

**BEFORE THE**

Waimakariri District Council

**IN THE MATTER OF**

Resource Management Act  
1991

**AND**

**IN THE MATTER OF**

Submissions and Further  
Submissions on the  
Proposed Waimakariri  
District Plan

Hearing Stream 4

**STATEMENT OF EVIDENCE OF LIONEL JOHN HUME AND KARL DEAN ON BEHALF  
OF THE NORTH CANTERBURY PROVINCE OF FEDERATED FARMERS OF  
NEW ZEALAND**

Dated 2 July 2023

## Introduction

## Qualifications and Experience

1. My name is Lionel John Hume. I hold B.Ag.Sc and M.Sc. (First Class Hons) degrees from Massey University and a Ph.D. (Plant Science) from Lincoln University. I am employed as a Senior Policy Advisor, by Federated Farmers, based in Canterbury.
2. I previously worked as a scientist for the Department of Scientific and Industrial Research (New Zealand Soil Bureau/DSIR Land Resources), for 16 years, working in the areas of plant nutrition and soil fertility.
3. I have been a board member of Irrigation New Zealand for over 10 years (2006 – 2018).
4. I am a member of the NZ Institute of Agricultural and Horticultural Science, the NZ Society of Soil Science and the Agronomy Society of NZ.
5. Currently I am a member of Federated Farmers' Regional Policy team and have ten years experience of working with regional planning processes, including the Canterbury Natural Resources Regional Plan (from submission through to resolution of High Court appeals); development of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and membership of the implementation taskforce for those regulations; the development of catchment-based flow and allocation plans for several Canterbury catchments; the development of the Canterbury Water Management Strategy; the Canterbury Regional Policy Statement and Land and Water Regional Plan processes, including several catchment based limit-setting processes culminating in the establishment of sub-regional plans.
6. Karl Dean is a career farmer. Starting in 2005, he has farmed in the Manawatu and Taranaki provinces before moving to Canterbury in 2013. He is currently stock owner and lessee of a mixed farming system in the Selwyn District.
7. Karl is currently President of the North Canterbury province of Federated Farmers of NZ and Vice Chair of the National Dairy Council of Federated Farmers.

8. Additional responsibilities include:
- Vice Chair of the Canterbury TB-free OSPRI Committee;
  - Member of the Environment Canterbury Biosecurity and Biodiversity Committee for Mid Canterbury; and
  - Member of the Canterbury Dairy Environmental Leaders Group.

## **Tomonga Marea – Public Access**

### **PA-O1 – Provision of public access**

9. Federated Farmers supported PA-O1 on the basis that it does not *create adverse effects to... the rights of private property owners*. Access to private farmland can disrupt routine farming operations such as lambing, crop establishment and harvesting. Quite apart from the disruption of farming activities there are potentially substantial health and safety issues, including interaction with livestock (e.g. bulls, or cows with calves at foot), and encountering high risk activities such as harvest, earthworks, effluent spreading etc.
10. Federated Farmers appreciates and supports the recommendation of the s42A reporting officer, to retain PA-O1 as notified.

### **PA-P2 – Providing for public access**

11. Federated Farmers requested an addition (as part 4) to the policy, stating that: *Compensation will be payable for esplanades and strips vested in accordance with section 237E and 237F of the RMA, unless agreed otherwise.*
12. The reporting officer recommended rejection of our submission on the basis that the requested amendment:
- 1) may be misleading to readers because compensation is not payable in all situations; and
  - 2) is not appropriate as part of a policy.
13. With respect to 1), we disagree with the assertion that the amendment would be misleading to readers because the requested amendment includes reference to sections 237E and 237F which state where compensation is payable, and where it is not.

14. With respect to 2), a policy is a course or principle of action. As such, Federated Farmers contends that the policy level is the ideal place to establish or reinforce the principle that, in certain situations, compensation for the establishment of esplanade reserves is payable.

### **PA-P3 – Adverse effects of public access**

15. Federated Farmers supported PA-P3, which acknowledges that public access can create adverse effects, and requested its retention. Therefore, we support the recommendation to retain the text of the policy, as notified. Further, we support the recommended additional part 6, as requested by Horticulture New Zealand.

### **Submissions seeking new policies**

16. Federated farmers sought the introduction of two new policies, firstly, to provide for the waiving of requirements for esplanade areas where appropriate and, secondly, to provide education to the public about where public access is available and where public access over private land is only available with the permission of the land owner.
17. With respect to the waiving of the requirement for esplanade strips, the reporting officer stated that there will be circumstances where it is appropriate to waive requirements for esplanade reserves and strips. However, she went on to say that such waiving would be an operational process and that policy direction was not necessary. Federated Farmers contends that policy direction about the possibility of waiving, in appropriate circumstances, would be helpful. Therefore, Federated Farmers continues to support its original submission.
18. With respect to the provision of information and education about public access over private land, the reporting officer states that the RMA does not require Council to provide education about public access and that there are other publicly available resources, that sit outside the District Plan, to inform the public about access. We agree that this is correct.
19. However, if there is a desire to achieve effective public access over private land, where this is appropriate, public awareness and knowledge is crucial, so that conflict between public and private interests is avoided. In our view such information and education will improve relationships between the general public and private land owners, and increase the likelihood of access over private land being made available. Because Council administers the District Plan, including the rules about public access, it is imperative that Council is involved in the

provision of information and education about such access. Therefore, Federated Farmers continues to ask that its original submission is accepted.

## **Ahuatanga o te whenua – Natural Features and Landscapes**

### **NFL – General**

20. Federated Farmers supported the submission of Waimakariri Irrigation Ltd (WIL) seeking a new policy that recognises existing and future irrigation and stockwater activities within ONL's, ONF's and SAL's if they have a reasonable need to operate there. WIL's submission was rejected on the basis that sufficient recognition is given in NFL-P1(6), NFL-P3(5) and NFL-P4(7), and that s10 of the RMA provides existing use rights. These policy sections all provide for *existing rural production where this does not detract from the identified values*.
21. The judgment about whether or not an activity detracts from the identified values is subjective and if infrastructure (e.g. for irrigation) is being modified it may be determined that there is detraction, even if minor. It needs to be clear that existing land use is able to continue within ONL's, ONF's and SAL's, and that it can 'move with the times' by upgrading infrastructure. It should be noted that such upgrades might provide environmental benefit.
22. In addition, s10 of the RMA can not necessarily be relied upon where changes are being made, e.g. where irrigation infrastructure is being upgraded.
23. Therefore, Federated Farmers continues to support WIL's original submission requesting a new policy that recognises existing and future irrigation and stockwater activities within ONL's ONF's and SAL's

### **3.9 Vegetation clearance and pastoral intensification and related submissions**

24. Federated Farmers opposed the submission of North Canterbury Fish and Game Council seeking the addition of rules requiring resource consents for pastoral intensification and vegetation clearance within the ONL. Our opposition was on the basis that vegetation clearance is covered elsewhere in the plan.

25. Therefore, we support the reporting officer's recommendation to reject Fish and Game's submission because vegetation clearance is covered in the Ecosystems and Indigenous Biodiversity chapter, and that the addition of indigenous vegetation clearance rules to this chapter would result in significant duplication.

### **3.10 New Zealand Coastal Policy Statement alignment related submission**

26. Federated Farmers opposed the submission of Royal Forest and Bird Protection Society of NZ seeking additional wording in NFL-P1, to align the P1 requirement to *avoid any significant loss of indigenous vegetation* (part 4 of the policy) with Policies 11 and 15 of the NZ Coastal Policy Statement. Federated Farmers opposed Forest and Bird's submission because the requested extra words relate to something that is already covered.
27. Therefore, we agree with, and support, the reporting officer's assessment that the essence of Forest and Bird's submission is covered by ECO-P7. Further, we agree that relevant provisions in a plan apply regardless of whether they contained in a different chapter.

### **3.11 Plantation forestry related submissions**

28. Federated Farmers requested that the definition of *plantation forestry* be amended to have the same meaning as in the NES-PF. We support the reporting officer's recommendation to accept our submission and her reasoning that this will improve usability and interpretation.
29. Federated Farmers requested changes in the wording of NFL-P1 (ONF's), NFL-P3 (ONL's) and NFL-P4 (SAL's), replacing the words *plantation forestry*, *woodlots*, *shelterbelts*, with the word *afforestation*. This would be more concise and have the effect of including carbon forestry which would be excluded from the original wording, given the definition of plantation forestry, if it is aligned with its definition in the NES for Plantation Forestry<sup>1</sup>. (The definition of plantation forestry stipulates that the forest is: *at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted*.) It should be noted that the impact of carbon forestry on ONF's, ONL's and SAL's will be at least as great as plantation forestry.

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<sup>1</sup> Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

30. The reporting officer recommended rejection of our submission on the basis that the definition of *plantation forest* also encompassed associated activities such as afforestation, harvesting, replanting etc. as well as forestry infrastructure<sup>1</sup>.
31. In response to that recommendation, Federated Farmers notes that the policies require the avoidance of *activities such as plantation forestry, woodlots, shelterbelts...* If these activities are to be avoided, then surely the specific inclusion of associated activities is not necessary.
32. If our submission is rejected, an alternative (but less concise) option would be to include carbon forestry in the list of forestry activities to be avoided in NFL-P1, NFL-P3 and NFL-P4.
33. Federated Farmers requested that the title of NFL-R10 be changed from Woodlot or shelterbelts to afforestation. Similarly, we requested that the title of NFL-R13 be changed from *Plantation forestry* to *Afforestation*. The reason, in both cases was to allow the rules to apply to carbon forestry, as argued previously in the context of NFL-P1, NFL-P3 and NFL-P4.
34. Rejection of each submission was recommended on the basis that carbon forestry is included in the definition of woodlot (NFL-R10). We agree that the definition woodlot, as notified, includes carbon forestry. If this continues to be the case, then we accept the reporting officer's recommendation with respect to NFL-R10. If not, we stand by our original submission. (Federated Farmers requested the amendment of the definition to exclude things that are not commonly understood to be the purposes of woodlots.)
35. With respect to NFL-R13, the definition of plantation forestry effectively excludes carbon forestry. Therefore, we oppose the reporting officer's recommendation and ask that our original submission be accepted.

### **3.12 New vs existing activities related submissions**

36. Federated Farmers opposed NFL-R8, and requested its deletion, because the presence and operation of centre pivot and travelling irrigators is intrinsically linked with allocation of water and discharge to land, both of which are regional council responsibilities. Therefore, we oppose the reporting officer's recommendation to reject our submission.

### **3.13 Willow pest species specification related submissions**

37. Federated Farmers agrees with the reporting officer's assessment of our submission on NFL-R11 and her recommendation to reject it.

#### **3.17.2 Rule NFL-R5**

##### **3.17.2.1 Matters raised by submitter**

38. Federated Farmers agrees with the reporting officer's assessment that NFL-R5 applies to fences except post and rail, and wire fences, which are more than 75% visually transparent.

#### **3.17.3 Rule NFL-R6**

##### **3.17.3.1 Matters raised by submitters**

39. Federated Farmers sought an amendment to NFL-R6 to clarify how the rule applies to the maintenance of tracks wider than 3m and are permitted by other rules. The reporting officer pointed out that, because there are no applicable NFL chapter rules, then the activity can be assessed under area specific chapters and/or district wide chapters, as stated in the *How the plan works - General approach* section. Therefore, we agree that no amendment is necessary.

## **Te taiao o te takutai moana – Coastal Environment**

### **CE-O1 Natural character values**

40. Federated Farmers sought amendment of the objective to achieve better alignment with the NZCPS (along with other submitters). The specific amendment sought by us was: *The natural character attributes of the coastal environment of the district are preserved and restored in identified areas maintained and enhanced.*
41. The reporting officer recommended acceptance of our submission in part, namely removal of the words *maintained and enhanced*. However, it was recommended that the words removed be replaced by *restored or rehabilitated*.



42. Federated Farmers agrees that the recommended wording is more soundly based than the notified wording but still contends that restoration should be targeted towards identified areas. This approach is justified by NZCPS Policy 14(a), which reads: *Promote restoration or rehabilitation of the natural character of the coastal environment, including by: (a) identifying areas and opportunities for restoration and rehabilitation.* (As pointed out by the reporting officer.) In addition, this approach would focus attention and resources on those parts of the coastal environment which are of greatest value and/or in greatest need of attention.

### **CE-O3 Public access**

43. Federated Farmers requested that CE-O3 be amended to specifically acknowledge that not all land adjoining the coastal marine area has public access. The reporting officer recommended rejection of our submission on the basis that there is specific direction in the NZCPS to provide for public access.
44. Federated Farmers contends that public access over private land must only be with the agreement of the owner. Therefore, we continue to ask that our submission is accepted. We acknowledge the support for our position in the Public Access chapter, which recognises that access improvements are by negotiation.

### **CE-P2 Preservation of natural character**

45. Federated Farmers requested an additional clause 7 *Providing for the maintenance of existing improved pasture and grazing associated with that pasture.* It was recommended that our submission be rejected.
46. The reporting officer stated that changes to CE-P2(4) and the existing ECO-R2(3)(i) should ensure that the maintenance of improved pasture is not inadvertently captured. There appears to be no recommended change to CE-P2(4) but ECO-R2(3)(i) is supportive in the context of indigenous vegetation clearance. However, we continue to seek the amendment sought in our original submission, because it is a clear statement that the maintenance and grazing of improved pasture has a legitimate place in the coastal environment.

## **CE-P5 Public access to the Coastal Marine Area**

47. Federated Farmers requested amendment of CE-P5 to require that new public access over private land must be agreed by the land owner, in addition to not creating adverse effects. This would replace the current wording that new public access *does not create adverse effects on: 5. the rights of private property owners, where these are significantly compromised*. The phrase *significantly compromised* is too subjective to be relied on to protect the rights of property owners.
48. The reporting officer recommended rejection of our policy, suggesting that PA-P2 and PA-P3 may better capture our concerns. PA-P2 requires working with land owners to provide for safe and appropriate public access while PA-P3 contains similar wording to CE-P5, quoted above. Neither policy states that the agreement of land owners must be sought. Therefore, Federated Farmers continues to request an amendment to the effect that new public access over private land must be agreed by the land owner.

## **CE-R4 Plantation forestry**

49. Federated Farmers requested that CE-R4 be amended to refer to afforestation activities rather than plantation forestry, so that carbon forestry would be included. We support the recommended amendment which refers directly to *Carbon Forest* alongside *Plantation Forestry*.

## **Ahautanga o te awa – Natural character of freshwater bodies**

### **NATC-O1 Preservation of natural Character; NATC-O2 Restoration of natural Character; and NATC-O3 Use of freshwater body margins**

50. Federated Farmers supported submissions by Waimakariri Irrigation Ltd (WIL) seeking to replace the word *preservation* in NATC-O1 and NATC-O3, with the word *protection*. The purpose of the change is to enable irrigation and stock water infrastructure to continue functioning effectively and so that WIL can continue to provide water efficiently to the 23,000 irrigated ha of its shareholders. If this is not able to happen, there will be a substantial adverse effect on the district's social and economic wellbeing. It should be noted that Dairy Holdings Ltd (DHL) made a similar submission.

51. The reporting officer justifies recommending rejection of WIL’s submissions (and also those of DHL) by referencing wording in the Regional Policy Statement (which itself does not consistently use the word preservation). We agree that there is a case to be made along the lines argued by the reporting officer. However, we believe that the words must be meaningful and functional in the context of their use. To preserve something means to keep it the same. In the context currently being discussed it is possible to have preservation as an aspiration, but, in a working landscape, it is unlikely to be completely achieved in practise. Even in the absence of human activity, things do not stay the same. Therefore, Federated Farmers continues to support the submission of WIL (and DHL).

#### **NATC-P1 Recognising natural character**

52. Federated Farmers requested amendment of NATC-P1 to refer to the *natural character of surface freshwater bodies*, to better align with NATC-O1. Therefore, we support the recommendation to accept our submission.

#### **NATC-P4 Preservation of natural character values**

53. Federated Farmers requested the removal of NATC-P4 2. which restates what is present in other chapters. The reporting officer states that we supported the submission of Forest and Bird with respect to their requested amendments to this policy (paragraph 127). This does not appear to be correct. Our submission requested the complete removal of part 2. of the policy. We made no further-submissions on NATC-P4.

#### **NATC-P6 New and existing structures within and over freshwater bodies**

54. Federated Farmers stated that NATC-P6 (as notified) is a good policy but expressed concern that “it is likely to be overridden by many of the biodiversity policies”. We requested an additional statement in the policy to address this issue.
55. In addition, Federated Farmers submitted in opposition to the submission of the Department of Conservation which requested avoidance of the loss of natural inland wetlands and river extent and values.

56. Given that Federated Farmers supported the notified policy (and requested an addition to it), we oppose the recommendation of the reporting officer to accept Forest and Bird’s submission. The reporting officer agreed with Forest and Bird that “NATC-P6 does not provide for structures” and that “it should be considering the suitability of structures subject to the six criteria within the policy”. The reporting officer then goes on to say that “provide for” is more enabling than “consider” and “has the connotation of making something available”. The reporting officer states, further, that he does not consider that his recommendation alters the application of the policy.
57. Federated Farmers’ responses to the points made by the reporting officer are as follows:
- 1) If the recommended amendments do not alter the application of the policy, then what is the point of those amendments?
  - 2) Federated Farmers believes that the policy should provide for structures subject to appropriate conditions, as listed in the policy;
  - 3) The connotation that something is being made available is entirely appropriate. Sites for the structures are being made available, subject to the conditions in the policy;
  - 4) When providing for new structures and upgrades to existing structures, consideration will be given to whether or not, and how, the conditions will be met. Presumably decisions will be made based on that consideration.

### **NATC-S1 Setback standards for the natural character of freshwater bodies**

58. Federated Farmers opposes the stated setbacks (Table NATC-1) because they are inconsistent with other required setbacks such as those in the Canterbury Land and Water Regional Plan. We also supported the submission of WIL seeking an exemption *for community scale irrigation and stockwater infrastructure*.
59. The reporting officer recommended rejection of WIL’s submission and our original submission, as well as our further submission in support of WIL. However, the reporting officer stated that “recommended amendments to rules clarifying that farming water infrastructure is a permitted activity” should address our concerns. In response to WIL’s submission, it was stated that “EI-49 and EI-50 provide for maintenance and some upgrading of irrigation infrastructure as a permitted activity, and policies NATC-P5 and P6 provide support at consenting time for irrigation infrastructure with tests and standards that achieve the NATC objectives”.

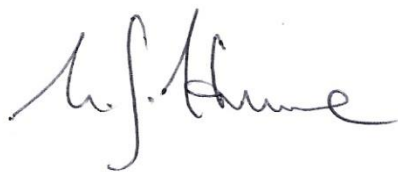
60. Federated Farmers asks that these assurances are carried thorough to the operative plan and that the setbacks will not impede the effective and efficient development and operation of rural water infrastructure.
61. However, it must be remembered that there are a variety of activities that will be affected by the proposed setbacks. Therefore, we ask that setbacks are consistent with other required setbacks, particularly those required by the Canterbury Land and Water Regional Plan.

### **Conclusion**

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



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North Canterbury Province  
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