

# SUBMISSION

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To: Commissioners Dean Chrystal and Julia Williams.

Submission on: Proposed Plan Change 22 to the Horowhenua District Plan  
Outstanding Natural Features and Landscapes.

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

Date: 31 October 2011.

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Manawatu/Rangitikei Province of Federated Farmers appreciates the opportunity to present our submission to the Hearing Commissioners on Tuesday 15 November 2011. We acknowledge any submissions by individual members of Federated Farmers.

This submission is representative of member views and reflects the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

Primary production activities such as dairying and sheep farming make significant contributions to the economic, social and cultural well-being of the Horowhenua district. These activities also have a positive impact on the economic sustainability and continued viability of many of the district's towns such as Levin and Foxton. Federated Farmers believes that when undertaking a Plan Change it is essential that Council take into account, and balance the economic, social, cultural and environmental considerations of any particular policy or provision, and to carefully consider the direction given in the RMA.

## NOTES REGARDING STRUCTURE OF HEARING EVIDENCE

- Federated Farmers has been assigned the reference number **058** for our original Submission.
- For clarity we have used the same numbering system as the Section 42a Reports for our individual submission points.
- The text amendments shown have underlined for new text and ~~striketrough~~ for deleted text.
- The Resource Management Act 1991 is referred to as the RMA throughout our Hearing Evidence.

### HIGH AMENITY AREAS

Federated Farmers submits that identification of, and provisions for, High Amenity Landscapes should be deleted because it oversteps RMA direction.

The RMA gives no direction regarding the protection of areas of High Amenity Value. The identification of certain Domains as high amenity landscapes that require extra provisions seems to create an unnecessary intermediary between Section 6(c) outstanding natural features and landscapes, and Section 7(c) the maintenance and enhancement of amenity values. Section 7(c) obligations can be achieved through zoning that ensures expected and appropriate activities occur in the appropriate environment, and these are landscapes that do not meet the criteria to be identified as ONFLs and so do not need the level of protection afforded by Section 6.

The creation of “second tier” landscapes will result in unnecessary restrictions on activities in order to protect amenity values over and above what the RMA requires, and will harm economic, social and cultural well being.

Plan Change 22 creates a level of reader confusion around what high amenity landscapes are and where they are located. The only reference to landscapes of high amenity occurs in explanation of Issue 4.3 beginning with “In addition further assessment has identified that the following landscape domains have a high level of amenity....” and subsequent rules throughout PC22 relating to these specific Domains. Planning Maps 38 and 39 do not indicate which of the Domains are captured by these extra provisions, so that people looking at the maps remain unaware that extra rules will apply.

#### Relief Sought:

- That High Amenity Landscapes are deleted.

## 058A CONSULTATION PROCESS

Federated Farmers considers that early and meaningful consultation is vital to the successful balance of economic, social, cultural and environmental well beings. An obligation to consult with affected landowners does not give them greater status than any other party to the Plan Change process, but rather recognises that landowner input is integral to achieving successful environmental outcomes.

There is little recognition of the vital role that landowners play in achieving objectives relating to resources on privately owned land. Consultation with landowners is crucial for the protection of landscapes and natural features on private land, because without landowner acknowledgement and “buy in” on-going, positive management is unlikely to occur.

Consultation has been defined in case law *Wellington International Airport Limited and others v Air New Zealand* [1993] 1 NZLR 671, and codified in the Local Government Act 2002.

Key elements of consultation include:

- Consultation is the statement of a proposal not yet finally decided upon;
- Consultation includes listening to what other have to say and considering responses;
- Sufficient time must be allowed and a genuine effort must be made;
- There must be enough information made available by the party obliged to consult (Council), to enable the stakeholders to be adequately informed, so they are able to make intelligent and useful responses;
- The party obliged to consult must remain open minded and be ready to change and even start afresh. However the party consulting is entitled to have a working plan already in mind;
- Consultation is an intermediate situation involving meaningful discussion;
- The party obliged to consult holds meetings, provides relevant information and further information on request, and waits until those being consulted have had a say before making a decision.

PC 22 proposes significant changes to the way that the District’s rural landholders use and manage their land. It is also evident that the implications of the proposed policies and provisions on rural land use are not well understood by those for whom they will have the greatest effect on. Knowing this, Federated Farmers would have expected Council to undertake extensive engagement with the individually affected landowners, community and all key stakeholders prior to the development of the landscape assessment and resultant PC 22.

Federated Farmers has raised concerns about the PC22 consultation process relating to the swift turn-around for the completion of the landscape assessment in August 2009, and the notification of PC22 on 5 September 2009 and subsequent immediate effect of the rules. Federated Farmers strongly advocates for “best practice” consultation including discussion or draft documents for public comment prior to notification and meetings were held to inform the community .

The taking of property rights without good cause or compensation discourages private investment. Time and time again Federated Farmers encounters landowners that are unaware that their property has been mapped as an ONFL and that this will affect their farming. Farmers expect to be able to continue the activities that have shaped the land and given it its very amenity, and resist provisions when they feel that everyone benefits except them, and that they are no longer in control of their own property. Meaningful landowner engagement and consultation will lead to better

outcomes as landowners will be proud of the “specialness” of their land and their contributions to its amenity.

Relief Sought:

- That meaningful consultation with individual affected landowners, stakeholders and community is carried out.

**058B** Subject matter and provision in the PC22

New **Issue 4.3** states:

*The risk that inappropriate subdivision, use and development will cause an adverse effects-on the outstanding natural landscapes and features and high landscape amenity that cannot be avoided, remedied or mitigated.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058B be accepted in part.

An issue needs to clearly state the existing or potential problem that must be resolved in order to promote the purpose of the RMA. In this instance, it is *inappropriate development, use and subdivision* that may have an adverse effect on those natural landscapes and features that are considered to be outstanding. It must also be noted that some forms of development can have a positive effect on the landscape.

Federated Farmers supports the Section 42a Report’s recommendation to focus the risk on inappropriate subdivision, use and development.

However, Federated Farmers still remains opposed to the inclusion of high landscape amenity alongside Outstanding Natural Landscapes and Features, as amenity landscape is not a matter of national importance under Section 6 of the RMA.

Relief Sought

- Federated Farmers considers that the terminology used to express Issue 4.3 should be amended to better reflect that used in the RMA as follows:

~~*The risk that inappropriate subdivision, use and development will cause an adverse effects-on the outstanding natural landscapes and features and high landscape amenity that cannot be avoided, remedied or mitigated.*~~

## 058C Subject matter and provision in the PC22

### Proposed text replacement of **Issue 4.3 Discussion**

#### Summary of reasons for this submission

The Section 42a Report recommends that Submission 058C is accepted in part.

Federated Farmers submits that the discussion associated with Issue 4.3 does not provide users of the District Plan with a clear justification of why and how inappropriate subdivision, use and development adversely affects the District's outstanding natural landscapes and features.

There is a clear difference in the RMA between outstanding natural landscapes and features as a matter of national importance under Section 6 of the RMA, and amenity values as a Section 7 matter. This distinction needs to be imbued within the Discussion of Issue 4.3 for reader understanding. Currently the wording around identification and assessment in the third paragraph (starting with "The landscapes of the District have been assessed...") includes high amenity landscapes alongside outstanding natural landscapes and features as if they had the same status in the RMA.

The 6<sup>th</sup> paragraph (starting with "In addition further assessment has identified the following...") seems to imply that landscapes of high amenity have equal status to ONFLs and also require protection, when in fact their purpose is to maintain and enhance amenity values, rather than requiring protection.

The Discussion needs to remind readers that activities are still enabled under the overall purpose of the RMA, and that only the adverse effects of inappropriate activities carried out in ONFLs are to be avoided, remedied or mitigated. Otherwise the Discussion imparts the impression that all activities are undesirable.

#### Relief Sought

- Amend the wording of Issue 4.3 Discussion to provide a clear justification for the subsequent policies and rules. To be effective it is considered that this discussion should:
  - explain why certain landscapes are considered to be more valued than others;
  - discuss that inappropriate subdivision, use and development (or activities) had impacted on these "special" landscapes in the past;
  - explain that not all activities have adverse effects, and that adverse effects can be avoided, remedied or mitigated;
  - address landscape sensitivity to changes and the ability of some landscapes to better absorb change than others;
  - the methodology used to undertake a district-wide landscape assessment.

**058D** Subject matter and provision in the PC22

New **Objective 4.3** states:

*Ensure that subdivision, use and development does not adversely affect outstanding natural landscapes and features.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058D be accepted in part, and changes some wording to include that ONFLs are to be protected from the adverse effects of inappropriate subdivision, use and development. Federated Farmers supports the inclusion of this phrase.

Federated Farmers does not consider that the Objective wording will seem trite as stated as a concern in the Section 42a Report, as it is vital that Objectives are imbued with the direction given by the RMA and that use of well-understood RMA terms will reduce ambiguity or misinterpretation.

Federated Farmers submits that this Objective needs to clearly state what will be achieved through the resolution of Issue 4.3 and how it will be achieved. The Objective needs to state that ONFLs are to be protected from inappropriate subdivision, use and development. The purpose of the RMA allows for adverse effects to be avoided, remedied or mitigated, and this should be included in the Objective to provide the reader with an understanding of how ONFLs will be protected.

Areas of high amenity should not be included in Objective 4.3 as they do not have the same status as ONFLs under the RMA. Including them in this objective would give the reader a false understanding that ONFLs and high amenity landscapes both need to be protected as a matter of national importance.

Relief Sought

- That the terminology used to express Objective 4.3 be amended to better reflect that used in the RMA as follows:

*Ensure that the District's Outstanding Natural Features and Landscapes are protected from the adverse effects of inappropriate subdivision, use and development in that adverse effects are avoided, remedied or mitigated and that regard is had to other landscapes having high amenity.*

**058E** Subject matter and provision in the PC22

New **Policy 4.14** states:

*Avoid the development of large buildings on outstanding natural landscapes and outstanding natural features.*

New **Policy 4.14A** states:

*Ensure that dwellings on high amenity landscapes achieve low impact by having particular regard to the Horowhenua Rural Subdivision Design Guide.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058E on Policies 4.14 and 4.14A be rejected. Federated Farmers opposes this recommendation.

Federated Farmers submits that Policies 4.14 and 4.14A be deleted as they will not achieve the purpose of the RMA, and Policy 4.14 C already suitably addresses the concern of adverse effects from buildings.

Policy 4.14 refers to avoidance of large buildings, it must be noted that the actual or potential environmental effects of a building on any particular landscape will depend on a combination of factors and not just size alone, factors such as its location within the landscape and an individual property, design, materials and use can contribute to the level of adverse effects experienced. A Policy that focuses on adverse effects will provide motivation for new ideas to reduce those effects from resource users.

The accompanying explanation (Amendment 12, Explanation and Principal Reasons) discusses the ability of some landscapes to absorb change without adverse effects. However this is not provided for in Policy 4.14 which seeks to outright avoid large buildings.

Objective 4.3 is recommended by the Section 42a Report to include a focus on *inappropriate* development, however Policy 4.14 is currently not consistent with this direction in that all large buildings whether appropriate or not are to be avoided. Federated Farmers is concerned that the term “large buildings” may be interpreted as being agricultural buildings such as hay sheds or tractor sheds which would be considered appropriate in the landscapes that are currently used for primary production, when in fact the purpose of the Policy may be to target buildings like industrial-scale manufacturing or storage buildings, hangars and multi-storey blocks.

Council have classified a large proportion of rural farmland as either an outstanding natural landscape or feature or high amenity landscape, and the consequential rules of this policy require that agricultural buildings would need resource consent. This would lead to a significant increase in operating costs for landowners, as well as for Council assessing buildings that have little or no adverse effect on landscape values.

Policy 4.14 does not provide for adverse effects of large buildings to be avoided, remedied or mitigated in a way that protects the values of the ONFL while still enabling reasonable use. This is inconsistent with the purpose of the RMA.

Relief Sought

- Delete Policy 4.14 and Policy 4.14A as the matter to which these proposed policies relate is suitably covered by Policy 4.12.

**058F** Subject matter and provision in the PC22

New **Policy 4.14C** states:

*Have regard to the ability of existing land uses within landscape areas to accommodate subdivision, use and development without adverse landscape effects.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058F be accepted in part, and that the wording on Policy 4.14C be amended to read:

*Have regard to the ability of existing ~~land uses within landscapes areas~~ to absorb appropriate ~~accommodate~~ subdivision, use and development which includes existing land uses, and also topography and vegetation ~~without adverse landscape effects~~.*

Federated Farmers supports the intent of Policy 4.14C that existing land uses and appropriate activities will be regarded, and that landscapes have the ability to absorb these kinds of activities.

However the earthworks and building rules resulting from Policy 4.14C will mean that existing farming land uses and appropriate farming activities are not truly being regarded. Much of the land identified as ONFLs is also used for primary production, and it is important to acknowledge that this can continue.

While Federated Farmers supports the recommended inclusion of appropriate subdivision, use and development, and existing land uses in Policy 4.14C, we remain concerned that the resultant rules are not consistent.

Federated Farmers submits that Policy 4.14C should include future land uses alongside existing. Farming technology and markets are continually changing, and Horowhenua should not miss out on new opportunities because of restrictive policies.

Relief Sought

- Amend Policy 4.14C as follows:

*Have regard to the ability of existing landscapes to absorb appropriate subdivision, use and development which includes existing and future land uses, and also topography and vegetation.*

**058G** Subject matter and provision in the PC22

New **Policy 4.14D** states:

*Have regard to the potential adverse effects on the landscape values of an outstanding natural landscape or feature from development on a nearby high amenity landscape.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058G be rejected, and then discusses that many identified landscapes are also primary production landscapes, and that PC22 does not seek to unreasonably constrain these activities. Federated Farmers opposes this recommendation and considers that PC22 does in fact constrain many farming activities.

Federated Farmers submits that Policy 4.14D will restrain agricultural activities when they are not even located within an ONFL, and that this will impact on the well being of the district's people and

communities. Scenarios like a new dairy shed may be classified as a development that is not acceptable under this policy despite being appropriately located on a farm, whereas the policy may be intended to address high-density residential subdivision or industrial scale activities. There is no direction given as to what type of development is intended to be addressed.

#### Relief Sought

- Delete Policy 4.14D.

#### **058H** Subject matter and provision in the PC22

New **Policy 4.14E** states:

*Have regard to the needs of primary production activities within the Foxton Dunefields Outstanding Natural Landscape.*

#### Summary of reasons for this submission

The Section 42a Report recommends that Submission 058H be rejected, and then discusses the peer review finding that Foxton Dunefields do not qualify as an ONFL. However the Section 42a Report then recommends that Policy 4.14E is replaced to read:

*Ensure that any adverse effects on the dune landforms in the Foxton Dunefields are avoided, remedied or mitigated.*

Federated Farmers opposes this recommendation. Federated Farmers submits that if the Foxton Dunefields no longer qualify for ONFL status, then there is no longer any need to single out this landform and have a special policy for it. Adverse effects on general amenity are adequately addressed by rural policies and Policy 4.13.

#### Relief Sought

- Delete Policy 4.14E.

#### **058I** Subject matter and provision in the PC22

New condition for permitted activity **Rule 19.2.28** states:

*No buildings shall be located on, or earthworks undertaken on land that is a dune within the Foxton Dunefield Outstanding Natural Landscape.*

#### Summary of reasons for this submission

The Section 42a Report recommends that Submission 058I be accepted, and that Rule 19.2.28 be deleted as the Foxton Dunefields were found in the peer review to not qualify for ONFL status. However the Section 42a Report still recommends that earthworks be restricted in the Foxton Dunefields with limits of 150m<sup>3</sup>, 1.5m vertical cut and 20m continuous length per 12 months under replacement Rule 19.2.28. Earthworks limits for Coastal Environments and Coastal Lakes Domains, Manukau Downlands and Hill Country Domains have also been imposed through the reworking of Rule 19.2.28.

While Federated Farmers is pleased that if a landscape does not meet criteria then it shall not be classified as an ONFL, the proposed earthworks limits for the Coastal Environments and Coastal Lakes Domains, Manukau Downlands and Hill Country Domains, and Foxton Dunefields still mean that activities are being restricted for a level of amenity that is found to not exist.

The proposed earthworks limits will severely restrict normal farming activities, this is particularly concerning because vast tracts of farmland in the District is identified as either Coastal Environments and Coastal Lakes Domains, Manukau Downlands and Hill Country Domains, and Foxton Dunefields. The proposed limits are not large enough to allow for reasonable use of the landscape for agriculture, even though agriculture is an acceptable and established land use in the specified Domains. Federated Farmers discusses the amended Rule 19.2.28 further in Submission 058K.

#### Relief Sought

- Delete Rule 19.2.28

~~*No buildings shall be located on, or earthworks undertaken on land that is a dune within the Foxton Dunefield Outstanding Natural Landscape.*~~

#### **058J** Subject matter and provision in the PC22

New restricted discretionary **Rule 19.5 (b)** states:

*Buildings on land shown as High Amenity Landscape on Planning Maps 32 and 33, except for primary production buildings that comply with permitted activity conditions. The exercise of Council's discretion shall be restricted to design, siting and external appearance and landscaping.*

#### Summary of reasons for this submission

The Section 42a Report recommends that Submission 058J be rejected, and deletes Rule 19.5(b) and replaces it with Rule 19.5.2(b) that has height and floor area limits for buildings in Coastal Environment, Coastal Lakes, Manukau Downlands and Hill Country Domains, as well as exempting primary production buildings.

Federated Farmers welcomes Council's initiative to exclude primary production buildings from requiring consent in those specific Domains. This will recognise that the amenity values of the landscape are derived from its use for primary production. Also welcomed is the specific naming of the Domains to increase reader clarity, as previously these were just referred to as High Amenity Landscapes that are shown on Planning Maps 32 and 33, yet these maps show only ONFLs.

New Rule 19.5.2(b) has height and floor area limits for buildings, Federated Farmers submits that the visual affect on the landscape between a primary production building such as a wool shed or a tractor shed and a residential dwelling is similar, so residential dwellings should also be permitted with no floor area or height limits. There are still rules that limit the number of residences on a rural property, which will ensure that the landscape retains its amenity as rural countryside.

Limiting buildings to only 130m<sup>2</sup> is too small to allow for a typical 200m<sup>2</sup> three bedroom family home, farmers' homesteads and workers' accommodation is just as essential as primary production buildings for the operation of the farm. Landowners provide for an important social need by

providing a home for their employees. Visual effects of a residential dwelling are often screened by garden and tree planting, and farmer's homesteads and workers' accommodation are expected to be seen on a farmed landscape, so the high amenity values of the specific Domains will not be compromised.

#### Relief Sought

- Delete Rule 19.5(b); and
- Amend Rule 19.5.2(b) to provide for residential dwellings on farms; and
- Retain the exemption of Primary Production Buildings from Rule 19.5.2(b).

#### **058K** Subject matter and provision in the PC22

New **Rule 19.5 (c)** states:

*Earthworks on land shown as High Amenity Landscape on Planning Maps 32 and 33. The exercise of Council's discretion shall be restricted to the effects of the earthworks.*

#### Summary of reasons for this submission

The Section 42a Report recommends that Submission 058K be accepted in part, and deletes Rule 19.5(c) and replaces it with Rule 19.2.28 with volume, length and height limits for specific Domains.

Federated Farmers supports the intent of the changed Rule to more certain volume + distance + time parameters and the ability for resource users to carry out some extent of earthworks as a permitted activity. The intent of this rule will allow resource users to carry on with normal activities associated with farming up to a certain degree, and recognises that farming is an acceptable and established land use that contributes to the amenity of the landscape.

However, Federated Farmers submits that the recommended limits will not allow for a reasonable amount of earthworks to continue normal farming activities. By having such small earthworks limits, Rule 19.5(c) is not consistent with Policy 4.14C of PC22 which directs that regard shall be had for existing landsuses within landscape areas to accommodate subdivision, use and development without adverse landscape effects. The inclusion of the Foxton Dunefields and the limit of earthworks here to only 150m<sup>2</sup> will also mean that Rule 19.5(c) is not consistent with Policy 4.14E of PC22 as notified in that regard shall be had for the needs of primary production activities within the Foxton Dunefields.

The Section 42a Report considers that maintenance of tracks will be permitted up to the thresholds, but Federated Farmers submits that the proposed limits ranging from only 150m<sup>3</sup> to 500m<sup>3</sup> and 20m to 100m in length are too restrictive. Particularly in Hill Country only 500m<sup>3</sup> will not go for when carrying out earthworks for farm tracks or fence lines in steep and varied terrain. Federated Farmers submits in preference that the High Amenity classification over particular Domains is deleted, but at least the earthworks limits could be increased to allow for the normal farming activities to continue, as primary production contributes positively to the amenity values.

The management of earthworks through the Horizons One Plan, allows for up to 2,500m<sup>2</sup> in Rule 12.3 12-1 (Decisions Version.) While Federated Farmers acknowledges that the Regional Council has a different function than the district council regarding earthworks, the discrepancy of allowed volumes is extreme.

For comparison, the Proposed Rangitikei District Plan allows up to 1,000m<sup>3</sup> for the rural zone in Rule B1.8-2, with maintenance and of farm tracks exempt from the volume limit in Rule B1.8-3. The Manawatu District Plan which became operative in 2002 has earthworks ancillary to farming as permitted with no limit in Rule 3.1.1A xxv. The Proposed Kapiti Coast District Plan exempts earthworks from D2.2.1 standards associated with maintenance of the watercourse or stormwater control, and private farm tracks which are ancillary to permitted farming activities and are not within outstanding landscapes. Federated Farmers reminds the commissioners that the proposed Horowhenua earthworks limits in Rule 19.2.28 are not for ONFLs, but for rural farmland.

Federated Farmers considers that the Rule is not clear on whether the limits apply per Certificate of Title or per property. Many farms are made up of multiple units and should be allowed to carryout permitted levels of earthworks on each unit, as effects would be the same if the units were separate properties. The Rule should also be clear that all distance/height/volume parameters need to be met at the same time before consent is required.

#### Relief Sought

- Delete Rule 19.5 (c); and
- Delete High Amenity Landscapes from the Plan; or
- Amend Rule 19.2.28 to increase earthworks limits so that farming activities can continue to occur:

#### ***Earthworks– Specific Landscape Domains***

*Earthworks, other than cut for a building platform, on land that is not an Outstanding Natural Landscape and Feature, shall not exceed in any 12 month period, the following:*

*Coastal Environment and Coastal Lakes Domains, Manukau Downlands and Hill Country Domains, and Foxton Dunefields Domain:*

*For any single Certificate of Title, 4m vertically (cut and/or fill faces) and 500m continuous length and 2,500m<sup>3</sup> in volume.*

~~*Coastal Environment and Coastal Lakes Domains*~~

~~*For any single site larger than 20 ha, 2m vertically and 50m continuous length and 300m<sup>3</sup> in volume.*~~

~~*For any single site less than 20 ha, 1.5m vertically and 20m continuous length and 150m<sup>3</sup> in volume.*~~

~~*Manukau Downlands and Hill Country Domains*~~

~~*For any single site larger than 20 ha, 2.5m vertically and 100m continuous length and 500m<sup>3</sup> in volume.*~~

~~*For any single site less than 20 ha, 2m vertically and 50m continuous length and 300m<sup>3</sup> in volume.*~~

~~*Foxton Dunefields Domain*~~

~~*For any single site 1.5m vertically and 20m continuous length and 150m<sup>3</sup> in volume.*~~

**058L** Subject matter and provision in the PC22

New Limited Discretionary **Rule 19.5 (d)** states:

*Earthworks and buildings, except for primary production buildings that comply with the permitted activity conditions not on a dune within the Foxton Dunes Outstanding Natural Landscape. The exercise of Council's discretion shall be restricted to design, siting, external appearance and associated landscaping and the effects of the earthworks.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058L be rejected in part, and deletes Rule 19.5(d) and replaces it with Rule 19.2.28 with volume, length and height limits for earthworks, and in the Foxton Dunefields Domain.

Federated Farmers supports the *intent* of the changed Rule to more certain volume + distance + time parameters and the ability for resource users to carry out some extent of earthworks as a permitted activity. The intent of this rule will allow resource users to carry on with normal activities associated with farming up to a certain degree, and recognises that farming is an acceptable and established land use that contributes to the amenity of the Foxton Dunefields Domain. Federated Farmers discusses Rule 19.2.28 further in Submission 058K.

Relief Sought

- That Rule 19.5(d) is deleted; and
- Delete High Amenity Landscapes from the Plan; or
- Amend Rule 19.2.28 to increase earthworks limits so that farming activities can continue to occur.

**058M** Subject matter and provision in the PC22

New non-complying activity **Rule 19.9.3** states:

*Any building or network utility with a height of more than 3 metres or earthworks on any land specified as an Outstanding Natural Landscape or Outstanding Natural Feature on Planning Maps 22 and 23 except for land within the Foxton Dunefields Outstanding Natural Landscape that is not a dune.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058M be accepted in part, and that Rule 19.9.3 be amended to exclude Foxton Dunefields, and Rule 19.7(b) is added to providing for buildings or network utilities higher than 3m and less than 7m on an ONFL as a Discretionary Activity.

Federated Farmers supports the removal of the Foxton Dunefields from a rule that is intended for ONFLs, as the Foxton Dunefields were found in the peer review to not qualify for ONFL status.

However Federated Farmers submits that the 3m height limit before being classified as a Discretionary Activity is too small to adequately provide for primary production buildings. Much of the land that is classified as an ONFL is used for agriculture such as sheep and beef farming, and primary production buildings of over 3m height should be anticipated. Buildings for storing tractors and farm implements up to 7m high are very common and should be provided for as permitted. The

classification of a farm as an ONFL does not remove its status as a working farm, especially when the farming aspects of the landscape contribute to its amenity.

Requiring farmers to apply for resource consent for a farm building that is 4m high would create significant cost for both farmers and Council for very little benefit, for a problem that may not exist. Farm buildings are likely to be located on land that looks farmed and would be appropriate in that setting, as opposed to a farm building constructed in dense and remote bush which would be difficult for the farmer to access and use. Full discretion over the building application is excessive, when the matter of concern is limited to visual impact, which can be avoided, remedied or mitigated by planting, choice of construction materials, and location on the local terrain.

Requiring all earthworks to gain a resource consent as a non-complying activity is not consistent with the RMA as it does not provide for reasonable use of the resource or enable people and communities to provide for their economic, social and cultural well beings. Rule 19.9.3 is also in direct contradiction to Policy 4.14C of PC22 which directs that regard shall be had for existing landsuses within landscape areas to accommodate subdivision, use and development without adverse landscape effects.

Normal primary production activities that have minimal adverse effect like forest harvesting, track and drain maintenance, maintenance around troughs and gates using cleanfill, and silage or offal pit construction will all be precluded. Where ONFLs have been identified over farmland, this rule will directly impede the farming activities that are appropriate and established, meaning that both farmers and Council will have to go through arduous and costly resource consent process for little benefit.

#### Relief Sought

- Amend Rule 19.9.3 to be a limited discretionary activity with discretion limited to visual matters; and
- Amend Rule 19.9.3 to provide for Primary Production Buildings as a permitted activity excluded from Rule 19.9.3; and
- Amend the definition of “primary production buildings” to include farmers’ homesteads and workers’ accommodation, and
- Provide for earthworks associated with primary production as a permitted activity up to 2,500m<sup>3</sup> per 12 months.

**058N** Subject matter and provision in the PC22

New definition for **Primary Production Building** states:

*Primary Production Building means any building used solely to support primary production activities this shall include buildings used for the storage and management of stock but shall exclude buildings used in total or in part for residential activities.*

Summary of reasons for this submission

The Section 42a Report recommends that Submission 058N be rejected, and does not seek to include residential dwellings into the definition of Primary Production Buildings. Federated Farmers opposes this recommendation.

Federated Farmers welcomes Council's decision to include a definition and associated provisions that pertain to primary production buildings. However, residential dwellings and staff accommodation are key components of any primary production activity. Given the financial costs involved in the establishment and operation of many primary production activities, it is important that landowners live on their property (or within close proximity) especially for safety, animal welfare and security reasons.

Federated Farmers considers that a clear link between this proposed definition and the definitions contained within the Operative Plan for "residential activities"<sup>i</sup> and "primary production activities"<sup>ii</sup> could both meet our concerns and alleviate some those concerns that Council may have with sporadic and uncontrolled residential development in the rural environment.

Furthermore, in terms of effects it is noted that the Plan limits the Council's discretion to visual and landscape effects in many instances. Federated Farmers considers that the visual difference between a primary production building such as a cowshed or shearing shed when compared with a rural dwelling is negligible especially in terms of bulk and location.

Relief Sought

- Amend the new definition for Primary Production Buildings as follows:

*Primary Production Building means any building used solely to support primary production activities this shall include buildings used for the storage and management of stock. For the purposes of this rule, residential dwellings associated with primary production activities are included.*

**058O** Make any consequential changes as to detail or substance throughout proposed PC 22 to give effect to this submission.

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<sup>i</sup> Section the Operative District Plan defines a residential activity as meaning "the use, occupation, or inhabitation of any land or buildings by people for the purpose of residential accommodation; and includes domestic occupations and pastimes and activities undertaken which are usually associated with residential accommodation; and includes any emergency housing facility, refuge or health care for up to 5 persons, plus support staff".

<sup>ii</sup> Section 25.8 of the Operative District Plan defines a Primary Production Activity as meaning "any agricultural, horticultural, floricultural, arboricultural, forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation".

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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.

This submission is representative of member views and reflect the fact that resource management and local government decisions impact on our member's daily lives as farmers and members of local communities.

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Manawatu/Rangitikei Federated Farmers thanks the Hearing Commissioners for considering our submissions to Plan Change 22 to the Horowhenua District Plan.

