

BEFORE THE

Timaru District Council

IN THE MATTER OF

Resource Management
Act 1991

AND

IN THE MATTER OF

Submissions and Further
Submissions on the
Proposed Timaru District
Plan

Hearing E

**STATEMENT OF EVIDENCE OF RACHEL SHALINI THOMAS AND GREG
ANDERSON ON BEHALF OF THE SOUTH CANTERBURY PROVINCE OF
FEDERATED FARMERS OF NEW ZEALAND**

Dated 23 January 2025

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. I am currently studying towards a Masters in Planning from Lincoln University.

2. I previously worked as a Policy Advisor for the Ashburton District Council for 7 years, working across areas of policy. I have been employed by Federated Farmers for three years as a Senior Policy Advisor in the Regional Policy Team. My role is to provide policy advice and advocacy on behalf of Federated Farmers' members in processes arising under the Resource Management Act 1991, Local Government Act 2002 and Local Government (Rating) Act 2002. I analyse, submit, and present at hearings. My work is informed and mandated by our elected representatives and local members.

3. I also have practical farming experience, with my husband and I operating our family farm south of Ashburton, which includes a mixed cropping farm and two dairy farms within an integrated system. My views are closely aligned with those of Federated Farmers, due to my personal farming background.

4. Greg Anderson is the current South Canterbury Provincial President and Chair of the Regional Policy Committee.

5. 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 Timaru District Plan.

Summary of concerns

6. Federated Farmers remains deeply concerned about:
 - a. the overreach of SASM mapping where nearly 100 farms have 100% SASM coverage;
 - b. the lack of a statement within the pDP to clarify that access to a SASM requires landowner consent; and
 - c. the reliance on the RMA to provide for existing use rights rather than clarify this requirement within the pDP.

Sites and Areas of Significance to Maori

Mapping / scheduling of sites and areas

7. Federated Farmers notes that only minimal changes are proposed to the SASM overlays by the s42A Author, Ms Liz White. These are:
 - a. The boundaries of SASM8 and SASM9 are reduced by 50m, and
 - b. smaller buffers around rock art sites.¹

8. A major concern for Federated Farmers remains to be the overreach of SASM mapping. As shown by Table 1, there are 315 farms (larger than 20ha) which are affected by the SASM overlays. Of these, 97 farms have 100% coverage. One farm has 210% coverage, due to being captured by multiple SASMs. The total number of farms (as per listed properties in Agribase) is 773. This means nearly 41% of farms in the district are captured by one or more SASM overlay.

¹ At paragraphs 8.2.45 and 8.2.45 of the s42A Report.

Table 1 Timaru farms greater than 20ha captured by the pDP SASM overlays²

Percentage of farm covered by SASM	Number of farms affected
1% – 20%	130
21% - 40%	24
41% - 60%	12
61% - 80%	23
81% - 99%	29
100%	97
Total farms affected	315

9. The presence of overlays such as a SASM, ONL, or SNA have a material impact on property values. In extreme cases, land that would otherwise be productive for dairy farming but now has restrictions on intensification, can be reduced in value by up to 50%. Reductions in value of 10% or greater are common.

10. Federated Farmers is deeply concerned by the Council’s continuation of the SASM mapping approach amidst awaiting changes to the RMA. The Council is taking an extreme approach by mapping such large areas of the district as SASMs. We have serious concerns about the method utilised to conduct the mapping. The result of the mapping should not cover entire farms and from our analysis there are 97 farms out of a total of 315 which have 100% coverage. This equates to 31% of affected farms where the entire farm is considered a SASM.

11. It is therefore irresponsible of the Council to continue to pursue the SASM approach with so much uncertainty over the RMA. The Government has signalled the RMA will strengthen private property rights, and a SASM approach which results in such significant overreach is a clear erosion of landowner rights.

² Rural property information, including boundaries and property size, was retrieved from AgriBase® (12 September 2022). AgriBase® data is a product of AsureQuality. The 'Proposed District Plan Sites and Areas of Significance to Maori' overlays were provided by Timaru District Council (14 Jan 2025).

12. The Council must reconsider its position to ensure that it is respecting private property. The relief we are seeking is for the Council to reassess the buffers and extent of all mapped sites and reduce these accordingly.

Objectives

SASM-O1

13. Federated Farmers [182.81] sought three specific amendments to SASM-O1: (1) to specify that the objective does not override existing use rights under s10 of the RMA, (2) that the involvement of Kati Huirapa is limited to the extent that it does not affect land values and (3) that there should be no cost to landowners for this involvement.
14. Ms White recommends that SASM-O1 is retained as notified, thus rejecting these proposed amendments.³ We agree with Ms White that the existing use rights provided under s10 of the RMA cannot be overridden by a plan objective. However, the plan would benefit from clarification that existing use applies. We suggest including the following as an explanatory note within the SASM chapter.

Note – the provisions in this chapter do not override the provisions of s10 of the Resource Management Act 1991. Under s10, existing use rights apply if the use was lawfully established before the plan was notified and the effects are the same or similar in character, intensity and scale.

15. The RMA is a higher order planning document and therefore our suggested amendment does not change the meaning of the objective but instead provides greater clarity for plan users. For this reason, we maintain our preferred relief for amendment (1).
16. For the proposed amendments (2) and (3), Ms White notes that it would not be appropriate to limit the involvement of Kati Hurapa to where it does not affect land

³ At paragraph 8.4.15.

values, nor is it the place of an objective to limit the cost to landowners.⁴ We are in agreement with Ms White's conclusion on these matters and thus accept her recommendation to reject our proposed amendments (2) and (3).

SASM-O2

17. SASM-O2 concerns the access available to Kaiti Huirapa to maintain and use resources and areas of cultural values within the identified SASM(s). Federated Farmers [182.82] expressed concerns over access, stating that relationships with landowners should be developed and consultation with landowners must occur.
18. Ms White⁵ agrees that the wording of SASM-O2 implies an outcome of access is provided to all resources, and therefore proposes the following amendments:

Kāti Huirapa's are able to access to, maintain and use of, resources and areas of cultural value within identified Sites and Areas of Significance to Kāti Huirapa, for customary use and cultural purposes, is maintained and, where appropriate, enhanced.

19. We are largely in agreement with these amendments, however are concerned about the enhancement of access. As Ms White states,⁶ there is a risk that the objective can be interpreted to mean that access should be enhanced in all circumstances. Requiring access to be enhanced 'where appropriate' introduces ambiguity into the objective as a judgement must be made on when it is appropriate to enhance access and, in relation to resource consent applications, through what means enhancement of access would take.
20. The 'enhancement' of access is provided for under the RMA but only in relation to public access to and along the coastal marina area, lakes and rivers (s6(d)). The RMA does not provide for enhancement of access to SASMs.

⁴ At paragraph 8.4.15.

⁵ At paragraph 8.5.12.

⁶ At paragraph 8.5.18.

21. It is completely unreasonable to expect enhancement of access to a SASM to occur. Landowners should not have to foot the bill for enhancing access and on a working farm it is likely that access would not be appropriate in many situations due to health and safety concerns. We struggle to see any situations where enhancement of access to a SASM would ever be appropriate on a working farm when the SASM mapping is so widespread. Perhaps if the mapping was more refined then enhancing access would be a more reasonable task.

22. On 12 December 2024, the Waitaki District Council released a draft version of its District Plan and intends to notify early this year. Within the plan it is recommended that a sentence is included to specify that there is no general right to access. The wording is:

Note – the provisions in this chapter do not override the provisions of the Trespass Act 1980. There is no general right of public access across private land.

23. We therefore suggest SASM-O2 is amended as below:

~~Kāti Huirapa’s are able to access to, maintain and use of, resources and areas of cultural value within identified Sites and Areas of Significance to Kāti Huirapa, for customary use and cultural purposes, is maintained, and, where appropriate, enhanced. Landowner consent must be obtained before access is granted.~~

24. We strongly recommend that the following explanatory note is included within the chapter:

Note – the provisions in this chapter do not override the provisions of the Trespass Act 1980. There is no general right of public access across private land.

SASM-O3

25. Federated Farmers [182.83] sought amendments to SASM-O3 to state that SASMs should not affect existing use rights of landowners and to recognise the mitigation to the effects of climate change.
26. Ms White⁷ does not agree with our amendment regarding existing use rights. As earlier discussed within this evidence, the existing use rights provided under s10 of the RMA cannot be overridden by the objective. The RMA is a higher order planning document and therefore our suggested amendment does not change the meaning of the objective but instead provides greater clarity for plan users. For this amendment we stand by our original submission.
27. Ms White also rejects our amendment to SASM-O3 regarding the recognition of the mitigation of the effects of climate change carried out by landowners on the basis that matters under s6(e) of the RMA could not be balanced against matters in s(7)(i).
28. Ms White⁸ rejects the proposed amendment to SASM-O3 regarding climate change which aims to recognise the efforts made by landowners in mitigating the effects of climate change. Her rejection is based on the belief that matters under s6(e) cannot be accounted for in this context. We accept Ms White's recommendation for SASM-O3.

Policies

SASM-P1

29. Federated Farmers [182.84] requested an amendment to SASM-P1 as below:

Work with Kāti Huirapa to identify and list Sites and Areas of Significance to Kāti Huirapa in SCHED6- Schedule of Sites and Areas of Significance to Kāti Huirapa, and recognise ~~and provide for the~~ with landowners in consultation with the identified sites and areas, managing the resources inside that site in

⁷ At paragraph 8.6.22.

⁸ At paragraph 8.6.22.

~~*relationship building exercise of rangitirataka by Kāti Huirapa in decisions made in relation to these sites and areas.*~~

30. However, Ms White does not agree with this amendment and recommends SASM-P1 is retained as notified. As previously mentioned within this evidence, farmers feel anxiety regarding access being granted where SASMs have been mapped on their land. Amending SASM-P1 to provide some certainty of the process would not change the meaning of the policy but would alleviate some concerns.
31. We stand by our submission to amend SASM-P1 but provide alternative wording for consideration below:

Work with Kāti Huirapa, in consultation with landowners, to identify and list Sites and Areas of Significance to Kāti Huirapa in SCHED6- Schedule of Sites and Areas of Significance to Kāti Huirapa, and recognise and provide for the exercise of rangitirataka by Kāti Huirapa in decisions made in relation to these sites and areas.

SASM-P2

32. Federated Farmers [182.85] requested an addition to SASM-P2 to establish a schedule of key hapu representatives to provide some confidence to landowners wanting to conduct activities near a SASM.
33. This addition is rejected by Ms White⁹ on the grounds that a schedule of representatives would sit outside of the District Plan. However, the additions proposed to SASM-P2 in response to submissions on SASM-P8 include amendments which provide more detail for landowners on the consultation and engagement with Kati Huirapa. We are therefore comfortable with Ms White's recommendations for SASM-P2.

⁹ At paragraph 8.4.18.

SASM-P3

34. Federated Farmers [182.86] supported SASM-P3 as notified and sought its retention. The recommendation from Ms White¹⁰ aligns with our relief sought and we confirm acceptance of this position.

SASM-P4

35. Federated Farmers [182.87] supported SASM-P4 as notified and sought its retention. The recommendation from Ms White¹¹ is for a minor amendment which helps to clarify that access to SASMs is for customary use and cultural purposes. Therefore, we support SASM-P4, with the recommended amendment.

SASM-P5

36. Federated Farmers [182.88] sought an amendment to SASM-P5 to clarify that agreement must be obtained from the landowner for maintenance and enhancement of access by whanau. Ms White¹² recommends the deletion of clause 3 from SASM-P5 (which relates to access) on the basis that direction on access is provided in SASM-P4. We confirm our acceptance with this approach.

SASM-P6

37. Federated Farmers [182.89] partly supported SASM-P6 which relates to protecting cultural values in wahi tupuna areas. We sought an addition to SASM-P6 to provide for existing use rights.
38. Ms White¹³ does not agree with our amendment regarding existing use rights. As earlier discussed within this evidence, the existing use rights provided under s10 of the RMA cannot be overridden by the objective. The RMA is a higher order planning document and therefore our suggested amendment does not change the meaning of the objective but instead provides greater clarity for plan users. Therefore, we stand by our original submission on SASM-P6.

¹⁰ At paragraph 8.5.22.

¹¹ At paragraph 8.5.23

¹² At paragraph 8.6.25.

¹³ At paragraph 8.6.27.

SASM-P7

39. Federated Farmers [182.90] supported SASM-P3 as notified and sought its retention. A minor amendment by Ms White¹⁴ is proposed to provide an exception to infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2. We support for this amendment.

SASM-P8

40. SASM-P8 set out protection of wahi taoka, wahi tapu, wai taoka and wai tapu sites and areas. Federated Farmers [182.91] partially supported SASM-P8 as it promotes awareness and understanding of sites, however we identified a concern with the implementation being through consent applications.
41. Ms White¹⁵ recommends removing SASM-P8 and amending SASM-P5. Consistent with the position taken earlier in this evidence, we accept the approach recommended by Ms White for both SASM-P5 and SASM-P8.

New policy SASM-P9

42. A new policy was requested by Federated Farmers [182.79, 182.80] as below:
Provide recognition for grazing and farming activities that have not increased in their scale or intensity of effects from commencement date of the plan.
43. Ms White¹⁶ does not agree that a new policy is needed to provide for activities on a broad scale as effectively what is being requested is existing use rights. Many farmers in the district feel anxious about what the new SASM rules will mean in practice and believe their property rights are being eroded. Including the new policy SASM-P9 would help to relieve some anxiety. While it may not be appropriate to address many activities on a broad scale, the majority of SASMs are on rural farmland. Therefore, it is rural landowners, who engage in farming activities such as grazing that will be most affected.
44. Therefore, we maintain our preferred relief, that a new policy SASM-P9 is included.

¹⁴ At paragraph 8.6.14.

¹⁵ At paragraph 8.6.39.

¹⁶ At paragraph 8.7.3.

Rules

SASM-R1 - Earthworks

45. Federated Farmers [182.92] opposed in part SASM-R1 which covers earthworks not including quarrying and mining within SASM overlays. We opposed the maximum area restriction for earthworks of 750m² and recommended 1,000m². It is noted that the recommendation from Ms White is for 2,000m² in any 12 month period per site. We are comfortable that 2,000m² is an appropriate area under the permitted activity conditions and confirm our support with this specific recommendation for SASM-R1.
46. We also agree about removal of the requirement for cultural impact assessment from SASM-R1.1. Assessment against the values in SCHED6 should provide a sufficient basis for consideration when permitted activity conditions are not met. We are also in agreement with Ms White that the notified rule for the wahi tapu overlay is too restrictive and that permitted activity status would be more appropriate.

SASM-R2 - Buildings and structures, including additions and alterations to existing buildings and structures and network utilities

47. Federated Farmers [182.93] sought an increase in the maximum height of buildings and structures from 5m to 10m. The recommendation from Ms White is 9m. We confirm our acceptance of the recommendation for this part of SASM-R2.
48. Ms White also recommends removing the limitation for buildings and structures to not be located 900m above sea level. We support the removal of this from PER-1. The other minor recommended amendments to SASM-R2 are also accepted.

SASM-R3 – Indigenous vegetation clearance

49. Federated Farmers [182.94] supported the inclusion of SASM-R3. Providing permitted activity status for vegetation clearance is crucial for farmers. Farmers should not have to incur unnecessary delay and cost for routine vegetation clearance which will result in no more than minor adverse environmental effects. We requested a minor amendment to reflect the need to remove native bush on land under existing use rights for clearance of regrowth.

50. However, the recommendation from Ms White¹⁷ is to remove SASM-R3 and instead amend ECO-R1. This amendment would remove PER1-7 as notified. We confirm our support for this recommendation.

SASM-R4 – Temporary events

51. Federated Farmers [182.95] supported SASM-R4 as notified but suggested an addition to clarify that on private property consent is required from the landowner. Ms White does not agree with our amendment, stating that the rules in the pDP do not override other legal rights. We agree with the assertion but also note that the rule should not imply any absolute right of access. Farmers with SASMs on their land feel anxious about the perceived automatic right to hold a temporary event for cultural purposes.
52. As an alternative, we suggest that some text is added into the introduction of the SASM chapter to state that access to private property requires landowner consent.

SASM-R5 – Mining and quarrying

53. Federated Farmers [182.96] sought that SASM-R5 was amended to apply to commercial mining operations and thus exclude rural quarries located on-farm. Farm quarries must be excluded from the definition of quarrying activities and a separate definition provided.
54. At paragraph 8.14.9, Ms White states *intensively farmed stock is also not permitted within the wai taoka overlay*. As the recommendation from Ms White¹⁸ is to remove SASM-R6 it is not clear what is being referred to and how this relates to SASM-R5.
55. Our preferred relief is to exclude farm quarries from SASM-R5 and include the following definition of farm quarry:

¹⁷ At paragraph 8.12.10.

¹⁸ At paragraph 8.15.18.

Means a location or area intermittently used in association with agricultural activities for the permanent removal and extraction of aggregates (clay, silt, rock or sand) for non-commercial use where it is extracted. It includes the area of aggregate resource and surrounding land associated with the operation of a farm quarry and which is used for farm quarrying activities. It does not include earthworks or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the farm quarry.

56. If this relief is not supported, we seek an increase of the maximum permitted area to 1,500m².

SASM-R6 – Intensively farmed stock

57. Federated Farmers [171.31] strongly opposed SASM-R6 which provides restricted discretionary status for ‘intensively farmed stock’. Within our submission we also identified concerns with the definition of ‘intensively farmed stock’ which could unnecessarily capture farming activities, such as grazing dairy bulls, which is not intensive farming.
58. We are concerned that without adequate mapping of SASMs, SASM-R6 is overly bureaucratic and hinders the economic viability of farms where a SASM is present. A similar point was made by other submitters.
59. We note that under paragraph 8.15.3 the submitters who requested SASM-R6 is deleted in its entirety are listed. Federated Farmers does not appear in this list, yet in our submission relative to SASM-R6 we state:

Federated Farmers seeks the removal from this chapter. Intensively farmed stock should not be restricted under the current overlays, until more information has been provided by the runanga, to properly identify the sites of significance.

60. Ms White’s recommendation is to delete SASM-R6 and the corresponding definition of ‘intensively farmed stock’. We are in full support of this recommendation. Any rule

managing 'intensively farmed stock' would be detrimental to the agricultural sector and impact on the economic well-being of the entire district.

SASM-R7 - Subdivision

61. SASM-R7 provides discretionary status for subdivision within wahi taoka, wahi tapu, wai taoka, and wai tapu overlays. Federated Farmers opposed SASM-R7 on the basis that intergenerational farms require the ability to subdivide to cater to multiple generations living on the same farm.
62. The recommendation from Ms White¹⁹ is for SASM-R7 to be retained as notified (with the location of the rule considered as part of the s42A report for subdivision). Our amendment is rejected on the basis that Ms White is unclear on how the addition sought would work in the rule.
63. By way of providing an alternative, a policy could be introduced to enable subdivision relative to consistency with the values identified in SCHED6. We propose a new Policy X:

PolicyX - subdivision and development is enabled where adverse effects on the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa are avoided, remedied or mitigated.

SASM-R8 – Shelterbelts or woodlots or plantation forestry

64. As notified, SASM-R8 applies to the Wahi tapu overlay, SASM8 and SASM9 only. The activity status for shelterbelts or woodlots or plantation forestry under SASM-S8 is non-complying.
65. Federated Farmers [182.99] opposed the rule in its entirety relative to the implications on farming operations, particularly from shelterbelts being non-complying. Shelterbelts are important for stock welfare and provide shade benefits to sacred sites. Woodlots of native timber trees can have positive environmental benefits.

¹⁹ At paragraph 8.16.10.

66. Under paragraph 8.17.17, Ms White states *I consider that the exclusion of woodlots from the rule is a more efficient approach, taking into account that the scale and nature of these will have lesser adverse effects on the freshwater environment surrounding the rock art.* However, the recommendation²⁰ is to exclude shelterbelts and not woodlots. We seek clarification on whether woodlots are to be excluded as well, and if so, we support this amendment.
67. The recommendation from Ms White is to remove shelterbelts from SASM-R8. We accept this recommendation. However, we urge consideration of discretionary status for woodlots.

Conclusion

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



Greg Anderson
South Canterbury Provincial
President and Chair, Canterbury
Regional Policy Committee
Federated Farmers of NZ



Rachel Thomas
Senior Policy Advisor
Federated Farmers of NZ

²⁰ At paragraph 8.17.16.