

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 3

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

Dated 8 July 2024

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. My views are closely aligned with those of Federated Farmers, due to my personal farming background. Further elaboration on my qualifications and experience is provided in the evidence submitted for Hearing Stream 1.
2. 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 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.
3. 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.

Interpretation

Accepted changes

4. Federated Farmers notes that suggested amendments or removal for definitions for 'cultivation', 'feedlot', 'fresh water', 'highly productive land', 'intensive indoor primary production', 'intensive winter grazing', 'commercial forestry', 'primary production', and 'woodlot' have been accepted and for this we thank the s 42A Report author.

Agricultural, horticultural and pastoral activities

5. Federated Farmers requested the definition of 'agricultural, horticultural and pastoral' be renamed 'rural production activities' to ensure clarity for Plan users. The s 42A Report does not accept this change, however proposes to update the Overview and Purpose replacing the word 'rural' with 'primary'.
6. Federated Farmers agrees with and accepts the s 42A Report recommended action for updating the Overview and Purpose of the GRUZ Chapter as it achieves clarity.

Fences

7. The s 42A Report accepts that the current definition of 'fences' in the proposed District Plan (pDP) leads to 'illogical outcomes', as discussed in the Federated Farmers submission (s126.020). Our recommendation was to provide a separate definition for 'farm fences' but this is rejected on the grounds of removing the listed exemptions and providing allowances for certain types of fences within rules or standards.
8. We accept this approach; however, it will be important to ensure that the listed exemptions are appropriate for the types of fences permitted in each chapter. We encourage the planning authority to engage stakeholders in making these determinations.
9. The partially operative Southland Water and Land Plan (SW&LP) includes 'Appendix R – Fish Screen Standards and Guidelines' detailing fish screen requirements. Neither 'fish screen' or 'screen' are defined in the SW&LP, however a condition for abstraction of surface water is that fish are prevented from entering the intake through installation of a fish screen.
10. The proposed definition in the s 42A Report includes a 'screen' in the definition of fences. We do not believe it is the intention to capture fish screens, therefore recommend 'screen' is removed.
11. It is recommended 'barrier' is also removed from the definition, as a temporary electric fence could be considered a 'barrier' but as noted by the s 42A Report, the intention is

‘Any allowances or exceptions for certain types of fences should be provided for within specific rules or standards’ (paragraph 98). This implies the desire is for the definition to be high level.

12. We therefore recommend the definition is amended as follows:

Fences means any structure, intended to be a permanent division., ~~screen or barrier.~~

13. ‘Boundary fences’ appears in italics in TRANS-S10, yet no corresponding definition is provided. We recommend the formatting is corrected, or a definition provided.

Farm infrastructure

14. Federated Farmers supported the inclusion of a new definition for farm infrastructure (FS17.103). The s 42A Author rejects this but requests examples of how the current provisions could create unworkable outcomes. The definition for ‘farm infrastructure’ proposed by Stoney Creek Station (s3.107) is:

Means those structures (excluding buildings) reasonably necessary to enable primary production activities relating to irrigation, the provision of stock water, the storage and distribution of animal feed, stock yards and ramps, but excludes fences, farm tracks, feedlots and silage pits.

15. Farm infrastructure is not always fixed to the ground, as is implied in paragraph 110. An example is a pivot stop, which is often concreted into the ground (see Appendix 1). While not common in Gore District, it is important that the plan provide for these. Other examples include moisture probe/weather stations and pivot centres, also securely fixed into the ground (see Appendix 1). We therefore stand by our support for the inclusion of a definition for ‘farm infrastructure’.

Farm quarry

16. Federated Farmers supported the definition of ‘farm quarry’ in part but requested the word ‘site’ was removed to account for farms spanning multiple titles. The recommendation is to replace ‘site’ with ‘farming operation’. Although this is not

precisely what we requested, it is consistent with our submission which sought that extracted material could be used on the full property or operation from which it is extracted. Therefore, Federated Farmers supports the recommendation of the reporting officer.

17. **Quarry and Quarrying activities**

The s 42 A Report rejects our request to explicitly exclude 'farm quarries' from 'quarry' and 'quarrying activities'. We accept this recommendation on the basis that a separate definition is provided for farm quarry.

Setback from SNAs

18. Royal Forest and Bird Society of NZ (s110.049) seek a new standard requiring a 10m setback from the closest boundary of a SNA for buildings or structures. We opposed this request through further submissions (FS17.090, FS17.091, FS17.087). The s 42A Report rejects the submission of Royal Forest and Bird Society of NZ and we agree with the conclusion that setbacks for SNAs be located in the ECO chapter, although pending changes to the National Policy Statement for Indigenous Biodiversity (NPS-IB) this may need to be reviewed.
19. We note that at paragraph 217 of the s 42A Report, it states: *"It is proposed to map additional SNAs as a PDP variation (see ECO-P1) which may include areas within Proposed Rural Zones"*.
20. The Government has agreed to suspend the requirement for councils to comply with the SNA provisions of the NPS-IB for three years, while it replaces the RMA. Minister Hoggard states:

"The Government is proposing to make the changes as quickly as possible to ensure councils and communities do not waste resources and effort implementing national direction requirements that may change following a review. I have also asked for a review of the operation of existing SNAs more

broadly, including those implemented under the powers that councils have in the RMA. This review is being scoped now”¹.

21. In light of this, all SNA mapping must be put on hold until further direction is provided from the Government which we predict will result in the need to remove or amend ECO-P1.

Rural lot size and density

SUB-S1

22. We note the s 42A Report supports the maintenance of the 8ha rural lot size which was supported by Federated Farmers. We thank the s 42A author for reaching this conclusion as it ensures protection of farmland which is crucial for the district's economy.

GRUZ-S1

23. Federated Farmers supported GRUZ-S1 in part (S126.161), subject to amendments to increase the maximum density of minor residential units per site to three and remove the requirement that the necessity of the minor residential units be to support primary production (paragraph 223, s 42A Report).
24. The request to remove the requirement that the necessity of the minor residential units be to support primary production has not been addressed in the assessment in the s 42A Report (paragraphs 232-241). Our original submission for GRUZ-S1 (S126.161) reads:

...it must be acknowledged that additional units may not always be required to support primary production as these could be required to house additional family members or live in staff (for example an Au Pair).

25. Again, we emphasise the point that additional units may be needed for reasons other than supporting primary production.

¹ Hoggard, A. (2024). Significant Natural Areas requirement to be suspended. [Significant Natural Areas requirement to be suspended | Beehive.govt.nz](https://www.beehive.govt.nz/significant-natural-areas/requirement-to-be-suspended)

26. In terms of the number of minor residential units per site, the proposed Te Tai o Poutini Plan (combined West Coast District Plan) which is currently at the hearing stage provides greater flexibility for minor residential units permitting 3 minor residential units per 10ha net site area.²
27. Taking this argument to its logical conclusion, the question arises about whether the development of minor residential units on two different blocks is preferable to more units on one block. Federated Farmers suggests that there would be little difference in effect and that there would potentially be greater convenience (e.g. shared infrastructure) if three minor residential units were permitted. Therefore, we continue to promote our original submission.

River and stream order setbacks

28. GRUZ-S7 detail setbacks from streams and rivers using an order system, providing minimum distances for buildings or structures. Our submission (S126.164) requested that 'farm fences' was excluded from these setbacks. The s 42A Report recommends a new definition for fences which requires exceptions to be detailed in individual chapters. Within GRUZ-S7, the proposed amendment (paragraph 296) exempts post and fire fences with specified conditions needing to be met (proposed as (i)-(iv) in GRUZ-S7).
29. We accept this change as it meets our initial request in our submission, however, the planning authority must also consider how 'farm infrastructure' is to be managed in relation to GRUZ-S7 as we have provided examples of how permanent farm infrastructure is captured under the definition of 'structure' in the pDP. We believe that discussion on GRUZ-S7 enforces the point that a definition of 'farm infrastructure' is required.

² See GRUZ-R3, [ProposedTTPP_2023.pdf](#)

GRUZ chapter

Accepted changes

30. Federated Farmers notes that suggested amendments or removal for the following have been accepted or are, in our perspective, considered to achieve a satisfactory outcome, and we thank the s 42A Report author for this: GRUZ – Overview and Purpose, GRUZ-O2, GRUZ-O3, GRUZ-O4, GRUZ-O5, GRUZ-P1, GRUZ-P5, GRUZ-P6, GRUZ-P7, GRUZ-P8, GRUZ-P9, GRUZ-P10, GRUZ-P11, GRUZ-R3, GRUZ-R11, GRUZ-R12, GRUZ-S5, RLZ – Overview and Purpose, RLZ-O2, RLZ-O3, RLZ-P3, RLZ-P6, RLZ-P9, RLZ-R3 and RLZ-R5

GRUZ-O1

31. Federated Farmers requested an amendment to GRUZ-O1 to better support primary production. The requested amendment to GRUZ-O1 (s126.141) states:

Enable, recognise and provide for the importance of primary production, ancillary activities and rural industry to the social, and economic and cultural well-being of the District.

32. The s 42A Report author states “*I consider the proposed amendment requesting to ‘Enable, recognise and provide’ reads like a policy rather than an objective*” (paragraph 458). We do not agree with this statement and note that ‘enable’ features in at least 10 other objectives throughout the pDP.³

33. Furthermore, MPZ-O1 (Māori Purpose Zone Chapter) provides similar wording that of what we propose for GRUZ-O1:

MPZ-O1 - The Māori Purpose Zone enables a range of social, cultural, environmental, and economic development opportunities that support the occupation, use, development, and ongoing relationship between mana whenua and tangata whenua, and both their ancestral lands and the natural environment.

³ See ENRG-O2, MRZ-PREC9-O1, PREC13-O1, SETZ-PREC8-O1, LIZ-PREC1-O1 LIZ-PREC2-O1, GIZ-PREC10-O1, SARZ-PREC6-O1, MPZ-O1, MPZ-O3.

34. We therefore stand by our original submission but do thank the Reporting Officer for accepting the recognition of cultural well-being in GRUZ-O1.

GRUZ-R9 – Commercial Activities

35. GRUZ-R9 provides permitted activity status for vet clinics, plant nurseries, sale of on-site produce or animal boarding activities. The hours of operation for people visiting the site are between 0700 and 1900, with a maximum of 12 staff on-site at any one time. Activity status where compliance is not achieved is discretionary.
36. Federated Farmers requested removal of hours of operation and the maximum staff on-site. The s 42A Report rejects this request, stating *“Activities extending beyond this have the potential to generate adverse effects, for example, in relation to noise, traffic generation and lighting”* (paragraph 720).
37. We stand by our original submission as what is proposed is over regulatory. For farmers, standard business hours do not apply and the days often start before 7am and finish after 7pm. On some farms, tractors will run 24 hours a day during busy periods such as harvest. An injured animal thus may need to be taken to a vet clinic outside of the permitted hours of 7am-7pm and it is important the plan enables this without requiring consent. It is perceived as low risk that adverse effects relative to noise, traffic, generation and lighting would occur relative to vet clinics, plant nurseries, sale of on-site produce or animal boarding activities.

GRUZ-R10 – Education Facilities

38. GRUZ-R10 is similar to GRUZ-R9 but applies to Education Facilities. As per our comments on GRUZ-R9, we stand by our original submission as it is over-regulatory to restrict hours of operation where rural based education may occur outside of 0700 to 1900 (i.e. milking demonstrations).

GRUZ-S8 – Height

39. GRUZ-S8 specifies a height of 12m for all areas in the rural zone except PREC13 Rural Industry Precinct. We do not see any reason why the height is not consistent across

the rural zone. A tractor or pole shed which is used daily on a working farm for storing machinery could be, although unlikely, around 14-15m high. We stand by our original submission to apply a consistent height of 15m across the rural zone.

Mana Whenua Chapter

2.4 Mana Whenua Recognition, & Involvement in Plan Preparation

Issues with proposed approach

40. Our members recognise the importance of protecting values associated with cultural sites. However, the proposed approach of considering the entire district as a site is too expansive and as a result will not be workable from a practical perspective. There are many established farms in the district who will be impacted by a requirement to consider cultural values as part of resource consent applications for day-to-day farming activities where permitted activity conditions are not met. We do not believe that the planning authority has got the permitted activity status conditions right to enable primary production activities to occur without unnecessarily needing to apply for consent.
41. The practical implications of considering the entire district as a site will create an administrative and costly process to landowners, Council and Rūnanga. Cultural experts conducting the cultural assessment will experience a significant increase in workload. The process for considering cultural values in applications is unknown and while we appreciate this level of detail cannot sit within a district plan, we question the time required to obtain this assessment, the cost for applicants, and the burden on the planning authority.
42. We stand by our submission to have specific sites mapped. Mapping sites provides clarity to mana whenua and landowners regarding what is on their land as opposed to the broad-brush approach in the pDP. In our submission (S126.054), we stated:

We acknowledge the relationship Ngāi Tahu hold with the natural environment in Gore District, however we are deeply concerned by the approach to consider

the entire district as a site and request that individual sites are identified and included in the planning maps.

43. We requested the partial removal of 2.4 in the Mana Whenua Chapter. We recommended the following sentence was removed:

Instead of restricting the consideration of Ngāi Tahu cultural values to a discrete list of 'Sites and Areas of Significance to Māori', the underlying relationship Ngāi Tahu hold with the natural environment is accounted for throughout the district via provisions spread throughout various chapters.

44. The request to remove this sentence was based on our view that the approach to consider the entire district as a site of significance would not achieve a favourable outcome, both in terms of meeting the purpose of the RMA and in terms of efficiencies for applicants, the planning authority and Rūnanga.

45. We do not believe the proposed approach aligns with what parliament intended when drafting s 6 of the Resource Management Act 1991. Included as matters of national importance under s 6 are (e) and (f) where to achieve the purpose of the Act recognition and protection is awarded to:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

46. Furthermore, the definition of 'historic heritage' in both the RMA and the pDP includes '(iii) sites of significance to Māori, including wāhi tapu'. Hence, the intention is to identify specific sites not to consider the entire country as a site of significance.

47. It is our view that the approach established to managing SASMs in the MW chapter as notified is not the most appropriate way to achieve the purpose of the RMA as required

under s 32(1)(a). The requirements on landowners are disproportionate relative to the risk to cultural values.

48. The operative Southland Regional Policy Statement (RPS) 2013 discusses sites of cultural significance. If specific sites are not identified, the PDP will be inconsistent with the RPS, specifically Objective TW.4:.

Sites of cultural significance Wāhi tapu, wāhi taonga and sites of significance are appropriately managed and protected. Explanation/Principal Reasons Section 6 of the Act recognises that the protection of historic heritage (including sites of significance to Māori, including wāhi tapu) and the relationship of Māori and their culture and traditions with their ancestral lands from inappropriate subdivision, use and development, are matters of national importance. The management and protection of such values recognises their importance to the regional sense of identity and is essential to providing for the social and cultural wellbeing of the community.

49. We are concerned that without specific sites identified and no process of assessment against cultural values documented, there will be inefficiencies in consent processing. This view is illuded to by Dr Lynda Murchinson in her evidence on behalf of Hokonui Rūnanga Inc in relation to Hearing Stream 2:

“...in my opinion, the approach [to SASM] in the proposed plan as notified raises issues of certainty and engenders questions about its efficiency and efficacy for applicants, Hokonui Rūnanga Inc and the consent authority.”⁴

50. We share the view of Dr Murchison that the approach to SASM raises questions of efficiency and efficacy for applicants involved. To achieve the purpose of the RMA, it must be possible to enable an approach through the pDP which supports mana whenua values without creating lengthy and expensive consenting processes.

⁴ 4 Statement of Evidence of Dr Lynda Murchison on behalf of Hokonui Rūnanga Inc in the matter of submissions by Hokonui Rūnanga Inc in relation to Hearing Stream 2, 10th June 2024 (para. 59-60)

51. The proposed blanket approach attaches consideration of cultural impacts to specifically identified 'high risk' activities, as opposed to specific locations (paragraph 28). We found limited discussion on 'high risk' activities in s 42A Report which is concerning as many submitters make reference to 'high risk' activities. For example, McLeod- Wantwood Trust/Wantwood Station (S104) request: *"Provide a list of high - risk activities for which an assessment of cultural effects is required under"* (S104.029). We request that this is dealt with through the SASM chapter.

Points of clarification

52. The s 42A Report details that there were 26 submissions and 7 further submissions received, and that *'most opposed the assertion that mana whenua hold culturally grounded relationships with all natural features and resources within the district.* (paragraph 3, s 42A Mana Whenua).
53. It is important to clarify that we do not oppose this assertion. Our concerns are regarding the practicality of implementing a blanket approach to consider the entire district as being a site. Our concerns are therefore regarding the implications on those applying for consent where permitted activity status is not achieved for activities deemed 'high risk'.
54. The s 42A Report in the assessment section (6.82) at paragraph 115 discusses the specific request to remove the wording in 2.4 as in our submission (S126.054). The author notes that removing the wording would result in a failure to meet Section 6(28)(vii) of the National Planning Standards which requires that the Mana Whenua chapter consider "an explanation of how hapū or iwi values have been considered when preparing the policy statement or plan, or are reflected in the policy statement or plan".
55. We agree with the author on this point, however we stand by our submission that individual sites be identified thus signalling that the aforementioned part of 2.4 must be amended.

56. The S42 A Report makes reference to our submission in paragraph 116 stating that we consider the following activities as 'day-to-day' primary production activities:

- Running retirement facilities in the general residential zone
- Undertaking temporary military training
- Erecting cultural markers such as pou whenua.

57. The author states at paragraph 116 "I struggle to understand how these are "day-to-day primary production activities" and we agree that these are not primary production activities. However, by way of clarification, this is not what is stated in our submission.⁵ Instead, we reference the 91 rules or standards in the pDP which include a matter of discretion and/or control as assessment and/or consideration against cultural values but we do not state that these are all related to primary production.

Summary of our position

58. There are areas identified by the s 42A Report that are pending input from Hokonui Rūnanga (for example section 2.2 and 2.32). The Report also notes that further discussion with Hokonui Rūnanga is recommended to understand their updated position on managing SASMs.

59. As such, our position may change once we have seen the updated position from Hokonui Rūnanga. We appreciate the difficult position the planning authority finds itself in with respect to SASMs and therefore suggest that conferencing with interested parties occur following HS3.

60. To summarise our position, we maintain our original submission that sites be identified as our preferred relief. We may consider an alternative position as a result of evidence heard through HS3, specifically that of Hokonui Rūnanga.

⁵ See pages 3-4 of the Southland Federated Farmers' submission. S126.054 / S126.175

Conclusion

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



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Appendix 1 – Examples of permanent farm infrastructure



Figure 1 - Pivot stop

Pivot stops may be located close to the road and are normally concreted into the ground



Figure 2 – Pivot center tower

Pivot centers are concreted into the ground therefore are a permanent structure. The control panel attached to these must be easily accessible therefore are often located right next to a road



Figure 3 - Leaf and soil moisture temperature station

These stations are often solar powered therefore the placement of them should not be restricted. They may need to be placed close to the road to optimise solar and allow for easy access for farmers