

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 1

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

Dated 21 May 2023

Introduction

Qualifications and Experience

1. My name is Rachel Shalini Thomas. I hold a Bachelor of Arts(hons) in Political Science from Otago University and a Masters in Public Policy from Victoria University. I am currently studying towards a post graduate diploma in Environmental Management from Lincoln University.
2. I previously worked as a Policy Advisor for the Ashburton District Council for 8 years, working across policy and local government matters. I have been employed by Federated Farmers for over two years as a Senior Policy Advisor in the Regional Policy Team. My role is to provide policy advice and advocacy on behalf of Federated Farmers' members in processes arising under the Resource Management Act 1991, Local Government Act 2002 and Local Government (Rating) Act 2002. I analyse, submit, and present at hearings. My work is informed and mandated by our elected representatives and local members.
3. I also have practical farming experience, with my husband and I operating Longbeach Estate in Ashburton, which includes a mixed cropping farm and two dairy farms within an integrated system. Our farming operation is around 400 hectares.
4. My views are closely aligned with those of Federated Farmers, due to my personal farming background.
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. 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. Bernadette was previously the Senior Vice President of the Executive and has

participated in a variety of RMA and local government planning processes including various plan reviews. Recently, these include the Southland Water & Land Plan, participation in the Southland Winter Grazing Advisory Group, presentation to the MPI appointed Winter Grazing Taskforce, implementation of the winter grazing intervention hotline and development of the 2021 winter grazing checklist. Bernadette also presented to the 2020 National Freshwater Conference about winter grazing.

7. Bernadette's practical farming experience includes ownership and management alongside her husband of a farming business which operates a mix of beef and sheep finishing, dairy grazing, and arable cropping. In addition to the farm operation they also run an agricultural contracting business. The total farming operation is approximately 600 ha over three farms, with two staff currently employed and a number of seasonal contractors engaged.

General submissions requesting amendments

8. Federated Farmers requested consistent use of the terms "existing use rights" and "lawfully established". The s 42A report sets out the areas where each term is used in the proposed District Plan (pDP) as linked to relevant legislation such as the RMA and NPS-IB. The reporting officer's comments relating to the use of each term in different parts of the pDP is accepted.
9. ECO-R1 includes reference to "existing *lawfully established*" with "lawfully established" provided in italics. The italics imply that there should be a corresponding definition for "lawfully established", yet no definition is provided. This is the only place in the pDP where "existing lawfully established" is used, elsewhere the wording is simply "lawfully established". The reporting officer recommends inclusion of the phrase "lawfully established existing" in the recommended definition of reverse sensitivity (our comments on this are detailed in paragraph 17).
10. The Council may wish to consider amending the wording throughout the pDP to provide consistency.

Interpretation

Waste

11. Federated Farmers requested inclusion of a definition for “waste” which aligns with the Waste Minimisation Act 2008. The reporting officer states agreement with the request to include this definition and notes that it ‘will ensure a level of national consistency’.
12. Federated Farmers agrees with and accepts the s 42A Report recommended definition for *Waste* specifically as it aligns with the Waste Minimisation Act 2008.

Abrasive blasting

13. Federated Farmers supported the definition of “abrasive blasting” as included in the proposed District Plan (pDP) which aligns with the National Planning Standard definition. The s 42A Report states that while support has been received for the definition of “abrasive blasting” it is recommended for removal as it is not used in the pDP (paragraph 257).
14. Federated Farmers agrees with the s 42A Report recommendation that the definition of “abrasive blasting” be removed, however it is noted that the pDP defines “dry abrasive blasting” and “wet abrasive blasting” which should also be removed to ensure consistency.

River

15. Federated Farmers supported the definition of “river” as included in the proposed District Plan (pDP) which aligns with the RMA. Federated Farmers agrees with and accepts the s 42A Report recommendation that the definition of “river” be retained.

Building

16. Federated Farmers supported the definition of “building” as included in the pDP which aligns with the National Planning Standard definition. Federated Farmers agrees with and accepts the s 42A Report recommendation that the definition of “building” be retained.

Reverse sensitivity

17. Federated Farmers partially supported the definition of “reverse sensitivity” as included in the pDP. However, we requested an amendment to include “lawfully established” to align with other parts of the pDP. Our proposed amendment was:

The potential for a lawfully established ~~an approved (whether by consent or designation), existing or permitted~~ activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.

18. In 1997, Judge Sheppard defined reverse sensitivity as referring to “the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those other activities”¹.
19. The s 42A report accepts the request to include “lawfully established”, however makes additional amendments as a result of other submissions received. The reporting officer recommends the following definition for “reverse sensitivity”:

The potential for an approved (whether by resource consent, certificate of compliance or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, lawfully established ~~existing~~ or permitted activity.

20. From this newly proposed definition, it appears the intent is to define what is meant by “approved”. An activity becomes “lawfully established” once it is approved. Thus the addition of clarification on what is deemed “approved” which is sought by the s 42A author is not needed. If this is the intention, then perhaps a definition for “approved

¹ *Auckland Regional Council v Auckland City Council* [1997] 3 ELRNZ 54. See also *Winstone Aggregates Ltd v Papakura District Council* EnvC A049/02, 26 February 2002 at [12].

activity” should be included. A simplified definition of “reverse sensitivity” would align with the definition of Judge Sheppard.

21. Federated Farmers does not accept the s 42A recommended definition for “reverse sensitivity” and instead proposes:

The potential for an approved (~~whether by resource consent, certificate of compliance or designation~~), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, lawfully established existing or permitted activity.

Urban Form and Development

UFD-O1

22. Federated Farmers requested inclusion of an additional objective for UFD-O1, which would add an objective 10 to the statement ensuring that development of the district ‘considers the potential loss of highly productive soils’. The s 42A author accepts our submission on this point citing alignment with the NPS-HPL, and we support this conclusion.

UFD-O10

23. Federated Farmers requested the protection of primary production and rural industry activities through an amendment to UFD-O10 as follows:

Primary production and rural industry activities are able to operate efficiently and effectively and the contribution they make to the economic, social wellbeing and prosperity of the District is recognised and protected.

24. The reporting author rejects this recommendation, stating in paragraph 354:

“While it is important to ensure that primary production and rural activities are able to operate efficiently and effectively and the contribution made to the district

is recognised it is not always appropriate to protect these activities in all circumstances, particularly where these activities may lead to amenity effects or impacts on other critical resources such as landscape, biodiversity, heritage, SASM.”

25. Federates Farmers do not agree with this conclusion and note that the latter part of UFD-O10 is about the *contribution* made as opposed to the actual activity. Our proposed wording ensures the *contribution* is protected, and this may be achieved by the Council considering the impact of decisions on the rural sector’s ability to contribute to the district’s economic and social well-being. If the contribution made by the rural sector is only ‘recognised’ there is no protection for the contribution made.
26. Federated Farmers do not accept the reporting officer’s recommendation (paragraph 355). We also question the inclusion of both ‘economic well-being’ and ‘prosperity’, and suggest the Council remove ‘prosperity’ as ‘economic well-being’ is evident in both the Local Government Act 2002 and the Resource Management Act 1991.

UFD-O11

27. Federated Farmers requested an amendment to UFD-O11 to refer to ‘highly productive land’. The s 42A author accepts our submission on this point, citing alignment with the NPS-HPL. We support this conclusion.

Conclusion

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



Bernadette Hunt
Executive Member
Southland Province Federated
Farmers of NZ



Rachel Thomas
Senior Policy Advisor
Federated Farmers of NZ