

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2024-AKL

**I TE KOTI TAIAO O AOTEAROA
TAMAKI MAKAUROA ROHE**

IN THE MATTER of the Resource Management Act 1991(**RMA**)

A N D

IN THE MATTER of Clause 14(1) of Schedule 1 of the RMA

BETWEEN

Federated Farmers of New Zealand Inc

Appellant

AND

Taupo District Council

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST TAUPO
DISTRICT PLAN CHANGES 38 AND 40-43**

29 JULY 2024



**FEDERATED
FARMERS
OF NEW ZEALAND**

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FORM 7 NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISIONS ON TAUPO DISTRICT PLAN CHANGES 38 AND 40- 43

Clause 14(1) of Schedule 1, Resource Management Act 1991

To: The Registrar

The Environment Court

AUCKLAND

BACKGROUND AND DECISIONS APPEALED

1. Federated Farmers of New Zealand Inc (**Federated Farmers**) appeals against parts of the decisions of the Taupo District Council (**Council**) Plan Change 38 and 40-43 to the Taupo District Plan.
2. The decisions that Federated Farmers appeals are those relating to Plan Change 38 – Strategic Directions (**PC38**) and Plan Change 42 – General Rural and Rural Lifestyle Environment (**PC42**).
3. Federated Farmers made a submission on Plan Change 38 and 40-43 on 9 December 2022¹ and a further submission on 4 April 2023.²
4. Federated Farmers received notice of the Council's decision on Plan Change 38 and 40-43 on 14 June 2024, including the decisions for PC38 (**the PC38 Decision**) and the decision for PC42 (**the PC42 Decision**).
5. The parts of the PC38 Decision and the PC42 Decisions that are being appealed are those that accept in part or reject Federated Farmers submission points.
6. Federated Farmers appeals those parts of the PC38 Decision summarised in paragraph 10 below, for the reasons set out in **Appendix A** to this Notice.
7. Federated Farmers appeals those parts of the PC42 Decision summarised in paragraph 12 below, for the reasons set out in **Appendix A** to this Notice.
8. Federated Farmers is not a trade competitor for the purpose of section 308D of the RMA.

¹ Submission Number 91.

² Further Submission Number 220.

9. Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interest of New Zealand farmers involved in a range of rural businesses.

NATURE OF APPEAL

PC38 Decision

10. Federated Farmers appeals the PC38 Decision that rejected the following relief sought by Federated Farmers:

- a. A new strategic objective that focused on the rural environment; and
- b. A new clause to policy 2.5.3 which acknowledges reverse sensitivity effects infrastructure may have on existing land uses.

11. The specific reasons for the appeal and relief sought are as set out in **Appendix A** to this Notice.

PC42 Decision

12. Federated Farmers appeals the PC42 Decisions that rejected the following relief sought by Federated Farmers:

- a. To provide for all subdivision in the rural zone as a controlled activity; and
- b. Provide for subdivision of rural land down to four hectares in size or relief with similar intent.

13. The specific reasons for the appeal and relief sought are as set out in **Appendix A** to this Notice.

GENERAL REASONS FOR APPEAL

14. The general reasons for appeal are that the parts of the PC38 Decision and PC42 Decision appealed against:

- a. Do not promote the sustainable management of resources in accordance with section 5 of the RMA in that they do not manage the use, development and protection of natural and physical resources which enable people and communities to provide for their

social, economic, and cultural well-being and for their health and safety;

- b. have not been prepared and changed in accordance with the provisions of part 2, including (in particular) ss7(aa) and 7(b);
- c. fail to give effect to relevant national policy statements;
- d. do not represent the most appropriate way to achieve the objectives of the District Plan and/or the purpose of the RMA, as required by section 32 of the RMA.

SERVICE

15. A copy of this notice is being served today on the Council.

ATTACHMENTS

16. The following documents are attached to this Notice:

- a. Appendix A: Table of relief sought by provisions with reasons provided.
- b. Appendix B: a copy of the relevant parts of the PC38 Decision.
- c. Appendix C: a copy of the relevant parts of the PC42 Decision.
- d. Appendix D: a copy of Federated Farmers submission.
- e. Appendix E: a list of the relevant names and addresses of persons who lodged submissions who are to be served with a copy of this notice.

Dated 29 July 2024

Signature of person authorised to sign on behalf of the appellant.

A handwritten signature in blue ink is written over a solid black horizontal line. The signature is stylized and appears to be 'K. Langton'.

Kelly Langton

Federated Farmers of New Zealand

Address for Service of Appellant: Federated Farmers of New Zealand
444 Anglesea Street, Hamilton 3240
Phone: 0800 327 646
Email: fcasey@fedfarm.org.nz

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

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

To become a party to the appeal, you must, -

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

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

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

How to obtain copies of documents relating to appeal

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

Advice

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

Appendix A: Table of relief sought by provisions with reasons provided.

Provision Appealed	Reasons for Appeal	Relief Sought
<i>Plan Change 38 – Strategic Direction</i>		
<p>New Strategic Direction Objective and Policies</p>	<p>Federated Farmers appeals the PC38 Decision which does not include a new strategic direction objective for the rural environment.</p> <p>In its submission, Federated Farmers sought the inclusion of a new objective for the strategic direction of the rural environment, inclusion of appropriate policies which implement the objective, and any consequential amendments required as a result of the relief sought.</p> <p>At present, PC38 fails to fully recognise the importance of the rural environment in all resource management decisions. Although the PC38 Decision recognises the rural environment in Strategic Direction 3: Urban Form and Development, such recognition is only in the context of urban development. This may have the effect of limiting consideration of the rural environment to only urban matters.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) The inclusion of the following objectives for the strategic direction of the rural environment, or wording with similar intent:</p> <p>New Objective</p> <p><u><i>Objective 2.X.X Rural Environment</i></u></p> <ol style="list-style-type: none"> <u><i>The district's general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development.</i></u> <u><i>Existing lawfully established rural land use activities are recognised and protected from incompatible activities.</i></u>

	<p>It is important that the rural environment is recognised in its own strategic direction objective in the strategic direction chapter. This is because the rural environment should be considered in all resource management decisions.</p>	<p>3. <u>The value of the rural economy to the district and the wider region is acknowledged and provided for.</u></p> <p>(b) The inclusion of the following policies which will implement the proposed objective outlined in (a) above;</p> <p>New Policies</p> <p><u>Policy 2.X.X Rural Environment</u></p> <p>1. <u>Recognise and provide for rural land use activities, and their ability to provide for the social and economic wellbeing of rural communities and the Taupo District.</u></p> <p>2. <u>Recognise the functional and operational needs associated with rural land use activities in the Rural Environment.</u></p> <p>3. <u>Subdivision, land use and development will not adversely affect (including reverse</u></p>
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		<p><u>sensitivity effects) the effective and safe functioning of rural land use activities.</u></p> <p>(c) Any consequential amendments required as a result of the relief sought.</p>
<p>Strategic Direction 5 – Policy 2.5.3</p>	<p>Federated Farmers submission sought an additional clause to Policy 2.5.3 to recognise the reverse sensitivity effects that infrastructure may have on existing land uses.</p> <p>The PC38 Decision rejects the relief sought by Federated Farmers on the basis that including such a policy would be inconsistent with the Statutory Direction in the National Policy Statement for Renewable Electricity and Generation (NPS-REG).</p> <p>Federated Farmers appeals the PC38 Decision on the basis that national direction does not preclude the Council from addressing reverse sensitivity issues and that the Council should address the conflict between the infrastructure</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) The addition to Policy 2.5.3 of a new clause to read as below, or with wording to similar effect:</p> <p><u>6. To recognise the reverse sensitivity effects infrastructure may have on existing land use activities and to avoid, remedy or mitigate these effects where possible.</u></p> <p>(b) Any consequential amendments required as a result of the relief sought.</p>

	<p>provider and the landowner particularly where existing land use rights are concerned.</p>	
<p>Plan Change 42 – General Rural and Rural Lifestyle</p>		
<p>4b.5 – Subdivision rules – 4b.5.1 – Subdivision – General Rural Environment.</p>	<p>Federated Farmers submission on PC42 sought to amend rule 4b.5.1 to provide for all subdivision in the rural zone as a controlled activity, provided certain performance standards were met. The PC42 Decision does not accept Federated Farmers relief.</p> <p>Federated Farmers appeal the PC42 Decision on the basis that that the rule framework creates unwarranted barriers and costs for farmers and other landowners in the rural environment.</p> <p>For farmers, the need to subdivide may arise for a number of reasons including farm succession, disposal of surplus dwellings and provisions for on farm accommodation for employees. It is important that there is a practical consenting pathway available for farmers for subdivision of lots less than 10 hectares.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) Amend 4b.5.1 Subdivision – General Rural Environment as follows:</p> <p>[...]</p> <p><i>ii. Subdivision resulting in lots that are smaller than 10 hectares is a <u>discretionary non-complying</u> activity.</i></p> <p>(b) Any consequential amendments required as a result of the relief sought.</p>

	<p>The current rule framework classifying subdivision of lots less than 10 hectares as non-complying is a heavy burden to place on farmers located in the General Rural Zone.</p>	
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Appendix B

Taupō District Council

Recommendations of the Independent Hearings Panel

Recommendation Report 2

Plan Change 38: Strategic Directions

12 February 2024

This report should be read in conjunction with **Index Report**

Index Report contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations per se.

Recommendation Report 2 contains the Panel's recommendations on PC 38 dealing with Strategic Direction Objectives

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: 42a Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to Plan Change 38 - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to Plan Change 38 provision wording - Accepted

The Hearings Panel for the purposes of hearing submissions and further submissions on all the Proposed Plan Changes comprised Commissioner David McMahon (Chair), Commissioners Elizabeth Burge and Councillor Kevin Taylor

7. 2.6 Strategic Direction 3: Urban Form and Development

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> • Amend minor grammatical errors • Insert additional wording to the end of paragraph two to better reflect the role that the urban growth strategy Taupō District 2050 has played in the development of the plan.
2.3.2 Objectives	<ul style="list-style-type: none"> • Amend Objective 2.3.2.1(a) by replacing the word “forms” with “environment” • Amend Objective 2.3.2.1(c) by deleting the word “and” • Insert new Objective 2.3.2.1(d) to support emissions reductions • Insert new Objective 2.3.2.1 (f) to protect the productive capacity of rural land • Amend Objective 2.3.2.2 by deleting wording “to be consistent with TD2050 2018 to” and replace with “protect the effective functioning of the General Rural Environment: • Amend Objective 2.3.2.3 wording to strengthen the direction of the objective for development in “appropriate locations” and provide • Amend Objective 2.3.2.7 by inserting words “use and development” and “cultural and historic” • Insert new Objective 2.3.2.3.8 to provide for spatially specific reference to the East Taupō Arterial
2.3.3 Policies	<ul style="list-style-type: none"> • Amend Policy 2.3.3.3 to strengthen the intent of the policy and better align with the objectives • Amend Policy 2.3.3.4 to provide for greater level of clarity • Amend Policy 2.3.3.4 with minor grammatical/wording changes • Amend Policy 2.3.3.6 to strengthen the direction of the policy • Amend Policy 2.3.3.8-9 to correct minor grammatical errors and additional wording for clarity • Amend Policy 2.3.3.10 (b) to insert words “and the surrounding area” • Amend Policy 2.3.3.11-12 with minor additions to provide greater clarity

Amendments and reasons

7.1 As notified, *Strategic Direction 3: Urban Form and Development* provided for seven objectives and thirteen policies.

- 7.2 As set out in the s42A Report, there were a total of 60 submissions in relation to the following specific issues:
- Subdivision and development
 - Development of Māori land
 - Aged care developments
 - Urban forms
 - Geothermal vegetation and hazards
 - Town centres and reverse sensitivities
 - Natural, cultural and historic values
 - Infrastructure
 - Role of the East Taupō Arterial
 - Urban form and transportation
- 7.3 In evaluating the key issues raised in submissions on this Strategic Direction, we focused our evaluation on the key issues that remained contested at the hearing, which we cover in more detail in turn below. Those two issues related to the request by submitters for new objectives in the UFD Strategic Direction in order to:
- a. Recognise the role of the Rural Environment; and
 - b. Recognise the role of the East Taupō Arterial
- 7.4 Before moving to this substantive assessment of the matters remaining in contention, we briefly note that, the other issues raised by submitters as listed above in paragraph 7.2 were not actively contested at the hearing and therefore in the absence of any evidence from submitters, we therefore accept and adopt the recommended changes and associated s32AA assessments contained in Mr Sapsford's s42A Report in respect to the relief sought by submitters. These changes are reflected in **Appendix 2**.

Recognition of the role of the Rural Environment

- 7.5 The first matter the Panel addressed is a fundamental overarching issue raised by several submitters relating to specific recognition of the rural environment by way of an additional strategic direction seeking to protect the functioning of the rural environment and also recognising its importance to the Taupō district. This matter was initially considered by Mr Sapsford in his s42A Report under 'General Submissions' which we listed above in paragraph 2.8.⁵⁴
- 7.6 In response to these submitters, the Panel suggested at the hearing that in an ideal situation, a separate strategic direction for the rural environment might be preferable, similar to those issued by New Plymouth District Council in its recent district plan decisions which provided for a strategic objective for the rural environment in its own right. In this respect, the Panel acknowledged the similarities between New Plymouth and Taupō rural environments given both districts have significant dairying, forestry and energy generation within the rural environment.
- 7.7 In its deliberations after the hearing, the Panel carefully considered this matter and agreed that recognition of the rural environment is vital and pondered whether the current format is the most appropriate method of providing for this. However, the key issue was whether we had scope to make such a fundamental structural and material change to the notified UFD strategic objective.

⁵⁴ s42A Report, prepared by Mr Sapsford, section 4.2.1, page 9, dated 3 July 2023

- 7.8 On the matter of scope, and notwithstanding that we had an appetite for a separate rural strategic direction, we found that no submitter had prepared a full suite of wording for a rural environment Strategic Direction comprising objectives and policies in totality. Accordingly, we concluded that the scope to provide a bespoke rural strategic direction does not exist. To elaborate, whilst some submitters did canvas possible wordings of objectives that might exist in a rural strategic direction, there was no similar assistance in relation to specific policies to implement and align with such objectives. That limitation meant that we were not prepared to substitute our preference on this in the absence of any proffered drafting provided though evidence.
- 7.9 We considered that it is not fatal that there is no basis for a separate rural environment strategic objective, as the existing UFD Strategic Direction provisions provide for integrated planning. It might be argued that a separate rural strategic direction objective may lose the flavour of integration, particularly the ability of such provisions to address the form, function and reverse sensitivity matters at the rural-urban interface.
- 7.10 In addition, the Panel acknowledged that the rural environment has a role to protect the urban environment, and vice versa. Good urban form outcomes protect the rural production capacity of rural land. The combination of strategic direction provisions for both the urban and rural environments can provide for more efficient and effective plan making to ensure the interconnection between the two environments is not lost by artificially separating the two environments. Ultimately, the Panel considered that in this instance, and given the absence of scope, the integrated UFD direction can provide the potential for an appropriate outcome for both rural and urban form and development.
- 7.11 On this basis, the Panel decided there was an appropriate synergy of a combined strategic direction and a role for the urban and rural to protect one another and therefore we have focused on the nuanced wording of a combined strategic direction. Furthermore, we take comfort that the Residential and Rural Chapters of the Plan will provide the appropriate policy detail and the combined UFD Strategic Direction is the touchstone for the link.
- 7.12 As part of our deliberations, we compared the detailed relief sought by the submitter⁵⁵ that provided detailed wording for a new objective against the recommended changes contained in Mr Sapsford's Reply Statement Report. We have set these out in **Table 1** below.
- 7.13 The Panel also reviewed the key operative words of all the submissions and considered that the broader the wording, the more encapsulating the objective would be to ensure that all concerns of submitters were captured.

⁵⁵ Federated Farmers

S42A and Reply Statement Recommended Changes to the Notified Strategic Objectives and Policies	New Strategic Objective sought by Submitter ⁵⁶
<p>Strategic Objective 2.3.2.1 (d) <u>supports emissions reduction through well planned urban form, design and location;</u> <u>and</u> (f) <u>protects the productive capacity of rural land.</u></p> <p>Strategic Objective 2.3.2.2: <i>Subdivision, use and development of land will be consistent with TD2050 2018 to <u>protect the effective functioning of the Rural Environment</u>, maximise the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.</i></p>	<ol style="list-style-type: none"> 1. <i>The district's general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development</i> 2. <i>Existing, lawfully established rural land use activities are recognised and protected from incompatible activities.</i> 3. <i>The value of the rural economy to the district and the wider region is acknowledged and provided for.</i>
<p>Policy 2.3.2.2: <i>Avoid fragmented urban development that results in inefficiencies:</i> <i>a. Use of land in,</i> <i>b. the provision and functioning of infrastructure, and</i> <i>c. landuse <u>functioning of the Rural Environment</u></i></p>	

Table 1: Comparison of Strategic Objectives sought by submitter against s42A/RS recommended changes

7.14 On review of the above changes recommended by Mr Sapsford in **Table 1** to both the objectives and policies of the UFD Strategic Direction, we consider that they encapsulate the key operative words and outcomes sought by submitters and therefore we accept and adopt the changes and associated s32AA assessment for these changes contained within both the s42A Report⁵⁷ and further changes in the RS⁵⁸.

7.15 Where the Panel does slightly depart from the s42A Report recommendations⁵⁹ of Mr Sapsford is in respect to the deletion of Policy 2.3.3.10 (d), relating to reverse sensitivity matters. We disagree with his recommendation to delete (d) as this does not address the outcome and protection sought by submitters in relation to reverse sensitivity matters.⁶⁰

Reference to the 2018 District Wide Growth Management Strategy – 2050/Recognise the role of the East Taupō Arterial

7.16 Submitters⁶¹ sought that the role of the East Taupō Arterial that is referenced in the 2018 District Wide Growth Management Strategy 2050, (**TD2050 2018**) be codified by a new objective as opposed to relying on a general reference to TD2050 in its entirety.

7.17 Mr Sapsford responded to this matter in his s42A Report stating that the reference to **TD2050 2018** contained within the Strategic Direction already provides a suitable level of direction relating to land use throughout the district and more site-specific

⁵⁶ Submission from Federated Farmers, detailed relief sought, page 4.

⁵⁷ s42A Report, prepared by Mr Sapsford, Section 4.2.1, paragraph 33-36, pages 9-10, dated 3 July 2023

⁵⁸ Reply Statement, prepared by Mr Sapsford, Section G, paragraphs 30-37, dated 21 September 2023

⁵⁹ s42A Report, prepared by Mr Sapsford, Section 4.2.1, paragraph 10, pages 94, dated 3 July 2023

⁶⁰ OS22.23, OS91.1, OS26.59 and OS90.1

⁶¹ OS93.8, OS68.3 and OS84.1

APPENDIX 3 – Recommended amendments to Plan Change 38 – Tracked

2.3 STRATEGIC DIRECTION 3 URBAN FORM AND DEVELOPMENT

The Taupō District's diverse and growing population has led to increased demand for housing and demand for new commercial and industrial areas. Urban development also generates further demand for infrastructure services, particularly development infrastructure such as three waters and transportation services. The District Plan provides a framework for ensuring that urban development, subdivision and changes in land use occurs in a planned and efficient manner and is adequately serviced by infrastructure (including Development Infrastructure and Additional Infrastructure).

The strategic directions for urban form and development establish the approach ~~for urban form and development~~ within the Plan District as identified through the ~~has been informed by many higher order strategies, including the~~ 2018 District wide growth management strategy, Taupō District 2050. However, this strategy will be refreshed several times within the lifetime of this plan as the changing needs of the district are reflected over time in further iterations.

This approach reflects an efficient and effective urban form which will develop in a manner that is appropriately serviced by infrastructure and reflects the important values and communities within the District.

As well as green field development, the plan provides important guidance about the protection of existing rural and urban areas, including Town Centres, to enable them to continue to function effectively in a manner that best serves the wider District.

2.3.2 Objectives

1. The district develops in a cohesive, compact and structured way that:
 - a. contributes to well-functioning and compact urban ~~forms~~ environments that provide for connected liveable communities;
 - b. enables greater social and cultural vitality and wellbeing, including through recognising the relationship of ~~tāa~~ tangata whenua with their culture, traditions, and taonga;
 - c. ensures infrastructure is efficiently and effectively integrated with land use; ~~and~~
 - d. supports emissions reduction through well planned urban form, design and location; and
 - e. ~~+~~ meets the community's short, medium and long-term housing and business needs;
 - f. protects the productive capacity of rural land.
2. Subdivision, use and development of land will ~~be consistent with TD2050 2018 to~~ protect the effective functioning of the Rural Environment, maximise the efficient use

APPENDIX 3 – Recommended amendments to Plan Change 38 – Tracked

of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.

3. Subdivision, use and development of land in appropriate locations which can demonstrate ~~will have demonstrable~~ social and/or cultural benefits to the District's community is recognised and provided for ~~will be supported~~.
4. Development is serviced by an appropriate level of infrastructure that effectively meets the needs of that development.
5. The Town Centre Environment is strengthened and reinforced as the primary commercial, retail, recreational, cultural and entertainment centres for Taupō District.
6. Subdivision, use and development will not detract from the planned urban built form and effective functioning of the environment which it is located.
7. Subdivision, use and development is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that protects or enhances the important natural, cultural and historic values of the environment where it is located.
8. The East Taupō Arterial will continue to act as an 'urban fence' generally separating urban activities from industrial, rural and renewable electricity generation activities.

2.3.3 Policies

1. Identify and zone appropriate areas of land for urban purposes to guide the future provision of infrastructure within the Taupō District.
2. Planning and development in urban environments will positively contribute to well-functioning urban environments.
3. Avoid the ~~subdivision, use and development of land that is~~ does not be consistent with TD2050 to maximise the efficient use of zoned and serviced urban land and ~~and is not co-ordinated with the provision of effective infrastructure.~~
4. Avoid fragmented urban development that results in inefficienties:
 - a. use of land in,
 - b. ~~the~~ provision and functioning of infrastructure, and
 - c. ~~land use~~ functioning of the Rural Environment
5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including Ddevelopment Infrastructure and Additional Infrastructure), according to the capacity limitations of that infrastructure.
6. Support and encourage ~~Provide for~~ subdivision, use and development of land that can demonstrate ~~will lead to demonstrable~~ positive beneficial social and/or cultural outcomes for the District's community.

APPENDIX 3 – Recommended amendments to Plan Change 38 – Tracked

7. Provide for the development of Papakāinga on Māori land to facilitate Māori occupation on their ancestral lands.
8. Maintain strong boundaries to ~~the~~ Town Centres to consolidate and intensify retail, commercial and office activities within ~~the city~~ Town Centres and to protect the planned urban built form and use of the residential environment ~~neighbourhoods~~.
9. Restrict the location and development of retail and commercial activities within non-commercial areas of the district to ensure that ~~T~~own C~~e~~ntres continue to be the district's pre-eminent retail, commercial and mixed-use centres.
10. Manage subdivision use and development of land to ensure that it will not:
 - a. have an adverse effect on the functioning of the environment where it is located,
 - b. unduly conflict with existing activities on adjoining properties and the surrounding area,
 - c. compromise development consistent with the intent and planned urban built form of the environment where it is located, and
 - d. give rise to reverse sensitivity effects from existing uses
11. Require the design and location of activities to avoid or mitigate natural hazards to an acceptable level of current and future risk to life, property and the environment.
12. Do not support subdivision and development which will inappropriately affect ~~heritage~~ sites of Historic Value or areas of important natural and landscape values.
13. Ensure that new urban subdivision and land development is designed in a manner that enables effective and logical multi modal transportation links to the surrounding, including planned, urban areas.

Appendix C

APPENDIX 3: Recommended amendments to Plan Change 42 – Tracked from notified version



Plan Change 42 to the Taupō District Plan General Rural and Rural Lifestyle Environments

(Panel Recommended Version April 2024)



Taupō District Plan
Changes 2022

Introductory note

This boxed text is NOT part of the Plan Change but simply introductory text.

Plan Change 42 as notified shows new text inserted as **green** and text to be deleted is in **red** and has ~~strike-through~~. Note that the entire operative Rural Chapter was deleted and followed this proposed new text.

Panel recommendations which are also shown in **blue** text (insertions underlined, deletions ~~struck-out~~). These include further amendments in response to submissions, through the hearing process and received on Plan Change 42 (as recommended within the section 42A report on 28 July 2023) and recommendations as reflected in the Section 42A Reply Statement dated 16 October 2023 following the Plan Change 42 hearings

The complete Taupō District Plan is on the Council website at www.taupo.govt.nz

Please note that this plan change includes map changes that can be found at www.taupo.govt.nz/districtplanchanges

- III. [A report is submitted by a suitably qualified and experienced person to the Council demonstrating compliance with I. and II. above \(as relevant\) prior to the construction or alteration of any building containing an activity sensitive to noise.](#)
- IV. [Instead of I., II. and III. above, is within the Noise Corridor Boundary Overlay but is at least 50 metres from the carriageway of any State Highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows to the road surface.](#)

[Table 1: Noise Sensitive Activities and their Maximum Permissible Road Noise Level](#)

Occupancy/activity	Maximum road noise level LAeq (24h) *Note 1
Building type: Residential	
Sleeping spaces	40 dB
All other habitable rooms	40 dB
Building type: Education	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
Libraries	45 dB
Building type: Health	
Overnight medical care, wards	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
Building type: Cultural	
Places of worship, marae	35 dB

[Note 1: The design road noise is to be based on measured or predicted external noise levels plus 3 dB.](#)

4b.5 Subdivision Rules

4b.5.1 Subdivision - General Rural Environment

- i. Subdivision resulting in lots that are 10 hectares or larger is a **controlled activity**.
- ii. Subdivision resulting in lots that are smaller than 10 hectares is a **non-complying activity**.

4b.5.2 Subdivision - Rural Lifestyle Environment that adjoins the General Rural Environment

- i. Subdivision resulting in lots that are 4 hectares or larger adjoining the General Rural Environment is a **controlled activity**.
- ii. Subdivision resulting in lots that are larger than 2 hectares but smaller than 4 hectares smaller than 4 hectares adjoining the General Rural Environment is a **discretionary activity**.
- iii. Subdivision resulting in lots that are 2 hectares or less adjoining the General Rural Environment is a **non-complying activity**.

4b.5.3 Subdivision - Rural Lifestyle Environment that does not adjoin the General Rural Environment

- i. Subdivision resulting in lots that are 2 hectares or larger that do not adjoin the General Rural Environment is a **controlled activity**.
- ii. Subdivision resulting in lots that are smaller than 2 hectares that do not adjoin the General Rural Environment is a **non-complying activity**.

4b.5.4 Subdivision - Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils

- i. Subdivision resulting in lots that are larger than 2 hectares but smaller than 10 hectares on land containing Land Use Capability Class 3 Soils is a **discretionary activity**.
- ii. Subdivision resulting in lots that are 2 hectares or less on land containing Land Use Capability Class 3 Soils is a **non-complying activity**.

NOTE: This rule pertains to the Land Use Capability Class 3 soils as defined under the National Policy Statement for Highly Productive Land 2022.

For the purposes of Rules 4b.5.1.i, 4b.5.2.i, and 4b.5.3.i, 4b.5.4i and 4b.5.5i, the matters over which the Council reserves control for the purpose of assessment are:

- a) The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, multi-modal connectivity if appropriate, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b) The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c) Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance

SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



Form 5

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

To: Taupō District Council
30 Tongariro Street
Taupō 3330

Private Bag 2005
Taupō 3352

Via email: districtplan@taupo.govt.nz

Submission on: **Taupō District Plan Change 38 – Strategic Direction, Plan Change 41 – Removal of Fault Lines, Plan Change 42 – General Rural and Rural Lifestyle Environments and Plan Change 43 – Taupō Industrial Land**

Date: 9 December 2022

Submission by: Federated Farmers of New Zealand – Rotorua / Taupō

COLIN GUYTON

ROTORUA / TAUPŌ PROVINCIAL PRESIDENT

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1. Federated Farmers of New Zealand – Rotorua / Taupō (Federated Farmers) could not gain an advantage in trade competition for this submission.
2. Please refer to the attached table for the specific provisions of Plan Change 38 – Strategic Direction, Plan Change 41 – Removal of Fault Lines, Plan Change 42 – General Rural and Rural Lifestyle Environments and Plan Change 43 – Taupō Industrial Land that our submission relates to.
3. Refer to the table attached for the details of Federated Farmers' submission and whether we support or oppose the specific provisions on which we have submitted.
4. The decisions sought by Federated Farmers are outlined in the table attached to this submission.
5. We wish to be heard in support of this submission.
6. Federated Farmers seeks any consequential changes necessary to give effect to the relief sought in each of the individual submission points made.

1.0 Introduction

- 1.1 Federated Farmers – Rotorua / Taupō (**Federated Farmers**) welcomes the opportunity to submit on the Taupō District Council's (**Council**) proposed plan changes to its district plan.
- 1.2 Federated Farmers acknowledges any submissions submitted by individual members.
- 1.3 Federated Farmers are a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
- 1.4 Farming has a strong presence in the Taupō district and contributes significantly to the wider Waikato and Bay of Plenty regions. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region. We have over 200 members located within the Taupō district.
- 1.5 Federated Farmers aim to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - (a) our members may operate their business in a fair and flexible commercial environment;
 - (b) our members' families and their staff have access to services essential to the needs of the rural community; and
 - (c) our members adopt responsible management and environmental practices.
- 1.6 Federated Farmers is actively involved in district plan reviews across New Zealand. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
- 1.7 Our members want district plans that balances environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based. They also want district plans that are written in plain English; are easy to use and understand; acknowledge and reward the positive effects farming has on conservation; and recognise the importance of collaborating with communities to achieve desired environmental outcomes.
- 1.8 A lot of regulation has come at a significant cost on financial and mental health within the primary sector. Many of the costs are unnecessary and place additional pressure on the primary industry. Areas of discussion around climate change, biodiversity, outstanding natural features, and general land use activities need to be carefully considered to ensure that decision making with the consideration of the impacts of Councils decisions economically, socially, and environmentally.

2.0 General Comments

- 2.1 In general, farmers want a district plan that:
 - (a) balances environmental, cultural, social, and economic values;
 - (b) ensures rules are equitable, cost-effective, pragmatic and effects based;
 - (c) is written in plain English, is consistent and follows a clear, user-friendly format;
 - (d) acknowledges and rewards the positive impacts farming has on conservation, and
 - (e) recognises the importance of collaborating with communities to achieve desired environmental outcomes.
- 2.2 There is an expectation that Councils, when undertaking a plan review, will adopt a no-frills approach and only target what is necessary to manage and resolve any issues occurring in the district and to meet their responsibilities under the Resource Management Act 1991 (RMA).
- 2.3 Federated Farmers can appreciate that given the uncertainty in future planning frameworks that will be required through the current resource management reforms. A focus on the parts of the district plan that have the most issues at present is a practical and pragmatic approach.

- 2.4 Our members who work and live rurally play a critical role for the community contributing in economic, social, and cultural aspects of the district. We wish to make this point clear to Council for consideration when undertaking decisions impacting rural people.
- 2.5 Rural ratepayers are constantly interacting with both natural and built resources and rely heavily on these resources. Farmers and primary producers are very aware of the importance of managing these resources effectively, responsibly, and sustainably to provide for the viability of both their businesses and the resources for future generations.
- 2.6 It is important that Councils use every means available to them to keep the costs imposed on farmers as low as possible. Farmers and growers are price takers and cannot pass on rising costs to consumers. Rising farming costs (including Council costs) are the key driver behind farmers needing to continually raise farm productivity to remain viable. This usually results in intensification and, in turn, may place additional pressure on the district's resources.
- 2.7 The importance of the economic use of land needs to be recognised throughout the District Plan. A sizable proportion of the district is dedicated to earning a living off the land, which provides not only for those families, but also to district and regional wealth.
- 2.8 A district plan should not be unnecessarily restrictive and should focus on non-regulatory methods such as education and partnerships rather than having a priority focus on regulation. Non-regulatory methods are effective in engaging resource users to collaborate with Councils towards achieving mutual goals and is a more efficient way of achieving 'buy-in' from resource users.
- 2.9 Resource users are more likely to engage and work proactively in partnership with Council when they have a sense of ownership of and responsibility for the targets and activities being conducted. It is important that resource users feel that they have played an active role in the decision-making process. Education is a valuable tool, particularly for issues that are not well-known or where perceptions need adjusting. As people gain more accurate knowledge about issues important in the region, misconceptions will reduce. As a result, people will be more willing to proactively engage in non-regulatory solutions.
- 2.10 Federated Farmers also believes that reducing misconceptions will result in more realistic and achievable community expectations. The need for some regulation is accepted but the Council needs to ensure that it is the most appropriate method before introducing a rule, or a requirement for landowners to adhere to.
- 2.11 Each plan change has been given its own section below. Each section clearly outlines the provisions which Federated Farmers has submitted on, the reasons for doing so and the relief sought.
- 2.12 In respect of our submissions, our suggested amendments are shown with ~~strikeout~~ for deletions and underlining for additional wording. In each of the individual submission points made, the decision sought includes any consequential amendments that may be required to any and all other related elements in the proposed plan.

PROPOSED PLAN CHANGE 38 – STRATEGIC DIRECTIONS

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Chapter 2 - Strategic Directions				
Page 2, Introduction	1	Support in part	<p>Federated Farmers supports the inclusion of a strategic direction chapter into the Taupō District Plan. It is important that the key strategic and significant resource management issues are defined in the district plan as they will play a vital role in influencing the direction the Council takes on behalf of its communities.</p> <p>Federated Farmers supports the proposed strategic directions, including tangata whenua, freshwater quality, urban form and development, climate change, strategic infrastructure and natural values and landscapes.</p> <p>The Taupō district has a significant rural presence and a considerable amount of rural land which is used for primary production. Federated Farmers seeks the protection of the values, character and resources of the general rural environment as it is defined in Proposed Plan Change 42 (subject to any amendments that have been sought).</p> <p>It is important that there is a strategic direction which recognises and provides for the rural economy and environment. Federated Farmers believes that the implementation of a strong rural economy and environment strategic direction would support and enable the continued use of rural land for rural production. It would also provide recognition that farming and other activities located within the general rural environment contribute significantly to the district as well as the wider region. Rural sustainability must include the protection of the existing land use activities such as primary production which have been present and operating in the rural environment for many years, if not decades. Primary production makes a substantial contribution to New Zealand’s economy across national, regional and district levels.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the inclusion of a new strategic or significant resource management issue in Chapter 2 Strategic Directions focused on rural sustainability and the protection of the rural economy and environment within the Taupō district; and</p> <p>(b) the inclusion of the following objectives for the strategic direction rural sustainability or wording with similar intent:</p> <p style="padding-left: 20px;"><i>2.X.X Objectives</i></p> <ol style="list-style-type: none"> 1. <i>The district’s general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development;</i> 2. <i>Existing, lawfully established rural land use activities are recognised and protected from incompatible activities.</i> 3. <i>The value of the rural economy to the district and the wider region is acknowledged and provided for.</i> <p>(c) the inclusion of appropriate policies which will implement the proposed objectives outlined in (b) above; and</p> <p>(d) any consequential amendments required as a result of the relief sought.</p>

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Pages 3 and 4, 2.1 Strategic Direction 1 Tangata Whenua	2	Support	Federated Farmers supports the inclusion of strategic direction 1 in respect of tangata whenua. We also support the objectives and policies as outlined for the strategic direction as they are a positive step towards the district plan acknowledging and providing for the principles to Te Tiriti o Waitangi (the Treaty of Waitangi).	Federated Farmers seeks the following relief: <ul style="list-style-type: none"> (a) the retention of strategic direction 1 Tangata Whenua as currently written in the plan change or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.
Page 5, 2.2 Strategic Direction 2 Freshwater Quality / Te Mana o te Wai	3	Support in part	<p>Federated Farmers supports the intent of this strategic direction. There is concern over the strategic direction as it is currently drafted that it is not consistent with the National Objectives Framework for the National Policy Statement for Freshwater Management 2020.¹</p> <p>The National Objectives Framework sets out the Te Mana o te Wai hierarchy that applies to all decision making in the freshwater space. The hierarchy is:</p> <ol style="list-style-type: none"> 1. the health and wellbeing of waterbodies and freshwater ecosystems; 2. the health needs of people (e.g., drinking water); and 3. people and communities provide to provide for their social, economic and cultural wellbeing, now and in the future. <p>The proposed strategic direction for freshwater needs to be rewritten to ensure that it achieves consistency with the National Objectives Framework and clearly sets out the defined process that the framework has defined. It is essential that the strategic direction supports the national direction that has been set by central government.</p>	Federated Farmers seeks the following relief: <ul style="list-style-type: none"> (a) the amendment of strategic direction 2 Freshwater Quality / Te Mana o te Wai to achieve consistency with the requirement of the National Objectives Framework; and (b) any consequential amendments required as a result of the relief sought.
Pages 6 and 7, 2.3 Strategic Direction 3 Urban Form and Development	4	Support	Federated Farmers supports the strategic direction related to urban form and development as it is currently drafted in the plan change. It recognises that urban development creates additional demands on and for infrastructure and that there is a need for land use to be integrated with infrastructure development.	Federated Farmers seeks the following relief: <ul style="list-style-type: none"> (a) the retention of strategic direction 3 Urban Form and Development as currently written in the plan change or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.

¹ <https://environment.govt.nz/acts-and-regulations/freshwater-implementation-guidance/nof/> accessed at 8.15am on 9 November 2022.

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Page 8, 2.4 Strategic Direction 4 Climate Change	5	Support in part	<p>Federated Farmers supports the inclusion of a strategic direction that deals with climate change and how important it is to ensure that communities need to become climate change resilience.</p> <p>Policy 2.4.3(2) is not supported as it is currently written. There should be an acknowledgement that some land use activities have a functional need for occurring and that some may not be able to achieve a positive climate change outcome but are also not increasing their emissions into the environment.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of Policy 2.4.3 as currently written to read as below or with wording to similar effect;</p> <p><i>2. Land use activities which will unduly <u>overly</u> accelerate the effects of climate change will be discouraged <u>recognising that some land use activities will be able to continue with no significant changes to their emissions output.</u></i></p> <p>(b) and any consequential amendments required as a result of the relief sought.</p>
Pages 9 and 10, 2.5 Strategic Direction 5 Significant and local infrastructure	6	Support in part	<p>Federated Farmers supports strategic direction 5 as it is currently drafted including the objectives and policies. However, we seek an amendment to the policies so that it is acknowledged that infrastructure can (and does) have reverse sensitivity effects on existing land use activities such as farming and primary production.</p> <p>Federated Farmers recognises the importance for infrastructure to be able to be delivered safely and efficiently. However, it is important that the that the strategic direction tells the whole story. The provision of infrastructure can create conflict between the infrastructure provider and the landowner whose property the infrastructure is going on or over</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the addition to Policy 2.5.3 of a new clause to read as below or with wording to similar effect;</p> <p><i>6. To recognise the reverse sensitivity effects infrastructure may have on existing land use activities and to avoid, remedy or mitigate these effects where possible.</i></p> <p>(b) and any consequential amendments required as a result of the relief sought.</p>
Pages 11 and 12, 2.6 Strategic Direction 6 Natural Environment Values	7	Support in part	<p>Federated Farmers supports the intent of strategic direction 6. The preservation of indigenous ecosystems and biodiversity has and will continue to create tensions between private landowners, Iwi and Councils.</p> <p>There are concerns that the proposed objectives and policies do not provide for existing activities to continue. There needs to be an additional objective and policy that recognises and provides for existing activities such as grazing and other farming activities to continue if the scale and intensity of effects do not / have not increased following the commencement date of the plan.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of strategic direction 6 Natural Environment Values to recognise and provide for non-regulatory methods as well as the role that private landowners play in the preservation of natural environment values; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p>

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
			<p>It is felt that the objectives and policies for the strategic direction have missed the mark by not including engagement and education of private landowners in them.</p> <p>Federated Farmers supports the use of non-regulatory measures to assist landowners to continue this journey. The Council needs to be prepared to function as an intermediary so that effective partnerships can be established between all the parties involved with the protection of indigenous vegetation and fauna and natural values and landscapes to ensure the best possible outcomes. Private property owners will not appreciate having provisions imposed on them without having prior engagement.</p> <p>Natural character is a matter that Federated Farmers and its members are heavily invested in. Our members are constantly improving riparian margins and natural character on their land through planting, fencing, and retiring land with natural character from use. All this is done at their expense.</p> <p>It is important that the Council recognises and provides for in the district plan for activities that have a functional need to be located within an area of natural character. These activities are required to be located next to the resources that they utilise and cannot be located anywhere else. These activities need to be provided for as they form part of an existing working landscape.</p>	

PROPOSED PLAN CHANGE 41 – REMOVAL OF FAULT LINES

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Plan Change 41 Removal of Fault Lines				
Entire Plan Change	1	Support in part	<p>Federated Farmers supports in part this plan change. The removal of outdated data from the district plan is essential to ensure the plan stays up-to-date and useful to plan users.</p> <p>However, the removal of the fault lines from the district panning maps, raises the issue of how plan users will be able to determine whether a proposed activity will require resource consent. The district plan rules require a buffer twenty metre either side of fault lines as being unsuitable for any structure (excluding network utility lines, cables, and pipelines). Structures within 20m of the mapped fault line requires resource consent.</p> <p>While the removal of the outdated fault lines and associated provisions from the district plan maps means that more accurate data can be relied upon for subdivision and development resource consents and building consents, it is uncertain if plan users will be able to access this data. This creates an unfairness as without the fault lines being identified in the District Plan, the subdivision consent and Building Act/ building consent processes will be the primary mechanisms for ensuring that the risks posed to buildings from potential fault lines are mitigated.</p>	<p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the retention of a reference in the district plan that tells plan users where they can access the up-to-date data on fault lines; and (b) that the Council provides access to the up-to-date fault line data from the GNZ report to district plan users; and (c) any consequential amendments required as a result of the relief sought.

PROPOSED PLAN CHANGE 42 – GENERAL RURAL AND RURAL LIFESTYLE ENVIRONMENTS

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Section 10 – General Rural and Rural Lifestyle Environments				
Page 3, Section 10 Definitions	1	Support in part	<p>Federated Farmers supports the inclusion of the proposed new definitions. In respect of the definition for stock proof fence it is recommended that the Council incorporates the full definition from Schedule 2.7 of the Fencing Act 1978. This would make it easier for users of the district plan as they will not have to go to a different place to find out the requirements are for a stock proof fence.</p> <p>The new definition for papakāinga is supported as it better reflects the concept of how tangata whenua live and work in this space.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of the definition for stock proof fence so that it reads:</p> <p style="padding-left: 20px;"><u>Stock Proof Fence - A 9 or 10 wire fence: as described in Schedule 2.7 of the Fencing Act 1978: a substantial wire fence having 9 or 10 wires properly strained, with or without battens (droppers) or lacing affixed to the wires between the posts or standards; the posts or standards to be of durable timber, metal, or reinforced concrete, well and substantially erected, and not more than 5 m apart, the top wire not to be less than 1 m from the ground surface, the wires to be galvanised, and of 2.5 mm high tensile steel or 4 mm steel, or its equivalent, the space between the ground and the bottom wire not to exceed 100 mm, the 4 bottom wires to be not more than 130 mm apart.</u></p> <p>(b) the retention of the proposed definition for papakainga as currently drafted or with wording to similar effect; and</p> <p>(c) any consequential amendments required as a result of the relief sought.</p>
Page 3, Section 10 Definitions	2 and 3		<p>Federated Farmers seeks the inclusion of definitions for the following terms:</p> <ul style="list-style-type: none"> • highly productive land; and • minor residential units <p>as these terms are used frequently throughout the plan change text. Providing definitions for these terms will provide clarity to plan users.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the inclusion of definitions in chapter 10 of the district plan for the terms ‘highly productive land’ and ‘minor residential units; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p>
Pages 5 to 7, 3b Rural Environment Chapter, 3b.1 Introduction	4	Support	<p>The recognition of the need to ensure that other activities do not affect the ability of the rural environment to function effectively is strongly supported. Federated Farmers also supports the acknowledgement of the functional need of rural</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the retention of 3b.1 Introduction to the rural environment chapter or with wording to similar effect; and</p>

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
			activities to be located within the rural environment and the potential for reverse sensitivity effects to occur from their continued operation.	(b) any consequential amendments required as a result of the relief sought.
Pages 7 and 8, 3b Rural Environment Chapter, 3b.2 Objectives and Policies – General Rural Environment - Objectives	5	Support in part	<p>Federated Farmers has concerns over the way in which the objectives have been written. The objectives do not read as a statement of what is to be achieved through the resolution of a particular issue.</p> <p>An objective should state what is to be achieved, where and when. With the current objectives, the matter of ‘when’ is not addressed and it is uncertain how it would be known what the objectives have been met.</p> <p>The objectives have also been written as absolute targets in that matters are to be protected or avoided. Again, there will be difficulty in assessing the achievement of these objectives which require absolute outcomes.</p> <p>Federated Farmers has concerns over Objective 3b.2.6 which deals with the impacts on infrastructure from subdivision and development. We recognise that for some essential infrastructure there will be a need to locate in the rural environment. However, the objective also should acknowledge that essential infrastructure can cause reverse sensitivity effects on activities located in the rural environment.</p> <p>Objective 3b.2.4 as currently drafted is inconsistent with Part 2 of the Resource Management Act 1911. It is not appropriate that the objective does not address both sides of the issue or that it seeks to protect all infrastructure from the effects of all subdivision and development.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of the objectives for chapter 3b Rural Environment so that they clearly state what is to be achieved, where the objective is to be achieved and when the objective will be achieved; and</p> <p>(b) the amendment of objective 3b.2.6 so that it reads as follows or with wording to similar effect:</p> <p>Objective 3b.2.6 Impacts on <u>essential</u> infrastructure The impacts on <u>essential</u> infrastructure arising from <u>inappropriate</u> subdivision, <u>use</u> and development are <u>managed avoided, remedied or mitigated where it is possible to do so.</u></p> <p>(c) the insertion of a definition for ‘essential infrastructure’ into the district plan; and</p> <p>(d) any consequential amendments required as a result of the relief sought.</p>
Pages 8 and 9, 3b Rural Environment Chapter, 3b.2 Objectives and	6	Support in part	Federated Farmers supports in part the proposed policies as they are currently written. However, the policies do not appear to meet the best practice guidelines set by Quality Planning. ²	<p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of the policies for chapter 3b Rural Environment so that they clearly state how the objective will be</p>

² <https://www.qualityplanning.org.nz/node/610> accessed at 12.18pm on 14/11/2022.

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Policies – General Rural Environment - Policies			<p>Policies are intended to define the course of action to achieve or implement an objective. Policies need to be written to provide clear direction to decision makers who will be making the decisions on the methods and/or rules used to implement the policies.</p> <p>Policies need to be written to address effects. This requires consideration of the following:</p> <ul style="list-style-type: none"> • How will the policy meet the relevant objective? • Where in the district or region does the policy apply? • What action is required to be taken and when (i.e., under what circumstances). • Who is required to comply with the policy and who will implement the policy? <p>It is also difficult to determine what objectives some of the policies are related to. For example, it is not clear which policy is related to objective 3b.2.1 Enable Primary Production and objective 3b.2.3 Rural Industry. The focus appears to have been taken off these matters and placed on commercial and industrial activity.</p> <p>In addition, it is not clear which policy connects to objective 3b.2.6 Impacts on Infrastructure. For objectives and policies to be effective and provide clear directions for methods and rules, they need to relate to each other. Policies should address all the objectives defined so that there is a clear connection to the methods or rules to be used to implement the objectives and policies.</p>	<p>met by this policy, where in the region or district will the policy apply, what course of action is to be taken and when, and who is required to comply with the policy and who is to implement the policy; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p>
Pages 10 and 11, 3b Rural Environment Chapter, 3b.3 Objectives and Policies – Rural Lifestyle Environment - Objectives	7	Support	Federated Farmers supports the objectives as they are proposed for the rural lifestyle zone.	<p>Federated Farmers seeks the following relief:</p> <p>(a) the retention of objectives 3b.3.1 to 3b.3.8 as currently drafted or with wording to similar effect; and</p> <p>(b) any consequential amendments required as a result of the relief sought.</p>

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Pages 11 and 12, 3b Rural Environment Chapter, 3b.3 Objectives and Policies – Rural Lifestyle Environment - Policies	8	Support	Federated Farmers supports the policies as they are currently drafted for the rural lifestyle zone.	Federated Farmers seeks the following relief: (a) the retention of policies 3b.3.9 to 3b.3.14 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.
Pages 12 to 18, Rules and Standards - Rural Environment – 4b.1 General Rules – General Rural Environment	9	Support	Federated Farmers supports the general rules for the general rural environment as they are currently drafted. The rules as proposed allow for the continuation of existing, lawfully established activities within the rural environment without any unnecessary obstacles.	Federated Farmers seeks the following relief: (a) the retention of policies 3b.3.9 to 3b.3.14 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.
Pages 18 to 22, Rules and Standards - Rural Environment – 4b.2 Performance Standards – General Rural Environment	10	Support	Federated Farmers supports performance standards 4b.2.1 to 4b.2.5 and 4b.2.7 to 4b.2.15. The performance standards allow for continuation of existing, lawfully established activities within the rural environment without any unwarranted barriers.	Federated Farmers seeks the following relief: (a) the retention of performance standards 4b.2.1 to 4b.2.5 and 4b.2.7 to 4b.2.15 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.
Pages 18 to 22, Rules and Standards - Rural Environment – 4b.2 Performance Standards – General Rural Environment 4b.2.6	11	Oppose	Federated Farmers opposes the performance standard as it is currently drafted. Performance standard 4b.2.6 (iv) requires a minimum setback of two hundred metres from all boundaries for buildings for the management of farmed animals from all boundaries. For the purposes of this performance standard, farmed animals means (but is not limited to) buildings used for accommodating livestock of farmed animals either overnight or for a period during the day, and includes cow milking sheds, calf sheds, buildings used to house intensive farming activities, poultry farming activities, feed pads, animal boarding facilities and stables. The current setback from boundaries for the rural environment is 15-25m (depending on the situation and application). The proposed change is significant and has the potential to	Federated Farmers seeks the following relief: (a) the amendment of the required setback in performance standard 4b.2.6 (iv) from 200m to 25m from residential buildings and community facilities; and (b) any consequential amendments required as a result of the relief sought.

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
			<p>significantly impact on our farming members. It may prove impractical or impossible to meet the new proposed setback of 200m.</p> <p>As previously highlighted to the Council, we question what the issue is that the proposed increase in the setback is trying to address. We note that farmed animals and associated buildings are anticipated in the rural environment, and consequently so are any reasonable and permitted noises, odours and effects on rural amenity.</p> <p>Federated Farmers proposes that a 25m setback be required from any residential units or community facilities (such as churches, schools, halls etc.) regardless of whether where the boundary is located. This will strike an appropriate balance between addressing potential effects on people and aesthetics of rural living, while being more practical for farming operations as the dominant land use in the GRE.</p>	
Pages 23 to 25, Rules and Standards - Rural Environment – 4b.3 General Rules – Rural Lifestyle Environment	12	Support	Federated Farmers supports the general rules that are proposed for the rural lifestyle environment.	<p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the retention of general rules 4b.3.1 to 4b.3.7 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.
Pages 26 to 28, Rules and Standards - Rural Environment – 4b.4 Performance Standards – Rural Lifestyle Environment	13	Support	Federated Farmers supports the performance standards proposed for the rural lifestyle environment. The standards provide for the development of an appropriate rural lifestyle and seeks to avoid or minimise any adverse effects on adjoining rural environments.	<p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the retention of performance standards 4b.4.1 to 4b.4.24 as currently drafted or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.
Pages 28 to 32, 4b.5 Subdivision Rules – 4b.5.1 Subdivision – General Rural Environment and	14	Oppose in part	Federated Farmers has concerns over how the rule is currently drafted. A minimum size of ten hectares has been used to determine whether a subdivision is a controlled activity or whether it becomes non-complying.	<p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (a) the amendment of rule 4b.5.1 to provide for all subdivision in the rural zone as a controlled activity provided certain performance standards are met; and

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
associated performance standards			<p>This creates unwarranted barriers and costs for farmers and other landowners in the rural environment. Council subdivision and development policies and rules should provide for managed growth in rural communities. While acknowledging that the loss of productive land can impact on the district’s economy, there is also a need to recognise that farmers undertake small lot subdivision to provide for farm succession, dispose of surplus dwellings and for providing on-farm accommodation for employees.</p> <p>A lot of time and money will need to be spent on a non-complying activity resource consents which potentially could end up being publicly notified and go to a hearing when all that is sought is for a subdivision of land around an existing residential dwelling. This is customary practice for retiring farmers who are looking to hand the on-going operation of a farm over to other people.</p> <p>It is important to realise that there are several activities occurring in the rural zone. The district plan should not put unnecessary barriers in place that prevent landowners from achieving the best use possible of their land.</p> <p>There is also benefit that can be seen for subdivision and development in the rural environment, which will bring people back to the rural communities, increasing the number of ratepayers and increase the number of people that can support existing facilities in rural townships.</p> <p>Federated Farmers supports the performance standards given for rule 4.5.1 (i) as currently drafted.</p>	<p>(b) provide for the subdivision of rural land down to four hectares in size or relief with similar intent; and</p> <p>(c) the retention of the associated performance standards for this rule as currently drafted or with wording to similar effect; and</p> <p>(d) any consequential amendments required as a result of the relief sought.</p>
Pages 28 to 32, 4b.5 Subdivision Rules – 4b.5.8 Subdivision – Bonus Lots	15	Support in part	<p>Federated Farmers would like to acknowledge the work the Council has done on improving this rule since the first version of it was released. The rule is now clear and is easy to understand.</p> <p>The new activity classification of restricted discretionary is supported for the creation of new bonus lots.</p>	<p>Federated Farmers seeks the following relief:</p> <p>(a) the amendment of rule 4b.5.8 to allow for the creation of bonus lots in conjunction with outstanding natural landscapes or features and other similar areas; and</p>

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
			<p>There is concern over the fact the proposed rules appears only to allow for the creation of bonus lots that are connected to or providing protection for Significant Natural Areas. This limitation to significant natural areas does not provide incentive or encouragement for the long-term protection of other features located within the rural environment. Federated Farmers requests that the Council provides for the environment gains that can be achieved by other areas (such as Outstanding or Amenity Landscape Areas, Foreshore Protection Area, etc), being able to be utilised as bonus lots.</p>	<p>(b) any consequential amendments required as a result of the relief sought.</p>

PROPOSED PLAN CHANGE 43 – TAUPŌ INDUSTRIAL ENVIRONMENTS

Proposed District Plan provision	Submission Point	Support / Oppose	Federated Farmers Submission	Relief Sought
Plan Change 43 Taupō Industrial Environment and Centennial Industrial Environment				
Entire Plan Change	1	Support	<p>Federated Farmers supports proposed plan change 34 in its entirety. The new land to be rezoned is located adjacent to the existing industrial zone which should allow for easy access to the required infrastructure.</p> <p>The industrial zone is located on the edge of Taupō, and it makes sense to rezone land next to the existing zone rather than locating a new industrial zone elsewhere where it could impact on the rural environment.</p>	<p>Federated Farmers seeks the following relief:</p> <ul style="list-style-type: none"> (d) the retention of the proposed plan change as currently drafted or with wording to similar effect; and (e) any consequential amendments required as a result of the relief sought.

Appendix E

Relevant submitters for service

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