities outside of these sites as well.

**Relief sought**

Wish to have the suggestion that consultation and engagement prior to undertaking activities adjacent to identified sites be explained or removed.

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### Point 36.4

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Policies

**Provision:**

#### **SASM-P8 Protection of wāhi taoka, wāhi tapu, wai taoka and wai tapu sites and areas**

Where an activity is proposed within any of the wāhi taoka sites, wāhi tapu sites, wai taoka areas and wai tapu areas listed in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa, ensure that:

1. there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area, including the connections of Kāti Huirapa to the site or area, the mauri of the site or area, site integrity, and the ability of the site or area to support taoka species and mahika kai; and
2. an accidental discovery protocol is prepared and adopted for any earthworks; and
3. any adverse effects on identified values are avoided unless it can be demonstrated that:
  - a. due to the functional needs of the activity, it is not possible to avoid all adverse effects; and
  - b. any residual effects that cannot be practicably avoided are mitigated, as far as possible, in a way that protects, maintains or enhances the overall values of the site or area; and
  - c. where any historical loss of values can be remediated.

**Sentiment:** Oppose

**Submission:**

Farming activities and any possible adverse effects are already mitigated by existing practices and controlled through audited Farm Environment Plan's which are a requirement of Environment Canterbury consents to farm. To undergo additional engagement and consent processes takes away valuable time and resources from works to enhance the values of these sites as

per SD-05.

## Relief sought

Recognise that there are existing consents and Farm Environment Plans for some of the activities specified where all adverse effects are already mitigated as far as possible.

### Point 36.5

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Rules

**Provision:**

#### **SASM-R1 Earthworks not including quarrying and mining**

1. *Note: for earthworks associated with quarrying and mining, see SASM-R5*

**Wāhi Tūpuna  
Overlay**

**Activity status: Permitted**

**(excluding  
the Māori  
Purpose  
Zone)**

**Where:**

#### **PER-1**

The activity is either:

1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / utilities, do not exceed a maximum area of 750m<sup>2</sup>; or
2. earthworks for the purpose of maintaining existing roads, tracks, or natural hazard mitigation works, and are within the footprint or modified ground comprised by the existing road, track or natural hazard mitigation works; and

#### **PER-2**

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

**Activity status when compliance not achieved:  
Restricted Discretionary**

**Matters of discretion are restricted to:**

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
  - a. affirm the connection between mana whenua and place; or
  - b. enhance the cultural values of the site/area; or
  - c. provide for the relationship of Kāti Huirapa

- with their taoka;
- commensurate with the scale and nature of the proposal; and
- 8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
- 9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
- 10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

**Note:** Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

**Sentiment:** Oppose

**Submission:**

As the rule reads, any earthworks less than 750m<sup>2</sup> to maintain a track not within the footprint of an existing track will require a resource consent. This rule does not consider the complexities of earth works undertaken on farm, does not provide enough detail and does not provide adequate justification for the severity of its restriction. Tracks are vital for the health and safety of workers and also for maintaining animal and soil health.

**Relief sought**

Have more consideration for the breadth of small-scale low-impact earthworks undertaken on a farm and how excessive it would be to go through an expensive and resource heavy consent process for these very low-impact activities. Account for these activities within this rule.

**Point 36.6**

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Rules

**Provision:**

<b>SASM-R1 Earthworks not including quarrying and mining</b>	
<b>2.</b>	<b>Activity status: Permitted</b>
<b>Wāhi Taoka and Wai Taoka Overlay</b>	<b>Where:</b>
	<b>PER-1</b>
	The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:
	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
	<b>Matters of discretion are restricted to:</b>
	1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and

1. existing fencing; or
2. existing tracks or roads; or
3. existing reticulated stock water systems including troughs; or
4. existing natural hazard mitigation works; and

**PER-2**

The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and

**PER-3**

Any replacement item is of the same nature, character and scale of the item being replaced; and

**PER-4**

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
  1. affirm the connection between mana whenua and place; or
  2. enhance the cultural values of the site/area; or
  3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

**Note:** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*

**Sentiment:** Oppose

**Submission:**

This rule does not consider the complexities of earth works undertaken on farm, does not provide enough detail and does not provide adequate justification for the severity of its restriction. Fencing, tracks and stock water systems are vital for the health and safety of workers and also for maintaining animal and soil health.

**Relief sought**

Have more consideration for the breadth of small-scale low-impact earthworks undertaken on a farm and how excessive it would be to go through an

**Point 36.7**

**Section: SASM – Sites and Areas of Significance to Maori**

**Sub-section: Rules**

**Provision:**

<b>SASM-R2</b>	<b>Buildings and structures, including additions and alterations to existing buildings and structures and network utilities</b>	
1.	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
<b>Wāhi taoka Overlay</b>	<b>Where:</b>	<b>Matters of discretion are restricted to:</b>
	<b>PER-1</b>	
	For buildings or structures located outside of the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, the following limitations apply:	
	<ol style="list-style-type: none"> <li>1. The maximum height of buildings and structures does not exceed 5m above ground level; and</li> <li>2. Buildings and structures are not located within 20m vertical or 100m horizontal of any ridgeline; and</li> <li>3. Buildings and structures are not located at any point above 900m above sea level; and</li> <li>4. The maximum footprint of any building or structure does not exceed 300m<sup>2</sup>.</li> </ol>	<ol style="list-style-type: none"> <li>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li> <li>2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and</li> <li>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</li> <li>4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and</li> <li>5. the appropriateness of any mitigation measures proposed; and</li> <li>6. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:             <ol style="list-style-type: none"> <li>a. affirm the connection between mana whenua and place; or</li> <li>b. enhance the cultural values of the site/area; or</li> <li>c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</li> </ol> </li> <li>7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</li> <li>8. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</li> </ol>
	<b>Note:</b> For buildings or structures located within the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, there is no limitation.	

**Note:** Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

**Sentiment:** Oppose

**Submission:**

Opposed as there is no justification for why the height and footprint of a building or structure within the Wahi Taoka will impact on the values of that site. The additional requirements for the activity are excessive.

**Relief sought**

Provide justification for how the restrictions listed have been determined.

**Point 36.8**

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Rules

**Provision:**

<b>SASM-R5</b>	<b>Mining and quarrying</b>
<b>1.</b>	<b>Activity status: Permitted</b>
<b>Wāhi tūpuna Overlay</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
<b>Where:</b>	<b>Matters of discretion are restricted to:</b>
<b>PER-1</b>	<ol style="list-style-type: none"><li>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li><li>whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and</li><li>the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</li><li>effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and</li><li>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and</li><li>the appropriateness of any mitigation measures proposed; and</li><li>whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture,</li></ol>
The mining and/or quarrying do not exceed a maximum area of 750m <sup>2</sup> ; and	
<b>PER-2</b>	
The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.	



history and identity associated with the site/area, and any potential to:

- a. affirm the connection between mana whenua and place; or
  - b. enhance the cultural values of the site/area; or
  - c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

**Note:** Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

**Sentiment:** Oppose

**Submission:**

Mining and quarrying being a permitted activity if under a certain size, and with no other limitations, is incongruous with the other rules within this section i.e. the significant restrictions on farming.

**Relief sought**

Provide rationale for why mining and quarrying is a Permitted Activity (if smaller than a certain size) whereas dairy farming is a Restricted Discretionary activity.

**Point 36.9**

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Rules

**Provision:**

<b>SASM-R5</b>	Mining and quarrying	
<b>2.</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b>
<b>Wai taoka Overlay</b>	<b>Where:</b>	<b>Matters of discretion are restricted to:</b>
	<b>PER-1</b>	
	The quarrying is from the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained); and	
		1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
		2. whether a cultural impact assessment has been undertaken and the proposal's consistency with

## PER-2

Excavated materials are removed from the bed of the within 10 days.

- the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
  4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
    1. affirm the connection between mana whenua and place; or
    2. enhance the cultural values of the site/area; or
    3. provide for the relationship of Kāti Huirapa with their taonga; commensurate with the scale and nature of the proposal; and
  5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.

**Activity status when compliance not achieved with PER-2: Discretionary**

**Sentiment:** Oppose

### Submission:

Mining and quarrying being a permitted activity if under a certain size, and with no other limitations, is incongruous with the other rules within this section i.e. the significant restrictions on farming.

### Relief sought

Provide rationale for why mining and quarrying is a Permitted Activity (if smaller than a certain size) whereas dairy farming is a Restricted Discretionary activity.

In addition, it seems that 'the bed' has been repeated after PER-2 and the sentence does not make sense.

## Point 36.10

**Section:** SASM – Sites and Areas of Significance to Maori

**Sub-section:** Rules

### Provision:

SASM-R6	Intensively farmed stock	Activity status where compliance not achieved:
1.	<b>Activity status: Restricted discretionary</b>	<b>Not applicable</b>
<b>Wai taoka Overlay</b>	<b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"><li>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation;</li></ol>	

- and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
  3. the potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
  4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
    - a. affirm the connection between mana whenua and place; or
    - b. enhance the cultural values of the site/area; or
    - c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
  5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.

**2. Activity status: Non-complying**

**Wāhi taoka,  
wāhi tapu,  
and wai tapu  
overlays**

**Activity status where compliance not achieved:  
Not applicable**

**Sentiment:** Oppose

**Submission:**

The definition of 'Intensively Farmed Stock' is too broad and has the potential to capture small-scale low-impact activities which would then be subject to additional and excessive resource consent processes. The negative consequences of the implementation of this rule significantly outweighs any potential adverse effects these activities may have.

Farming activities fall within the jurisdiction of Environment Canterbury. Any potential adverse effects on the values identified are adequately managed through Environment Canterbury resource consent processes.

**Relief sought**

Provide a more concise and considered definition of 'Intensively Farmed Stock' in consultation with the farming community and provide for farming to be a Permitted Activity, with specific criteria, or remove the rule.

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**Point 36.11**

**Section:** NATC – Natural Character

**Sub-section:** Rules

**Provision:**

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NATC-R4	Construction of fences	
Riparian margins of an HNWB	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

**Sentiment:** Oppose

**Submission:**

The construction of fences help support the preservation of these high value areas by excluding stock. The requirement to apply for a resource consent to undertake fencing will divert limited resources away from enhancing these areas.

**Relief sought**

Provide justification for how the restrictions listed have been determined.

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**Point 36.12**

**Section:** VS – Versatile Soil

**Sub-section:** Rules

**Provision:**

VS-R1	Buildings and impervious surfaces	
Versatile Soil Overlay	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary
	<p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The maximum area covered by buildings and impervious surfaces must not exceed 10% of that portion of the site within the overlay or 2000m<sup>2</sup> within the overlay, whichever is the lesser. Except this does not apply to buildings and impervious surfaces for the widening or upgrading (including sealing) an existing road within the existing road reserve.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the buildings or impervious surfaces are necessary to support non-intensive primary production.</li> <li>2. the extent to which alternate locations outside the Versatile soil overlay are available on the site and have been considered.</li> <li>3. the extent to which the activity will result in adverse effects on the versatility of the soils which are irreversible.</li> </ol>

**Sentiment:** Oppose

**Submission:**

Impractical for farming activities.

**Relief sought**

Provide justification for the conditions of this rule

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**Point 36.13**

**Section:** VS – Versatile Soil

**Sub-section:** Rules

**Provision:**

**VS-R2** Subdivision of a site in the Versatile Soil Overlay

**All zones** Activity status: Restricted Discretionary

Activity status where compliance not achieved:  
Not applicable

**Matters of discretion are restricted to:**

1. the extent to which the proposed subdivision and the layout of allotments will result in fragmentation of versatile soils; and
2. the extent to which the size and shape of any proposed allotments will allow for any versatile soils to continue to be used for non-intensive primary production.

**Sentiment:** Oppose

**Submission:**

No clear rationale for the restrictiveness of the rule

**Relief sought**

Provide justification for the conditions of this rule

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**Point 36.14**

**Section:** SUB – Subdivision

**Sub-section:** Objectives

**Provision:**

**SUB-O5** Public access and esplanade reserves and Esplanade strips

Public access and esplanade reserves and strips created through subdivision will:

1. contribute to the protection of conservation values; and
2. provide for public access to and along identified rivers and the sea; and
3. provide public recreational uses along the waterways and coast where the use is compatible with conservation values.

**Sentiment:** Amend

**Submission:**

Unclear how and who will determine whether the proposed public recreational uses will be compatible with conservation values.

**Relief sought**

More detail required around how compatibility with conversation values will be assessed

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**Point 36.15**

**Section:** SUB – Subdivision

**Sub-section:** Policies

**Provision:**

**SUB-P7 Esplanade reserves and strips**

1. Identify margins of the coast or rivers in SCHED12 - Schedule of Esplanade Provisions where the provision of an esplanade reserve or strip would contribute to enabling public access, recreational use, and/or contribute to the protection of conservation values by;
  - a. maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or
  - b. maintaining or enhancing water quality; or
  - c. maintaining or enhancing aquatic habitats; or
  - d. protecting the natural values associated with the esplanade reserve or esplanade strip; or
  - e. mitigate natural hazards; and
2. Require esplanade reserves or esplanade strips to be created when land is subdivided on the margins of the coast and rivers listed in SCHED12 -Schedule of Esplanade Provisions); and
3. Only allow the minimum width of a required esplanade reserve or strip to be reduced, or the requirement for an esplanade reserve or strip to be waived where:
  - a. it is impractical to provide all or part of the required esplanade reserve or esplanade strip due to the physical characteristics and/or constraints of the site; or
  - b. providing the esplanade reserve or esplanade strip at the required minimum width would create a risk to public health or safety; or
  - c. the purpose of the required esplanade reserve or esplanade strip can be appropriately provided for by alternative means, including within the allotments created by subdivision; or
  - d. the reduced width is sufficient to protect the identified public access, recreation, or conservation values, or to provide for natural hazard mitigation; or
  - e. the costs of acquiring and/or maintaining the required esplanade reserve or esplanade strip would outweigh the potential public benefit; and
4. encourage access strips to be provided to connect esplanade reserves and strips with public open spaces, roads, pedestrian paths or cycleways.

**Note:** *The policies in the Public Access chapter are also relevant to any resource consent application to waive or reduce the width of a required esplanade reserve or esplanade strip.*

**Sentiment:** Oppose

**Submission:**

There are significant health and safety, security, biodiversity and cost implications for the provision of esplanades around farming land. There is no clarity around who will undertake the cost benefit analysis to determine whether the cost would outweigh the public benefit and how that process will be undertaken, and at what cost. On this particular property riparian margins were fenced off many years ago and have regenerated almost fully. To disturb these areas by creating an esplanade would be contrary to the biodiversity values being protected.

**Relief sought**

Reconsider the practicalities of creating esplanade strips and/or reserves around functioning farming operations and through high biodiversity value areas.

Provide more clarity around who will fund and maintain these areas and who is responsible for funding and undertaking cost benefit analysis of these areas.

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**Point 36.16**

**Section:** SUB – Subdivision

**Sub-section:** Standards

**Provision:**

<b>SUB-S8 Esplanade reserves and strips</b>		
<b>All zones (except the Port Zone)</b>	<ol style="list-style-type: none"><li>1. Where land is subdivided adjoining the coast, or any river listed in SCHED-12 – Esplanade Provisions, unless otherwise specified in the schedule, an esplanade reserve, esplanade strip or access strip (at Council's discretion) must be provided along the margins of the coast/river, with a minimum width of:<ol style="list-style-type: none"><li>a. 5m where an allotment(s) of 4ha or more is created;</li><li>b. 10m where an allotment(s) of less than 4ha is created;</li></ol></li><li>2. No esplanade reserve or esplanade strip is required where the public access or the conservation or recreation values identified in SCHED 12 Esplanade Provisions is secured by a marginal strip under Part IV of the Conservation Act 1987.</li></ol>	<b>Matters of discretion restricted to:</b> <ol style="list-style-type: none"><li>1. the extent to which the purpose of the required esplanade reserve or esplanade strip can be achieved through alternative means; and</li><li>2. the extent to which a reduced width will impact on the ability to achieve the intended purpose of the esplanade reserve or strip;</li><li>3. the extent to which the ability to provide the required esplanade reserve or strip is constrained by the site's physical characteristics or constraints; and</li><li>4. the extent to which provision of the required esplanade reserve or strip may adversely affect public health and safety; and</li><li>5. the costs of acquiring and maintaining the required esplanade reserve or strip, in comparison to the public benefit.</li></ol>

**Sentiment:** Oppose

**Submission:**

There are significant health and safety, security, biodiversity and cost implications for the provision of esplanades around farming land. On this particular property riparian margins were fenced off many years ago and have regenerated almost fully. To disturb these areas by creating an esplanade would be contrary to the biodiversity values being protected. In addition, there is no clarity around who is responsible for creating and maintaining these areas and whether any compensation will be paid to landowners for the provision of land.

**Relief sought**

Reconsider the practicalities of creating esplanade strips and/or reserves around functioning farming operations and through high biodiversity value areas. If they are to go ahead, provide compensation to the land owners for the provision of land to support these areas.

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**Point 36.17**

**Section:** CE – Coastal Environment

**Sub-section:** Rules

**Provision:**

<b>CE-R4 Buildings and structures and extensions (excluding Regionally Significant Infrastructure and fences)</b>		
<b>5</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Non-complying</b>
<b>Sea Water Inundation Overlay outside of urban areas</b>	<b>PER-1</b> The new building or extension has a maximum ground floor area per site of 25m <sup>2</sup> in any continuous 10-year period from 22 September 2022; or	

**PER-2**

The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or

**PER-3**

The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.

**Sentiment:** Oppose

**Submission:**

The rule is obscure and there is no justification for why the restrictions are in place.

**Relief sought**

Provide more clarity and justification for why the restrictions are in place.

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**Point 36.18**

**Section:** CE – Coastal Environment

**Sub-section:** Rules

**Provision:**

**CE- R13** Primary production not otherwise specified in this chapter

**Coastal High Natural Character Area Overlay** **Activity status: Discretionary**  
**Where:**  
  
**DIS-1**  
  
The activity does not involve irrigation or intensive primary production

**Activity status when compliance not achieved: Non-complying**

**Sentiment:** Amend

**Submission:**

Although the Milford Lagoon has already been retired from farming, the effect of this rule is significant in potentially reducing the value of the land.

**Relief sought**

Consider the impact of the rule on the value of the land and subsequent impact on the landowner.

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**Point 36.19**

**Section:** LIGHT – Light

**Sub-section:** Policies

**Provision:**

**LIGHT-P1      Appropriate artificial outdoor lighting**

Provide for lighting appropriate to its environment that:

1. provides for the safe and efficient use of the outdoors for a range of activities, including for night-time working, recreation and entertainment activities; and
2. maintains the character and qualities of the surrounding area; and
3. supports the social, cultural, and economic wellbeing and health and safety of people and communities, including road safety; and
4. minimises sky glow and light spill, and
5. protects the identified values and qualities of light sensitive areas.

**Sentiment:** Support

**Submission:**

The provision of lighting is absolutely necessary for the safe and efficient use of the outdoors for staff and animals around the milking shed. It is both a Health and Safety imperative and an animal welfare imperative.

**Relief sought**

Recognise the importance of lighting for the operation of a functional dairy farm.

**Point 36.20**

**Section:** LIGHT – Light

**Sub-section:** Rules

**Provision:**

**LIGHT-R2      Outdoor artificial lighting for health and safety**

<b>Light Sensitive Areas</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Non-complying</b>
	<p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The lighting is for health and safety purposes; and</p> <p><b>PER-2</b></p> <p>The lighting is for:</p> <ol style="list-style-type: none"><li>1. a permitted temporary activity; or</li><li>2. any other temporary activity that has a duration of no longer than six months; and</li></ol>	

**PER-3**

LIGHT-S1 and LIGHT-S2 are complied with.

**Sentiment:** Oppose

**Submission:**

Milking is undertaken for longer than 6 months of the year and requires lighting for health and safety purposes. To undergo a resource consent purely because the activity lasts longer than six months is unjustified.

**Relief sought**

Reconsider the arbitrary time constraint on activities listed within the rule.

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**Point 36.21**

**Section:** LIGHT – Light

**Sub-section:** Rules

**Provision:**

LIGHT-R3	Outdoor artificial lighting within Light Sensitive Areas not listed in LIGHT-R2	
<b>Light Sensitive Areas</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Non-complying</b>
	<b>Where:</b>	
	<b>PER-1</b>	
	LIGHT-S1 and LIGHT-S2 are complied with; and	
	<b>PER-2</b>	
	The outdoor artificial lighting must:	
	<ol style="list-style-type: none"><li>1. be fully shielded (see Figure 18 – Lighting Fixtures); and</li><li>2. have a colour corrected temperature of no greater than 3000K (warm white); and</li><li>3. be installed in a manner that precludes operation between 10pm and 7am the following day.</li></ol>	

**Sentiment:** Oppose

**Submission:**

There is no justification for why outdoor artificial lighting that operates outside of the hours stated should constitute a resource consent process. Milking occurs prior to 7 am every day and requires outdoor artificial lighting for the safety of the staff and the

cows. This requirement is onerous and unjustified and excessive in relation to any potential adverse effects the light may cause. The implementation of this rule contradicts the LIGHT-P1 Policy for the provision of lighting that 'provides for the safe and efficient use of the outdoors'.

**Relief sought**

Reconsider the time restriction on outdoor artificial lighting.

**Point 36.22**

**Section:** NH – Natural Hazards

**Sub-section:** Rules

**Provision:**

<b>NH- R4</b>	<b>Natural hazard sensitive activities or structures and additions to such activities or structures with a ground floor area of 30m<sup>2</sup> or more</b>	
1 <b>Flood Assessment Area Overlay</b>	<b>Note:</b> <i>if the new building, structure or extension on the ground floor is less than 30m<sup>2</sup>, see NH-R7.</i>	<b>Activity status where compliance not achieved with PER-3: Restricted Discretionary</b>
	<b>Activity status: Permitted</b>	<b>Matters of discretion are restricted to:</b>
	<b>Where:</b>	<ol style="list-style-type: none"> <li>1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</li> <li>2. any increased flood risk for people, property, or public spaces; and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. any operational need or functional need for the activity to be established in this location; and</li> <li>5. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>6. the extent of any additional reliance on emergency services; and</li> <li>7. any positive effects of the proposal.</li> </ol>
	<b>PER-1</b>  the building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or	<b>Activity status where compliance not achieved with PER-5: Restricted Discretionary</b>
	<b>PER-2</b>  A Flood Risk Certificate for the activity has been issued in accordance with NH-S1; and	<b>Matters of discretion are restricted to:</b>
	<b>PER-3</b>  The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flow path; and	<ol style="list-style-type: none"> <li>1. the nature, design and intended use of the proposed building or structure; and</li> <li>2. any increased flood risk for people, property, or public spaces; and</li> <li>3. proposals to mitigate any risk created by non-compliance with the minimum floor levels, including risk to the health and safety of occupants; and</li> <li>4. the potential for the activity to exacerbate natural hazard risk, including to any other sites; and</li> <li>5. any increased reliance on emergency services.</li> </ol>
	<b>PER-4</b>  The Flood Risk certificate issued under PER-2 states that the activity is not located on land that is identified as a High Hazard area; and	

**Activity status where compliance not achieved with PER-1, PER-2 or PER-4: Non-complying**

**PER-5**

The Flood Risk Certificate issued under PER-2 states either:

1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or
2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.

**Sentiment:** Oppose

**Submission:**

The restrictions are onerous and excessive in relation to the risk

**Relief sought**

Reconsider the practical implications of the restrictions on farming operations.

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**Point 36.23**

**Section:** NH – Natural Hazards

**Sub-section:** Rules

**Provision:**

<b>NH-R7</b>	<b>Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m<sup>2</sup> (excluding Regionally Significant Infrastructure)</b>	
<b>Flood Assessment Area Overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance is achieved: Restricted Discretionary</b>
	<b>Where</b>	<b>Matters of discretion are restricted to:</b>
<b>High Hazard Overlay</b>	<b>PER-1</b> The building or structure or addition is below ground; or	<ol style="list-style-type: none"><li>1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</li><li>2. any increased flood risk for people, property, or public spaces; and</li><li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li><li>4. any operational need or functional need for the activity to be established in this location; and</li><li>5. any increased reliance on emergency services; and</li><li>6. any positive effects of the proposal.</li></ol>
	<b>PER-2</b> The new building or structure or addition has a ground floor area of less than 10m <sup>2</sup> ; or	
	<b>PER-3</b> The new building or structure or addition is located within a road corridor; or	

**PER-4**

A Flood Risk Certificate for the site has been issued in accordance with NH-S1 and the certificate states that the activity is not located on land that is within an overland flow path.

**Sentiment:** Oppose

**Submission:**

The restrictions are onerous and excessive in relation to the risk

**Relief sought**

Reconsider the practical implications of the restrictions on farming operations.

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**Point 36.24**

**Section:** SCHED6 – Schedule of Sites and Areas of Significance to Kati Huirapa

**Sub-section:** SCHED6C - WAHI tapu areas

**Provision:**

SASM4c	Waiateruati	Waiateruati was the largest pā occupied by Kāti Huirapa. The pa site is registered under the Heritage New Zealand Pouhere Taonga Act 2014 as a Category 2 historic place.
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**Sentiment:** Amend

**Submission:**

The designation of the Wahi Tapu area appears to be generic and doesn't take into the actual landscape i.e. a circle has just been drawn on the map surrounding the Pa site. While there is no argument that Waiateruati is a significant site, the boundaries of the site need to be more realistic with the landscape it sits within.

**Relief sought**

Re-assess the boundaries of the identified site with consultation with current landowners.

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**Point 36.25**

**Section:** LIGHT – Light

**Sentiment:** Oppose

**Submission:**

There is no clear evidence of how Light Sensitive Areas have been determined and what considerations have been taken into account.

**Relief sought**

Provide clear evidence of how Light Sensitive Areas were determined and undertake further consultation with impacted

**Point 36.26**

**Section:** General Approach

**Sub-section:** General approach

**Sentiment:** Oppose

**Submission:**

The Consultation of this Plan has been inadequate for a number of reasons:

- There has been minimal engagement with landowners, particularly in the rural sector (despite the significant impact this plan has on this sector), but obviously significant engagement with Māori. This shows the complete disregard the Planners have for the rural sector and the practicalities of farming.
- The timeframe for consultation was too short to be able to digest the plan and provide a thorough and well supported submission.
- The use of the e-Plan format is good in theory but resulted in significant technical difficulties with downloading maps and loading planning documents which further reduced the time available to make a submission.
- The Plan has moved a long way from where it was in the early consultation phase.

In general, the Plan is not fit for purpose and provisions relating to farming activities are more efficiently and effectively managed through Farm Environment Plans. The additional compliance which will result from this Plan is unnecessary, unjustified and costly. Essentially diverting resources away from protecting and enhancing the values of the areas and sites identified in the plan towards costly and unnecessary resource consent processes. In addition, the rules within this plan relating to farming practices and the rural community are incongruous with the Objective listed in the Strategic Direction of the plan (SD-O5 Rural Areas) particularly 'to enable the ongoing use of land for primary production for present and future generations.'

In relation to this farm, we undertake significant biodiversity work, have fenced off and retired many parts of the farm which are almost fully regenerated, have achieved an A on both Farm Environment Plan audits we have been subject to, and are a significant part of the Milford Community (including running of the Milford Hall and a vital Civil Defence role for the Milford Huts) and employer in the area. The additional and significant constraints and costs the rules within this Plan will have on our farm will be debilitating.

**Relief sought**

Landowners should have been engaged and consulted with throughout the development of the plan not just at the start and end of the process.

Have more consideration for the seriousness the impacts this Plan will have on the rural community.