



Federated Farmers of New Zealand

Submission to the Manawatu District Council Plan Change 65

6 March 2020



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**SUBMISSION TO THE MANWATU DISTRICT COUNCIL ON
PLAN CHANGE 65 – Outstanding Natural Landscapes and Features**

To: Manawatu District Council

Submitter: **Federated Farmers of New Zealand – Manawatu/Rangitikei**

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1. The Manawatu – Rangitikei Province of Federated Farmers (Federated Farmers) appreciates this opportunity to submit to Plan Change 65.
 2. The following comments are representative of member views and experiences with the management of resources within the Manawatu District. It reflects the fact that resource management and District Council policies and plans impact on our member's daily lives as farmers, members of the local community, landowners and ratepayers.
 3. We also acknowledge any comments made by individual members of Federated Farmers.
 4. Federated Farmers has been involved with early consultation on Outstanding Natural Features and Landscapes (ONFLs), when bundled with Plan Change 53, however we have not directly been involved with recent consultation on the topic. This includes the targeted pre-consultation which appears to have occurred towards the latter half of 2019. We understand however, that Council have undertaken consultation with impacted landowners and made amendments to the proposal where possible. We thank Council for being open and receptive to the District's farmers in these instances.

RECOMMENDATIONS – Summary

Recognition of voluntary actions

5. Voluntary actions that maintain or enhance landscapes and features as set out in NFL-APP1, are recognised and encouraged.

Inclusion of Significant Amenity Features

6. The deletion of all reference to SAFs in the Plan.

Providing for Sustainable Management

7. The Amendment of NFLP5 to provide for activities ancillary to primary production

NFLP5. To recognise the existing primary production land use activities in Outstanding Natural Features and Landscapes the Rangitikei River Outstanding Natural Feature includes existing farming activities and provide for the continuation of these existing activities where they do not adversely affect the characteristics and values identified in NFL-APP1.

8. *Consistent with the relief sought above, for clarity Policy 9, 10, 11, 12, 13, 14, and 16, could be amended to provide for existing activities ancillary to primary production.*

Rules

9. Inclusion of permitted activity – NFL- RX Activities ancillary to primary production

Default Non-Complying status

10. The default non-complying status of activities as proposed in the Plan is deleted.

SUBMISSION

11. Primary production is the lifeline of the Manawatu region, economically and socially. It is therefore important that District Plan provisions are enabling for farmers, and for our members, this means ensuring they retain the right to make decisions to safeguard the ongoing financial viability of their primary production activities.

12. Federated Farmers understands Council's RMA responsibilities with regard to Outstanding Natural Features, Outstanding Landscapes and amenity values, however we have concerns about how this RMA obligation has been implemented in the District Plan.

Recognition of voluntary actions

13. The District Plan needs to recognise and acknowledge that landowners and farmers are the reason that many areas of significant indigenous vegetation currently exist. Voluntary actions to protect and enhance areas of bush should be recognised, as often farmers have used their own resources and time to provide this public good. Actions such as fencing, pest and weed control, and permanently protecting sites via QEII

covenants should be recognised, enabled and encouraged. Federated Farmers therefore submits that a new policy be added to this effect.

14. The provision of incentives and assistance can be a great way of recognising voluntary efforts and encouraging further actions. Incentives such as transferable development rights, and assistance with fencing, pest control or rates relief should be considered and enabled by Council.

Relief sought:

15. Voluntary actions that maintain or enhance landscapes and features as set out in NPPL1, shall be recognised and encouraged.

Inclusion of Significant Amenity Features

16. Federated Farmers does not support the inclusion of Significant Amenity Features and therefore seeks the deletion of all references to SAF's in the Plan. While the RMA provides specifically under Sections 6 (b) and 6 (c), for Outstanding Natural Features and Landscapes, and Ecological sites, Significant Amenity Features are not..

17. Section 7 of the Resource Management Act sets out "other matters" which persons exercising functions and powers under the Act must "have particular regard to", which includes (c) The maintenance and enhancement of amenity values. However, the statutory hierarchy of the Act requires Section 6, matters of national importance, to be given a "stronger direction" compared to those matters captured by section 7. While Council is required to recognise and provide for Outstanding Natural Landscapes and Features, section 7 (c) of the Act only requires Councils to "have particular regard to" amenity values.

18. The Resource Management Act does not require every activity or proposed activity to maintain and enhance amenity values. The direction in section 5(c) to avoid, remedy or mitigate any adverse effects of activities on the environment, clearly contemplates that activities may have adverse effects on amenity values and still be in accordance with the sustainable management purpose of the Act.

19. Section 7(c) obligations can be achieved through normal zoning. This zoning ensures that expected and appropriate activities occur in the appropriate environment. Any landscapes that do not meet the criteria to be identified as ONFLs do not need the level of protection afforded by Section 6. The creation of a "second tier" of significant amenity features or significant amenity landscapes, will result in unnecessary restrictions on activities in order to protect amenity and character values, over and above what the RMA requires, and will harm economic, social and cultural wellbeing.

20. The inclusion of provisions to protect amenity landscapes has also been canvassed by other councils as they have reviewed their District Plan provisions. The Kaipara District Council decision in May 2013 resulted in deletion of the proposed Visual Amenity Landscapes, for the reasons that there was no justification to identify visual amenity landscapes and that they were not at risk of being lost, and further that they were a regulatory burden on both Council and resource users for no real benefit. For similar

reasons, the Rangitikei District Council and Kapiti Coast District Council also recently removed all 'amenity landscapes' from their proposed District Plans.

21. Federated Farmers encourages the Manawatu District Council to take a similar progressive approach and remove 'significant amenity landscapes' from the proposed Plan, having confidence that the zoning provisions will ensure amenity values of working rural landscapes are retained.
22. Finally, for the three significant amenity features mapped, landowner voluntary activities, as discussed above, are a common feature of the maps. Evidence of retired land can be seen in all maps, demonstrating the actions the landowner/farmer is privately undertaking. The regulatory inclusion of these features in the plan, therefore adds little value in ensuring that the amenity of these features will be maintained and enhanced, and merely creates an unnecessary extra onerous regulatory burden. Regulatory frameworks should err on the side of a 'less restrictive regime' where the purposes of the plan can be so met (following the principle in *Royal Forest and Bird Protection Society Inc v Whakatane District Council* [2017] NZEnvC 51).

Relief Sought:

23. Federated Farmers seeks the deletion of all reference to SAFs in the Plan.

Providing for Sustainable Management

24. Section 5 of the RMA seeks to achieve sustainable management, enabling people and communities to provide for their economic, social and cultural well beings. The sustainable management of primary production activities is the Manawatu District is necessary in order to enable this District to not just 'get by,' but also to prosper.
25. Productive land use shapes the land, contributing to the amenity as recognised by Council and therefore should not be restricted. Fencing, tracks, shelter belts, cultivation, grazed pasture, cropping and buildings are evident when considering a primary production landscape.
26. We note that NFL-P5 provides for the continuation of existing farming activities. Federated Farmers support the intent of this policy, however considers existing farming activities should be permitted across all ONFLs. We therefore seek the Policy to be amended accordingly.

Relief Sought:

27. *NFLP5 Amended as follows: To recognise the existing primary production land use activities in Outstanding Natural Features and Landscapes the Rangitikei River Outstanding Natural Feature includes existing farming activities and provide for the continuation of these existing activities where they do not adversely affect the characteristics and values identified in NFL-APP1.*
28. *Consistent with the relief sought above, for clarity Policy 9, 10, 11, 12, 13, 14, and 16, could be amended to provide for existing activities ancillary to primary production.*

Rules

29. Consistent with the relief sought above, Federated Farmers also seeks the inclusion of a permitted activity rule to provide for activities ancillary to primary production.

Relief Sought:

30. Inclusion of permitted activity – *NFL- RX Activities ancillary to primary production*

Default Non-Complying status

31. Federated Farmers opposes the default non-complying status of activities that are not assigned a status elsewhere. This default status is inconsistent with the RMA, and also overly onerous compared to other district plans.

32. Under Section 9 of the RMA, the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why we recommend that Council use the identified resource management issues as the guide to which the land should be managed.

33. Non-complying status is very onerous, as it assumes that only the adverse effects of the activity could be significant, and that the activity is generally not compatible with zoning. There are also extra tests in Section 104D that non-complying activities have to satisfy.

Relief Sought:

34. That the default non-complying status of activities as proposed in the Plan is deleted.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

These comments are representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

From: Coralee Matena <cmatena@fedfarm.org.nz>
Sent: Monday, 16 March 2020 12:43 pm
To: districtplanreview
Subject: RE: FFNZ Submission to Plan Change 65

Apologies for the delay.

Federated Farmers could not gain an advantage in trade competition through this submission.

Federated Farmers represents farmers directly affected by an effect of the subject matter of the submission

Thanks

Coralee