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Name	Phil Page
Organisation	on behalf of W H and A J Sutherland, of Benmore Station
Email	Phil.Page@gallawaycookallan.co.nz
Response Date	Aug 31 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here
	<p>We attach feedback for our clients, W H and A J Sutherland, of Benmore Station. Please acknowledge receipt. [cid:image001.png@01D8BD33.3F125F20] Phil Page Partner DDI 03 474 9744 Mobile 027 487 2912 phil.page@gallawaycookallan.co.nz GALLAWAY COOK ALLAN LAWYERS Level 2, 123 Vogel Street P O Box 143, Dunedin 9054, NZ Ph 03 477 7312 Fax: 03 477 5564 www.gallawaycookallan.co.nz</p>

SUBMISSION ON DRAFT WAITAKI PROPOSED DISTRICT PLAN

**To: Waitaki District Council
Private Bag 50058
Oamaru 9444**

SUBMITTER: W H and A J Sutherland, Benmore Station.

BACKGROUND

1. Benmore Station is a 5,400 hectare fine wool farm at 1567 State Highway 83, between Omarama and Twizel.
2. Benmore Station has a number of listed heritage buildings on its property. The Heritage NZ listing reference is 12012-042. Benmore Station has no objection to the specific listed buildings being protected under the District Plan. This submission relates to the mapped heritage overlay HH129 that discourage building on the land around the listed heritage buildings.
3. It is submitted that the heritage overlay HH129 is an unnecessary additional layer of regulation and are inappropriate.
4. Benmore Station runs approximately 20,000 stock units and is managed in conjunction with Ahuriri Station. The heritage buildings are working buildings that remain in active use, and the farm remains in active development. The historical land use pattern of Benmore Station requires the functional buildings to be located in the same place where staff, equipment, yards, and suitable terrain is located. This is largely centred around the historic woolshed. Keeping the heritage buildings in active use means that they are well maintained.
5. Benmore Station objects to the operating heart of the station being protected against future development through the addition of new buildings. The Station has to be managed as a farm that responds to changing market and physical conditions (including climate change) and flexibility in decision making is fundamentally important to the sustainability of the farm. The addition of regulatory control over new buildings on the farm that otherwise comply with the rules of the District Plan is

an imposition that is not justified in order to protect the heritage values of the specifically protected buildings.

6. The overlay HH129 method runs completely counter to good landscape and land management practice (as approved by the Environment Court in the Mackenzie District) where new buildings in the landscape should be grouped in existing nodes of development. The Council's approach to Benmore would force new buildings (e.g., new equipment storage and staff accommodation) into open paddocks or on elevated ground away from the existing buildings, in full view of the State Highway, which is inefficient and poor land management practice.
7. The Council's approach of preserving the whole area means that new farm buildings and infrastructure is likely to move away from the heritage buildings, which will ultimately mean that they may be abandoned rather than used and maintained as working farm buildings. That would be a very poor outcome for the listed heritage buildings.
8. Protecting the "setting" of working farm buildings conflicts with objectives HH-02 and HH-03 which encourages heritage buildings to be used and restored. That is what Benmore Station has been doing. The "setting" is a working farm and should be allowed to be managed in the best interest of the farming operation.
9. The relief that Benmore Station seeks is:
 - (a) The deletion of policy HH-P12 or providing an exception for the setting of farm buildings.
 - (b) Delete Rule HH-R3 (earthworks) and HH-R5 (new buildings) or provide an exception for the setting of farm buildings.
 - (c) the deletion of HH129 for the "Benmore Station Complex" and simply maintain the schedule of existing HNZ registered buildings.

Indigenous Vegetation Provisions

10. The National Policy Statement Indigenous Biodiversity has not yet been published by Gazette. It is pointless preparing draft provisions until the NPS IB is Gazetted.

11. Benmore Station objects to the indigenous vegetation rules in the proposed District Plan. The rules are uncertain as to the scope and effect, especially outside of the mapped SNA areas listed in Sched 6.
12. Benmore Station Limited has to manage its pastoral resources to avoid the regeneration of plants that are unsuitable for stock or unpalatable. Benmore Station Limited will be hindered in its ability to actively manage pasture within the areas of the farm that have been historically used for pastoral grazing and cropping under the existing rules.
13. It is important that the pasture management is able to occur as efficiently as possible as the production of feed on the lower contours of the property enables the more vulnerable higher altitude parts of the Station to be managed through light grazing because of the reliable feed able to be obtained at lower altitudes.
14. Benmore Station agrees with the intent of Rule PER-4:
PER-4
The indigenous vegetation clearance relates to planted or regenerating indigenous vegetation less than 15 years old, where the vegetation was previously lawfully cleared as a permitted activity or with an appropriate resource consent; **or**
15. But the rule creates an impossible burden to prove how old each cleared plant is, when it was last cleared, and whether that clearance up to 15 years ago was lawfully permitted. Managing woody weed and grey shrub regrowth is an ongoing management task that will become problematic under Rule PER-4.
16. Benmore simply seeks a rule that permits vegetation to be cleared on land that has previously been cleared for grazing.
17. Benmore Station objects to Rule ECO R6 which makes all non-indigenous planting within an SNA a prohibited activity. That fails to acknowledge that there may be errors in SNA mapping, or that some SNAs are areas of the farm that have been grazed for generations but may nevertheless have some species present that have been able to co-exist with pastoral farming practices.
18. Benmore Station contains extensive areas of land mapped as Outstanding Natural Landscape (ONL) and objects to ONL Rule NFL-R5 which says: "primary production is permitted where it does not involve "Agricultural intensification". That term is defined as:

Agricultural intensification

means change in pastoral activities, including agricultural conversion arising from direct drilling, cultivation, top dressing, oversowing and irrigation but does not include dryland farming.

It does not include changes to stocking rates, animal species or breed, or changes as a result of changes to feed types where it does not involve the above activities.

19. Oversowing and topdressing, and more recently direct drilling, have been standard practice on much of the improved grazing country. It is not clear over what timescale the “change in pastoral activities” is to be judged. It is accepted that land that has never been oversown and top dressed should not now be developed. But most of the ONL grazing has had improvement in the past and that should be allowed to continue.
20. The agricultural intensification rule should not apply to dry stock farming on land that has been previously improved.

Phil Page



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Solicitor for Submitter

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Contact Details:

Address: Gallaway Cook Allan, Lawyers
PO Box 143,
Dunedin 9054

Phone: 03 477 7312

Email: phil.page@gallawaycookallan.co.nz