



## Public Notice

### **Public Notification of Stage 1 of the Review of the Mackenzie District Plan involving Proposed Plan Change 18 – Indigenous Biodiversity, and Proposed Plan Change 19 – Activities on or within Waterbodies**

#### ***Clause 5 of the First Schedule – Part 1 of the Resource Management Act 1991***

As part of the first stage of the review of the *Mackenzie District Plan 2004*, the Mackenzie District Council has prepared **Proposed Plan Change 18: Indigenous Biodiversity** and **Proposed Plan Change 19: Activities on or within Waterbodies**

#### **Proposed Plan Change 18: Indigenous Biodiversity**

Proposed Plan Change 18 inserts Section 19 – Indigenous Biodiversity into the District Plan, which focuses on managing Indigenous Biodiversity. Several objectives and policies have been transferred from Section 7 - Rural, into this new Section. Revised rules controlling indigenous vegetation clearance are included in the new Section 19, and the existing indigenous vegetation clearance rules in Section 7 - Rural have been deleted.

Proposed Rules 1.1 – 1.3 do not apply indigenous vegetation clearance associated with the Waitaki Power Scheme, which is managed by Rules 2.1 – 2.3, which only apply to the Waitaki Power Scheme.

#### **Legal Effect of Plan Change 18: Indigenous Biodiversity**

The Environment Court has made a Declaration that the Rules 1.1 – 1.3 in Proposed Plan Change 18 shall, pursuant to sections 86B(1)(a) and (3) of the Resource Management Act 1991 (“the Act”), have immediate legal effect within the Mackenzie Basin Subzone upon notification of Proposed Plan Change 18 to the extent that they protect areas of significant indigenous vegetation or protect areas of significant habitats of indigenous fauna (Decision No. [2017] NZEnvC202).

Further the Environment Court has ordered pursuant to sections 279(1) and 86D of the Act, that the Rules 1.1 - 1.3 in Proposed Plan Change 18, shall have immediate effect upon notification within the Mackenzie Basin Subzone, to the extent that they control vegetation clearance of areas indigenous vegetation or habitats of indigenous fauna that are not significant under s6(c) of the Act (Decision No. [2017] NZEnvC202).

**Rules 1.1 - 1.3 of Plan Change 18 therefore have legal effect within the Mackenzie Basin Subzone of the Rural Zone identified on Planning Map 61 of the Operative Mackenzie District Plan from the date of this public notice.**

**Leave has been reserved for any person to apply to set the orders aside.**

### **Proposed Plan Change 19: Activities on or within Waterbodies**

Proposed Plan Change 19 amends the existing Section 7 – Rural, rules relating to Outdoor Recreational Activities (Sub-section 7), to remove any reference to activities on or within waterbodies. A new Sub-section 7A is inserted, providing revised rules managing activities on or within waterbodies.

The new rules manage commercial, non-commercial, motorised and non-motorised activities on the District's lakes and rivers taking into account the impact on the natural environment and on the human experience and enjoyment of these waterbodies. Several new objectives and policies have been inserted in conjunction with these changes.

**Plan Changes 18 and 19, together with background information, supporting documents and a submission forms are available for viewing or downloading from the Council's website at [www.mackenzie.govt.nz](http://www.mackenzie.govt.nz). Copies are also available for public inspection at the Mackenzie District Council Offices, 53 Main Street, Fairlie 7925 and Mackenzie District Council Twizel Offices, Market Place, Twizel 7944.**

#### **Submissions**

Any person may make a submission on these proposals. The submission must be in Form 5 and must state whether or not you wish to be heard on your submission. Copies of this form are available from the Mackenzie District Council and can be downloaded from the Council website.

**All submissions must be received on or before Friday 9 March 2018 at the following addresses for service:**

**By post to:** Planning Manager, Mackenzie District Council, PO Box 52, Fairlie

**Or delivery to:** Mackenzie District Council Offices, 53 Main Street, Fairlie  
Mackenzie District Council Offices, Market Place, Twizel

**Or email to:** [planning@mackenzie.govt.nz](mailto:planning@mackenzie.govt.nz)

**The process for public participation in the consideration of the Proposed Plan Changes is as follows:**

- After the closing date for submissions, the Council will prepare summaries of the submissions which will be publicly notified;
- Further submissions can then be lodged in support of, or in opposition to, the submissions already made;
- A hearing will then be held and a decision made on submissions and the plan changes;
- Mackenzie District Council will give its decision on the proposals (including its reason for accepting or rejecting submissions); and
- Any person who has made a submission has the right to appeal the decision on the Plan Changes to the Environment Court.

Please contact Karina Morrow, Planning Manager, Mackenzie District Council if you have any questions about the proposal or the process for public participation.

*Suzette van Aswegen, Chief Executive Officer*