

Colin Harvey for Lake McKay Station - Summary of evidence 05 May 2016 – Chapter 33 Indigenous Vegetation and Biodiversity, Hearing Stream 2

1. I am Colin Harvey my family interests own Lake McKay Station. I have a broad background in agriculture. Known primarily for the Ancare animal health business I founded, but also interests in new technology ventures, as a Council Member of Massey University, and as the founding Chairman of Hobbiton Tourist Venture in Matamata. I am an Officer of the New Zealand Order of Merit and hold degrees in Agriculture and Commerce.
2. Lake McKay Station is a 6500 ha property on the Pisa Range immediately behind the Luggate township. The property has gone through tenure review. It is bordered by the Luggate Gorge and divided by the Fall Burn(south branch of Luggate Creek) both of which are within corridors of DOC land.
3. Our Submission No 439 raised 4 issues with Chapter 33 of the PDP as follows;
 - (a) Amendment to the boundaries for several SNAs on Lake McKay Station ,
 - (b) Concern with the QLDC consultation process for SNAs.
 - (c) The cost of pest control and rates remission
 - (d) Threatened Environments Classification and opposition to Rule 33.5.2

Mike Kelly, from Opus, and I will summarise these concerns today.

4. The issue of SNA is a major one – over 400 ha of Lake Mckay Station has been included in this classification. This includes several essential farm roads which contain major irrigation works. This is a very significant area of land which as land owners we have created in indigenous vegetation by good stewardship. Our concern here is that there had not been sufficient consultation with the Council on the proposed SNAs on Lake McKay Station (LMS). Hence we are pleased with the recommendation of the Panel to hear the submissions seeking amendments to the boundaries of the SNAs at the later time. Also the recommendation that in the interim period there should be further consultation between the scientific experts representing the Council and the landowners with outstanding concerns on the SNA boundaries.
5. I will not dwell on this matter at this time. But the Commissioners should be aware that the consultation process followed by Council was not that which was represented to us in 2011 or that laid out by the Environment Court.
6. Further we are concerned that the SNAs had immediate legal effect when the PDP was notified and that they will remain in this “operative” state now for the next year or so when there is no definitive agreement on the boundaries of some of the SNAs.
7. The Council is applying the SNA’s as the main method of complying with the RMA on protection of Indigenous flora and fauna. We believe the process should be more holistic. Our plans for these areas are not just about protecting biodiversity for its own sake but on the integration of these areas beside residential life style development to give public utility, access and enjoyment to what are some very unique indigenous vegetation in a unique setting.

8. Our submission notes that although the SNAs fulfil the requirement of the QLDC to protect areas of significant indigenous vegetation. However the cost of maintaining the SNAs are carried by the land owner. All the SNAs on Lake McKay are neighbouring to pasture land and they become sanctuaries for pest animals particularly rabbits but also stoats, ferrets possums and pest plants. There are 400 hectares of SNAs proposed on LMS and the ongoing cost of pest control will be significantly higher than if the SNAs were converted to pasture. This pest control requires the use of aerial poison drops at considerable expense.
9. A rates remission would only cover around a tenth of the annual expenditure on pest control but it is some recompense and worth pursuing. However the rates remission is onerous for the land owner who not only has to apply for the remission but in the process has to show there is an economic loss from the existence of the SNAs. We have requested that there is an addition to the policy in Chapter 33 to make this an easier process.
10. The rules referring to the Clearance of Indigenous vegetation outside of SNAs are difficult to decipher and the overlay of the Threatened Environment Classification is particularly onerous for Lake McKay Station. Most of our productive terrace land below 600m including the valley floor is within the TEC area and potentially will add a significant cost in consenting requirements to develop any of this land.
11. We note that the further submissions from Jeremy Bell Investments Ltd (submission 782/784), who are the owners of the Criffel Station neighbouring our property, share many of the same concerns and we fully support their submission.

I refer to Mike Kelly to summarise our concerns on the Rules and the Threatened Environment Classification.

Mike Kelly For Lake McKay Station - Summary of Evidence - 05 May 2016 – Chapter 33 Indigenous Vegetation and Biodiversity, Hearing Stream 2

1. My name is Mike Kelly. I hold a Bachelor of Science degree in Geology from Victoria University and a Masters in Planning from Lincoln University. I have been involved in Resource Management work since 1997 in which time I spent 8 years with the Otago Regional Council and now 11 years with Opus International as a Senior Resource Management Consultant.
2. We contend that the Threatened Environment Classification (TEC) Maps are not appropriate as a regulatory tool and that the inclusion of the maps in Rule 33.5.3 is unnecessarily onerous for Lake McKay Station.
3. To emphasise the effect on Lake McKay Station we present a plan that shows the 420 hectares of SNAs on Lake McKay station along with an overlay of the Threatened Environment Classification as defined by Land Environments of New Zealand Level IV.
4. All of the production land on LMS below 600m is within the TEC area and with the current wording of Rule 33.5.3 any development of land of an area greater than 500m² will require either a resource consent application or a report from an ecologist stating that there is 0% remnant indigenous vegetation in the subject area.
5. Rule 33.5.3 refers to *Within a land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover.....*. There is no minimum % of indigenous vegetation cover that would be allowed for clearance and hence one must assume that either resource consent is required or proof that there is zero indigenous vegetation to be cleared. Also under Rule 33.5.6- proof that there are no threatened species within the area.
6. On LMS much of the land that is planned for development of pasture has areas of matagouri and briar. Given that matagouri is an indigenous plant (although not at all threatened), under rule 33.5.2 these areas will need consent to clear and to cultivate new pasture (see attached photos).
7. The requirement for consents will add considerable extra expense in resource consent fees and or ecology reports required to identify the remnant indigenous vegetation and then there is no guarantee that the consent will be granted due to the TEC status that is applied to this land.
8. This level of regulation is contrary to the objectives in the Rural section of the PDP that are to enable and promote farming in the Rural zone. If consent could not be granted for the cultivation of this land then should the whole area be in the category of an SNA?
9. It is our view that the logic is flawed in the use of the TEC as a regulatory tool. The TEC area covers most of the extensively modified, productive farmland in the Upper Clutha Valley. Any remnant Indigenous Vegetation areas are going to be small - mostly less than 10%. I am not an expert ecologist but Glen Davis, in his submission to the Panel (6 April; para 6.12), notes that remnant indigenous vegetation areas of less than 20% coverage generally have a decreasing success rate in establishing a sustainable ecosystem. Also Mr Peter Espie, in his submission on behalf of Jeremy Bell Investments, makes the same observation. Hence we query if the use of the TEC will achieve the purpose of the Council to protect indigenous vegetation areas or will it just cause more consents and more expense for land owners within the TEC area.

10. There does not appear to have been any consultation on the inclusion of the TEC in the PDP and it is our view that very few land owners within this area will realise the new constraints on development on their properties.
11. We consider that the Rules in 33.5 along with the clauses in 33.3.3 are difficult to interpret and will cause considerable confusion in their application. This was also evident yesterday with the Panels questions for Mr Barr in clarifying these Rules.
12. We consider that the clauses in 33.3.3 (ie. the 30% and 20% cover guidelines) along with the Rules in 33.5, would be a lot simpler to administer if Rule 33.5.3 and the TEC were deleted from Chapter 33. And in reference to the submission from Mr Espie (submission 782/784) we expect these Rules, without the TEC overlay, will still achieve the purpose in protecting remnant areas of indigenous vegetation that are significant and self sustaining.



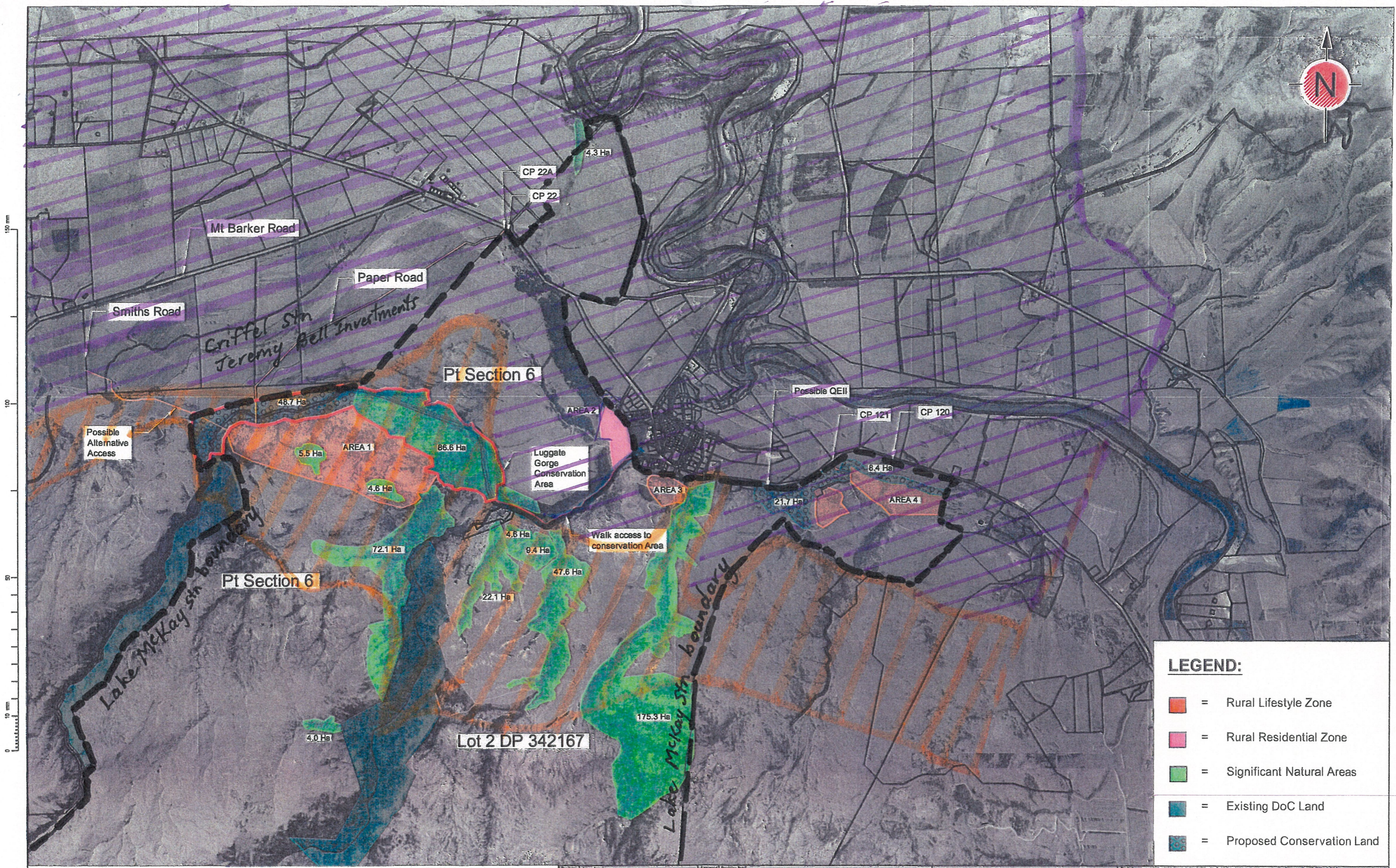
Photo 1: Area across the gully is planned for cultivation. This land has sporadic cover of briar and some matagouri and under proposed rule 33.5.3 the cultivation of this land would require consent. The kanukla stands in the background are on the neighbouring block and would not be included in the cultivation



Photo 2: The land in the gully (where there is existing kanuka) would generally not be cultivated due to the steepness of the slopes. If this land were to be cultivated a consent would be required by Rule 33.5.2 where the kanuka is over 2m tall.



Photo 3: The land in the foreground is planned for cultivation. Under Rule 33.5.3 the sporadic matagouri would trigger the requirement for a resource consent.



LEGEND:

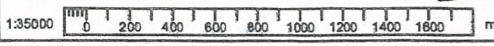
- = Rural Lifestyle Zone
- = Rural Residential Zone
- = Significant Natural Areas
- = Existing DoC Land
- = Proposed Conservation Land

AERIAL LAYOUT PLAN

Scale: 1:35,000

Acutely threatened Indigenous cover < 10%

Chronically Threatened Indigenous cover < 20%



Particulars	Approved	Approved	Approved

Lake McKay Station Limited

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Designed	Approved	Approved
Drawn	Check	
E George	1:35,000	

**LAKE MCKAY STATION
 LUGGATE
 QLDC PLAN CHANGE SUBMISSION SEPT. 2015**

**PROPOSED RURAL LIVING AND INDIGENOUS
 VEGETATION AREAS**

Project No.	Sheet No.	Revision
6XZ123.00/065	C 01	RA