

HEARING SUBMISSION

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To: Whangarei District Council Hearing Committee

Submission on: Proposed Whangarei District Plan Changes

85, 85A-D, 86 A&B, 87, 102 and 114

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Submission by: Federated Farmers of New Zealand
Northland Province

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Federated Farmers appreciates this opportunity to participate in the proposed Whangarei District Rural Plan Change hearings. This hearing submission provides written responses to the Section 42a Report recommendations on our submissions to specific provisions in the District Plan. We acknowledge and support any submissions made by individual members of Federated Farmers.

Introduction

Where previous submission points have been acknowledged and supported in the s42 report, we will not reiterate the points in this submission. We thank the WDC for providing relief.

PC85A Rural Production Environment

RPE 2.1 Eligibility Rules

We have been asked in the s42 (part 7) report to provide evidence that the threshold of 500m² footprint for any activities ancillary to farming will inadvertently capture herd homes and similar structures as non-complying activities. There are a range of reasons why farmers would invest in a sheltered feed pad or stand-off pad, wintering barn or herd home. These include reduction of soil damage, compaction and/or pugging in wet weather, improved utilisation of supplementary feed, better pasture utilisation, shelter for stock during adverse weather (including hot summer weather), better control of stock condition and welfare, better working conditions, increased production and to reduce the cost of grazing cows off over the winter¹.

The DairyNZ Dairy Cow Housing guide² suggests that for herd homes, each cow may require between 6 and 11m² depending on the size and design of the structure. The average number of cows per herd in the Whangarei District is 326, and there are 306 herds³. For an average sized herd and assuming an average area is required per cow (8.5m²), it is estimated that the herd home will require 2771m² of floor space. This does not include specialist areas set aside for managing sick or calving cows. A farmer may not house his entire herd in one structure, so therefore a small number of herd homes (possibly 2) of a more moderate size may be more appropriate for an average farmer. Farmers with larger herds may, over time, invest in a number of larger barns or homes in order to cater for their entire herd.

When considering the construction of such structures, a farmer may also need to consider the requirements of the Northland Regional Council. These requirements may include but are not limited to earthworks (up to 5000m³ is permitted) and effluent disposal systems (storage facilities, application rates and methods, location of discharge etc). Therefore, under the proposed WDC rules a small sized herd home will trigger 'non-complying' status at the District level but will not necessarily trigger resource consent application at the Regional Council level.

¹ Journeaux, P and Newman, M. May 2015. Economic and Environmental Analysis of Dairy Farms with Barns. <http://www.agfirst.co.nz/project/economic-environmental-analysis-dairy-farms-barns/>

² Dairy Cow Housing: A good practice guide for Dairy housing in New Zealand, DairyNZ, 2015. <https://www.dairynz.co.nz/media/2240383/dairy-cow-housing-guide.pdf>, Pg 14.

³ New Zealand Dairy Statistics 2015-16, LIC and DairyNZ. <http://www.dairyatwork.co.nz/media/65690/nz-dairy-statistics-2015-16.pdf> Pg 18.

Relief Sought:

We submit that sheltered feed pads, winter barns and herd homes should be provided for as permitted activities, by either exempting them from this provision or increasing the threshold to 3000m². Any activities ancillary to farming, or forestry that operates within a building with a GFA and/or from an outdoor area larger than 3000m² could be assessed under controlled measures.

RPE.2.3 Discretionary Activities:

We again reiterate that RPE.2.3.1(b), which proposes to make any sensitive activity within 100m of an unsealed metal road a discretionary activity, is excessive as the effects on residents from these adverse effects will depend on the average number of traffic movements. Whilst we appreciate that there are unsealed roads subjected to frequent use by forestry trucks and other heavy vehicles, and that these thoroughfares and secondary roads have ongoing reverse sensitivity issues; there are also many unsealed back roads in the District, often dead-end and catering solely to rural residents. These roads will have very little traffic, often with no realistic chance of the traffic increasing in the foreseeable future and consequentially negligible adverse effects. In such cases, a setback could be considerably reduced or may not even be needed at all. Furthermore, connections to utilities such as power and telephone will be increased with the related setback from the road. The organisation Level which is funded by BRANZ and the Building Research Levy, give the following examples of power connection costs⁴:

- *a single-phase urban house with 20 metres of underground mains cable and connection to a pillar will have a cost of approximately \$1,000*
- *a rural lifestyle block connection with a new or upgraded supply transformer installed and 800 m of 3-phase low voltage 400 volts (LV) or high voltage 11000 volts (HV) mains cable could cost over \$100,000.*

Whilst the proposed rules do grant WDC enough flexibility to manage the adverse effects (or lack of them) of unsealed roads, the current effect of RPE.2.3.1(b) is to unnecessarily trigger a resource consent application or significant unnecessary additional costs.

Although PC109 Transport is not likely to be notified until mid-2018, the review of road hierarchy classifications may avoid this unintended impact. In the meantime, the traffic limit of 30 vehicle movements per day as suggested by the NZTA could also form an acceptable qualifying statement within RPE.2.3.1(b)

Relief Sought:

Amend RPE.2.3.1(b) to include an appropriate qualifying statement.

...

(b) Within 100m of an unsealed metal road where greater than 30 vehicle movements per day occur.

⁴ Mains or Grid Supply, Level.org.nz. <http://www.level.org.nz/energy/electrical-design/electrical-supply-options/mains-or-grid-supply/>

PC102 MINERALS

Farm Quarries:

We are strongly supportive of RPE.2.3.14 as farm quarries will not breach these limits and therefore the provision is enabling. The 5000m³ limit is also consistent with permitted earthwork limits under the Northland Regional Plan.

However, in the Rural Living Environment, Rural (Urban Expansion) Environment and Rural Village Environment, where more permissive subdivision rules seek to direct urban expansion into these areas, the establishment of a new farm quarry has now been classified as a discretionary activity. Although it is acknowledged that there may also be established rural production activities located in these Environments which require the use of a farm quarry to support an existing land use, it is not clear if any potential existing farm quarry is recognised as a permitted activity.

Relief Sought:

Amend the respective rules to read:

RLE.2.3. Discretionary Activities

...

x. Any new Farm quarry

RVE.2.3 Discretionary Activities

...

x. Any new Farm quarry

RUEE.2.3 Discretionary Activities

...

x. Any new Farm quarry

PC114 LANDSCAPES

ONFL Landuse Rules (Outstanding Natural Features and Landscapes)

Federated Farmers acknowledge and support that the following locations are recognised as currently under stock grazing management or that grazing is unlikely to cause adverse effects on the underlying geology and therefore existing fencing and stock grazing activity has not had any identifiable effect on the respective ONFs:

- Bream Head eroded stratovolcano includes an area of open pasture that has been grazed for many years for reserve management purposes, e.g. maintaining open space and recreational opportunities (category A).
- Cave ONFs: if the land above is included, then stock grazing is unlikely to adversely effect/s on the underlying geology. Noting however, this only applies to non-coastal cave ONFs (Category C).
- There are a number of category D and E ONFs that occur on farm properties that are already being grazed and probably have been so for many years. Including Hewlett Point karst

(category D), Kauri Mountain hornfels (category E), Onemama Point allochthonous sediments (category E), Te Ruatahi dune sequence (category E), and Waipu Cove Oligocene-Miocene sequence and coastal karst (category D).

We also recognise that unnecessary consent restriction on larger category A and B ONFs have been managed by proposing permissive status for:

- crop protection structures and buildings up to 5.5m high;
- land preparation such as ploughing or rotary soil cultivation for vegetable crops and ridging or mounding of soil for tree crops such as avocados;
- up to 300m³ of earthworks (Category A);
- enabling the maintenance and repair of roading, tracks, driveways and such like; and
- the clearance of up to 500m² of indigenous vegetation clearance.

Horticultural activities tend to be dynamic in nature, responding to economic, ecological and environmental drivers. These permissive conditions should enable the viability of existing activities, utilising the elite soils within Category A and B ONF's without unnecessarily locking land use into an idealised bucolic, static state.

Relief Sought:

We support the amendments to these ONF activity statuses.

LAN.3.1.3 Earthworks

Similarly, agricultural operations are a dynamic activity, requiring flexibility and understanding of the external drivers with which it is influenced. We submit that farmland not in pasture does not equate to land that is not being utilised. Often a number of tracks and access points are required through these areas. These track may be required to grant stock and vehicles access to neighbouring associated pastures, to enable pest management activities (weed control, vertebrate control) which protect and enhance the characteristics of the indigenous vegetation, and to maintain equipment and facilities associated with these activities. The adequate maintenance of such tracks is vital to meet health and safety requirements.

Furthermore, the National Freshwater Management Reforms seeks to ensure stock exclusion policies are implemented within variable timeframes. The action of excluding stock from waterways necessitates the provision of reticulated water systems for stock drinking water. Both the actions of fencing and provision of reticulated water, results in associated earthwork activity, initially and on a smaller ongoing basis. Annual maintenance of stock troughs requires the placement of earth around troughs (where they have been dug out by stock) and is estimated as requiring approximately 1.5m³/per trough. This, on top of annual maintenance required for tracks is likely to outstrip the restrictive 150m³ restriction on earthworks governed by LAN.3.1.3.

Farmers wishing to gift land into the QEII trust initiative are able to negotiate existing rights to maintain operating tracks, to maintain access to pump sheds, to take water, to manage vegetation, and to conduct agreed activities. These individual trust deeds have not in the past specified volume or other qualitative restrictions, and recognise the ongoing need of the farmer to manage the land in a viable manner.

The current permitted activity threshold within the existing WDP landscape section is 500m³. These farming activities have enabled and not hindered the classification of the proposed ONLs and no justification has been offered as to the further restriction.

Relief Sought:

FFNZ submits that LAN.3.1.3 is amended to read:

- a. The earthworks:
 - i. excavation and fill volume is less than ~~150~~500m³ and the area is less than 150m² in any 12 month period within a site; and
 - ii. height or depth is less than 2m over a continuous distance of less than 50m within a site; or
- b. The work is directly associated with:
 - i. The repair and maintenance of roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, walking or cycling tracks, or farm and forestry tracks; or
 - ii. Garden amenities, gardening, planting of any vegetation; or
 - iii. The burial of marine mammals; or
 - iv. A sand dune restoration project; or
 - v. The provision of walking or cycling tracks less than 3m wide.

PC87 COASTAL AREA

CA.3.1.5 Farm quarry in High Natural Character Area

Relief Sought:

Further to our submission for LAN.3.1.3 Earthworks, for the same reasoning and for rule clarity and consistency, CA.3.1.5 (a) should be amended to read:

...

- (a) Disturb or move more than ~~250~~500m³ of material; or

Federated Farmers thanks the Whangarei District Council for considering our submission to the proposed Rural Plan Change Package.

Submission ends.

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 government decisions impact on our member's daily lives as farmers and members of local communities.

