

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	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 achieves by considering the effects of activities of case by case basis and setting appropriate limits for permitted activities.	Disallow
Maryburn Station	2	oppose	PC18 Objectives and policies	It is not clear what “r-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	Disallow

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				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.	
Maryburn Station	2	Oppose	Rule 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	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	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

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				indigenous biodiversity is maintained.	
Canterbury Regional Council	8	Support	Rule 2.2.1(b)	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 <u>the 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

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			scheme management area”		
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

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				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 rang 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

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				addressed under the regional plan, as proposed rule 2.3.1 includes words associated with the Waitaki Power Scheme.	
Genesis	11	Oppose	Rule 1	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