

**SUBMISSION ON AMENDED PLAN CHANGE 13 PROVISIONS
(MACKENZIE DISTRICT PLAN)**

To: The Mackenzie District Council

Name of submitter: Mt Gerald Station Limited

- 1 The specific provisions of the proposal that Mt Gerald's submission relates to are set out in Annexure A (together with Mt Gerald's submissions on these provisions).
- 2 Mt Gerald wishes to make the following general comments:
 - 2.1 The amended plan provisions will significantly affect the ability to undertake a productive farming operation. The ongoing viability of farming operations will be significantly reduced as a result of the proposed provisions. The costs associated with the provisions have not been adequately assessed in the s 32 report.
 - 2.2 The provisions appear to disregard the tenure review process, which as a result of that process certain areas have been freeholded as suitable for productive farming. These plan changes further reduce the amount of land able to be used for productive farming. This issue has not been addressed in the s 32 report.
 - 2.3 The provisions are contrary to section 5 of the Act (sustainable management).
- 3 Mt Gerald seeks the following decision:
 - 3.1 That Map 1 be amended so as to:
 - 3.1.1 Delete/Amend the Scenic Grasslands Area identified over Mt Gerald Station.
 - 3.1.2 Reduce the extent of the High Visual Vulnerability Area over Mt Gerald Station.
 - 3.1.3 Reduce the extent of the Lakeside Protection Area over Mt Gerald Station.

- 3.2 That all activities be permitted or controlled where they occur within farm base areas.
- 3.3 That the PC13 provisions be amended (including Objective 3B(3); Policy 3B13 and permitted activity rule 15A.1.2) so that:
- 3.3.1 pastoral intensification and the installation of large scale irrigators is a permitted activity in circumstances where applications for irrigation have been lodged with Environment Canterbury and/or Mackenzie District Council before the provisions become operative.
- 3.3.2 pastoral intensification is a permitted activity in already developed dryland areas.
- 3.4 Such consequential relief as may be necessary to give effect to this submission.
- 3.5 We will be furnishing Council with expert landscape, ecological and planning reports/assessments to identify all areas clearly.
- 3.6 Should the map not be amended as requested in this submission, Mt Gerald wishes to reserve its rights with respect to the objectives; policies and rules that apply within Scenic Grassland Areas, Lakeside Protection Areas and High Visual Vulnerability Areas.
- 3.7 Mt Gerald considers it essential that the Council consult with it over the issues raised in this submission. It is understood that this consultation may be proposed to occur during December/January. This timeframe is unreasonable. The experts engaged by Mt Gerald will not be available until late January/early February at the earliest and we will have availability issues over this period.
- 3.8 Mt Gerald Station Limited supports the submission of Federated Farmer of New Zealand.
- 3.9 The contact details for Mt Gerald are as follows:

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ANNEXURE A

MAP 1 (AREAS OF LANDSCAPE MANAGEMENT)

- 1 The location of the Scenic Grassland High Visual Vulnerability Areas over Mt Gerald is fundamentally flawed. This does not reflect the significant level of pastoral intensification that has already taken place within these areas, or which will take place, following the implementation of resource consents and certificates of compliance held and/or applied for.

Existing Development and Development Proposed in Existing Applications

- 2 Much of the land within these areas has been oversown and topdressed for many years. The vegetation has been significantly modified. Much of entire area north of the Richmond homestead to the Mt Gerald Homestead, including all the proposed Scenic Grassland, High Visual Vulnerability, and Lakeside Protection areas are fenced predominantly in 13 wire tight-lock, mutli-stock netting.
- 3 Almost the entire area north of the Mt Gerald homestead to the Macaulay River, including all the proposed High Visual Vulnerability area is fenced in 13 wire tight-lock, mutli-stock netting to an approximate altitude of 1250 meters.
- 4 It is estimated that approximately seventy five percent (at least) of the land property below 900 meters has been developed, topdressed, direct drilled, and/or cultivated.
- 5 The entire property is fenced and/or is nearing completion (January 2016) pursuant to the completion of tenure review.
- 6 Further Mt Gerald holds the following:
 - 6.1 Resource consent to erect a hayshed . The decision on the resource consent application notes (based on the advice of Graham Densem) "*that this type of structure is what one would generally expect in the high country*" The effects of the hayshed were considered to be not unduly significant in terms of its visual impact, with reference being made to the distance from the road. It would appear, based on the scale of the map provided, the particular hay barn is within the Scenic Grasslands Area. If within the Scenic Grasslands Area, this highlights the fact that avoiding any development within this area is not an appropriate goal.

- 7 Applications have also been lodged for the following:
- 7.1 Resource consents to construct a farm building for accommodation and other farm activities which appears now to fall within the Scenic Grassland and High Visual Vulnerability Area. Granted consents also appear in the same area(s).
 - 7.2 A certificate of compliance for the installation of pivot irrigators. Part of the irrigation area is within the proposed Scenic Grasslands Area and the Lakeside Protection Area and is shown as Proposed Irrigation Sites on Map 1. The remaining irrigation area appears within the proposed High Visual Vulnerability Area.
- 8 The identification of the Scenic Grassland and High Visual Vulnerability Areas, and reidentified Lake Side Protection Area disregards this significant level of development that has already occurred.

Purpose of High Visual Vulnerability Areas, Scenic Grasslands Areas and Lakeside Protection Areas

- 9 The amended plan change provisions (explanation to Policy 3B1) states that High Visual Vulnerability Areas contain:

Particularly pristine areas of continuous natural grassland, low development levels and visual vividness.

- 10 The provisions (explanation and reasons to Policy 3B7) also state that:

Scenic Viewing Areas and Scenic Grasslands comprise dry grasslands adjoining SH8 and tourist roads which include tussock grasslands, generally containing short tussock species. In addition to tussock grasslands being associated with iconic high country vistas, they have numerous other values including their contribution to indigenous biodiversity, water production potential, pollination, recreation and tourism.

- 11 An ecological report obtained for the certificate of compliance application for irrigation to the Mackenzie District Council referred to above confirms:

- 11.1 Vegetation within the pivot areas located within the Lakeside Protection Area consistent almost entirely of intensively farmed Lucerne, ryecorn, wheat and Italian ryegrass.

- 11.2 In the areas which are proposed to be in a Scenic Grassland Area, vegetation within some areas comprise mainly ryecorn, other areas have been sown in Italian ryegrass and although patches of indigenous vegetation are present these do not trigger the standards in Rule 12.1 (clearance of indigenous vegetation).
- 12 This is also consistent with the vegetation within the wider area. The vegetation is therefore not consistent with what is expected within the Scenic Grassland Areas and High Visual Vulnerability Areas. Almost the entire areas of farmland on the property adjacent to the Lilybank road are modified.
- 13 The justification for Scenic Grasslands (Policy 3B7) also refers to views from SH8. However, parts of the Proposed Scenic Grassland and High Visual Vulnerability area are not visible from the state highway at all. Further, of remaining areas that may be visible, those areas are some 15 to 35 kilometres away in distance from the state highway.
- 14 The landscape values associated with these areas do not justify the identification of the Scenic Grassland Area, the Lakeside Protection Area or the extensive area of the High Visual Vulnerability Area given the significant level of modification that has occurred as outlined above.

First Interim Environment Court Decision

- 15 The First Interim Decision of the Environment Court signalled the possibility of a further farm base area on Mt Gerald Station where it is stated at paragraph [380]:

Despite Mr Kruger's one line doubts, we consider there might be scope of an alternative farm base area to the east of Lilybank Road and north of the access to the Roundhill Skifield (especially if buffered by suitable native tree planting). We will reserve leave for an application about that.

- 16 Despite this, Map 1 now appears to identify a Scenic Grassland in this area which would undermine the potential for a further farm base in this area.

PASTORAL INTENSIFICATION

Objective 3B(3); Policy 3B13 and 15A (Rules)

- 17 Mt Gerald considers the pastoral intensification rules are unduly onerous.
- 18 As set out above Mt Gerald has Mackenzie District Council land use consents supporting intensification, existing use rights and applications before Mackenzie District Council.

- 19 Currently the amended plan change provisions include a permitted activity rule for irrigation (Rule 15A.1.2) which applies where the regional council has granted a resource consent prior to 14 November 2015.
- 20 Mt Gerald considers that this rule is too narrow and should apply in all circumstances where an application has been lodged with the District or Regional Council for irrigation (even if it was not granted as at 14 November 2015). This would properly reflect the significant level of previous and ongoing investments associated with such applications. Further the permitted activity rule should cover not only irrigation, but the installation of a pivot irrigator. The justification for excluding irrigation applies equally to the irrigator itself.
- 21 Mt Gerald also considers that where pastoral intensification relates to an area of developed dryland exotic pasture this should be a permitted activity. This would be consistent with the significant level of prior and ongoing investment that has already been made in developing areas. Such a permitted activity rule would ensure there is a more appropriate balance between protecting the environment whilst allowing productive farming to continue.

FARM BASE AREAS

Policy 3B3 and all other policies and rules applying to farm base areas

- 22 Mt Gerald Station considers that the rules relating to farm base areas are proposed to be too restrictive, to the extent that this undermines in part the purpose of these areas. If development is going to be subject to strict controls outside farm base areas, then to offset the impact of this, all development (including buildings and all pastoral intensification) should be a permitted activity or controlled activity where this occurs within farm base areas.