

PLAN CHANGE 23 – RURAL AND NATURAL ENVIRONMENT

SUBMISSION ON PROPOSED PLAN CHANGE 23 TO THE MACKENZIE DISTRICT PLAN

FORM 5 UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

Details of Submitter

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Trade Competition

~~I could~~ / I could not (delete one) gain an advantage in trade competition through this submission.

If you have selected could, please answer the question below:

I am / I am not (delete one) directly affected by an effect of the subject matter that:

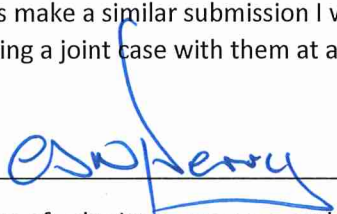
- a. adversely affect the environment; and
- b. does not relate to trade competition or the effects of trade competition.

☒ I wish to be heard in support of my submission.

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

(Tick one box)

If others make a similar submission I would / would not (circle one) be prepared to consider presenting a joint case with them at any 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.)

Date:

Overarching submission

We, Simpson Family Holdings (incorporating Balmoral & Mt Hay Stations, Lake Tekapo Enterprises Ltd and The Cairns Lake Tekapo Ltd) have called the Mackenzie Basin and Tekapo home for what is now four generations.

We are absolutely committed to this area that has effectively shaped our life's, our business, and families as we focus on future generations and our community.

It hasn't been an easy ride. The 1980's and 90's challenged the business of farming in every which way from climatic events, rabbit plagues, disbandment of Supplementary Meat Payments, 20% plus interest rates, the 1987 share market crash and the discounting days in the early 1990's – its all-character building and testament to how we perceive The Mackenzie Basin.

Given the above we were forced to diversify to enable us to keep investing in the business of farming.

Move forward 30 or so years and the job certainly hasn't got easier, in fact its got so much more challenging in the sense we have lost the ability to control our own destiny – we can manage droughts, we can manage rabbits and with the development of irrigation we can manage feed supply – what we can't manage is the effect of ongoing legislative changes that impact our daily lives.

Emotional stress & mental wellbeing, costs associated with legislative changes (time and capital) and the simple fact that, at the end of it all there are no guarantees. So, the question has to be asked, why bother? In our case it's because we care however, that to comes at a cost.

Financially the business has invested millions of dollars in the Mackenzie Basin. The business of farming requires annual capital injections; property development is hindered with zone changes and PC18 legislation and who knows what will be unearthed when exploring Agri Tourism ventures? It's only a matter of time before the effect of legislative change will negatively impact balance sheets i.e. property values.

We find ourselves severely limited by current legislative requirements especially the National Policy Statement for Indigenous Biodiversity and Plan Change 18. We acknowledge that the provisions related to the protection and removal of indigenous vegetation do not generally form part of Plan Changes 23 and 26, however, they are a significant barrier to any activity in the Basin.

Whilst we respectively acknowledge the work that the Council has undertaken in preparing PC23 and PC26, we will always be hamstrung by PC18. There are few places in the Basin where we can undertake any works or activity without needing to remove vegetation, whether it is tracking, farming or a tourist activity. We are therefore severely constrained in how we can develop and diversity our operations.

Provision to which LTE submission relates:	LTE position on this provision is:	The reasons for LTE submission are:	The decision LTE want Council to make:
Planning Map			
Wilding Conifer Removal Overlay.	Support.	We agree that wilding conifers need to be removed from some areas of the Basin and that these areas need to be clearly identified.	Retain the overlay as notified.
Forestry Management Areas.	Support.	According to the proposed planning maps, all of Balmoral Station lies outside a Forestry Management Area, which is supported.	Retain the overlay as notified.
Wilding Conifer Management Overlay.	Support.	We agree that wilding conifers need to be managed in the Basin and that specific areas of control need to be clearly identified. This is discussed further in the submission in relation to policies and rules.	Retain the overlay as notified.
Te Manahuna / Mackenzie Basin Outstanding Natural Landscape Overlay.	Support in part.	<p>We understand that the ONL overlay has been removed from the Airport Zones at Tekapo, Pukaki and Glentanner.</p> <p>We consider that the ONL overlay should also be removed from the Tekapo Helicopters site identified in Appendix 1 to recognise the consented nature of this site and its importance to the district.</p>	Remove the ONL overlay from the Tekapo Helicopters site identified in Appendix 1
Definitions			

<p>Rural tourism activity means the use of land and/or buildings for agri-tourism, eco-tourism, nature tourism, wine tourism and adventure tourism activities, which may be provided at a tariff, with participants attracted to experience farming or conservation activities and/or the rural or natural environment. It includes:</p> <ul style="list-style-type: none"> a. guiding, training, education and instructing; b. ancillary services such as booking offices and transportation; c. ancillary retail activity, including sale of alcohol to participants; d. walking and cycling tracks and associated accommodation; and e. facilities to provide opportunities for viewing scenery. 	Support.	It provides for a range of activities and facilities including 'facilities to provide opportunities for viewing scenery', which is an important aspect of providing for visitor activities in the District.	Retain as notified.
GRUZ - GENERAL RURAL ZONE			
Objectives			
<p>GRUZ-O1</p> <p>The General Rural Zone prioritises primary production and activities that support primary production, and provides for other activities where they rely on the natural resources found only in a rural location.</p>	Support.	The objective is broad enough to encompass a range of activities.	Retain as notified.
<p>GRUZ-O2</p> <p>The adverse effects of activities and built form within the General Rural Zone are managed in a way that:</p> <ol style="list-style-type: none"> 1. Maintains a rural character consisting of a low overall building density with a 	Support.	The Objective is supported as long as 'overall building density' is considered on a zone/basin wide basis. This allows for the clustering of development in appropriate locations thus maintaining overall low density of built form.	Retain as notified.

<p>predominance of open space and vegetation cover;</p> <ol style="list-style-type: none"> Supports, maintains, or enhances the function and form, character, and amenity values of the zone; Recognises the functional needs and operational needs of activities within the zone; and Allows primary production and activities that directly support primary production to operate without risk of being compromised by reverse sensitivity. 			
<p>Policies</p> <p>GRUZ-P1</p> <p>Enable a range of primary production activities to occur in the General Rural Zone, while maintaining the character and amenity of the Zone, by:</p> <ol style="list-style-type: none"> Managing the adverse effects from intensive primary production to minimise effects on the surrounding area; and Providing for quarrying activities in the rural area to meet local demand and the anticipated amenity of the receiving environment. 	<p>Support in part.</p>	<p>We support the intent of the policy but seek stronger recognition that the GRUZ is a working zone. There is often a perception that the rural zone is quiet, passive and there to be enjoyed rather than a place where significant activity can occur.</p>	<p>We seek that a new policy is included as follows:</p> <p><u>The character and amenity of the Rural Zone is influenced by primary production activities that can produce noise, dust, odour and traffic that may be noticeable to residents and visitors to the General Rural Zone.</u></p> <p>Or similar.</p>
<p>GRUZ-P2</p> <p>Recognise the importance of primary production activities to the economic wellbeing of the district, and prioritise primary production and activities which support</p>	<p>Support in part.</p>	<p>Recreation and tourism activities support primary production and are an important aspect of business diversification, given the constraints on farming in the Basin. We would therefore like to see greater recognition of a broader range of</p>	<p>Amend GRUZ-P2 as follows:</p> <p>Recognise the importance of primary production activities to the economic wellbeing of the</p>

primary production, within the General Rural Zone, by:		'recreation and tourism activities', not just those based on farming experiences or conservation activities.' Such activities should be related to experiencing the rural or natural environment as per the definition of rural tourism activity.	district, and prioritise primary production and activities which support primary production, within the General Rural Zone, by:
<ol style="list-style-type: none"> 1. Providing for new economic activity that directly supports, is dependent on, or is ancillary to primary production; 2. Enabling recreation and tourism activities based on farming experiences or conservation activities; 3. Ensuring the land resource of the General Rural Zone is not compromised by activities with no functional need or operational need to locate in the zone. 			<ol style="list-style-type: none"> 3. Enabling recreation and tourism activities based on <u>experiencing</u>, <u>understanding</u> and <u>connecting with, the rural or natural environment</u>; Or similar.
GRUZ-P7 Reduce the adverse effects of wilding conifers on the rural land resource, including by:	Support.	We support this as a responsible landowner.	Retain as notified.
<ol style="list-style-type: none"> 1. Avoiding the further planting of wilding conifer species; and 2. Promoting land use activities that contain or eradicate wilding conifers in Te Manahuna / the Mackenzie District. 			
GRUZ-P8 Enable aircraft and helicopter movements within the rural area when ancillary to rural production, or for personal, emergency, conservation and non-commercial recreational use.	Support in part.	We note that there is no policy framework for commercial recreational flights. This could be simply addressed by removing the reference to non-commercial and stating 'commercial'. If it is intended to limit the number of flights, on the assumption that non-commercial activities will generate less helicopter movements, then this	<p>Amend GRUZ-P8 as follows:</p> <p>Enable aircraft and helicopter movements within the rural area when ancillary to rural production, or for personal, emergency,</p>

Manage the location and scale of airfields and helicopter landing areas to maintain the anticipated character and amenity values of the receiving rural environment.	would be more appropriately achieved through the rules, as currently proposed.	conservation and commercial recreational use. Or similar.
Rules		
GRUZ-R9: Rural Tourism Activity Activity Status: PER Where: <ol style="list-style-type: none"> <u>1.</u> Visitors are limited to a maximum of 100 persons per day. <u>2.</u> A maximum of five non-resident staff shall be employed in undertaking the activity at any one time. <u>3.</u> The maximum combined gross floor area of any building/s occupied for the rural tourism activity shall be 500m². <u>4.</u> The maximum gross floor area of any building used for overnight track accommodation shall be 50m². <u>5.</u> A maximum of three huts/cabins or other buildings used for overnight accommodation shall be located on a site. <u>6.</u> The maximum number of guests that can be accommodated on any site as part of a rural tourism activity shall be six per night. <u>7.</u> The maximum gross floor area occupied for any ancillary retail sales shall be limited to 50m². 	<p>We note that this Rule does not override the landscape and vegetation clearance rules, and therefore many of these activities are unlikely to be permitted.</p> <p>We also consider that the definition of 'site' is quite limiting. However, this may be remediated to some extent by limiting the rule to only apply outside Farm Base Areas, as these are subject to specific building rules and standards.</p> <p>Furthermore, conditions 5 and 6 do not work together: if the total number of huts permitted per site is 3 and the number of overnight guests is 6 per site, then each hut can only have 2 guests. We consider that the permitted number of guests should be eight per hut.</p>	<p>Amend GRUZ-R9: Rural Tourism Activity as follows:</p> <p>Activity Status: PER</p> <p>Where:</p> <p>....</p> <p><u>6.</u> The maximum number of guests that can be accommodated on any site as part of a rural tourism activity shall be six <u>eight</u> per night <u>hut/overnight accommodation</u>.</p> <p>...</p> <p><u>9.</u> <u>The activity is undertaken outside of a Farm Base Area.</u></p> <p>Or similar.</p>

<p>8. The activity does not take place within a site listed in SASM SCHED3 – Māori Rock Art.</p> <p>And the activity complies with the following standards:</p> <p>GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production</p> <p>GRUZ-S6 Sensitive Activity Setback from Quarrying Activities and Mining</p> <p>GRUZ-S7 Sensitive Activity Setback from Commercial Forestry</p>				
<p>GRUZ-R11</p> <p>Activity Status: PER</p> <p>Where:</p> <p>1. The camping ground facility is permitted within a Reserve Management Plan, approved under the Reserves Act 1977.</p> <p>And the activity complies with the following standards:</p> <p>GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production.</p> <p>GRUZ-S6 Sensitive Activity Setback from Quarrying Activities and Mining.</p> <p>GRUZ-S7 Sensitive Activity Setback from Commercial Forestry.</p>	Support.	Again, we note that this rule does not override the landscape and vegetation clearance rules but is probably pitched correctly as you would not want campgrounds everywhere.	Retain as notified.	

<p>GRUZ-R15: Aircraft and Helicopter Movements Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Associated with purposes ancillary to: <ol style="list-style-type: none"> a. Rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation. b. Personal transportation. c. Emergency services and civil defence. d. Non-commercial recreational purposes. e. Management purposes on land administered under the Conservation Act or its First Schedule. f. Activities of the New Zealand Defence Force. g. Commercial recreation within public conservation land undertaken in accordance with a concession held from the Department of Conservation. or 2. Any other purpose where no more than four aircraft and helicopter movements per day are undertaken from the same location. 	<p>Support in part.</p>	<p>We understand that 'helicopter 'movements' means take and off and landing, although it is not a defined term in the Proposed Plan. Therefore, it is unclear if one helicopter movement is just taking off or whether it is taking off and landing.</p> <p>As noted under GRUZ-P8, there is no policy framework for commercial recreational flights. We also question why commercial recreational helicopter movements are limited to 4 per day when non-commercial recreational flights are unlimited. We assume this is because non-commercial activities will be self-limiting but there could be more than 4 per day, depending on how helicopter movement is defined.</p> <p>However, the limit of 4 helicopter movements is likely appropriate if a movement is defined as taking off and landing. If a helicopter movement is just taking off, and landing is a considered another movement, then the permitted limit needs to be increased.</p> <p>For example: taking off from Tekapo Helicopters to take bikers into the High Country and returning to the same location could be considered one or two helicopter movements. If it is two, the permitted level of activity is essentially two helicopter trips per day, which is quite limiting.</p>	<p>Define the term 'helicopter movement' to mean taking off and landing.</p> <p>However, if this is not accepted and a helicopter movement is just taking off or landing, then amend Rule GRUZ-R15 as follows:</p> <p>...</p> <ol style="list-style-type: none"> 2. Any other purpose where no more than four eight aircraft and helicopter movements per day are undertaken from the same location. <p>Or similar.</p>
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<p>GRUZ-R16: Airfields and Helicopter Landing Areas</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Airfields shall be located a minimum distance of 2km from any residential zone boundary; and 1km from any notional boundary of any sensitive activity not located on the same site. 2. Helicopter landing areas shall be located a minimum distance of 500m from any notional boundary of any sensitive activity not located on the same site. 3. Airfields and helicopter landing areas shall be located a minimum distance of 50m from any public road and 100m from a State Highway. 4. The airfield or helicopter landing area is used for non-commercial aviation activity. <p>Activity status when compliance is not achieved with R16.4: NC.</p>	Support in part.	<p>We question why non-compliance with condition 4 of GRUZ-R16 is a non-complying activity.</p> <p>We assume that the concern is noise but more than 4 helicopter movements under GRUZ-R15 is a Discretionary Activity. Non-Complying seems a very stringent activity status for aircraft landing areas and assumes they are generally not an appropriate activity in the rural zone. If this is Council's position, then the consented Tekapo Helicopter site/facility should be rezoned as Airport Zone to ensure its on-going protection as an important facility.</p>	<p>Amend GRUZ-R16 as follows:</p> <p>Activity status when compliance is not achieved with R16.4: NC <u>DIS</u>.</p> <p>We also seek that the Tekapo Helicopter site/facility is rezoned as Airport Zone.</p>
NATC – NATURAL CHARACTER			
<p>NATC-R1: Buildings and Structures (excluding fences and water troughs)</p> <p>Activity Status: PER</p>	Support.	<p>We consider it is appropriate to apply setbacks from waterbodies to protect natural character as required under the RMA part 6a.</p>	<p>Retain as notified.</p>

Where the activity complies with the following standards: NATC-S1 Activity Setbacks from Surface Waterbodies			
NATC-R2: Earthworks and Stockpiles Activity Status: PER Where the activity complies with the following standards: NATC-S1 Activity Setbacks from Surface Waterbodies With the exception of earthworks associated with conservation activity, where no setback shall apply.	Support.	We consider it is appropriate to apply setbacks from waterbodies to protect natural character as required under the RMA part 6a.	Retain as notified.
NATC-S1: Activity Setbacks from Surface Waterbodies 100m setback from Lake Tekapo otherwise a restricted discretionary activity.	Support.	We consider it is appropriate to apply setbacks from waterbodies to protect natural character as required under the RMA part 6a. We also support the restricted discretionary activity rule for non-compliance with the setback rule.	Retain as notified.
NPL - NATURAL FEATURES AND LANDSCAPES			
NFL-03	Support	We support the management of commercial forestry and woodlots.	Retain as notified.

<p>The landscape values of Forestry Management Areas are maintained by managing commercial forestry and woodlots.</p> <p>NFL-P1</p>	<p>Recognise the values of the identified ONF and ONL overlays on the Planning Maps and protect these values from adverse effects by:</p> <ol style="list-style-type: none"> 1. avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change; 2. avoiding inappropriate use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features; 3. managing building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation; 4. avoiding buildings and structures that break the skyline; 5. ensuring buildings and structures are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate; 	<p>Support in part</p>	<p>We consider the Condition 1 raises too much uncertainty for landowners and developers as it appears that areas which have limited capacity to absorb such change have not been mapped. Is this work proposed to be undertaken or is this proposed to be considered on a case by case assessment?</p> <p>Condition 3 should require a low building scale across the Basin not per site.</p> <p>We also note that there are no conditions that address tracking or earthworks not associated with buildings. We consider it is important to provide for this activity as often farm tracks and other tracking is undertaken as a separate and distinct activity including for recreational purposes.</p>	<p>Amend NFL-PI as follows:</p> <p>Recognise the values of the identified ONF and ONL overlays on the Planning Maps and protect these values from adverse effects by:</p> <p>.....</p> <p>8. <u>providing for earthworks including tracks and paths that do not detract from or damage the unique landforms and landscape features.</u></p> <p>Or similar.</p> <p>Provide maps that identify the areas of the ONFL that have limited capacity to absorb change for consideration by landowners.</p>
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<p>6. recognising and providing protection for identified values in Sites and Areas of Significance to Māori; and</p> <p>7. recognising the existence of working pastoral farms and their contribution to the outstanding natural features and landscapes of the Te Manahuna/Mackenzie District.</p>				
<p>NFL-P7</p> <p>Traditional pastoral farming is encouraged so as to maintain tussock grasslands, subject to achievement of the other Rural objectives and to Policy 3B7 <u>NFL-P6</u>.</p>	<p>Support in part.</p>	<p>We assume 'traditional pastoral farming' relates to grazing only, given that 'pastoral intensification' means 'oversowing and topdressing.' However, economically viable grazing cannot occur in the Basin without oversowing and topdressing.</p> <p>Furthermore, stock fencing is also required to manage grazing efficiently and ensure areas are not overgrazed.</p> <p>Furthermore, it is unclear if tussock grasslands are located within the Wilding Conifer Overlay Areas and if so, how this Policy works with NFL-P11 and NFL-R8, which provides for oversowing and topdressing within Wilding Conifer Overlay Areas as a controlled activity.</p>	<p>Amend NFL-P7 as follows:</p> <p>Traditional PPastoral farming is encouraged so as to maintain tussock grasslands, subject to achievement of the other Rural objectives and to Policy 3B7 <u>NFL-P6</u>.</p> <p>Or similar.</p>	
<p>NFL-P10</p> <p>To enable the mechanical harvest of dense closed canopy wilding forests and the subsequent land rehabilitation to achieve a productive use.</p>	<p>Support.</p>	<p>This is an effective and efficient method to remove wilding forests.</p>	<p>Retain as notified.</p>	

<p>NFL-P11</p> <p>To provide for the use of stock grazing to control wilding conifer spread in areas known to be susceptible to re-invasion of wilding conifer species.</p>	<p>Support.</p>	<p>Does the Council know where the areas susceptible to re-invasion are? Are these areas the Wilding Conifer Removal Overlay and the Wilding Conifer Management Overlay? If so, they should be referred to in the Policy to provide certainty to landowners. The change sought would also support Rule NFL-R8.</p> <p>We also advise that grazing cannot occur in the Basin without oversowing and topdressing as well as spraying of wildings. Boom spraying is the most efficient method.</p> <p>Furthermore, stock fencing is also required to manage grazing efficiently and ensure that areas are not overgrazed.</p>	<p>Amend NFL-P11 as follows:</p> <p>To provide for the use of stock grazing, <u>spraying and oversowing</u> and <u>topdressing</u> to control wilding conifer spread in the <u>Wilding Conifer Removal Overlay</u> and the <u>Wilding Conifer Management Overlay</u>, which are <u>areas</u> known to be susceptible to re-invasion of wilding conifer species.</p>
<p>Rules</p> <p>NFL-R1: Buildings and Structures (excluding Residential Units)</p> <p>Activity Status: PER</p> <p>Where the activity complies with the following standards:</p> <ol style="list-style-type: none"> 1. Within a defined Farm Base Area. 2. The maximum height shall be 15m. 3. The maximum reflectivity index of the exterior of any buildings shall be 40%; except that extensions increasing the floor area of farm buildings existing at 1 August 2009 by up to 50% may be 		<p>Whilst NFL-R1 and R9 are not subject to submissions, we take this opportunity to point out that Rules NFL -R1 and NFL-R9 are potentially contradictory.</p> <p>We suspect that R1 should read <u>Farm Buildings</u> and <u>Structures</u>.</p>	<p>Amend Rule NFL-R1 as follows:</p> <p>NFL-R1: <u>Farm Buildings</u> and <u>Structures</u> (excluding Residential Units)</p>

<p>clad in the same material and with the same finish as the existing building.</p> <p>4. No building shall be erected on:</p> <p>i. Any area identified on the Planning Maps as a Site of Natural Significance.</p> <p>ii. Scenic viewing areas or Scenic Grasslands, or Lakeside Protection Areas as identified on the Planning Maps.</p> <p>iii. Any land above 900m in altitude, other than mustering huts less than 50m² in gross floor area.</p> <p>And the activity complies with the following standards:</p> <p>NFL-S5 Setbacks</p> <p>NFL-R9: Non-Farm Buildings including Residential Units</p> <p>Activity Status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Within a defined Farm Base Area. 2. The maximum height shall be 8m. 3. No building shall be erected on Sites of Natural Significance, Scenic Viewing Scenic Grasslands, Lakeside Protection Areas or areas above 900m in altitude. 4. The maximum reflectivity index of the exterior of any building shall be 30%. 			
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<p>5. The maximum gross floor area of any single building shall be 550m².</p> <p>And the activity complies with the following standards: NFL-S5 Setbacks</p> <p>Matters over which control is reserved: NFL-MD1 Te Manahuna/Mackenzie Basin ONL</p> <p>NFL-R5 Earthworks</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Undertaken for the purpose of the maintenance and repair of existing fence lines, tracks, reticulated stock water systems (including troughs); or 2. Earthworks on any site shall not exceed 500m³ by volume and 500m² by area per site in any 5-year period. 3. No earthworks or tracking in the Te Manahuna/Mackenzie Basin ONL Subzone shall be located within Scenic Viewing Areas, or Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps other than for the purpose of track maintenance. <p>Activity status when compliance is not achieved with R5.1 or R5.2: DIS</p>	<p>Oppose.</p>	<p>We note that earthworks and tracking in the Lakeside Protection Areas are proposed to be Non-Complying. Under the Natural Character rules, earthworks within 100m of Lake Tekapo are a restricted discretionary activity.</p> <p>Furthermore, what is the purpose of the Lakeside Protection Area. On reading Policy NFL-P5, it appears to be related to managing effects on landscape values and natural character. However, Lake Tekapo lies within an ONL, so any building or earthworks in proximity to or within the setting of the Lake would be addressed under these rules and the protection of natural character is provided for in the Natural Character chapter. Therefore, the Lakeside Protection Areas seem unnecessary or at least, the rules should align with those intended to protect natural character.</p> <p>We also advise that the boundaries of the Scenic Grasslands have never been ground truthed, and that this work needs to be completed if all</p>	<p>Amend Rule NFL-R5 as follows:</p> <ol style="list-style-type: none"> 1. Undertaken for the purpose of the maintenance and repair of existing fence lines, tracks, reticulated stock water systems (including troughs); or 2. Earthworks on any site shall not exceed 500m³ by volume and 500m² by area per site in any 5-year period. 3. No earthworks or tracking in the Te Manahuna/Mackenzie Basin ONL Subzone shall be located within Scenic Viewing Areas, or Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps other than for the purpose of track maintenance. <p>Or</p>
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Activity status when compliance is not achieved with R5.3: NC		earthworks and tracking are to be non-complying in these areas.	Activity status when compliance is not achieved with R5.1 or R5.2: DIS Activity status when compliance is not achieved with R5.3 in the <u>Lakeside Protection Area: RDIS and in all other areas: NC.</u> Or similar.
<p>NFL-R6: Harvest of Closed Canopy Wilding Conifers</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is undertaken within the Wilding Conifer Removal Overlay included on the Planning Maps. 2. Any significant indigenous vegetation is retained. 3. All skid sites and any vehicle tracks formed for the purpose of harvesting not required for on-going farming operations are remediated within 6 months of harvest completion. 4. Stormwater controls are in place to prevent erosion and sediment run-off. 5. The existing landform shall be retained and all earthworks 	Support.	We support the removal of wilding conifers.	Retain as notified.

<p>undertaken so as to reinstate natural landforms.</p> <p>6. A Forestry Earthworks Management Plan and Harvest Plan prepared in accordance with the matters set out in Schedule 3 of the National Environmental Standard for Commercial Forestry shall be prepared and submitted to the Mackenzie District Council not less than 20 working days prior to harvest activity commencing on the site.</p> <p>7. The harvest activity must take place in accordance with the Forestry Earthworks Management Plan and Harvest Plans.</p>			
<p>NFL-R7: Land Rehabilitation following Harvest of Closed Canopy Wilding Conifers</p> <p>Activity Status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is undertaken within the Wilding Conifer Removal Overlay included on the Planning Maps. 2. The land is placed into pasture grass for the grazing of livestock. 3. The land is not irrigated. <p>Matters over which control are reserved: NFL-MD2 Wilding Conifer Management</p>	Support.	<p>We support placing land in the Wilding Conifer Removal Overlay into pasture for grazing to manage wilding conifer spread.</p>	<p>Retain as notified.</p>

Advice Note: NFL-R3 does not apply to activity undertaken in accordance with this Rule.				Amend Rule NFL-R8 as follows: Advice Note: NFL-R3 does not apply to activity undertaken in accordance with this Rule. <u>The rules in Ecosystems and Indigenous Biodiversity do not apply to activity undertaken in accordance with this Rule.</u> Or similar.
NFL-R8: Topdressing and Oversowing within Wilding Conifer Overlay Areas Activity Status: CON Where: 1. The activity is undertaken within the Wilding Conifer Removal Overlay or Wilding Conifer Management Overlay included on the Planning Maps. 2. The land remains pasture grass for the grazing of livestock. Matters over which control are reserved: NFL-MD2 Wilding Conifer Management Advice Note: NFL-R3 does not apply to activity undertaken in accordance with this Rule.	Support in part.	We support the use of oversowing and topdressing in the Wilding Conifer Overlay Areas to manage wilding pine spread. However, it needs to be made clear that the rules in Section 19: Ecosystems and Indigenous Biodiversity do not apply.		
Standards				
NFL-S3 - The maximum building coverage is limited to the lesser of: a. 300m ² for every 20 ha of site area, or b. 2,000m ² per property.	Support in part.	The intent to manage building coverage in the Basin is supported but the proposed standard is very restrictive. However, there may be a simple solution such as only applying building coverage to land outside the Farm Base Areas, which would be sufficient to address our concerns.	NFL-S3 - The maximum building coverage, <u>outside of any Farm Base Area</u> , is limited to the lesser of: a. 300m ² for every 20 ha of site area, or b. 2,000m ² per property.	

		<p>Council could also think outside the box and enable greater density within and outside Farm Base Areas IF landowners protect in perpetuity areas of significant indigenous vegetation. We need to be clever about this.</p>	<p>Or similar.</p>
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PLAN CHANGE 26 – ENERGY AND INFRASTRUCTURE

SUBMISSION ON PROPOSED PLAN CHANGE 26 TO THE MACKENZIE DISTRICT PLAN

FORM 5 UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

Details of Submitter

Full Name:	Simpson Family Holdings Ltd
Contact Person:	Andrew Simpson
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Trade Competition

~~Could~~ / I could not (delete one) gain an advantage in trade competition through this submission.

If you have selected could, please answer the question below:

I am / I am not (delete one) directly affected by an effect of the subject matter that:

- a. adversely affect the environment; and
- b. does not relate to trade competition or the effects of trade competition.

☒ I wish to be heard in support of my submission.

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

(Tick one box)

If others make a similar submission I would / would not (circle one) be prepared to consider presenting a joint case with them at any 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.)

Date: 24th Jan 2024

Provision to which LTE submission relates:	LTE position on this provision is:	The reasons for LTE submission are:	The decision LTE want Council to make:
Introduction			
The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follows: <ul style="list-style-type: none"> • Natural Hazards • Historical Heritage • Notable Trees • Ecosystems and Indigenous Biodiversity, but excluding Policies 2 and 3. • Activities on the Surface of Water • Light • Noise • Signs 	Support.	We support the intent to only apply the provisions in the listed chapters to Renewable Energy Generation Activities.	Retain as notified.
Objectives			
REG-O1 The output from renewable electricity generation activities in the District for national, regional and local use is maintained or increased.	Support in part.	There needs to be specific support in the objectives for new renewable electricity generation (REG) including recognising its functional and operational needs. Objective REG-O1 could just mean increasing output from existing REG facilities.	<p>Include two new objectives as follows:</p> <p><u>Recognise the functional and operational needs associated with the location and design of energy renewable electricity generation.</u></p> <p><u>To provide for the development, operation, maintenance and upgrade</u></p>

				of new and existing renewable electricity generation. Or similar
REG-02 The adverse effects of renewable electricity generation activities are appropriately managed.	Support.	We agree that the adverse effects of renewable electricity generation activities need to be managed.		Retain as notified.
Policies				
REG-P1 Recognise and provide for the national, regional, and local benefits of renewable electricity generation activities, including avoiding, reducing, or displacing greenhouse gas emissions.	Support in part.	We acknowledge that the wording of Policy REG-P1 reflects the wording of the National Policy Statement (NPS) for REG. However, given the Government's drive to increase the amount of electricity generated by renewables and signing up to world pact to triple REG/green energy, we think that wording could be strengthened. The terms 'recognise and provide for' are not particularly strong. https://www.stuff.co.nz/environment/climate-news/133411345/after-dithering-new-zealand-joins-world-pact-to-triple-green-power	Amend Policy REG-P1 as follows: Recognise and provide for the national, regional, and local benefits of renewable electricity generation activities. When considering proposals to develop and operate new and existing energy renewable electricity generation, have particular regard to the benefits to be obtained from the proposal, including avoiding, reducing, or displacing greenhouse gas emissions.	
REG-P4 Enable investigation and identification of renewable electricity generation sources and small-scale	Support.	It is important to be able to investigate renewable electricity generation sources.		Retain as notified.

renewable electricity generation activities while managing adverse effects relative to the sensitivity of the area in which they are located.	Support in part.	<p>We note that the direction of this Policy does not significantly differ from that of Policy REG-P5 which relates to REG activities outside the areas identified in REG-P6: management of adverse effects, offsetting measures and environmental compensation, functional and operational needs. The only difference is the particular regard to be had to the 'location and efficient use of existing electricity generation, transmission and distributed infrastructure', which could be considered under REG-P6 1 or 2. As such, we question whether there needs to be two separate policies.</p> <p>We support the reference in condition 1 to operational need, which relates to having sufficient land area to be economical and grid connections.</p> <p>However, in conditions 2 and 3 the reference to 'practicable' should be changed to 'feasible' as we consider that the latter term includes economic considerations.</p> <p>Condition 4 should refer to residual 'significant' adverse effects as the RMA is not a 'no effects statute' and this will align with condition 5.</p>	<p>Amend REG-P6 as follows:</p> <p>Provide for renewable electricity generation activities (not otherwise specified in REG-P4) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</p> <ol style="list-style-type: none"> 1. there is a functional need or operational need for the activity to be in that location; 2. adverse effects on the values of the area are avoided as far as practicable <u>feasible</u>, including through site, route or method selection, design
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			<p>measures and other management methods;</p> <p>3. adverse effects that cannot be avoided are remedied or mitigated, where practicable;</p> <p>4. regard is had to any offsetting measures or environmental compensation, where there are significant residual adverse effects that cannot be avoided, remedied or mitigated; and</p> <p>5. following application of 1. - 4. above, there are no significant adverse effects remaining.</p> <p>Or combine Policies REG-P5 and P6.</p> <p>Or similar.</p>
Rules			
REG-R5: Investigation Activities	Support.	It is important to be able to investigate renewable electricity generation sources.	Retain as notified.
Activity Status: PER			
Where:			

<p>1. The investigation, identification or assessment activity is located on site for no more than 60 months.</p> <p>2. Any structure shall be set back from the road boundary, or internal boundary of any site in separate ownership, the equivalent distance to the height of the structure.</p> <p>Activity status when compliance is not achieved with R5.1: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Any functional or operational reason for an extended timeframe. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. <p>Activity status when compliance is not achieved with R5.2: RDIS</p> <ul style="list-style-type: none"> a. The location, design, scale and appearance of the building or structure. b. For road boundaries, adverse effects on the streetscape. c. For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property. d. Any functional or operational reason that structures cannot be setback in accordance with R5.2. e. The adequacy of any mitigation measures. <p>REG-R6: Small-scale Renewable Electricity Generation Activities (in an ONL)</p> <p>Activity Status: PER</p>		<p>It is important to be able to provide for small-scale renewable electricity generation including for milking sheds and irrigators to support</p>	<p>Support.</p>	<p>Retain as notified.</p>
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<p>Where:</p> <ol style="list-style-type: none"> 2. Any building or structure, or additions to an existing building or structure, shall comply with NFL-S1 and NFL-S4. <p>Activity status when compliance is not achieved with R6.2: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. The visual effects of the proposal on the values of ONF/ONL. b. The functional needs and operational needs of the activity. <p>S1 is Height</p> <ol style="list-style-type: none"> 1. The maximum height of any building or structure shall not exceed 4m above natural ground level. 2. The highest point of any building or structure is to be located: <ol style="list-style-type: none"> a. at least 20m vertically below any ridgeline; or b. at least 100m horizontally from any ridgeline. <p>S4 is Reflectivity</p> <p>All buildings and structures in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%.</p>		larger scale generation required for settlements.	
<p>REG-R7: Any Renewable Electricity Generation Activities Not Otherwise Listed</p> <p>Outside Areas Specified Below</p> <p>Activity Status: RDIS</p>	Support in part.	<p>We acknowledge that that Mackenzie Basin is a 'special' area as it is an ONL.</p> <p>However, the Introduction states that the provisions of the Landscape and Natural Character chapters do not apply to renewable</p>	<p>Amend Rule REG-R7 as follows:</p> <p>REG-R7: Any Renewable Electricity Generation</p>

<p>Matters of discretion are restricted to: REG-MD4 New Renewable Electricity Generation</p> <p>Within an area of significant indigenous vegetation or significant habitat of indigenous fauna, Outstanding Natural Landscape, Outstanding Natural Feature, Sites and Areas of Significance to Māori, a setback distance specified in Table NATC-1, or on Highly Productive Land.</p> <p>Activity Status: DIS</p> <p>Matters of Control or Discretion REG-MD4 New Renewable Electricity Generation</p> <ol style="list-style-type: none"> The appropriateness of measures to avoid, remedy or mitigate adverse effects. The effectiveness of any proposed offsetting or compensation measures. The functional needs and operational needs of the activity. The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use. The significance and benefits of the proposal. The nature of any adverse effects on the environment from construction of any building or structure including earthworks, dust, run-off, sedimentation, noise and traffic. The location, bulk, height, cladding or colour of the proposed work. Landscaping, revegetation, and fencing. 		<p>electricity generation, but this rule imposes a different activity status on REG in an ONL.</p> <p>From experience, the majority of land in the Basin is considered to be an area of significant indigenous vegetation or significant habitat of indigenous fauna as identified under the Canterbury Regional Policy criteria. Therefore, whilst the clearance of vegetation is proposed to be restricted discretionary under the Ecosystems and Indigenous Biodiversity section, the activity of establishing the renewable electricity facility would be a discretionary activity under this rule.</p> <p>The assessment matters that apply under Rule REG-R6 address a broad range of matters and could be appropriately applied to all renewable energy generation, with some minor amendments to address highly productive land.</p> <p>As discussed above, there is also a government drive towards renewable electricity generation to manage climate change. Therefore, we consider that the development of new renewable electricity generation should be a restricted discretionary activity, recognising that this enables the Council to publicly notify or decline an application. It also aligns with the status of the proposed vegetation clearance rule as discussed below.</p>	<p>Activities Not Otherwise Listed</p> <p>Outside Areas Specified Below</p> <p>Activity Status: RDIS</p> <p>Matters of discretion are restricted to: REG-MD4 New Renewable Electricity Generation</p> <p>Within an area of significant indigenous vegetation or significant habitat of indigenous fauna, Outstanding Natural Landscape, Outstanding Natural Feature, Sites and Areas of Significance to Māori, a setback distance specified in Table NATC-1, or on Highly Productive Land.</p> <p>Activity Status: DIS</p> <p>Matters of Control or Discretion REG-MD4 New Renewable Electricity Generation</p>
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<p>i. Earthworks.</p> <p>j. Location and construction of vehicle entry and exit points.</p> <p>k. Vehicle manoeuvring and parking areas.</p>		<p>a. The appropriateness of measures to avoid, remedy or mitigate adverse effects.</p> <p>b. The effectiveness of any proposed offsetting or compensation measures.</p> <p>c. The functional needs and operational needs of the activity.</p> <p>d. The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use.</p> <p>e. The significance and benefits of the proposal.</p> <p>f. The nature of any adverse effects on the environment from construction of any building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.</p> <p>g. The location, bulk, height, cladding or colour of the proposed work.</p>
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			<p>i. Earthworks.</p> <p>j. Location and construction of vehicle entry and exit points.</p> <p>k. Vehicle manoeuvring and parking areas.</p> <p>l. <u>The ability of the land to be used for primary production.</u></p>
Section 19 – Ecosystems and Indigenous Biodiversity			
<p>Rule 1.2.5 The clearance of indigenous vegetation associated with investigation activities, Small-scale Renewable Electricity Generation Activities or the construction and operation of any new Renewable Electricity Generation Activities is a restricted discretionary activity.</p> <p>The Council will restrict its discretion to the following matters:</p> <p>a. <i>Whether there is a demonstrated locational, functional or operational need for the location of the activity.</i></p> <p>b. <i>The extent to which adverse effects on the values of the location have been avoided as far as practicable through the proposal.</i></p> <p>c. <i>The appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided.</i></p> <p>d. <i>Any proposed offsetting that accords with the principles set out in Appendix 3 to the National Policy Statement for Indigenous Biodiversity 2023.</i></p>	Support in part	<p>It would appear that this rule does not over-ride Rule 1.3.2 (clearance in areas of significant indigenous vegetation), which would make the clearance of indigenous vegetation associated with REG, a non-complying activity.</p> <p>This does not enable, or recognise and provide for, REG as required under the NPS-REG.</p> <p>Amendments to the rules are required to ensure that the clearance of indigenous vegetation is a restricted discretionary not a non-complying activity.</p> <p>The NPS-Indigenous Biodiversity (NPS-IB) does not apply to REG but there is still a requirement under s6 of the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. That said, s6 would have been taken into consideration</p>	<p>Amend Rule 1.3.2 as follows:</p> <p>1.3.2 Any indigenous vegetation clearance in the following locations, unless specified as a permitted activity under Rule 1.1.1.1, 1.1.1.5 or 1.1.1.6 or a <u>restricted discretionary activity</u> under Rule 1.2.3.:</p> <ol style="list-style-type: none"> 1. Within an area of significant indigenous vegetation or significant habitat of indigenous fauna. 2. Above 900m in altitude. 3. Within 75m of a lake, 20m of the bank of a river, or 50m of any wetland.

<p>e. Any proposed biodiversity compensation that accords with the principles set out in Appendix 4 to the National Policy Statement for Indigenous Biodiversity 2023.</p> <p>g. The functional needs and operational needs of the activity.</p> <p>h. The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use.</p>		<p>when preparing the NPS-IB and it still excluded REG.</p> <p>Whilst we do not think you can argue that REG has greater importance than indigenous biodiversity: the two should be addressed together, acknowledging the direction in the NPS-REG to:</p> <ul style="list-style-type: none"> • have particular regard to the need to locate the renewable electricity generation activity where the renewable energy resource is available; and • have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected, when considering <u>any</u> (my underlining) residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated. 	<p>Or Amend Rule 1.2.5 as follows:</p> <p>Rule 1.2.5 The clearance of indigenous vegetation associated with investigation activities, Small-scale Renewable Electricity Generation Activities or the construction and operation of any new Renewable Electricity Generation Activities is a restricted discretionary activity.</p> <p><u>No other rules in this section apply to REG.</u></p> <p>Or similar.</p>
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BALMORAL [TEKAPO] RECREATION PERMIT - COMMERCIAL HELICOPTER OPERATION

Appendix 1 - Location
Commercial Helicopter Hanger

