

In the Environment Court  
Christchurch Registry

Under the Resource Management Act 1991

In the matter of appeals under clause 14(1) of the First Schedule to the Act

Between **Federated Farmers of New Zealand (Inc)  
Mackenzie Branch**  
(ENV-2009-CHC-193)

**Mount Gerald Station Limited**  
(ENV-2009-CHC-181)

**Mackenzie Properties Limited**  
(ENV-2009-CHC-183)

**Meridian Energy Limited and Genesis Energy Limited**  
(ENV-2009-CHC-184)

**The Wolds Station Limited**  
(ENV-2009-CHC-187)

**Fountainblue Limited & Others**  
(ENV-2009-CHC-190)

**R, R and S Preston and Rhoborough Downs Limited**  
(ENV-2009-CHC-191)

**Haldon Station**  
(ENV-2009-CHC-192)

Appellants

And **Mackenzie District Council**

Respondent

**Statement of Simon Cameron in support of the submission of Ben Ohau Farming Trust on PC13**

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Dated: 9 September 2016

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## **Introduction**

1. My full name is **Simon John Cameron**. I am a Trustee of the Ben Ohau Farming Trust (**Trust**), which owns and runs a farming operation at Ben Ohau Station, Twizel (**Ben Ohau**). The Trust is an interested party under s.274 of the Resource Management Act (**RMA**).

## **Summary of evidence**

2. The Trust is seeking that the cut-off date for the inclusion of irrigated land as a "consent irrigation site" be changed from the date included in the Plan Change 13 (**PC13**) section 293 package (**package**) of 14 November 2015, to the date of the Court's final decision on PC13 (or any other date that allows the Trust's irrigation consent to be recognised).
3. The Trust spent considerable time and money in obtaining its irrigation consent, which was granted in July 2016 and includes a consideration of landscape issues.

## **Background**

4. The Trust, and the Cameron Family before it, has owned and farmed the land at Ben Ohau since 1891. We have kept a watching brief on developments leading up to PC13 as a member of Federated Farmers New Zealand Incorporated, who have been an active participant in these proceedings.
5. It is largely because of the involvement of Federated Farmers that we did not feel we had to be personally involved in appealing PC13.
6. However, it later became apparent as the appeal process progressed that PC13 would have serious impacts on our activities, especially in relation to pastoral development we had long been planning and the irrigation consent we sought to make some farm intensification a reality.
7. When the Section 293 Package (**Package**) was released this became very clear when the Council proposed new wording for Objective 3B(3) in relation to pastoral practices (discussed below in

greater depth) which was substantially different to the version suggested by the Environment Court<sup>1</sup>.

8. Because of our concerns, we felt that we needed to engage formally as an interested party in our own right. So, in December 2015 we gave notice to the Court to be included as a s.274 party in order to be heard if necessary following consultation.
9. As a general comment I note that my understanding of PC13 is that its primary focus is the protection of the outstanding landscapes in the Mackenzie Basin, not stopping people carrying out activities that they have lawfully carried out for over 100 years.

### **Irrigation consent**

10. Central to the Trust's concern is that we now possess a resource consent (**consent**) for irrigation at Ben Ohau (CRC100234), a copy of which is attached and marked '**A**'. The consent was granted in July 2016, almost seven years after the application process began. In granting the consent Ecan also took landscape effects into account. However, under the now proposed Objective 3B(3) (see below) and the date that provides the cut-off, our consent will not be recognised despite the same issues of cost and time we have spent on obtaining the consent, which I have detailed below.
11. We first lodged an application for an irrigation consent with Environment Canterbury (**ECan**) on 17 September 2009.
12. As a part of preparing the irrigation consent application, I engaged Irricon Resource Solutions (**Irricon**) in July 2009. Irricon's work involved ongoing monitoring and water sampling over a three year period to provide information to support the consent application.
13. We also commissioned a landscape assessment by Chris Glasson Landscape Architects Limited, who provided a landscape report on 30 January 2014 (**landscape report**). A copy of the landscape report, and the graphic supplement, is attached and marked '**B**'.
14. Bearing in mind what we read in the PC13 s.32 Report and the Package, we felt it important to show that we could adequately

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<sup>1</sup> Mackenzie District Council s.293 package, dated 14 November 2015, at paragraph 2.2.

manage landscape effects while irrigating our land. I discussed the issue with Rob Young at Te Manahuna Consulting, and a site assessment was carried out before a report into landscape values was produced in August 2016 (**natural values report**), a copy of which is attached and marked 'C'. Our intention was that the natural values report would consider any impact of the newly consented irrigation site on the landscape, as this had not been addressed in previous submissions on PC13.

15. Mr Young was asked to carry out the assessment as he has extensive experience around Twizel and the wider Mackenzie District, having held the position of Area Manager at the Department of Conservation for 23 years.
16. We have adopted and are committed to implementing the "careful management" of the irrigated area that Mr Young recommends in his conclusions (at page 5 of the natural values report).

### **PC13 and the Package**

17. PC13 to the Mackenzie District Plan was initiated by Mackenzie District Council (**Council**) in 2007. As I understand it the main purpose of this Plan Change was to provide greater protection for the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use<sup>2</sup>.
18. As earlier stated, the Cameron Family, and later the Ben Ohau Family Trust, has been farming within the Mackenzie Basin, and specifically the land at Ben Ohau, since 1891. Over those 125 years my family has developed and used the land for sheep farming (primarily wool production), beef cattle and cropping, as have our neighbours. Our connection with the land at Ben Ohau is very real, as is our desire to protect it for my children and future generations to come.
19. The Council stated in the Package:

After consideration of all these matters the Council has come to the preliminary position that **pastoral intensification should be subject to**

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<sup>2</sup> Mackenzie District Council s.293 package, dated 14 November 2015, Part A: Introduction, at paragraph A.1.

assessment through a resource consent process throughout the Basin other than in Farm Base Areas and in areas where Environment Canterbury has granted an irrigation consent prior to the notification of this section 293 package, such consent has not lapsed and the landscape effects of irrigated pasture were addressed through the regional consenting process<sup>3</sup>.

[emphasis added]

The notification date for the Package was 14 November 2015.

20. The Council also states that its preferred version of Objective 3B(3) is<sup>4</sup>:

- 3) Subject to objective (1) above and to rural objectives 1, 2 and 4:  
 (a) to enable pastoral farming;  
 (b) **to enable pastoral intensification**, including cultivation and/or direct drilling and high intensity (irrigated) farming, in Farm Base Areas and **in areas for which irrigation consent was granted prior to 14 November 2015** and the effects on the outstanding natural landscape have been addressed through the regional consenting process; and elsewhere, to manage pastoral intensification...

[emphasis added]

21. PC13's supplementary Map 1 "Areas of Landscape Management" (a copy of which is attached and marked 'D') includes areas called Consented Irrigation Sites (**CIS**).
22. The s.32 Report, when addressing Policy 3B1, is clear that "*Pastoral intensification [should be] Permitted in FBAs and within areas already consented for irrigation*" and "*Time and cost involved in obtaining consents for pastoral intensification*"<sup>5</sup> are factors that should be considered.
23. Over the 7 years the Trust has been engaged in the process of applying for our consent, the total costs have been hard to quantify, but are at least \$50,000.00, comprised of:
- (a) Irricon consultancy for monitoring and water sampling \$35,487.66 (at \$1,000.00 per month for 36 months);

<sup>3</sup> Mackenzie District Council s.293 package, dated 14 November 2015, at paragraph 7.6.

<sup>4</sup> Ibid, at 2.3.

<sup>5</sup> Mackenzie District Council s.32 Report on PC13, page 16.

- (b) Landscape assessment by Chris Glasson Landscape Architects Limited \$6,540.11;
  - (c) Assessment of Natural Values report by Te Manahuna Consulting Limited (as yet not invoiced) in the order of \$5,000.00; and
  - (d) Other associated costs in excess of \$2,000.00.
24. The s.32 Report addresses Objective 3B(3)(b) of PC13 on page 12, saying<sup>6</sup>:

Subsection (4) of Policy 3B13 addresses pastoral intensification in the remainder of the Basin, i.e. areas other than Farm Base Areas, consented areas and the most sensitive environments. Council proposes that in these areas, pastoral intensification will be a discretionary activity. This activity status enables the Council to consider all aspects of the proposal that could affect the natural and landscape values of the Basin and if necessary decline consent. **This approach is in keeping with proposed Objective 3B3(b) which states that pastoral intensification in these areas is to be managed.**

[emphasis added]

25. As noted above, the natural values report concluded that with careful management the consented irrigation area would retain the geomorphological features that dominate the irrigation area and have little impact on other natural features which are already "*highly modified from a fauna and flora perspective*"<sup>7</sup>.
26. The earlier landscape report also included recommendations for mitigation measures<sup>8</sup>:

#### **10.0 Mitigation Measures**

Several mitigation measures are required in order that the three pivots become integrated with the surrounding landscape and to maintain the existing landscape quality:

- Retain as much of the matagouri shrublands as possible within and between the pivot areas.
- Retain willow trees and shrublands along the river margins.
- Retain as much as possible of the undulating ground in the pivot areas.

<sup>6</sup> Mackenzie District Council s.32 Report on PC13, page 12.

<sup>7</sup> Te Manahuna Consulting Limited "Assessment of Natural Values" report dated August 2016, page 5.

<sup>8</sup> "Ben Ohau Irrigation Scheme Landscape Assessment" Chris Glasson Landscape Architects Limited, 30 January 2014, page 11.

- Plant copses of trees in the areas between the pivots. Trees could include poplar, Italian alder, box elder and larch.
- Provide a 50m buffer margin from any streams.
- That any associated structures, such as pump sheds, be of recessive material and colours.

I my view these measures are consistent with those in the natural values report.

27. At page 11 of the consent document (attached and marked 'A') condition 50 deals with Landscape and Amenity, the very issues that are central to PC13, as follows

**Landscape and Amenity**

- 50 To mitigate the effects on landscape the consent holder shall within the irrigation command area:
- a. Retain matagouri shrub-lands where practicable within and between the irrigation areas;
  - b. Retain as much as possible the undulating ground within the irrigation areas;
  - c. Retain shrublands along the river margins adjacent the irrigation command areas;
  - d. Plant copses of trees in the areas between the irrigation areas which could include species such as poplar;
  - e. Provide a 50 metre buffer margin from any streams; and
  - f. Ensure associated infrastructure to the irrigation system (such as pump sheds) where possible, shall be of recessive material and colours.

What will be apparent is that Ecan has replicated the mitigation measures from the landscape report in Condition 50. So, in granting the resource consent, ECan has also considered how the natural and landscape values might be impacted by the proposed activity.

**Inclusion as a CIS**

28. The Package includes the following<sup>9</sup>:

In this way [by including consented irrigation sites within the proposed PC13] **the Council is recognising that landowners have spent considerable time and money obtaining consent to irrigate and that in many cases consideration of landscape impacts has been taken into account in granting these consents.** It would be unfair then for the District Plan to prevent these consents being implemented on the basis of impacts on the landscape. It is also considered the majority of land within Farm Base Areas is already modified such that further intensification is unlikely to impact on the outstanding natural landscape values of the Basin.

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<sup>9</sup> Mackenzie District Council s.293 package, dated 14 November 2015, at paragraph 7.6.

[emphasis added]

29. We feel that it would be unfair for our efforts to be wasted through no fault of our own, especially now that we have successfully obtained an irrigation consent from Ecan, which also considered the issue of landscape effects. In fact we spent the greatest part of our time and money before the PC13 Package was released on 14 November 2015. It is clear that, putting aside that the consent had not been granted at the time, we are in much the same position as the land owners who already had their irrigation consents before 14 November 2015.
30. And as already highlighted, both the landscape report and the natural values report agree that the proposed, and now consented, irrigation of the Ben Ohau farm, can, if carefully managed, retain the natural features and landscape values in what is a highly modified landscape.
31. Finally, without wanting to point any fingers, we feel that there have been factors outside our control that have caused many of the delays experienced in obtaining the irrigation consent we applied for. Without those delays, it seems reasonable to assume that the consent may have been granted prior to 14 November 2015.

#### **Relief sought**

32. For the above reasons, we ask that the Court amend Objective 3B(3) so that the cut-off date coincides with the date of the Court's final decision on PC13. This would mean that anyone who has already applied for an irrigation consent will have an opportunity to complete the process and if successful will be able to have their consented irrigation site formally included in PC13 as a Consented Irrigation Site.

**Simon John Cameron**

9 September 2016