

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KOTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**A N D**

**IN THE MATTER** of an appeal pursuant to clause 14(1) of Schedule  
1 of the Act in relation to decisions on the proposed  
Te Tai Poutini Plan

**BETWEEN** **FEDERATED FARMERS OF NEW ZEALAND  
INCORPORATED**

Appellant

**AND** **BULLER DISTRICT COUNCIL**  
**GREY DISTRICT COUNCIL**  
**WESTLAND DISTRICT COUNCIL**

Respondents

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**NOTICE OF APPEAL**

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## **NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON THE PROPOSED TE TAI POUTINI PLAN**

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

To: The Registrar  
Environment Court  
CHRISTCHURCH

1. Federated Farmers of New Zealand Incorporated (**Federated Farmers**) appeal against part of a decision of the Te Tai Poutini Plan Committee on behalf of Buller District Council, Grey District Council and Westland District Council (**Respondents**) on the proposed Te Tai Poutini Plan (**the Proposed Plan**).
2. Federated Farmers made a submission on the Proposed Plan dated 11 November 2022 (submitter number 524) and a further submission dated 13 July 2023 (further submitter number 103).
3. Federated Farmers is not a trade competitor for the purpose of section 308D of the Resource Management Act 1991 (**RMA**).
4. Federated Farmers received notice of the Respondents' decision on 10 October 2025.

### **The decision (or parts of the decision) that Federated Farmers is appealing:**

5. The specific provisions of the Proposed Plan that Federated Farmers are appealing are set out in the table attached as Appendix 1 to this appeal notice. The general reasons for the appeal are set out below.

### **The reasons for the appeal are as follows:**

6. The general reasons for the appeal are that the Proposed Plan:
  - (a) does not promote sustainable management of natural and physical resources as required by section 5 of the RMA, as certain provisions do not manage the use, development and protection of natural and physical resources in a way which enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety;

- (b) will potentially impose undue costs and consent requirements;
  - (c) does not represent the most appropriate means of exercising the Councils' statutory functions, having regard to the efficiency and effectiveness of other options under sections 32 and 32AA of the RMA;
  - (d) does not achieve integrated management of the effects of the use, and development of land, in accordance with section 31 of the RMA;
  - (e) does not apply the balanced approach anticipated by the New Zealand Coastal Policy Statement 2010 (**NZCPS**);
  - (f) applies thresholds unsupported by evidence; and
  - (g) has inconsistencies between provisions.
7. Without limiting the generality of the above, further specific grounds of appeal are set out in Appendix 1.

**Federated Farmers seeks the following relief:**

- 8. The relief sought is set out with respect to each provision in the table attached as Appendix 1. Where specific wording changes are sought as relief, Federated Farmers, in the alternative, seeks any wording that would adequately address the reasons for its appeal.
- 9. Federated Farmers also seek such consequential amendments or related relief as may be necessary to give effect to the concerns described in this notice of appeal, including consequential changes needed to policies or other provisions as a result of rules being amended.
- 10. Federated Farmers would be prepared to be involved in negotiations and mediations with the Respondents and other parties if this path was chosen as a way to address issues raised in appeals.

**ATTACHMENTS**

- 11. The following documents are attached to this Notice:
  - (h) Appendix 1: table of relief sought by provision with reasons provided.
  - (i) Appendix 2: a copy of Federated Farmers submission and further submission.
  - (j) Appendix 3: a copy of the relevant decisions (attached as separate

documents).

- (k) Appendix 4: a list of the names and contact details of persons who made further submissions on Federated Farmers' submissions, to be served with a copy of this notice (as per Decision [2025] NZEnvC 325).

Dated 8 December 2025

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



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**K L Sannazzaro**

On behalf of Federated Farmers of New Zealand

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## **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 1: Table of relief sought by provision with reasons provided**

Provision Appealed	Reasons for Appeal	Relief Sought
<b>Part 1 – Introduction and General Provisions: Interpretation</b>		
<p>Definition: Agricultural, pastoral and horticultural activities</p>	<p>Federated Farmers support the inclusion of this definition and note its relationship to other definitions including “primary production” and “land based primary production”. However, we are concerned that the term remains inconsistently used throughout the Proposed Plan.</p>	<p>Federated Farmers seek that:</p> <p>(a) various similar terms in the provisions listed below, are replaced with the defined term “agricultural, pastoral and horticultural activities”:</p> <ul style="list-style-type: none"> <li>• agriculture and horticulture activities: rule ENG-R7</li> <li>• agricultural, pastoral and horticultural uses: objective LBPP–O1</li> <li>• agricultural, horticultural and/or pastoral activities: policy NFL-P2, rules RLZ-R1, RLZ-R15, RLZ-R23, policy OSRZ-P14, rules OSRZ-R11, OSR18, OSZ-R20, SETZ-R5, SETZ-R26, and MPZ-R8</li> <li>• arable, horticultural or pastoral farming use: rule NC-R1</li> <li>• pastoral farming: GRUZ overview</li> <li>• rural production activities: definition of agricultural aviation activities, rule NOISE-R2, policies RURZ-P22, RURZ-P27, RURZ-P29, and GRUZ overview.</li> </ul> <p>(b) the term “agricultural aviation activities” be replaced to refer to “agricultural, pastoral and horticultural aviation activities”.</p>
<p>Definition: Indigenous vegetation clearance</p>	<p>Federated Farmers oppose the definition of indigenous vegetation clearance as it does not take into consideration the unique ecological circumstances of the West Coast region. It also does not exclude all forms of grazing and pasture management.</p> <p>Approximately 84% of the West Coast is Department of Conservation (<b>DoC</b>) estate and around 90% indigenous vegetation cover - compared with 24% nationally. Providing for ordinary land-use activities, where indigenous</p>	<p>Federated Farmers seek that:</p> <p>(a) explicit allowance be made through the ECO rules for all current extensive grazing practices to continue; and</p> <p>(b) a new definition for extensive grazing is included:</p> <p><u><i>Extensive grazing means the grazing of livestock at low intensity on unimproved or semi-natural</i></u></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>vegetation is constantly regenerating on production land<sup>1</sup>, is a materially different baseline than elsewhere in New Zealand.</p> <p>Neither the RMA nor National Policy Statement for Indigenous Biodiversity (<b>NPS-IB</b>) define “indigenous vegetation clearance”. The NPS-IB includes a limited definition within the definition of “maintenance of improved pasture”. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (<b>NES-F</b>) contain a definition for “indigenous vegetation clearance”, but only in relation to wetlands.</p> <p>The Decision incorporates some words from the NPS-IB and NES-F into the Proposed Plan definition of “indigenous vegetation clearance”. This is inappropriate. It does not consider the West Coast context where indigenous biodiversity is present across most land. It will prevent established farming activities that do not result in an overall loss of indigenous biodiversity. This is inconsistent with section 5 of the RMA and with the overall policy objective of the NPS-IB.</p> <p>The Decision records exclusion of pasture maintenance from the definition is not necessary because “<i>Federated Farmers concern to enable the ongoing grazing of established pasture and improved pasture should be addressed through the rule framework</i>”<sup>2</sup>. We agree with this approach, insofar as the rules provide for “improved pasture maintenance” (which are at least partially consistent with clause 3.17 of the NPS-IB).</p> <p>However, the Decision does not include rules that provide for wider pasture maintenance practices that occur on the West Coast – practices that do not involve “improvement” or “maintenance” as defined by the NPS-IB.</p> <p>The practice of extensive, low-input grazing of livestock on unimproved or semi-natural vegetation, typically on land with low productivity, limited soil fertility, or poor accessibility - needs to be provided for. If it is not provided for, there will be a substantial impact on existing farming operations.</p> <p>Extensive low-intensity grazing is an established pastoral land use on the West Coast, including on marginal land, hill country and on conservation land grazed under DOC concessions. Many farming operations have incorporated grazing under concession arrangements for over 150 years. Extensive grazing is an established and lawful land use that has coexisted with indigenous vegetation</p>	<p><u>vegetation, where this is part of an established pastoral land use and does not involve deliberate clearance of established woody indigenous vegetation.</u></p> <p>(c) a new definition for mob-stocking is included:</p> <p><u>Mob-stocking means high-density, short-duration grazing. It excludes extensive grazing.</u></p> <p><b>Alternatively,</b></p> <p>if the relief requested under (a) to (c) above is not provided, Federated Farmers seek amendment to the definition of indigenous vegetation clearance as follows:</p> <p><i>means the deliberate clearing, damage, destruction or removal of indigenous vegetation by any means, including felling, cutting, crushing, smothering, <del>mob-stocking</del>, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning, but <del>it</del> <u>It excludes</u> the clearance of indigenous vegetation:</i></p> <p><u>a. forming an understorey within an exotic plantation forest; and</u></p> <p><u>b. the grazing of livestock at low intensity on unimproved or semi-natural vegetation, where this is part of an established pastoral land use and does not involve deliberate clearance of established woody indigenous vegetation.</u></p>

<sup>1</sup> E.g. [Timmons: Cattle on Conservation Land](#), NZ Journal of Ecology, vol 26, No 2, 2002.

<sup>2</sup> [Hearings Panel Recommendation Report – Ecosystems and Indigenous Biodiversity](#), para 136-138.

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>for generations.</p> <p>Section 4(1) of the RMA provides that the Act binds the Crown. While section 4(3) provides a limited exemption for certain activities of the Crown on conservation land, this exemption does not extend to third parties such as grazing concession holders. Farmers operating under DoC grazing concessions are subject to district plan rules.</p> <p>If the Proposed Plan's definition of indigenous vegetation clearance captures extensive grazing, concession holders would be in breach of district plan rules while exercising lawful concession rights granted by the Crown. Without explicit exclusion of extensive grazing from this definition, or a rule expressly providing for extensive grazing, the Proposed Plan will prevent concession holders from exercising established grazing rights, and render farming operations that have grazed the river valleys for generations, unviable.</p> <p>Without this exclusion, established farming activities that do not result in an overall loss of indigenous biodiversity would be treated as vegetation clearance and under the Proposed Plan would require consent.</p> <p>We note that “mob-stocking” was included in the “indigenous vegetation clearance” definition as the result of a submission by DoC. “Mob-stocking” was not defined in the Proposed Plan but was described in the Decision as “deliberately putting animals into bush areas to graze”<sup>3</sup>. We consider mob-stocking is better described as “high-density, short-duration grazing”, and we seek clarification to ensure it is not confused with extensive grazing.</p>	
Definition: Land based primary production	Federated Farmers support the inclusion of this definition. However, the term should be used consistently throughout the Proposed Plan, in favour of any similar, undefined term.	Federated Farmers seek that the term “economic farming units” in GRUZ-PREC 5 be replaced with the term “economic units for land based primary production”.
Definition: Mineral Extraction	<p>“Farm quarries” are defined and enabled through the Proposed Plan. In the General Rural Zone (GRUZ) they are permitted by rule GRUZ-R1 as an “agricultural, pastoral or horticultural activity”, a defined term that includes “farm quarry” (also a defined term).</p> <p>The GRUZ also has rules for “Mineral Exploration” and “Mineral Prosecting” (rules GRUZ-R10 and GRUZ-R17) and “Mineral Extraction” (rules GRUZ-R11</p>	<p>Federated Farmers seek that:</p> <p>(a) the definitions of Mineral Extraction, Mineral Exploration and Mineral Prosecting are amended to include the statement  <i>“This does not include a farm quarry.”;</i></p>

<sup>3</sup> Ibid, para 67.

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>and GRUZ- R25). Additional rules apply in certain overlays.</p> <p>Federated Farmers sought inclusion of the National Planning Standard definition for “quarrying” in the Proposed Plan, as quarrying is also referred to. The decision did not give relief to this request because the definition of “mineral extraction” was considered adequate.</p> <p>Federated Farmers remains concerned that unless farm quarries are clearly excluded from the definition of “mineral extraction”, that the mineral extraction rules would also apply. “Quarrying” (including farm quarrying) is by definition “mineral extraction”.</p> <p>Farm quarrying, while taking a crown mineral, is not subject to restrictions in the Crown Minerals Act (CMA) 1991 imposed on prospecting, exploring and mining. However, this exclusion of farm quarrying is provided for in section 8 of the CMA and not in the definition of “mineral extraction”. The use of the CMA definition of “mineral extraction” includes farm quarries.</p> <p>While most farm quarries are likely to be able to comply with GRUZ-R11, we are also concerned about the inconsistent use of terminology for mining and quarrying throughout the Proposed Plan.</p>	<p>and</p> <p>(b) amendments are made to the Proposed Plan provisions below, to ensure reference to mining and quarrying terminology is accurate, precise and consistent:</p> <ul style="list-style-type: none"> <li>• mining and quarrying / quarrying and mining: definition of “less hazard sensitive activity”, rule EW-R6, policy SASM-P10, OSZ overview, GRUZ overview, GRUZ-R1, and RLZ overview</li> <li>• mining activities: rules OSZ-R10, GRUZ-R10, RLZ-R10, and SETZ-R15</li> <li>• mineral extraction and quarrying: rule SASM-R7</li> <li>• quarries, including farm quarries and mineral extraction activities: rule SASM-R7</li> <li>• aggregate extraction and mineral extraction (as per the NPS-IB): policies ECO-P3, ECO-P8, and rule ECO-R10, and for which the former term is undefined</li> <li>• farm quarries: definition of a “agricultural, pastoral and horticultural activity”, rules SASM-R7, SASM-R11, SASM-R15, SASM-R19, OSZ-R11, policy RURZ-P22, rules RLZ-R1, and SETZ-R5</li> </ul>
<p>Definition: Highly productive land</p>	<p>Federated Farmers sought inclusion of a definition for highly productive land, and that the term replaced “versatile soil”. While not definition was included, the term “versatile soil” was replaced with “highly productive land”.</p> <p>However, we remain concerned with the use of a similar, but different term in rule SUB-R6 and seek that a consistent definition be used throughout the Proposed Plan</p>	<p>Federated Farmers seek the term “high value soils” in rule SUB-R6 be replaced with the term “highly productive land”.</p>
<p>Definition: Wastewater treatment facilities</p>	<p>Federated Farmers support inclusion of a new definition of “wastewater treatment facilities” (associated with a Decision on SASM-R17, a rule that Federated Farmers submitted on). We support the definition excluding domestic septic tanks and dairy shed effluent treatment and disposal facilities. However, we are concerned that this now defined term remains inconsistently</p>	<p>Federated Farmers seek that amendments are made to ensure reference to various different terms for wastewater treatment facilities, identified in the Proposed Plan provisions below, are replaced with the</p>

Provision Appealed	Reasons for Appeal	Relief Sought
	used throughout the Proposed Plan.	defined term “wastewater treatment facilities”: <ul style="list-style-type: none"> <li>• community wastewater treatment: policy CMUZ-P12</li> <li>• community wastewater treatment facility: rules GRUZ-R1, and SETZ-R2</li> <li>• community... wastewater networks rule GRZ-R1</li> <li>• wastewater treatment infrastructure: GRUZ-PREC1</li> <li>• wastewater treatment plants: rule SASM-R17, and policy RESZ-P16</li> <li>• wastewater treatment plants and land disposal areas: policy RURZ-P18.</li> </ul>
<b>Part 2 – District Wide Matters: Strategic Direction</b>		
Strategic directions: Objective CCR-O2	<p>Federated Farmers are concerned that objective CCR-O2 is drafted more broadly than is appropriate for a district plan. While the first Emissions Reduction Plan (<b>ERP</b>) (May 2022) seeks to reduce greenhouse-gas emissions, its approach is tied to national emissions budgets, a fair and equitable transition, and an all-of-government framework. Objective CCR-O2, as currently worded, may establish expectations that sit beyond the proper function of a district plan.</p> <p>Where emissions reductions are addressed in the Decision and the associated section 32 / 32AA evaluations, they specifically relate to transport. Associated policy CCR-P5 is targeted at transport. No analysis has been undertaken in relation to agricultural emissions, and the ERP does not suggest that district plans are an appropriate mechanism for regulating such emissions.</p> <p>We are concerned that objective CCR-O2 (in conjunction with policy CCR-P5) could be applied inappropriately to resource consent applications for agricultural activities with discretionary status, to argue for reductions in cow numbers or other farm-management constraints. District plans are not the appropriate instrument for regulating biological emissions.</p>	<p>Federated Farmers seek that objective CCR-O2 is amended as follows:</p> <p><i>Greenhouse gas emissions arising from the transport system are reduced and through opportunities to transition to a low carbon emission economy <del>are provided</del>, including as a result of new technology.</i></p>
Strategic directions: Policy CCR-P5	Federated Farmers are concerned that policy CCR-P5 is targeted at transport options but not limited to transport options.	Federated Farmers seek that policy CCR-P5 is amended as follows:

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>Where emissions reductions are addressed in the Decision and the associated section 32 / 32AA evaluations, they specifically relate to transport. No analysis has been undertaken in relation to agricultural emissions, and the Emissions Reduction Plan does not suggest that district plans are an appropriate mechanism for regulating such emissions.</p> <p>Accordingly, we are concerned that policy CCR-P5 (in conjunction with objective CCR-O2) could be inappropriately applied to resource consent applications for agricultural activities with discretionary status, to argue for reductions in cow numbers or other farm-management constraints. District plans are not the appropriate instrument for regulating biological emissions.</p>	<p><i>Support, at a local level, reduction in emissions of greenhouse gases, <del>including</del> through providing for low carbon transport options such as walking, cycling and electric vehicles.</i></p>
<p>Strategic directions: Policy NENV-P2</p>	<p>Federated Farmers are concerned the Decision has reduced recognition of all infrastructure within significant or outstanding areas in NENV-P2(b), to only “regionally significant” infrastructure.</p> <p>While existing private water and drainage infrastructure is recognised in new clause (d) as “lawfully established activities”, there is no longer recognition of new private infrastructure with a functional or operational need to be located in significant or outstanding areas.</p> <p>This change is inconsistent with other policies and rules within the Proposed Plan.</p>	<p>Federated Farmers seek that policy NENV-P2(b) is amended as follows:</p> <p><i>b. The functional or operational need for <del>regionally significant</del> infrastructure to sometimes be located in significant and/or outstanding natural environment areas and features;</i></p>
<p>Strategic directions: Policy POU – P5</p>	<p>Federated Farmers support the recognition of Poutini Ngāi Tahu and their relationship with the West Coast, and sought amendment of POU-P5 to clarify that where these sites are on private land or access is across private land, access must be via prior discussion and agreement with the landowner.</p> <p>The Decision entirely overlooked Federated Farmers submission. However, we note that the Decision agreed a similar amendment to objective SASM-O2, and we seek alignment with objective SASM-O2, here.</p>	<p>Federated Farmers seek that policy POU-P5 is amended as follows:</p> <p><i>Poutini Ngāi Tahu should be able to freely access mahinga kai sites and cultural materials in accordance with tikanga and to support community wellbeing, recognising that such access may require the consent of private landowners.</i></p>
<p><b>Part 2 – District Wide Matters: Natural Environmental Values – ECO Ecosystems and Indigenous Biodiversity</b></p>		
<p>Policy ECO-P3</p>	<p>Policies ECO-P2 and ECO-P3 work together. Policy ECO-P2 is an enabling policy providing for activities to occur in “areas of significant indigenous biodiversity”, including “maintenance of improved pasture”.</p> <p>“Areas of significant indigenous biodiversity” is a defined term including:</p>	<p>Federated Farmers seek that policy ECO-P3 is amended as follows:</p> <p><i>Provide for activities within SNA within Schedule Four where:</i></p> <p><i>a. the adverse effects of the activity on the</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<ul style="list-style-type: none"> <li>• Mapped and scheduled Significant Natural Areas (<b>SNA</b>); and</li> <li>• Those areas assessed as significant using the RPS process (equivalent to that specified in the <b>NPS-IB</b>).</li> </ul> <p>Policy ECO-P3 applies to only the SNA subset of areas provided for by policy ECO-P2. It specifically provides for regionally significant infrastructure (also provided for in policy ECO-P2), and mineral and aggregate extraction of significant benefit (not identified in policy ECO-P2).</p> <p>Federated Farmers support provision for these activities in SNA, but is uncertain as to why these should only be provided in SNA and not areas that are effectively SNA under the RPS criteria?</p> <p>If policy ECO-R3 is to be retained as a standalone policy, then to avoid any confusion between the two policies we seek that provision of “maintenance of improved pasture” also be specified. This would improve consistency with Clause 3.17 of the NPS-IB, which (1) allows this activity to continue where it may affect an SNA, and (2) states local authorities must allow it to continue subject to listed criteria.</p>	<p><i>significant natural area are managed in accordance with the effects management hierarchy, the activity has a functional need or operational need to be located within the area and there is no practicable alternative location, and it is for the purpose of:</i></p> <ul style="list-style-type: none"> <li><i>a.i. Construction or upgrade of regionally significant infrastructure; or</i></li> <li><i>b.ii. Mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; or</i></li> <li><i>e.iii. Aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand; or</i></li> </ul> <p><i>b. the clearance is part of a regular cycle of maintenance of improved pasture for farming, with no increase in adverse effects provided:</i></p> <ul style="list-style-type: none"> <li><i>i. the improved pasture has not itself become an SNA; and</i></li> <li><i>ii. the land is not an uncultivated depositional landform; and</i></li> <li><i>iii. Threatened or At Risk (declining) species will not be adversely affected.</i></li> </ul>
Rule ECO-R1	<p>Federated Farmers support the clearer drafting of the ECO rules. However, rule ECO-R1 as drafted, creates significant issues for farmers, particularly given the unique ecological context of the region. The West Coast contains approximately 84% Department of Conservation estate with around 90% indigenous vegetation cover. Providing for ordinary land-use activities, where indigenous vegetation is constantly regenerating on production land<sup>4</sup>, is a</p>	<p>Federated Farmers seek that rule ECO-R1 is amended as follows:</p> <ol style="list-style-type: none"> <li>1. <i>Within the coastal environment:</i> <ol style="list-style-type: none"> <li>i. <i>Any indigenous vegetation clearance in any 3 year period is a maximum of 500m<sup>2</sup> per site, or a maximum of 20m<sup>2</sup> on any individual</i></li> </ol> </li> </ol>

<sup>4</sup> E.g. [Timmons: Cattle on Conservation Land](#), NZ Journal of Ecology, vol 26, No 2, 2002.

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	<p>materially different baseline than elsewhere in New Zealand.</p> <p><b>Absence of SNAs mapping creates uncertainty for landowners</b></p> <p>Federated Farmers acknowledge that, given the national pause on mapping SNAs under the NPS-IB and uncertainty surrounding both the indigenous biodiversity framework and the upcoming RMA replacement, it is neither practical nor realistic for district councils to complete SNA mapping at this time. We also consider it undesirable to pursue SNA mapping under current criteria, as a very high proportion of private land could be captured.</p> <p>Where the significance of biodiversity values is uncertain, the precautionary approach of the NPS-IB is intended to guide council decision-making, not to justify shifting the costs, risks, and information burden onto landowners.</p> <p>In the absence of mapped SNAs, rule ECO-R1 applies stringent vegetation-clearance limits without the certainty that normally accompanies SNA identification. This effectively requires landowners to assume that significant biodiversity values may be present and therefore face a greater likelihood of needing consent—and in practice, to commission ecological assessments at their own cost.</p> <p>Federated Farmers concern is that rule ECO-R1 should not penalise landowners for the absence of mapping, particularly when that absence arises from a national policy pause, legislative uncertainty, and the application of a precautionary approach that was never intended to create disproportionate private costs.</p> <p><b>The reduction in permitted clearance thresholds is unjustified and unsupported by evidence</b></p> <p>Federated Farmers opposed the Decision’s significant reduction in the areas of indigenous vegetation that may be cleared as a permitted activity.</p> <p>The Decision provides no analysis explaining why limits of 20m<sup>2</sup>, 500m<sup>2</sup>, 2,000m<sup>2</sup>, or 5,000m<sup>2</sup> were selected.</p> <p>For context, a 2,000m<sup>2</sup> limit provides only for a standard 4m wide access track over a distance of 500m. In the coastal environment, only a 25m long access track is possible. For many properties this allowance is insufficient to enable land to be used.</p> <p>There is no ecological evidence in the Decision demonstrating that these limits are necessary or proportionate. This omission is inconsistent with section</p>	<p><i>infrastructure work site, or 20m<sup>2</sup> per linear 100 metre length for linear infrastructure; except that indigenous vegetation clearance is a maximum of 500m<sup>2</sup> per site in the Hartmount Place and Ross Place subdivision, provided that at least an equivalent amount is retained on the site;</i></p> <p><i>ii. The indigenous vegetation clearance will not disturb, damage or destroy nesting areas of habitat or protected threatened or at risk species; and</i></p> <p><i>iii The indigenous vegetation clearance will not occur in an area of land within category one or two of the Threatened Environment Classification; and</i></p> <p>2. <i>Within the riparian margin of a waterbody:</i></p> <p><i>i. It is a maximum of 25m<sup>2</sup> per linear 200 metre length of riparian margin in any 3 year period; and</i></p> <p>3. <i>In all other locations:</i></p> <p><i>i. A maximum of <del>2,000</del> 5,000 m<sup>2</sup> in any 3 year period on any site that has not had a Significant Natural Area assessment undertaken in accordance with Policy ECO - P1; or</i></p> <p><i>ii A <del>maximum of 5,000m<sup>2</sup></del> There is no restriction on any site that has had a Significant Natural Area assessment in accordance with Policy ECO - P1 or within the Grey District has a Significant Natural Area included within Schedule Four that is located on the same property; or</i></p> <p><i>iii. Is a maximum of 20m<sup>2</sup> in any 3 year period on any individual infrastructure work site, or 20m<sup>2</sup> per linear 100 metre length for linear</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>32(1)(b)(ii) of the RMA, which requires a robust assessment of the efficiency, effectiveness, costs, benefits, and risks of the chosen limits.</p> <p><b>The removal of the 3 year time frame for clearance thresholds is unjustified and unsupported by evidence</b></p> <p>The Decision removed the 3 year period over which the clearance thresholds applied because it was difficult to enforce, doesn't address cumulative effects, and the thresholds will need to be reviewed following completion of SNA assessments.</p> <p>In addition to reducing the overall thresholds for new activities, this omission further, and considerably, reduces the amount of indigenous vegetation removal that can occur without a consent. It is noted that the disagreement of one panel member with this recommendation as recorded in a minority decision. We agree with the concerns he raised.</p> <p><b>Assessment costs</b></p> <p>Where consent is required, ecological assessment is typically needed. Recent West Coast experiences for our members have shown that such assessments can exceed \$100,000 for complex or remote sites. A single lizard survey can cost around \$40,000 on a South Westland farm. Seasonal survey requirements commonly extend assessment periods to 12-18 months. For modest farm-scale proposals, these combined costs and delays are so substantial that in practical terms the rule will likely operate as an absolute barrier that cannot be dealt with.</p> <p><b>Deficiencies in the s32 and s32AA evaluations</b></p> <p>The section 32 evaluation did not evaluate the different area-based permitted clearance thresholds. The section 32AA assessment accompanying the Decision did not provide any substantive analysis of the newly introduced limits, nor demonstrate why they represent the most efficient or effective option. Simply stating that the amended rules are "effective and efficient" does not meet the evidential standard required by section 32AA(1)(a). The Decision does not demonstrate how these thresholds avoid being arbitrary, overly cautious, or disproportionate to the potential effects that may occur.</p>	<p><i>infrastructure; and</i></p> <p>...</p>
Rule ECO-R3	<p>Federated Farmers support clear provision for clearance of indigenous biodiversity outside of SNA, for existing activities and structures. However, rule ECO-R3 does not expressly provide for extensive grazing. While it is a lawfully established activity, as described in clause (1), it is not identified in the non-</p>	<p>Federated Farmers seek that rule ECO-R3 is amended as follows:</p> <p><i>Where:</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>exhaustive list.</p> <p>Extensive grazing of livestock at low intensity on unimproved or semi-natural vegetation is an established land use on many West Coast properties, including on areas that have not been assessed for SNA status. Without explicit provision, the continuation of established grazing practices could require consent as indigenous vegetation clearance, despite being a long-standing and legitimate pastoral land use.</p> <p>The Decision stated that “<i>Federated Farmers concern to enable the ongoing grazing of established pasture and improved pasture should be addressed through the rule framework<sup>5</sup></i>”. However, the rules do not achieve this and extensive low-intensity grazing on unimproved or semi-natural vegetation - an established West Coast land use - is not clearly provided for. The relief sought remedies this inconsistency between the Panel's stated intention and the rules as decided.</p> <p>Where extensive grazing does not involve deliberate clearance of established woody indigenous vegetation, it should be recognised as an appropriate activity.</p> <p>If extensive grazing is not clearly provided for, and a consent is required, an ecological assessment is typically needed which can be costly.</p> <p>For extensive grazing, the combined costs and delays are so substantial that in practical terms the rule may operate as a barrier to everyday, lawfully established farming activities.</p>	<ol style="list-style-type: none"> <li>1. <i>The clearance is for the maintenance and repair of lawfully established activities and structures including tracks, accessways, fences, pipelines, drains, natural hazard mitigation structures, shelterbelts and woodlots, environmental monitoring facilities and infrastructure; or</i></li> <li>2. <i>The clearance is for the maintenance of improved pasture for farming-; or</i></li> <li>3. <i>The clearance occurs as a result of the grazing of livestock at low intensity on unimproved or semi-natural vegetation, where this is part of an established pastoral land use and does not involve deliberate clearance of established woody indigenous vegetation, and where:</i> <ol style="list-style-type: none"> <li><i>i. there is evidence the land has historically been grazed prior to 14 July 2022; and</i></li> <li><i>ii. grazing intensity is not materially increased from historical levels.</i></li> </ol> </li> </ol> <p>Or alternative wording for (3) above, if relief for including a definition for “extensive grazing” is granted:</p> <ol style="list-style-type: none"> <li>3. <i>The clearance occurs as a result of extensive grazing, where:</i> <ol style="list-style-type: none"> <li><i>i. there is evidence the land has historically been grazed prior to 14 July 2022; and</i></li> <li><i>ii. grazing intensity is not materially increased from historical levels.</i></li> </ol> </li> </ol>
Rule ECO-R6	<p><b>Addition of "animal" to provide for vegetation clearance where there is significant threat to animal life</b></p> <p>Federated Farmers support rule ECO-R6, which provides for indigenous vegetation clearance outside SNA, where this is not provided for in other rules. However, no relief was granted to in response to its submission to provide for</p>	<p>Federated Farmers seek that rule ECO-R6 is amended as follows:</p> <ol style="list-style-type: none"> <li>2. <i>Necessary to remove vegetation that endangers human <u>or animal</u> life or existing</i></li> </ol>

<sup>5</sup> [Hearings Panel Recommendation Report – Ecosystems and Indigenous Biodiversity](#), para 136-138.

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>clearance where there is a serious threat to animals.</p> <p>ECO-R6(2) currently permits vegetation clearance that is "necessary to remove vegetation that endangers human life or existing buildings or structures". It does not provide for removal of vegetation that endangers livestock.</p> <p>Tutu (<i>Coriaria arborea</i>) is endemic to New Zealand and prevalent on the West Coast, particularly in broken country and riparian areas. All parts of the plant are highly toxic to livestock and humans. Cut or wilted leaves are particularly attractive to stock, resulting in frequent poisoning incidents. The nectar and pollen of tutu are also toxic, creating hazards for beekeeping operations.</p> <p>Provision for vegetation removal to prevent serious threat to animals, alongside humans, is consistent with Federated Farmers' original submission on ECO-R1(3)(iv) which sought to add "animals" to the provision for preventing serious threats.</p> <p><b>Consequential amendment</b></p> <p>A consequential amendment is also necessary to ECO-R6 (14) to provide for the relief sought in relation to rule ECO-R1.</p>	<p><i>buildings or structures;</i></p> <p>...</p> <p>14. <i>For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and will not exceed <del>2,000m<sup>2</sup> clearance per property</del> <u>the relevant area limits specified in ECO-R1(3).</u></i></p>
Rule ECO-R7	<p><b>Policy ECO-P2 and the NPS-IB allow for maintenance of improved pasture in SNA</b></p> <p>The Decision has accepted provision for "maintenance of improved pasture" to be recognised in policy ECO-P2, the policy providing for activities within areas of significant indigenous biodiversity which includes SNAs.</p> <p>However, this provision in policy ECO-P2 is not reflected in rule ECO-P7. Not providing for the maintenance of improved pasture is inconsistent with clause 3.17 of the NPS-IB, which (1) allows this activity to continue where it may affect an SNA, and (2) states local authorities must allow it to continue subject to listed criteria.</p> <p><b>Limitations on repair, operation, and maintenance activities are impractical and internally inconsistent</b></p> <p>The Decision's 3-metre width limit for indigenous vegetation clearance associated with the operation, maintenance, and repair of lawfully established structures and activities is unworkable in many situations. Depending on the type and scale of the structure (e.g., farm tracks, drainage systems and water</p>	<p>Federated Farmers seek that rule ECO-R7 is amended as follows:</p> <p><i>Where this is:</i></p> <ol style="list-style-type: none"> <li>1. <i>For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:</i> <ol style="list-style-type: none"> <li><del>i. This is at the same or similar scale, character and intensity as at 14 July 2022; and</del></li> <li><del>ii. The clearance is within 3 metres of the lawfully established activity and is limited to a maximum area of 50m<sup>2</sup> per individual Significant Natural Area;</del></li> </ol> </li> <li>2. <i>Necessary to remove vegetation that</i></li> </ol>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>supply lines), a 3-metre corridor is insufficient for safe machinery access.</p> <p>Further, it is illogical and inconsistent to permit essential maintenance activities in principle but then set clearance limits that prevent those activities from occurring. This creates a rule that is not effective or efficient as required under section 32 of the RMA, because the rule cannot achieve its intended purpose. It also risks creating unnecessary consent-triggering situations for routine maintenance, contrary to the RMA's purpose that enables the reasonable use of land.</p> <p><b>Provision for vegetation clearance where there is significant threat to animal life</b></p> <p>Rule ECO-R7(2) currently permits vegetation clearance that is "necessary to remove vegetation that endangers human life or existing buildings or structures". It does not provide for removal of vegetation that endangers livestock.</p> <p>Tutu (<i>Coriaria arborea</i>) is endemic to New Zealand and prevalent on the West Coast, particularly in broken country and riparian areas. All parts of the plant are highly toxic to livestock and humans. Cut or wilted leaves are particularly attractive to stock, resulting in frequent poisoning incidents. The nectar and pollen of tutu are also toxic, creating hazards for beekeeping operations.</p> <p>Provision for vegetation removal to prevent serious threat to animals, alongside humans, is consistent with Federated Farmers' original submission on ECO-R1(3)(iv) which sought to add "animals" to the provision for preventing serious threats.</p> <p><b>The "Council Approved Contractor" requirement is unjustified, unclear, and imposes unnecessary risk and cost</b></p> <p>The Decision requires vegetation clearance for certain activities to be undertaken by a "Council Approved Contractor," but provides no explanation or assessment of why this requirement is necessary, nor the criteria or process for such approval.</p> <p>This requirement is impractical, particularly in remote parts of the West Coast where the availability of such contractors will be limited or non-existent. It is also inefficient, because it introduces delays and additional costs for landowners attempting to carry out legitimate repair, maintenance, and safety-related works. In emergency or high-risk situations, these delays could exacerbate the very hazards (e.g., fire risk, access blockages, infrastructure</p>	<p><i>endangers human or animal life or existing buildings or structures, where this is certified by a Council Approved Contractor limited to the smallest extent practicable;</i></p> <p>3. <i>For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3 metres of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority;</i></p> <p>4. <i>To comply with section 43 of the Fire and Emergency Act 2017;</i></p> <p>5. <i>To enable removal of unwanted organisms declared under the Biosecurity Act 2015-;</i></p> <p>6. <i>For the maintenance of improved pasture and:</i></p> <p><i>i. there is adequate evidence to demonstrate that the maintenance of improved pasture is part of a regular cycle of periodic maintenance of that pasture; and</i></p> <p><i>ii. any adverse effects of the maintenance of improved pasture on an SNA are no greater in intensity, scale, or character than the effects of activities previously undertaken as part of the regular cycle of periodic maintenance of that pasture; and</i></p> <p><i>iii. the improved pasture has not itself become an SNA; and</i></p> <p><i>iv. the land is not an uncultivated depositional landform; and</i></p> <p><i>v. the maintenance of improved pasture will not adversely affect a Threatened or At Risk (declining) species.</i></p> <p>7. <i>The clearance occurs as a result of the grazing</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>failure) that vegetation clearance is intended to mitigate.</p> <p>If a landowner is unable to secure a Council-approved contractor, they are forced into a resource consent process, further adding cost and delay. This represents an unnecessary regulatory burden, unsupported by any evidence in the section 32 or section 32AA RMA evaluations, and is not the most appropriate way to achieve the Proposed Plan's objectives under section 32(1)(a).</p> <p><b>Provision is needed for existing extensive grazing practices where they might otherwise be considered as clearance of indigenous vegetation</b></p> <p>Federated Farmers seek explicit provision for the continuation of extensive grazing within SNA. Extensive grazing of livestock at low intensity on unimproved or semi-natural vegetation has been undertaken for generations, within areas that may now be identified as SNAs. This includes grazing under DOC concessions on conservation land.</p> <p>If the Proposed Plan's provisions treat extensive grazing as indigenous vegetation clearance requiring consent, concession holders could be in breach of district plan rules while exercising lawful concession rights granted by the Crown. This creates regulatory conflict and could render these farming operations unviable.</p> <p>Rule ECO-R7 should include a standalone provision for extensive grazing, with appropriate safeguards to ensure Threatened or At Risk species are not adversely affected.</p> <p><b>Assessment costs</b></p> <p>Where consent is required, ecological assessment is typically needed. Recent West Coast experience shows that such assessments can exceed \$100,000 for complex or remote sites, with even a single lizard survey costing around \$40,000 on a South Westland farm. Seasonal survey requirements commonly extend assessment periods to 12-18 months. For extensive grazing, these combined costs and delays are so substantial that in practical terms the rule may operate as a <i>de facto prohibition</i>.</p>	<p><u>of livestock at low intensity on unimproved or semi-natural vegetation, where this is part of an established pastoral land use and does not involve deliberate clearance of established woody indigenous vegetation where:</u></p> <p><u>i. there is evidence the land has historically been grazed prior to 14 July 2022; and</u></p> <p><u>ii. grazing intensity is not materially increased from historical levels; and</u></p> <p><u>iii. Threatened or At Risk (declining) species will not be adversely affected.</u></p> <p>Or alternative wording for (7) above, if relief for including a definition for "extensive grazing" is granted:</p> <p><u>7. The clearance occurs as a result of extensive grazing, where:</u></p> <p><u>i. there is evidence the land has historically been grazed prior to 14 July 2022; and</u></p> <p><u>ii. grazing intensity is not materially increased from historical levels; and</u></p> <p><u>iii. Threatened or At Risk (declining) species will not be adversely affected.</u></p>
<p><b>Part 2 – District Wide Matters: Natural Environmental Values – NFL Natural Features and Landscapes</b></p>		
<p>Policy NFL-P2</p>	<p>Federated Farmers are concerned the Decision has removed provision for all new and upgraded infrastructure within outstanding natural landscapes, instead recognising only upgrades of "regionally significant" infrastructure,</p>	<p>Federated Farmers seek that policy NFL-P2 be amended as follows:</p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>network infrastructure, and renewable generation activities.</p> <p>There is no longer recognition for new or upgraded private water and drainage infrastructure, with a functional or operational need to be located in outstanding natural areas.</p> <p>This change is inconsistent with other policies and rules within the Proposed Plan.</p>	<p><i>g. Operation, maintenance and upgrading of existing lawfully established <del>network infrastructure and regionally significant infrastructure</del>;</i></p> <p><i>h. New <u>infrastructure and renewable electricity generation activities</u> where there is a functional need to be located in these areas;</i></p>
<b>Part 2 – District Wide Matters: General District-Wide Matters – CE Coastal Environment</b>		
<p>Policy CE-P4</p>	<p>Federated Farmers are concerned that policy CE-P4, which was intended to be an enabling policy, has been amended in a way that make practical farming activities extremely difficult to continue or develop.</p> <p>While we acknowledge these changes were made in response to the NZCPS, the current drafting goes further than required and does not reflect the balanced approach anticipated by the NZCPS.</p> <p>The NZCPS requires councils to identify where subdivision, use and development may be inappropriate, and to avoid adverse effects on outstanding natural character, features and landscapes, or where adverse effects on those values are significant. However, the NZCPS also expressly recognises that protecting the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. Policy CE-P4 as currently drafted, does not reflect this balance.</p> <p>We consider that policy CE-P4 no longer gives clear recognition to primary production as an appropriate and anticipated land use within these coastal overlays. Nor does it assist by identifying which aspects of primary production may be inappropriate in the natural character overlays. Instead, it largely repeats NZCPS direction without adding local context or providing meaningful guidance for plan users, which creates uncertainty for landowners and decision-makers.</p> <p>Farming will always generate some level of adverse effects. A strict “avoid” threshold applied without qualification functions as a prohibition rather than an enabling framework. This is inconsistent with the policy’s purpose of providing for primary production. Similarly, the clause relating to “existing lawfully established activities” preserves the current situation but does not enable necessary farm improvements, infrastructure upgrades, or operational</p>	<p>Federated Farmers seek that policy CE-P4 be amended as follows:</p> <p><i>Provide for primary production activities within areas of outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:</i></p> <p><i>a. These are existing lawfully established activities and associated lawfully established buildings and structures; or</i></p> <p><i>b. The use <u>maintains or appropriately manages</u> effects on <del>protects</del> the elements, patterns or processes that contribute to the outstanding or high natural character values; <del>and</del></i></p> <p><i>While:</i></p> <p><i>c. <u>avoiding significant</u> <del>Adverse</del> effects on outstanding natural character, outstanding natural landscapes and outstanding natural features <del>are avoided</del>.; <u>and</u></i></p> <p><i>d. <u>recognising the contribution of existing and long-established primary production activities to the elements, patterns and processes of the natural character, landscape and features.</u></i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>changes essential for economic viability and adaptation over time.</p> <p>The expectation that primary production activities must “protect” outstanding natural character, features and landscapes sets an unrealistic and unachievable requirement. While farming can be undertaken in a way that is compatible with these values, it cannot reasonably be expected to operate as a preservation-based activity. Imposing this threshold is likely to impede routing farming operations and frustrate the policy’s intended enabling function.</p>	
Rule CE-R4	<p>Federated Farmers oppose the building restrictions imposed in the wider Coastal Environment by rule CE-R4. Rule CE-R4 is inconsistent with policy CE-P5, that provides for buildings and structures in the wider coastal environment, where they have a function or operational need to locate there, and are of a size, scale and nature appropriate to the area.</p> <p>Coastal farms require buildings for stock management, feed and machinery storage, water infrastructure and general farming operations. Depending on farm layout and operations, they may have operational and functional need to be located in the Coastal Environment overlay.</p> <p>The restrictions are intended to avoid large buildings dominating the low lying coastal landscape, avoiding significant adverse effects on coastal natural character, features and landscapes.</p> <p>We consider that private farmland is an existing and legitimate part of the coastal environment, and where present, it is intrinsic to the character and functioning of those areas. Further, the s42A author concluded that farm buildings have different visual effects to residential dwellings and that some allowance could be made within the rule for larger farm buildings<sup>6</sup>.</p> <p>Buildings for farming purposes in the GRUZ are permitted, subject to a 10m height limit and a floor area restriction of 1000m<sup>2</sup>. Rule CE-R4 limits them to 7m high and 200m<sup>2</sup>. This means that all but the smallest buildings (less than 10m x 20m) will require a consent. Many typical farm buildings would require consent.</p> <p>Federated Farmers also oppose the requirement for farm buildings to be setback 25m from mean high water springs, and there may be an operational or functional need to locate farm buildings within this setback. The 25m distance appears arbitrary and no assessment was provided regarding the need for and size of this setback in relation to farm buildings.</p>	<p>Federated Farmers seek that rule CE-R4 is amended as follows:</p> <p>2. <i>These are:</i></p> <p>i. <i>Buildings and structures that comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone (excluding buildings and structures for agricultural, pastoral and horticultural purposes), RLZ - Rural Lifestyle, SETZ - Settlement Zone, OSZ - Open Space Zone and the NOSZ - Natural Open Space Zone:</i></p> <p>a. <i>Maximum height is 7m for new buildings;</i></p> <p>b. <i>No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and</i></p> <p>c. <i>The gross ground floor area is:</i></p> <p>i. <i>A maximum of 200m<sup>2</sup> per building for new buildings;</i></p> <p>ii. <i>No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; and</i></p>

<sup>6</sup> [Coastal Environment s42A Author Right of Reply](#), para 63-69.

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>We also note that most coastal natural character overlays coincide with the coastal natural hazards overlay. While managing a different effect (hazards) - buildings for non-habitable purposes, and those associated with primary production are identified as “less hazard sensitive activities” and are permitted in the Coastal Hazard Erosion and Inundation overlays.</p>	<p><i>d. New buildings are set back 25m from Mean High Water Springs except where these are:</i></p> <p><i>I. New network utility buildings, where these are located within a legal road reserve; or</i></p> <p><i>II. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or</i></p> <p><i>ii. Energy Activities or Network Utilities, including ancillary earthworks, that are permitted activities in the Energy, Infrastructure and Transport Chapters of the Proposed Plan.</i></p>
<p>Rule CE-R5</p>	<p>Federated Farmers oppose “new buildings other than for residential dwellings” being limited by rule CE-R5 to a floor area of 100m<sup>2</sup>, when provision has been made for residential dwellings to be 150m<sup>2</sup>.</p> <p>This floor area restriction does not appear to be addressing an adverse effect on natural character and appears to be at odds with the conclusion of the s42A author (in relation to CE-R4) that farm buildings have different visual effects to residential dwellings and that some allowance could be made for larger farm buildings<sup>7</sup>.</p> <p>We also oppose the requirement for all buildings to be setback 25m from mean high water springs. There may be an operational or functional need to locate farm buildings within this setback. The 25m distance appears arbitrary and no assessment was provided for the need for and size of this setback in relation to farm buildings.</p> <p>We also note that most coastal natural character overlays coincide with the coastal natural hazards overlay. While managing a different effect (hazards) - buildings for non-habitable purposes, and those associated with primary production are identified as “less hazard sensitive activities” and are permitted in the Coastal Hazard Erosion and Inundation overlays.</p>	<p>Federated Farmers seek that rule CE-R5 be amended as follows:</p> <p><i>4. In all other zones:</i></p> <p><i>i. Any new residential dwelling on a site where no other dwelling is located is no more than 150m<sup>2</sup> ground floor area;</i></p> <p><i><u>ia. Any new building for agricultural, pastoral and horticultural purposes does is no than 150m<sup>2</sup> ground floor area;</u></i></p> <p><i>ii. Any other new building is no more than 100m<sup>2</sup> ground floor area;</i></p> <p><i>iii. Any addition increases the total building footprint by no more than 50m<sup>2</sup>;</i></p> <p><i>iv. The maximum height above ground level is for any building or structure is 7m; and</i></p> <p><i>v. New <del>buildings</del> residential dwellings are set back 25m from mean high water springs.</i></p>

<sup>7</sup> [Coastal Environment s42A Author Right of Reply](#), para 63-69

Provision Appealed	Reasons for Appeal	Relief Sought
Rule CE-R7	<p>Federated Farmers oppose the removal of provision for new farm tracks from rule CE-R7. The Decision states this is in response to submissions concerned these activities could have adverse effects on the natural character of these areas.</p> <p>We consider this to be an unbalanced application of the NZCPS. The NZCPS expressly recognises that protecting the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits.</p> <p>The rule imposes a level of restriction inconsistent with the NZCPS's more flexible expectations for high natural character, does not reasonably provide for rural use, and removes practical tools needed for safe, viable farming. A landowner with no existing track access is effectively prevented from farming the land. The Decision did not consider including conditions to manage potential adverse effects, such as by avoiding sensitive landforms or prominent ridge lines.</p> <p>There is also confusion within the Proposed Plan regarding fences in relation to earthworks rules. The definition of "earthworks" expressly excludes "gardening, cultivation, and disturbance of land for the installation of fenceposts". Federated Farmers seek that fences be removed from the rule to avoid confusion.</p>	<p>Federated Farmers seek that rule CE-R7 be amended as follows (or similarly, to provide relief to the reasons for the appeal):</p> <p><i>Where:</i></p> <p>1. <i>These are for:</i></p> <p>i. <i>Operation, maintenance, repair and upgrade of walking/cycling tracks, roads, or farm tracks or fences lawfully established;</i></p> <p>...</p> <p>ii. <u><i>Construction of new farm tracks, where the tracks are not located on prominent ridgelines or on sensitive coastal landforms (cliffs, dunes or wetlands).</i></u></p>
<b>Part 2 – District Wide Matters: General District-Wide Matters – LIGHT Lighting</b>		
Objective LIGHT-O2	<p>Federated Farmers oppose the addition of clauses (e) to (g) into this objective for the following reasons:</p> <p><b>They do not articulate a clear environmental outcome</b></p> <p>The clauses describe processes, tests, and effects-management requirements rather than the end state the Proposed Plan seeks to achieve.</p> <p><b>They improperly incorporate policy direction into an objective</b></p> <p>Wording such as "avoid," "significant adverse effects," and "apply the effects management hierarchy" is appropriately dealt with at the policy or rule level, not within an objective.</p> <p><b>They impose obligations that artificial lighting cannot realistically fulfil</b></p> <p>It is unreasonable and unworkable to require that artificial outdoor lighting itself</p>	<p>Federated Farmers seek that objective LIGHT-O2 is amended as follows:</p> <p><i>Artificial outdoor lighting is located, designed and operated to:</i></p> <p>a. <i>Maintain the character and amenity values within zones;</i></p> <p>b. <i>Protect the natural character of the coastal environment and outstanding natural features and landscapes;</i></p> <p>c. <del><i>Provide for</i></del> <u><i>Enable</i></u> <i>the health and safety of people, and the safe operation of the transport network;</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>"protect" indigenous biodiversity, as lighting is only one of many potential effects and cannot in isolation achieve such protection.</p> <p><b>They result in an overly long, complex, and confusing objective</b></p> <p>The clauses transform a single objective into a list of detailed requirements, undermining clarity and usability for plan users and decision-makers.</p> <p><b>No evaluation has been provided for the substantive refocus in direction or costs</b></p> <p>The shift to more stringent, effects-based thresholds and the increased emphasis on indigenous biodiversity has not been assessed as required by section 32 or 32AA of the RMA.</p> <p>In particular, the potential for higher compliance costs, such as the need for additional specialist ecological assessments for consent applications, has not been evaluated.</p> <p><b>They reduce the coherence of the objective</b></p> <p>The inclusion of biodiversity-specific provisions alongside amenity, night sky, and safety outcomes produces an objective that lacks a single, coherent focus, contrary to good plan drafting practice.</p>	<p>d. <i>Protect and maintain the qualities of the natural darkness of the night sky;</i></p> <p>e. <i>Maintain indigenous biodiversity.</i></p> <p><del>Outside the coastal environment, protect significant habitats of indigenous biodiversity and the species themselves by applying the effects management hierarchy and maintain the habitats and ecosystems of nocturnal native fauna biodiversity and the species themselves;</del></p> <p>f. <del>Protect significant indigenous biodiversity within the coastal environment by avoiding adverse effects on Threatened or At Risk indigenous species and their habitats;</del></p> <p>g. <del>Protect indigenous biodiversity within the coastal environment by avoiding significant adverse effects on indigenous species and their habitats.</del></p>
Policy LIGHT-P1	<p>Federated Farmers oppose the addition of clauses (e), (g) and (h) into this policy for the following reasons:</p> <p><b>Inappropriate use of “effects management hierarchy” into lighting</b></p> <p>The NZCPS, NPS-IB and RPS generally require adverse effects on indigenous biodiversity to be “avoided” in preference to “remedied” or “mitigated” (the effects management hierarchy).</p> <p>These higher order documents must be given effect to, but that does not require verbatim copying of their wording into policy. Effect can be given in terms of overall outcomes, not literal phrasing.</p> <p>In context, “avoid” is generally intended to apply to land use change, habitat loss, physical modification, permanent or irreversible impacts and activities that directly remove, fragment or damage ecosystems. Lighting is an operational effect – temporary, reversible and controllable – and is rarely the sole cause of biodiversity decline. At most it contributes incremental effects.</p>	<p>Federated Farmers seek that policy LIGHT-P1 be amended as follows:</p> <p><i>Provide for the use of artificial outdoor lighting that:</i></p> <p>a. <i>Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces;</i></p> <p>b. <i>Maintains the character and amenity values of the zone;</i></p> <p>c. <i>Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety;</i></p> <p>d. <i>Maintains the natural darkness of the night sky within the coastal environment and minimises adverse effects on the darkness of the night sky</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>The intent of these higher order documents is not to impose a zero-effect standard on operational activities such as artificial lighting.</p> <p><b>Imposition of unworkable expectations</b></p> <p>Artificial lighting cannot realistically “avoid” all adverse effects. A literal application would create unimplementable policy.</p> <p>Lighting can be managed, mitigated or limited to reduce ecological effects, but it cannot, by itself “maintain habitats”, “avoid adverse effects on threatened species,” or “protect habitats” in a broad ecological sense. Lighting rules can contribute to biodiversity outcomes but cannot independently deliver them.</p> <p><b>Practical policy implications</b></p> <p>Using the effects management hierarchy and literal “avoidance” language in this context would create compliance uncertainty and potential overreach, requiring unrealistic levels of ecological assessment or engineering controls.</p> <p>Artificial lighting - by its very nature - could have significant adverse effects on nocturnal insects. These effects are unlikely to be avoidable. It is important to recognise that such effects are limited in extent, and that some level of lighting is necessary to ensure health and safety.</p> <p>A proportionate approach using terms such as “limit” or “manage” adverse effects, would still give effect to higher-order documents while remaining workable, realistic, and defensible.</p> <p><b>Terminology</b></p> <p>Use of two terms defined in the Proposed Plan - “indigenous biodiversity” (which includes habitats) and “area of significant indigenous biodiversity” – would enable simplification of the policy.</p>	<p><i>in other areas;</i></p> <p>e. <i>Outside the coastal environment, <del>avoids-limit</del> adverse effects on <u>areas of significant habitats</u> of indigenous biodiversity and threatened or at risk species by <del>applying the effects management hierarchy and maintains the habitats of other indigenous biodiversity and the species themselves;</del></i></p> <p>f. <i>Recognises the functional or operational needs of activities;</i></p> <p>g. <i>Within the coastal environment,;</i></p> <p>i. <i><del>avoids limit</del> adverse effects on <u>areas of significant indigenous biodiversity, habitats</u> and threatened or at risk indigenous species and their habitats; and</i></p> <p>hij. <i><del>Within the coastal environment, avoids</del> <u>minimise</u> significant adverse effects on indigenous biodiversity <del>and their habitats.</del></i></p>
Rule LIGHT-R4	<p>Federated Farmers are concerned that the light levels are too low to provide for all farming purposes. Dairy farms in particular often need significant lighting for pre-dawn milking, evening milking or herd movements, and loading/unloading, stock handling, and safe movement around yards. Typical light levels are 200-400 lux for worker safety and animal welfare. Even with directional shielding, vertical spill at the boundary can easily exceed 5 Lux, depending on proximity. A limit of 1 lux is extremely restrictive. Unless lighting is used well away from the boundaries, this limit may not be achievable.</p>	<p>Federated Farmers seek that rule LIGHT-R4 be amended as follows:</p> <p><i>Where:</i></p> <p>1. <i>Outdoor artificial lighting must not exceed the following vertical light levels:</i></p> <p>i. <i><del>7.00am – 10.00pm: 5</del> <u>10</u> Lux; and</i></p> <p>ii. <i><del>10.00pm – 7.00am: 1</del> Lux.</i></p>

Provision Appealed	Reasons for Appeal	Relief Sought
<b>Part 3 – Area-Specific Matters: Zones – GRUZ General Rural Zone</b>		
Rule GRUZ-R1	<p>Federated Farmers oppose the inclusion of floor area limits for buildings associated with agricultural, pastoral and horticultural activities in the GRUZ. We are concerned at the possibly arbitrary nature of this new limit, and the need for farmers to obtain resource consent for large farm buildings in the GRUZ<sup>8</sup>.</p> <p>The Decision did not identify the environmental issue that inclusion of this new restriction was seeking to address. Typically, floor area limits seek to control rural character, amenity and land use intensity effects.</p> <p>We consider that agricultural, pastoral and horticultural activities and buildings are an anticipated and legitimate part of the rural environment, and where present, it is intrinsic to the character and functioning of those areas. We note that intensive indoor primary production otherwise require consent under GRUZ-18 or GRUZ-28.</p> <p>We note that an alternative means of addressing any effects of large farm buildings is to set a limit on maximum site coverage (as some other councils do). This was not an alternative that was considered. Setbacks can also address potential effects, and these were already included in rule GRUZ-R1.</p>	<p>Federated Farmers seek that rule GRUZ-R1 be amended as follows:</p> <p><b><u>Agricultural, Pastoral <del>or</del> and Horticultural Activities, and Buildings and structures</u></b></p> <p>1. <u>Excluding any building associated with agricultural, pastoral and horticultural activities, the maximum ground floor area of any single building is 1000m<sup>2</sup> or 500m<sup>2</sup> for any residential building; ...</u></p>
Rule GRUZ-R19	<p>Federated Farmers oppose the requirement that all rural industry in the GRUZ obtain resource consent. There should be provision for small scale rural industry in the GRUZ as a permitted activity. Such facilities have a functional need to locate in the rural zone, particularly contractors to the farming industry.</p> <p>This would be consistent with:</p> <ul style="list-style-type: none"> <li>Objective RURZ-O1, which seeks to provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, and supporting a productive rural working environment and rural activities.</li> <li>Policy RURZ-P1, which is to enable primary production activities as the predominant land use, alongside activities that support primary production.</li> </ul>	<p>Federated Farmers seek that a new permitted activity rule for rural industry be included as follows:</p> <p><u>GRUZ-XX Small scale rural industry</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>The area of land associated with the rural industry is less than 250m<sup>2</sup>.</u></p>

<sup>8</sup> [S42A Report Rural Zones](#), paragraph 203.

Provision Appealed	Reasons for Appeal	Relief Sought
<b>Part 3 – Area-Specific Matters: Zones – RLZ Rural Lifestyle Zone</b>		
Rule RLZ-R1	Federated Farmers oppose the exclusion of farm quarries from rule RLZ-R1, as there are potential needs for quarries on lifestyle blocks. The potential adverse effects of a farm quarry on other properties in the lifestyle zone can be managed through appropriate conditions in a permitted activity rule.	<p>Federated Farmers seek RLZ-R1 be amended as follows:</p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <li>1. <i>The activity does not include:</i> <ol style="list-style-type: none"> <li>i. <i>Intensive indoor primary production;</i></li> <li>ii. <i>The storage and disposal of solid or liquid animal waste other than that generated on the site; <u>or</u></i></li> <li>iii. <i>Stock sale yards; <del>or,</del></i></li> <li>iv. <i>Farm quarries;</i></li> <li>...</li> </ol> </li> <li>9. <i>For farm quarries:</i> <ol style="list-style-type: none"> <li>i. <i>The quarry must be set back a minimum of:</i> <ol style="list-style-type: none"> <li>a. <i>200 m from any residential dwelling on a separate site;</i></li> <li>b. <i>10 m from any site boundary of a site under different ownership;</i></li> </ol> </li> <li>iii. <i>The maximum area of any farm quarry shall be 1500 m<sup>2</sup> per site;</i></li> <li>iv. <i>Quarrying operations must only occur between 9am – 5pm Monday-Friday and 10am-4pm Saturdays. (excluding public holidays);</i></li> <li>vi. <i>The limits in NOISE-R5 apply.</i></li> </ol> </li> </ol>

**Appendix 2: Federated Farmers submission and further submission on the proposed Te Tai Poutini Plan**

(attached separately)

### **Appendix 3: Copies of relevant parts of the decisions on the proposed Te Tai Poutini Plan**

(attached separately)

- 1) Introduction and General Provisions
- 2) Strategic Direction
- 3) Coastal Environment
- 5) Ecosystems and Biodiversity
- 7) General District Wide Matters Part 1
- 8) General Rural and Rural Lifestyle Zones
- 11) Mineral Extraction
- 12) Natural Character and the Margins of Waterbodies
- 13) Natural Features and Landscapes

#### Appendix 4: Persons to be served with a copy of this notice

Further submitter	Address for service
Department of Conservation	<a href="mailto:gdeavoll@doc.govt.nz">gdeavoll@doc.govt.nz</a>
Grey District Council	<a href="mailto:Michael.mcaney@gdc.govt.nz">Michael.mcaney@gdc.govt.nz</a>
Horticulture New Zealand	<a href="mailto:emily.levenson@hortnz.co.nz">emily.levenson@hortnz.co.nz</a>
Tony Michelle, NZ Agricultural Aviation Association	<a href="mailto:eonzaaa@aviationnz.co.nz">eonzaaa@aviationnz.co.nz</a>
Royal Forest and Bird Protection Society of NZ Inc	<a href="mailto:n.snoyink@forestandbird.org.nz">n.snoyink@forestandbird.org.nz</a>
West Coast Regional Council	<a href="mailto:Ls@wrc.govt.nz">Ls@wrc.govt.nz</a>