

Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** of the Manawatu District Council Plan

Submitter details

Full name ADRIAN GORDON JAMES DEMPSTER

C/- BLACK FERN FORMS LTD.

Physical address 137 UMUTOI NORTH RD

RD 1

APT 1

4771

Postal address (if different from above) _____

Contact numbers 06 3284841 021 2588275

Phone (day)

Mobile

Fax

Email address aandempster@xnet.co.nz

~~I could~~ **could not** [select one] gain an advantage in trade competition through this submission.

I am ~~am not~~ [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) ~~Does not relate to trade competition or the effect of trade competition.~~

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

PLAN CHANGE 65, ONFL 8.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

PLEASE REFER TO ATTACH LETTER.

'OPPOSE'

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing
- [select one]

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)



Signature

13 MAR 20

Date



Signature

13 MAR 20

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

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Received at the Council on

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BLACK FERN FARMS LTD

137 Umutoi North Rd
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13 March 2020

Black Fern Farms Limited totally **opposes** the recommended provisions to the Proposed Plan Change 65, specifically in relation to ONFL8.

The landscape assessment area identified under ONFL8 that impacts on the legal titles of Black Fern Farms Limited have and will continue to be managed and controlled in a sustainable and protective manner to ensure the ongoing protection of natural features and landscape remain intact as it has been for several decades to date.

This draft plan change removes our ability to utilize the environmental diversity options that were purchased with our property: (52 acres are affected by the landscape assessment). Under the proposed plan the access and utilisation of these affected areas has a huge impact on the way we use and interact with this land.

Portions of the identified areas are currently protected and legally registered against the land titles that have been identified in this plan change, these areas are registered pertinent to the Climate Change Response Act 2002. (Emission Trading Scheme), how is this then legally annotated onto individual titles and which legal premise has precedence?

The assessed land is also subject to the Horizons Regional Council 'Whole Farm Plan' programme and incorporates the 'Sustainable Land Use Initiative' (SLUi) guidelines. As a result of this there have been no adverse effects placed on the parcels of land inside the ONFL8 zone. This facility allows us as owners to manage the impacts either directly or indirectly on our farming business with sound advise and experts knowledge provided by Horizons.

The Farm Plans provide us with options and strategies to deal with unforeseen adverse events like feed pinches and climatic weather events as and when they occur. Under the proposed plan you are taking away this flexibility to our farming operation and essentially removing any insurance policy we have developed for such events.

Looking forward, with the Governments proposal to achieve carbon neutrality via a 'Zero Carbon Bill' introducing the 'Fresh Water Accord' as only two examples of new legislation required all from landowners and farmers. This additional proposed change doesn't incentivise landowners to do the right thing at a farm level and reduces our ability to mitigate environmental and political issues moving forward.

In the proposed plan there is no mention of remuneration or title exchange, yet if you wish to take control of the land then there needs to be adjustment to the legal descriptions and

covenants associated to these parcels of land. As with any user pays system if you can't utilise it then why should we pay for it. This would imply that there will be no requirement to pay rates for parcels of land the we can no longer utilise.

Therefore, it is recommended that;

- a. the proposed landscape assessed area remains under the current and future landowner stewardship and remains managed in consultation with local body authorities as is the agreed current practice,
- b. We retain continuation of existing stock grazing within the Makiekie and Limestone Creek area,
- c. We retain our access rights as purchased.

We wish to be notified of any findings and also wish to speak at the hearing of submissions.

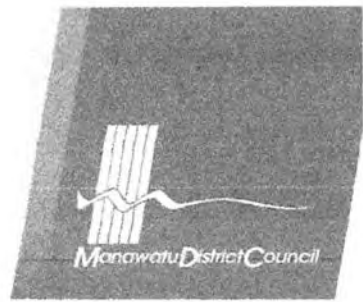
Please keep us informed of upcoming meetings and discussion groups that impact on ONFL8 findings and correspondence.



A.G.J.Dempster
Director



A.T.Dempster
Director



Form 5

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C/- BLACK FERN FARMS LTD.

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BLACK FERN FARMS LTD

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13 March 2020

Black Fern Farms Limited totally **opposes** the recommended provisions to the Proposed Plan Change 65, specifically in relation to ONFL8.

We currently own parcels of land contained in the Plan Change 65 therefore, the landscape assessment areas identified impacts on our legal titles which we have legally purchased.

Whether the land is deemed effective or ineffective the land value remains the same on purchase, and rating of the said land also has no differential.

Although under the proposed plan the access and utilisation of these affected areas has a huge impact on the way we use and interact with this land.

Should this plan change go ahead as the legal landowner we are going to lose the ability to use this land, so why are we going to be penalised twice for something we have bought and will continue to pay for through rates. If you want to take control then you should legally purchase the land and therefore become the legal owner. As the then legal owner and governing authority any issues arising can be resolved and managed through current law (eg: fencing code of practice, noxious weed control, environment court, etc).

This will require legal title amendments and reduce our ongoing rating burdens for parcels of land that we can no longer utilise to its full potential.

As we are the people of this land, we do not want to lose any ownership or management rights to farm and use our own land, Land that we paid for and pay rates on regardless of its land use description.

The identified areas are currently under 'Whole Farm Plans' through the local body authority of Horizons Regional Council and these plans incorporate 'Sustainable Land Use Initiative' (SLUi) guidelines.

Are you saying that these no longer apply to our farming entities and who will cover the cost of redrawing these plans?

The area of land in its current and future state acts as a natural buffer and filter to help mitigate sediment and leachate issues, this also allows legal owners of affected areas to adapt to political and environmental pressures (things such as Fresh Water Accord, Overseer 4, Environmental Plans, etc)

This plan change therefore removes any right as legal landowners to offset current and future legislation bills. Without the right of management over these areas we are no longer have the flexibility to respond to outside influences.

With the current grazing of stock conducted within the identified areas this helps to reduce and mitigate any unforeseen and adverse events during feed pinches, this also allows us to control weed species, pasture and stock pest habitats. (eg: ragwort, blackberry, barberry, flat weeds and the like, ticks, grass grub, porina, rodents, opossums)

Under this plan who will manage and conduct this?

In conclusion we want to retain full legal ownership and management rights as they currently stand. This has clearly worked as the areas identified are now being earmarked as Outstanding Natural Features and Landscapes albeit to our detriment.

As the current owners we have continued to ensure the environmental protection and biodiversity of these areas.

As recently reported by the Mayor (Worboys, Rural News, 10 Mar 20) times are getting harder for farmers as new legislation is being thrown at them, plus stating that the council has no additional resources to deal with the things like biodiversity plans, so looking at the proposed plan as it currently stands it can't be effectively managed and monitored by council resources amid funding and staffing constraints. To date this is currently being resourced and funded by the current landowners.

With the Makiekie Reserve located adjacent to this plan it appears to be just an extension to the current reserve boundaries which in turn is taking the recognition for the hard efforts of previous and current land owners.

It is recommended that the management of the identified areas is left to the current regime and that the council focuses its time and efforts on more pressing issues that can be effectively resourced for the greater benefit of a larger portion of rate payers, which it has been empowered by voters to represent.

Recommendations:

1. Recommend that the proposed landscape assessed area remains under the current and future landowner stewardship and remains managed in consultation with the local body authorities as is the current practice. (in line with current environmental and political constraints)
2. Retain continuation of existing stock grazing within the Makiekie and Limestone creek.

3. Retain our access to water.
4. Retain our access rights.
5. Want to be left to the 'quiet enjoyment' of our own land.

The following are some **questions** we would like answers to;

1. What is the legal expression of interest that would be entered on the Deed of Title?
2. What are going to be the future stipulation on land use outside of the 'Red Line', additionally what is the width of the Red Line?
3. With the use of the term 'discretion' as stated in the plan, on who's authority is this?
4. Who will pay for the changes required under the SLUi / Whole Farm Plans?

We wish to be notified of any findings and also wish to speak at the hearing of submissions.

Please keep us informed of upcoming meetings and discussion groups that impact on ONFL8 findings and correspondence.



A.G.J. Dempster
Director



A.T. Dempster
Director