
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

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 23 (General Rural Zone, Natural Features and Landscapes, and Natural Character)** 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 23 that I support, as identified in Attachment 1, are retained;
 - b. That the amendments, additions and deletions to Proposed Plan Change 23 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

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ATTACHMENT 1:

**PROPOSED PLAN CHANGE 23 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	<p>I support the overall approach of providing for the General Rural Zone, Natural Features and Landscapes, and Natural Character as giving effect to the relevant higher order documents.</p> <p>For the avoidance of doubt, provisions which are not specifically addressed below are supported for the reasons given in the s32 Report.</p>	Retain as notified, except where specific changes are requested below.
Definitions – Conservation activity	Support	This definition is consistent with the definition in the Conservation Act 1987, and enables the Plan to recognise and provide for such activities as appropriate.	Retain as notified.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Definitions – Pastoral intensification	Oppose	The s32 Report justifies the removal of reference to subdivisional fencing on the basis that the issue of mob stocking is now addressed by PC18. However, that change is not yet operative, so should not be relied upon at this stage.	Retain the operative definition of “pastoral intensification”: <i>“means subdivisional fencing and/or topdressing and oversowing.”</i>
Definitions – Riparian margin	Oppose	It is not clear that a definition of riparian margin is required given that it is a generally understood term. The proposed definition would limit the term’s application to only where the margin “contributes to the natural functioning, quality and character of the waterbody and its ecosystem”, which could inappropriately exclude some land where riparian margin provisions are still relevant and create a perverse incentive for avoiding such values.	Either remove the definition OR Amend the definition as follows or words to like effect: <i>“means land adjacent to a waterbody which contributes to the natural functioning, quality and character of the waterbody and its ecosystem.”</i>
Natural Character Chapter:			
NATC-S1 Activity Setbacks from Surface Waterbodies	Oppose in part	The matters of discretion for activities which are within the setback distances do not recognise or protect the habitats of indigenous species, or ecosystems, so would fail to implement policy NATC-P1.	Amend as follows, or words to like effect: <i>“..b. The effects of the proposed activity on any indigenous vegetation, habitat or ecosystem”</i>
Natural Features and Landscapes Chapter:			

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Natural features and landscapes – entire chapter	Support in part	These provisions generally appropriately recognise and manage the natural feature and landscape values of the District, and in particular the outstanding values of Te Manahuna / Mackenzie Basin.	Retain as notified, except where specific changes are requested below.
NFL-P11 Wilding conifer spread	Oppose in part	Although grazing can be an appropriate method to inhibit wilding conifer spread, the policy as drafted could be read as supporting grazing of indigenous vegetation. Clarification is required to ensure that grazing is only used in areas where grazing is already appropriate.	Amend as follows, or words to like effect: <i>"To provide for the use of stock grazing to control wilding conifer spread in areas of existing or re-established pasture known to be susceptible to re-invasion of wilding conifer species."</i>
NFL-R1 to NFL-R13 rules	Oppose in part	The rules do not address vegetation clearance, except if it occurs as part of pastoral intensification and agricultural conversion. More general vegetation clearance, can still have significant adverse effects on landscape values, which are not addressed in these rules or the vegetation clearance rules of the operative Section 19 of the Plan. Allowing vegetation clearance without controls would be inconsistent with NFL-O1, NFL-O2 and NFL-P2.	Either amend the rules to manage vegetation clearance. OR Insert new specific rules to manage vegetation clearance.
NFL-R6 Harvest of closed canopy conifers	Oppose in part	Although it is appropriate to make clearance of closed canopy wilding conifers a permitted activity, the proposed standards would potentially allow loss of habitats of indigenous fauna where they are not also significant indigenous vegetation.	Amend as follows or words to like effect: <i>"...2. Any significant indigenous vegetation or significant habitat of indigenous fauna is retained."</i>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
General Rural Zone Chapter:			
GRUZ-O1 Zone purpose	Oppose	<p>This objective goes beyond the relevant requirements of the National Policy Statement for Highly Productive Land, which only prioritises primary production in areas of highly productive land, which are a much smaller area of the Mackenzie District than the General Rural Zone. The General Rural Zone encompasses a very large area with a wide variety of land types, so prioritising a single activity will not always be appropriate.</p> <p>Providing for a range of activities rather than an a single prioritisation would better recognise the size and variety of the zone.</p>	<p>Amend as follows or words to like effect:</p> <p><i>"The General Rural Zone <u>prioritises</u> <u>provides for</u> primary production and activities that support primary production, and <u>also</u> provides for other activities where they rely on the natural resources found only in a rural location."</i></p>
GRUZ-P2 Other activities	Oppose	<p>This policy reflects the prioritisation in GRUZ-O1, so the same concerns as above apply.</p>	<p>Amend as follows or words to like effect:</p> <p><i>"Recognise the importance of primary production activities to the economic wellbeing of the district, and <u>prioritise</u> <u>provide for</u> primary production and activities which support primary production, within the General Rural Zone, by:..."</i></p>
GRUZ-R1 to GRUZ-R22, GRUZ-S1 to GRUZ-S1, and GRUZ-MD1 Rules, Standards and Matters of Discretion	Oppose	<p>The matters of control, matters of discretion, and standards collectively fail to recognise amenity values so would not achieve Objective GRUZ-O2.</p> <p>The matters of control, matters of discretion, and standards also 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.</p>	<p>Revise these rules, standards and matters of discretion to effectively and consistently protect and provide for amenity values and biodiversity values.</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
GRUZ-R1 The establishment of a new, or expansion of an existing, primary production activity not otherwise listed	Oppose	This rule would make any primary production activities not specifically covered by other rules a permitted activity. This would potentially allow activities with significant adverse effects to occur without any assessment or control (eg aquaculture).	Amend the activity status to Discretionary.
GRUZ-R12 The establishment of a new, or expansion of an existing, conservation activity	Support	Conservation activities will provide for environmental enhancement by definition, so permitted activity status is appropriate.	Retain as notified.