

Before The Environment Court  
In the matter of the R.M.A 1991.

And  
in the matter of an Appeal  
pursuant to clause 14 (G) of the  
first schedule of The Act.

Between  
Federated farmers of New  
Zealand, Appellant

And Auckland City Council  
Respondant.

Notice of Interested Party  
Section 274 R.M.A. 1991.

To the Registrar  
Environment Court  
PO Box 7147  
Wellesley Street  
Auckland.

I, I, Sean O'Shea, Sean Jeremiah Mike  
O'Shea, wish to be a party to the following  
proceedings  
Federated Farmers of New Zealand v  
Auckland City Council an appeal pursuant  
to clause 14 of the first schedule of the  
Resource Management Act 1991.

2.

2. I am a person who made submissions to  
in the previous proceedings on the same matter.

3. I am interested in all the proceedings:

However I wish to speak in support of N.Z.F.F.

Specifically in regard to: -

- \* Concept of Sustainable Management
- \* Remove Section 7 Heritage from Farm Land.
- \* Grazing on Ecologically Significant Sites
- \* Grazing in areas subject to Natural Hazards
- \* Activity Status of Agriculture and Forestry

#### \* EARTHWORKS

Provide for earthworks for farm tracks  
fence lines and drainage purposes as  
permitted activities in all land forms and  
rural land units.

Exception should be made for farmers to  
work within the 20m set back from  
waterways and waterbody protection yards.

#### \* VEGETATION CLEARANCE

Provide for the removal of indegenous  
vegetation less than 6m in height on  
Great Barrier Island in land units that  
are used for farming purposes as a  
permitted activity. (Manuka Kanuka)  
Specifically and as long as the land  
was previously cleared 20 to 30 years ago

#### \* WETLAND

Provide that wetland does not include  
land that is used for pastoral farming

In Conclusion: 3.

I submit that the Council should make available the ability to apply for a farming zone. It would be easier to regulate and monitor their existing use rights.

In closing true existing use rights, would mean that the District Plan does not apply to our farming practise as we have an on going struggle style farming regime in a natural hazard zone with ongoing and continued vegetation clearance, earth movement, and conservation principals. This District Plan does not work for us.

4. I support the relief sought for the reasons set out in the Appeal by Richard Gardiner representing the Federated Farmers of New Zealand.

5. I agree to participate in mediation or other alternative dispute resolution with regard to the stated issues, primarily as they relate to the O'Shea Farm land use, as set out in the Sean O'Shea Appeal. ENV 2009 AK1000232

6. I also wish to provide the Council with the opportunity to amend the existing land use activities part in the provisions

4.

To empower the landowner with land use rights outside the consent process.

I I also wish to promote the need for the existing farmland on Great Barrier Island to be protected as farmland to retain the iconic N.Z. Kiwi pioneer farming style land person who is becoming harder to find. To protect this culturally significant character, I believe that we need to create a farm zone, a land use zone to reflect the land use activity carried out upon it. I believe the whole Barrier experience for the national and international tourists is greatly enhanced by meeting the local people who live differently to main land New Zealanders and have adapted to low impact survival farming.

Names and addresses of people to be served with a copy of this notice.

Mickey O'Shea Box 9 Claris Great Barrier  
Ted + Ann Scott Tryphena R.D.1 Great Barrier  
Richard Somerville-Ryan Tryphena Great Barrier  
Paul Downie Tryphena R.D.1. Great Barrier.  
Sean Deery Box 81 Oneroa Waiheke Island  
N.Z. Federated Farmers. Private Bag 92-066 Auckland  
Auckland City Council Private Bag 92-516 Auckland.

5.

### 3A SUSTAINABLE MANAGEMENT

Ideally it is hard to create a District Plan with sustainable management as the key principle underpinning the plan. The only guarantee we can give future generations is that there will be change, change in all spheres of life.

I submit that it is unfair to focus on protectionism and appropriate limitation in one area, while as a Council failing to embody sustainable practises in other areas. I believe the Council needs to practise sustainability as a corporate Business themselves. The key issue to that principle is that the Council needs to monitor income and expenditure and the price of its product to the Community.

The cost of sustainable management with regard to process, consultation, and compliance can in some regard be the very issues which bankrupt the genesis of enterpreneurialship, enthusiasm, creatability and in fact healthy growth. In this market economy I believe there is too much regulation and compliance in our market place to monitor the cowboys.

I seek sustainable management principles in the District Plan to be administered

6.  
with balance, to embody market principles  
along with Conservation values

### 36 HERITAGE

I believe that Heritage is a human thing.  
It seems wrong for Heritage to include all  
things within ones environment. I also  
submit that it is wrong to limit Private land  
with Heritage Zones designations.

With regard. to Great Barrier Island 74% of  
the Island is under the jurisdiction of  
Department of Conservation, that is ample  
land for Heritage.

People submitted that some Pohutukawa trees  
in our Awana Creek verge should obtain  
Heritage Status. Great, But these trees are  
protected because they are native Broadleaf  
over 3 metres high, they are within 20 m  
of the creek. They are in S.E.S. 20.  
they have Habitat value. How many  
layers of protectionism is appropriate.

I seek that the Heritage Section be  
taken out of the District Plan. I, secondly  
seek Heritage Zones to be limited in productive  
Areas. I, seek a definition of Heritage to be  
Confirmed.

I, seek Heritage Values to be confirmed to

Things Historic, Archaeological sites,  
Historical sites both Maori and Pakeha.  
There should be a human linkage to  
Heritage.

I seek part 7 to be amended to  
recognise Historic, Areas, Activities  
and Heritage should not include Natural  
features, elements, Outstanding landscapes,  
habitats, sites of Ecological Significance,  
These items already have protection.

3.c. Grazing on Sites of Ecological Significance  
(S.E.S) I believe that firstly to limit land use  
on private land, then the land use has to  
be proven to be detrimental to the key  
elements which are being protected.  
Often the land use in a S.E.S. is symbiotic  
with the ecological features in that area.  
Often it is inappropriate to close down  
private land use on private land to improve  
ecological outcomes. This has been experienced  
with the fencing off of water bodies to  
protect the brown teal duck. The Brown  
Teal Duck often does better in short  
grass areas with no fences along water  
bodies. I ask why is so much farm

8.

land designated as areas of S.E.S.

I seek S.E.S areas to be factually certified.  
I seek S.E.S areas to still have opportunity  
for productive land use and  
discretionary activities in the  
Activities Table.

I seek recognition of land owner  
rights under this layer of  
protectionism.

### 3.D Grazing in Areas of Natural Hazards

With regard to flooding I submit  
that cattle grazing in areas which  
flood has been managed for over  
a century on Great Barrier Island  
and I submit that this is the most  
best productive land use option  
available in many areas.

I seek there needs to be permitted  
grazing rights in flood hazard zones.  
All cases have to be assessed on a case  
to case basis, no blanket provisions.

### 3E. Activity STATUS OF AGRICULTURE, FORESTRY AND HORTICULTURE

I seek that the District Plan provide for Agriculture, forestry, and Horticulture as permitted activities in all land use land forms and rural land units.

A farm is a farm boundary fence to boundary fence. it was a farm it is a farm.

We the farmer are better knowleged We have modified our practises to achieve better environmental outcomes, we have embodied enhancement practises and do ever initiate protection on our Terms with our own resources.

Conservation needs to have motivation based initiatives whereby the landowner can afford the conservation. I call this equity based protectionism. This can be achieved in a trade off situation this can be achieved through subdivision this could also be achieved by a quid pro quo trade enhancement of land

Use rights for a tangible protection<sup>10.</sup>  
Covenant or offered protection mechanism  
This would be true mitigation of adverse  
effects

### 3 F. EARTH WORKS

The District Plan should provide  
for earth works for farm tracks,  
fence lines and drainage as  
permitted activities in all land forms  
and land units.

Farmers should be permitted to  
work within 20 metres of water  
bodies especially for natural  
hazard mitigation. Often these types  
of work are deemed to be in a  
S.E.S. or habitate and due care  
should be exercised, however Council  
should be open to written applications  
where due care is exercised. It is  
often a matter of degree, and often  
improved environmental outcomes  
are achieved by human

11.  
intervention into managing natural  
phenomenon

### 39 VEGETATION CLEARANCE:

I seek that the Council permit  
vegetation clearance of manuka  
in productive land R.S zones  
where the invasive trees are  
under 6m in height, less than  
30 years old, and in a grazing  
regime where the undergrowth  
is grazed and open and no  
characteristics of forest and  
bush are present.

If applications to Council invite  
inspection and present cases then  
I expect the Council to be encouraging  
in a productive land use situation.  
This would foster positive outcomes  
Towards local economy

I seek the clearing of manuka  
and kanuka in regenerating slopes

Situations to be a permitted activity<sup>12.</sup>  
if it is under 6m in height can  
be used and was in grass within  
the last 30 years

### 3H WETLAND

I seek clear definitions to the  
characteristics of a Wetland  
System. Rushes in a paddock  
which are wet in winter is not  
a wetland system. The poor  
Barrier soils with low  
are conducive to growing  
rushes

I seek that land used for  
pastoral farming does not get  
zoned wetland systems

### 3i In Conclusion.

\* I challenge sustainable  
management as a theory  
because the only way it is  
sustainable is through growth,  
not through limitation.

13.

- \* I wish to remove Heritage designations from farmland other than Archaeological Sites or true Heritage sites which stem from a Historic activity.
- \* I seek grazing within S.E.S Sites to be assessed on a case by case basis and wish for S.E.S not to be a limitation.
- \* I seek grazing of natural hazard sites being flood areas to be a permitted use as it is and I wish the Special management issues associated with farming in such areas to also be permitted, namely draining unblocking creeks, forming stop banks, using flood gates to keep saltwater out.
- \* ACTIVITY STATUS of agriculture and forestry and horticulture to not be limited by the new land form zones

- 14.
- \* I seek earth works for farm tracks, drainage, fence lines, horticulture etc to be permitted activities
  - \* I seek vegetation clearance of manuka less than 30 years old in farming areas to be covered by existing use rights and should be permitted to be cleared.
  - \* I seek land to be used for grazing not to be zoned as wetland as it does not fit the definition of wetland, and is in production.
  - \* FINALLY. EXISTING USE RIGHTS  
It would seem that this plan and its land form zones with the land form zone goals, strategies and rules do not have any jurisdiction over our

Awana farm<sup>15.</sup> as it has  
been a farm since 1886  
as witnessed in the original  
Weetman Survey plan. The  
nature character and intensity  
of the O'Shea farming since  
1964 has not changed much.

The activity was lawful in  
the old Great Barrier Island  
County Council District Plan  
and therefore I ask, because  
the Peter Sinton Rodney  
Great Barrier 1986 District  
Plan was also lawful, I  
would therefore ask the  
Court, ~~for~~ a ruling: Is it  
a lawful activity today.  
It has to be or else the  
whole of New Zealand with  
the 60% agricultural exports

may as well <sup>16.</sup> give up and become litigators and consultants

I seek existing use rights as mentioned in 2.2.12 of the operative District Plan to be expanded and defined and offered as a reality. E.U.R. should not be a consent issue. You either have them or not, and I wish for this Court to promote EUR provisions into the landform rules.

There should also be a more factual less opinionated channel for obtaining EUR other than going through a Council process, a consent process from an authority

17.  
which seeks to appropriately  
limit one activity from the  
outset.

The twelve month period  
does not sit well for  
continuity in life long  
regimes EUR definitions  
need to be broadened.  
E.U.R = Existing use Rights

Thank you.