

HEARING STATEMENT

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To: Mackenzie District Council
On: Plan Change 18: Indigenous Biodiversity
Date: 12 February 2021

Thank you for the opportunity to speak to our submission.

My name is Angela Johnston, and I am a Senior Policy Advisor for Federated Farmers based in South Canterbury.

Federated Farmers acknowledges the submissions made by our individual members.

I appreciate you will have read our written submissions, so I will focus on some key points.

Federated Farmers wants a pragmatic plan change. One that allows the people who live and work in the Mackenzie District to have a District Plan that will enable them to continue to do so.

Federated Farmers understands the importance of indigenous biodiversity in the Mackenzie. Many of the districts' landowners are multi-generational and by choosing to continue to live here they fully appreciate just how special the Mackenzie District is, and want to protect it just as much, if not arguably more so, than those from outside the area.

In order to successfully achieve this protection, a collaborative relationship between Council and residents is required. As the Mackenzie District is one of the smallest councils in New Zealand, this collaboration is even more crucial.

Prior to Plan Change 18's notification, there were several meaningful engagements between Council and landowners where concerns and solutions were discussed, and the need for partnership and collaboration was emphasised and accepted. This is why Federated Farmers was largely supportive of the notified version.

We are aware that the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) is likely to be finalised over the next few months, and we caution against getting too far ahead of that process, prior to final provisions being known.

We broadly agree with the approach in the section 42a report to take a clear distinction between significant areas (both significant indigenous vegetation and significant habitats of indigenous fauna), and those areas not meeting significant thresholds. While protection should be the focus for significant areas, the outcome sought for other areas should be maintenance. This is consistent with Part 2 of the Resource Management Act (RMA) 1991, and the draft NPSIB.

It needs to be kept front of mind that while the overall purpose of the RMA is sustainable management, this requires consideration of social, cultural, and economic wellbeings. The Mackenzie District has a strong farming heritage and there is a need to recognise and reflect existing land use within the planning document for the District.

Section 3 - Definitions

Farming Operation – we support the name change for this term from the originally proposed ‘farming enterprise’ along with the changes to the definition recommended in the s42a report. Having similar terms in regional and district plans but used for different purposes will only lead to confusion.

Improved Pasture – we do not support the recommendation in the s42a report and prefer the notified version.

The recommended definition is “an area where, as at May 2020, indigenous vegetation has been fully removed and the vegetation converted to exotic pasture or crops”.

It will be impossible for anybody to prove that an area, in May last year, had all the indigenous vegetation removed and converted to exotic pasture or crops. This burden of proof would fall to the landowner and what criterion would be available to Council to measure this? Looking ahead, it is dubious how useful this definition would be without comprehensive mapping of the district.

In addition, given that the proposed definition for indigenous vegetation includes communities of mosses and/or lichens, only a suitably qualified ecologist would be able to determine their presence or lack thereof before a true statement of full removal could be ascertained.

Alternatively, we would support the use of the proposed definition in the draft NPSIB “an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed, for livestock grazing”.

This is a more pragmatic and implementable definition that everybody can clearly understand.

Indigenous Vegetation - we do not support the recommendation in the s42a report and prefer the notified version.

The recommended definition, “means a community of vascular plants, mosses and/or lichens that includes species native to the ecological district. The community may include exotic species”, is too broad and inclusive. This recommendation could mean that a community of exotic plant species containing only one or two native species may be classified as indigenous vegetation. Which would be erroneous.

As the notified definition included specified exemptions, we agree with the s42a analysis that these sit better incorporated into the rules. Therefore, we would be content if the notified definition was amended to read “means a plant community of species native to New Zealand, which may include exotic vegetation”.

Alternatively, we would support the proposed definition in the draft NPSIB which reads “means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located”.

No net loss – we agree with the definition recommended in the s42a report, as this is the definition used in the Canterbury Regional Policy Statement. Using the same definition for the same purpose aids alignment between the two documents.

Vegetation Clearance

Only once the definitions for improved pasture and indigenous vegetation have been agreed can we understand the full effect of the definition for vegetation clearance. It must be remembered that this plan change applies to all the Mackenzie District, not just the Mackenzie Basin, so including topdressing as a means of vegetation clearance across the district is excessive and unnecessary.

This may require specific exclusions within the rules, particularly as to what applies in the Mackenzie Basin Subzone as per the outcome of Plan Change 13, but some of these high impact, far reaching implications are not required in the eastern region of the district; the farming land around Fairlie and Albury is completely different from that in the Basin.

These variations in the Mackenzie District can also be addressed in the Farm Biodiversity Plans. By taking a per property approach this potentially blunt draconian definition can be finessed and applied with greater precision.

SECTION 19 – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Objectives

We support the deletion of objectives 1 and 3 for the reasons given in the s42a report. Based on overall changes recommended, these are no longer necessary.

For Objective 2, we oppose the recommendation within paragraph 143 of the s42a report to delete the word “or”. We consider part b should remain ‘protect and/or enhance’. It will not always be possible or necessary to enhance an area especially one already deemed significant, therefore the variable of and/or is appropriate. For instance, how do you enhance a significant area if it already is exemplar? In many cases, protection will be significant and to require enhancement in all cases goes beyond the intent of the RMA, and the objective for the draft NPSIB.

Policies

We agree with the recommendations put forward by Liz White as these amendments either provide greater clarity and comfort to interested parties, or the amendment has been to rearrange items to a more appropriate place; for example what was objective 3 now forms part of policy 8.

Policy 1 - We support proposed changes within the s42a report.

Policy 2 - We support the removal of the focus only being on rural development, to ensure all resource users within the District are working to the same expectations – the policy more appropriately references land use and development. The recommended policy 2 (originally 3) sets a clear expectation of how land can be used and developed but only in a way that provides for no net loss of significant indigenous biodiversity values.

We support the recommended policy 5 and the new policy proposed within paragraph 241 of the s42a report (recommended policy 10). These acknowledge that there are other mechanisms available to secure protection of significant indigenous vegetation and significant habitats of indigenous fauna. For example, should a landowner have a QEII covenant on their property this will be included in their Farm Biodiversity Plan and Council will have the assurance that the area is protected in perpetuity.

The recommended policy 8 provides a clear direction of what is expected from the Farm Biodiversity Plans, which we support. However, we have concerns that as proposed, land use and development at an on-farm level is only enabled through a Farm Biodiversity Plan. Where does that leave farmers in the interim if they have not yet been able to finalise their Farm Biodiversity Plan?

The new policy 9 (originally policy 2) focuses on non-significant areas and enables their use whilst providing guidance regarding maintenance of indigenous biodiversity on linkages between significant areas. This guidance is helpful, and we support its inclusion.

The recommended policy 10 should be “maintenance and/or enhancement” in line with our comments regarding the objective. This would be more consistent with Policy 8 where the topics of maintenance and enhancement have been separated, with enhancement also containing the qualifier “where appropriate” (Policy 8c).

Rules

1.1 Permitted Activities – Indigenous Vegetation Clearance

We support the changes to rule 1.1.1 which incorporates our relief for the reticulated piping of water troughs, and that of other parties ie the inclusion of stock tracks and crossings. These are all components of essential farm infrastructure and the ability to undertake repairs and maintenance is vital. Mr Harding’s technical input regarding the clearance distance of 2m due to modern machinery being used is a very valid point, which we support.

Appendix Y – Farm Biodiversity Plan Framework

We support the consequential amendments in the s42a report. Farm Biodiversity Plans are a vital tool to assist with protecting areas of biodiversity significance and allowing for long term farm planning. We agree with the submissions of Mt Gerald (#16) and The Wolds (#17) that for Farm Biodiversity Plans to be successful, they must encourage landowner buy-in, be achievable, not overly onerous or difficult to obtain. We agree that as a vital farming tool, these should remain confidential between the Council and landowner.

As previously mentioned, the farming environment within the Mackenzie District varies considerably, by allowing for Farm Biodiversity Plans this adds a greater degree of finesse and understanding to resource consent applications, which enables the decision makers to see the ‘bigger picture’ of what the landowner/manager of the farming operation is seeking to achieve.