

Proposed Otorohanga District Plan:

Landscape and Indigenous Vegetation rules



A Federated Farmers perspective.

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What is a District Plan?



District Plan is a tool to achieve the purpose of the RMA : sustainable management.

Sustainable management aims to balance the four well-beings: economic, social, cultural and environmental.

Section 79 of the RMA says that provisions in Plans should be reviewed every 10 years.

Section 79(3) says that even if the council decides to keep provisions the same, it still needs to follow the public submission process.

This is a great opportunity to make the District Plan really work for Otorohanga, and our only chance for possibly the next 10 years.



What does the RMA say about Landscape?



Section 6 of the RMA directs councils to recognise and provide for:

- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development as a Matter of National Importance.



Mount Pirongia.



Waipapa Lake and Scenic Reserve.



Kawhia Harbour entrance.

What does the RMA say about Landscape?



Section 7 of the RMA directs councils to have particular regard to:

- (c) The maintenance and enhancement of amenity values.

This is usually done by identifying Zones and activities that are appropriate in each zone.
e.g. Rural, Residential, and Industrial Zones.

The RMA doesn't say that you need to identify a second tier of amenity landscape.

The risk is that farmland is identified as having scenic values, which are then protected over economic values.



View of Carlin Road valley from Austin Road.

Landscape in Otorohanga



Otorohanga District Council has hired a consultant to assess landscape quality.

Two tiers of landscape have been identified:

- **Outstanding Landscapes** (mapped with brown)
- **Landscapes of High Amenity Value** (mapped with green)

Both of these together are referred to as “Landscape Policy Areas” in the Plan.

This means they have the same rules, despite having different status in the RMA.

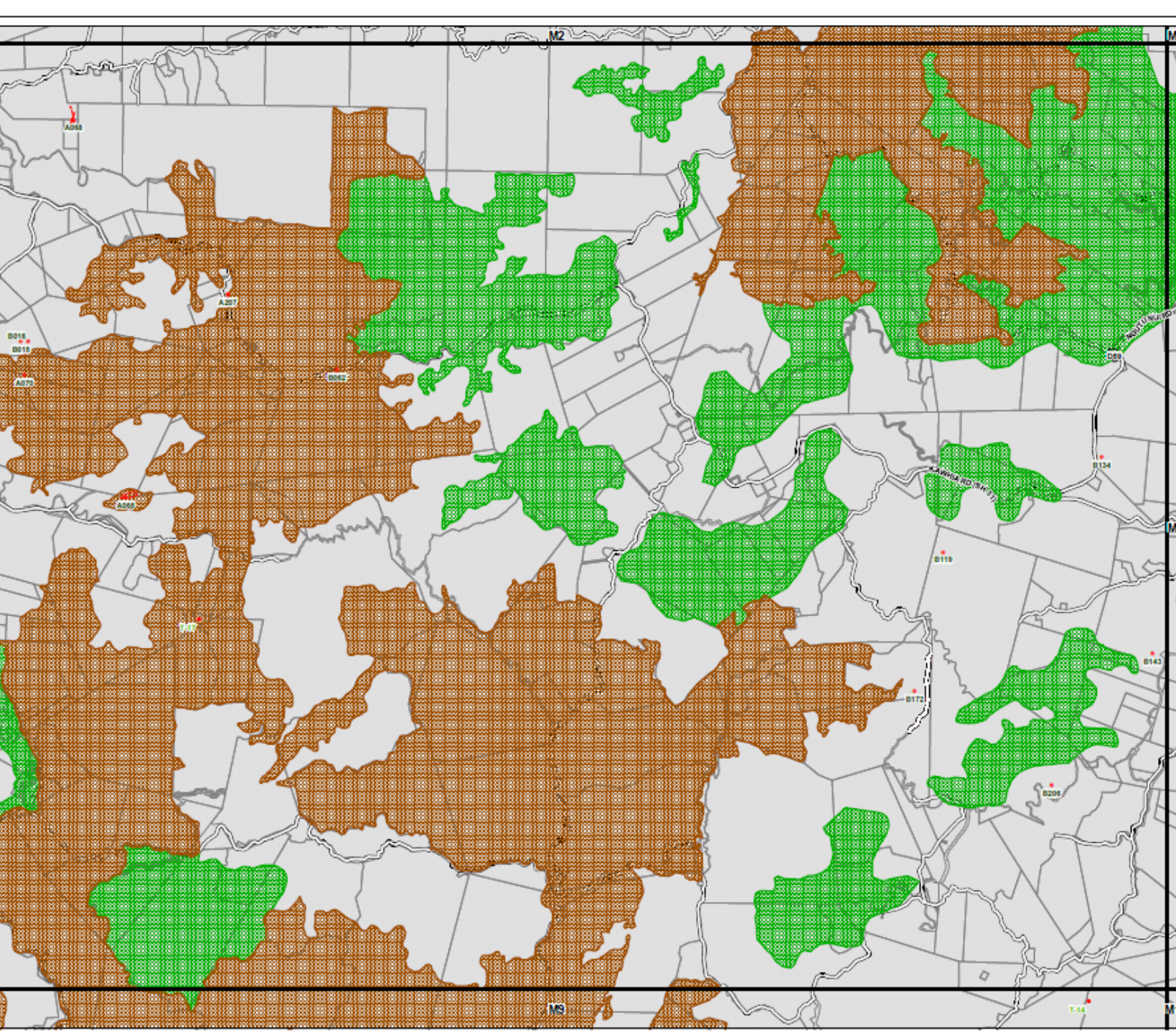
Map M5



Scale 1:50 000



Otorohanga District
Proposed District
Plan Maps
September 2010



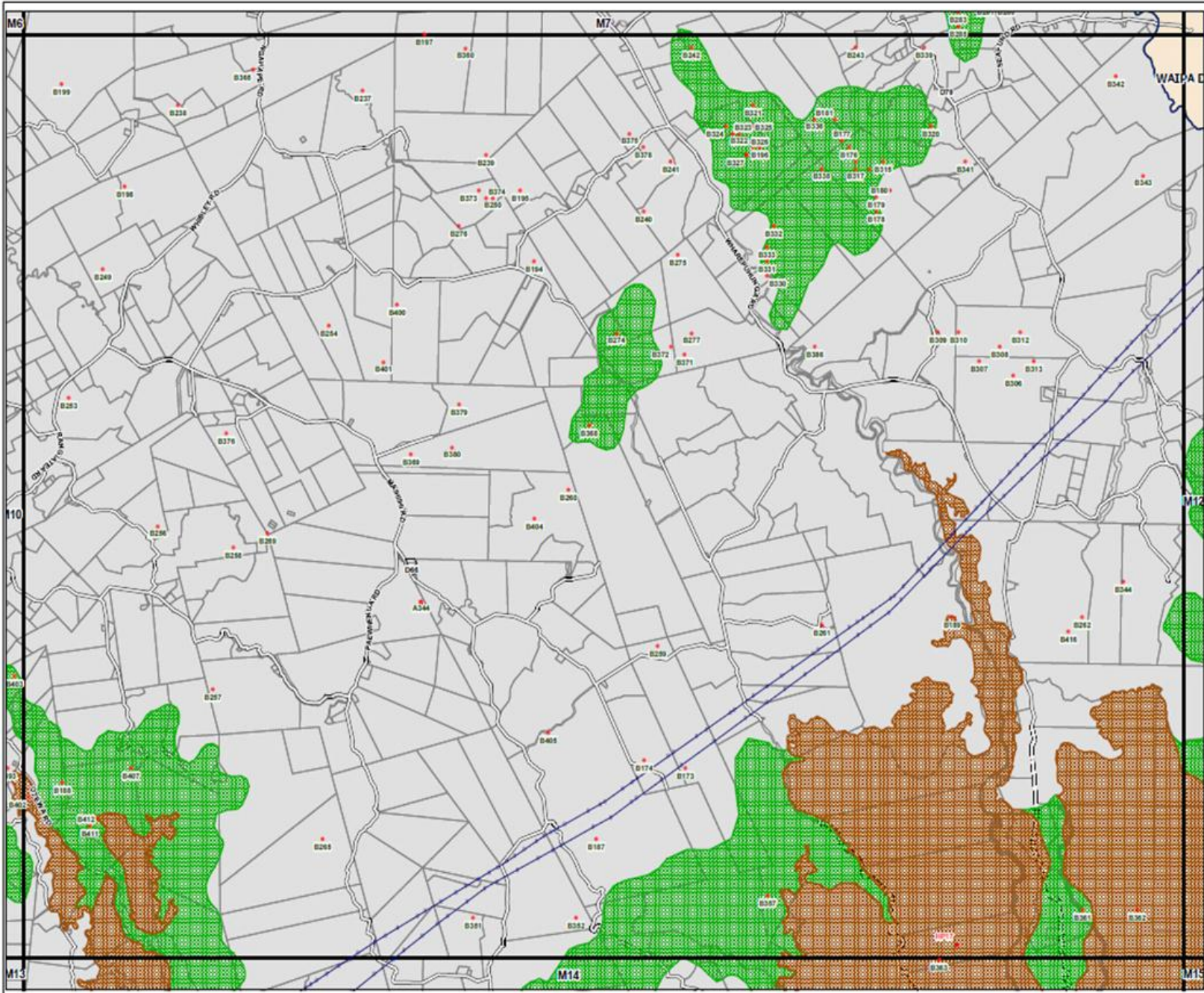
Map M11



Scale 1:50 000



Otorohanga District
Proposed District
Plan Maps
September 2010



Rules for Landscape Policy Areas



Standards:

- 2A. Any proposed new building or structure within a Landscape Policy Area is designed, constructed and finished so:
- (i). it is less than 4.5 metres in height; and
 - (ii). it has a gross floor area not exceeding 45m²; and
 - (iii). it is not located within 100 metres of any other building; and
 - (iv). any exterior materials are painted, stained or varnished in the colours or combination of colours set out in Appendix 1 or is finished in natural materials.
- 2B. No Significant Natural Feature will be removed, damaged or modified.

Rules:

- 2.1 Any activity which complies with standards 2A and 2B is a permitted activity.
 - 2.2 Any activity which is located within a Landscape of High Amenity Value and does not comply with Standard 2A is a discretionary activity.
 - 2.3 Any activity which is located within an Outstanding Landscape and does not comply with Standard 2A is a non-complying activity.
 - 2.4 Any activity which does not comply with Standard 2B is a non-complying activity.
- **Also extra Indigenous Vegetation Clearance and Subdivision rules.**

Rules for Landscape Policy Areas



What about activities like Farming, or Forestry?

- These are not mentioned as permitted.
- Council probably thinks that the Plan implies that forestry and farming can continue, however Federated Farmers thinks that this should be written into the Plan for certainty.
- Earthworks are under Section 5, but do not specifically mention Landscape Policy Areas.
- Any activity that can't meet the standards for 2A (the building standards) needs a resource consent:
 - Discretionary for Landscapes of High Amenity Value;
 - Non-complying for Outstanding Landscapes.



What does the RMA say about Indigenous Vegetation?



Section 6 of the RMA directs councils to recognise and provide for:

- (b) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

as a Matter of National Importance.



How do we know what is significant?



EW Waikato Regional Plan has a list of criteria for assessing significance.

A qualified ecologist is needed to visit the site and assess the bush using the criteria (ground-truthing)

Some councils are short on cash and identify sites from aerial photography.

Some councils just have a catch-all rule around clearance that assumes that all indigenous vegetation over a certain height or area is significant.



Rules for Indigenous Vegetation Clearance



Rules:

4.1. Any proposal to trim or remove indigenous vegetation which is endangering or potentially endangering the safe and efficient operation of an existing public road, footpath, public space, utility service or building is a permitted activity.

4.2. Any proposal, except as provided for in rule 4.7, to clear or modify indigenous vegetation within any 12 month period where the vegetation:

- (i) has an area of less than 0.5 hectare; and
 - (ii) is not located within 5 metres of a water body;
- is a permitted activity.

.....

4.7. Any proposal to clear or modify **significant indigenous vegetation** is a non-complying activity.

What is Significant in Otorohanga?



No-body knows, as it hasn't been assessed or mapped.

This system has no certainty: how do you know if your clearance is permitted, or if it falls into Rule 4.7 and needs a resource consent?

Burden of proof falls onto farmers, have to hire an ecologist to assess the site.

This means that Council is collecting information for a public good at the cost of the individual.



What is Significant in Otorohanga?



Scenario 1:

- Farmer clears less than 0.5ha of vegetation under Rule 4.2
- It had a rare weta species living in it and was a significant habitat.
- Council takes enforcement action.



Scenario 2:

- Farmer hires ecologist to assess vegetation.
- It's not significant.
- Farmer has spent lots of \$\$ for no good reason.



Submissions



Federated Farmers submission:

Robust and appropriate identification of outstanding natural landscapes and significant indigenous vegetation, so that landscapes that aren't outstanding, and vegetation that isn't significant don't get unnecessarily regulated.

Rules that still allow sustainable management and use of resources.

Rules that are certain so everyone knows what is permitted, and what needs a resource consent.

Rules that do not unreasonably affect normal farming activities.

Council recognises that land owners already do a good job of looking after their land, and that personal time and resources go towards this stewardship.

Submissions



- Property level submissions:

Farmers need to check the Planning Maps to see if their individual farms are mapped as a Landscape Policy Area.

If you are unhappy with a Landscape Policy Area mapped on your farm, you need to write a submission to the Council.

Otherwise Council will operate on a “no news is good news” basis, and assume that you are happy.

How can our Councillors make good decisions on our behalf, if they don't know what we are thinking?





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