

BEFORE THE

Te Tai o Poutini 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 27 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 of New Zealand 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.

Māori Ngā Wāhi Tāpua Kite Māori – Sites and Areas of Significance to Māori.

SASM-O2

5. Federated Farmers persistently requests that access to farms is granted with the landholders' consent. This is mainly due to safety concerns for those seeking access. Farms are often full of hazards, for example, bulls, stags, electric fences, machinery, and holes in the ground. Furthermore, access may need to be restricted during specific seasons such as lambing.

6. Federated Farmers advocates for access to be an issue that is resolved because of development of relationships between the two parties. A relationship cannot be forced upon either party – but works best with early engagement and transparency on concerns. Many farmers are happy to enable access, but need to be notified, also boundaries may need to be

put in place to ensure the safe passage/travel on that farmer's land, whilst also understanding the liability and risk the farmer must mitigate under the Health and Safety at Work Act 2015¹.

SASM-P2

7. West Coast Federated Farmers is supportive in part of the need to 'identify and list' sites and areas of significance to Māori. West Coast Federated Farmers is further supportive of the need to engage with the West Coast Ngāi Tahu (Te Rūnanga o Makaawhio, Te Rūnanga o Ngāti Waewae), Ngāti Apa ki te Rā Tō, and Ngāti Rārua². West Coast Federated Farmers are open to engagement with the relevant iwi and rūnanga throughout this process and into the future.

8. The report has stated that many of the sites are located in rural areas, so it would only be fair to engage with the affected landowners for them to gain a better understanding of what is on their property and how the runāka and landowners can work together to protect the sites. Landowners need to be able to understand the value of each site itself. Understanding the history of the site, is the first step in creating long-lasting relationships between the two parties. It can be daunting for a landowner to see in a proposed District Plan large areas of their land categorised as a SASM, coupled with proposed restrictive rules that limits what they can do on their land. If the values associated with the site are much more clearly prescribed defined/identified it can help landowners how they can mitigate certain activities that are required for farming operations.

9. Federated Farmers supports the reporting officers' recommendations that the development of SASM-M1 should provide greater explanation and more accurate mapping for landowners to understand the activities that can occur alongside the values on their properties.

10. An example of communication with affected landowners done well is the process the Mackenzie District Council undertook when notifying Plan Change 24 '*Sites and Areas of Significance to Māori*'. Council took a proactive approach with the rūnaka consultancy, contacting each affected landowner visiting and providing further information to that landowner. Councils reasoning for the large areas identified was to protect these sites from amateur archaeologist from conducting excavations. Section 45 of the 'Heritage New Zealand Puhere

¹ [Health and Safety at Work Act 2015 No 70 \(as at 23 December 2023\), Public Act Contents – New Zealand Legislation](#)

² [TKM | Regional Authority | West Coast Regional Council | Te Kahui Mangai](#)

Taonga Act 2014³ provides stringent guidance of application for the approved person to carry out activities and those within a site of interest to Māori. The approach taken by Mackenzie District Council was in the best interests of both the landowners and rūnaka enabling landowners to gain access to information about the sites on their land, without it being publicly available. It enabled landowners to start protecting the site, because at the end of the day you can't protect something if you don't know where it is. A District Plans objective is to provide certainty to the residents and communities, not uncertainty and puzzlement. It is unfortunate that the latter is trumping the former. Federated Farmers urges the commissioners to consider the need for formal identification of these sites done in collaboration with the affected landowners. Federated Farmers view is that lidar identification is undertaken to provide certainty for the location of a SASM. Federated Farmers is of the position that this is something that should be absorbed by the Council's existing operating budgets, however, is understanding of the constraints with resources that many of the District Councils face on the West Coast, while trying to do the right thing.

11. Federated Farmers is further concerned that if the sites are unable to be identified and pinpointed for landowners then impacts on landowner existing use rights could occur. This could result in landowners worried about cultivating and developing their land. This then could have adverse effects on the West Coast economy and the overall well-being of the region. Primary Industries contributes significantly to the economy of the West Coast. Any regulation that impacts existing use is likely to have more widespread implications on the wellbeing of the communities on the coast. Federated Farmers wants to strike a balance between the need for protection and the enabling of growing the wellbeing of communities on the coast.

12. Furthermore, farmers want to do the right thing and protect the history of the West Coast but need to be given the tools to do so. The West Coast is also very fortunate to have large swaths of land farmed as intergenerational, so those landowners already understand the need to protect the land and leave it in a better condition for the next generation. Their worldview in many aspects is similar to Te ao Māori view of how land is managed.

SASM – P4

13. Federated Farmers supports SASM-P4 as drafted. Any access for Poutini Ngāi Tahu to identified sites must be done in collaboration with local landowners. Federated Farmers

³ [Heritage New Zealand Pouhere Taonga Act 2014 No 26 \(as at 23 December 2023\), Public Act – New Zealand Legislation](#)

supports the approach taken that has recognised the concerns of the landowners and practical issues of gaining access which recognises the concerns of Poutini Ngāi Tahu.

SASM-P13

14. Federated Farmers supports 'SASM-P13' as drafted. 'SASM-P13' provides sufficient cover for appropriate activities to occur within an SASM site.

15. Federated Farmers supports the reporting officer's recommendations on this policy.

SASM-R1

16. Federated Farmers supports 'SASM-R1' as drafted. The rule recognises that animal grazing can be an appropriate activity. Within many cases, animal grazing can enhance a SASM as grazing can mitigate adverse effects from introduced vegetation, whilst also keeping a site free of pests which could lead to a deterioration of the SASM if left unmanaged.

SASM-R2

17. Federated Farmers sought clarity on minor earthworks within sites. Being enabled to undertake simple tasks such as installing fence posts is important in being able to safely maintain existing fences or lines. It is not only for the health and safety of stock to be fenced in properly but also enables farmers to meet Stock Exclusion Regulations.

18. Federated Farmers supports the reporting officers' recommendations to redraft the rule so that it is clearer as to which SASM is affected by the rule. Clarity is important for the landowner to understand their obligations under the District Plan, reducing the risk of misinterpretation of the Plan.

SASM-R3,4,5

19. Federated Farmers supports the retention of the rules as drafted in the Proposed Plan. The rules are clear and concise. Federated Farmers would like to see consistent formatting, we seek that the list of SASM sites be formatted in the same fashion as that described in 'SASM-R4'.

20. Federated Farmers supports the reporting officers' comments in the Section 42a report⁴

SASM-R7

21. Federated Farmers seeks clarity that 'SASM-R7' needs to be more clearly defined as the heading and body of the rule do not align. Federated Farmers seeks to amend the rule to be clearer. It is important that if, for example, the heading states farm quarries, then the rules should be prescribed underneath. Without clarity, it does not give landowners assurances that they are operating within the confines of the proposed plan. Furthermore, Federated Farmers would like to see 'mineral extraction' and 'farm quarries' as two separate parts of the rule, as these are two different types of uses for quarries. Many farm quarries are used the repair and maintenance of farm tracks (a non-commercial activity), not for mineral extraction.

22. Federated Farmers supports the reporting officers' recommendations in the Section 42a report⁵.

SASM-R16

23. Federated Farmers sought the removal of the wording 'shelter belt' from the rule. Shelter Belts as stated in our original submission provide ample protection for stock on farm, while also providing a seasonal food supply and shelter for indigenous fauna. Shelter Belts are commonly smaller than plantation forestry blocks and should have not been unintentionally captured in the rule.

24. Federated Farmers would also like to explicitly note the common-sense approach taken by Ngāi Tahu in their submission who sought to see the rule amended so that it is clear it does not apply to amenity plantings. Shelter Belts can be seen as amenity plantings, but if planted correctly they can provide many benefits on farms. These can include livestock welfare, increased pasture productivity, reduced erosion of topsoil, and creating the conditions for a more diverse, pleasant working environment for landowners.⁶ It may also be worth noting that the Ministry for Primary Industries Code of Welfare 2014 states, no.4 – Shelter states; that '*All sheep and beef cattle must have access to shelter to reduce the risk to their health and welfare caused by the cold; ... provided with an environment affording the newborn protection...likely*

⁴ [TTPP-s42A-Report-Sites-and-Areas-of-Significance-to-Maori.pdf](#)

⁵ [*TTPP-s42A-Report-Sites-and-Areas-of-Significance-to-Maori.pdf](#)

⁶ [trees_for_shelter.pdf\(dairynz.co.nz\)](#)

comprise their welfare and survival'.⁷ Federated Farmers is concerned that if changes are not actioned then in some areas where SASMs are present on farms, animal welfare codes could not be met.

25. Not only do shelter belts provide welfare protection, but there are also biodiversity benefits. A dense shelterbelt which is commonly found across the West Coast, provides excellent close shelter and benefits for native flora and fauna to thrive. In many cases these have also resulted in nutrient filters on farms, reducing the risk of nutrients running into waterways which has positive environmental outcomes.

26. Federated Farmers further supports the reporting officer when they state, *"I also consider that their likely impact on SASM are relatively low and do not warrant the level of restriction provided in the plan"*. Based on those comments, we urge the Commissioners to make the judgment on the removal of 'Shelterbelts' from 'SASM -R16' of the proposed plan.

27. Federated Farmers would like to continue to ask that shelter belts be referred to explicitly and not explicitly assume that they will be considered as amenity planting. Specific reference to shelter belts would increase clarity.

SASM-17

28. Federated Farmers is concerned with the current rule as written. It would lead to the inadvertent capture of indoor raised stock. The Commissioners could choose to amend the definition of '*Intensive Indoor Primary Production*' to exclude the month over which cattle are wintered, eg "(excluding calf-rearing for a specific time period and dairy wintering from xxxx date to xxxx date). Alternatively, the Commissioners could consider a restricted discretionary rule for wintering barns, specifically when granting of the consent is subject to limited notification to approval by the relevant Poutini Ngāi Tahu rūnanga.

29. Federated Farmers find the proposed rule too restrictive, considering some of the identified sites can cover up to almost 100% of some farms, essentially not enabling them to provide safe proper shelter for stock, which is an animal welfare concern.

⁷ [Code of Welfare: Sheep and Beef Cattle | NZ Government \(mpi.govt.nz\)](https://www.mpi.govt.nz/code-of-welfare/sheep-and-beef-cattle/)

30. Federated Farmers does not support the reporting officers' recommendations and seeks to advocate for sensible pragmatic rules. Federated Farmers is supportive of the 50m buffer, but when a site is not pinpointed, how do you know what to buffer from creating uncertainty from the administration of the Plan.

Conclusion

31. Federated Farmers raises concerns about the accuracy of the maps and for these rules to have the desired effect. More precise and accurate mapping is required, and extensive engagement with affected landowners, especially in rural areas is desired. A letter sent to affected landowners informing them of the identification of a Site and Area of Significance to Māori is not adequate consultation and a significant failure of the Regional and District Councils requirement for proper communication and consultation.

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