

**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 Streams 1 and 2

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

Dated 9 May 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.

## **Nga whenua tapu o nga iwi – Sites and Areas of Significance to Maori**

### **General Matters**

9. Federated Farmers supported the cultural landscape approach in principle but is concerned about the use of broad overlays and the potential for these to impose significant constraints and costs on farming, particularly relatively low intensity farms, for no real benefit. Mechanisms need to be developed to deal with the tension between safeguarding knowledge and the targeting of protection where it is needed. Federated Farmers requested a heat map or traffic light system to identify heightened risk areas on cultural landscape maps. The s42A reporting officer recommended rejection of our request on the basis that many SASM are identified in silent files, that the information about them is not publicly available and, therefore, consultation with the relevant mana whenua is required.
10. Federated Farmers believes that a more effective, efficient and consistent approach is needed. Therefore, we continue to support our original request.

### **Objectives**

#### **SASM-O1**

11. Federated Farmers supported Objective SASM-01, recognising the relationship of Ngai Tuahuriri mana whenua with ancestral lands and the environment, while acknowledging the potential challenges of integrating it with the policies and rules in the plan.

## **Policies**

### **SASM-P4**

12. Federated Farmers opposed Policy SASM-P4, in part, concerned that part (3) of the policy could impede earthworks associated with “rural production and farming activities”, and that “it is not practical to require Heritage NZ or Te Ngai Tuahuriri authorisation for normal farming activities”.
13. The reporting officer responded by pointing out that policies “do not trigger resource consent requirements” and that this “is the role of district plan rules”. This is strictly true. However, rules are required to give effect to policies, so policies need to provide appropriate guidance. Guidance that routine farming earthworks are to be permitted, within reasonable limits, and about how such earthworks should be managed would be useful at the policy level. One way to do this would be via a farmer discovery protocol, as requested.
14. The reporting officer stated that a number of earthworks activities are permitted under SASM-R4. That is true but routine farming activities include all manner of minor earthworks, many of which are not included in SASM-R4, for example the excavation of power cables or water pipes, or burial of dead sheep etc. There needs to be some mechanism for allowing minor earthworks in Sites and Areas of Significance to Maori. A list such as that in SASM-R4 is almost certain to be incomplete and therefore problematic. This issue would be more important in situations where SASM occupy a significant proportion of the area of a property.
15. In relation to the requested farmer discovery protocol to assist with the management of earthworks in SASM, the reporting officer stated that this is covered in SASM-P8. This policy is about engagement with runanga and does not fully cover what might be expected in a discovery protocol.

### **SASM-P5**

16. Federated Farmers submitted that many elements of SASM-P5 go beyond the scope of a district plan and would be more appropriately located within a regional plan, particularly given the mandate of regional councils via their function to:

*Control the use of land for the purpose of -*

*(ii) The maintenance and enhancement of the quality of water in water bodies and coastal water:*

*(iii) The maintenance of the quantity of water in water bodies and coastal water:*

*(iiia) The maintenance and enhancement of ecosystems in water bodies and coastal water;<sup>1</sup>*

17. The reporting officer recommended rejection of our submission on the basis that the introductory words of the policy “refers to both managing the effects of land uses and activities on the surface water, both of which are district plan responsibilities”. However, Federated Farmers maintains that the management of water is primarily a regional council function as per section 30 of the Resource Management Act 1990. We ask what weight council places on s30 compared with s31 of the RMA with regard to the roles of regional and district councils in water management. It is not efficient or acceptable for two councils to be managing the same thing.
18. Federated Farmers opposed the notion of reinstating original water courses because in many instances it would be impossible. In addition, it may well be undesirable in an ecological sense because it would disturb or destroy the ecology of the water body in its current form. The reporting officer recommended rejection of our submission because it is a district council responsibility as it is likely to involve earthworks. Federated Farmers suggested amendment of the policy, not because of whether or not the district council would have a role, but because the reinstatement of original water courses is not something council should prioritise, in our view, for the reasons stated above.

## **Rules**

### **SASM-R1**

19. Federated Farmers opposed SASM-R1 because we believe that the realignment of fences should be a permitted activity. The proposed rule is unnecessary in its current form and would, perversely, impede the efforts of farmers to give effect to national environmental standards, regional plans and aspects of this district plan.

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<sup>1</sup> Resource Management Act 1991

20. The reporting officer recommended rejection of our submission on the basis that restricted discretionary status was appropriate, including consultation with Te Ngai Tuahuriri Runanga. Federated Farmers considers that the need to apply for a restricted discretionary consent, as would be required by SASM-P1, is excessive for a fence realignment, particularly if it is being done for environmental purposes or as a requirement under the Essential Freshwater stock exclusion regulations.
21. Federated Farmers submitted that any concern about fence realignment could be addressed via a farmer discovery protocol, as discussed above. We continue to support this approach.

#### **SASM-R4**

22. Federated Farmers opposed this rule because it is potentially unnecessarily restrictive for primary and rural production activities. It is not clear whether pastoral farming and harvesting activities are even included. In addition, some of the standards are arbitrary and unduly limiting e.g. the cultivation depth of 200 mm. The permitted cultivation depth should be the depth already cultivated, as requested in our submission.
23. We request deletion of SASM-R4 and replacement with a finer grained map and traffic light approach along with a farmer discovery protocol.
24. The reporting officer recommended rejection of Federated Farmers' submission, expressing the view that the rule proposed rule is clear with respect to what the rule applies to and the permitted activity parameters for cultivation and other activities. However, we continue to request acceptance of our original submission.
25. The recommended amendments to clause (f) in response to the "infrastructure submissions", especially the clarification that the permitted activity rule applies to any other activity, improve the rule.

## **Rautaki ahunga – Strategic Directions**

### **SD-04 Rural land**

26. Federated Farmers submitted that the objective “fails to protect high class and versatile soils in the district that underpin rural and primary production”, consistent with section 5(2)(b) of the RMA (requiring that the life-supporting capacity of soils is safeguarded).
27. Specifically, Federated Farmers requested the addition of a section to SD-04 “Protecting LUC 1-3 class land and other identified versatile soils from subdivision and development in order to maintain the life-supporting capacity of soil”. The reporting officer stated that the proposed plan had not addressed the issue of protection of highly productive land, and pointed out that inclusion of the requested section in this objective would have limited effect because half of the rural land in the district is zoned Rural Lifestyle and the provisions of the NPS for Highly Productive Land do not apply. Federated Farmers acknowledges the issues raised but does not agree that they justify doing nothing. Therefore, we continue to seek the amendment requested. The issue is important and needs to be addressed to the fullest extent possible.

## **Urban Form and Development**

### **UFD-P1 to P10**

28. Federated Farmers requested greater safeguards for the life-supporting capacity of soils, in particular LUC classes 1-3 and other identified versatile soils. We pointed out that the district contains substantial areas of high class soils on which much of the prosperity of the district is based. Therefore, we requested an additional clause in each of UFD Policies 1-9 as follows: “Avoid where practicable any development on LUC 1-3 soils”. In addition, in UFD-P10 we requested an amended clause stating: “Minimise reverse sensitivity effects on primary production, including LUC 1-3 soils...”
29. In relation to Federated Farmers’ submissions, and similar submissions from Horticulture NZ and NZ Pork, the reporting officer recommended rejection in the context of the Urban Form and Development chapter, citing potential conflicts with the need to enable more residential development, specifically compliance with the NPS for Urban Development. The reporting officer stated that the protection of LUC 1-3 soils will be addressed in the s42A report on Rural

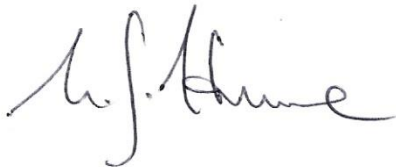
Zones (Stream 6, October 2023). Federated Farmers emphasises the importance of this issue and looks forward to further discussion on it.

## **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 stroke 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