

SUBMISSION ON MACKENZIE DISTRICT PLAN CHANGE

Clause 6 First Schedule, Resource Management Act 1991

TO: **Mackenzie District Council**
PO Box 52, Main Street
Fairlie 7949

Attention: Mackenzie District Plan Change Submission

By email only: districtplan@mackenzie.govt.nz

Mackenzie District Plan Change Submission

Name of Submitter:

1 Lisburn Farms Limited (**Submitter**)

Address: c/- Tavendale and Partners Limited
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 PO Box 442
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Contact: Hayden and Lisa Watson / Johanna King

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Trade competition declaration

2 Lisburn Farms Limited could not gain an advantage in trade competition through this submission

Yes No

3 If yes: I am directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Yes No

Hearing options

4 Do you wish to be heard in support of your submission?

Yes No

5 If others are making a similar submission would you consider presenting a joint case with them at the hearing?

Yes No

Submission details

6 Yes, I am enclosing further supporting information to this submission form.

Introduction

7 Overall, LFL supports the overall goal of the Mackenzie District Plan Review to promote sustainable management of natural and physical resources. However, LFL opposes select proposed objectives, policies and rules which do not provide for appropriate farming development to proceed at levels suited to the surrounding environment.

About the Submitter

8 Lisburn Farms Limited (**LFL**) is the lessee of the Mt Dalgety pastoral lease (Run 74A – held in CB30A/657, pictured overleaf). Hayden and Lisa Watson are the directors of LFL, and are the major shareholders along with H & L Watson Trustees Ltd.

9 Hayden and Lisa have farmed the Mt Dalgety pastoral lease for 12 years. Hayden and Lisa also farm 84ha of freehold land in conjunction with the pastoral lease. That freehold land lies to the north of the Mt Dalgety pastoral lease area.

About the Property

10 The Mt Dalgety pastoral lease is a difficult high-country area to farm. Some 80% of the property is >900m above sea level. Much of the property is inaccessible by 4WD vehicle due to steepness or scrub cover, and is only visible, in part, through the Hakataraamea Pass.

11 LFL currently holds a stock exemption¹ to run the following stock numbers:

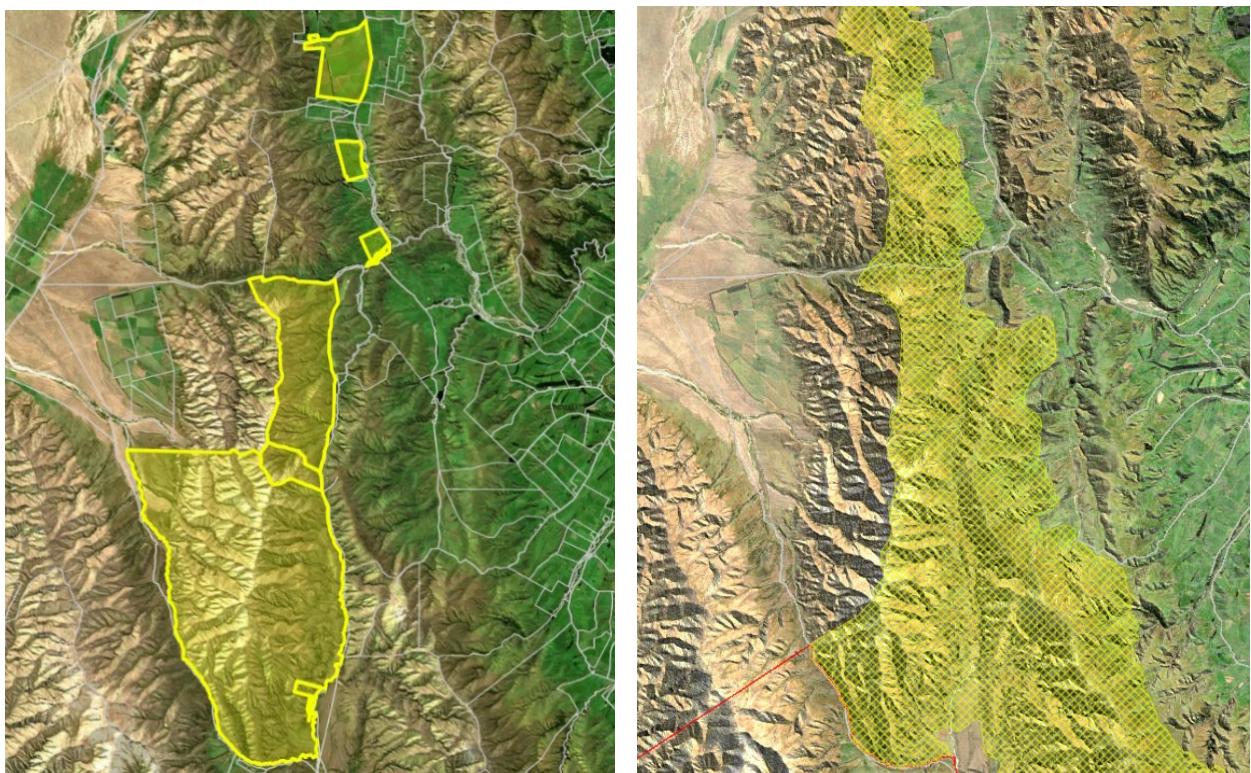
(a) 4,360 sheep (including 1380 breeding ewes) and 200 cattle (including 160 breeding cows), on the Mt Dalgety pastoral lease; and

¹ Granted 24 May 2012.

(b) 5,230 sheep (including 2,250 breeding ewes) and 200 cattle (including 160 breeding cows), when the Mt Dalgety pastoral lease is farmed in conjunction with 84 hectares of freehold.

12 After years / decades of extensive pastoral farming operations during the lifetime of the pastoral lease Run 74A, the landscape has been modestly altered, in line with its predominant use of dryland low stocked pastoral farming. As a result the vegetation prevalent is predominantly tussock land with scattered matagouri. At higher altitudes it becomes sparse with the more arid conditions. The property is regularly plagued by snow in the winter, making the ability to store feed and equipment close to stock (eg. hay sheds and implement sheds) and also to diversify operations on the lowerlands, incredibly important.

13 As the majority of the property is subject to the Crown Pastoral Land Act 1998 and consents regime therein, land use of the property is already tightly controlled. Seeking and obtaining a CCL consent to undertake most farming land uses on the property (such as erecting structures/buildings, irrigating, burning, top-dressing/over-sowing, constructing fences, etc) takes a long time and can be incredibly costly. The District Plan provisions should not duplicate costs and regulatory burdens upon rural landowners needlessly.



Left: Mt Dalgety Pastoral Lease & LFL freehold areas

Right: Eastern Mackenzie ONL as notified in PC23

Submitter's Overall Position

14 Overall, LFL opposes certain aspects of the replacement District Plan identified in **Annexure A** and **Annexure B** as it considers they:

- (a) would not promote the sustainable management of the Mackenzie District's resources;
- (b) would not enable the social and economic well-being of the rural communities of the Mackenzie District;
- (c) would not enable the efficient use and development of LFL assets and the resources which those assets are dependent on;
- (d) do not represent the most appropriate plan provisions in terms of section 32 of the Resource Management Act 1991 (**RMA**); and
- (e) would otherwise be contrary to the RMA, particularly Part 2.

Decisions Sought by Submitter:

15 LFL seeks the following decisions from Mackenzie District Council:

- (a) that the decisions sought in:
 - i. **Annexure A – Plan Change 23:** General Rural Zone, Natural Features and Landscapes, Natural Character;
 - ii. **Annexure B – Plan Change 27:** Subdivision, Earthworks, Public Access and Transport
 to this submission be accepted (and any related amendments required to the planning maps as a result of the decisions sought); **and/or**
- (b) alternative amendments to the provisions in the relevant plan changes to address the substance of the concerns raised in this submission; **and**
- (c) all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.



Lisburn Farms Limited

Hayden and Lisa Watson / Johanna King

Date: 26 January 2024

ANNEXURE A – DECISIONS SOUGHT BY LISBURN FARMS LIMITED

Plan Change 23: General Rural Zone, Natural Features and Landscapes, Natural Character

Notified clauses are shown in italics, with requested amendments to clauses shown in red as either ~~strikethrough~~ or underline

Provision to which our submission relates	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
Definitions			
Shelterbelt Definition	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified definition limits when shelterbelts can be planted; that is, for sheltering stock, crops, or non-principal buildings.</p> <p>LFL is concerned that the limitation restricts its ability to plant shelterbelts at its discretion and in areas which don't fall within the current categories in the definition but are necessary to its farming operations.</p>	<p>Amend the definition of shelterbelt to widen discretion of when shelterbelts can be planted, including to (for example) shelter pasture areas, provide shade from the sun, privacy from views from roads, or any other reason.</p> <p>For example (or similar):</p> <p><i>means trees or vegetation planted predominately to provide shelter for stock, crops, or non-principal buildings from winds or to provide shade, limited to a maximum average width of 15 metres from stem to stem.</i></p>
General Rural Zone (GRUZ)			
GRUZ-O1 Zone Purpose	<input type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input checked="" type="checkbox"/> Support in full	LFL supports the prioritisation of primary production and activities that support primary production in the GRUZ.	Retain GRUZ-O1 as notified.
GRUZ-O2.1 Zone Character and Amenity Values	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	LFL supports the maintenance of the rural character and amenity of the GRUZ, consisting of low building density and a predominance of open space and vegetation cover, while also allowing primary production and related activities to operate without risk of reverse sensitivity. LFL seeks GRUZ-O2.4 be amended to better align it with GRUZ-P1.1 and GRUZ-P2.1, in enabling primary production and related activities to establish, innovate or diversify in the GRUZ.	<p>Amend GRUZ-O2 as follows:</p> <p><i>The adverse effects of activities and built form within the general Rural Zone are managed in a way that:</i></p> <p>[...]</p> <p>4. Allows primary production and activities that directly support primary production <u>to establish or intensify in appropriate locations and</u> to operate without risk of being compromised by reverse sensitivity.</p>

Provision to which our submission relates	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
GRUZ-R1 Primary Production Activity Not Otherwise Listed - <i>Permitted</i>	<input type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input checked="" type="checkbox"/> Support in full	LFL supports permitted activity status for establishing or expanding intensive primary production activities in the GRUZ, not otherwise listed.	Retain GRUZ-R1 as notified.
GRUZ-R8 Rural Industry <i>Permitted</i>	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified rule sets a maximum area of land associated with a rural industry as 100m², when located within an ONL.</p> <p>LFL is concerned that 100m² does not provide adequate area to operate a rural industry activity. Given the size and scale of farming operations generally, and usually the need for heavy machinery and/or heavy vehicles delivering product to or from site, a turn around bay is almost always required to ensure safe manoeuvring. Combined with any building(s) or parking areas, these bays and/or accessways will likely exceed the modest drafted land area.</p>	Amend the maximum area of land associated and increase it from 100m ² to <u>150m²</u> (or similar).
GRUZ-R14 Shelterbelt <i>Permitted</i>	<input type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input checked="" type="checkbox"/> Support in full	Shelterbelts are common throughout the GRUZ. LFL supports permitted activity status for new or expanding existing shelterbelts.	Retain GRUZ-R14 as notified.
GRUZ-S1.1 Density	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified standard sets a minimum net size area per residential unit as 200ha within an ONL.</p> <p>LFL is concerned this standard is unattainable if it decides to construct any additional residential unit(s) in the future. This is emphasised by the already limited available area that can be built on due to the rugged/ steep topography and accessibility issues.</p>	Amend the minimum net site area and decrease it from 200ha to <u>100ha</u> (or similar).
GRUZ-S1.2 Density	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified standard sets a minimum net size area per residential unit as 100ha within the GRUZ.</p> <p>LFL is concerned this standard unnecessarily limits a landowners ability to construct any residential units.</p>	Amend the minimum net site area and decrease it from 100ha to <u>40ha</u> (or similar).
Natural Features and Landscapes			
NFL-P7 Pastoral Farming	<input type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input checked="" type="checkbox"/> Support in full	LFL supports the encouragement of traditional pastoral farming so as to maintain tussock grassland.	Retain NFL-P7 as notified.

Provision to which our submission relates	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
NFL-P11 Wilding Conifer Spread	<input type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input checked="" type="checkbox"/> Support in full	LFL recognises the threat of wilding conifers and supports the use of stock grazing to control their spread in areas known to be susceptible to re-invasion.	Retain NFL-11 as notified.
NFL-R.1 Buildings and Structures Permitted	<input type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input checked="" type="checkbox"/> Support in full	LFL supports permitted activity status for buildings and structures within an ONL.	Retain NFL-R1 as notified.
NFL-R5 Earthworks Permitted	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified rule allows for earthworks in relation to existing infrastructure or up to 500m³ by volume and 500m² by area per site in any 5-year period.</p> <p>LFL is concerned that the 5- year period is too long and maximum amounts too slight , especially given the size and scale of their farming operations. The unnecessarily burdensome rule makes farm planning difficult and will present significant challenges in the event of unforeseen circumstances such as extreme weather events.</p>	<p>Amend NFL-R5.2 as follows (or to the effect of):</p> <p>[...]</p> <p>2. <i>Earthworks on any site shall not exceed 1,000m³ by volume and 1,000m² by area per site in any 5-year 2-year period.</i></p> <p>And retain the remainder of NFL-R5 as notified.</p>

Provision to which our submission relates	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
NFL-R9 Non-Farm Buildings – discretionary	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified rule requires a discretionary resource consent for non-farm buildings, including residential units.</p> <p>LFL acknowledges the need for consent but doesn't support fully discretionary status. LFL prefers Restricted Discretionary status to best enable farms to implement non-farm buildings that assist with supplementing farm income, while also retaining discretion over matters.</p>	<p>Amend activity status from discretionary to restricted discretionary where:</p> <p>NFL-R9 Non-farm Buildings including Residential Units</p> <p>ONF Activity Status: <u>DIS RDIS</u> ONL excluding Te Manahuna/Mackenzie Basin ONL</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <u>The maximum height shall be 8m.</u> 2. <u>No buildings shall be erected on Sites of Natural Significance or areas above 900masl.</u> 3. <u>The maximum reflectivity index of the exterior of any building shall be 30%.</u> 4. <u>The maximum gross floor area of any single building shall be 550m².</u> <p>And the activity complies with the following standards: <u>NFL-S5 Setbacks</u></p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> a. <u>External appearance and location within the landscape/</u> b. <u>Landscape and visual effects.</u> c. <u>Earthworks and planting.</u> d. <u>Lighting.</u> e. <u>Impacts on natural character including on rare and threatened species.</u>
NFL-S1.1 Height	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified standard sets a maximum height of any building or structure of 4m above natural ground level.</p> <p>LFL is concerned that this is not feasible as its farming buildings and structures often exceed these heights due to the machinery and equipment used to conduct their farming operations.</p>	<p>Amend the maximum height and increase it from <u>4m</u> to <u>8m</u> (or similar).</p>

Provision to which our submission relates	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
NFL-S1 Building Footprint	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified standard sets a maximum building footprint for any individual building of 50m².</p> <p>LFL prefers that the 50m² maximum shall not relate to Small Farm Buildings in ONL areas, which shall be subject to the 10m x 10m footprint as set out in the Small farm Buildings definition already in the Plan. This would better enable modest farm buildings (such as hay sheds or pump sheds) that support farming activities to be consented. The ONL is situated in a farmed setting and it is entirely expected for there to be ancillary farm buildings in the area.</p>	<p>Amend NFL-S2 as follows (or other amendments to the effect of):</p> <ol style="list-style-type: none"> 1. The maximum building footprint for any individual building shall be 50m². 2. <u>Small Farm Buildings shall not be required to comply with NFL-S2.1 above.</u>
ONL Mapping			
ONL Layer ONL 3 – Hunters Hills, Dalgety, Rollesby Range (Eastern Mackenzie)	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	LFL agrees some landscapes in the Mackenzie District are worthy of ONL status. The Eastern / South-Eastern-most parts of the Dalgety Range that are south of Locharts Stream are currently farmed by LFL. Sheep and cattle grazing and finishing occurs regularly over the lower land areas, and fences, shelterbelts and other land uses incidental to pastoral farming are prevalent and should not be subject to additional constraints under ONL status.	<p>Amend part of “ONL 3 – Hunters Hills, Dalgety, Rollesby Rangers” as follows:</p> <ul style="list-style-type: none"> • Remove all of the ONL that lies south of Mackenzie Pass Road

ANNEXURE B – DECISIONS SOUGHT BY LISBURN FARMS LIMITED

Plan Change 27: Subdivision, Earthworks, Public Access and Transport

Provision to which our submission relates	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
Subdivision			
SUB-S1.8 Allotment Size and Dimensions	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified standard sets a minimum allotment area of not less than 100ha within the GRUZ. LFL is concerned this standard unnecessarily limits landowners' ability to subdivide in the GRUZ which is intended to be conducive to farming and related land uses.</p>	<p>Amend the minimum allotment area and decrease it from <u>100ha</u> to <u>40ha</u> (or similar).</p>
SUB-S1.9 Allotment Size and Dimensions	<input checked="" type="checkbox"/> Oppose in part <input type="checkbox"/> Oppose in full <input type="checkbox"/> Support in part <input type="checkbox"/> Support in full	<p>The notified standard sets a minimum allotment area of not less than 200ha within an ONL. LFL is concerned this standard is unattainable if it decides to subdivide in the future. The large minimum allotment area makes it challenging, at best, to undertake any meaningful development.</p>	<p>Amend the minimum allotment area and decrease it from <u>200ha</u> to <u>100ha</u> (or similar).</p>