



SUBMISSION

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To: Thames Coromandel District Council.

Submission on: **Proposed Thames Coromandel District Plan – Hearing 2**

Date: 1 October 2014.

Submission by: Federated Farmers of New Zealand.

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1. Introduction

Federated Farmers welcomes the opportunity to present this submission to the Hearing Panel on the Thames Coromandel Proposed District Plan.

My name is Sally Millar, and I am a Regional Policy Advisor for Federated Farmers. I provide policy advice for the Waikato and Hauraki Coromandel Provinces of Federated Farmers. I am from a dairy farming background having farmed in Northland, Waikato and Bay of Plenty. Since 1997 I have worked in the area of resource management and environment for the farming sector with Federated Farmers, Dairy NZ and as a private consultant.

I have gained considerable experience over that time in the implementation of the Resource Management Act and its effect on farmers at a regional and district level.

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 business. 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.

Our submissions 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 as members of local communities.

Farming has a strong presence in the Thames Coromandel District and our members seek to uphold and enhance the value of farming in the Thames Coromandel District. Our presentation is representative of member views and experiences in relation to the management of resources within the Thames Coromandel District. It is important that this presentation is not viewed as a single submission, but rather as a collective one that represents the opinions and views of our members.

As an organisation, Federated Farmers takes an interest in this Proposed District Plan because we are concerned to see that the interests of those who rely on the District's land based resources are adequately protected. District Plans are important to the farming sector. They should be as permissive as possible, and they should allow routine and essential farming activities that are an accepted part of environmental practice to be undertaken without the necessity of obtaining resource consent. Such rules as may be necessary should be understandable and workable.

The Topics covered in our presentation today are:

- **Historic Heritage without Schedules**
- **Transmission Buffer Line, Transmission Line**

2. Historic Heritage

Heritage protection is an issue that affects our members particularly those in areas which have a strong settlement history of Maori and Pakeha, such as Thames Coromandel. Federated Farmers acknowledges the important role that heritage has on our identity and who we are as New Zealanders.

Federated Farmers experience with heritage matters in the past has shown that local authorities have often sought to provide for the protection of sites, buildings, places, or areas, without reference to the local community. This includes a lack of acknowledgement that heritage and archaeological items are often in private ownership and require ongoing active management to maintain.

Federated Farmers notes that second generation plans tend to better recognise that the ongoing active management by the property owner where the heritage item is situated is critical to achieving the desired protection. Communication and consultation with the property owner is an important and necessary part of this process.

Without the ability of the property owner being able to have a functional use whether as a dwelling or as part of a business the heritage site can become a liability attached to the land title. In situations where the item or site is considered a liability it is likely that the heritage item, particularly built heritage, will fall into disrepair and not achieve the level protection that Council is required to achieve under the RMA. Federated Farmers therefore supports the provisions which seeks to protect the heritage values, but provides for modification and adaptive reuse where these values are not undermined.

As heritage protection benefits the community as a whole, Federated Farmers considers the community should also contribute to ensure the protection of heritage in the District is achieved. Federated Farmers encourages Councils to recognise this by providing support and incentives to the property owner. From our experience fostering

the good will of the property owner is a powerful tool and will achieve better outcomes for the protection of heritage items than any regulatory methods that may be imposed.

3. Specific Comments

3(a). Non regulatory methods

Federated Farmers considers that a district plan should include non-regulatory methods such as education and incentives rather than have a priority focus on regulation. Non-regulatory methods can be effective in engaging resource users to work with the Council towards achieving mutual goals. Non-regulatory methods are a more efficient way of achieving 'buy-in' from resource users.

Incentives can be a powerful tool to achieve the desired outcomes. Incentives in the form of rates relief, transferable development rights and funding assistance for landowner projects are always well-received and encourage positive behaviour change. Incentives also furnish landowners and the community with a sense of partnership with local authorities, and allow for the Council to recognise and acknowledge voluntary actions undertaken..

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. This is especially important for cultural sites such as waahi tapu as well as our historic heritage generally.

Federated Farmers therefore considers that choosing to omit non-regulatory methods means that the Council will be perceived as a regulator and enforcer, rather than as a partner to the people of Thames Coromandel.

Federated Farmers made submissions (935.229, 935.230) seeking that 8.4 was more explicit in the type of non regulatory methods that will be used by Council in achieving the desired heritage outcomes. While we accept that a Heritage Strategy (as stated at paragraph 91s of the 42A report) is an appropriate mechanism for developing and administering non regulatory methods, we consider it is appropriate that the Plan lists the methods that could be included in the Strategy.

Federated Farmers considers the following should be included as a minimum in the Plan in regards to the development of a Heritage Strategy

In developing the Heritage Strategy, the Council will work closely with the community, including iwi and key stakeholders to:

- *Set the overarching outcome for the Heritage Strategy including identifying achievable objectives and priority tasks and programmes;*
- *Determine the roles and responsibilities for key stakeholders in relation to undertaking the identified priority tasks and/programmes;*
- *Establish timeframes for implementation;*
- *Identify potential for shared resourcing and funding sources to achieve the overarching outcome of the Heritage Strategy;*
- *Identify information gaps and priorities for commissioning further work (if required);*
- *Determine the frequency for reporting on progress and review of the Heritage Strategy.*

Federated Farmers also accepts that funding or payment of other costs by Council cannot be determined in the Plan as stated in paragraph 48 of the s42A report as we recognise that the District Plan cannot direct the Long Term Plan process. Federated Farmers however considers it is appropriate that the Long Term plan process is a means by which the funding of non regulatory methods can be achieved.

The following wording is commonly used in district plans to provide a clearer understanding by the Plan user of the linkage between the District Plan and the Long Term and Annual Plans.

The Council will consider the use of the LTP process to develop funding policies where appropriate for the identification and protection of historic heritage

3(b) Accidental Discovery Protocol

Federated Farmers made a submission (935.277) on the accidental discovery protocol 31.4.2. While we accept that there needs to be a process for identification of sites our concerns relate to that the process can often be a "cost to business" where there are delays in getting an appropriate assessment undertaken. We also consider that the benefit of the discovery of these sites and the subsequent assessment is to the wider community not the individual landowner and therefore the cost of the assessment

should be paid for by Council noting our points above in relation to non regulatory methods.

We also recognise that the time taken for an assessment is likely to differ for each discovery and therefore agree that stating a period that the assessment would be undertaken is inappropriate. We consider that the assessment should be undertaken in a “timely” manner putting the onus on Council to ensure the process is handled expeditiously.

We support that these sites are assessed and where appropriate protected and acknowledge the legal obligation of the discoverer to report such findings. However the process must be such that there is the incentive to do so with minimal cost and time delays otherwise perverse outcomes may be the result rather than the protection of the site.

Federated Farmers submits that 31.4.2 is amended by including;

(h) Council will undertake that the assessment and determination will occur in a timely manner

3(c) Overlays and curtilage

Federated Farmers made a submission (935.228) and further submission (935.104) seeking greater certainty of the curtilage of any archaeological or heritage site and that any curtilage is limited to that which protects the values of the site.

The s42A report recommends that for heritage sites the curtilage will be identified on the overlay planning maps and where this is not shown the curtilage applies to the entire lot. For archaeological sites it is recommended that the overlay rules apply to any land within 100m with the s42A report stating that a precautionary approach is required for the overlay rules around an archaeological site.

Federated Farmers considers that for heritage sites in the rural area where the curtilage is not identified on the Planning Maps is onerous as the lot in question can cover the whole farm. We consider that where sites in rural areas that have not had an assessment for the appropriate curtilage should be a priority for Council and HNZ to

undertake the assessment. We also consider that in most instances heritage sites are built heritage and the interim curtilage should be limited to the lot size of an urban section and it is suggested that 1000m² is appropriate.

For archaeological and Maori Cultural sites land within 100m of the sites location is an area of approximately 30,000m² or 3 hectares. This is a significant amount of land that a farmer is unable to undertake normal farming activities such as the cultivation of paddocks for crops or pasture renewal or the maintenance of farm roads or tracks without a costly or time consuming consent process even if it has no impact on the site.

Federated Farmers considers buffers are a blunt instrument that is not sensitive to the effects of the activity or the values of the feature. We do not consider it appropriate that a consent is required for the maintenance of an existing farm track or road that does not encroach on the site or feature as the permitted activity rule, 31.5(a), only provides for the maintenance and upgrading of paved roads. Nor do we consider it appropriate that a consent is required to undertake routine pasture renewal or crop when the cultivation does not encroach on the site or feature.

Federated Farmers notes that a neighbouring District Councils, Western Bay of Plenty and Hauraki, do not use such an onerous setback. In Western Bay of Plenty District Plan specific controls in relation to the protection of an archaeological or Maori Cultural site is 20 metres. In the Hauraki District Plan there are no rules applying specifically to archaeological sites except those that have been identified in the Historic Heritage Inventory. The sites in the Inventory have an identified curtilage shown on the planning maps that has been through an appropriate Schedule 1 process.

Federated Farmers considers that for Thames Coromandel an appropriate approach, noting the extensive number of archaeological and Maori cultural sites in the District would be to reduce the restriction of the Overlay Rules to apply only to any land within 20 metres of the site as identified on the planning map. This would provide a protection area of approximately 1200m² that also does not unduly constrain normal farming activities.

We however recognise that there are potentially some sites of such significance that a greater area of protection is warranted. For these sites it is considered would need a

ground truth assessment in consultation with the landowner and the appropriate area of protection for these sites are included on the Planning Maps through an appropriate Schedule 1 Process.

4. Electricity Transmission Buffer Line Overlay

Federated Farmers made several submissions in relation to the Electricity Transmission Line Buffer Overlay (935.16, 935.224, 935.225, 935.226). While we accept the importance of protecting the electricity transmission infrastructure it is also important to ensure that controls do not capture activities which do not put the infrastructure at risk.

Federated Farmers have therefore worked closely with Transpower to develop a set of provisions which protect the transmission line network from inappropriate land use activities while not constraining farming activities that do not put the network at risk.

I have had the opportunity to review the evidence that Transpower have submitted to you today on the Proposed District Plan. Federated Farmers considers that the Hearings Panel should accept the recommendations for amendment to the Proposed District Plan that Transpower have provided in Attachment 2 of their evidence as these recommendations will resolve our submissions to this section in its entirety.

The proposed amendments are consistent with Federated Farmers agreed position with Transpower that will ensure the protection of the transmission line network while not unduly constraining farming activities within the transmission corridor, in particular in relation to earthworks and fencing activities and farm buildings.

Federated Farmers submits that the Hearings Panel adopts Attachment B of the evidence submitted by Transpower.

Thank you for this opportunity to present our submission to the Hearing Panel.

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