

PRE-HEARING REPORT

Stratford District Plan Review: Variation 1 – Biodiversity



File F10/05-D11/5688

SUBMITTER: Federated Farmers

MEETING DATE: 4 March 2011

CHAIRPERSON: Mike Avery, Stratford District Council

SUBMITTER Kelly Martyn, Policy Advisor
REPRESENTATIVE: Peter Adamski, Harvey Leach and Derek Gibson

IN ATTENDANCE: Rebecca Tayler, Stratford District Council

1. PURPOSE OF THE REPORT

This report is to provide a written record of the agreement reached at the pre-hearing meeting between Council and Federated Farmers on points raised in the submission provided by Federated Farmers (Taranaki Region) to the Stratford District Plan Review: Variation 1 – Biodiversity in accordance with the provisions of Clause 8AA of Schedule 1 of the Resource Management Act 1991.

2. BACKGROUND

On 6 October 2010, the Stratford District Council received a submission from the Federated Farmers on the Stratford District Plan: Variation 1 – Biodiversity. All submissions on the Plan Change were summarised, and this summary was released in October 2010, with further submissions closing on 5 November 2010. Federated Farmers did provide a further submission.

Federated Farmers support the overall intent of the Plan Change, and raised 48 points in their submission, of which 17 were in support and 31 were proposed amendments.

3. DISCUSSION

Council staff provided an overview of the process and anticipated next steps, and then each of the issues in the submission was addressed. The parties did not reach conclusion on some of the discussion points, and Federated Farmers were invited to provide some more information where relevant.

The parties reached general agreement some agreement on points raised in the submission, and “agreed to disagree” in other areas, as detailed on the following page.

The following points discussed between parties, are provided below:

Ref	Issue	Comment
10/10-71	Ecological assessments	FF were concerned that more costs were being loaded onto farmers before they had even done anything, and that this does not take into account how farming activity contributes to the local community (particularly the local economy). Council offers some assistance to the protected areas through rates relief, and believes that the user pays principle applies because individual owners are deriving a private benefit. No agreement was reached on this point.
10/10-72	Clearance definition	Council has always tried to take an approach where the definitions are easy to understand. Height limits are easily understood and appear to be working well. FF are concerned that this could include a single tree or small stand of trees in the middle of a paddock. Council is concerned that expanding the definition to exempt height in these circumstances could be used inappropriately, and that a balance needs to be struck. Council would prefer to address these issues through rules and permitted standards, rather than in the definition of clearance, and more widely to use other tools such as fast tracking of consents, where needed for this type of activity. FF agreed that this issue could be addressed through rules.
10/10-73	Quantify predominance And add e.g. regenerating manuka	Council is not comfortable with quantifying predominance by set percentage, and believes that the FF suggestion does not give any better clarity. Was generally agreed that the FF suggestion may not achieve what is wanted either, and may reduce flexibility for rural land owners. Council suggested that regenerating manuka is covered under 3m and for addressing concerns over 3m is better dealt with as a rule.
10/10-74	Indigenous vegetation disturbance definition	Both parties agreed to omit “manuka, kanuka” from being explicitly mentioned in this rule.
10/10-75	Significance definition	Council invited FF to submit a definition of significance for consideration.
10/10-76	Significant indigenous vegetation definition	Both parties agreed that if significance was defined, then there would not be the need for this definition.
10/10-77	Sustainable forest management permit	FF submitted in support of this change.
10/10-78	Sustainable forest management permit	FF submitted in support of this change.
10/10-79	Water body definition	FF submitted in support of this change.
10/10-80	AER for significant indigenous vegetation	FF submitted in support of this change.
10/10-81	AER on sustainable use of indigenous vegetation	FF stated that the RMA does not require the AER to be this wide to protect all indigenous vegetation. Council responded that there are several AERs in that section, with one protecting significant indigenous vegetation, and that the AER relating to indigenous vegetation was wide to reflect Council’s role in biodiversity context, and that this links to other parts of the plan. No agreement was reached on this point.

Ref	Issue	Comment
10/10-82	AER significant habitats	FF submitted in support of this change.
10/10-83	Vegetation objective	FF submitted in support of this change.
10/10-84	Vegetation objective	FF submitted in support of this change.
10/10-85	Remove word significance from policy	Council is comfortable with removing the word significance, but would like it stronger “than give regard to”, such as “recognise the role of” or words to that effect.
10/10-86	Remove reference to ring plain	Council commented that vegetation on the ring plain is likely to be significant wherever it occurs due to the little vegetation left. If retained, then significance needs to be added before indigenous forest.
10/10-87	Habitat policy	FF submitted in support of this change.
10/10-88	Enforcement provisions	Council intends to remove these provisions. FF agreed to these being removed.
10/10-89	Wetlands method	FF submitted in support of this change.
10/10-90	Indigenous vegetation method	Council agreed to include this change, provided that wording on significant can be agreed, as referred to in 10/10-75
10/10-91	Method for Council to fund ecological assessments	Parties agreed to disagree. Council will look at whether a permitted activity standard can be included that relates to existing ecological assessment, so that land owners are not unnecessarily caught in a RC cycle. This would require a process to be developed, and may include a form that Council could also verify (voluntary method).
10/10-92	Method	FF submitted in support of this change.
10/10-93	Method	FF submitted in support of this change.
10/10-94	Rates relief for scheduled areas	Agreed by both parties. FF recognised that due to the cost of this, it is reasonable that Council should not necessarily fund ecological assessments.
10/10-95	Vegetation	Both parties agreed to change “will to “may”.
10/10-96	Method	FF submitted in support of this change.
10/10-97	Enforcement	Council intends to remove these provisions. FF agreed to these being removed.
10/10-98	Vegetation Rule	FF submitted in support of this change.
10/10-99	Sustainable forestry management plan rule	FF did not want to see this provision deleted from the current plan. Council reiterated their view as detailed in the section 32 report – that many of these activities were currently not operating in accordance with their SFMP. No agreement was reached on this point.
10/10-100	Tree trimming for avoidance of danger	Council would not like to see imminent removed from the description, as the standard needs to only be carried out when there is emergency work/high risk and associated urgency – and that in all other circumstances the appropriate process (i.e. resource consent) should be followed. Council undertook to look at the standard to include risk to stock – but was not convinced that situations would arise of this severity that would nor also pose a risk to humans.

Ref	Issue	Comment
10/10-101	Trimming required for maintenance	Both parties agreed to include farm tracks, drains or culverts where these activities were already established, and it was limited to maintenance only activities that resulted in the same or similar effects. No new activities could be carried out under this standard.
10/10-102	Collection of materials – scientific	FF submitted in support of this change.
10/10-103	Collection of materials – tangata whenua	referred to in 10/10-75
10/10-104	Reinstate being able to clear non-significant vegetation	Council commented that this is addressed by the 3m and under clearance rule, and that wide application of this would be difficult to monitor. Dependent on the definition of significant - referred to in 10/10-75.
10/10-105	Farm management plans	FF submitted in support of this change.
10/10-106	New fences and farm tracks	Council would look at this, but would need to be tightly defined, as the FF suggestion is not sufficient to constrain activities to a reasonable level and ensure appropriate management of environmental effects. Council would also look at options such as streamlining process for these types of consents.
10/10-107	Reinstate permitted activity for manuka clearance	Council stated that the current permitted activity for manuka would not be reinstated, but acknowledged that there needs to be an effective way of dealing with this. Both parties agreed that, provided significance is adequately defined (referred to in 10/10-75), that a permitted activity standard could be developed regarding vegetation 3m and over, where an ecological assessment had been obtained, and no significant vegetation or habitats had been identified in the subject area.
10/10-108	Vegetation over 3m	Refer to 10/10-107.
10/10-109	Delete SFMPs as limited discretionary activity	Council did not agree with this proposal. No agreement was reached on this point.
10/10-110	Delete SFMPs as limited discretionary activity	Council did not agree with this proposal. No agreement was reached on this point.
10/10-111	Rule should only apply to significant indigenous vegetation	Would be consequential change based on 10/10-75. Would also need to include issues relevant to wetlands e.g. within 20 metres of wetlands
10/10-112	Rule should only apply to significant indigenous vegetation	Would be consequential change based on 10/10-75.
10/10-113	Rule should only apply to significant indigenous vegetation	Would be consequential change based on 10/10-75.
10/10-114	Adjoining land to conservation estate	Both parties agreed that a buffer zone would be preferable to adjoining land, and would be a more appropriate mechanism for managing effects. FF would not like to see the same rule as Ruapehu DC which was 500m – FF consider this is too large.

Ref	Issue	Comment
10/10-115	Wetlands standard	FF submitted in support of this change.
10/10-116	Wetlands standard	Would be consequential change based on 10/10-75.
10/10-117	Vegetation assessment criteria	Would be consequential change based on 10/10-75.
10/10-118	Vegetation information requirements	Would be consequential change based on 10/10-75.
10/10-119	Vegetation information requirements	Would be consequential change based on 10/10-75.

Rebecca Tayler
POLICY PLANNER

Approved by
M R Avery
ACTING CHIEF EXECUTIVE

DATE