

RECEIVED
30 APR 2018

FORM 6
FURTHER SUBMISSION
ON PROPOSED PLAN CHANGE 19
CLAUSE 8 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council, PO Box 52, Fairlie 7949

Full name of person making further submission Mark Ross Ivey

Address for service PO BOX 333 Twizel 7901

Phone: 027462 7569 Fax/email: markrossivey@hotmail.com

Contact person: _____
(name and designation, if applicable)

This is a further submission in support of (or in opposition to) a submission on:

Plan Change 19 – Activities on or within Water Bodies

I am: Against any ban on the recreational boating on any water body in the Mackenzie
 a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or

I live on the shores of lake Pukaki.

a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;

We are runholders who have been affected by the lake raising.
I support / oppose the submission of:

My own submission and that of my farming neighbours to retain the use of these waterbodies.
The particular parts of the submission I support (or oppose) are:

Full recreational use of all waterbodies.
[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal].

The reasons for my support / opposition are:


I feel strongly about retaining the use of these rivers and also lake Pukaki

I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):
[give precise details].

I believe all of my submission
should be allowed as we actually live
there.

I wish/ do not wish to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature of submitter
or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means.)

30/4/18

Date

If you have any queries about this form or the proposed plan change or variation, please contact Karina Morrow, Group Manager Regulations Mackenzie District Council.

Note to person making further submission
A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

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CLAUSE 8 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council, PO Box 52, Fairlie 7949

Full name of person making further submission Kate Ivey

Address for service 4769 State Highway 8 Pukaki Twizel

Phone: 0278241438 Fax/email: Kate@kateiveyfitness.co.nz

Contact person: _____
(name and designation, if applicable)

This is a further submission in support of (or in opposition to) a submission on:

Plan Change 19 – Activities on or within Water Bodies

I am:

a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or

a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;

We live on the shores of Lake Pukaki. We are in hedges affected by the raising of the lake.

I support / oppose the submission of: → Plan change 19: Activities on or within waterbodies

no recreational motorbats on Lake Pukaki

The particular parts of the submission I support (or oppose) are:

as above I support my prior submission and oppose those against motorised recreational boats on Lake Pukaki.
(clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal).

The reasons for my support / opposition are:


We as an extended family enjoy summers boating and waterskiing on Lake Pukaki. Being able to enjoy the surrounds we live and work at means a lot to us.

I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):
[give precise details].

I seek that recreational motorised boats be allowed
on the entire lake (Lake Pukaki)

I wish/ do not wish to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature of submitter
or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means.)

30-4-18

Date

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To: Mackenzie District Council, PO Box 52, Fairlie 7949

Full name of person making further submission SARAH KATHLEEN GORDON & RICHARD LINDVICK GORDON

Address for service 2 MAHR CASCHNY -CF- P.O. BOX 14224 CHECH

Phone: 024668971 Fax/email: sarah@stellafoods.co.nz

Contact person: SARAH GORDON
(name and designation, if applicable)

This is a further submission in support of (or in opposition to) a submission on:

Plan Change 19 – Activities on or within Water Bodies

I am:

a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or

RATE PAYER USES THE LAKE RECREATIONALLY

a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;

I support/ oppose the submission of:

BANNING MOTOR BOATS LAKE PUKAKI

The particular parts of the submission ~~support~~ (or oppose) are:

THERE ARE WORSE CASES RUNNING AT COOK + VIEW
[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal].

The reasons for my support/ opposition are:

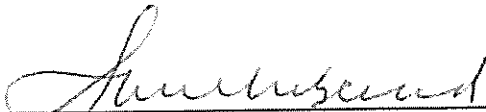
TAKING AWAY AN OPTION FOR PEOPLE TO USE THE LAKE BASED ON VIEW BEING RUINED / MARRED BY BOATS IS NOT CORRECT. THERE ARE FAR WORSE BRIGHTS ON THE LANDSCAPE SURROUNDING THE FINE SHORE OF LAKE PUKAKI - SOUTHERN END - CAMPING VANS, MOTOR HOMES & NON COMPLIANT VANS

I seek that the whole (or part [describe part]) of the submission be ~~allowed~~ (or disallowed):
[give precise details].

I OPPOSE THE SUBMISSION TO BAN BOATS MOTOR
ON LAKE AKAKI

~~I wish~~ do not wish to be heard in support of my further submission.

✓ If others make a similar submission, I will consider presenting a joint case with them at a hearing. WG


Signature of submitter
or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means.)

27/4/18
Date

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Note to person making further submission

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**FORM 6
FURTHER SUBMISSION
ON PROPOSED PLAN CHANGE 19
CLAUSE 8 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991**

To: Mackenzie District Council, PO Box 52, Fairlie 7949

Full name of person making further submission H2 Explore Ltd

Address for service 3 Market Place, Twizel 7901

Phone: 022 043 2499 Fax/email: rican@h2explore.co.nz

Contact person: Riccan van der Westhuizen
(name and designation, if applicable)

This is a further submission in support of (or in ~~opposition~~) a submission on:

Plan Change 19 – Activities on or within Water Bodies

I am:

a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or

a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;

H2 Explore currently have a 10 year consent
to operate on Lake Pukaki
Our livelihood depends
on it.

I support / oppose the submission of:

H2 Explore Ltd.

The particular parts of the submission I support (or ~~oppose~~) are:

We support the submission to divide Lake Pukaki
[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal].
into zones.

The reasons for my support / ~~opposition~~ are:

If the lake is divided into zones,
the viewing corridor to Mt Cook will be protected
and we can operate our business accordingly
without disturbing any one.

I seek that the whole (or part [~~describe part~~]) of the submission be allowed (or ~~disallowed~~):
[give precise details].

This submission will give every one the
chance of enjoying the lake, without
disturbing the beauty and tranquility.

I wish/ ~~do not wish~~ to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Am
Signature of submitter
or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means.)

3/5/2018.
Date

If you have any queries about this form or the proposed plan change or variation, please contact Karina Morrow, Group Manager Regulations Mackenzie District Council.

Note to person making further submission

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To: Mackenzie District Council, PO Box 52, Fairlie 7949

Vander Wasthuig

Full name of person making further submission Adriaan Jacobus

Address for service 43 The Drive, Twizel 7999

Phone: 0220432499 Fax/email: riaan@h2explore.co.nz

Contact person: As above
(name and designation, if applicable)

This is a further submission in support of (~~or in opposition to~~) a submission on:

Plan Change 19 – Activities on or within Water Bodies

I am:

a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or

a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;

I am a shareholder and director of H2 Explore and

I support / ~~oppose~~ the submission of: have a vested interest in the company's well being.

H2 Explore Ltd.

The particular parts of the submission I support (~~or oppose~~) are:

To divide Lake Pukaki into zones.
(clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal).

The reasons for my support / ~~opposition~~ are:

If Lake Pukaki is divided into zones, the viewing corridor to Mt Cook will be protected and H2 Explore can continue to operate without disturbing any one

I seek that the whole (or part [~~describe part~~]) of the submission be allowed (or ~~disallowed~~):
[give precise details].

This submission will give every one the
chance of enjoying the lake without
disturbing the beauty and tranquility.

I wish/ ~~do not wish~~ to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Jim

Signature of submitter
or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means.)

3/5/2018.

Date

If you have any queries about this form or the proposed plan change or variation, please contact Karina Morrow, Group Manager Regulations Mackenzie District Council.

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ON PROPOSED PLAN CHANGE 19
CLAUSE 8 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991**

To: Mackenzie District Council, PO Box 52, Fairlie 7949

Full name of person making further submission Colette van der Westhuizen

Address for service 43 The Drive, Twizel 7999.

Phone: 0220277468 Fax/email: colette@h2explore.co.nz

Contact person: As above
(name and designation, if applicable)

This is a further submission in support of (~~or in opposition to~~) a submission on:

Plan Change 19 – Activities on or within Water Bodies

I am:

a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or

a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;

I am a share holder in H2Explore and have
I support / ~~oppose~~ the submission of: a vested interest in the company's well being.

H2 Explore Ltd

The particular parts of the submission I support (~~or oppose~~) are:

I support the submission to divide the lake
(clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal). into zones

The reasons for my support / ~~opposition~~ are:

If Lake Pukaki is divided into zones,
the viewing corridor to Mt Cook will be protected
and H2Explore can continue to operate
without disturbing anyone.

I seek that the whole (or part [~~describe part~~]) of the submission be allowed (or ~~disallowed~~):
[give precise details].

This submission will give everyone the
chance of enjoying the lake without
disturbing the beauty and tranquility.

I wish/ ~~do not wish~~ to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature of submitter
or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means.)

3/5/2018.

Date

If you have any queries about this form or the proposed plan change or variation, please contact Karina Morrow, Group Manager Regulations Mackenzie District Council.

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Form 6

FURTHER SUBMISSION

ON PROPOSED PLAN CHANGE 18 and 19 MACKENZIE DISTRICT PLAN

TO: Mackenzie District Council
PO Box 52
FAIRLIE 7949

FROM: Mackenzie Guardians Inc.
C/- Postal Delivery Centre
Glentunnel 7643
rsnoyink@xtra.co.nz
03 3182632

DATE: 4 May 2018

This is a further submission in support of submissions on:

Plan Change 18 and Plan Change 19

Mackenzie Guardians Inc. has an interest in the proposals that are greater than the interest of the general public. Mackenzie Guardians was incorporated in 2009 as a result of rapid and seemingly uncontrolled development in the Mackenzie Basin. Our members remain concerned at the ongoing landscape degradation and indigenous biodiversity loss occurring in the Basin. Since its formation Mackenzie Guardians have made submissions on water take, use, and discharge applications. The Society was an active participant in the Mackenzie Shared Vision Forum and is a signatory to the Mackenzie Agreement. Mackenzie Guardians have been active in submitting on planning processes to ensure that landscape and indigenous biodiversity values are recognised and protected.

Mackenzie Guardians could not gain an advantage in trade competition through this further submission.

Mackenzie Guardians seek that the whole (or part) of the submissions identified as supported be allowed.

Mackenzie Guardians wish to be heard in support of this submission and would be prepared to consider presenting a joint case with others making a similar further submission at a hearing.

Signed: Rosalie Snoyink

Contact person for Mackenzie Guardians Incorporated

	Add new policy to protect significant values	Support	Will set clearer direction to protect significant values.
Forest and Bird (20)	Amend	Support	As above.
	Biodiversity Policy 2.		
EDS (9)	Replace Policy 2 with Policies 2A and 2B	Support	Mackenzie Guardians believe the Basin's biodiversity and landscape values are at a tipping point. Further loss of significant natural values will see it no longer qualify as outstanding under s. 6 (b) of the RMA or significant under s. 6 (c) of the RMA.
DOC (18)	Amend	Support	
Forest and Bird (20)	Amend	Support	
	Biodiversity Policy 3		
Carol Linda Burke (4)	Amend to exclude indigenous vegetation clearance	Support	Policy 3 needs to be clear that areas with significant natural values should be protected.
EDS (9)	Amend	Support	Amendments sought would give effect to CRPS 9.3.1. (3)
DOC (18)	Amend	Support	Avoidance of loss to apply to all indigenous biodiversity.
Forest and Bird (20)	Amend	Support	No net loss is not protection.
	Biodiversity Policy 4		
Central SI Fish and Game (7)	Amend to include all wetlands	Support	Given the loss of wetlands throughout NZ all ecologically significant wetlands should be protected.
EDS (9)	Amend	Support	Include reference to agricultural conversion introduced by Plan Change 13.
	Biodiversity Policy 5		
EDS (9)	Delete and replace new Policy 5	Support	The concept of offsetting does not <i>protect or progressively restore ecosystems, habitats and indigenous biodiversity to show significant improvement</i> as set out in the Canterbury Water Management Strategy.

DOC (18)	Delete and replace new Policy 5	Support	Offsetting does not seek to avoid ecosystem, habitat and biodiversity loss and is contrary to the RMA.
Forest & Bird (20)	Delete Policy 5	Support	This Policy does not protect significant indigenous vegetation and significant habitat of indigenous fauna.
Carol Linda Burke (4)	Biodiversity Policy 6 Remove provision for offsetting	Support	Offsetting does not provide protection. Mackenzie Guardians agree it is a "hollow piece of terminology". New definition builds on, and complements RPS criteria. Policy should provide a gain for indigenous biodiversity. Will prevent the compromising of significant natural values.
Central SI Fish and Game (7)	Oppose offsetting	Support	
EDS (9)	Delete and replace Policy 6	Support	
DOC (18)	Amend	Support	
Forest & Bird (20)	Amend	Support	
EDS (9)	Biodiversity Policy 8 Amend	Support	Need to manage indigenous biodiversity outside of significant sites to ensure maintenance is achieved.
DOC (18)	Amend	Support	Indigenous biodiversity values over the whole farm will be recognised.
Forest and Bird (20)	Amend	Support	Will integrate development with comprehensive identification, sustainable management, and long term protection of significant indigenous vegetation and significant habitats of indigenous fauna through a FBP process.
EDS (9)	Biodiversity Policy 9 Amend	Support	Will identify all indigenous biodiversity in FBP and assess against the CRPS significant criteria and the RMA.

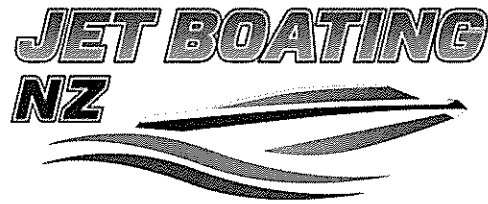
DOC (18)	Amend	Support	As above.
Forest and Bird (20)	Amend	Support	
	Biodiversity Rules – Permitted Activities excluding Waitaki Power Scheme		
DOC (18)	Amend Rule 1.	Support	All vegetation clearance will be subject to the proposed rules.
	Amend Rule 1.1.6	Support	How `improved pasture` is identified is a problem.
EDS (9)	Rule 1.1.1 Add maximum clearance cap.	Support	A cap to control the extent of clearance is necessary to ensure cumulative effects are addressed.
Carol Linda Burke (4)	Delete Rule 1.1.1 (6) Rule 1.1.(7) Amend to exclude all valuable areas.	Support	Rule 1.1.1 (6) is confusing and unnecessary. It is open to misinterpretation and opens another “loophole” situation.
Colin Morris (5)	Delete Rule 1.1.1. (6)	Support	The proposed definition of “improved pasture” will enable extensive clearance as a permitted activity.
Forest and Bird (20)	Delete Rule 1.1.1. (6)	Support	
	Biodiversity Rules – Restricted Discretionary Activities excluding Waitaki Power Scheme		
Carol Linda Burke (4)	No indigenous vegetation clearance	Support	All indigenous vegetation that remains in the Mackenzie Basin is significant.
EDS (9)	Amend Rules 1.2.1 and 1.2.2 by adding matters of discretion	Support	New matters will adequately identify biodiversity values. An avoidance approach to protection is necessary because of the vulnerability of the Basin’s remaining values
	Retain Rule 1.3	Support	Rules 1.3.1 and 1.3.2 are appropriate in respect of the listed environments.

	Amend Rules 1.2.1 and 1.2.2	Support	As above.
DOC (18)	Support Rule 1.3	Support	Mackenzie Guardians support the proposed non-complying rule.
Forest and Bird (20)	Amend Rule 1.2.2 by adding matters of discretion	Support	
EDS (9)	Biodiversity Rules – Vegetation Clearance in Waitaki Power Scheme – Permitted Activities Insert controls on extent of permitted clearance	Support	
EDS (9)	Appendix Y – Farm Biodiversity Plan Framework Amendments to address identified issues	Support	The proposed amendments go some way to addressing Mackenzie Guardians` concerns at the inadequacy of Farm Plans i.e. it will be difficult to achieve consistent standards when case by case assessments are made. Farm Plans should not undermine hard fought for district wide consistent rules. The likely variation and the impossibility of independent scrutiny perhaps mean they should have no regulatory role at all. Farm Plans should at least reflect conditions of consent and should not be used to avoid “prohibited” activity status.
DOC (18)	Amend to clarify FBP functions the same as conditions of consent	Support	
Forest and Bird (20)	Amend	Support	

Plan Change 19 Section 7			
DOC (18)	Objectives and Policies 8, 8A, 8B, 8E, 8F, 8H	Support	Will provide for the avoidance, remedy and mitigation of adverse effects of recreational use of riverbeds and waterbodies, particularly the use of off road vehicles and powerboats, on wildlife and wildlife habitats.
DOC (18)	Plan Change 19 Section 7 Rural Zone Rules Supports Clauses 7A.2.1, 7A.2.2 and 7A.2.3	Support	Mackenzie Guardians support the rules which restrict motorised commercial activities and construction of jetties and boat ramps on or within Lake Pukaki. Lake Pukaki is highly significant for its cultural, landscape, biodiversity, peace and tranquillity and tourism values, and should be afforded the highest level of protection.
Sir Alan Mark (12)	Prohibit motorised activity on Lake Pukaki.	Support	As above.
Hugh Barr (20)	Adopt Plan Change 19 for Lake Pukaki	Support	As above.
Tony Orman (26)	Prohibit motorised activity on Lake Pukaki.	Support	“ ”
Kaye and Luke Paardekooper (54)	Prohibit motorised craft on Lake Pukaki	Support	Mackenzie Guardians agree the tranquil and extensive landscape is what draws people to the lake. As it is rarely used by motorised craft, and there are several other lakes in the area for recreational boating, “it will not be a huge leap to prohibit motorised craft on the lake”.

Dr Carolyn Jean Mincham (61)	Prohibit motorised craft on Lake Pukaki	Support	As above.
Mervyn Burke (63)	Prohibit motorised craft on Lake Pukaki	Support	As above
Gavin James (64)	Prohibit motorised craft on Lake Pukaki	Support	Some lakes should be free from the noise of motorised activity, in particular jet boats and jet skis.
Lake Pukaki Natural Quiet Zone Supporters	Prohibit motorised craft on Lake Pukaki	Support	Proposed Plan Change 19 will preserve the special character of Lake Pukaki's takata whenua values, conservation and wildlife values and visual and amenity values.
Valerie MacMillan (116)	Prohibit motorised craft on Lake Pukaki and the building of jetties on the shore of the lake.	Support	Will avoid the erosion and pollution evident at other lakes.

PO Box 6605, Upper Riccarton,
Christchurch 8842
Phone: 03 341 8814
info@jbnz.co.nz



FURTHER SUBMISSION ON PLAN CHANGE 19.

Submission By Ronald Clearwater, Waitaki Branch, Jet Boating New Zealand Inc.

This is a further submission to submissions by Department of Conservation and Royal Forest and Bird Protection Society.

1 SUBMISSION OF DEPARTMENT OF CONSERVATION.

Notified Plan Provisions:

7A ACTIVITIES ON OR WITHIN WATERBODIES

7A.1 Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.1 Permitted Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.

7A.1.1.b Non-commercial motorised and non-motorised activities

7A.1.1.c Craft on the surface of waterways used for accommodation where all effluent is contained on board the craft.

JBNZ OPPOSE the following parts of the Department of Conservation submission:

CLAUSE 7A.1 & 7a.1.1: Permitted activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the **Godley, Tasman, Cass, Dobson** ,Opihi and Opuha rivers

Reason for Opposing are:

- 1 Jet boating has been a permitted activity in the Godley, Macauley and Dobson Rivers with DOC approval since 2006, with a partial uplifting from December to April each year. Access to the Macauley River is from the Godley River, so this proposal effectively closes it to jet boat use.
- 2 JBNZ and DOC have met and renegotiated these rivers a number of times since 2006 and agreed in December 2016 to partial upliftings on these rivers from 25th December to 30th April each year, and JBNZ undertook to support DOC's expressed desire to have these restored via District Plans, with the proviso that if new evidence became available, this can be re-negotiated.

- 3 JBNZ is committed to protecting environmental values. In these rivers the key aspect is endangered riverbed nesting birds. There is no evidence to indicate the jetboating poses anything more than a very minor threat, particularly when compared with other human activities such as trail bikes, ATV's, 4WD's, anglers, dogs, livestock etc. There is no empirical evidence to support that prohibiting jet boats will benefit the endangered bird species.
- 4 In recognition of these values and the lack of research data, JBNZ has offered to partner with DOC in a study to assess the effects of jetboating on the endangered birds.
- 5 JBNZ has agreed to the restoration of the previous partial upliftings, and will support DOC if it changes its submission accordingly.
- 6 Please note that Environment Canterbury Navigation and Safety Bylaws contain speed upliftings to permit jetboating on the Dobson and Godley Rivers.
- 7 **Restricting boat launching to boat ramps or formed access ways.**
JBNZ is unclear on the intention behind this and possible benefits. It is equally unclear what constitutes a "formed access way". Boat ramps on flood prone rivers are both expensive and short lived as rivers change course, and some sort of track is always necessary to get a boat to a suitable launch site. Similarly, lake ramps, given the fluctuation in lake levels are also very expensive, and that boaters will always select the best and easiest launch site. This seems a unnecessary provision so JBNZ opposes it.

SUMMARY.

JBNZ has not been consulted by DOC regarding this policy change, and possible reasons, and is not aware of any reasons to support it. If adopted it would remove ALL river jet boating opportunities in the Mackenzie District Council area, depriving locals and visitors of this recreation.

Tasman River:

JBNZ believes the same conditions as applied for above to be appropriate, but Department of Conservation do not agree. JBNZ believes the use non-commercial craft on this river, subject to breeding season restrictions should be a permitted activity for the reasons outlined above, and seeks the removal of the Tasman River from the DOC submission. Any noise and disturbance caused by jet boats in a tourist area will be insignificant while aircraft operate incessantly in the valley. Very low non-commercial use is likely due to the nature of the river and the shortness of the trip. Consequently the effects of permitting it are less than minor.

2 FOREST AND BIRD SUBMISSION

1 Protection of Spawning Grounds. JBNZ notes that the Conservation Act 1987 contains the following provision:

26ZJ Offences relating to spawning fish

- (1) Every person commits an offence who—
- (a) disturbs or damages the spawning ground of any freshwater fish
 - (b) disturbs or injures the eggs or larvae of any freshwater fish
 - (c) is in possession of the eggs or larvae of any freshwater fish
 - (d) with any spear, gaff, speargun, net, trap, or similar device takes any sports fish from any river or stream where sports fish are congregating or have congregated for spawning
 - (e) while in the vicinity of any river or stream where sports fish are congregating or have congregated for spawning, has possession or control of any spear, gaff, speargun, trap, or similar device or material suitable for the taking of any sports fish in circumstances likely to result in the taking of sports fish
- (2) Nothing in subsection (1) shall apply to—
- (a) the taking of freshwater fish or the eggs or larvae of such fish for the purposes of scientific investigation or data collection, under a permit or authority under this Act, and in accordance with any conditions imposed by such permit or authority
 - (b) the taking of freshwater fish subsequently found to contain eggs or larvae

Compare 1987 No 14 s 68A 1986 No 34 s 15

Section 26ZJ inserted on 10 April 1990 by section 17 of the Conservation Law Reform Act 1990 (1990 No 31)

This provides the protection to spawning they are seeking. JBNZ sees no need for duplication of regulations.

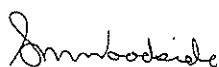
I WISH TO BE HEARD IN SUPPORT OF MY FURTHER SUBMISSION

Recommended reference for guidance of Council:

Jet Boating on Canterbury Rivers – 2015

Environment Canterbury Report No. R15/153

ISBN: 978-0-47507-15-2 (print) 978-0947507-16-9 (web)



Signature of Submitter

04 May 2018

Date

Contacts:

Steve Woodside: info@jbnz.co.nz

Ronald Clearwater: waitaki@jbnz.co.nz

Rob Gerard: rob.gerard36@gmail.com

Copies to:

Nardia Yozin: nyozin@doc.govt.nz

Jennifer Miller: j.miller@forestandbird.org.nz



Further Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Mackenzie District Plan Change 19

4 May 2018

Further Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Mackenzie District Plan Change 19

To: Mackenzie District Council
53 Main Street
Fairlie 7925

Date: 4 May 2018

Name: Genesis Energy Limited

Contact: Karen Sky
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1. Introduction

Genesis Energy Limited, trading as Genesis ("Genesis") makes the specific further submissions on Proposed Plan Change 19 to the Mackenzie District Plan, as set out in table below.

Genesis wishes to be heard in support of this submission.

In accordance with Clause 8(1)(b) of the First Schedule of the Resource Management Act 1991, Genesis has an interest in Proposed Plan Change 19 to the Mackenzie District Plan greater than the interest of the general public.

Genesis does not gain an advantage in trade competition through this submission.

If other persons make a similar submission, then Genesis would consider presenting joint evidence at the time of the hearing.

Yours sincerely



Karen Sky
Environmental Manager

Plan Change 19 – Further Submissions

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
Director General of Conservation	159	Policy 8E	Amend provisions to address access to water bodies and their margins	Oppose	Genesis considers that this submission is out of scope (in that the authority over the beds of waterbodies rests with the regional council. PC19 is about activities on or within water bodies not access to and along the margins of a water body and that the effects on biodiversity are not addressed by Plan Change 19). The policy as notified recognises the need to manage effects of activities on wildlife and wildlife habitats to the extent appropriate within the scope of the Plan Change.	Reject Submission
Director General of Conservation	159	Policy 8F	Amend provisions to recognise indigenous habitat	Oppose	The focus of the plan change is activities on waterbodies, rather than biodiversity. It is therefore inappropriate to amend the objective to recognise biodiversity (noting that the proposed Section 19 (Indigenous Biodiversity) is the more appropriate place to do so.)	Reject Submission
Royal Forest and Bird Protection Society of New Zealand Inc.	165	Rule 7A.1	Seek permitted activity standards to: - restrict activities during the spawning and bird breeding periods - avoid adverse effects on water quality - measures to manage noise	Oppose	It is inappropriate to restrict the permitted activities (which includes emergencies, research and monitoring, craft for search and rescue) to occur only at times outside of fish spawning and bird breeding periods. Genesis also considers that amending the performance standards to recognise water quality is out of scope and a matter that the regional council controls. Genesis also considers that matters in relation to noise are out of scope.	Reject Submission
H2 Explore Limited	158	Lake Pukaki	Zoning and the use of commercial activities on Lake Pukaki	Oppose	The submission seeks to divide Lake Pukaki into zones. This includes a red zone around Tekapo B Power Station, which would restrict recreational activities (supported) as well as commercial motorised and non-motorised activities which is not supported as Genesis is required to undertake works on the lake to support operation and maintenance activities.	Reject Submission
Walter and Zita Speck	160	Noise	Set a maximum noise limit of 55dba	Oppose	Genesis submits that inserting a rule relating to noise is not within the scope of this plan change and seeks that this submission and all submissions relating to noise be rejected.	Reject Submission
Lake Pukaki Natural Quiet Zone Supporters	69	Noise	Amendments sought to address noise which is not addressed by the Plan Change	Oppose	Genesis submits that inserting a rule relating to noise is not within the scope of this plan change and seeks that this submission and all submissions relating to noise be rejected.	Reject Submission

Submitter Name	Sub no.	Section of Plan	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief Sought
					<p>A noise limit of 30dBA is inappropriate and may adversely affect existing activities that Genesis undertakes around water bodies.</p> <p>For logistical reasons, Genesis only further submits on one noise related submission and recognises that several submitters seek identical rule changes.</p>	

4 May 2018

TO: Mackenzie District Council
By email: planning@mackenzie.govt.nz

FROM: Royal Forest and Bird Protection Society of New Zealand Incorporated
Attn: Jennifer Miller
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RE: Further submission on Proposed PC18 and PC19 to the Mackenzie District Plan

1. Forest & Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally.
2. Forest and Bird could **not** gain an advantage in trade competition through this submission.
3. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.
4. Forest & Bird is New Zealand's largest non-governmental conservation organisation with many members and supporters. The Society has been involved in advocating for the protection of the unique Mackenzie Basin landscape for many years. It has for a number of years campaigned to "Save the Mackenzie" due to growing concern over agricultural intensification, and in particular the impact irrigation was having on the District's outstanding natural values.
5. Forest & Bird is concerned that some of the amendments sought through submissions to the District Plan would result in the loss of indigenous biodiversity and are inconsistent with the Canterbury Regional Policy Statement and the purpose of the RMA. Our specific concerns are set out in the tables below in respect of the original submissions we support or oppose on PC 18 and PC 19 respectively.

Further submissions on PC 18

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Federated Farmers	1	oppose	Rule 1.1.1	<p>Clearance for the purpose of maintenance of drinking water reticulation pipes needs to be within clear limits to avoid and mitigate adverse effects.</p> <p>It is not appropriate to provide for these activities without conditions to clarify the extent of clearance permitted.</p> <p>Consistent with the limits sought in our original submission an additional conditions is required to ensure that <u>clearance is not more than 1.5 metres on either side of the existing fence line, vehicle track, road, drain, stockyards farm building, water trough, and associated stock drinking water reticulation piping.</u></p>	Disallow
Maryburn Station	2	oppose	PC18 Objectives and policies	<p>While we support the identification of significant indigenous biodiversity it is not possible to identify all areas and sites in a plan. This is because of the level of assessment required and as significant values change over time. Protection of unidentified sites can be achieved by considering the effects of activities of case by case basis and setting appropriate limits for permitted activities.</p>	Disallow
Maryburn Station	2	oppose	PC18 Objectives and policies	<p>It is not clear what "re-establishment of vegetation cover" means. The Mackenzie is dominated by dryland habitat which may have low vegetation cover consistent with significant habitat values. Cultivation and increasing exotic vegetation cover would not retain the habitat values which are present in those areas. Nor do the rules of the plan</p>	Disallow

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
				provide for appropriate consideration of effects on such values. In addition the Regional Council has specific functions under s30 (1)(c) of the RMA to control land use for the purpose of soil conservation.	
Maryburn Station	2	Oppose	Rule 1.1.1.1	It is not appropriate for the Council to rely on consents granted by the Environment Court and Regional Council for irrigation purposes even if it considered effects on indigenous biodiversity. The RPS specifically directs the responsibility for the maintenance of indigenous biological diversity to a district council.	Disallow
Maryburn Station	2	Oppose	Rule 1.1.1.1	It is not appropriate to provide for clearance within an identified Site of Natural Significance.	Disallow
Maryburn Station	2	Oppose	definitions "Improved pasture"	It is important that the definition clearly identifies improved pasture where the presence of significant indigenous biodiversity values is unlikely, compared to other pasture where such values may be present. The proposed amendment is too wide and unenforceable.	Disallow
Simons Pass Station Limited	3	Oppose	PC18	Vegetation clearance is a proxy to protect the habitat values which may not be easily identified at a permitted activity level.	Disallow
Simons Pass Station Limited	3	Support	Rule 1.1.1.1	The rule is uncertain for the reasons set out by the submitter.	Allow
Simons Pass Station	3	oppose	New Policy and	While we agree with the submitter that soil erosion is a	Disallow

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Limited			matters for discretion under Rules 1.2.1 and 1.2.2	relevant consideration in addressing land use activities, cultivation and increasing exotic vegetation cover would not retain the habitat values which are present in those areas. Nor do the rules of the plan provide for appropriate consideration of effects on such values. In additions the Regional Council has specific functions under s30(1)(c) of the RMA to control land use for the purpose of soil conservation.	
Central South Island Fish & Game	7	oppose	Definitions: vegetation clearance	It is important that all vegetation within an area of significant vegetation is protected from clearance. Exotic vegetation can have values in respect of indigenous habitat s6(c) and in contributing to other values under s6(a), (b) and (c). It is also important to consider the plant communities and ecosystems, including exotic plant species, for the maintenance of indigenous biodiversity.	Disallow
Canterbury Regional Council	8	support	Policy 2	While we consider that policy 2 can be retained with amendments as sought in our original submission, the replacement policy proposed by the submitter is supported as a new policy.	Allow
Canterbury Regional Council	8	oppose	Definition: improved pasture	Dominance and composition are not adequate to determine that significant indigenous values are not present.	Disallow
Canterbury Regional Council	8	Oppose	Rule 1.1.1	The amendments sought are uncertain. It is not clear what the extent of erosion works would entail in respect of this plan or the Regional Land and water plan. .	Disallow
Canterbury Regional Council	8	Support	Rule 1.2.2, 1.3.1	While the certainty of a limit to clearance of vegetation is supported this must also be per site and on the basis that	Allow

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Canterbury Regional Council	8	Support	Rule 2.2.1(b)	indigenous biodiversity is maintained. Consistent with need for protection of biodiversity required by s6 of the RMA and maintenance of indigenous biological diversity.	Allow
Canterbury Regional Council	8	Oppose	Rule 12.2	the intent of the amendment sought is uncertain as PC 18 includes non-complying activities	Disallow
EDS	9	Support	Policy 1	The plan does not adequately identify important sites.	
EDS	9	Support	Policy 4	The addition of the <u>significant wetlands</u> is consistent with the NPSFM. Adding 'agricultural conversions' acknowledges there are impacts on important values aside from pastoral intensification.	Allow
Herman Frank	10	Support	Rule 12	Support the need for further clarification on this rule inclusion in Chapter 19	Allow
Genesis	11	Oppose	Definition "maintenance of Waitaki Power scheme"	The term "refurbishment" is uncertain in the context of "maintenance". Upgrading is considered to have a different meaning than "maintenance" and should not be incorporated within the same definition. Minor upgrading which does not change the scale, location or adverse effects of the activity may be appropriately considered within the same rule as for maintenance. However other upgrading must be considered through a consent activity so that adverse effects can be adequately avoided, remedies and mitigated. It is	Disallow
Genesis	11	Support	Definition "Waitaki Power"	Clarification of the operational area is helpful. This area should also be identified on a map in the plan	Allow

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Genesis	11	Oppose	Definition: indigenous vegetation	A percentage dominance cover does not address the significant values which may be present. The amendments sought to provide for clearance on the basis of dominance are also opposed for the same reason.	Disallow
Genesis	11	Oppose	New Objective	Direction to allow clearance is not consistent with the RMA which requires avoidance, mitigation and remediation as well as protection under s6. The rules already provide permitted clearance for operation and maintenance. The effect of clearance for other activities must be considered by way or resource consent. The new objective sought unnecessary and inconsistent with the RMA.	Disallow
Genesis	11	Oppose	Policy 2 and 2A	The amendment sought is inconsistent protection under s6(c) of the RMA and the RPS. In particular offsetting and compensation to not ensure protection of values to be protected under s6(c).	Disallow
Genesis	11	Oppose	Policy 7	Specific provision for national significance and the Waitaki Power scheme is not appropriate in this policy context. In particular the wording proposed is not consistent with Policy 4 of the NPS ET which sets out that: When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided,	Disallow

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
				remedied or mitigated by the route, site and method selection. In addition Policy 8 sets out that: In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities. While a range of management options are provided in the RPA, it is appropriate for the District Council to determine which methods will best achieve the objectives in the context of the local environment.	
Genesis	11	Oppose	Rule 2.1.2	The submitter has not included conditions or a definition to provide for "minor upgrading" as opposed to "major upgrading".	Disallow
Genesis	11	Oppose	new Rule 2.1.3	The rule is uncertain as it allows for "any activity" The conditions in Rule 1.1.1 are not appropriate to apply to new activities.	Disallow
Genesis	11	Oppose	Rule 2.2	The term "refurbishment" is uncertain and should be clarified in terms of maintenance or upgrading. Minor upgrades in relation to refurbishment could be appropriately provided by a controlled activity rule to give effect to the NPS ET. Any "major upgrading" should be considered in respect of council retaining discretion to decline consent and can appropriately be considered under Rule 2.3	Disallow
Genesis	11	Oppose	Rule 2.3.1 and new Rule 2.3.2	The new rule is not appropriate to the district councils functions. Nor is it necessary for integration with matters	Disallow

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Genesis	11	Oppose	Rule 1	addressed under the regional plan, as proposed rule 2.3.1 includes words associated with the Waitaki Power Scheme. An additional specific permitted rule clearance of indigenous vegetation is not required as this is already providing for operation and maintenance under Rule 2.1.2. The location and extent of clearance are recognised by the restrictions set out within that rule. Unlimited clearance is not consistent with councils responsibilities and functions under the RMA or give effect to the NZCPS	Disallow
Meridian	13	Oppose	various	For the same reasons as set out in relation to the Genesis submission	Disallow
Opuha Water Limited	14	Oppose	All	The amendments sought are not consistent with need for protection of biodiversity required by s6 of the RMA, nor would they enable council to maintain indigenous biological diversity. It is not appropriate for an irrigation company to seek provisions that are provided for in the NPSET.	Disallow

Further submissions on PC 19

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Mackenzie Guardians	6	Support	PC 19	For the reasons set out by the submitter	Allow
Fish and Game	7	Support	Rural Objective 8	For the reasons set out by the submitter	Allow

Fish and Game	7	Oppose	Rural Policy 8B – Lake Pukaki	Motorised activities have adverse effects on the significant values of this lake	Disallow
Fish and Game	7	Support	Rural Policy 8A, 8C, 8E, 8H		
Fish and Game	7	Oppose	Rural Zone Rule 7A.2.3.b	the special natural values of this lake are to be protected	Disallow
Fish and Game	7	Support	Rural Zone Rule 7A.2.3.a, 7A.3.1.a, 7A.3.4, 7A.4.1.a and 7A.4.3	For the reasons set out by the submitter	Allow
Genesis	11	Oppose	Scope of PC 19	The amendment sought goes beyond the direction of Policy 10 of the NPS ET. The plan needs to enable consideration of Policy 7 and in particular the direction of Policy 4 and 8 of the NPS ET.	Disallow
Genesis	11	Oppose	Policies - various	The amendments sought to provide special consideration are uncertain and cannot be determined on an effects basis.	Disallow
Genesis	11	Oppose	Policy 8	It is not appropriate to exempt activities associated with the Waitaki Power Scheme from consent requirements.	Disallow
Genesis	11	Oppose	new permitted Rule and definitions and new policy	The permitted activity rule does not give effect to the RMA or enable council to carry out its responsibilities and functions under the RMA and NPS ET. The new definitions sought for “Waitaki power scheme activities” and “Waitaki Power scheme” are inappropriate. The new definitions sought for “Core sites” and “operating easement” must be supported by a map setting out the location and extent of these areas. The new Policy is uncertain in the context of PC 19.	Disallow

Thank you for your consideration.

Yours faithfully

Jennifer Miller

Regional Manager, Canterbury/West Coast
Royal Forest and Bird Protection Society of New Zealand Inc