

SUBMISSION

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To: Horowhenua District Council
126 Oxford Street
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Submission on: Horowhenua District Plan Review
Full Discussion Document

Submission by: Federated Farmers of New Zealand
Manawatu/Rangitikei Province.

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The Manawatu/Rangitikei Province of Federated Farmers appreciates this opportunity comment on the Horowhenua District Plan Review. We acknowledge any comments made by individual members of Federated Farmers.

Federated Farmers is very keen to offer constructive comments in the hope that the plan that emerges gives an appropriate recognition to the primary sector activities that define the Horowhenua district.

Reverse Sensitivity

Federated Farmers reminds the District Council that the Rural Zone is first and foremost a production zone, where food is produced.

Federated Farmers is concerned that the Council could be going down the path of protecting sensitive activities over and above legitimate primary production. If primary production is no longer an accepted land use in the Rural Zone, then there is no where else for it to move to.

Reverse sensitivity occurs where a person enters a rural landscape and seeks to impose unrealistic or urban based amenity standards upon what is essentially a rural production zone. This is a concept that has the potential of becoming increasingly problematic within the Horowhenua District due to the general trend towards rural residential living. Primary production activities are essential for the Horowhenua District, for both food production and the local economy. If primary production is not prioritised over rural-residential living then the Horowhenua District could become a commuter area with no local food production and no local economy.

A way to address this issue is to require new sensitive activities (such as dwellings on rural residential properties) to avoid, remedy or mitigate their adverse effects (such as complaints) on existing rural land uses.

A combination of methods can be used so complaints about normal farming activities are less likely from new residential properties:

- setbacks of new dwellings from boundaries;
- buffer zones around subdivisions;
- noise proofing by use of building materials; and
- no-complaints covenants.

The key aspect is that these methods are required to be used by new sensitive activities, not established primary production.

Noise

Any noise provisions need to recognise that primary production is carried out in the rural zone as an established and appropriate activity.

Noise from activities such as weaning calves, frost fans, tractors and harvesting machinery should be anticipated in the rural zone and unrestrained by secondary activities such as rural residential dwellings. Noise limits need to exclude farming noise from decibel readings and hours of the day. Noise from tractors cutting and baling hay may continue through the night as farmers race to finish before wet weather ruins the crop. Farm households all accept this noise as incidental to getting the job done.

Federated Farmers suggests that education may be a better method of reducing complaints about noise, rather than constraining normal farming activities with regulations.

Intensive Farming

Federated Farmers is supportive of the comments submitted by New Zealand Pork and Poultry Industry Association in relation to intensive farming.

Considering that free range pig and poultry farming is still “intensive farming” needs to be reassessed. Free range livestock is a mainstay of New Zealand farming and what sets us apart in world markets. Federated Farmers is concerned that the Council may seek to regulate type of livestock (pigs and poultry) rather than method of farming (intensive/free range.) Free range pigs and poultry are an emerging market due to consumer demand, and the local Horowhenua economy could really benefit from this.

Definitions of intensive farming need to be careful not to capture free range farming by proxy. Free range farming also involves supplementary feed (such as hay or maize) and temporary sheltering of livestock indoors (for example calves, horses, or farrowing pigs.)

Management of Adverse Effects

Federated Farmers considers that it is the Council’s role to manage adverse effects, and not activities themselves. Federated Farmers is concerned that a focus on controlling activities will mean that the ability to uptake new technologies or production methods may be constrained unintentionally.

The District Plan needs to retain the flexibility to permit or provide for new technologies as they are developed. Council needs to ensure that, when discussing methods, tools, and mitigation options, that these are specific enough to be effective but do not relate to specific technologies, as this will limit councils from being able to use or provide for the use of other, newer, possibly more effective technology that is developed over the next ten years.

To be restricted by a certain method could mean that positive environmental outcomes are limited. Agricultural technology such as effluent mitigation tools are rapidly being improved and new tools developed. Federated Farmers has seen this happen with the Waikato District Council’s Rule 25.34 that effluent disposal to land needs to be setback from a habitable building. During *Federated Farmers vs Waikato District Council* ENV-2007-AKL-0051 this rule was amended to have two setbacks recognising that low pressure disposal systems (such as sub-surface or drip systems) have much lesser effect than high pressurised spray or irrigation systems.

Federated Farmers urges the Council to manage adverse effects and not activities. Stocking rates should not be something that the Council develops rules around.

Rural Privacy and Amenity

Farmers are more concerned about the ability to continue farming, rather than privacy and amenity. Federated Farmers reminds the Council that privacy and amenity provisions should not adversely impact on farming activities. While it is important that farmers are able to live on their land, primary production is the purpose of the rural zone. New dwellings should be setback, rather than rural buildings.

Setback distances for houses from rural buildings should only apply to houses on separately owned properties. Internal effects created by a rural building close to a house on the same property and owned by the same person should not be a concern. Creating effects upon oneself is not a matter of concern to the Council, as regulations should seek to reduce conflict and manage effects imposed upon others. Topography and site restrictions may mean that the only feasible location for a new wool shed or dairy shed may be close to the existing house, it would be impractical to require a resource consent when the affected party is also the applicant. A level of on-site flexibility needs to be retained so that land owners can tailor solutions to their individual needs and property considerations.

Existing Use Rights

Existing use rights associated with farming need to be protected. Federated Farmers does not want to see situations where a farmer's silage pit becomes illegal if there is a rural residential subdivision on the neighbouring property, and the silage pit has to be moved because it becomes too close to the new dwellings. Farming practices should not become marginalised in the rural zone, as they have been lawfully established and remain the same in character, intensity and scale.

RMA Language

Language used throughout the District Plan needs to be consistent with RMA language. RMA terms are well defined and widely understood and should be used to avoid confusion and misinterpretation.

The ability to *avoid, remedy or mitigate* adverse effects needs to be through out the Plan to retain consistency with Section 5(c) and Section 17. Providing for adverse effects to be avoided, remedied or mitigated allows resource users to tailor solutions to their individual needs while still achieving outcomes.

Terms such as *natural character, outstanding natural, and significant* all need to be used in consistency with corresponding Section 6 (a) (b) and (c) respectively. Likewise terms such as *protection, maintenance and enhancement* all need to be used in relation to the correct matter.

The District Plan should focus on enabling appropriate land use, rather than just restricting land use where it is not appropriate. The RMA has an enabling intent, which is embedded in Section 5 meaning of sustainable management and this needs to be imbued throughout the District Plan. People and communities need to be empowered to provide for their economic, social and cultural well being in a manner that manages adverse effects on the environment.

Methods

Regulation is not the only method in the tool-box to sustainably manage natural and physical resources.

Non-regulatory methods can be effective in engaging resource users to work with the Council towards achieving mutual goals and is a more efficient way of achieving 'buy-in' from resource users. Resource users are more likely to engage and work proactively in partnership with council when they have a sense of ownership of and responsibility for the targets and activities being carried out, and feel that they have been an active participant in the decision-making process.

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.

For example, the protection of significant indigenous vegetation and significant habitats can be achieved using non-regulatory methods:

- **Education** can be used to provide information about what makes areas special, and how to carry out pest control or restorative planting, or about other organisations that can assist projects.
- **Financial assistance** methods could include reimbursements or discounts for products and fencing materials, or a contestable fund for enhancement projects.
- **Recognition** of the voluntary protection and enhancement work that land owners carry out can be achieved through rates remissions or rebates .

All of these methods will contribute positively to achieving Section 6(c) goals and will acknowledge that the public good of biodiversity is being provided on private land and often by the efforts of individual land owners.

Cost-share method

Federated Farmers suggests that in certain matters, cost-share arrangements can be appropriate and achieve goals.

For example, 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 Council could adopt to change this view would be to offer a waiver of the fee for a resource consent application, and a cost-share arrangement for the archaeological or cultural impact assessment.

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 Horowhenua District Council for considering our comments to the District Plan Discussion Document, and we look forward to further work with the Council in the future.

