

**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 Gore District  
Plan

Hearing D

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

Dated 29 October 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. 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 8 years, working across policy and local government matters. I have been employed by Federated Farmers for nearly 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 in Ashburton, which includes a mixed cropping farm and two dairy farms within an integrated system. Our farming operation is around 400 hectares. 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.

## **Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes**

### **Objectives**

6. Federated Farmers [182.100, 182.101] supported the objectives of the ECO chapter, seeking their retention. A minor amendment is proposed for ECO-O1 to align with s6(c) of the RMA. ECO-O2 and ECO-O3 are proposed to be retained as notified. All amendments are considered appropriate, and we confirm agreement with the recommendations of the s42A Author.

### **ECO-R4**

7. Federated Farmers sought retention of ECO-R4 as drafted. ECO-R4 provides for clearance of trees in the Long-Tailed Bat Habitat Protection Area (emphasis added to show recommendation of its inclusion by the s42A Author [paragraph 7.10.20]). Another amendment is recommended to broaden the scope of who may provide a specialist assessment. These amendments are considered appropriate and we confirm agreement with the recommendations of the s42A Author.

### **New Policy**

8. In our submission [182.104], a new policy was proposed to provide for existing activities to occur. This is rejected by the s42A Author on the grounds that they argue it is not the role of this chapter to provide for particular activities.
9. The Gore District Council proposed District Plan is currently at the hearing stage and includes a policy in its ECO chapter which states:

#### *ECO-P2*

*Allow activities within Significant Natural Areas that may impact indigenous biodiversity values where:*

- 1. This is for a lawfully established activity; or*
- 2. Their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose; or*
- 3. The activity has a functional need to be located in the area; or*
- 4. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat, and/or Ngāi Tahu cultural purpose.*

10. The drafting of ECO-P2 in the Gore PDP does not specify particular activities, but rather more broadly allows for a lawfully established activity. It is our opinion that inclusion of a similar policy in the Timaru PDP would improve the ECO Chapter and clarify existing use rights as per s10 of the RMA.
11. We therefore stand by our original submission point that a new policy should be included to allow for existing activities.

### **ECO-R1**

12. In our submission ECO-R1 was opposed in part relative to the setback distance of 50m from any wetland. ECO-R1 provides permitted activity status for clearance of indigenous vegetation subject to permitted activity conditions.
13. Section 38 of the National Environmental Standards for Freshwater (NESF) states:

*Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—*

*(a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and*

*(b) complies with the conditions<sup>1</sup>.*

14. The s42A author rejects our submission and the commentary provided on this is very limited [paragraph 7.13.31] simply noting that the purpose of the NESF is different to the outcomes sought for indigenous biodiversity through the PDP.
15. As the Council will be aware, Environment Canterbury was due to soon notify Plan Change 8 to the Canterbury Land & Water Plan (L&WP) and a new Regional Policy Statement (RPS). However, the Resource Management (Freshwater and Other Matters) Amendment Act 2024 may stop Environment Canterbury from notifying these prior to 31 December 2025. As such, caution must be exercised in determining this

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<sup>1</sup> Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

rule as the RPS and the L&WP are yet to be notified and may dictate a different approach.

### **ECO-R2**

16. Federated Farmers [182.106] supported ECO-R2 as drafted and sought its retention. Some amendments are proposed [paragraph 7.14.12] and we consider these appropriate.

### **ECO-R3**

17. Federated Farmers [182.107] supported ECO-R3 as drafted and sought its retention. Minor amendments are proposed by the s42A Author [paragraph 7.15.10] and these are considered appropriate.

### **ECO-R5**

18. We sought removal of ECO-R5 and opposed the drafting within the PDP. ECO-R5 provides restricted discretionary status for earthworks within a SNA with specific matters of discretion listed. Our submission argued that earthworks within a SNA for existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities should be a permitted activity.
19. The s42A Author agrees with our submission and the recommendation is for ECO-R5 to be a permitted activity. We thank the Author for this change and confirm our support with the amendments recommended for ECO-R5.

### **ECO-R6**

20. Federated Farmers [182.110] supported ECO-R6 as drafted and sought its retention. This is the recommendation from the s42A Author and we confirm we continue to support this approach.

### **ECO-R7**

21. Federated Farmers [182.111] supported ECO-R6 as drafted and sought its retention. Minor amendments are proposed [paragraph 7.18.8] and we confirm our support.

### **Definition – clearance of indigenous vegetation**

22. Federated Farmers opposed in part the definition of ‘clearance of indigenous vegetation’ on the grounds that it had been taken out of context from the NPS for Improved Pastures. We wish to provide a correction to our colleague’s original submission which is identified by the s42A Author [paragraph 7.20.14], in that it should have referenced the definition of ‘indigenous vegetation’ from the NPS for Indigenous Biodiversity.
23. The NPS-IB definition states: ***indigenous vegetation** means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.*<sup>2</sup> We note that this is the definition utilised within the PDP for ‘indigenous vegetation’ and support its inclusion and alignment with the NPSIB.
24. We are also of the opinion and in agreement with the drafting of the PDP that including a definition of ‘clearance of indigenous vegetation’ adds value for plan users. The PDP definition of Clearance of Indigenous Vegetation is as follows, and includes an addition recommended by the s42A Author [paragraph 7.20.22]:
- means the destruction, clearing or removal of ‘indigenous vegetation’ by any means, including grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, overplanting, over sowing, or burning.*
25. As noted by the s42A Author [paragraph 7.20.15], permitted status is provided for clearance of indigenous vegetation which are within improved pasture, but only within specified areas (riparian margins, higher altitudes and steep slopes). The recommended amendments to ECO-R1 [paragraph 7.1.27] are welcomed and we thank the s42A Author for considering the needs of farmers in this respect, however we have some particular concerns on specifics proposed within ECO-R1.
26. As drafted, the definition does not exclude vegetation clearance which is ancillary to primary production activities which are important for safety reasons and can provide

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<sup>2</sup> Ministry for the Environment.(2023). National Policy Statement for Indigenous Biodiversity. Available at: [National-Policy-Statement-for-Indigenous-Biodiversity.pdf \(environment.govt.nz\)](#)

ecological benefits and are, in effect, specified as permitted within the new amendment to ECO-R1 [paragraph 7.1.27]. 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 are concerned that the definition could still catch instances of ordinary pastoral farming practice in which vegetation clearance may have to be undertaken on a day-to-day basis and trigger the requirement for resource consent unnecessarily.

27. These include:

- a. Clearance for existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities where the width required is greater than 2m (the recommendation from the s42A Author is for these to be a permitted activity but limited to 2m in width. This is not sufficient. For example, a standard firebreak on a farm is around 6m wide, vegetation on a dam can be wider than 2m, and for fencing if the clearance is to be done mechanically then 2m does not allow this);
- b. clearance of airstrips, helipads, vehicle entranceways, accessways and driveways, farm tracks and stock crossings of waterways (these are likely to be greater than 2m);
- c. clearance around farm buildings and farm infrastructure, water supply dams, pipelines and troughs;
- d. clearance or disturbance by animals including grazing;
- e. activities associated with fruit tree or fruit vine plantations; and
- f. clearance of vegetation that is fallen or dead.

28. Considering that the new proposed PER-1 of ECO-R1(4) permits *grazing, that is not overgrazing/trampling, within an area of improved pasture*. We propose the following definition for Indigenous vegetation clearance:

*means the destruction, clearing or removal of 'indigenous vegetation' by any means, ~~including grazing~~, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, overplanting, over sowing, or burning.*

It does not include vegetation clearance which is ancillary to primary production activities.

29. We also suggest the 2m width clearance limit is removed from PER-1 of ECO-R1(4).

**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**