



Proposed District Plan submission form



Clause 6 of the First Schedule, Resource Management Act 199.

Feel free to add more pages to your submission to provide a fuller response.

To: Central Hawke's Bay District Council

1. Submitter details

Full Name	Last <u>Lowry</u>	First <u>Mark and Lucy</u>
Company/Organisation (if applicable)		
Contact Person (if different)		
Email Address		
Address		Postcode
Phone	Mobile	Work

2. This is a submission on the Proposed District Plan for Central Hawke's Bay

3. I could I could not – gain an advantage in trade competition through this submission (Please tick relevant box)

If you could gain an advantage in trade competition through this submission please complete point 4 below:

4. I am I am not – directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
(Please tick relevant box if applicable)

Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

5. I wish I do not wish – to be heard in support of my submission in person (Please tick relevant box)

6. I will I will not – consider presenting a joint case with other submitters, who make a similar submission, at a hearing. (Please tick relevant box)

7. Do you wish to present your submission via Zoom? Yes No

8. Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the plan that my submission relates to:

SNA 434 Natural Environment Values, ECO-SCHED 5

Do you: Support Oppose Amend (Please tick relevant box)

What decision are you seeking from Council? SNA 434 revised on our

Reasons: property. See Report and supporting evidence attached.

Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box.

RECEIVED
06 AUG 2021





**Proposed Central Hawke's Bay District Plan
Submission in relation to Significant Natural Area 434**

M & L Lowry

Taikura Stn

August 2021



Lochie MacGillivray |

AgFirst Pastoral (HB) Ltd



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General Aim and Purpose of this Report

The Central Hawke's Bay (CHB) District Council have prepared a proposed district plan.

The purpose, function and contents of the proposed plan is directed towards achieving the purpose of the RMA (defined by Part 2), which is 'to promote the sustainable management of natural and physical resources' (section 5).

Once approved the CHB District Plan would control the way land is used, developed, and protected. It seeks to manage natural and physical resources that are important in the district and to ensure that environmental qualities and values are safeguarded for future generations to enjoy. The rules included in the District Plan will set out the activities that can be done as of right (permitted activities) and the activities that will need a resource consent for.

The proposed plan has a schedule of valued natural environments that the CHB believes wider community wishes to safeguard and in doing so it will meet its requirements under the RMA.

The CHB has called for submissions on its proposed plan, which need to be lodged prior to 5 pm Friday 6th of August 2012

This report supports a submission opposing the proposed schedule of Significant Natural Area and in particular to it is opposed to **SNA 434**.

Parts of SNA 434 lie within the farmed boundaries of the submitters, Mark and Lucy Lowry and the impact of this SNA would have a significant detrimental impact on their farming operations.

The submission is that all the proposed SNA 434 area is not spatially a Significant Natural Area and that the methodology in assessing the proposed area was flawed.

The submission opposes the SNA 434 on the grounds that area proposed is in breach of the stated CHB district plan's objective, which is to have a balance of protecting the district's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently.

The submission also is opposed to SNA 434 in that the designation of a SNA is not consistent with other nearby and similar landforms and vegetation cover, which has no such designation.

Submitters Background and Property

The submitters are Mark and Lucy Lowry who have been farming in the district for 19 years.

The farm property is in three titles totalling 691.29 ha and is run as a sheep and beef property.

The farm is located at _____ and lies to both the west and the east of this road.

The titles with the proposed SNA 434 are on the eastern (sideward) side of the Blackhead Road and are deemed essential for the farming activity as they are the only lands that are suitable for finishing stock due to its contour, water table and climate. Without proper and full farming access to this land the farms overall viability as a sheep and beef farm would need to be reassessed.

Of the total 691 ha, 84 ha are on the eastern side of the road (12% of the land area) and of this 20.4ha is prosed as SNA 434.

Areas of Concern about SNA 434

434 SNA Spatial Area

The areas defined as SNA 434 are opposed.

The SNA has two defined areas UID WL701024 and SNA51.

WL701024

WL701024 covers land described as a Marsh and covers 8.3 ha. The SNA describes the land as Rush-sedgeland (as a WL701024t 1 October 2020) with a medium confidence of accuracy. The SNA notes that this area represents an under-represented habitat in region and NZ, with a threatened environment (wetland), and the potential habitat for threatened biodiversity including for the North Island Fernbird and Australasian Bittern.

SNA51

SNA51 covers some sand dunes close to the hightide mark within the title boundary and this is calculated at 12.1 ha. The SNA describes this as Coastal vegetation and estuary river mouth and the site remains significant due to habitat for at risk and threatened indigenous birds, and fish. It has a high degree is confidence.

The submitters wish to present a series of aerial images and photographic evidence which illustrates the errors made in designating the proposed SNA 434 on their titled land.

The first image is the satellite image used when mapping the SNA and it shows the SNA within the title. Note the SNA is clipped to the Lowry titles only.

Image 1: 2019 Aerial image



However if older images are used (and not just after a heavy rain) then it is clear that the proposed SNA areas are not all Natural Areas, and are in fact pasture lands.

Image 2: 2015 Aerial Image



Image 3: 2013 Aerial Image, showing the cropping done on this prosed SNA



Image 4: Aerial Image 2010



Image 5: Location of Photographs taken 4 August 2021



The above image shows the location of a series of photographs taken on the 4th August 2021 illustrating the present vegetative cover. These photographs are shown below;

Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 6



Photograph 7



Photograph 10



Discussion of Satellite Images and photographs

The Aerial image in the 2019 year was after some good rainfall and the water tables were full. This gives an unusual impression of the normal status of the pastureland. This status is better represented in the satellite images of 2015, 2013 and 2011. In these images it is clearly observable that the areas prosed as Significant Natural Areas, are not natural and are in fact cultivated pastureland with some natural rush reversion in 2019. Again, this is reinforced in the photographs taken two days before submission closure.

In these photographs it is readily observable that some land designated as Rush Sedgeland is improved and established pasture, and part of a normal pasture renewal programme. This important pastureland is not a Marshland.

The area that is permanent wetland and not in grazing pastures is depicted in an image below

Image 6: permanent wetlands and rushes and SNA areas



This image also highlights the submitters more accurate definition of the dune features, which was described in the SNA51 definition. Note there is no natural water, and the type of grazed species in this area is due to the management of this area being lax rather than intensive. This aligns with the proposed plan ECO-P7 which aims to recognise landowners' stewardship and current land management practises. The management of this parcel outside of the green zones above does not fit the definitions of a SNA and should remain under the current stewardship.

The submitters are keen observers of the land and its aspects. There has been no sighted Bitterns or Fernbirds on the property in the 19 years they have lived there. It is also unlikely that they would inhabit this area given the typical vegetation status is that of improved pasture.

How could the Proposers get it so wrong?

The clear incorrect placement of the SNA boundaries might in part be explained by two factors.

- 1) There was a farm visit by representatives (Gerry Kessels and John Cheyne) in February 2020, but it was not under any description a detailed inspection. They met with Mark Lowry, and he drove them to a southern part of his farm where he showed them the wetland development he was doing (which is as it turns out is in the neighbour's title). They took some photographs of this wetland but did not inspect any other part of the farm. This is also evidenced in the description of moderate confidence in the SNA, if it had been inspected the confidence would have been higher. It is highly probable that the dunes were also not peaked (any visit must have been via the beach), and as such no real aspect was observed. Possibly the opinions were previous assumptions without a detailed analysis. No transect or plant species analysis occurred.
- 2) Due to the above, a desk top exercise was done, creating polygons where there was an assumption of water and vegetation cover differences.

The Farming Importance of the Land designated as SNA

In hill country pastoral farming, a balance of land types is important to enable livestock production to be optimised. Without a balance of good finishing land, a farmer is generally forced to sell stock in store condition and suffer lower financial returns. The better contoured land that the Lowry's farm on the eastern side of the Blackhead Road is likewise vital to their farming operation. Gross margins achieved on this land is often two to three times that achieved off the harder hill country. The importance of this land will only increase due to the drench resistance issues becoming apparent in the industry and locally. The ability of the Lowry's to finish and develop flexible policies will be dependant on having farming access to most of the 8ha in the SNA WL701024. Like wise the ability to graze parts of SNA51 at critical and strategic times will make the difference to the farm's resilience.

Removing all this SNA land from the Lowry stewardship is contrary to ECO-P7 and Council's stated need to allow for rural landowners to farm their land effectively and efficiently.

Removing all this SNA will affect this farm current sheep and beef farm viability with no immediate effect on the local biodiversity.

The designation of this land as SNA is not consistent

There are other areas with vegetation covers with a higher rush- sedge population than the Lowry SNA and close by (within 1.4 kms). Yet these areas are not designated SNA. Some of the owners of land parcels with a proposed SNA objected early in the process and after brief discussions (in at least one case, one phone call) the proposed SNA was removed. This is a major inconsistency, and it penalises the Lowry property by them seemingly not being faster out of the blocks due to other farming and family distractions.

Submission Summary

- The SNA boundaries are incorrect. The areas were not inspected properly, and the boundary lines drawn for the SNA was a desk top exercise resulting in historical (and evidenced) pastoral land being included in the SNA polygons.
- Consequently, these areas in the proposed SNA are not significant natural areas.
- In the proposed SNA the council is not recognising the high level of stewardship of the submitters, nor is it recognising the significance of the pastoral land caught in the SNA areas to the overall farming operation.
- The council is displaying inconsistencies in the designations of the SNA and the result of this it is unfairly penalising the Lowry farming operation.
- That being said, the submitters would be prepared allocate some land for permanent wetland and dunes.