

COMMENT

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To: Northland Regional Council
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Comments on: **New Regional Policy Statement
Discussion Document 2010**

Comments by: Federated Farmers of New Zealand (Northland Province)

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Federated Farmers appreciates this opportunity to participate in the Northland Regional Policy Statement review in this early stage.

Our comments on the Discussion Document have a range of comments about Federated Farmers principles and concerns over the topics covered, and also more specific responses to issues, objective and questions in the Discussion Document.

GENERAL COMMENTS

Methods

The RPS should provide a range of methods in the “tool box” to manage the resources in the Northland region. A range of methods allow TAs to develop appropriate responses to the way issues identified in the RPS manifest in their district, and to tailor methods to their level of resources and community desires. Regulation should not be the only tool provided, as non-regulatory methods can be effective in engaging resource users to work with the council towards achieving mutual goals.

Knowledge and belief have more influence on behavioural change than regulation. Unreasonable regulation can not only have the effect of entrenching existing beliefs but can in fact create perverse incentives to act against environmental outcomes when landowners perceive that removing landscape and environmental features now could deter unwelcome third party interest.

Incentives furnish landowners and the community with a sense of partnership with local authorities, and allow for the Council to recognise and acknowledge voluntary actions undertaken, such as QEII covenants or riparian work.

Education is an important tool, particularly for issues that are not well-known or where perceptions need adjusting. As people gain more accurate knowledge about issues important in the region, misconceptions will reduce and people will be more willing to proactively engage in non-regulatory solutions.

Resource Management Act Language

The RPS needs to be consistent with RMA language. RMA terms are well defined and widely understood and should be used in the RPS to avoid confusion and misinterpretation.

The RPS should link back to the purpose of the RMA, which stipulates that people and communities are enabled to provide for their social, economic and cultural well-being. A balance of these well-beings along with environmental well-being needs to be apparent throughout the RPS.

Section 5 of the RMA also provides for avoidance, remediation or mitigation of adverse effects of activities on the environment. The terms avoid, remedy or mitigate should be used throughout the RPS when discussing adverse effects.

Terms such as “maintain” “enhance” and “protect” need to be used in a way that retains consistently with the RMA. Particularly with regards to Section 6 matters and Section 7 matters.

INFRASTRUCTURE

Adverse effects of infrastructure.

To provide more balance, Federated Farmers suggests that the RPS acknowledges that networks utilities can have adverse effects on existing surrounding land uses.

Sustainable management enables people and communities to provide for their social economic and cultural well-beings, and sometimes infrastructure can have adverse impacts on individual land owners and communities by constraining their activities in the vicinity of network utilities. An example is a new electricity transmission line corridor designated over private farm land; this will mean that the farmer will no longer be able to irrigate or top-dress the land near the corridor as he may have been, nor change from pastoral grazing to forestry for emissions trading.

An Issue has been identified that adverse effects caused by subdivision, use and development on the safe and efficient operation of infrastructure needs to be managed, and the omission of a balancing issue will mean that sustainable management of network utilities will not be achieved. The RMA does not direct that network utilities be prioritised over and above other land uses, but rather adverse effects need to be managed.

WATER QUANTITY

Federated Farmers water allocation principles.

Federated Farmers asks that any response to water allocation issues should first and foremost be built upon giving stakeholders a long term basis upon which to make decisions and recognise and protect existing user's rights. Water allocation planning should also recognise that the use of water for irrigation (or other purposes) and/or dairy shed wash down and/or milk cooling already involves very considerable expense, such as the development of on-farm or off-farm infrastructure, energy use and labour. These are major and currently existing drivers for the efficient use of water.

Federated Farmers undertook a huge exercise with our members to develop a set of principles on which all decisions pertaining to water should be made. This involved extensive consultation, including focus groups around the country and debate and sign off from our national governing body. It is the Federation's view that any water allocation decisions should be made with these principles strongly at their heart. These principles are included as below:

Principle 1: *Water allocation decisions must be based on sound information.*

It is essential that adequate, reliable information about individual catchments is established using science based information to determine the availability of water as a resource before water management policy is developed. Informed decisions may only be made on proven and tested information.

Principle 2: *The system for water allocation must be relatively simple and cost-effective, for both the regulator and the user.*

Principle 3: *Secure tenure and clear specifications for water use are fundamental.*

Water permit holders must have confidence that their investment will be protected from confiscation and unreasonable restrictions. Without security of tenure for water permits, long-term investment in improvements to existing irrigation schemes together with new investment in additional irrigation projects will be seriously inhibited.

Principle 4: *No one particular water allocation policy may be appropriate in all circumstances.*

Each catchment has different demands on water, different availability of water, and different values applied to water. It is therefore appropriate that individual catchments or sub catchments have water allocation policies that suit their specific characteristics.

Principle 5: *Water allocation regimes must not undermine local or community water allocation strategies.*

Community involvement in negotiated settlements, particularly in areas where water is over allocated, allows local communities to seek their own unique solutions. This gives communities a role in determining how allocation should be managed.

Principle 6: *Water allocation regimes should provide for water harvesting and storage.*

The augmentation and storage of current water supplies provide long-term opportunities to expand future water use options. Policies must enable and encourage this to happen in areas which are nearly fully allocated. Users should be able to utilise times of high flow and high groundwater to harvest water with least impact on the environment.

Principle 7: *Efficient use of water is best determined by water permit holders.*

Inappropriate regulations and controls on how and where water resources are used risk producing perverse outcomes that run counter to ensuring the efficient use of water resources. For example, efficiency tests should not be based on land use or whether the use is economic or not. Commercial drivers for efficiency should be left up to the user.

Principle 8: *The voluntary transfer or exchange of water permits must be accommodated in any water allocation regime.*

Flexibility is required within water allocation regimes to allow water permit holders to voluntarily transfer or exchange permits. Such transfers support the optimal use of water resources to meet the needs of both parties.

Objective: *Better allocation, storage and efficient use of water to manage the risk and ensure we have enough water available for Northlanders, the economy and the environment.*

Water storage is important to reduce demand on waterways during periods of low flow. The RPS should direct councils to encourage or incentivise water storage.

Rural water storage for primary production should be enabled. This will allow for water to be collected during periods of abundance, and used in times to reduce pressure on natural waterbodies during low flow periods. However storage of water in constructed dams or reservoirs should be treated differently from natural lakes. Federated Farmers has concerns in other regions about stored water being caught by provisions around natural lakes and not allowing for stormwater diversion or takes.

Domestic users of municipal water can be encouraged to install rain tanks on urban properties, and buried on new subdivisions. Encouraging urban water harvesting for non-potable uses can also reduce demand on municipal water allocations.

Option: *Water allocation limits*

Federated Farmers is concerned about equity when water allocation limits are discussed.

The quantity of water available for allocation can have equity problems when municipal uses and takes continue to grow meaning that the availability of water for agriculture becomes less and less. Industry that is located in urban areas is able to use municipally-allocated water. Individual businesses do not have to obtain individual allocations, as the municipal provider takes on this risk for them. Urban industry is then able to increase consumption as municipal allocation grows.

This raises equity issues with rural industry. Individual farmers will have to obtain their own resource consents for allocation at their own cost. As municipal consumption grows, this may mean that the water available to agriculture becomes less. The reasonable needs of rural users need to be provided for, and equitable when compared with urban users.

For example rural water users can face limits that urban users (both domestic and industry users) would not:

- Limits on permitted takes of water per property;
- Requirement for resource consent at own cost
- Activity status for water takes can be onerous.

Domestic users of municipal water need to be encouraged to take up water saving measures to ensure that municipal water is not viewed as a never ending resource which would lead to municipal allocation increasing exponentially over time.

The RPS needs to give direction that equity between different water users needs to be achieved when discussing allocation.

New Issue

The RPS needs to recognise the need of water to meet stock drinking requirements as per Section 14 (3)(b) of the Resource Management Act. The importance of water for stock drinking requirements is recognised alongside the importance of water for domestic consumption in the Resource Management Act.

WATER QUALITY

Water quality decisions need to be based on thorough understanding, scientific data, and robust analysis of all options, including current and upcoming research and information. The council needs to ensure they are able to take into account new information and new technology as it is developed. Misconceptions and perceptions not based on good science should not be included in the Policy Statement. Further, the management of freshwater is inherently difficult due to the variability in water quality, interconnectedness between different parts of a catchment, differing geophysical, climatic and spatial features of a single waterway, sub-catchment and catchment and an incomplete understanding of water ecosystems. It is appropriate for the RPS to acknowledge these difficulties and challenges.

Federated Farmers considers that any decisions by Northland Regional Council on the development of objectives and policies relating to water quality should:

- Be evidence based;
- Not seek to control or to determine land use to address potential effects of that land use on water quality;
- Should be based on a risk framework (i.e. if there is a low risk of the activity having an effect on water quality then that should be reflected in a permissive planning framework);
- Be addressed through regional policy statements and plans not through district plans;
- Make a very clear distinction as to what role(if any) a territorial authority plays in addressing water quality;
- Be cost effective to implement, comply with and to monitor ;
- Be flexible enough for landowners to adapt to their own property so that it encourages self responsibility, adaptive management and innovation while providing certainty that on farm decisions made today will still be relevant in five, ten or even twenty years time ;
- Account for and encourage the adoption of industry good practice and self regulation.

Issue: *Pastoral farming followed by commercial forestry and failing sewerage infrastructure (community and on-site septic systems) are the main polluters of Northland's rivers, lakes and estuaries.*

Federated Farmers will be interested to see the data that has led to the development of this issue. Labelling agriculture as the main polluter of waterways needs justification.

While Federated Farmers recognises that pastoral farming can have an impact on Northland's water quality, so too do many other land uses and factors. It is important that the RPS does not "point the finger" to the detriment of co-operation between resource users and regulatory bodies. The farmers that are striving to improve their environmental impact and are adopting good management and industry practice should not be alienated by such an issue and regulated unnecessarily.

Objective: *Water quality standards that recognise the different uses and values of our water bodies and the economic costs of achieving these standards.*

Federated Farmers agrees that economic cost of achieving standards needs to be considered and recognised.

One economic cost could be the limitation of land use options. The RPS needs to retain flexibility for new land uses within the Northland region. While it is important for our members to be able to continue to farm, it is also important that they have the ability to change their land use in response to changing demands, cost structures, and technology. Restrictions on productivity and added costs may render farming uneconomic, and land users need to be able to make use of their land in more economically sustainable ways.

Objective: *Water quality is improved at an affordable rate where it is below the water quality standard, and then maintained at or above that standard.*

Federated Farmers usually supports a prioritising approach that has been used in other Regions where water quality is maintained in some waterbodies and enhanced in others. This will allow for resources to be targeted where they are needed most and takes into account the different land uses in catchments. For example, the communities of the region may be willing to allow for lesser water quality in catchments that contribute to their economic well being, and expect a higher standard for catchments that are in native forest and used for recreation.

This objective aims to improve and enhance water quality over the entire Region, and where water quality has reached the standard it will then be maintained. Federated Farmers is concerned that this may be unachievable. This objective does not take into account what is going on in any particular catchment where water quality may be a trade-off between land uses and economic benefit of the region. Pace and scale of change is also very important, and the timeframe should not be too short as to be unachievable.

Federated Farmers supports moves to ensure that improvement is “affordable” and will not be to the detriment of the other well beings that make up the sustainable management purpose of the RMA: economic; social; and cultural.

Objective: *Priority contaminants and their sources are identified and targeted to ensure the most efficient and effective use of Council and community resources.*

Federated Farmers strongly believes that a better understanding of contaminants and sources will enable better decision-making and better use of resources.

Recently research in the Waikato River has revealed pest fish and water fowl as a major source of bacterial contaminants as well as re-activating contaminants¹ such as phosphorous in the sediment.

A study in the Rotorua Lakes catchment has discovered that gorse is a major contributor to nitrate leaching². The RPS should consider all sources of nitrogen leaching into waterways .

The RPS need to be recognise that due to natural causes waterways often have elevated levels of bacteria or nutrients, often as a result of low flows or stagnant water in drought situations.

Cattle effluent and fertiliser run-off

Federated Farmers appreciates that point source discharges into waterways have been better managed in recent years to ensure the impact on water quality is minimised. The primary sector, along with regional councils, are now grappling with the impact of non-point source (or diffuse) discharges and appropriate mitigation options. With increased understanding and awareness comes increased focus on the issue.

Where non-point source pollution is identified as an issue, Federated Farmers encourage councils to accurately identify the source. However where there is no identified issue with non-point source pollution, we encourage councils to recognise this and reduce the compliance and monitoring costs as a result, creating an incentive for landowners within a catchment to find and deal with non-point source pollution. Taking a catchment by catchment approach will encourage community buy in to identify and address non-point source pollution. Federated Farmers is very cautious of a prescriptive approach to addressing non point source discharges.

It is our strong view that farmers are already taking significant actions to reduce non point source discharge. Farmers are increasingly investing in technologies, products and services that can help reduce their overall impact on our freshwater resources including nitrification inhibitors, effluent storage systems, riparian management and staff education and training. Any objectives, policies and rules must be cost effective to implement and monitor and must encourage ownership and understanding of the issue by individual farmers. The RPS should recognise these positive initiatives.

¹ “Waikato University researcher’s koi carp ambush strategy nets massive haul” University of Waikato media release 6 December 2010.

² “Nitrogen leaching from gorse – Final Report” by GN Magesan and Hailong Wang, February 2008.

Federated Farmers supports increased monitoring of the current permitted activity rule. This will ensure that only farmers that are not meeting the permitted standards are the ones that are captured by increased regulation of having to obtain a resource consent.

Options around riparian margins needs to include discussion about alternatives for weed control, the type of fertiliser applied, the precision of spreading equipment, what animals are involved and their stocking rate, and the size of any proposed riparian margin. Well managed grazing is not necessarily a bad option. Fertiliser application may also be appropriate, as long as it doesn't get too close to the water. It may have the beneficial effect of helping to maintain a good vegetation cover, thereby reducing sediment loss.

Question: *Should targets and goals set out in the Clean Streams Accord only apply to dairy farmers, or all farmers?*

Federated Farmers has concerns about the cost of fencing and the costs of providing alternative access for drystock farmers. Many drystock farmers have many small streams on their property which they drove their stock through very rarely. The cost of fencing is substantially high for the vast amounts of waterways on some properties. Additionally the ability to fence all water ways on some farms is impractical because of topography or sheer vastness of the fencing required. This is particularly the case for extensive sheep farmers.

In conjunction with stock exclusion a consideration of weed control needs to be made. Live stock will keep weeds to a minimum and this in turn reduces the ideal habitat for rabbits, stoats and other pest animals. Once a stream is fenced for stock exclusion for public benefit of the waterway, the farmer then also has to carry out weed and pest control as a result.

Generally for the dairy industry stock exclusion to waterways under the Clean Streams Accord is appropriate, however for drystock farmers, particularly extensive sheep farmers the cost is too high and practicality of fencing all waterways on properties is too difficult.

Sediment getting in our waterways.

Federated Farmers is concerned when provisions in plans or strategies conflict with each other around sediment and water quality. Some examples encountered lately include:

- Pest Management Strategies requiring control of gorse, and yet the removal of gorse on steep erosion-prone land where it is likely to grow may require a resource consent.
- Land use change from pastoral farming to forestry on steep land to reduce sediment run-off may require a resource consent from the district council where the land has been identified for amenity purposes.
- Central government strongly encouraging forestry for "carbon farming" may be discouraged by local government requiring resource consent for harvest.

The RPS needs to ensure that there is no inconsistency of approaches that will result in land owners being caught in a "double-bind."

LAND MANAGEMENT AND RURAL PRODUCTIVITY

Issue: *Lost productive capacity of land as a result of soil erosion.*

The RPS needs to distinguish between natural erosion and accelerated erosion due to poor management practice. Even bush covered slopes that have never been used for primary production can be subject to slips due to shallow soil structure becoming saturated, and the weight of vegetation.

Often the Council creates the impression that they are opposed to most pastoral farming in Northland when the reversion of pasture to scrubland in catchments is encouraged.

Accelerated erosion can be addressed by education about land management and good industry practice. Education as a method will allow for flexibility as new techniques or production methods emerge in the future. Moves by the Council to make funds available for plantings to curb erosion are applauded.

Issue: *The potential for residential subdivision and development to constrain productive uses in the rural environment.*

Federated Farmers agrees that reverse sensitivity based on unrealistic expectation of rural zones can be an issue that constrains agricultural activities.

However some residential development could be entirely appropriate, an example is a new dwelling on a farm. The farmer would expect to be able to live on their farm, and would not be bothered by any effects that they create on themselves. Reverse sensitivity would not be the case in this situation, as the farmer is well aware of the environment and the type of activities that will occur around their house.

New lifestyle dwellers could be educated as to what their rights and responsibilities are living in the country – for example weed control, and to expect noise and odour as part of normal farming operations.

Objective: *Land use that is the best “fit” for the type/class of land.*

Federated Farmers does not support this objective. The RPS should focus on adverse effects, and should not provide direction that activities themselves should be regulated.

It is not councils’ role to determine what an appropriate land use is for a particular land use capability class.

Question: *Should we preserve our rural land for rural activities?*

Federated Farmers believes that the RPS should provide for managed growth in rural communities.

While acknowledging that the loss of productive land can impact on the region's economy, there is also a need to recognise that farmers undertake small lot subdivision to provide for farm succession, dispose of surplus dwellings and for providing on-farm accommodation for employees. Well managed growth in rural communities provides for social well beings by allowing for diversity and vibrancy in rural areas, sustaining essential community infrastructure, and providing employment flexibility and opportunities.

Federated Farmers would not support any direction given in the RPS to focus on certain soil types. It must also be acknowledged that it is not councils' role to determine what an appropriate land use is for a particular land use capability class and to base subdivision policies on that classification. The risk is that only certain types of soils that will be protected, and that this may reduce opportunities for varied production in the region.

Rural activities that should be provided for in rural areas include support industries like rural contracting, wineries or horticultural pack houses.

Lifestylers should be able to live in and enjoy rural areas, but not be allowed to interfere with the productive capacity and normal management practice of primary production.

NATURAL HAZARDS

Identification of natural hazards

Federated Farmers considers that availability of natural hazard information for the public is vital. Mapping and identification of natural hazards is a great first step, and Federated Farmers supports education methods. The public can then make well informed decisions about development and land use on their properties based on cost-benefit considerations. One-size-fits-all rules that require a certain setback for buildings may be impractical for farmers, decisions are better made on real information. Once hazards have been identified, risk should lie with the individual who makes the decision to develop in a hazard-prone area. Education about what risk means and where hazards are located should be the main method.

Adverse effects

The focus should be on adverse effects arising from land use and development rather than the activities themselves, and adverse effects should be avoided, remedied or mitigated to retain consistency with the purpose of the RMA. Avoiding all land use along the banks of watercourses is too all-encompassing and will lead to unnecessarily restricting land use that is appropriate for the location. Resource users should only have to demonstrate that hazards will not be accelerated or exacerbated when *adverse effects* are caused by their proposed activity.

HISTORIC HERITAGE

Issue: *The cost to private land owners of protecting historic heritage for the benefit of the public.*

When developing policy around heritage, the impacts on resource users must be addressed. Resource users do value heritage resources and the RPS should include mechanisms to provide encouragement for resource users. If the effects on landowners are ignored it could be perceived that recognised heritage resources are a hindrance and a liability, resulting in negative consequences all around.

Accidental discovery of unrecorded heritage or cultural sites can be worrying for resource users. Unknown costs of having to get an archaeologist, heritage or cultural expert in to assess the site, unknown cost and time delay of having to obtain a resource consent in order to complete the works started before the discovery, and unknown outcome of a resource consent application can all contribute to a view that heritage or cultural sites are a liability and a burden on the discoverer.

Federated Farmers considers that an approach that the RPS could adopt to change this view would be to direct councils to provide cost-share agreements with land owners. Some examples could be cost share for archaeological or cultural impact assessment or a waiver of the fee for a resource consent application.

Issue: *The adverse effects of development of historic heritage*

Section 6 (f) of the RMA provides for the protection of historic heritage from inappropriate subdivision, use, and development. With this direction, only *inappropriate* activities that could damage sites need to be managed.

Objective: *To provide adequate protection for historic heritage on private land*

An objective about working with land owners in partnership for the benefit of heritage protection on private land should replace this objective. Compelling land owners to do something without recognising their needs often results in negative consequences. This objective needs to follow on from the issue that private resources are often used for public benefit.

Option: *Identifying Historic Heritage*

Federated Farmers supports the identification of heritage using robust criteria. Identifying and mapping registered and recorded heritage sites will provide resource users with more certainty and confidence when dealing with heritage. Resource users may make a conscious decision to avoid development or disturbance where sites are known to be located.

BIODIVERSITY AND ECOSYSTEMS

Issue: *Many of Northland's more significant and/or threatened biodiversity remnants are on private land. The public and private cost of maintaining and enhancing this biodiversity is high (including opportunity costs to private land owners.)*

Federated Farmers supports this recognition that the cost of maintaining biodiversity often falls on private land owners, and most of these are farmers in rural zones. Land owners in urban areas are not expected to contribute to indigenous biodiversity the way that farmers are.

There are many mechanisms that councils can use to recognise the private cost of biodiversity: compensation; rates relief and assistance are all well received by land owners.

Objective: *To halt the loss of indigenous biodiversity values and ecosystems, particularly those which are rare, threatened or significant due to their scale, representativeness or habitat for rare or threatened species.*

Federated Farmers recognises the value of biodiversity and obligations under Section 6(c) of the RMA. The RPS needs to have clear definition between the protection of significant areas of indigenous vegetation and significant habitats, and general biodiversity values.

Robust criteria are needed in order to assess the significance of indigenous vegetation and habitats. Scenarios such as the understory of plantation forests, indigenous plantation forests and bush regenerating in pasture should not be captured by criteria such as "area" or "height of vegetation."

Farmers get frustrated when protection efforts and regulation are directed at areas that are not significant. Farmers have an expectation that councils will allow them to maintain their productive pasture. Farmers recognise that indigenous vegetation like remnant forest and slow growing species are special and deserve to be protected, and many have already taken voluntary protection measures for areas they consider valuable. Protection efforts should be directed towards areas with ecological value rather than homogenous colonising species on productive land.

While Section 6(c) of the RMA directs that significant areas are to be protected, this is still within the purpose of the RMA which is to allow for sustainable use. Some significant indigenous vegetation clearance is necessary for people and communities to provide for their well-being, and the RPS should provide direction that allows for appropriate clearance to continue. To halt loss may be unachievable, and would not allow for situations where loss is mitigated or where loss is required to enable economic, social or cultural well being.

Some examples of appropriate clearance of significant indigenous vegetation include: clearance to remove trees that are about to cause damage to infrastructure or buildings; clearance to create a track to allow for possum control and for access to the other side of a property. Harvest of indigenous vegetation in accordance with sustainable forest management plans and permits under the Forests Act 1949 is also appropriate. Often clearance can have a net environment benefit, such as clearance for a stock-proof fence, or a stock crossing at a waterway that prevents stock accessing the entire waterway.

Objective: *To work in partnership with land owners and communities to maintain and enhance biodiversity on private land and in “commons” environments such as lakes, rivers and coastal waters.*

Federated Farmers supports a partnership ethic. Recognition of stewardship should also be included. Native bush has survived on private property over the generations often because farmers have valued it.

The identification of areas of significant indigenous vegetation and significant habitats is a great chance for positive land owner interaction and partnership. Meaningful consultation will mean that land owners feel that their needs are being met and they will often come to appreciate their bush block more if they have an understanding of its specialness.

Moves that seek to change perception that biodiversity is an asset rather than a liability are supported. Non-regulatory methods such as education and incentives are a way of achieving partnership with land owners.

Incentives are a powerful tool that encourage voluntary actions and behaviour change, and also foster good working relationships between resource users of a district, and their territorial authority.

Incentives could include:

- Rates remissions or rebates for land protected for biodiversity purposes ;
- Reimbursements or discounts for products and fencing materials;
- Providing native seedlings;
- Pest and weed control assistance;
- Contestable fund for biodiversity projects.

Although costing on incentives will be discussed in the LTCCP process, mention of these options in a district plan provides more certainty to resource users that these incentives will occur.

Objective: *To recognise the true worth and public benefits arising from biodiversity values and ecosystem services to Northland’s social and economic well being.*

Federated Farmers supports this objective.

Federated Farmers often sees situations where areas of private land used for biodiversity purposes has a low capital valuation and therefore rates relief for that land is minimal, which gives a mixed message over the worth of biodiversity on private land.

Biodiversity has a worth that is not monetary, but the cost of maintaining and/or enhancing it can be high for individual land owners.

Question: *Should the RPS map or list significant biodiversity areas?*

Federated Farmers does not support the mapping of significant biodiversity in the RPS. District councils have biodiversity functions under Section 31(b)(iii) of the RMA, and need to balance the social and economic well-beings of their communities when making decisions around sustainable management and of protection of biodiversity. Federated Farmers considers that the Regional Council should not identify areas of significant biodiversity, as this could compromise the ability of district councils and their communities to make their own decisions.

Identification and mapping of significant areas can provide resource users with certainty over which areas may be subject to protection efforts or regulation.

Federated Farmers does recognise that district councils may have limited resources to undertake a district-wide analysis of significant indigenous vegetation and significant habitats, so it is important that options are left in the RPS that allow councils to chose the method that best suits them.

General rules around indigenous vegetation that require clearance over an area limit to obtain a resource consent can be a blunt instrument, protecting vegetation that isn't necessarily significant like regenerating pasture. An alternative method for identification is to assess significance on an application basis.

This method has been adopted by Waitomo District Council in Rule 11.5.4.5 and Method 11.7.1 of the Waitomo District Plan. Once a permitted activity threshold is reached, a resource user can informally apply to the Council for an ecologist's assessment of the site at Council's expense. If the site is found to not be significant, clearance as a permitted activity can ensue. If the site is significant, then the resource user can either apply for a resource consent, or they may wish to take voluntary actions to protect/enhance the site now that they are informed of the level of specialness. This method means that the council only needs to employ an ecologist when needed, and also provides a partnership opportunity between the resource user and the council.

Question: *How effective is regulation in promoting the management of biodiversity and ecosystems?*

Regulation can often be perceived by responsible land owners as a demonstration of the councils lack of trust in them. Regulation can also have perverse environmental effects where land owners may wish to destroy areas of bush on their land in order to avoid regulation of their activities.

Federated Farmers considers that the RPS should have a primary focus on encouraging partnership between councils and land owners, with regulation as a "last resort" method. Really special areas of significant indigenous vegetation on private property are likely to already be voluntarily protected by land owners, so often there is no need for regulation.

Question: *Should terrestrial biodiversity be managed via Regional Plans, District Plans, or both?*

District councils have biodiversity functions under Section 31(b)(iii) of the RMA so this function should remain with district councils.

However the Regional Council can participate to maintain and enhance indigenous biodiversity through the Regional Pest Management Strategy.

Animal and plant pests.

Federated Farmers supports moves to assist land owners with pest and weed control.

Hawkes Bay Regional Council has a good partnership with land owners in their “Possum Control Areas” voluntary scheme. HBRC arranges for initial possum control to low densities to be carried out, and then land occupiers maintain possum numbers at those low densities with assistance from the council when needed³. Discounts are offered on possum control equipment in local stores.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES

Issue: *The cost to land owners of protecting outstanding natural features and landscapes on private land can be high while the benefit is generally for the wider community*

Federated Farmers agrees with this issue. Cost of fencing, weed and pest control, enhancement planting is often borne by the land owner. Lost opportunity is another cost associated with ONFLs on private land, as the land owner will be restricted as to what they can use the land for.

Issue: *The inconsistent identification and protection of outstanding natural features and landscapes.*

This is an issue that Federated Farmers has encountered around the nation, with rural productive landscapes being identified as “outstanding” and “natural” and being protected as a Section 6 matter at the expense of primary production. Only landscapes and features that demonstrate true outstanding and natural qualities should be identified and protected.

Federated Farmers has two main concerns around outstanding natural landscapes and features:

- Appropriate identification of ONFLs using robust and objective criteria;
- Rules that still allow for appropriate subdivision, use and development and sustainable management of identified ONFLs.

³ “A guide to self-help possum control areas” Hawkes Bay Regional Council Environment Topic Biosecurity Animal Pests 14, March 2007.

Issue: *Built structures, earthworks and vegetation clearance are having negative effects (particularly cumulative effects) on outstanding natural features and landscapes.*

This issue needs to focus on *inappropriate* earthworks, buildings and vegetation clearance. Farm buildings like a hay barn, earthworks for fencing and clearance of gorse vegetation removal are all examples of activities that could be appropriate for ONFLs. The issue needs to outline exactly what is the problem, is it earthworks for subdivisions or wind farms that is having negative effects? Clear definition of the issue will ensure that appropriate activities won't become the focus of unnecessary regulation.

Objective: *To ensure the consistent identification and effective protection of our outstanding natural features and landscapes while recognising the needs of our communities and individuals to provide for their economic well being.*

Federated Farmers supports an approach of consistent identification of ONFLs. Clear identification of ONFLs provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary protection to landscapes that are not considered Outstanding.

The recognition of the sustainable management purpose of the RMA is supported. This will allow for balance when dealing with ONFLs.

Federated Farmers does not support any moves to identify a second tier of landscapes with the purpose of protecting amenity under per Section 7(c) of the Resource Management Act. Experience in other Regions show that second tier landscapes often occur over rural land that is used for primary production. Federated Farmers considers that the rural zoning, subdivision and development rules are in place to help ensure that the rural landscape remains rural in character. Therefore amenity values are already being maintained and enhanced by the zone provisions. The RPS needs to clearly focus on only ONFLs that are a matter of national importance under Section 6(b) of the RMA.

Question: *We want the new RPS to include the method to be used to identify ONFLs to ensure consistency across the region. Do you agree?*

Federated Farmers supports criteria to be included in the RPS. This will ensure that consistent and objective criteria are being used in all three district councils.

However all or most of the criteria should be required to be met before a landscape or feature is classified as an ONFL. *Pigeon Bay Aquaculture Ltd & Ors v Canterbury Regional Council C32/1999* looked at criteria for assessing the importance of a landscape which includes natural science factors, aesthetic values, expressiveness, transient values, whether the values are shared and recognised, value to tangata whenua and historical associations.

Federated Farmers does not support the RPS identifying ONFLs to be protected by TAs. Identification of ONFLs still needs to be within the context of the RMA. The identification of ONFLs in the RPS could be one-dimensional with a focus on only environmental factors and could compromise the ability of district councils and their communities to make their own decisions.

Question: *Where ONFLs are located on private property should private land owners be compensated for lost economic opportunities as a result of development restrictions?*

Federated Farmers supports compensation to land owners for lost opportunity of land protected.

Federated Farmers believes that when restrictions are imposed that go beyond the minimum threshold of the duty of care (for example, to provide a public benefit in the form of protecting landscape values) there is an obligation for the public to recognise the impact on landowners.

Federated Farmers considers that compensation should be paid that corresponds to the rights that have been restricted.

There are a number of existing mechanisms that council can use to address the impact on landowners property rights and these must be central to any decision making. Other options include rates relief and transferable development rights.

Question: *Should the protection of ONFLs, natural character around our water bodies, areas of significant indigenous vegetation, areas of historic heritage, the relationship of Maori with their culture, traditions and taonga all be combined into one "special places" section of the new RPS?*

Federated Farmers does not support the combination of all these topics into a single section of the RPS. This would have the potential for confusion and widely different interpretation by TAs. For example ONFLs have status as a matter of national importance under the RMA, and natural character does not. The purpose of ONFLs is around scenic values, whereas the purpose of significant indigenous vegetation is around biodiversity.

HAZARDOUS SUBSTANCES AND CONTAMINATED LAND

Objective: *To minimise the exposure of people and the environment to hazardous substances.*

The RPS needs to recognise that hazardous substances are a common and normal aspect of farming and should therefore be expected in rural areas.

Hazardous substances are already regulated by the Hazardous Substances and New Organisms Act 1996 and food safety regulations, and exposure to people on the job is dealt with Occupational Safety and Health. Farmers using or storing hazardous substances already face several layers of regulation and further regulation by local government is not needed.

Objective: *To promote and enable the appropriate disposal of hazardous waste substances.*

Federated Farmers supports this objective. Disposal at an approved facility can sometimes be so expensive as to be a major disincentive.

Environment Waikato has some excellent information available to farmers about chemicals and farm waster in Chapter 7 of the Farm Management Issues publication⁴.

Objective: *Undertake remediation of seriously contaminated sites where they pose a risk to human health and the environment.*

Federated Farmers supports the focus on the risk to human health that contaminated land can pose.

Federated Farmers considers that land affected by contaminants in soil should be appropriately identified and assessed at the time of being developed and if necessary remediated, or the contaminants contained, to make the land safe for human use.

If the land is not being developed for a use that will be compromised by the contaminants (like a residential dwelling,) then the need for remediation is reduced or made redundant. If concerns about a contaminant in the food chain are not identified, then many land uses can occur without risk to human health.

The 2006 Ministry for the Environment publication *Identifying, Investigating and Managing Risks Associated with Former Sheep Dip Sites: a Guide for Local Authorities* advises that two main options for dealing with former sheep dip sites is to isolate the site (eg by fencing, or capping) or finding a lower-risk land use.

Question: *Are the current rules relating to the use and storage of hazardous substances adequate to manage the effects on people and the environment?*

The discussion document states that so far the current approach has proven efficient and effective to date. ERMA already has robust regulations in place for the Transport and Storage of Hazardous Substances. Federated Farmers is in favour of retaining the status quo. Any further regulation would not only need to be driven by a real need, but would need to meet the cost/benefit test.

⁴ Farm Management Issues - Dairying and the Environment Committee manual revised and updated edition 2006, Environment Waikato.

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.

Federated Farmers thanks the Northland Council for considering our comments to the Discussion Document for the new Regional Policy Statement.

We look forward to working with the Council during the development of the Regional Policy Statement in the near future.

