

BEFORE THE

One Plan Planning
Committee

IN THE MATTER OF

Resource Management Act
1991

AND

IN THE MATTER OF

Submissions and Further
Submissions on the
Proposed Te Tai o Poutini
Plan.

**STATEMENT OF EVIDENCE OF JAMES PATRICK SUTHERLAND AND BEDE
O'CONNOR ON BEHALF OF WEST COAST FEDERATED FARMERS**

Dated 15 March 2024

Introduction

Qualifications and Experience

1. My name is James Patrick Sutherland and I hold a Bachelor of Applied Science (BAppSci), from the University of Otago. I am a policy advisor for Federated Farmers for the West Coast.
2. I am a member of the Institute of Directors and an advisory group member of an urban catchment group OpenVUE.
3. I have been a member of the Federated Farmers Regional Policy team for 1 and a half years. I have experience working with regional planning processes and district and Regional Plans.
4. Bede O'Connor is a career farmer. A dairy farmer in the Buller District, Bede has decades of farming experience and is President of West Coast Federated Farmers Executive.

Te Wawaetanga – Subdivision

SUB-P1

5. Federated Farmers supports the need to *“recognise and protects areas of highly productive land”*¹. Federated Farmers would like the commissioners to note that the protection of Highly Productive Land in Karamea and Totara Flat is justifiable, however, controlled conditions should be allowed. The West Coast was founded on cultivating poor land (in terms of soil) and transforming the land into ‘improved farmland’. Many of the farms on the West Coast are intergenerational and communities rely on the need to be able to subdivide where applicable to allow for development, including another generation entering the farming operation, or to accommodate community growth. Leniency to allow subdivision within HPL for the likes of boundary adjustments and subdivision for a 10ha lot limit with conditions, enables the protection of the character of the zone, but also intergenerational allotments on land for the

¹ Federated Farmers Submission, P33.

likes of workers and expanding families/communities. Protection of highly productive land is required to be given effect by regional planning as prescribed in the Resource Management Act 1991. However, Regional Authorities can enable regional rules that protect the zone but also have controlled conditions. Federated Farmers would like to see both.

6. Federated Farmers continues to be supportive of the allotment sizes as set out in the Proposed Plan.

7. Federated Farmers supports the recommendation in the Section 42A report and recognises the analysis given to SUB-P1 to recommend amending SUB-O2 to include the protection of highly productive land. Given the amendment of SUB-O2, we seek to retain SUB-P1 as notified, noting the need where practically available to have controls on subdivisions within that zoning.

SUB-P6

8. Federated Farmers supports in part the policy as drafted. Federated Farmers would request that an amendment that included any subdivision would consider the “reverse sensitivity effects in the RURZ”. Federated Farmers acknowledges that potential reverse sensitivity effects should be considered when determining zoning patterns. However, it would be the subdivision creation from the re-zoning of land that would directly cause the reverse sensitivity effects.

9. An example of this is the zoning of land around the Silver Ferns Hokitika site which is a 24/7 operational plant². The proposed zoning could see residential houses built within 105 meters of the plant. It is not the zoning that is the issue, it is the potential of houses being built next to the plant causing the reverse sensitivity. Central Otago District is another area where this occurs frequently. As the stone fruit capital of New Zealand, many growers must use frost fans³ to keep the fruit not only dry but also avoid frostbite; rain and frost can seriously dent a grower's yield and economic payout at the end of the season if mitigations are not put in place. The result of land around the orchard being subdivided saw complaints about the frost fans operating to the point Council investigated restricting the fans to certain times of the year. This has had major implications on how orchards operate close to residential dwellings and has been hugely costly to the growers who have replaced the frost fans, because of land being

² [The plan for a residential zone next to a 24/7 meat processing plant \(1news.co.nz\)](https://www.1news.co.nz/2018/05/24/plan-for-a-residential-zone-next-to-a-24-7-meat-processing-plant/)

³ [Central Otago family says noise from orchard turbines 'unbearable' - NZ Herald](https://www.nzherald.co.nz/central-otago-family-says-noise-from-orchard-turbines-unbearable/)

rezoned to subdivision in the early 2000's. It was not the zoning that was the issue, it was the area in which consent was granted and the location of those houses being built that caused the reverse sensitivity issues.

SUB-P9

10. Federated Farmers sought changes to ensure that SUB-P9 was in line with section 229 of the Resource Management Act 1991⁴, which states the '*purposes of esplanade reserves and strips*'. It is important that in the proposed plan where '*land rights*' may come under consideration and access be obtained, the Resource Management Act 1991 is followed precisely.

11. Federated Farmers supports the reporting officer's analysis and recommendations as stated in the Section 42a Report.⁵

Te Āheinga Tūmatanui - Public Access

PA-O1 – Public Access Objective

12. Federated Farmers supports in part PA-O1 in the spirit of what was drafted. Federated Farmers has concerns that the policy as drafted could result in adverse effects to private landowners' natural character, cultural values, and obligations in running their farming operations.
13. With respect to the reporting officer, Federated Farmers is not trying to reduce any current public access but allow any future public access to be in places where adverse effects can be mitigated. We are aware of Objective 4 of the NZCPS which seeks "*To maintain and enhance the public open spaces qualities and recreational opportunities of the coastal environment*"⁶ the reporting officer identified, but public access extends further than the coastal environment according to the Walking Access Act 2008 (Section 11)⁷. Federated Farmers supports the need for public access to open spaces, tracks, and recreational areas around the West Coast.

⁴ [Resource Management Act 1991 No 69 \(as at 24 August 2023\), Public Act 229 Purposes of esplanade reserves and esplanade strips – New Zealand Legislation](#)

⁵ Point 181 Section 42A report.

⁶ [New Zealand Coastal Policy Statement 2010 \(doc.govt.nz\)](#)

⁷ [Walking Access Act 2008 No 101 \(as at 28 October 2021\), Public Act 11 Consideration of priorities for walking access over private land – New Zealand Legislation](#)

However, considerations need to be made that are practical and work for both parties, the landowner and the person seeking access.

14. Federated Farmers is concerned that the reporting officer has failed to take into consideration a range of adverse effects that a private landowner has to consider when allowing people to cross their land. Federated Farmers would like to remind the commissioners that the Walking Access Act 2008⁸ predates the Health and Safety Act reforms of 2015⁹. The Health and Safety Act 2015 places significant onerous on the landowner if something was to happen to a person on their property. This means that allowing public access to working farms can be dangerous in terms of risk to not only the farmer but also the person who is seeking access.

15. Federated Farmers would like to see access given based on contact with the landowner and at certain times of the year where practical. Access during lambing and calving is not only dangerous but also an animal welfare issue. Farm systems are complicated, and many people do not understand the unknown risks that farms can present. These can include electric fences and unfriendly stock to name a few. It is not uncommon for access to be limited at certain times of the year. Mt White Station in Arthurs Pass¹⁰, restricts access to the station during lambing and calving for animal welfare concerns. Animal welfare is the utmost priority during these times to ensure the animals are put under stress. Undue stress can cause stillbirths. This not only impacts the operation of the farm but also has a significant economic impact. Federated Farmers would like to see common sense exceptions to access across private land during certain times of the year.

16. Federated Farmers is in support of customary access, however, engagement and relationship development with private landowners is a much-preferred method, over regulatory means. Relationships are forged on a common interest that enables outcomes for all, rather than forced onto the private landowners and labelled a 'landgrab'. Many farmers are happy to allow customary access, but when it is regulated, they become anxious about the forced access onto their land, which could be inconvenient and hazardous to their farming operations. An example of this is in the Waitaki Valley¹¹, where a farmer has a urupā on their farm. The farm owner has developed a close relationship with the whanau whose relatives are located there. The farmer

⁸ [Walking Access Act 2008 No 101 \(as at 28 October 2021\), Public Act Contents – New Zealand Legislation](#)

⁹ [Health and Safety at Work Act 2015 No 70 \(as at 23 December 2023\), Public Act Contents – New Zealand Legislation](#)

¹⁰ [Mountain bikers shut out of national park \(newsroom.co.nz\)](#)

¹¹ Federated Farmers Member James Hurst.

has fenced off the site, removed invasive pines, and helped the whānau plant natives within the urupā. The recently notified Waitaki District Plan placed onerous restrictions on the farmer's land, whilst ordering the farmers to stop irrigating the paddock because of the urupā being located there. This is against the whanau's wishes for the area to be irrigated to water the natives they have planted in the urupā. This places the farmer in a difficult situation of honouring the whanau's wishes and regulations that are not common sense.

17. The desire to achieve effective public access across private land, where this is appropriate, public awareness, knowledge, and landowner engagement, is crucial.
18. Federated Farmers seeks to retain the wording in our original submission as in our view they are reasonable and in the best interests of landowners and those seeking access.

Conclusion

Federated Farmers thanks the Hearing Panel for the opportunity to present this evidence statement. We are happy to take any questions.