

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**In the matter of** The Resource Management Act 1991

**Between**

**CANTERBURY REGIONAL COUNCIL**

Consent Authority

**And**

**IRRICON RESOURCE SOLUTIONS LIMITED**

**PYE PARTNERHIP, SOUTH STREAM, GRANTLEA &  
CLOVERDENE DAIRIES, AND HIGHFIELD FARM HOLDINGS**

**ME MULLIGAN**

**I KERSE**

**TURLEY FARMS LIMITED**

Submitters

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**BRIEF OF EVIDENCE OF BRYAN BEESTON  
FOR HEARING TWO (FARMING RULES)**

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## **INTRODUCTION**

1. My name is Bryan Beeston. My family came to Canterbury in 1995 and purchased our first farm in 1999. This was converted in 2001. Since then we have done 7 dairy conversions from south Canterbury to North Canterbury and all are under different regional rules. We now milk 4,800 cows on 7 farms in a variety of farm ownership structures.
2. Together with Aaron and Natasha Berry, we purchased the property known as Cairndale, just south of Mayfield on State Highway 72. We trade as Berrandale Limited.

## **ABOUT BERRANDALE**

3. The farm was purchased in March 2012, with the sole intention of being converted to a dairy farm. It is located in a relatively high rainfall area, with good soils, deep groundwater (at over 50 metres below ground level) and apart from one water race at the back end of the farm, was a low risk farm from an environmental perspective.
4. We set about obtaining all the necessary consents straight away, and our dairy discharge and effluent storage consents, as well as a bore permit were granted in June 2012.
5. The conversion process started straight away. Bores were drilled, and sufficient water was found in order that irrigating the farm became a real option, and we are in a "yellow" groundwater zone, so water was available from an allocation perspective.
6. In order to get a water permit to take and use water from the bores for irrigation, an aquifer test had to be undertaken on the bores to show that there would be no effect on neighbouring bores. This was completed in early August 2012.
7. By the time the LWRP was notified on 11 August 2012, in excess of \$4 million dollars had been spent on the conversion, including purchasing the farm and drilling three wells.
8. The consent to take and use water was lodged following completion of the analysis of the aquifer test data on 31 August 2012, two weeks after notification of the LWRP.

## **BERRANDALE'S CONSENTING PROCESS**

9. As far as we were concerned, we had all the necessary resource consents to be a dry land dairy farm. When we applied for a resource consent to irrigate, it was with the knowledge that this was a change in land use (going from dryland to irrigated), but given that we were already authorised to be a dryland dairy farm, and the conversion well advanced, the effects of the change were covered in the application, including a condition requiring a Farm Environmental Plan (FEP) to be prepared, implemented and audited, and best practise conditions relating to irrigation management and fertiliser use.
10. The application was processed to the point where it was with senior council staff for review, when it was identified that further information was required (basically that Overseer was needed). This was in November 2012.
11. We engaged Ravensdown to carry out the Overseer modelling on our behalf. We ran two models initially, the first being a dryland dairy farm, and the second being an irrigated dairy farm. This confirmed our view that adding water was not going to have any change in nitrogen lost, and this was forwarded to the Regional Council. Because of this, we made decisions to purchase the centre pivot irrigators.

12. The Regional Council replied (below) and advised that the dryland dairy farm model had no relevance as to date, cows had not been milked on the property, and the fact the consents to do this were already held and we were well down the conversion path meant nothing. We were also told that a model was needed for the 2011/12 year, which was before we brought the farm.

Hi Keri,

As discussed yesterday, when it determining what is an appropriate NDA (nutrient discharge allowance) to put on the water permit, the fact that the applicant has been granted a consent to discharge dairy effluent is irrelevant. You need to determine what was actually leached from the subject land over the benchmark period and not what could have been leached if the conversion had been completed. While I understand that you may not have complete records of what was occurring on the property under the previous owners, I expect that you will be able to estimate an approximate figure.

Any further questions please ask.

Regards,  
Sam

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13. This started a downhill spiral for all involved. Our consultant (Irricon) argued with the Regional Council about the sheer mockery of having to provide a model for a time period when the farm was not in Berrandale's ownership, and made the Regional Council aware that if we were forced to do this, it would have to be made up. There was no back down from the council.
14. Our Ravensdown advisor then refused to run the model for the same reasons – the sheer mockery of having to make it up. This put a lot of unnecessary stress onto Aaron and Natasha and their family, as well as mine. It seemed that everywhere we turned, we hit a brick wall. In the meantime, the conversion had to continue. We were too far down the path to turn back.
15. After many discussions, our Ravensdown advisor reluctantly completed the requested model, and in parallel, we engaged a resource management lawyer to act on our behalf in relation to this whole process.
16. The completed model along with the letter from the lawyers was forwarded to the Regional Council in February 2012. The letter enforced our position that the baseline for us was in fact dry land dairy farming.
17. The Regional Council finally accepted this position and we were granted our water permit with no nitrogen loss limit.
18. In total, the whole process took seven months, and cost \$26,086.60.

19. The whole process has been totally unacceptable from our point of view. We had already made significant investment in our farm at the time of notification of the LWRP, and to be told that this was “irrelevant” and be made under duress to make up a model was ludicrous.
20. At the end of the day, it was our choice to pursue irrigation – we could have just been a dryland dairy unit, but the water was there in ample supply, and we knew as farmers that adding water was not going to result in any difference in effects to dryland dairy – you change the way you farm to ensure that that is the case, and we Overseer did show that for us.
21. Therefore, to go through the process that we did was unexpected and mind boggling. I would also like to note that there was no consideration given to the positive effects of our farm. We employ staff, pay wages, and their families in turn become part of the community and this is good for the local rural schools.
22. It also has to be said that much of this occurred because we are in a water quality red zone, and this meant that there is to be no increase in nitrogen lost to water in a red zone. If we had been an orange or a green water quality zone, then the small increase in nitrogen lost to water between the “made up” before model and the irrigated dairy model would not have been an issue. Please don’t misunderstand me, our position on the baseline is very much that it should always have been treated as a dryland dairy farm, but it was the zoning that ultimately sent us down this path.
23. As I stated earlier, this farm appealed to us because it had no natural surface water bodies, and groundwater is deep. Therefore, low environmental risk. Yet, we are in a red zone and nobody can tell me why. I question how the zones were determined in the first place. While I don’t have the answer to this, I ask that you consider this question and perhaps the Regional Council can provide you with the answer to this question. I know that I am not the only one who has asked.
24. This process is about opportunity lost. We lost income for the extra months it took to get consent, and finance from the bank was halted because of the uncertainty about getting the consents needed. There needs to be certainty.

## **CONCLUSIONS**

13. Our process resulted from three things:
  - 13.1 The lack of due recognition of our existing consents, being the dairy discharge and effluent consents;
  - 13.2 A requirement to make up a farming scenario, being that prior to our ownership and the discussions that were had with the Regional Council on this matter; and
  - 13.3 The fact that the property is located in a nutrient red zone despite it being environmentally “low risk”.
14. We were already going to prepare a FEP, and as stated, one of the reasons that this farm stood out for conversion was the fact that it was low risk from an environmental point of view.
15. The Regional Councils implementation of notified rules of the LWRP has meant that applicants have been forced models to be made up to satisfy the Regional Council’s consenting requirements and this makes a farce of the entire process.

16. The creation and implementation of FEP's as recommended in the S42 report mean that each farm can be customised and environmental risks addressed on a farm by farm basis.

Bryan Beeston  
Dated 2 April 2013