

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 6

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

Dated 30 September 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.

HAZARDOUS SUBSTANCES AND CONTAMINATED LAND

Policy CL-P1

4. We requested (s126.063) an amendment to Policy CL-P1. This is rejected on the grounds that the overview provides reference to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
5. It is our preference that Policy CL-P1 specifically reference the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 as we believe this provides clarity for plan users.

6. **Hazardous substances – overview**

Federated Farmers supported the Hazardous Substance Overview and requested it be retained. No changes are recommended by the s42A Author and we accept this conclusion.

NOISE

Definitions

Agricultural aviation

7. Federated Farmers (s126.005) requested an amendment to the definition of 'agricultural aviation' The definition in the pDP is:

means the use of aircrafts or helicopters used ancillary and in association with primary production.

8. Federated Farmers proposed:

Agricultural aviation activity means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed wing aeroplanes, helicopters, and unmanned aerial vehicles.

9. Our definition is rejected on the grounds that the pDP definition references other definitions already in the plan and that it is concise. We agree that the pDP definition is concise, but our concern is that it is so concise that its meaning cannot be easily understood for plan users without having to consider four other definitions within the plan. For instance, the definition of 'aircraft' does not refer specifically to UAVs as we have done in our definition. While we note that the RMA definition of 'aircraft' does not refer to UAVs either, there is an opportunity to clarify this within the Plan.

10. We maintain our original submission in that the definition should provide more detail on the activity to ensure plan users understand how the effects of agricultural aviation are managed within the plan.

Audible Bird Scaring Device

11. Federated Farmers requested inclusion of a new definition for 'audible bird scaring device'. We thank the s42A Author for accepting our proposed definition and support its inclusion in the Plan.

Helicopter landing area

12. We submitted (FS17.096) in support of the amendment to 'helicopter landing area' proposed by Stoney Creek (s3.090) who requested as follows:

Any area of land, building or structure outside of the Airport Zone intended or designed to be used (including temporarily), whether wholly or partly, for helicopter movement or servicing, including heliports and helipads.

13. The request is rejected on the basis that 'wholly or partly' captures areas of temporary use. If the intention is to include temporary use then it should be clarified in the plan, as opposed to the ambiguous wording of 'wholly or partly'. We therefore recommend that an amendment is made as below:

Any area of land, building or structure outside of the Airport Zone intended or designed to be used, whether temporarily or permanently ~~wholly or partly~~, for helicopter movement or servicing, including heliports and helipads.

Noise

14. Federated Farmers (s126.034) supported the definition of 'noise' as notified. No changes are proposed by the s42A Author and we accept its inclusion in the Plan.

Noise sensitive activity

15. Federated Farmers (s126.035) supported the definition of 'noise sensitive activity' as notified. No changes are proposed by the s42A Author and we accept its inclusion in the Plan.

Notional boundary

16. Federated Farmers (s126.036) supported the definition of 'notional boundary' as notified. No changes are proposed by the s42A Author and we accept its inclusion in the Plan.

Rural airstrip

17. Federated Farmers (s126.043) requested an amendment to the definition of 'rural airstrip' to specify that the definition does not apply to land primarily used for grazing but intermittently as an airstrip or land area as follows:

Means any area of land in the rural environment intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, excluding helicopters. This does not include land which is primarily used for grazing but intermittently as an airstrip or land area.

18. The intention with this addition is that landing areas for agricultural aviation may vary on farm due to stock location, weather conditions and proximity to need (i.e. spraying fertiliser/refueling) and that these areas should not be unnecessarily captured by plan provisions.
19. The use of the word 'intermittently' is to imply occasional use. A rural airstrip differs in the nature and scale of an airport or more permanent landing area as the landings are not regular and it is directly linked to an activity on farm. It is reasonable that the Council wants to control the use of land for regular landings and take-offs, such as from a heliport, depot or base. But given the intermittent/occasional nature of agricultural aviation on rural properties, there is no need to control the use of such land in these circumstances.

General Rural Zone – GRUZ-P7

20. Federated Farmers (s126.151) requested an amendment to GRUZ-P7 which is further supported by NZAAA (FS4.34, FS4.37 & FS4.38) and as follows:

Enable agriculture aviation activities, and rural airstrips to support primary production and conservation activities., ~~whilst managing the noise effects. through controlling the location of airstrips and scale of their use.~~

21. The s42A Author recommends:

Enable agriculture aviation activities, ~~and rural airstrips~~ and helicopter landing areas to support primary production and conservation activities, whilst managing the noise effects. ~~through controlling the location of airstrips and scale of their use.~~

22. The Author references the Styles Group Noise Chapter Review Report which states:

exemptions provide for an appropriate level of agricultural aviation activity but that airstrips or landing areas that are used to service farms or horticulture on other sites are not exempt.

23. The Author also references the Selwyn District Plan which provides an exemption from noise standards for aircraft movements ancillary to primary production. However, it is still the recommendation of the Author that the Plan include restrictions to align with 'best practice' yet there is no detail provided on what is considered best practice.

24. If the purpose of GRUZ-P7 is to enable agricultural aviation activities, then there should not be limitations on noise. As such, we maintain our preferred relief is to amend GRUZ-P7 as per our submission.

Rural Lifestyle Zone - RLZ-R6

25. Federated Farmers (s126.174) supported RLZ-R6 provided that amendments to GRUZ-S8 were accepted. A typo occurred in the pDP with an incorrect reference to GRUZ-S8, where this should have been RLZ-S8 and NOISE-R10 should have been NOISE-R8. We did not submit on RLZ-S8 but are comfortable with the conditions. For NOISE-R10, as noted in this submission our preference is for no conditions but accept that Council wishes to implement controls. We are therefore satisfied with the amendments to RLZ-R6.

Contiguous site – new definition proposed

26. Federated Farmers thanks the s42A Author for including a new definition for contiguous site. This definition will help improve clarity for plan users and enable agricultural aviation activities.

Note 2 – Exemptions

27. Federated Farmers (s126.134) supported Note 2 but requested an amendment to reference audible bird scaring devices. We thank the s42A Report Author for accepting this request and confirm acceptance with its inclusion in the Plan.

NOISE-O1

28. Federated Farmers (s126.131) supported NOISE-O1 as notified. No changes are proposed by the s42A Author and we accept its inclusion in the Plan.

NOISE-O2 and NOISE-P2

29. We accept the s42A Author's assessment and recommendation for NOISE-O2 and NOISE-P2.

NOISE-P4

30. Federated Farmers requested an amendment to NOISE-P4 to specifically reference temporary aviation activities as below:

To enable the infrequent noise levels associated with temporary activities, temporary aviation activities, temporary military training activities and emergency training activities provided that the level, timing and duration of noise is reasonable.

31. This is rejected by the s42A Author on the basis that the amendment is 'not appropriate in the context of this policy' (paragraph 142).
32. The Author notes that there is no definition of 'temporary agricultural aviation' and we agree that this is not defined, however 'temporary agricultural aviation' is also not what we requested in our amendment (we requested 'temporary aviation activities').
33. However, we note the Author's point that a term must be defined for clarity, and therefore we propose the following amendment:

To enable the infrequent noise levels associated with agricultural aviation activities, temporary activities, temporary military training activities and emergency training activities provided that the level, timing and duration of noise is reasonable.

NOISE-R8

34. Federated Farmers sought the removal of all permitted activity conditions, arguing that permitted activity should be granted without conditions. In drafting our submission, we were aware of the aircraft numbers that had been proposed by NZAAA but it is still our preference that no conditions apply. However, we understand the Council's desire to implement some controls and accept the proposed conditions. We note that there is a typo for condition 2:

2. Take off and landings do not occur for more than 315 hours in any 12 month period

Public Access

Additional provisions sought

35. Federated Farmers (s126.114) sought the inclusion of a new policy to provide for the education of the public on where public access is available and where landowner permission is required. The s42A Author agrees that the chapter would benefit from clarification on this matter (paragraph 61).
36. The Author recommends an addition to the overview section of the Public Access chapter as follows. We agree with the suggestion for the overview section to be amended, however recommend some changes (as underlined or crossed below).

“There are no specific rules within this District Plan relating to Esplanade Reserve provision. As such, the provision defaults to Section 230 of the Resource Management Act (RMA). Under this section, when land is subdivided and an allotment of less than 4 hectares is created, a 20-metre-wide esplanade reserve ~~must~~ shall be set aside from that allotment along the mark of mean high-water ~~mark~~ springs of the sea, the bank of any river, or the margin of any lake, as applicable. This reserve shall vest with Council in accordance with Section 231 of the RMA.

This chapter does not grant the public unrestricted access to private land. Access is primarily provided through Esplanade Reserves, Council reserves, or ~~by negotiating~~ by way of agreement with private landowners, primarily via the Esplanade Strip process. Permission from landowners is required over private land unless explicitly indicated by signage or maps.”

37. Section 230 of the RMA uses the wording ‘shall be’ as opposed to ‘must’ as proposed by the s42A Author, and also provides different wording around the springs of the sea. The amendments should align if the s230 is referenced. We also are concerned about the ability for access to be provided by way of negotiation. This implies that the landowner must succumb to negotiation and thus the preference is that access is by way of agreement.

38. We accept the insertion with the amendments we propose to align with s230.

PA-O1

39. Our initial concerns with PA-O1 (s126.111) were regarding potential confusion and a lack of clarity over public access. The suggested amendment to the overview resolves our concerns and thus we are comfortable with no change being made to PA-O1 as per our submission.

PA-O3

40. As per PA-O1, our concerns (s126.112) regarding potential confusion over access to private property have been resolved by the suggested amendments to the overview. As such, we accept the recommendation of no changes to PA-O3.

PA-P2

41. Federated Farmers (s126.113) opposed PA-P2 on the basis that we do not support the creation of esplanade reserves where land is being subdivided for facilitating farming in the Rural Zone.

42. Our proposed amendment is as follows:

Maintain and enhance public access by:

1. requiring for urban areas through the subdivision process the provision of esplanade reserves and/or esplanade strips along waterbodies, ~~particularly in urban areas~~ and along public access corridors.

43. While our preference is to maintain the wording we propose, we are satisfied that with the 8ha minimum lot size and the assessment of matters in other objectives and policies, there is little risk that esplanade reserves will be created that impact farming in the Rural Zone.

Subdivision

Definitions

Access Strip and Wetland

44. We supported the definitions of ‘access strip’ (s126.003) and ‘wetland’ (s126.052). We agree with the s42A Report Author that these definitions are retained.

SUB-O4

45. Federated Farmers requested an amendment to SUB-O4 to recognize and protect areas of highly productive land.
46. The recommendation is to amend SUB-O4 as follows:

SUB-O4 Subdivisions are designed and developed in a way that:

- 1. protects significant physical, natural, ecological, historical and cultural features, values and resources,*
- 2. ~~recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment~~ maintains or enhances mahinga kai values, and protects wāhi tapu from inappropriate access or disturbance;
*and**
- 3. responds to the physical characteristics and constraints of the site and surrounding environment*

47. The s42A Report officer rejects our recommendation on the basis that highly productive land would be protected under clause 1 of the objective. However, in order to provide protection to HPL, clause 1 needs to be worded in a way that aligns with the plan’s definition of ‘natural and physical resources’ which has the same meaning as the Resource Management Act and mirrors the Planning Standards definition. HPL can be considered a ‘natural and physical resource’ therefore the Plan’s wording should remain consistent with the RMA and plan definition.
48. Hokonui Runanga propose wording for clause 2 which effectively changes the meaning of the clause from recognising and providing for relationships to maintaining or

enhancing mahinga kai values and protecting wahi tapu. We are unsure how subdivision can enhance mahinga kai values and believe this word is misplaced.

49. Federated Farmers therefore proposes:

SUB-O4 Subdivisions are designed and developed in a way that:

1. protects significant natural and physical resources, ~~natural~~, ecological, historical and cultural features, values and resources
2. maintains ~~or enhances~~ mahinga kai values, and protects wāhi tapu from inappropriate access or disturbance; and
3. responds to the physical characteristics and constraints of the site and surrounding environment

SUB-O5

50. Federated Farmers (s126.116) requested an amendment to SUB-O5 to align the wording with s229 of the RMA. This has been accepted by the s42A Author. We support this change and thank the Author.

51. The Author does note that the purpose of an esplanade strip 'can be to enable public access', however the previous wording for SUB-O5 stated that esplanade reserves and strips created through subdivision to 'provide for public access'. 'Provide' differs from the RMA wording of 'enable' therefore we are satisfied that the recommendation is to rely on the specific wording of s229.

SUB-P13

52. Federated Farmers (s126.118) requested the inclusion of wording for SUB-P13 to not only pressure the productive capability of rural land and high value soils but also *protect* them. We thank the s42A Author for accepting our request and confirm our satisfaction with the proposed change.

SUB-R1

53. Federated Farmers (FS17.05) submitted in support of Stoney Creek (s3.030) seeking deletion of condition 6 from SUB-R1. The request is rejected by the s42A Report Author

(paragraph 228) who cites RMA s6 matters. However, s6(b) refers to ‘the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development’.

54. SUB-R1 is about boundary adjustments which are very often administrative and have little risk of impacting ONF and landscapes. By specifically excluding SNA and ONL land, the Council will be limiting any minor boundary adjustments to be made which may be required in the process of farm sales or succession. As the Council is aware, there are farms within the district where a significant portion of land is SNA or ONL. Perhaps the Council could consider including a matter of control the potential impact on ONF and SNA and remove condition 6.

55. We maintain our original support for Stoney Creek and do not support the proposed amendments at paragraph 234.

SUB-R5

56. Federated Farmers requested SUB-R5 be retained and while we note a number of submissions seek change, the recommendation is for no changes to SUB-R5. We thank the Author for this recommendation and support SUB-R5 being retained as drafted.

SUB-S1

57. Federated Farmers supported SUB-S1 as drafted which sets minimum lot sizes. In particular, we noted our support for the 8ha minimum lot size in the rural zone. We note that no changes are recommended to the minimum lot size. We accept the recommendation to amend the standard to apply to gross area.

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