



4SIGHT

CONSULTING

SUBMISSION ON DRAFT WAITAKI DISTRICT PLAN

TO:

Waitaki District Council

BY E-MAIL:

planreview@waitaki.govt.nz

SUBMISSION ON:

Draft Waitaki District Plan, including:

- General Rural Zone;
- Agricultural Intensification Definition;
- Hazards and Risks;
- Historic and Cultural Values; and
- Natural Environment Values.

NAME OF SUBMITTER:

Brock and Gemma Hamilton – Rikon Projects Ltd – 225
Tilverstowe Road

Phil and Becky Wilson – Glenure Farming Ltd – 68
Tilverstowe Road

Nathan and Kirsty McLachlan – Sealach Ltd – 77 Hedley
Road and 62 Harveys Road

Derek Chalmers – 62 Harveys Road

Peter and Janine Stackhouse – Hillcrest – 373 Conlans
Road and 113 Paradise Gully Road

Barry Mathews – Waimare Limited – 419 Tilverstowe
Road

Kelvin Weir – K & D Farms – Wahi Tupuna

Grant and Melissa Duff – 112 Prydes Gully Road

Ross and Ann Marie Elliot – 630 Tokorahi Road

Andrew McCulloch – 61 McCulloch Road

Terry Conlan – 123 Conlans Road

Grant Neal – 242 Island Cliff Duntroon Road

Joseph Paton – Alperna Farms Limited – 384 Conlans
Road

Andrew McEwan – 21 Conlans Road

Otto Dogteram – Dogteram Glenmoa Limited – 163
Prydes Gully Road, 131 Settlement Road, 525
Settlement Road and 3012-2802 Duntroon Georgetown
Road.

Michael Simpson – Section 28 Block II Maerewhenua SD
Borst Holdings – 816 Whitstone Five Forks Road and 826
Kakanui Valley Rd

Henry Matheson – 3971 and 4142, State Highway 1
(Katiki Corner), Moeraki

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REPORT INFORMATION AND QUALITY CONTROL

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1 INTRODUCTION

This submission represents a collective group of submitters, who are all landowners and/or occupiers of various rural properties from the Waitaki District. These landowners undertake a variety of rural production activities on their properties, and have been identified below:

- Brock and Gemma Hamilton – Rikon Projects Ltd – 225 Tilverstowe Road
- Phil and Becky Wilson – Glenure Farming Ltd – 68 Tilverstowe Road
- Nathan and Kirsty McLachlan – Sealach Ltd – 77 Hedley Road and 62 Harveys Road
- Derek Chalmers – 62 Harveys Road
- Peter and Janine Stackhouse – Hillcrest – 373 Conlans Road and 113 Paradise Gully Road
- Barry Mathews – Waimare Limited – 419 Tilverstowe Road
- Kelvin Weir – K & D Farms – Wahi Tupuna
- Grant and Melissa Duff – 112 Prydes Gully Road
- Ross and Ann Marie Elliot – 630 Tokorahi Road
- Andrew McCulloch – 61 McCulloch Road
- Terry Conlan – 123 Conlans Road
- Grant Neal – 242 Island Cliff Duntroon Road
- Joseph Paton – Alperna Farms Limited – 384 Conlans Road
- Andrew McEwan – 21 Conlans Road
- Otto Dogteram – Dogteram Glenmoa Limited – 163 Prydes Gully Road, 131 Settlement Road, 525 Settlement Road and 3012-2802 Duntroon Georgetown Road
- Michael Simpson – Section 28 Block II Maerewhenua SD
- Borst Holdings – 816 Whitstone Five Forks Road and 826 Kakanui Valley Rd
- Henry Matheson – 3971 and 4142, State Highway 1 (Katiki Corner), Moeraki

The collective submission represents the above people who all make important contributions to the local communities and Waitaki's economy as a direct result of their primary production activities.

2 SUBMISSIONS

2.1 OVERALL SUBMISSION

- 2.1.1 Our collective submitters appreciate the opportunity to provide feedback on the DWDP. The specific parts of the DWDP they would like to provide feedback on relate to the provisions that may impact primary production activities.
- 2.1.2 The owners and occupiers of the aforementioned properties understand the importance of protecting and enhancing the natural environment, historic heritage values, and sites and areas of significance to Māori while also allowing for the productive use of land which supports the economic and social wellbeing of many Waitaki residents. The production activities undertaken at present on the aforementioned properties are all examples of primary production being undertaken in a manner which can maintain and protect the special characteristics of the Waitaki District in a sustainable manner.
- 2.1.3 Under the DWDP, the land owned by the above parties will be zoned General Rural Zone and are variably subject to heritage and cultural values, including wāhi tūpuna and archaeological sites, and natural environment values, including significant natural features ("SNF"), significant natural areas ("SNA"), and outstanding natural features ("ONF"). For many, these features existed under the Operative District Plan, however, some are new features or have changed the landscape value (i.e., from SNF to ONF). The wāhi tūpuna overlay is new for most properties.
- 2.1.4 We have considered the DWDP that is available online at a high level. In general, the collective submitters are concerned that the proposed provisions may unduly constrain existing primary production activities and some proposed provisions, as currently drafted, may not give effect to the DWDP strategic direction.

2.2 DWDP Strategic Direction

- 2.2.1 Support the general strategic direction sought by the DWDP. In particular, they are supportive of the strategic objectives in relation to historical and cultural identity values, natural environment, and rural areas.

Relief Sought

- 2.2.2 Retain the strategic direction as drafted.

2.3 DEFINITIONS

- 2.2.1 'Agricultural intensification' is currently defined as:

'means change in pastoral activities, including agricultural conversion arising from direct drilling, cultivation, top dressing, oversowing and irrigation but does not include dryland farming.

It does not include changes to stocking rates, animal species or breed, or changes as a result of changes to feed types where it does not involve the above activities.'

- 2.3.2 This definition is not set out in the proposed National Planning Standards, nor is it defined in any higher order documents. Whilst national direction does describe agricultural intensification, this is generally in regard to the expansion or change to a primary production activity.
- 2.3.3 The definition as drafted could have serious implications for the ability of existing primary production activities to be undertaken within existing farm systems. Rotational grazing systems means cultivation, spray and irrigation management are not always undertaken on an annual basis. If any activity were not to be undertaken in the previous year, there are concerns that existing use rights may not be applicable and sites that have been subject to these activities historically would require consent for ongoing operations, without intensification of agricultural practices actually occurring.
- 2.3.4 The agricultural intensification definition is relevant to various rules within the DWDP, which could result in significant consenting burden for both landowners and Council for the continuation of existing land use activities.
- 2.3.5 The existing definition could unduly constrain the ability for innovation of primary production practices to achieve better overall environmental outcomes.

Relief Sought

- 2.3.6 Redraft the agricultural intensification definition to ensure it is clear that this relates to change in primary production land use (i.e., from pastoral grazing to dairy farming), rather than the continuation of existing primary production practices.

2.4 HAZARDS AND RISKS – HAZARDOUS SUBSTANCES

- 2.4.1 Support in part policy HAZS-P5 where it relates to managing the storage and disposal of hazardous substances, and the related rule HAZS-R1 where it allows for the use and/or storage of hazardous substances outside sensitive environments as a permitted activity. However, there are concerns that HAZS-P5 seeks to avoid the storage and use of hazardous substances in sensitive areas, and non-compliance with HAZS-R1 is not provided for by a specific rule in the Draft District Plan and is therefore a Discretionary Activity. This will unnecessarily hinder the ability to undertake normal primary production activities.
- 2.4.2 For instance, fertiliser, agrichemicals, animal health remedies, petrol, and diesel are required for normal primary production activities and are hazardous substances. Therefore, resource consent will be required to use and/or store these substances in sensitive environments, such as wāhi tūpuna and Outstanding Natural Landscapes or Features which extend over large areas of rural properties, unless existing use rights are retained

Relief Sought

- 2.4.3 Revise HAZS-R1 to include the use and/or hazardous substances within sensitive environments.
- 2.4.4 Update the definition or relevant rules to set a permitted threshold for use of different hazardous substances within sensitive areas, with any threshold's representative of normal primary production activities and the potential effect the use and/or storage of such substances would have on that sensitive environment.

2.5 HISTORIC AND CULTURAL VALUES – HISTORIC HERITAGE

- 2.5.1 Support in principle the protection of the Awamoko Rock Art Site identified as HH 131 in the Draft District Plan. However, they are concerned that the mapped boundaries of HH 131 encompass highly productive land. The policy framework and rules within the Historic Heritage Chapter do not specifically provide for primary production activities such as animal grazing, despite similar activities such as animal grazing for vegetation maintenance being permitted activities under HH-R2.

- 2.5.2 The collective submitters encourage Council to re-assess the scope and scale of buildings and structures managed by HH-R12 with regard to buildings and structures being built within Historic Heritage Items, as this direction may unduly restrict smaller-scale buildings and structures associated with primary production activities which would not negatively affect historic heritage features.
- 2.5.3 Council is encouraged to assess and clarify the policy direction regarding primary production within Historic Heritage Items where appropriate.

Relief Sought

- 2.5.4 Adjust the boundary of HH 131 to the extent of the clay cliffs only and not include highly productive land.
- 2.5.5 Enable small scale primary production activities and associated buildings and structures as permitted activities which would not adversely affect historic heritage features.
- 2.5.6 Ensure the rule framework is permissive for rural grazing and ancillary primary production activities as these would not have an adverse effect on heritage features.

2.6 HISTORIC AND CULTURAL VALUES – SITES AND AREAS OF SIGNIFICANCE TO MĀORI

Objectives and Policies

- 2.6.1 Support in principle the objectives and policies which seek to enable mana whenua to carry out customary activities in wāhi tūpuna such as mahika kai (SASM-O5, SASM-P8 and SASM-P9). There are concerns around what the objectives and policies will mean for landowners who do not consider the general provisions are directive enough on what outcomes are sought to be managed, nor the most effective mechanisms proposed to manage historic and cultural sites.
- 2.6.2 Support in part SASM-P3 as it relates to management of wāhi tūpuna. However, SASM-P3.3 specifically talks about avoiding effects of land and vegetation disturbance, where the rules giving effect to this policy specifically deal with earthworks and indigenious vegetation removal (SASM-R3 and SASM-R4). We highlight that this is an inconsistency with the use of 'land and vegetation disturbance' and the policy may capture activities which are not specifically managed by the aforementioned rules. For instance, land and vegetation disturbance could include such things as cultivating paddocks, which are activities that are currently undertaken. Council is encouraged to amend these terms to clarify that these activities reflect earthworks and indigenious vegetation disturbance only.

Rules/Activities

- 2.6.3 Support in part SASM-R2 as it relates to buildings and structures within identified wāhi tūpuna. However, the permitted activity standards do not allow for key buildings or structures that are required for primary production activities. In particular, the standard requiring a 100m setback from a limestone escarpment is unduly restrictive in light of the level of adverse effects that a building or structure may have on those outcrops. Multiple 100m setbacks may result in a significant loss of pastoral land. We ask that Council revisit the identified setbacks. Furthermore, further clarification on the scope and extent of the applicable limestone escarpments identified within the DWDP should be given, as these should relate to features with cultural significance only.
- 2.6.4 Support in part SASM-R3 as it relates to indigenious vegetation clearance within a wāhi tūpuna. However, it is requested that the vegetation covered by this rule is defined. In particular, the current wording of this rule may restrict farmers from removing indigenious vegetation to allow for primary production activities even if the vegetation was only recently intentionally planted by landowners (i.e., riparian planting or single plants) that would not otherwise be managed by the DWDP.
- 2.6.5 Encourage Council to re-consider Rule SASM-R3 to enable the removal of indigenious vegetation of an appropriate age which could result in damage to existing infrastructure or cultural features. Furthermore, we request that Council considers allowing the removal of some indigenious vegetation for maintaining existing irrigation infrastructure as a permitted activity under PER-1 of SASM-R3.
- 2.6.6 Concerned that SASM-P4, where it relates to earthworks within a wāhi tūpuna, does not clearly allow for the maintenance of irrigation infrastructure. Therefore, the Council is encouraged to revisit the wording of PER-1.3 of SASM-P4 which refers to 'non-system irrigation infrastructure' to ensure that the scale and scope of this is properly defined to provide clarity to farmers who would rather it just refer to 'irrigation'.
- 2.6.7 Support in principle SASM-P6 where it seeks to avoid degradation of the mauri of wāhi tūpuna by culturally incompatible activities. However, the rule which gives effect to this policy, SASM-R14, may be unduly restrictive, whereby any quarrying activities within a wāhi tūpuna are non-complying activities. For instance, small shingle pits which are commonly used for on-site farm maintenance will become non-complying

activities. Therefore, Council is encouraged to investigate the scope and scale of the quarrying activities which need to be managed under SASM-R14 to avoid degradation of the mauri of wāhi tūpuna while allowing flexibility for farmers.

Relief Sought

- 2.6.8 Amend SASM-P3.3 to include earthworks and indigenous vegetation clearance only.
- 2.6.9 Exempt smaller buildings and structures from the 100m setback requirements of Rule SAM-R2, including pump sheds, fencing and similar scale structures that are common as part of primary production activities.
- 2.6.10 Specify the specific limestone escarpments to be managed by the DWDP and ensure any buffer areas are appropriate to manage adverse effects on these features only, without unduly constraining existing primary production activities.
- 2.6.11 Clarify the extent of indigenous vegetation and earthworks to be managed, and ensure existing infrastructure, including irrigation infrastructure, is able to be maintained and protected within all rules of the chapter.
- 2.6.12 Ensure the rule framework is permissive for rural grazing and ancillary primary production activities which would not have an adverse effect on cultural features.
- 2.6.13 Revise the scope and scale of the quarrying activities which need to be managed under SASM-R14 to avoid degradation of the mauri of wāhi tūpuna while allowing flexibility for existing primary production activities.
- 2.6.14 Considering the concerns of the collective submitters, as outlined above ongoing engagement between Council, landowners, and iwi is encouraged. Further education is required for landowners to increase their understanding of what it means for land to be considered wāhi tūpuna, including the cultural and historical significance, and the values that the land holds for mana whenua. This would support positive relationships between landowners, iwi, and Council, to help achieve better outcomes for all parties. This ongoing engagement could be enabled by further policy or guidance notes.

2.7 NATURAL ENVIRONMENT VALUES – NATURAL FEATURES AND LANDSCAPES

Objectives and Policies

- 2.7.1 Support the policy direction where it seeks to protect Outstanding Natural Features and Landscapes, Significant Natural Features, and Rural Scenic Landscapes from inappropriate activities.
- 2.7.2 Ensure provisions also recognise that the significance of these features include the primary productive activities which have occurred within these landscapes and have enabled ongoing protection and sustainable management at present. For instance, some of the land area partially subject to ONF029 – Awamoko Stream Valley is part of a productive environment used for primary production.

Rules/Activities

- 2.7.3 Concerned that the rules in the Natural Features and Landscapes Chapter may be unduly restrictive of activities commonly associated with primary production. For instance, activities which require structures such as low rate irrigation, stock water infrastructure, and calf shelters, will be constrained by NFL-R1 and NFL-R2. Additionally, NFL-P3 only permits permanent fencing, but temporary fencing is often required to operate a farm with rotational grazing.
- 2.7.4 Support NFL-R4 where it manages earthworks but minor changes are recommended, including reconsider the wording which refers to 'non-system irrigation infrastructure' to ensure that the scale and scope of this is properly defined in order to provide clarity.
- 2.7.5 Enable smaller-scale earthworks to be permitted, such as the removal of gravel from the creek bed in accordance with regional and national direction.
- 2.7.6 Consider permitting small scale earthworks for the purposes of conservation activities.
- 2.7.7 Support in principle NFL-R5, but with the scope and definition of agricultural intensification revised (as discussed above).
- 2.7.8 Revise the scope of the intensive outdoor primary production activities. The definition as drafted could have significant implications for the ability of existing primary production activities to be undertaken within existing farm systems. For instance, a low-stocked pastoral farm in a drought would be considered intensive outdoor primary production because they will source feed substantially from outside of the site and would therefore be prohibited under NFL-R16.

- 2.7.9 Object to NFL-R14-16 being prohibited activities and require these activities to be discretionary or non-complying so that in circumstances where the effects can be managed, that these can be undertaken. For example, plantation forestry or intensive outdoor primary production activities may be appropriate in some landscape areas where these would not compromise the overall values of the landscape or could be a logical extension to existing land use activities. Enabling a consenting regime to test the appropriateness is more appropriate than prohibiting these outright, without the ability to determine if the effects can be appropriately managed.
- 2.7.10 Concerned that NFL-R12 may be unduly restrictive, whereby any quarrying activities within an Outstanding Natural Landscape or Outstanding Natural Feature are non-complying activities. For instance, the removal of gravel from riverbeds commonly used for on-site farm purposes will become non-complying activities. Therefore, Council is encouraged to investigate the scope and scale of the quarrying activities which need to be managed under RFL-R5 and NFL-R12 to maintain the values of Outstanding Natural Landscapes and Outstanding Natural Features while allowing flexibility for existing primary production activities.
- 2.7.11 Concerned that one-off recreational or community events may be precluded from natural landscape areas, particularly for not-for-profit groups. Therefore redefine 'not commercial' or exempt not-for-profit organisations from NFL-R7. Additionally, the collective submitters are concerned that restricting motor vehicles may unnecessarily restrict landowners from enjoying these landscapes (i.e., picnics, scenic drives), particularly where there are existing tracks.
- 2.7.12 Support in part NFL-R10 as it relates to indigenous vegetation clearance within an Outstanding Natural Feature or Landscape. However, it is requested that the scope and extent of vegetation covered by this rule is better defined. In particular, the current wording of this rule may restrict primary production activities from removing indigenous vegetation to allow for primary production activities, even if the vegetation was only recently intentionally planted by landowners. Therefore, Council is encouraged to reconsider this rule to enable the removal of indigenous vegetation in certain circumstances where the landscape values would not be comprised. Furthermore, Council is requested to consider allowing the removal of indigenous vegetation for maintaining irrigation infrastructure as a permitted activity under NFL-10.

Relief Sought

- 2.7.13 Clarify within the provisions of the plan and the rules that primary production activities are not necessarily inappropriate in areas of natural landscape with outstanding or significant aspects.
- 2.7.14 Ensure the specific features protected and the extent of landscape areas identified by the DWDP are supported by robust technical evidence.
- 2.7.15 Encourage Council to review the rules in the Natural Features and Landscapes Chapter to ensure that activities that are often relied on to undertake primary production are not unduly constrained or restricted.
- 2.7.16 Reconsider the scope of 'non-system irrigation infrastructure' to ensure that the scale of this activity is properly defined and is managed only where adverse effects would occur on natural landscape areas and features.
- 2.7.17 Enable smaller-scale earthworks to be permitted in natural landscape areas.
- 2.7.18 Permit small-scale earthworks for the purposes of conservation activities.
- 2.7.19 Revise the scope of the intensive outdoor primary production activities so that primary production activities are not necessarily constrained, particularly in periods of extreme weather events and/or innovation to support better environmental outcomes.
- 2.7.20 Object to NFL-R14-16 being prohibited and allow these activities to be discretionary or non-complying so that in circumstances where the effects can be appropriately managed, that these can be undertaken.
- 2.7.21 Better define the scope of quarrying activities or exempt small scale quarrying which directly supports existing primary production activities.
- 2.7.22 Reword 'not commercial' or exempt not-for-profit organisations from Rule NFL-R7.
- 2.7.23 Reconsider motorised vehicles for recreational purposes within Rule NFL-R7.
- 2.7.24 Revise the scope and scale of the indigenous vegetation clearance activities which need to be managed under Rule NFL-10.

3 SUMMARY OF RELIEF SOUGHT

Strategic Direction

- 3.2.1 Retain the strategic direction as drafted.

Agricultural Intensification Definition

- 3.2.2 Redraft the agricultural intensification definition to ensure it is clear that this relates to change in primary production land use (i.e., from pastoral grazing to dairy farming), rather than the continuation of existing primary production practices.

Hazardous Substances

- 3.2.3 Revise HAZS-R1 to not include the use of hazardous substances within sensitive environments.
- 3.2.4 Update the definition or relevant rules to set a permitted threshold for use of different hazardous substances within sensitive areas, with any threshold's representative of normal primary production activities.

Historic Heritage

- 3.2.5 Adjust the boundary of HH 131 to the extent of the clay cliffs only and not include highly productive land.
- 3.2.6 Enable small scale primary production activities and associated buildings and structures as permitted activities which would not adversely affect historic heritage features.
- 3.2.7 Ensure the rule framework is permissive for rural grazing and ancillary primary production activities as these would not have an adverse effect on heritage features.

Cultural Values

- 3.2.8 Amend SASM-P3.3 to include earthworks and indigenous vegetation clearance only.
- 3.2.9 Exempt smaller buildings and structures from the 100m setback requirements of Rule SAM-R2, including pump sheds, fencing and similar scale structures that are common as part of primary production activities.
- 3.2.10 Specify the specific limestone escarpments to be managed by the DWDP and ensure any buffer areas are appropriate to manage adverse effects on these features only, without unduly constraining existing primary production activities.
- 3.2.11 Clarify the extent of indigenous vegetation and earthworks to be managed, and ensure existing infrastructure, including irrigation infrastructure, is able to be maintained and protected within all rules of the chapter.
- 3.2.12 Ensure the rule framework is permissive for rural grazing and ancillary primary production activities which would not have an adverse effect on cultural features.
- 3.2.13 Revise the scope and scale of the quarrying activities which need to be managed under SASM-R14 to avoid degradation of the mauri of wāhi tūpuna while allowing flexibility for existing primary production activities.
- 3.2.14 Considering the concerns of the collective submitters, as outlined above ongoing engagement between Council, landowners, and iwi is encouraged. Further education is required for landowners to increase their understanding of what it means for land to be considered wāhi tūpuna, including the cultural and historical significance, and the values that the land holds for mana whenua. This would support positive relationships between landowners, iwi, and Council, to help achieve better outcomes for all parties. This ongoing engagement could be enabled by further policy or guidance notes.

Natural Environment

- 3.2.15 Clarify within the provisions of the plan and the rules that primary production activities are not necessarily inappropriate in areas of natural landscape with outstanding or significant aspects.
- 3.2.16 Ensure the specific features protected and the extent of landscape areas identified by the DWDP are supported by robust technical evidence.
- 3.2.17 Encourage Council to review the rules in the Natural Features and Landscapes Chapter to ensure that activities that are often relied on to undertake primary production are not unduly constrained or restricted.
- 3.2.18 Reconsider the scope of 'non-system irrigation infrastructure' to ensure that the scale of this activity is properly defined and is managed only where adverse effects would occur on natural landscape areas and features.

- 3.2.19 Enable smaller-scale earthworks to be permitted in natural landscape areas.
- 3.2.20 Permit small-scale earthworks for the purposes of conservation activities.
- 3.2.21 Revise the scope of the intensive outdoor primary production activities so that primary production activities are not necessarily constrained, particularly in periods of extreme weather events and/or innovation to support better environmental outcomes.
- 3.2.22 Object to NFL-R14-16 being prohibited and allow these activities to be discretionary or non-complying so that in circumstances where the effects can be appropriately managed, that these can be undertaken.
- 3.2.23 Better define the scope of quarrying activities or exempt small scale quarrying which directly supports existing primary production activities.
- 3.2.24 Reword 'not commercial' or exempt not-for-profit organisations from Rule NFL-R7.
- 3.2.25 Reconsider motorised vehicles for recreational purposes within Rule NFL-R7.
- 3.2.26 Revise the scope and scale of the indigenous vegetation clearance activities which need to be managed under Rule NFL-10.

