



Proposed Waikato District Plan (Stage 1) Hearing topic 21B – Landscapes

Highlights package

22 October 2020

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In accordance with paragraph 28 of the First Directions from Hearing Commissioners, dated 21 May 2019, the following 'highlights package' has been prepared to summarise Federated Farmers position and remaining concerns as they relate to this hearing topic.

### **Pastoral activities within identified landscapes**

Federated Farmers understands the purpose of the landscape provisions in the proposed District Plan (PDP) is to meet Resource Management Act 1991 (RMA) responsibilities and implement higher order policy direction in the New Zealand Coastal Policy Statement 2010 (NZCPS) and Waikato Regional Policy Statement (WRPS). The concerns which remain for Federated Farmers relate to the imposition that the plan provisions may have on farming operations within identified landscapes.

In our view the PDP must ensure that valued landscapes and features, which have been identified over private farmland enable the farming activities that contribute to the values and qualities of those landscapes. It is not appropriate for the PDP to seek to 'freeze' landscape character by rendering farming land use and development as 'static' in this context.

The S42A report makes a number of recommended changes to the policy suite which do, in part, extent the approach more broadly to acknowledge that it is the attributes of identified landscapes that need to be protected or maintained or enhanced and this is appreciated.

However the implementation methods remain inconsistent with this approach. Farming activities by their very nature are dynamic and changing, farmers need to be able to respond to a range of variables including economic drivers and market trends, along with changing regulatory requirements and making health and safety improvements on farm. Within this context it is accepted that adverse effects need to be managed to an appropriate standard, but in our view the PDP and S42A recommendations do not strike the right balance between protecting landscape values against these other important variables which may require new infrastructure to be developed.

The approach taken in the PDP and endorsed in the S42A report is essentially that any new activity has an adverse effect on the landscape and the recommendation to remove recognising the values and qualities of pastoral farming activities from Policy 3.3.2 will only swing this balance further out of alignment. This has relevance as significant on farm investment in fencing and tracking will be required to meet national policy objectives for freshwater and indigenous biodiversity going forward.

If identified landscapes include pastoral farmland, albeit at the margins, then the policy framework ought to account for the fact that farming is an appropriate use and development of that land and protect those attributes against inappropriate use and development, just as it does for the other attributes listed.

### **Implementation methods**

Federated Farmers is strongly supportive of the recommendation to decouple earthworks undertaken for the maintenance of tracks, fences and drains from the threshold conditions, however it does not go far enough because the planning focus remains on protecting a static landscape rather than the attributes which contribute to an identified landscape. A focus on the 'type' of activities which contribute to those attributes provides a much more responsive and enabling planning approach. In this context a farm track is a farm track and a fence is a fence, regardless of whether it is a new or existing one, the infrastructure is usual and expected in the environment. Visual scarring can be relatively short term and once grassed over a track or benched fence-line blends naturally into the background.

Federated Farmers continues to advocate for the permitted activity rule to apply to ancillary rural earthworks within the pastoral areas of identified ONFs, ONLs, and NCAs overlays. It is accepted that the areas within those overlays that are not characterised by or valued because of pastoral farming activities should be protected from inappropriate use, development and subdivision.

If it is too difficult to apply targeted rules which are responsive to the actual risks and threats on the respective attributes of the identified Section 6 landscapes, then an alternative could be to remove the arbitrary area and volume thresholds in Rule 22.2.3.4 P2(b). To place arbitrary earthworks thresholds as the trigger for consent is a relatively blunt planning technique. We submit that the size of earthworks allowed per site in any 12- month period is far too restrictive to have meaning for farming activities. Earthworks can be required for a number of reasons some of which are outside a farmer's control for example to repair slip or flood damage. It is unduly onerous to require resource consent to mitigate damage from a natural event.

The other 22.3.4 P2 conditions will work to ensure earthwork activities which have the potential to create adverse effects on the landscapes are avoided in the first instance and remedied and mitigated where avoidance is not necessary.

Whilst this relief could work to meet some practical concerns which relate to the significant amenity landscapes (SAL) provisions, the planning approach put forward as an alternative continues to be Federated Farmers preferred option to implement WRPS direction.

### **Alternative planning approach – significant amenity landscapes**

Our primary concern is with the use of the SAL overlays affecting farming operations in the Rural Zone by triggering an onerous and unnecessary requirement for farmers to have to obtain resource consent for practical development of farms for farming. If a SAL has been identified, in part, because of farming related attributes then farming activities should not be subject to onerous permitted activity conditions or requirements for resource consent.

In our view the alternative we suggest, is a more efficient and effective way to implement the WRPS. The WRPS does not require rules to maintain and enhance amenity values, over and above zoning land use controls. The direction of Implementation method 12.3.1(d) *which states when recognising and providing for areas of amenity value, consideration shall be given to the changing and evolving nature of land management practices that means the visual amenity values may also change*, in particular recognises the evolving nature of these areas.

Setting earthwork thresholds to trigger consent for new tracking, fencing or water reticulation within farmland is designed to lock a rural amenity landscape into a static ideal which is inconsistent with this direction. In our view there is an unnecessary overlap with Rural Zone rules that have been developed, amongst other things, to maintain and enhance amenity values through provisions for managing building bulk and location, subdivision, earthworks, and vegetation clearance.

We oppose provisions designed to prioritise an amenity landscape over and above the activities which contribute to those values. A perverse outcome is also created when land use restrictions aimed at enhancing rural amenity have the potential to work against other environmental priorities such as improving water quality or protecting significant natural areas for example. New central government regulations designed to make significant improvements to water quality are going to require an increase in the earthworks being undertaken for stock exclusion fencing, putting in water reticulation infrastructure, new culverts and bridges and the new tracks required to reconnect the farm and ensure safe passage for farm vehicles.

More will be coming with regards significant natural areas and the stock exclusion and pest management goals which are being sought for biodiversity purposes. Rather than placing extra burden with undue delay, cost and uncertainty in having to seek resource consents for farmers with SALs, we are proposing a planning alternative that works with, not against, broader regional and national policy direction.

We believe the right balance can be struck by using the rural zone rules to guard against any activities or effects which are not usual or expected within the zone and when resource consent is triggered for a changing land use, an assessment of the proposal's potential adverse effects can be considered against SAL amenity values at that time.

The notified objective and policies do not require any material change as a consequence of the approach Federated Farmers is proposing. We suggest that a note included into Policy 3.4.3 which signals the new implementation method is really all that is required, over and above removal of the specific rules which apply to SALs. The approach can be summarised as essentially using the identified SALs as an alert layer for extra consideration when land use change triggers resource consent within the rural zone.

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