

**In the matter** of section 293 the Resource Management Act 1991

**And**

**In the matter** of Amended Plan Change 13 – Mackenzie Basin Subzone

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**SUBMISSION OF IRISHMAN CREEK STATION LIMITED (“IRISHMAN  
CREEK”) ON AMENDED PLAN CHANGE 13 – MACKENZIE BASIN  
SUBZONE**

**23 December 2015**

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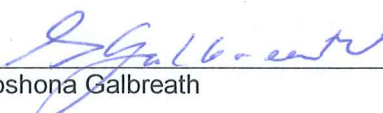
To Mackenzie District Council

This is a submission on the amended Plan Change 13 provisions.

- 1 The specific provisions of the proposal that the submission relates to are identified in the table attached to this submission.
- 2 Irishman Creek opposes the specific provisions as identified in the table attached to this submission. Irishman Creek's position in relation to each provision (with reasons) is as set out in the table.
- 3 Irishman Creek's general comments are as follows:
  - 3.1 The s 32 report does not adequately assess the costs of the proposed provisions.
  - 3.2 The provisions have the potential to undermine the significant levels of investment that have already been made by landowners.
  - 3.3 The provisions fail to recognise the fact that landowners have already been through the tenure review process which set aside or protected certain areas for conservation and landscape purposes, and which, in return, allows other areas to be used for intensive farming. That is, tenure review is explicitly drawing out those areas which have high conservation and landscape values, and then provides an intensive farming platform for the purposes of protecting the viability of farming. The provisions further reduce the areas able to be used for intensive farming and have the potential to make farming uneconomic in some areas. Irishman Creek considers that the plan needs to be aligned with tenure review. The disjunct between these processes is a significant concern and this issue is not adequately addressed in the s32 report.
  - 3.4 The provisions are contrary to the outcomes envisaged by the Mackenzie Agreement, in that the Agreement anticipates certain areas being available for irrigation, as well as other dryland development such as Lucerne.
  - 3.5 The provisions will not achieve sustainable management, including enabling people and communities to provide for their social and economic wellbeing.
- 4 Irishman Creek seeks the following decision

- 4.1 That the proposed changes be modified as set out in the table attached.
- 4.2 Such further or other consequential relief as may be necessary to fully give effect to the matters raised and relief sought in this submission.
- 5 Irishman Creek wishes to be consulted on the provisions by the Council, and wishes to be heard by the Environment Court.

Dated 23 December 2015

  
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Shoshona Galbreath  
Solicitor for the submitter

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Irishman Creek's submission relates to:	Irishman Creek's submission is that:	Irishman Creek seeks the following decisions:
<p><b>Map 1</b> (Areas of Landscape Management)</p>	<p>Oppose in part.</p> <p>The map prepared by Council is an old topographic map with little detail. The actual location of the areas shown on the map are difficult to identify given the scale of the map. Irishman Creek requests further information from the Council to enable it to better understand the location of the mapped areas. Irishman Creek wishes to reserve its position on the map and the plan provisions until this further detail is available.</p> <p>It is clear however that Map 1 is very inaccurate.</p> <p>The Consented Irrigation Sites do not include all areas currently consented (including on the north side of the canal where resource consent is held to irrigate water taken from Irishman Creek).</p> <p>The extent of high and medium visual vulnerable areas is excessive and unjustified. This includes large areas of land which are not visible from any roadway or public accessible land. These areas are comprised largely of paddocks e.g. of Lucerne. These areas should be reduced, and replaced with low visual vulnerability land.</p> <p>The Scenic Grassland Areas are also too extensive. This includes a large area which does not currently have tussock grassland present. Not all of this area is visible from the State Highway. For example part of this area is located on a terrace and there is also screening by existing trees.</p>	<p>That more detailed and robust mapping is undertaken.</p> <p>That Map 1 be amended to correctly identify Consented Irrigation Sites where necessary.</p> <p>That the extent of the Scenic Grassland Area and High and Medium Visual Vulnerability Areas over Irishman Creek Station be reduced.</p>
<p><b>Policy 3B1</b></p>	<p>This policy states that there are many areas where development beyond pastoral activities is generally "inappropriate" or "should be avoided". The explanation</p>	<p>That this Policy be amended so as to allow appropriate development within</p>

	<p>refers to the three levels of visual vulnerability.</p> <p>Given that the policy is generalised the use of the word “avoid”, as it has been interpreted by RMA decisions, is neither factually correct, nor reflective of outcomes envisaged by the entire policy.</p> <p>Given the extensive areas of High Visual Vulnerability identified in Map 1, such a policy is too broadbrush and restrictive.</p>	<p>high and medium visual vulnerability areas.</p>
<p><b>Policy 3B7</b> (Views from State Highways and Tourist Roads) and associated rules</p>	<p>Oppose.</p> <p>Irishman Creek considers that policy 3B7 (and associated rules) are too restrictive in seeking to:</p> <ul style="list-style-type: none"> <li>• <i>avoid all buildings, other structures, large irrigators and exotic trees and fences in the Scenic Grasslands and Scenic Viewing Areas, and</i></li> <li>• <i>avoid clearance, cultivation or oversowing of Scenic Grasslands including tussock grasslands adjacent to and within the foreground of views from State Highways and tourist roads.</i></li> </ul> <p>We refer to the comments above in relation to the meaning of “avoid”. This is considered unduly onerous and fails to recognise relevant mitigating factors.</p>	<p>That Policy 3B7 be amended so as to allow appropriate development within these areas; to require the effects of these activities to be mitigated (rather than avoided); and to direct that consideration be given to relevant mitigating factors associated with that development.</p>
<p><b>Fencing</b></p> <p>Policy 3B7</p> <p>Policy 3B13</p> <p>Rules 15.1.1; 15.2.1 and 15.3.1.</p>	<p>Oppose</p> <p>These rules propose to make fencing a non complying activity within specified areas.</p> <p>Fencing is integral to any farming activity. It has been a very long-standing and traditional tool in pasture and stock management in the Mackenzie basin. It is contrary to the practice of pastoral grazing to have fencing accorded a non-complying status under the plan.</p> <p>Fencing is necessary in order to keep stock clear of cycleways and roadways.</p> <p>The provision is contrary to the provisions of the Fencing Act which places obligations on farmers to fence stock in.</p>	<p>That the status of fencing be amended so that it is no longer a non complying activity, and that fencing be allowed as a permitted activity.</p>

	<p>It is an anathema, in a zone providing for rural uses, to have fencing non-complying. Fencing of the farms including, internal paddock subdivision, enables visitors to the area to also read the landscape as a working farm environment.</p> <p>The outcomes sought to be achieved by these proposed provisions are inconsistent with LINZ requirements, including fencing proposed by LINZ.</p>	
<p><b>Pastoral Intensification/large irrigators</b></p> <p>All objectives, policies and rules relating to pastoral intensification and large irrigators.</p>	<p>Oppose in part.</p> <p>Rule 15A.3.2 proposes to make pastoral intensification within certain areas a non complying activity. This includes tussock grasslands within 1km of certain roads, including State Highway 8. This rule is opposed. It is currently uncertain as to what areas would be considered "tussock grasslands." It is considered that this part of the rule should be deleted so that additional controls only apply within areas identified on maps. This rule is unduly restrictive and does not recognise the fact that tussock grasslands near the state highway are not always visible and may be screened behind trees or located on terraces.</p> <p>Irishman Creek wishes to reserve its position on the controls on pastoral intensification and large irrigators within Scenic Viewing Areas, Scenic Grasslands and Lakeside Protection Areas in the event that the location of these areas are changed in any way, and until Irishman Creek can confirm the location of these areas following the Council providing more detailed maps.</p> <p>It is considered that where areas are outside Scenic Grassland Areas, Lakeside Protection Areas and Scenic Viewing areas pastoral intensification should be enabled. This would be consistent with the 7<sup>th</sup> Decision of the Environment Court which recognises that the idea of (what is now) Policy 3B7 is to ensure that only small areas of the ONL are subject to more restrictive protection. Enabling pastoral intensification will ensure that farming can remain economic, and would be consistent with the type of land use anticipated within a rural area.</p>	<p>That Rule 15A.3.2 be amended so that this does not include reference tussock grasslands within 1km of the specified roads (and that the relevant objectives and policies be amended to reflect this submission point).</p> <p>That Policy 3B7 and 3B13 recognise the role that distance and scale plays in ameliorating the effect of pastoral intensification.</p> <p>That Objective 3B(3) and related policies (including Policy 3B(13)) be amended to enable pastoral intensification in areas beyond farm base areas and already consented areas.</p>

		That the plan include additional permitted and controlled activity rules for pastoral intensification.
<p><b>Farm and non farm buildings within Scenic Viewing Areas, Scenic Grassland Areas and Lakeside Protection Areas</b></p> <p>Policy 3B7</p> <p>Rules 3.4.4 and 3.4.5</p>	<p>Irishman Creek wishes to reserve its position on the controls on farm and non farm buildings in Scenic Viewing Areas, Scenic Grasslands and Lakeside Protection Areas in the event that the location of these areas are changed in any way, and until Irishman Creek can confirm the location of these areas following the Council providing more detailed maps.</p>	
<p><b>Farm Buildings within MVV and HVV areas</b></p> <p>Policy 3B2</p> <p>Rule 3.3.3</p>	<p>Oppose</p> <p>This rule proposes to make farm buildings outside Farm Base Areas a discretionary activity within medium and high visual vulnerability areas (when located outside a farm base area). Irishman Creek considers that where a farm building is proposed which is consistent with the underlying farming activity a controlled activity status would be a more appropriate status.</p>	<p>That Rule 3.3.3 be amended to make farm buildings outside farm base areas a controlled activity.</p> <p>That Policy 3B2 be amended to reflect this part of the submission, including deleting the statement in the Explanation and Reasons that individual farm buildings outside of Farm Base Areas are generally</p>

		inappropriate.
<b>Definition of farm building</b>	<p>Oppose.</p> <p>It is proposed to amend the definition of a farm building to exclude homesteads and farm workers accommodation. However these types of buildings are often linked to a farming operation and Irishman Creek considers these should continue to be classified as a farm building.</p> <p>Given the size of the stations it is necessary to erect workers accommodation/homesteads outside the farm base area. It is too far for workers to travel across the station every day. Such accommodation is integral to the operation of the farming activity.</p>	That the definition of a "Farm Building" include homesteads and farm workers accommodation.
<b>Non farm buildings</b> Policy 3B2 Policy 3B3 And related rules	<p>All residential buildings outside farm base areas are proposed to be non complying. Policy 3B2 refers to strongly discouraging residential units elsewhere in the Mackenzie Basin. It is considered that this is too broadbrush and onerous. This does not properly take into account the fact that within many areas a residential dwelling may be appropriate subject to mitigation.</p> <p>This concern is exacerbated by the proposed amendment to the definition of a "farm building". The policies and rules relating to non farm buildings could effectively prevent homesteads and farm workers accommodation being established outside a farm base area which could have a significant impact on the farming operation. As set out above, homesteads and workers accommodation should be enabled.</p>	<p>That residential buildings outside farm base areas be a discretionary activity.</p> <p>That Policy 3B2 be amended so as to enable some residential development outside farm base areas where adverse effects can be appropriately avoided, remedied or mitigated.</p>
<b>Tree planting within Scenic Grassland and Scenic Viewing Areas</b>	<p>Oppose</p> <p>Policy 3B7(a) seeks to avoid exotic trees in Scenic Grassland Areas and Scenic Viewing Areas. In addition tree planting (which includes shelterbelts) is proposed to be discretionary.</p>	That tree planting within Scenic Grassland and Scenic Viewing Areas be a



<p>Policy 3B7(a) Rules 6.1.8c and 6.4.2 (Tree planting – discretionary)</p>	<p>Shelterbelt planting is required for soil erosion purposes and the shelter of stock, and is sometimes a requirement by LINZ. The provisions controlling tree planting fail to recognise the need for shelterbelts to be planted in some areas and the benefits these can have.</p>	<p>controlled activity.</p>
<p><b>Farm base areas</b> Policy 3B3 and related rules</p>	<p>It is understood that farm bases are meant to be the one area where non farm development can occur with minimal requirements for consents. It is understood that the landscape experts were satisfied with this as it would concentrate development around existing buildings trees etc. In recognition of the onerous rules that apply to non farm development outside farm base areas it is considered that such activities should be enabled within farm base areas.</p> <p>It is also considered that provision should be made for activities such as a museum and associated tourist activities within a farm base area. Such activities would have benefits for the region. These activities have operated in the past on Irishman Creek Station and there is significant historic relevance to them.</p>	<p>That farm and non farm development within farm bases be a permitted activity (with the exception of the hazard provisions which have been agreed).</p> <p>That there be provision for activities such as a museum and associated tourist activities within a farm base area.</p> <p>That the policies (including Policy 3B3) be amended to enable non farm development within farm base areas.</p>
<p><b>Wildings</b> Policy 3B14</p>	<p>Oppose in Part.</p> <p>If conditions are to be imposed on housing approvals or subdivision consents requiring the removal of wilding pines, the area of pines that need to be removed should be limited to areas within the vicinity of the subdivision or house (for example within the subdivision area or within 300m of the house site), so as to ensure that this requirement is not unreasonable, and to ensure there is a link to offsetting the</p>	<p>If wilding removal is retained, that the extent of this obligation be limited.</p>

	effects of the development.	
<b>Subdivision</b> Policy 3B2 Policy 3B5 Rule 4d	<p>Given the size of the stations it is considered that some subdivision should be enabled.</p> <p>Subdivision within a Scenic Grassland, Scenic Viewing or Lakeside Protection Area is proposed to be a non complying activity. In addition Policy 3B5 provides that further subdivision of Lakeside protection Areas (except for Existing Farm Base Areas), Scenic Viewing Areas and Scenic Grasslands will not be allowed.</p> <p>The non complying activity status when viewed in light of this Policy would make any subdivision of these areas extremely difficult.</p> <p>Irishman Creek considers that a certain level of subdivision should be provided for as a discretionary activity within these areas.</p>	<p>That provision be made for subdivision to be a discretionary activity within Scenic Grassland Areas, Scenic Viewing Areas and Lakeside Protection Areas where the resulting blocks remain economic and viable for farming.</p>
<b>Location of Farm Base Area</b>	<p>It is understood that the location of farm base areas will be confirmed at a future point in time, after the relevant objectives, policies and rules have been determined. However Irishman Creek wishes to signal that it wishes to seek that its farm base area be extended.</p>	<p>That the farm base area be extended or that an opportunity be provided later in the proceedings for applications to be made for amended farm base areas.</p>