

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 5

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

Dated 6 August 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.

Pungao me te hanganga hapori – Energy and Infrastructure

EI-O3 – Effects of other activities and development on infrastructure

9. Federated Farmers sought amendments to EI-O3, requesting removal of the references to *renewal, upgrading and development* on the basis that infrastructure should not be prioritised over other land uses. Secondly, we requested removal of the reference to reverse sensitivity effects on the basis that this reference is specific to the National Grid as per Policy 10 of the National Policy Statement for Electricity Transmission (NPS-ET) and does not apply to other public infrastructure.
10. In response, the s42A reporting officer recommended removing the word *renewal* on the basis that it is already captured by the reference to development of infrastructure. Federated Farmers supports this recommendation. However, the references to *upgrading and development* remain, as per the wording in the National Policy Statement for Electricity Transmission (NPS-ET). It needs to be remembered that objective EI-O3 is not confined to electricity transmission and that the *upgrading and development* could be the upgrading and development of any infrastructure.
11. The reporting officer correctly states that *it is not unreasonable to anticipate that infrastructure may be upgraded or developed in future*. However, we do not believe that this justifies a blanket constraint upon other land uses such as farming.
12. Similarly, the recommendation to retain the phrase *including by reverse sensitivity effects* is potentially problematic because it applies to all infrastructure.
13. The objective seems to have been written to give effect to the NPS-ET, without specifying electricity transmission. Electricity transmission is a special case, as suggested by the fact that it has its own NPS. The objective should be written in a way that is appropriate for

infrastructure in general and electricity transmission should be treated separately in the manner specified by the NPS-ET.

EI-P4 Environmentally sustainable outcomes

14. Federated Farmers sought an additional phrase clarifying that the policy only applies during the *design and construction phase*. The reporting officer noted that the provisions only apply to new activities and do not apply retrospectively. Therefore, he recommended that our submission be rejected.
15. We agree that points 1 to 8 of the policy suggest that the policy only applies to new activities. However, we maintain that it should be stated explicitly that the policy applies only during the design and construction phase and is not to be applied retrospectively. Therefore, we continue to support our original submission.

EI-P5 Manage adverse effects of energy and infrastructure

16. Federated Farmers requested an additional subclause (*f*) to EI-P5, to include *..effects on: (f) rural production*. The reporting officer recommended rejection of our submission on the basis that the requested subclause is encompassed by clause (2)(e) which provides for the *wellbeing of people and communities*. The reporting officer states that this *may include all forms of economic activity*.
17. This latter statement by the reporting officer, using the word *may* reinforces our concern that *rural production* needs to be explicitly included as a subclause in EI-P5. Federated Farmers considers this to be crucial because land used for rural production is frequently used for the location of electricity transmission and other infrastructure.

EI-P6 Effects of other activities and development on energy and infrastructure

18. Federated Farmers requested deletion of EI-P6, largely because it goes beyond the scope of what is provided for in the NPS-ET with respect to constraints on surrounding land use in electricity transmission corridors. In addition, it introduces the term *intensive farming activities*, which is not defined in the proposed plan.

19. The reporting officer rejected our request to remove EI-P6 in its entirety. We accept this recommendation, given the justification provided by Policies 10 and 11 of the NPSET. However, we ask that the plan provisions do not go beyond those required by the NPSET.
20. Federated Farmers supports the recommendation to accept our submission (and those of Hort NZ and Transpower) to remove the undefined term *intensive farming activities* and replace it with the term *indoor primary production*.

EI-R12 Replacement of a pole or tower and EI-R13 Addition to a pole or tower

21. Federated Farmers requested clarification of the rules, limiting them to one (replacement) event only. EI-12 states the extent to which the size of replacement poles or towers can increase in size, as a permitted activity. EI-13 states the extent to which the size of a pole or tower is permitted increase in size if there is an addition to the pole or tower.
22. Federated Farmers requested that these rules can only be used once per pole or tower on any given transmission line and that further upgrades would require consent. This would prevent a potential increase in corridor width with successive upgrades, without any landholder permission. In response, the reporting officer stated that *any replacement of poles or towers will still need to comply with the permitted activity rule regardless of whether it is the first, second or third replacement*. This statement is true as far as it goes, but each replacement or addition might start from a greater baseline size than the previous replacement. Therefore, successive replacements or additions, that comply with EI-R12 and EI-R13, could potentially lead to increased pole or tower sizes and increased corridor width.
23. Therefore, Federated Farmers reiterates its original submission and asks that EI-R12 and EI-R13 can only be used once per pole or tower on any given transmission line, and that further upgrades would require consent.

EI-R16 Upgrading above-ground lines, ducts, cables and pipes

24. Federated Farmers submitted that the amount of upgrading enabled, as a permitted activity, by EI-R16 is substantial. We are concerned about the effects on the transmission corridor and that this could potentially increase in size with successive upgrades.

25. The reporting officer recommended rejection of our submission on the basis that the purpose of the proposed rule *is to permit what may be relatively minor technical upgrades*. Federated Farmers contends that the upgrades allowed are substantial, including allowance for a doubling of the number of lines. We continue to be concerned about the potential for increases in the size of the transmission corridor.
26. Therefore, Federated Farmers continues to support its original submission, and request that EI-R16 has restricted discretionary activity status, with the matter of discretion (EI-MD14) being *extent of effects*.

EI-R51 Activities and development (other than earthworks) within a National Grid Yard

27. Federated Farmers requested amendments to EI-R51 to make it consistent with the New Zealand Electrical Code of Practice (NZECP) and the NPSET, particularly with respect to safe distances. We also pointed out that uninhabited farm and horticultural structures and buildings do not create a reverse sensitivity effect, and supported their permitted activity status in EI-R51 1.e. We further pointed out that the safe distances for these structures and buildings from poles and towers were not consistent with section 2.4 of the NZECP and that the safe distances for fences were not consistent with section 2.3 of the NZECP. The safe distances in sections 2.3 and 2.4 are dependent on circuit voltage and whether the line support structure is a pole or a pylon.
28. Federated Farmers also opposed part 1.d. of the rule because it restricts height and floor area unnecessarily, in excess of NZECP requirements. (The NZECP has no height or area limits if the safe distances from overhanging wires are complied with.)
29. Federated Farmers also opposed the proposed provisions for mobile irrigation equipment because these are not structures under the control of district councils and must comply with the safe distance (4m) in Section 5 of the NZECP.
30. The reporting officer recommended rejection of our submissions with respect to inconsistency with the safe distance specified in the NZECP, without giving detailed reasoning. Therefore, Federated Farmers stands by its submission and continues to seek consistency with the NZECP,

31. The reporting officer stated that he considered that mobile irrigation equipment should be captured by the rule, again without reasoning. Therefore, Federated Farmers continues to request that is not captured by the rule, for the reasons stated above and in our original submission.
32. Federated Farmers appreciates the recommendation that maximum height and floor area for new non-inhabitable buildings will no longer apply.

EI-R52 Earthworks (other than quarry or landfill) within a National Grid Yard

33. Federated Farmers (again) requested consistency with the NZECP, specifically that distances from support structures and depths of earthworks and vertical holes are consistent with those specified in section 2.2.1 of the NZECP.
34. The reporting officer stated that the amendments suggested by Federated Farmers were not consistent with the NZECP 34:2001 and recommended rejection of our submission. We maintain that the amendments requested by us (distances from support structures and depths of earthworks and vertical holes) are consistent with those specified in section 2.2.1 of the NZECP.
35. Therefore, Federated Farmers continues to support its original submission with respect to distances from support structures and depths of earthworks and vertical holes, consistent with the specifications in section 2.2.1 of the NZECP. Federated Farmers no longer requests deletion of part 4 of the policy.

EI-R53 Any quarry or landfill on the same site as a National Grid support structure

36. Federated Farmers appreciates and supports the recommendation of the reporting officer to accept our submission and delete the proposed EI-R53.

EI-R54 Earthworks adjacent to a 66kV or 33kV electricity distribution line

37. Federated Farmers requested the deletion of EI-R56 on the basis that local electricity distribution lines do not enjoy the same status as the National Grid and that there is no obligation to protect them from sensitive activities under the NPSET. We further suggested

that easement agreements are the appropriate mechanism to afford protection to local distribution lines.

38. The reporting officer recommended rejection of our submission on the basis that the electricity distribution network is included within the Canterbury Regional Policy Statement (RPS) definitions of *critical infrastructure*, *regionally significant infrastructure* and *strategic infrastructure*, and that Policies 5.3.9 and 6.3.5 of the RPS state that territorial authorities will set out plan provisions to avoid land uses that directly affect safe operation and manage reverse sensitivity effects. With respect to the avoidance of land uses that directly affect safe operation, the RPS states that territorial authorities *may include methods* in district plans, leaving the way open for the use of easement agreements to avoid adverse effects from land uses on the electricity distribution network.
39. Therefore, Federated Farmers stands by the part of its original submission which opposes the use of district plan rules to avoid land uses that directly affect safe operation of the electricity distribution network. Instead, we advocate the use of easement agreements.

Ketuketu whenua - Earthworks

EW-01 – Earthworks

40. Federated Farmers originally submitted that the generic wording of EW-01 *does not recognise the essential part earthworks play in rural life, rural activities, instead, it focuses on minimising the adverse effects of earthworks, and not enabling or recognising the positive effects*. It was also noted that the Resource Management Act 1991 (RMA) does not govern health and safety. The following amendments to EW-01 were requested:

Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and ~~the health and safety of people and the environment~~.

41. The s42A reporting officer stated that s(5)(2) of the RMA does reference 'health and safety' and considers health and safety to be a component of sustainable management and recommended that this submission point be rejected.

42. Federated Farmers agrees that health and safety are referenced in the RMA and that this should be included in the wording of EW-01. We accept the reporting officer's recommendation to retain the notified wording.

EW-P1 – Enabling Earthworks

43. Federated Farmers originally submitted that EW-P1 be amended to include the following additional wording to recognise the importance of rural earthworks:

1. Are compatible with the character, values and qualities of the location and surrounding environment.

44. The s42A reporting officer considered that the plan explicitly enabled rural earthworks through permitted activities and standards. The reporting officer stated that the additional wording was not necessary because the policy only applies when consent applications are required.
45. We disagree with the s42A report as there will still be occasions when earthworks are required within the rural environment above what is provided for as a permitted activity. Therefore, Federated Farmers continues to support its original submission to recognise the importance of rural earthworks through the additional wording originally submitted.

EW-P2 – Earthworks within Flood Assessment Overlays

46. Federated Farmers' original submission supported EW-P2 as notified. However, we noted that EW-P2 is potentially problematic as it may not be possible under a permitted activity for a landowner to assess whether or not they are compliant with EW-P2 on the non-urban flood assessment overlay.
47. The reporting officer considers that for the non-urban flood assessment overlay the first location that a farmer (or plan user) would look for guidance is the rules and standards, not the policy. It is noted that changes have been made to EW-R5 to address the WIL, Mainpower and Waka Kotahi submissions on EW-P2.
48. As our submission did not include any recommended changes and it was just noted that landowners may not be able to assess compliance, Federated Farmers continues to support its original submission.

EW-R12 – Earthworks to modify, alter or remove sand dunes or vegetation on sand dunes

49. Federated Farmers submitted that farmers in coastal areas may undertake earthworks on sand dunes to maintain improved pasture. As this may result in the clearance of some vegetation it was requested that EW-R12 either be deleted or amended as follows:

Earthworks to modify, alter or remove sand dunes or indigenous vegetation on sand dunes.

50. The reporting officer noted that the national planning standards definition of earthworks includes cultivation activities and considered that the scope of this rule does not include maintenance of improved pasture on sand dunes. It was also questioned as to whether there are any areas of sand dunes within the district that are farmed with improved pasture.
51. Federated Farmers continues to support its original submission, that indigenous vegetation needs to be protected with the additional wording and that while it may not be a common occurrence there may be some areas of improved pasture within the district and maintenance needs to be provided for. Maintenance of improved pasture could include earthworks for activities such as fencing, flood damage repairs and track maintenance. Maintenance activities within improved pasture does not result in intensification and does not meet the definition of cultivation. Therefore, Federated Farmers continues to support its original submission.

EW-S1 – General standards for earthworks

52. Federated Farmers' submission opposed EW-S1 as the overlays may restrict necessary earthworks such as for flood clean-ups, and prohibit riparian management and maintenance of stop banks within the Waimakariri River Outstanding Natural Landscape. Specific provision for natural hazard recovery and clean up across all zones and overlays was requested. Specific provision for the maintenance of existing tracks, roads and fence lines, as permitted elsewhere in the plan was also requested.
53. The reporting officer agreed that earthworks during the recovery phase from natural hazards cannot be ruled out and is supportive of an exemption from the standards in the recovery phase of any declared local or national emergency. The following exemption is proposed:

EW-AW4 – These standards do not apply during a state of emergency or transition period declared under the Civil Defence Emergency Management Act 2002 or where direction to undertake specific earthworks has been issued by the controller or recovery manager.

54. While this partially addresses Federated Farmers submission we have some concerns that this may exclude recovery from minor force majeure acts of nature that may not have been declared a state of emergency, but may still require clean up. Federated Farmers requests some further consideration from Council to ensure the inclusion of cleanup from all force majeure acts of nature and maintenance of stock banks.

EW-S3 – Setback from water bodies

55. Federated Farmers requested deletion of EW-S3, stating that this is an example of inconsistent waterway setbacks within the plan that does not align with national policy including the National Environment Standards for Freshwater (NESF). There were no reasons given in the proposed plan for these additional setbacks.
56. In response to Federated Farmers submission, the reporting officer noted that the NESF and the Canterbury Land and Water Regional Plan (CLWRP) set out a range of setbacks from 10m to 100m for waterbodies and notes that the setbacks are as consistent as can be achieved noting the wide variance in purpose and numerics of the higher order direction.
57. No further reasons are given by the reporting officer as to why these additional setbacks are required. Therefore, Federated Farmers continues to support its original submission.

EW-S5 – Excavation and filling

58. Federated Farmers submission requested that EW-S5 be retained as notified however did express concern that there may be unintended consequences due to height and depth limitations. As our submission did not include any recommendations or changes and just noted that there may be unintended circumstances, Federated Farmers continues to support its original submission.

EW-S6 – Earthworks maximum slope

59. Federated Farmers submission considered that the EW-S6 may be inadvertently triggered or breached during the recovery phase following flood events and requested that the following note be added to the rule:

This rule does not apply in the clean up phase after force majeure acts of nature, such as flooding.

60. The reporting officer agreed that, in line with what has been recommended for EW-S1, an advice note clarifying how the provisions apply during a state of emergency. While this partially addresses Federated Farmers submission we have some concerns that this may exclude recovery from minor force majeure acts of nature that may not have been declared a state of emergency. However, they may still require clean up. Federated Farmers requests some further consideration from Council to ensure the inclusion of cleanup from all force majeure acts of nature.

EW-S7 – Earthworks sediment control

61. Federated Farmers submission raised concern that EW-S7 may be triggered by flood events and requested the following note be added:

This rule does not apply in force majeure acts of nature, such as flooding, when sediment enters the water body after reasonable attempts were made at controlling it.

62. The reporting officer agreed with Federated Farmers submission and recommended that an advice note, as requested in our submission, be adopted.

Te orooro - Noise

Noise-O2 Reverse sensitivity

63. Federated Farmers is concerned that the objective only provides for reverse sensitivity considerations in the commercial, mixed use and industrial zones, and not existing activities in

the rural zone. It was pointed out in our submission that residential expansion in the district is creating reverse sensitivity effects and there is potential for this to increase.

64. The reporting officer recommended rejection of our submission on the basis that the intent of the objective was to safeguard large, existing activities. Federated Farmers believes that there is no reason why the intent of the objective could not be expanded to include existing noise generating activities in the rural zone.
65. It is crucial that noise-generating activities, which are part of routine rural production (on farms and horticultural Units) are allowed to continue. Rural production activities are a crucial part of the economy and social structure of the district.
66. Therefore, existing noise generating activities in the rural zone need to be protected. Such activities are vital, may be intermittent and may need to occur at night (e.g. harvest). Such activities may annoy those not accustomed to living in, or adjacent to, a rural environment. Hence the need for protection. If protection cannot be provided in NOISE-O3 then a separate objective, focused on the rural environment, is needed.

NOISE-P1 Minimising adverse noise effects

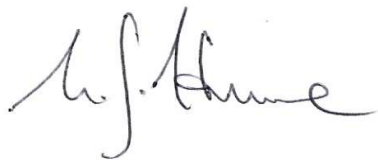
67. Federated Farmers requested an additional clause (4) which requires: *outlining where noise-receiving activities near or in noise-generating zones are subject to reverse sensitivity, and where that level of noise is to be expected.*
68. The reporting officer recommended rejection of our submission, arguing that NOISE-P1(3) already deals with the issue by *limiting the location of noise sensitive activities where they may be exposed to noise from existing activities.* She further pointed out that the intent of our requested clause (4) is achieved through associated rules, where, subject to standards, residual levels of noise are to be expected.
69. This response alleviates our concern to some extent, but we would still prefer an explicit statement that in some locations a certain level of noise is to be expected. Therefore, Federated Farmers continues to support its original submission and requests the insertion of its additional clause (4).

Conclusion

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

A handwritten signature in black ink, appearing to read 'Karl Dean', with a long horizontal line extending to the right.

Karl Dean
President
North Canterbury Province
Federated Farmers of NZ

A handwritten signature in black ink, appearing to read 'Lionel Hume', written in a cursive style.

Lionel Hume
Senior Policy Advisor
Federated Farmers of NZ