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## Form 5: Submission on notified proposal for policy statement or plan, change or variation

*Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991*

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**To:** Mackenzie District Council (the Council)

**Name of submitter:** Penny Nelson, Director-General of Conservation (the **Director-General**)

1. This is a submission on **Proposed Plan Change 25 (Rural Lifestyle Zone)** to the Mackenzie District Plan.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates to, and the detailed decisions sought, are set out in **Attachment 1** to this submission.
4. I **seek** the following decision from the Council:
  - a. That the particular provisions of Proposed Plan Change 25 that I support, as identified in Attachment 1, are retained;
  - b. That the amendments, additions and deletions to Proposed Plan Change 25 sought in Attachments 1 are made; and
  - c. Further or alternative relief to like effect to that sought in 4. a. and 4. b. above.
5. The decisions sought in this submission are required to ensure that the Mackenzie District Plan:
  - a. Gives effect to the relevant national direction;
  - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act;
  - c. Promotes the sustainable management of natural and physical resources; and

- d. The changes sought are necessary, appropriate and sound resource management practice.
  
- 6. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



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**Manager Operations**

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Department of Conservation

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 24 January 2024

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

**Address for service:**

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Department of Conservation

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**ATTACHMENT 1:**

**PROPOSED PLAN CHANGE 25 TO THE MACKENZIE DISTRICT PLAN  
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The Chapters that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from the Proposed Plan Change is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Entire Plan Change	Support in part	I support the general approach of providing for the Rural Lifestyle Zone.  For the avoidance of doubt, provisions which are not specifically addressed below are supported for the reasons given in the s32 Report.	Retain as notified, except where specific changes are requested below.
<b>Rural Lifestyle Zone Chapter:</b>			
RLZ-R1 to RLZ-R15, RLZ-S1 to RLZ-S9 Rule and, Standards	Oppose	The rules, matters of discretion and standards collectively fail to recognise biodiversity values - this appears to be in reliance on Plan Change 18, but as that is not yet operative it cannot be relied upon.	Revise these rules, standards and matters of discretion to effectively and consistently protect and provide biodiversity values.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Ōhau River Precinct Chapter:			
PREC 4 Ōhau River Precinct - Introduction	Oppose	This introduction fails to recognise the biodiversity values within and close to the precinct.	Insert the following text, or words to like effect: <i>"The precinct area contains valuable indigenous flora and fauna, and is close to important populations of threatened Black-fronted terns and Lakes skinks. Any development within the area needs to allow for the protection of these biodiversity values."</i>
PREC4-O1 Ōhau River Precinct	Oppose in part	As drafted, this objective could be read as applying to the precinct area only, whereas development within the precinct needs to also be sensitive to values outside the precinct itself.	Amend as follows, or words to like effect: <i>"Limited rural lifestyle development which is sensitive to the natural values of the area including the Ōhau River <u>and the wider environment</u>, avoids development in hazard areas..."</i>
PREC4-P1 Ōhau River Precinct	Oppose	Providing for up to 50 allotments would not retain the natural values of the precinct and wider environment, and could have significant adverse effects on biodiversity values. The focus of the policy on plants and the Ōhau River does not adequately protect other biodiversity values.	Amend this policy in its entirety to ensure protection of all biodiversity values within the precinct and the significant habitats and populations of indigenous fauna in the vicinity.
PREC4-R1 to PREC4-R5 and PREC4-S1 and PREC4-S2 Rules and Standards	Oppose	The proposed rules and standard fail to protect significant habitats of indigenous fauna, so do not give effect to s6(c) of the RMA.  The Ōhau River Precinct is close to the largest remaining breeding colony (~1000 adults) of the Nationally endangered Black-fronted tern/Tarapirohe. There is also a significant population of the Nationally vulnerable Lakes skink ( <i>Oligosoma aff. chloronoton</i> "West Otago") in the immediate vicinity.	Amend the rules and standards in their entirety to ensure protection of all biodiversity values within the precinct and the significant habitats and populations of indigenous fauna in the vicinity.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>The rule and standards would allow significant risk to those populations from domestic animals, light, and disturbance, and would conflict with existing pest control measures in the area. Given that the proposed rules and standards fail to meet s6(c) of the RMA, Permitted and Controlled activity statuses are not appropriate.</p>	