

BEFORE THE

Gore District Council

IN THE MATTER OF

Resource Management
Act 1991

AND

IN THE MATTER OF

Submissions and Further
Submissions on the
Proposed Gore District
Plan

Hearing Stream 10

**STATEMENT OF EVIDENCE OF RACHEL SHALINI THOMAS AND
BERNADETTE ELLEN HUNT ON BEHALF OF THE SOUTHLAND PROVINCE OF
FEDERATED FARMERS OF
NEW ZEALAND**

Submitter number 126

Further submitter number 17

Dated 7 February 2025

Introduction

1. My name is Rachel Shalini Thomas. I am a Senior Policy Advisor with Federated Farmers and have held this role for three years. I hold a Bachelor of Arts (Hons) in Political Science from Otago University, a Masters in Public Policy from Victoria University and am currently studying towards a Masters in Planning from Lincoln University.
2. My views are closely aligned with those of Federated Farmers, due to my farming experience with my husband and I operating our family farm located in Ashburton, Canterbury. Further elaboration on my qualifications and experience is provided in the evidence submitted for Hearing Stream 1.
3. Bernadette Ellen Hunt is a member of the Southland Province Executive for Federated Farmers and was first elected to the Southland Provincial Executive in 2015. The Southland Province is governed by an elected executive group, which is headed by a provincial president. The executive group participate as experts, factual witnesses and advocates in planning processes throughout Southland, including the Gore District.
4. Bernadette was previously the Senior Vice President of the Executive and has participated in a variety of Resource Management Act (RMA) and local government planning processes including various plan reviews. Further elaboration on Bernadette's qualifications and experience is provided in the evidence submitted for Hearing Stream 1.
5. Federated Farmers is a voluntary membership-based organisation that represents farmers and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farmers and as such has a keen interest in the Gore District Plan.
6. Federated Farmers is a federation of 24 provincial bodies (called provinces), each structured as its own incorporated society, and six industry groups (dairy, meat and wool, arable, goats, high country and rural butchers). Federated Farmers' national body is governed by a National Council (which comprises a representative from each

province and industry group) with day-to-day governance delegated to a National Board.

7. In preparing this evidence we have read the following documents:

- a. Resource Management Act 1991
- b. Southland Regional Policy Statement 2017
- c. Proposed Southland Water and Land Plan
- d. National Planning Standards 2019
- e. Gore District Council proposed District Plan (**PDP**) (notified 31 August 2023)
- f. Gore District Council Section 42A Report – Ecosystems and indigenous Biodiversity (prepared by Mr Matt Heale)
- g. Statement of evidence of Natalie Dianne Hampson (Economics) on behalf of Gore District Council (dated 13 January 2025)

SUMMARY OF EVIDENCE

8. We summarise our evidence, according to the key headings in this statement:

- a. Background
- b. Comments on Ms Hampson's economic evidence
- c. Comments on specific plan provisions
- d. Conclusion

Background

9. Southland Federated Farmers (**SFF**) has been an active participant in the Gore proposed District Plan (**PDP**) process. During this time, we have submitted and further submitted on the PDP and prepared evidence for Hearing Streams 1, 3, 5, 5A, 9 and 9A. We have also run information sessions (both in-person and online) on the plan provisions for members and non-members which have been well attended.

10. Our interest in the PDP is driven not only from supporting our members but also considering the needs of the wider community in terms of economic well-being. When the farming community in Gore suffers, the entire district is impacted. As such, the Ecosystems and Indigenous Biodiversity (**ECO**) chapter is of particular concern for SFF.

11. SFF commends the Council on its work with the Stoney Creek Working Group which has looked at provisions relative to the ECO chapter. SFF was not included in this working group but supports many of the positive changes proposed because of the groups work.
12. This has resulted in provisions being developed which consider the likely effects of activities on a detailed location-specific level.
13. The Council must balance the level of input awarded to the Hokonui Hills against the rest of the district and ensure that it does not take an overly regulatory approach for other areas. If farmers are forced to apply for resource consent for simple activities this will disincentivise them to carry out the work, leading to worse environmental outcomes.
14. The Council should consider the problem it is trying to solve with the ECO chapter. If the problem is improving the level of indigenous vegetation coverage, then the PDP should include incentives to encourage planting and the Council should consider rates rebates for those with SNAs/SIVAs on their land.

Comments on Economic Evidence

15. SFF commends the Council on its commissioning of the economic report prepared by Ms Natalie Hampson¹ to support Mr Heale's s42A Report on the ECO chapter. The commissioning of this report signifies an attempt by the Council to understand the economic implications of the potential rule framework. Our general view is that while the report does contain some useful assessment in regard to the potential number of properties with a biodiversity interest and its ratio to the property and the District as a whole, Ms Hampson tends to proffer an opinion on community sentiment departing from the mandate of providing an economic analysis.
16. SFF has a number of concerns with the report and these are herein discussed.

¹ Statement of evidence of Natalie Dianne Hampson (Economics) on behalf of Gore District Council (dated 13 January 2025).

17. First, Ms Hampson queries the addition of rule ECO-R1(1)(n)², which provides for no controls over indigenous clearance when it is under 15 years of age. She questions the absence of an area limit on clearance, suggesting there should be specified reasons. We do not believe the author is qualified to make those observations against expert ecological advice (as provided by Mr Andrew Wells in the Wildlands report). Further, this appears to be outside the scope of her brief to assess economic efficiency and costs.
18. Second, Ms Hampson makes comments regarding the development of bespoke provisions for Hokonui Hills which are outside of the scope of an economic assessment. Ms Hampson states the outcomes sought by Stoney Creek and Wantwood Stations can now be covered by ECO-R1(f) without the need for bespoke rules in ECO-R2.
19. SFF is unsure on what grounds Ms Hampson is qualified to make this statement, against the advice of Mr Wells. SFF supports the concept of creating bespoke provisions for these properties and refers to the submissions and evidence for both regarding the concerns of specific plan provisions. However, as we later discuss within this evidence, there is a need to ensure that farming activities are not unnecessarily restrained district wide.
20. Third, Ms Hampson does not discuss the potential for cultural impact assessment to be required when permitted activity conditions are not met. Where permitted clearance/land disturbance activities are not complied with, activities will either require a restricted discretionary, discretionary or non-complying consent application.
21. Depending on the outcome of where the cultural values are located within the Plan, Ngai Tahu/mana whenua cultural values may be a matter of discretion for discretionary activities. Applications for consent could trigger the need for cultural impact assessment, which (as we identify within our evidence on the Sites and Areas of Significance to Maori Chapter) can cost applicants around \$3,000 and be subject to lengthy processing times. When Ms Hampson is discussing the transaction costs of applications for consent (the additional costs experienced by the applicant

² At paragraph 97.

resulting from the need to apply for consent) only ecological assessment is noted. In our view, the potential need for cultural impact assessment is therefore a significant consideration which has been overlooked.

Comments on specific plan provisions

Definitions

Biological diversity

22. Federated Farmers [S126.009] requested a minor amendment to the definition of biological diversity. This has been rejected by Mr Heale and we accept the recommendation as it has no impact on the plan provisions.

Exotic weed species

23. Federated Farmers [S126.091] requested a definition of 'exotic weed species' be included to support ECO-P12 which relates to the planting of exotic weed species within SNAs. The recommendation from Mr Heale is to reject our request on the basis that ECO-R2, ECO-P9 and ECO-P12 will be deleted.

24. We accept the recommendation to reject our submission point.

Ecological district

25. SFF [FS17.101] further submitted against the request of Royal Forest & Bird to include a definition of Ecological District as it did not align with the National Policy Statement for Indigenous Biodiversity (**NPS-IB**). The requested definition was:

A particular geographical region that has a characteristic landscape and range of biological communities.

26. Mr Heale proposes to partially accept the requested definition but attempts to align it with the NPS-IB. We confirm our support for this recommendation.

Ecosystem services

27. Federated Farmers [FS17.102] further submitted against the request of Royal Forest & Bird to include a definition of ecosystem services because the proposed definition does not align with the NPS-IB. Mr Heale identifies that 'ecosystem services' is not

used within the PDP, however there is reference to 'ecosystem'. He recommends a definition of 'ecosystem' is included to align with the NPS-IB and we confirm our support for this approach.

Vegetation clearance/indigenous vegetation clearance

28. Federated Farmers partially supported both the definition for vegetation clearance and indigenous vegetation clearance. Our submission requested the following proposed amendments:

Vegetation clearance

Means –

- (a) the disturbance, damage, destruction, or removal of vegetation by any means (for example, by cutting, crushing, application of chemicals, or burning); and
- (b) includes activities that result in the disturbance, damage, destruction, or removal of vegetation (for example, over-planting, applying the seed of exotic pasture species, mob-stocking, or draining away water); but
- (c) does not include vegetation clearance which is ancillary to primary production activities, such as—
 - (i) the removal of sphagnum moss for the purpose of a harvest in accordance with regulation 48 or 49; or
 - (ii) the crushing of other vegetation for the purpose of maintaining the dominance of sphagnum moss, if the crushing is carried out during a harvest of sphagnum moss or to rehabilitate the moss after it is harvested; or
 - (iii) an activity described in paragraph (a) or (b) that is for the maintenance or construction of fencing for the purpose of excluding stock or marking property boundaries; or
 - (iv) an activity described in paragraph (a) or (b) that is for the maintenance of shelter belts; or

- (v) ~~the grazing of improved pasture within the relevant setback from a natural wetland.~~ pasture maintenance;
- (vi) clearance for the purpose of maintaining rural fire breaks;
- (vii) clearance of airstrips, helipads, vehicle entranceways, accessways and driveways, farm tracks and stock crossings of waterways;
- (viii) clearance around farm buildings and farm infrastructure, water supply dams, pipelines and troughs;
- (ix) cultivation;
- (x) clearance or disturbance by animals including grazing;
- (xi) activities associated with fruit tree or fruit vine plantations; and
- (xii) clearance of vegetation that is fallen or dead.

Indigenous vegetation clearance

Means the clearing or removal of indigenous vegetation by any means, including cutting, crushing, cultivation, irrigation, chemical application, drainage, stopbanking, burning or any other mechanical means ~~as well as mob stocking.~~ It does not include grazing of pasture or improved pasture species in that area of indigenous vegetation.

29. Mr Heale recommends removing the definition of 'vegetation clearance' given its limited use within the PDP. In our view, it is appropriate to do so and rely on the definition of 'indigenous vegetation clearance' where needed. However, we sought the exclusion of primary production activities from the definition of 'vegetation clearance' because the definition would unnecessarily trigger the need for resource consent for a number of day-to-day farming activities.

30. Mr Heale notes that the changes we sought regarding 'vegetation clearance' are to be considered relative to 'indigenous vegetation clearance', given the recommendation to remove 'vegetation clearance'.

31. It is important to consider these definitions relative to ECO-R1, which provides permitted activity status for some indigenous vegetation clearance. SFF's

submission has argued that day-to-day farming activities should not unnecessarily be captured by overly restrictive clearance rules. Any amendment to these definitions must allow for clearance to occur as part of farming operations and be reflected within ECO-R1.

32. Mr Heale proposes the following definition for indigenous vegetation clearance:

Indigenous vegetation clearance

Means any activity that destroys, damages or removes ~~the clearing or removal~~ of indigenous vegetation by any means, including cutting, crushing, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, burning or any other mechanical means as well as ~~mob stocking~~.

33. We thank Mr Heale for accepting our submission point relative to the removal of mob stocking. The amendment to include 'any activity that destroys, damages or removes' would capture clearance required for day-to-day farming operations, such as minor clearance associated with fencing, firebreaks, farm tracks etc. These activities are captured by ECO-R1.

34. The amendments proposed to these definitions are only appropriate if the permitted activity conditions within ECO-R1 do not require farmers to get resource consent for basic clearance activities. In our view, if the width requirements are removed from ECO-R1 (as we propose later within this evidence) there is little risk that farmers would clear more vegetation than is necessary for clearance and there is no need to restrict width. It is not in the interests of farmers to clear any more vegetation than is needed.

Significant Natural Area (SNA)

35. Federated Farmers [S126.948] sought an amendment to the definition of SNA to ensure that areas that had not been mapped as a SNA were not captured. We also stated our opposition to identifying SNAs through resource consent applications or Farm Environment Plans (FEPs). Our proposed amendments were:

Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means:

(a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps until a suitably qualified ecologist engaged by Gore District Council in partnership with landowners determines that it is not an SNA; or

(b) any area that is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 4 and in consultation with the landowner.

~~SNA also includes areas meeting the criteria outlined in Appendix 4 including those identified at resource consent stage or as part of a Farm Environment Plan assessment or as part of a Biodiversity Covenant.~~

36. Mr Heale recommends our request to remove reference to FEPs is accepted and we thank Mr Heale for this.

37. Mr Heale proposes the following amendments to the definition of SNA:

SNA/SIVA

Has the same meaning as ~~per SNA~~ in the National Policy Statement for Indigenous Biodiversity and also means:

(a) Areas identified as SNA/SIV-1 (~~Waterfall Range~~ Dolamore Park and Croydon Bush) and SNA/SIVA-2 (Pukerau Red Tussock Reserve) on the planning maps ~~until a suitably qualified ecologist engaged by Gore District Council determines that it is not an SNA; or~~

(b) any area that is notified or included in a district plan as an SNA/SIVA following an assessment of the area in accordance with Appendix 4 or Appendix 3 of the SRPS.

SNA/SIVA also includes areas meeting the criteria outlined in Appendix 4 or Appendix 3 of the SRPS including those identified at resource consent stage, ~~or as part of a Farm Environment Plan~~ Council Approved Biodiversity Management Plan or as part of a Biodiversity Covenant. For Indicative mapping of SIVA please refer to Councils website.

38. The NPS-IB definition requires the area to be included or notified in a plan before it is an SNA. That is not the approach taken within the recommended amended definition of SNA/SIVA. It is not appropriate to state that the NPS-IB definition is being utilised if the PDP definition allows for areas that are unmapped to be included. Until

areas are mapped, they cannot be considered as SNAs if the Council wishes to utilise the NPS-IB definition.

39. We therefore maintain our original submission.

Improved pasture

40. Federated Farmers supported the notified definition of 'improved pasture' which follows the National Planning Standards definition. The recommendation from Mr Heale is to retain the definition and we confirm our continued support.

Animal pests – new definition

41. Federated Farmers [126.096] sought the inclusion of a new definition for 'animal pests' but did not provide wording to this effect. This has been rejected by Mr Heale on the basis that animal pests change over time.

42. The Southland Pest Management Plan 2019-29 defines both 'animal' and 'pest'. *Animal means any mammal, insect, bird or fish, including invertebrates, and any other living organism except a plant or a human. Pest has the same meaning as in the Biosecurity Act 1993: "an organism specified as a pest in a pest management strategy."*

43. SFF maintains that a definition should be included and recommends a definition which is similar to the Southland Water and Land Plan for 'pest species':

Animal pests

Has the same meaning as the regional pest management plan.

Objectives

ECO-O1

44. Federated Farmers [S126.079] partially supported ECO-O1 but requested an amendment to ensure the focus was on the identification of SNAs.

45. Mr Heale recommends an amendment to ECO-O1 to reframe it to read more like an outcome as opposed to a policy. We do not consider these changes materially impact the meaning of the objective; therefore, confirm our support.

ECO-O2

46. Federated Farmers [S126.080] sought retention of ECO-O2 as drafted, which states:

ECO-O2

Work in partnership with Local Authorities, Government agencies, mana whenua, stakeholders and landowners to identify and protect Significant Natural Areas.

47. SFF supports the intent of the objective as facilitating working in partnership with relevant parties to identify and protect SNAs. The recommendation from Mr Heale is to amend ECO-O2 as:

ECO-O2

Significant Natural Areas/Significant Indigenous Vegetation Areas are identified and protected by working ~~work~~ in partnership with Local Authorities, Government agencies, mana whenua, stakeholders and landowners ~~to identify and protect Significant Natural Areas.~~

48. We do not consider these changes materially impact the meaning of the objective, and the wording is better reframed as an outcome; therefore, we confirm our support.

ECO-O3

49. Federated Farmers [S126.081] partially supported ECO-O3 and proposed an amendment to align with Policy 7 of the NPS-IB, as below:

ECO-O3

Provide for ~~appropriate~~ new subdivision, use and development within Significant Natural Areas where the values of the area can be ~~maintained and enhanced~~ avoided or managed.

50. Mr Heale identifies Policy 7 of the NPS-IB as providing specific protection to SNAs by avoiding or managing adverse effects from new subdivision, use and

development³. He also notes that Policy 9 provides for certain established activities within SNAs⁴.

51. Mr Heale proposes an amendment to ECO-O3 which he notes frames it more as an objective and less as a policy, as below:

ECO-O3

~~Provide for appropriate subdivision, use and development within Significant Natural Areas where the values of the area can be maintained and enhanced.~~

Significant Natural Areas/ Significant Indigenous Vegetation Areas are protected by avoiding or managing adverse effects from new subdivision, use and development.

52. The amendment proposed addresses our concerns regarding alignment with Policy 7, therefore we confirm our support.

ECO-O4

53. Federated Farmers [S126.082] partially supported ECO-O4 which provides for the relationship of mana whenua and their customs with SNAs. The recommendation from Mr Heale is to partially delete ECO-O4 and replace the objective with wording proposed by Hokonui Rūnanga as follows:

ECO-O4

~~The relationship of mana whenua and their customs and traditions with Significant Natural Areas is recognised and provided for including through:~~

~~1. Facilitation and support for the exercise of kaitiakitanga in relation to indigenous species and habitats;~~

~~2. Maintenance, enhancement, and restoration of habitats that support mahinga kai activities and sustain taonga species; and~~

~~3. Enabling customary use.~~

³ At paragraph 313.

⁴ Ibid.

Indigenous biodiversity is recognised as a taonga to mana whenua and the relationship of mana whenua and their customs and traditions with indigenous vegetation and ecosystems is recognised and provided for including by:

1. Enabling the exercise of kaitiakitanga;

2. Enabling mahinga kai; and

3. Maintaining or where degraded restoring the mauri of indigenous ecosystems.

54. SFF opposes this amendment. Unlike kaitiakitanga, mahinga kai is not specifically detailed within the NPS-IB or the RMA. It is included within the PDP as a cultural value which is sufficient.

55. The proposed 'enabling of mahinga kai' is too broad and will lead to anxiety amongst landowners who may think that mahinga kai sites will be established on their land. For ECO-O4(2) the wording from the PDP is more appropriate as it refers specifically to maintenance, enhancement and restoration of habitats as opposed to widespread enablement of mahinga kai.

Policies

ECO-P1

56. Federated Farmers [S126.083] supported ECO-P1 as drafted and submitted in support of its retention. ECO-P1 details working in partnership with local authorities, mana whenua, stakeholders and landowners to identify SNAs.

57. Mr Heale explains the implications of the Government deferring the requirement for mapping of SNAs for three years and the implications on the PDP.⁵ It is proposed that mapping sit outside of the District Plan and instead be used as a guide for resource consent processing relative to indigenous vegetation clearance. SFF agrees with this approach, however, cautions the Council that consultation with landowners relative to ECO-P1 must still be prioritised, regardless of where the mapping is located. In other words, if the Council opts to still carry out mapping but not include it in the plan it must still comply with ECO-P1.

⁵ At paragraph 341.

ECO-P2

58. Federated Farmers [S126.084] partially supported ECO-P2 which details activities which are allowed for within SNAs where those activities may impact indigenous biodiversity values. SFF sought an update to “enable” activities where this is for the “maintenance and development” of a lawfully established activity.

59. Mr Heale partially accepts our submission point and proposes several changes to ECO-P2 based on other submissions. ECO-P2 is proposed to be amended as follows:

ECO-P2

Enable ~~Allow~~ activities within or affecting SNAs/SIVAs that may impact indigenous biodiversity values the extent or ecological integrity of the SNA/SIVA where:

1. the activity is a lawfully established activity; or
2. Their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose; or
3. The activity has a functional or operational need to be located in the area and there are no alternative locations; or
4. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat, and/or Ngāi Tahu cultural purpose; or
5. activities are consistent with a biodiversity covenant or management plan for the purpose of protecting or restoring the SNAs/SIVAs ecological values; or
6. The activity is no greater in intensity, scale or character: or
7. The activity involves the removal of exotic species and pest plants and pest animals in accordance with the Regional Pest Management Plan.

60. SFF does not see it necessary to include ECO-P2(6) as this is already covered by ECO-P3(9). We confirm our support for the remainder of the amendments.

ECO-P3

61. Federated Farmers [S126.085] supported ECO-P3 as drafted and submitted in support of its retention. ECO-P3 details the adverse effects on an SNA/SIVA which should be avoided for any new subdivision, use, or development.
62. Minor amendments are proposed to ECO-P3 and we confirm our support with Mr Heale's recommendation.

ECO-P6

63. Federated Farmers [S126.086] partially supported ECO-P6 which relates to promoting the restoration of indigenous biodiversity. SFF proposed an addition to ECO-P6 to seek a new clause to prioritise initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity. We thank Mr Heale for recommending our proposed addition be accepted, and for recommending the following changes to ECO-P6:

ECO-P6

Promote the restoration of indigenous biodiversity by prioritising:

1. SNAs whose ecological integrity is degraded:
2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems and taonga species:
3. areas that provide important connectivity or buffering functions:
- ~~4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:~~
5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners:
6. any other priorities specified in regional biodiversity strategies, iwi planning documents or any national priorities for indigenous biodiversity restoration:
7. initiatives by mana whenua, landowners, land managers, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity

64. We confirm our support with the amendments proposed by Mr Heale.

ECO-P7

65. Federated Farmers [S126.087] partially supported ECO-P7 which relates to protecting, restoring and enhancing SNAs. Mr Heale suggests amending ECO-P7 as below:

ECO-P7

Protect, enhance and restore Significant Natural Areas by:

1. Minimising the loss, fragmentation and reduction of:

(a) Significant Natural Areas

(b) connections between Significant Natural Areas, ~~and~~

(c) threatened or at risk and indigenous species populations; and

(d) the mauri of indigenous ecosystems;

2. Enhancing mahinga Kai;

3. Promoting the creation of connections and ecological corridors between Significant Natural Areas;

4. Promoting the use of eco-sourced species from the relevant ecological district;

5. Enabling opportunities for mana whenua to exercise their customary rights and responsibilities and mana whenua responsibilities as kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity including identified taonga...

66. SFF does not agree with the addition of 'enhancing mahinga kai'. Mr Heale makes a recommendation for ECO-O4 to include the addition of 'enabling mahinga kai' but it not clear why ECO-O4 relates to enabling and ECO-P7 relates to enhancing. Enabling means removing the barriers that allow the practice of mahinga kai but enhancement goes a step further. We do not see it as necessary to provide for either the enhancement of mahinga kai within ECO-P7 or the enablement in ECO-O4.

67. We confirm our acceptance with the remainder of the changes proposed by Mr Heale, but we do not support the inclusion of ECO-P7(2).

ECO-P8

68. Federated Farmers [S126.088] partially supported ECO-P8 which details effects to be avoided when assessing consents for subdivision, land use and development.

69. The recommendation from Mr Heale is to remove ECO-P8 as it duplicates elements of other policies within the ECO chapter. We confirm our support for this recommendation.

ECO-P9

70. Federated Farmers [S126.089] partially supports ECO-P9 which details matters for consideration when assessing resource consents in SNAs.

71. The recommendation from Mr Heale is to remove ECO-P9 given that the matters addressed in ECO-P9 are largely addressed in other policies. We confirm our support for this recommendation.

ECO-P10

72. Federated Farmers [S126.090] partially supported ECO-P10 which identifies ways that indigenous biodiversity across the district can be maintained. SFF proposed the following amendments:

ECO-P10

Maintain indigenous biodiversity across the district by:

1. Managing any significant adverse effects of new subdivision, use or development by applying the effects management hierarchy;
2. Managing the adverse effects of new subdivision, use or development on highly mobile fauna areas in order to maintain viable populations of specified highly mobile fauna across their natural range
3. Maintaining, and where appropriate enhancing or restoring, the functioning of ecological corridors and linkages;

4. Minimising adverse effects on, and encouraging mana whenua access to, areas of indigenous biodiversity which are significant to mana whenua;
5. Establishing a Biodiversity Stakeholder Group to review District Plan provisions, encourage ongoing non-regulatory assistance, and ~~enhance support~~ landowners in their engagement with Council;
6. Developing a biodiversity strategy that would consider free ecological surveys, financial support to Significant Natural Area landowners, rates remissions for Significant Natural Areas, and advice and support for local conservation groups and programmes;
7. Preserving protected wildlife; and
8. Recognising the benefits of farm management practices and active management of indigenous biodiversity, including but not limited to voluntary animal and plant pest and stock control, farm fencing and/or formal legal protection.

73. Mr Heale recommends our requested amendments to ECO-P10(5) are accepted, however he recommends our requested amendments for ECO-P10(8) are rejected. Mr Heale states that the list is not exhaustive using the word 'including' therefore 'but not limited to' is not required. In our view, 'but not limited to' helps to improve the readability and make clear to plan users that the list is not exhaustive.

74. 'Farm fencing' was a definition SFF initially proposed to remedy an error with the PDP definition of 'fence'. In earlier evidence we have confirmed our support for the definition of 'fence' as proposed by Stoney Creek Station. However, Mr Heale states that farm fencing is covered by stock control'. We do not agree with this contention as fencing may be used for other purposes to maintain indigenous biodiversity such as pest control.

75. We maintain our preference to amend ECO-P10(5) as per our original submission but with the use of 'fencing' as opposed to 'farm fencing'.

ECO-P11

76. Federated Farmers [S126.091] partially supported ECO-P11 which details instances where biodiversity offsets and compensation may be provided to manage residual

adverse effects of an activity. SFF sought to clarify that residual adverse effects are limited to those on indigenous biodiversity within an SNA.

77. Mr Heale recommends accepting our request in part but notes it would not be appropriate to limit this to within an SNA as NPS-IB 3.16 requires the effects management hierarchy to be applied outside SNAs. A minor amendment is proposed by Mr Heale to 'provide for indigenous biodiversity offsets' and in our opinion, this clarifies the intent of the policy and is an appropriate solution.

78. Mr Heale recommends the following amendments to ECO-P11:

ECO-P11

Provide for indigenous biodiversity offsets and compensation to manage residual adverse effects of an activity where:

1. More than minor residual effects of an activity cannot be avoided, minimised, or remedied; and

2. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity of similar species and location can be achieved where practicable;

3. The conservation outcomes are measurable and positive; and

4. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to New Zealand Government guidance on biodiversity offsetting; and

5. Any off-setting and compensation packages are ~~consistent with Ngāi Tahu cultural purposes~~ appropriate considering the whakapapa, mauri and any mahinga kai values of both sites and areas.

79. Relative to ECO-P11(5), it is not clear which values are considered 'mahinga kai values'. We refer to our evidence submitted on the Sites and Areas of Significance to Maori chapter. It is important that plan users know what values apply to certain activities. 'Mahinga kai' is a value in the PDP but the use of the phrase 'mahinga kai values' implies that there may be a list of these specific values. We recommend that

ECO-P11(5) is amended to refer to the specific values as per the Mana Whenua chapter.

ECO-P12

80. Federated Farmers [S126.092] partially supported ECO-P12 which provides for the avoiding of planting of exotic weed species and intentional release of farming of animal pests within SNA's. Our only request was to include a definition of exotic weed.

81. Mr Heale recommends deleting ECO-P12 and amending ECO-P10 to refine pests to those identified in a Southland Regional Pest Management Plan within SNAs. We confirm we agree with his recommendation.

ECO-P13 (new policy)

82. Mr Heale proposes a new policy ECO-P13 which states:

ECO-P13

Enable a range of activities and associated indigenous vegetation clearance that recognises the scale of farming operations, the different levels of significance of indigenous vegetation, and landowner conservation practises in the Hokonui Hills Area.

83. We confirm our support for the inclusion of ECO-P13, but it should be broadened to cover the entire district. The s42A contains limited discussion on the inclusion of ECO-P13 (it is only referenced once in paragraph 614). There is no rationale as to why ECO-P13 cannot be applied across the entire district.

84. We propose ECO-P13 could be amended as follows:

ECO-P13

Enable a range of activities and associated indigenous vegetation clearance that recognises the scale of farming operations, the different levels of significance of indigenous vegetation, and landowner conservation practises in the Gore District ~~Hokonui Hills Area.~~

Rules

ECO-R1

85. ECO-R1 details indigenous vegetation clearance and land disturbance. SFF [S126.094] opposed ECO-R1 due to its overly restrictive nature that would not allow for reasonable farming activities to be easily carried out. SFF proposed the following amendment:

ECO-R1

Where:

1. It is necessary for the following purposes:

(a) The maintenance, repair or replacement or upgrade of existing lawfully established:

(i) fences and farm fences

(ii) vehicle and farm tracks,

(iii) roads,

(iv) Critical infrastructure,

(v) walkways,

(vi) firebreaks,

(vii) dams,

(viii) waterway crossings, or

(ix) network utilities and

~~the clearance or land disturbance is no more than 1.0m in width from those works in (ii), (iii), (iv), (v), (vii), (viii) and (ix), and 1.5m for (i) and (vi).~~

(b) The vegetation is causing an imminent danger to human life, structures, and infrastructure or the works are required to address a high risk to public health or safety.

(c) For Mahinga kai activities or for other Ngāi Tahu cultural purposes where the clearance is by mana whenua and in accordance with tikanga protocols.

(d) For the safe operation or maintenance of the National Grid.

(e) Maintenance of improved pasture where:

(i) the improved pasture has not become a mapped SNA, and

(ii) the land is not an uncultivated depositional landform, and

(iii) it will not adversely affect a Threatened or At Risk (declining) species.

(f) In accordance with an approved Reserve Act or Conservation Act reserve management plan.

(g) For the maintenance, repair or replacement of existing buildings and structures, or to remove a potential fire risk, including an area no further than 10m from the exterior wall of an existing building.

(h) The removal of exotic species generally and pest plants and pest animals in accordance with any Regional Pest Management Plan or the Biosecurity Act 1993.

(i) The works are undertaken in accordance with a Biodiversity Covenant.

(j) The works are associated with the harvest of indigenous tree species in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949

(k) The works relate to indigenous vegetation that was deliberately planted:

(i) Within a domestic garden; or

(ii) For the use of screening/shelter belt purposes (such as farm hedgerows).

86. Many of the activities covered by ECO-R1 provide positive benefits for indigenous vegetation, such as fencing which helps to eliminate pests and exclude stock and firebreaks which are important to manage potential fire outbreaks. If these activities require resource consent, farmers will be unlikely to carry them out. This will lead to worse environmental outcomes.

87. A working group was established to address matters specifically related to the Hokonui Hills Area, including ECO-R1. As such, the recommendation is to include a new rule which provides permitted activity status with no width restriction for many of the matters addressed in ECO-R1(1). This includes no width restriction for 'the maintenance of existing fences and tracks'.
88. SFF was not invited to join the working group which addressed ECO-R1 (amongst other matters) and as such it appears that the recommendations proposed for ECO-R1 benefit the Hokonui Hills area only. Little regard has been had to the impact of ECO-R1 on the remainder of the district, particularly the width restrictions. We are incredibly concerned by this.
89. We have also found little narrative on why 1m or 1.5m is a sufficient width. The Hearings Panel for Timaru District Council recently raised a similar concern during the hearing for the Ecosystems and Indigenous Biodiversity Chapter. The Panel asked the s42A Author how the widths had been developed, and the answer was that it was based on other councils. A width restriction of 1m or 1.5m is incredibly impractical and means that many vehicles cannot be used in the specified activities unless consent is obtained.
90. A matter which was overlooked within the initial submission round was the failure to include definitions for many of the activities within ECO-R1. We note there were significant issues with the definition of 'fences' which we believe have been remedied through the hearings process. However, there remains no definition for: 'firebreak', 'dams', 'waterway crossings' and 'walkways'. 'Firebreak', 'dams' and 'waterway crossing' are used only within ECO-R1, however 'vehicle track' is used additionally within the definition of 'park management activity'. 'Walkways' is used seven times within the PDP but is also not defined.
91. If the Panel determines there is scope to include definitions at this point, we propose the following:

Firebreak – has the same meaning as the Fire and Emergency Services Act 2017 and means a natural or an artificial physical barrier against the spread of fire from or into any area of continuous flammable material.

Vehicle track – A defined and maintained track or route for the passage of vehicles, including off-road access ways, not forming part of the public road network.

Dams – The impounding of all or part of the natural flow of any water that may involve an associated temporary or permanent structure.

Walkways – A pathway or track primarily used for pedestrian access.

92. As stated by Mr Heale, 'on sites with a lower indigenous vegetation coverage there is greater flexibility to undertake works outside indigenous vegetation areas'⁶. According to Ms Hampson there are 115 sites which qualify as SIVA/SNAs. The highest coverage of larger properties tends to be in the Hokonui Hills and Mt Wendon areas. The recommendation is to permit clearance for the maintenance of existing fences and tracks within the Hokonui Hills area, so there is then no reason why clearance should be further restricted in other areas which have lower concentrations of SIVA/SNAs.

93. We have assessed the notified PDP limits on width against the recommendations in Ms Hampson's report and the s42A recommendations. We propose recommendations which will support the continuation of important farming activities (Table 1). SFF makes comments on activities which directly impact farmers, and a discussion on these activities is herein provided.

Table 1 Assessment of width recommendations

Existing activity	Notified PDP limits	Economic report recommendations	S42A recommendations	SFF recommendations
Fences	1.5m/No limit	No greater in width than the currently or previously cleared area (else support no threshold)	No greater than existing width	No threshold
Vehicle tracks	1.0m	1.0m	Clearance is no more than 1m from either side of the works	No threshold
Roads	1.0m	1.0m	Clearance is no more than 1m from either side of the works	No comment

⁶ At paragraph 586.

Existing activity	Notified PDP limits	Economic report recommendations	S42A recommendations	SFF recommendations
Walkways	1.0m	1.0m	Clearance is no more than 1m from either side of the works	No threshold
Firebreaks	1.5m	1.5m	Clearance is no more than 1m from either side of the works	No threshold
Waterway crossings	1.0m	1.0m	Clearance is no more than 1m from either side of the works	No threshold
Critical infrastructure – state highway network and arterial roads	1.0m	1.0m	Clearance is no more than 1m from either side of the works	No comment
Critical infrastructure – other than roads	1.0m	No greater in width than the currently or previously cleared area	No greater than existing width	No comment
Dams	1.0m	No greater in width than the currently or previously cleared area	Clearance is no more than 1m from either side of the works	No threshold
Network utilities	1.0m	No greater in width than the currently or previously cleared area	No greater than existing width	No comment

Firebreaks

94. Section 62(1) of the Fire and Emergency New Zealand Act 2017 states that FENZ may, by notice, require a landholder to make and clear any firebreak, and remove vegetation from any firebreak. To comply with s62(1), FENZ will serve a notice on a landholder that specifies the time and manner in which a requirement might be met.⁷

95. A landholder issued a notice under s62 must comply within one month. The processing of resource consents can take significant time, particularly if additional reports or information is required. Under ECO-R1 in the PDP, firebreaks are limited

⁷ Section 62(2).

to a 1.5m clearance width to meet permitted activity conditions. The activity then defaults to restricted discretionary, where there are seven matters of discretion.

96. Landowners should not have to apply for resource consent to maintain firebreaks, many of which will require a greater width for clearance than 1.5m. The width required for maintenance will vary depending on the firebreak requirements and machinery required for clearance. To meet the compliance timeframe from the issuing of a FENZ notice under s62 of the FENZ Act, there must be no restriction on the clearance of indigenous vegetation where it is for the purpose of maintaining, repairing or replacing firebreaks. We maintain our original submission that no width requirement be imposed.

Waterway crossings

97. The PDP does not define waterway crossings but they are broadly understood as structures or activities which allow vehicles or pedestrians to cross over or through a waterway.

98. A common example on farm is a ford which allows the crossing in shallow water for livestock or vehicles. For waterway crossings to be safe they must be free of overgrown vegetation. Depending on the type of vegetation this may be overgrown into the ford from plants that are located a greater distance than 1m from either side of the waterway. It is not in the interests of farmers to clear more than is necessary for the safe passage across a waterway but at times more than 1m of clearance will be required.

Vehicle and farm tracks

99. SFF submitted that 'farm tracks' should be included alongside 'vehicle tracks'. 'Farm track' is defined within the PDP as *vehicle access tracks associated with agriculture, pastoral and horticultural activities*. Our submission is rejected by Mr Heale who states that farm tracks would logically be included with 'tracks' and while we agree it is still important to specify this within the plan.

100. A failure to specify farm tracks could result in farm tracks being captured under the new proposed ECO-R1(1)(m) which provides a limit on the vegetation clearance for other farming activities:

(m) For any other activity for existing farming operations covering an area of less than 50m² per 5-year period involving non-forest vegetation.

101. It is important that both vehicle and farm tracks are enabled with no width limit. An on farm example of where a new farm track would be required is the installation of a stockwater system which requires access for maintenance and operation. It is not in a farmers interest to clear more vegetation than is required for such a track but, depending on the state of any existing tracks, the clearance in some places may extend beyond 1m in width from either side of the track.

Fences

102. The enablement of fencing is important to ensure the protection of indigenous biodiversity. Mr Heale proposes clearance for fences to be 'no greater than existing width' for the maintenance, repair, replacement or upgrade of existing lawfully established fences.
103. SFF does not agree with this recommendation. It is highly ambiguous to utilise 'existing width' as the measure, given that the width of a farm fence can vary significantly across different types, such as post and wire fences, electric fences, and deer fences, each having different width dimensions. Fencing work is commonly assisted by a tractor with post driver, therefore it is not only the width of the tractor that must be accounted for but also safe area for the tractor to manoeuvre.
104. If vegetation is overgrown then inevitably a greater clearance width than the existing width dimension will be required. As Ms Hampson points out, different types of machinery will be suitable and/or available for different farms. When the fences were built initially, a greater width than existing width would have been cleared to erect the fence. Farmers need the ability to clear a greater amount to bring vehicles in for maintenance. As ECO-R1 applies also to upgrading fences, it is illogical to think that fencing could be done by hand or quad bike (where the width of a quad bike is

around 1.2m). SFF recommends no width restriction is applied to fencing in all areas across the District.

Dams

105. Planting indigenous vegetation around a dam offers several ecological, environmental and practical benefits. These include erosion control and soil stabilisation, improved water quality, enhanced biodiversity, natural flood management, carbon sequestration and regulation of water temperature.
106. Once planted, vegetation can grow fast and the need for maintenance arises. Maintaining dams and modified water courses is also important for flood control. Farmers may need to clear indigenous vegetation around dams in order to get machinery in for dam maintenance. The maintenance of modified water courses is governed by the proposed Southland Water & Land Plan.
107. Restricting the width of indigenous vegetation clearance around a dam provides a disincentive to plant natives around a dam and also to maintain and clear drains. If a resource consent is required due to width restriction of 1m being exceeded, farmers will not carry out the activity which will lead to perverse environmental outcomes.
108. Additionally, there are health and safety concerns with only permitting 1m. Farmers would be forced to carry out maintenance as close to the edge of the dam as possible, which poses a safety risk, particularly if carrying out the work on a quad bike.

ECO-R2

109. Federated Farmers [S126.095] partially supported ECO-R2 which deems non-complying status to the planting of exotic weed species identified in the Southland Regional Pest Management Plan within a SNA.
110. The recommendation from Mr Heale is to remove ECO-R2 on the basis that the Regional Pest Management Plan is the primary document for managing weed and animal pest species in Southland and the Biosecurity Act gives Environment Southland extensive powers to manage the spread of pest species, and the ability to prepare one or more regional pest management plans.

111. In our view, management under the Regional Pest Management Plan and the Biosecurity Act is appropriate and we thus confirm our support to remove ECO-R2.

ECO-R3

112. Federated Farmers [S126.096] partially supported ECO-R3 which provides non-complying activity status to the intentional release or farming of animal pests identified in the Southland Regional Pest Management Plan (RPMP).
113. The recommendation from Mr Heale is to remove ECO-R3 as the RPMP addresses weed and pest issues in accordance with the Southland RPS. We agree with this recommendation.
114. However, if the preference is to maintain ECO-R3 then we wish to make comment on our suggested amendment. SFF recommended an update to ECO-R3 to specify that the rule applies to the Southland Regional Pest Management Plan, as opposed to 'a' Southland Regional Pest Management Plan as proposed in the PDP. The replacement of 'a' with 'the' is rejected by Mr Heale on the basis that there may be multiple pest management plans applicable. Mr Heale suggests ECO-R3 is amended as below:

ECO-R3

The intentional release or farming of animal pests identified in ~~a~~ Southland Regional Pest Management Plan.

115. The sentence now does not read correctly and our initial proposition of 'the' would improve its readability. However, if the intention is that multiple plans may be applicable then the use of capitals, which imply a noun for a singular document, should be considered.

New rule

116. Federated Farmers [S126.097] requested inclusion of a new rule to provide for indigenous vegetation clearance for any other purpose other than contained in ECO-R1(1) or (3) as a permitted activity. This would cover minor indigenous vegetation clearance required for normal farming activities, such as the removal of a singular plant.

117. Mr Heale accepts in part our submission to provide for works to implement a Council Authorised Biodiversity Management Plan or in an area outside an SNA/SIV grown within a plantation forestry area.⁸ The recommendation is to amend ECO-R1 to include as a permitted activity condition:

(m) For any other activity essential for existing farming operations covering an area of less than 50m² per 5 year period involving non-forest vegetation.

(n) Where vegetation is no older than 15 years.

118. We thank Mr Heale for addressing our concerns, however note that the proposition may be difficult to implement and measure. For instance, if farmers are removing a single plant, they are unlikely to take record of this and it would be unreasonable to expect them to do so. They are also unlikely to note the total area removed of a single plant. It is important that rules within the PDP are implementable, both from an enforcement perspective and a usability perspective. The addition as proposed by Mr Heale will not be easy to implement or monitor.

119. SFF's preference is therefore as below:

(m) For any other activity essential for existing farming operations covering an area of less than 50m² per 5 year period involving non-forest vegetation.

⁸ At paragraph 671.

Conclusion

120. Southland Federated Farmers thanks the Hearing Panel for the opportunity to present this evidence statement.



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