

Hearing Statement



To: Selwyn District Council
Hearing Panel

Regarding: **Proposed District Plan Change –Strategic Directions Chapter**

Date: 27 July 2021

Statement by: Elisha Young-Ebert
Federated Farmers of New Zealand

Introduction

1. Federated Farmers thanks the Panel for the opportunity to present at this hearing, as part of the Selwyn proposed district plan change process.
2. My name is Elisha Young-Ebert, and I am a senior policy advisor for Federated Farmers. I hold a Bachelor of Laws from the University Canterbury, and I was an advisor at the Ministry of Building, Innovation and Employment, where I briefed portfolio Ministers on Housing and Immigration policy, from 2006 to 2017. I have been working for Federated Farmers since 2018.
3. As the policy advisor for the North Canterbury province of Federated Farmers, I advocate for the interests of our member farmers who live in the districts of Kaikōura, Hurunui, Waimakariri, Christchurch and Selwyn. I submit on plan changes on their behalf, as well as on annual and long-term plans, and I advise Federated Farmers on wider policy issues.
4. Federated Farmers submitted on this proposed district plan because we have many Selwyn members whose families and businesses are directly affected by this process. Our comments represent our members' collective views and experiences with the management of resources within the district.
5. My statement summarises Federated Farmers' position on the Strategic Directions Chapter, identifying where there is support for the planning recommendations, and where there are remaining issues or concerns.

The role of Agriculture in Selwyn

6. According to data produced by New Zealand Trade and Enterprise, Canterbury generates a fifth of New Zealand's agricultural GDP across a wide range of products that include meat and dairy, arable farming, horticulture, wine and seafood.
7. Lincoln University hosts the largest concentration of land-based researchers in the Southern Hemisphere, including AgResearch, and innovative Canterbury businesses attract investors who are focussed on high-value food and fibre products.
8. The primary sector is a vital part of our regional economy, and the primary sector is also a defining characteristic of the Selwyn district. Federated Farmers is privileged to represent over three hundred farming families across this large and diverse district, and the range of farm types within our membership reflects the ability of the district to yield premium, primary produce. Our membership comprises arable, sheep and beef, dairy farms, and large stations covering thousands of hectares of hill and high-country terrain in Selwyn.
9. It has been my pleasure to get to know many of our members who personally shared their views on the progress of the proposed district plan. They are engaged members of the Selwyn community who care a great deal about their farm and their neighbours. They want to see Selwyn remain a progressive district that enables sustainable land use practices, respects the environment, and acknowledges that all communities in the district have the right to thrive.

Rural Selwyn needs a Strategic Statement

10. While the section "Description of the Plan" acknowledges that the district is predominantly rural, there is little else in the proposed district plan that clearly recognises the significant contribution and value the rural community makes to Selwyn.
11. In our formal submission, we had requested, alongside Horticulture New Zealand (HortNZ), New Zealand Pork and Ellesmere Sustainable Agriculture Inc. (ESAI), a new objective that recognises and acknowledges the significant contribution of primary production to the district, and to promote "thriving rural communities".
12. We note the s42 reporter considered that what we seek is already covered in the objectives of the General Rural Zone; hence, a discrete strategic direction in this part of the plan is not required. We disagree.
13. Objective 5.2.1 (e) of the Canterbury Regional Policy Statement (CRPS) explicitly provides for rural production. It states:

Primary production from Canterbury's rural areas is of significance to the economic and social well-being of Canterbury's people and communities. It is foreseeable that the well-being of future generations will also be strongly influenced by the ability to continue with such primary production.
14. In support of this objective, the CRPS Policy 5.3.12 directs that natural and physical resources which contribute to Canterbury's overall rural productive economy, in areas which are valued for existing or foreseeable future primary production, should be maintained and enhanced.

15. We also point to Selwyn District's own Development Strategy – Selwyn 2013 - which includes a rural direction:

Strive to maintain Selwyn District's identity and character that stems from its productive rural economy, landscapes and iconic rural outlooks.

16. On these bases, we believe a vision for the rural communities of Selwyn is warranted, and it needs to be under either District Identity (SD-DI) or as a standalone rural objective.
17. We agree with HortNZ who has highlighted the need to promote the district's contribution to food production. Food production is essential to everyone at every level of society, be it in the district, the region, the country or around the globe. It is also recognised as a fundamental consideration within the Paris Agreement on Climate Change¹, Article 2(b) where it is recognised that food production was of vital importance, and where it is stated:

"increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production."

18. We recommend, alongside HortNZ, New Zealand Pork and Ellesmere Sustainable Agriculture Inc., the addition of the following new strategic direction for rural production and communities:

Selwyn's productive land and versatile soils are retained for rural production, including food production, and rural production activities are enabled to ensure that rural communities can thrive, use resources efficiently, maintain rural character and contribute positively to the district and national identity and economy.

SD-DI-O2 District Wellbeing and Prosperity

19. This Strategic Direction emphasises the importance of the district's wellbeing and prosperity:

"Selwyn's prosperous economy is supported through the efficient use of land, resources, and infrastructure, while ensuring existing activities are protected from incompatible activities".

20. In our submission we questioned the meaning of the phrase "use of land" and 'efficiency', as it was unclear how efficiency would be measured. The section 42 response was that it was up to the Council to determine what was an efficient use of land as this is covered by s7(b) of the Resource Management Act 1991 (the RMA).
21. We accept the s42 reporter's recommendation to retain the reference to 'efficient', but we agree with HortNZ - that reverse sensitivity should be included in Strategic Direction SD-DI-O2.
22. In our original submission we had offered alternative wording for SD-DI-O2, which included a specific reference to reverse sensitivity. I note the s42A report rejected the proposal because the reporter considered reverse sensitivity was implicit in the notified Objective.
23. We disagree with this finding. We submit the effect of reverse sensitivity, which is the adverse consequence of co-locating incompatible activities, should be explicitly stated in this objective to set a clear expectation in this regard.

¹ Article 2 - *United Nations Framework Convention on Climate Change* (Paris Climate Agreement or COP21); ratified in December 2015.

24. We recommend that SD-DI-O2 should be amended to include specific reference to reverse sensitivity, as recommended in our original submission.

SD-DI-O3 Integration and Land Use Ecosystems and Water

25. In our submission we stated that while we understood the Council's willingness to adopt Ngāi Tahu's philosophy of *Ki uta ki tai*, it is the Resource Management Act 1991 (RMA) that splits the functions and responsibilities of councils for land and water resources.
26. Section s31(1)(a) of the RMA states the function of territorial authorities is to establish, implement and review objectives, policies and methods to achieve integrated management "*of the effects of the use, development, or protection of land*".
27. The s42 response to our submission was that the objective does not presume to influence regional council functions, and that relevant district council functions that benefit from integrated management approach include things like indigenous planting, soil protection, protection of biodiversity.
28. We accept, to an extent, the s42 report finding. However, we remain concerned that the wording of the objective could inadvertently capture the functions of regional council as well, particularly in relation to water.
29. We have reviewed suggested wording from HortNZ, and we support their recommendation for the following alternative:

Land resources are managed through an integrated approach, which recognises the importance of ki uta ki tai to Ngai Tahu and the inter-relationships between ecosystems and natural processes and with freshwater.

SD-DI-O4 Our Environment

30. Objective 4, "Our Environment" outlines that places, landscapes and features which are significant to Selwyn's character, cultural heritage, or are of spiritual importance to Ngāi Tahu, will be identified, recognised for their values, and protected for future generations.
31. In our submission, we asked for clarification on what places or landscapes are to be protected 'from', or what is meant by protection.
32. The s42 reporter believed the use of the term "protection" was appropriate, given the intent of the objective to implement section 6 of the RMA. The s42 report also explained there is no hierarchy within these objectives.
33. While this may be the intention, we find there may be perceived, overlapping land use considerations between Objective 2 and Objective 4.
34. Which is why we suggested rewording Objective 4 to assist with clarifying the differences between Objective 2, which enables sustainable land use, and Objective 4, which ensures significant indigenous biodiversity and outstanding natural landscapes will be protected in accordance with section 6 of the RMA.
35. We note that HortNZ has suggested that these concerns could be addressed by including an explanatory note in the Overview, which clarifies how tensions between strategic objectives may

be reconciled. We support this recommendation as an alternative redress to re-wording Objective 4.

SD-IR-01 Community Needs

36. Federated Farmers had broadly raised concerns about the definition of Important infrastructure throughout its original submission. We understand from the s42 report that the term Important infrastructure includes strategic infrastructure, regionally significant infrastructure, critical infrastructure and distinctive features like the two dairy processing plants, which has its own Special Purpose zone, and West Melton aerodrome.
37. We agree that large scale dairy processing plants are vital operations within this district; we can also see these plants would generate much social and economic benefits for the district. We also observe that the proposed definition for Important infrastructure includes New Zealand Defence Force and public healthcare facilities.
38. We would like to reserve our final views on this definition, which we had opposed, until the EI chapter is heard. In the meantime, we are prepared to assume this objective will incorporate the term Important infrastructure.
39. We do not find the wording of this Objective appropriately reflects what is intended. The objective states:

The important infrastructure needs of the community are fulfilled, and their operation is protected.

40. We submit that the objective should align with the CRPS Policy 5.3.9 which says:

Avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety

41. If the term reverse sensitivity is included in SD-DI-02, it would ensure there is appropriate controls against activities that are incompatible with the operation of important infrastructure. On that basis, our residual concern remains with the focus within the Objective on the need to 'protect' the operation of the important infrastructure.
42. We have read Lynette Wharfe consultant planner for HortNZ's Statement of Evidence, and we agree with her reasoning on this point: using the term 'protect', in this context, goes beyond both the CPRS and the National Policy Statement for Electricity Transmission. The term must be used appropriately, such as where an activity could compromise the operation of that infrastructure, rather than just an all-encompassing need to 'protect'.
43. On that basis, we support the following amendment:

The important infrastructure needs of the community are fulfilled, and the operation of important infrastructure is not compromised by incompatible activities.

SD-IR-02 Effects of Important Infrastructure

44. SD-IR-02 Effects of important infrastructure provides:

The development, upgrade, maintenance, and operation of all important infrastructure is enabled in a way that minimises adverse effects, while having regard to the practical constraints and the logistical and technical practicalities associated with important infrastructure.

45. Federated Farmers opposed the relief sought from Christchurch International Airport Limited (CIAL), at Further Submissions stage, who requested substantive changes to SD-IR-O2, as well as other rules in the plan, which we found unduly onerous. For example, rules to prevent the risk of bird strikes.
46. We support the s42A reporter's recommendation to reject the submissions, for several reasons, including their finding that the changes are inconsistent with the purpose of the objective.
47. Our opposition to this objective was focused on the reference to Important infrastructure. We have indicated at paragraph 38 that we would reserve our discussion on this definition until the hearings on the EI is conducted. Subsequently, we support this objective, in principle and subject to the outcome on our discussions with the Hearing Panel about the definition on Important infrastructure.

SD-IR-O3 Natural Hazards

48. The third objective for natural hazards provides:

The risk from natural hazards, including the effects of climate change, to people, property, and important infrastructure is not increased, other than where necessary to provide for important infrastructure that has no reasonable alternative.

49. In our original submission we expressed concern that the drafting of this objective seemed to infer that people are not as vital as Important infrastructure. We had asked for the final clause of the sentence to be deleted.
50. The s42 report rejected our submission on the basis that our amendment was impractical and could have significant effects on infrastructure provision for the community. The reporter explained there could be situations where important infrastructure needed to be in fault areas or high flood zones because there was no other alternative location.
51. We accept that there will be situations where important infrastructure would need to be in a highly hazardous area. We have referred across the Natural Hazards chapter and we acknowledge there are appropriate policies and rules to manage these high-risk scenarios. We note the policy section does say if important infrastructure must be installed in an area that is prone to serious natural hazards, there will be considerations on the effect this will have on people's lives and property.
52. However, we still consider an objective should not include an exception like *other than where necessary to provide for important infrastructure that has no reasonable alternative*.
53. We remain concerned with the language of this objective, but we can agree that this consideration should be in there. Accordingly, we suggest the following wording:

The risk to people, property and important infrastructure from natural hazards, including the effects of climate change, is not increased, and important infrastructure in high hazard areas is appropriately managed.

SD-UFD-O1 Compact and Sustainable Township Network

54. We are pleased to see that the s42 reporter understood and acknowledged our concerns about the potential for urban growth to cut into highly productive land in the district. As the demand for food increases, it is vital that highly versatile soils remain an important consideration for appropriate land use.
55. We agree with Lynette Wharfe's suggestion, in her expert evidence statement for HortNZ, that the proposed district plan may need to include a definition of 'highly productive land'. We also agree Ms Wharfe that the definition should align with the draft National Policy Statement for Highly Productive Land, which confirms that land that comes under Land Use Capability classes I, II and III are considered highly productive.
56. We support the recommended amendment put forward by the s42 reporter.

Concluding remarks

We appreciate the opportunity to be heard. Our key concern with the Strategic Direction chapter is the perceived lack of acknowledgement for the rural character of the district and the significant contribution of primary production to Selwyn.

We know from our conversations with our members that they are proud to be a part of this district and many of them adopt progressive and adaptive farm practices and remain hopeful for the future of farming in Selwyn. They would want the district plan to reflect their aspirations.

We ask that the Council to give its rural communities their vision statement by including rural strategic objective that will inform their standing and identity in the district.