



Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

26 January 2024

Submission to the Mackenzie District Council – Proposed District Plan Change 26 Renewable Energy and Infrastructure and on Plan Change 23 Natural Character, Natural Features and Landscapes, and General Rural Zone

To: Mackenzie District Council
PO Box 52
FAIRLIE 7949

By email to: districtplan@mackenzie.govt.nz

From submitter: Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)

Address for service:

Forest & Bird
P O Box 2516
Christchurch, 8140
Attention: Nicky Snoyink

Email: n.snoyink@forestandbird.org.nz

Forest & Bird could not gain an advantage in trade competition through this submission.

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.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with more than 100,000 members and supporters. The Society has been involved in advocating for the protection of the unique Mackenzie Basin landscape and ecology for many years. In recent years it has campaigned to 'Save the Mackenzie' due to growing concern over the impacts of land use, particularly from agricultural intensification and the effect irrigation has on the district's significant and outstanding natural values.

2. The Society has been involved in numerous Mackenzie District planning processes, consistently advocating for the protection of the Mackenzie Outstanding Natural Landscape (ONL) and for protection of the remaining areas of specially adapted dryland indigenous flora and fauna, that is endemic to Canterbury and threatened with extinction, particularly in the Mackenzie Basin/Te Manahuna subzone. The Society is currently involved in appeals on Plan Change 18, the Ecosystems and Indigenous Biodiversity (EIB) Chapter of the Mackenzie District Plan.
3. This is a submission on Proposed Plan Change 23 (PC 23) which addresses Natural Character (NATC) Natural Features and Landscapes (NFL) and the General Rural Zone (GRUZ) and Proposed Plan 26 (PC 26) of the Mackenzie District Plan (PC 26) which addresses both the Renewable Energy Generation (REG) and the Infrastructure (INF) chapter proposed provisions.

SUBMISSION

4. Forest & Bird supports the intent of PC 23 and PC 26 however we are concerned that as drafted, the plan changes do not adequately protect the Mackenzie District's significant indigenous biodiversity or its natural landscapes and features, which are of national importance. Forest & Bird considers PC 23 and PC 26 require amendments so that they give effect to Part 2 of the RMA.
5. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.
6. Regarding PC 26 Forest & Bird recognises the national significance of electricity transmission and the need to upscale renewable electricity generation to meet the government targets for increasing renewable electricity generation, and for reducing greenhouse gas emissions from use of non-renewable sources, like coal and gas. However, we also recognise that the planet is experiencing climate and biodiversity crises, and that without careful, future planning that prioritises protection and restoration of natural ecosystems, both of these crises will worsen.
7. Of importance is that renewable energy proposals are sustainable and undertaken in the right location and at the right scale, so that development is not occurring at the cost of protecting indigenous biodiversity or natural features or reducing the qualities that contribute to outstanding natural landscapes.
8. Development of renewable energy infrastructure should take a nature-based approach where the activity is designed to work with natural processes, having little impact on natural environmental values and incorporating measures to enhance and build resilience in our natural systems for the benefit of nature. Nature-based solutions are the most effective ways to mitigate the current climate and biodiversity crises as they recognise the importance of nature to economic and community

wellbeing, while providing genuine sustainable management solutions that provide for future generations.

9. Forest & Bird understands that the Mackenzie district, in particular the Basin subzone is targeted as a location for renewable electricity generation, particularly solar due to its high levels of irradiance and because of the existing electricity generation and transmission infrastructure. However, we remind the Council that that the subzone has outstanding natural values which are of regional, national, and possibly international importance that are unique and not found anywhere else in the world. The entire subzone is identified as an outstanding natural landscape (ONL), and meets the significance criteria¹, for significant indigenous biodiversity, as found in the Environment Court decision on PC13 to the Mackenzie District Plan.²
10. These areas are to be protected as matters of national importance under the RMA s6. There are large areas of farmland in the basin, which support significant values, particularly in areas that have not been fully intensified and/or converted by irrigation, which provide important ecological linkages and connections, and which are also an important attribute of the ONL.³ It is likely these areas contain significant indigenous vegetation and remain as significant habitat for indigenous species, particularly avifauna, lizards and invertebrates, regardless of how modified it is. Significant habitat for indigenous fauna is also a matter of national importance to be protected under the RMA s6c.
11. Forest & Bird consider that REG development and infrastructure in the Mackenzie District has already compromised large portions of the natural landscape, natural features and indigenous biodiversity particular in the Mackenzie Basin subzone. The Society is concerned that a permissive regime for additional REG infrastructure where, if not managed properly, it risks cumulative impacts that are irreversible, rendering permanent loss of the ONL, the features that make the basin unique and potential extinction of native species.
12. This submission is set out in two parts, first by identifying the key issues relating to the proposed Plan Change 26 approach to renewable electricity generation and the decisions requested to address these issues, and then sets out specific changes on PC23 NFL and GRUZ and PC26 REG and INF provisions and proposed wording in the following table.

KEY ISSUES

- Relationship between chapters of the Plan
- Consistent effects management hierarchy

¹ Canterbury Regional Policy Statement (CRPS) Policy 9.3.1

² [237], *Federated Farmers and others vs Mackenzie District Council* NZEnvC 53[2017]

³ This is of relevance to achieving Objective 3B1 of Operative Mackenzie District Plan, as disused at [542] in the PC13 Decision.

Relationship between chapters of the plan

13. The key issue for Forest & Bird is the relationship between chapters, particularly the Ecosystems and Indigenous (EIB) and the Natural Features and Landscapes (NFL) chapters with activity based chapters, including the REG and INF. Gains that have been made to secure protection of significant and outstanding values in the Mackenzie district need to be appropriately considered in the REG and INF chapters to avoid creating tensions and to ensure consistency with the MDP Strategic Objective NE-O1:

The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:

(1) Mahika kai resources;

(2) Night sky darkness;

(3) Outstanding natural features and landscapes;

(4) Significant indigenous biodiversity; and

(5) Water bodies and their margins

14. Under the RMA s 6 the council has a function to preserve the natural character of wetlands, and lakes and rivers and their margins, protect outstanding natural features and landscapes and areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use, and development; and under the RMA s 31 (1) (b)(iii) the council has a function to control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity.
15. Plan Change 13 (PC 13) was subject to a drawn-out Environment Court process and has now been settled. Forest & Bird are concerned that aspects of PC 23 and PC 26 are inconsistent with PC 13, therefore should be amended to avoid re-litigating PC 13.
16. Forest & Bird acknowledges that the National Policy Statement for Indigenous Biodiversity (NPS-IB) does not apply to REG. However, the National Policy Statement for Renewable Energy Generation (NPS-REG), does not override council's responsibilities and functions under the Act and the provisions of s6 must still be given effect to in the plan. The Society's view is that new renewable energy and infrastructure, particularly in the Mackenzie Basin subzone should be limited in scale to ensure that the cumulative effects of new development does not erode the significant and natural values of the district.

Relief sought

Amend the chapters so that consideration of the whole of the EIB, NATC and NFL chapters applies to the activities within the REG and INF chapters and that all chapters are consistent with PC 13.

Effects Management Hierarchy

17. Forest & Bird supports the use of a consistent effects management hierarchy, whereby measures to avoid, remedy or mitigate effects are sequentially stepped through and environmental bottom lines are identified and applied. The recent Court order on PC18 includes amendments to the EIB chapter policies which establish an effects management hierarchy for effects on indigenous biodiversity. The Canterbury Regional Policy Statement (RPS) Policy 9.3.6 sets limitations on the use of biodiversity offsets, the NPS-IB and the NPS-FM appendices set out limits on when biodiversity/aquatic offsetting and compensation are not appropriate, these measures have the effect of bottom lines. The NPSIB and the NPSFM also include effects management hierarchies. While the NPSIB does not apply to REG it does apply to other infrastructure. The effects management approach set out in the REG is limited to other renewable and does not follow the same sequential steps or recognise limits to offset and compensation. In the INF chapter there is no clear hierarchy at all for effects management. We are concerned that PC 26 introduces an alternative effects management, that conflicts with the EIB effects management hierarchy for effects on biodiversity and does not recognise bottom lines. While there may be relevant benefits and functional constraints to consider, we do not consider an alternative and additional effects management approach is appropriate. We also have concerns with the REG effects management which would leave effects that are not significant unresolved and result in debates over what is a significant effect, this could be difficult to determine given the potential for cumulative effects.

18. Relief sought

A consistent effects management hierarchy is used. Limits to offsetting and compensation are set out. For effects on indigenous biodiversity the effects management hierarchy set out in the EIB chapter applies to all activities.

Submission on specific provisions

Title of Provision	Submission	Reasons for submission	Relief sought
Definitions			
Earthworks	Support in part	It is not clear from the information on the council website whether the intent is to exclude the District Plan definition for Earthworks from apply to the REG, INF, and some other specified chapters. ⁴ https://letstalk.mackenzie.govt.nz/83478/widgets/421384/documents/272560	Ensure the District Plan definition for “Earthworks” applies as that term is used within the REG and INF chapters.
NFL Chapter			
NFL-P11	Oppose	Forest & Bird needs to be reassured that this policy does not enable mob-stocking in areas susceptible to wild pine invasion that contain indigenous vegetation or habitat for indigenous species, that are important attributes of the ONL. The policy is uncertain as to how natural values including indigenous biodiversity values of the ONL will be protected when, there may be other methods to control wilding pines that may be more appropriate.	Delete the policy.
NFL-R6	Support in part	Forest & Bird supports the rule being limited to the Overlay. Clarify the rule so that applicant will notify the council before any activity associated with the harvest of wilding conifers, particularly the construction of access tracks.	Clarify the rule to ensure the council is notified prior to the commencement of any activities related to... Harvest of Closed Canopy Wilding Conifers.

⁴ August 2023 Section 3- Definitions, page 3-3:

Earthworks: means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks or tracks, but excludes the cultivation of land. Excavation for the purpose of land drainage is included within the definition of earthworks. (This definition does not apply to the Renewable Electricity Generation, Infrastructure, Transport, Sites and Areas of Significance to Māori, Natural Character, Natural Features and Landscapes, Public Access, Subdivision, Earthworks, General Rural Zone and Rural Lifestyle Zone chapters). PC23, PC24, PC25, PC26, PC27

NFL-R7		<p>Forest & Bird is concerned that rule allows for pastoral intensification and agricultural conversion.</p> <p>It is not clear if the definition for pastoral intensification is being amended by the Plan Change, there are amendments shown in grey with strike out. (PC 23 shows an amendment to the definition (removal of subdivisional fencing) while the Council Website shows the definition as being deleted altogether.</p> <p>https://letstalk.mackenzie.govt.nz/83478/widgets/421384/documents/272560</p> <p>The Section 32 report explains that the amendment to pastoral intensification in PC 23 removes subdivisional fencing because mobstocking is dealt with by PC 18. Mobstocking and fencing are two different activities. As all appeals on PC 18 have not yet been settled, Forest & Bird wishes that the definition of pastoral intensification is retained to include subdivisional fencing.</p> <p>It is unclear whether the Wilding Conifer Removal Overlay overlaps with any of the special areas listed in R3.2, particularly Lakeside protection areas.</p> <p>NFL R7.3 restricts irrigation but does not restrict other forms of intensification.</p> <p>The Advice Note should be confined to NFL R3.1 and NFL R3.3</p> <p>NFL R 3.2 makes pastoral intensification and agricultural conversion in specified areas including Lakeside protection areas a non-complying activity. We consider the NC status should be retained where land rehabilitation activities are being undertaken.</p>	<p>Clarify that the PC 13 definition for pastoral intensification will be retained.</p> <p>Clarify the relationship between the overlays.</p> <p>Amend NFL R7.3 to include agricultural conversion, pastoral intensification, and vegetation clearance as it is defined in the plan.</p>
NFL-R8	Oppose	<p>The rule would allow for intensification of land use resulting in the loss of indigenous biodiversity. Topdressing and oversowing are identified within the definition of vegetation clearance in PC18. It cannot be automatically assumed that these activities are appropriate within all Wilding Conifer Overlay Areas.</p>	<p>Ensure that the definition of vegetation clearance applies to all chapters including PC 23</p>

NFL-R9	Support	The Discretionally activity status is appropriate for considering non-farming buildings within ONF and ONL outside of the Te Manahuna ONL.	Retain as at least Discretionary activity status
NFL-R10	Support	Non-Complying activity classification is an appropriate status for commercial forestry in ONL and ONF for forestry in FMA's the RDIS matters of discretion do not enable the council to assess effects on indigenous biodiversity. It is not clear whether FMA's are areas in which forestry activities are to be managed to protect natural values or are areas for forestry activities to occur within. If it is the former, then a NC activity status would be more appropriate.	Retain NC status in ONL and ONF Change RDIS for FMA to NC
NFL - R12	Support	Non-Complying activity classification is appropriate in ONF and ONL	Retain as notified
NFL-R13	Support	Non-Complying activity classification is appropriate in ONF and ONL	Retain as notified
NFL-MD2	Support in part	The matters fail to consider effects on indigenous biodiversity wider than just that which is "significant". This limitation is inappropriate.	Add a matter for discretion/control for: "the extent of any adverse effects on indigenous biodiversity".
General Rural Zone			
GRUZ-O2	Oppose	The chapter introduction recognises the natural values of the rural zone however this is not recognised within the description of character of the zone (thirds paragraph of the introduction) or in the objectives or policy on the character and amenity of rural areas. Managing adverse effects and enabling activities on the basis of consistency with zone character is therefore problematic and creates conflicts with other chapters, such as NFL and EIB.	Amend the description of rural character to include natural values, including natural features and landscapes and indigenous biodiversity. Amend GRUZ-O2 "The adverse effects of activities and built form within the General

			<p>Rural Zone are managed in a way that:</p> <p><u>1A. maintains and protects natural landscape character, features and indigenous biodiversity values;</u></p> <p>1. Maintains a rural character consisting;"</p>
GRUZ-P1	oppose	<p>The word enable is too directive as there are other matters to be considered beyond the maintaining the character of the zone, such as the protection of significant indigenous biodiversity and outstanding natural landscapes.</p>	<p>Strike out the word enable and replace with "<u>consider providing for a range of... Zone, including by:</u></p> <p>1. managing adverse effects... and</p> <p>2. providing for quarrying... <u>and</u></p> <p><u>3. maintaining and protecting indigenous biodiversity and protecting ONL and ONF."</u></p>
GRUZ- P5	Oppose	<p>The inclusion of 'upgrading' is inappropriate as there is no limits on scale or intensity or consideration of what activities may be appropriate. As such "upgrading" could significant adverse effects that are not appropriate.</p> <p>We also not that "maintenance" is only defined with respect to the Waitaki scheme. For certainty the plan should include s broader definition of maintenance which limits maintenance activities to within the existing footprint of lawfully established activities.</p>	<p>Strike out "or upgrading".</p> <p>Add a definition of maintenance which limits maintenance activities to within the existing footprint of lawfully established activities.</p>

GRUZ-P7		Promoting land use activities is too broad. The policy should promote restoration of natural character and landscape that have been degraded through the establishment of wilding conifers.	
REG Chapter			
Introduction	Support with amendment	<p>The introduction lists the other parts of the plan that apply to activities addressed in this chapter. Notably the list includes the Ecosystems and Indigenous Biodiversity Chapter excluding Policies 2 and 3. The entire EIB chapter should apply to the REG Chapter as well as the NFL, NATC and open space and natural open space zone chapters. The REG provisions on their own are inadequate or would be contrary to achieving the outcomes of those chapters.</p> <p>The REG rules also include reference to requirements in Zone chapters contrary to limited chapter exceptions in the REG Introduction which do not include zone chapters.</p>	<p>Include the entirety of the EIB chapter in the list.</p> <p>Include the NFL and NATC Chapters in the list.</p> <p>Include the Zone Chapters in the list.</p>
REG-O1	Support	The objective aligns with the NPSREG	Retain
REG-O2	Oppose	It is not clear whether the approach to “manage” the adverse effects of REG activities would be consistent with s5 of the RMA. What “appropriately managed” means is not set out in the objectives and Forest & Bird has concerns with the REG policy direction as set out below.	The adverse effects of renewable electricity generation activities are appropriately managed <u>to avoid, remedy or mitigate adverse effects on the environment</u>
REG-P1	Support	The objective aligns with the NPSREG	Retain
REG-P4	Oppose	<p>The policy direction “<i>managing adverse effects relative to the sensitivity of the area</i>” is uncertain as to what is relative and sensitive. It also fails to consider cumulative effects or effects beyond where the activity is located. An activity that is “<i>Small-scale</i>” in terms of generation may not be small scale in terms of adverse effects.</p> <p>Policy F of the NPS-REG is for plans to include provisions to “provide for” small and community scale distributed renewable electricity generation to “the extent applicable to the region or district”. The Mackenzie district includes</p>	<p>Amend Policy REG-P4:</p> <p>“Enable Provide for the investigation and identification of renewable electricity generation sources and small-scale renewable electricity generation activities while managing adverse effects <u>on the environment relative to the</u></p>

		<p>area of significant and outstanding values that are to be protected under the RMA s6 and that are unique to the region/district, in particular those found in the Mackenzie basin subzone.</p> <p>Forest & Bird considers that the extent to those activities should be provided for should exclude solar (unless it is located on other lawfully established buildings or structures) and limit wind turbines, and that in other cases adverse effects should be managed by conditions on permitted rules so that effects are no more than minor or case by case RIDS or DIS activities.</p> <p>We also consider that wind farms should be restricted within the <u>Mackenzie Basin subzone</u> to small scale and community scale activities of no more than 2 turbines to protect the outstanding and significant values.</p>	<p>sensitivity of the area in which they are located."</p> <p>Add a new policy: <u>"Solar renewable energy generation in the Mackenzie Basin subzone:</u> <u>In recognition of the unique biodiversity and landscape, feature and character values of the Mackenzie Basin subzone, solar electricity generation is limited to that which can be placed on existing lawfully established buildings."</u></p> <p>Add a new policy: <u>"Wind turbines for renewable energy generation in the Mackenzie Basin subzone:</u> <u>In recognition of the unique biodiversity and landscape, feature and character values of the Mackenzie Basin subzone, Wind electricity generation is limited to small and community scale activities."</u></p> <p>Add or amend rules so that: a) solar not in line with the new policy above is an RDIS activity.</p>
--	--	--	---

			<p>b) wind for small or community scale of no more than 2 turbines is RDIS.</p> <p>c) where a) or b) are not complied with the activity is NC.</p> <p>d) include effects on indigenous biodiversity, natural landscape, features and character, and on cultural values as matters for discretion for a) and b).</p>
REG-P5	Oppose	<p>This is not an appropriate effects management hierarchy. The policy should clearly step through the hierarchy requirements and be clear where there are limits, including when an activity may not be appropriate. In terms of considering adverse effects on indigenous biodiversity (or on freshwater) it is not clear why another hierarchy beyond that set out in the EIB chapter provisions and in high order documents is used. The RPS Policy 9.3.6 sets limitations on the use of biodiversity offsets, the NPSIB and the NPSFM appendices set out limits on when biodiversity/aquatic offsetting and compensation are not appropriate.</p> <p>While policy direction recognising practical constraints associated with development and operation of renewable electricity generation activities could be appropriate this should not form a part of a effects management hierarchy or effects management policy.</p>	Amend REG-R5 to refer to ECO chapter policies for managing adverse effects of renewable electricity generation activities on indigenous biodiversity.
REG-P6	Oppose	Both “functional need” and “operational need” are defined in the National Planning Standards 2019. Of particular relevance when considering activities	<p>Amend REG-P6:</p> <p>“Provide <u>Only consider providing for</u> renewable electricity generation</p>

		<p>within significant and outstanding areas is whether the activity has a functional need to justify locating there.</p> <p>Forest & Bird’s concerns with the effects management hierarchy approach in REG-P6 are similar as for REG-P5 above. There needs to be clear principles and criteria around applying any “biodiversity offsetting” and “biodiversity compensation”.</p> <p>Offsetting and Compensation should not be an either-or option but subsequently considered. It should be clarified whether provisions are intended to consider offsetting and compensation for effects beyond biodiversity and how a residual significant effect on those other matters would be determined if such measures are specifically included in the plan.</p> <p>While we generally agree that that there should be “no significant adverse effects remaining” when considering indigenous biodiversity (or other s6 matters), it maybe that effects which are not “significant” are still inappropriate in the context of “protecting” those matters, in addition it may not be appropriate to offset or compensate for some significant adverse effects.</p>	<p>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> <p><u>1A. adverse effects on indigenous biodiversity can be managed in accordance with the EIB objectives and policies; and</u></p> <p>1. there is a functional need or <u>and</u> operational need for the activity to be in that location;...</p>
<p>REG-R1 All Zones REG-R2 All Zones</p>	<p>Oppose</p>	<p>There are no limits in the rules as to what “<i>operation and maintenance</i>” means or the scale of an “<i>upgrade</i>” includes under these rules. The rule should include PER standards where, for example, any vegetation clearance is limited to within 10m of existing lawfully established buildings or structures, and any vegetation clearance is limited to within 2m of existing fences and existing access tracks/roads.</p> <p>Include in REG-R2 PER standard that the upgrade does not include any indigenous vegetation clearance.</p>	<p>Include standards in REG-R1 and REG-R2 PER activities, for vegetation clearance to be limited to within 10m of existing lawfully established buildings or structures, and any vegetation clearance is limited to within 2m of existing fences and existing access tracks/roads.</p> <p>Include in REG-R2 PER a standard that the “upgrade” activities do not</p>

		<p>Where these standards are not complied with effects on indigenous biodiversity, natural landscapes and features and natural character needs to be considered on a case-by-case basis through a resource consent process.</p> <p>Without these limitations and discretion there is no consideration or way to require adverse effects to avoided, remedies or mitigated, or where appropriate, to consider offsetting or compensation.</p>	<p>include any indigenous vegetation clearance above that set out above.</p> <p>For both rules, where PER compliance is not achieved the activity is RDIS or DIS to ensure discretion is provided for adverse effects on indigenous biodiversity, natural landscapes and features and natural character.</p>
REG-R3 All Zones	Oppose	<p>PER should be clarified so that 20m² is the total additional amount of land, not 20m² for each time there is a modification. This could mean incremental increases which could result in adverse effects not being appropriately managed and uncertainty for enforcement.</p> <p>REG-R3 CON. Seek for this rule classification to be RDIS with matters of discretion to consider adverse effects on indigenous biodiversity or for DIS.</p>	<p>Amend PER standard to:</p> <p>Where:</p> <p>Any modification or addition does not result in more than 20m² of additional land being utilised for buildings, structures and ancillary activities <u>in total over the life of this plan</u>, or the height of any existing building being increased by more than 2.5 metres.</p> <p>Where PER compliance is not achieved change the activity status to RDIS or DIS to ensure discretion is provided for adverse effects on indigenous biodiversity, natural landscapes and features and natural character.</p>

REG-R4	Oppose	It is not clear what renewable activities are included in this rule or what the potential effects could be. As it is written, wind or solar power could be added to an existing scheme. The activity status should at least be RDIS with matters of discretion to consider adverse effects on indigenous biodiversity.	Change activity status from CON to RDIS as a starting point. Where compliance is not achieved with RDIS standards then activity status should be NC.
REG-R5	oppose	<p>Having an activity in place for up to 60 months (5 years) is not temporary. An activity occurring for this length of time has the potential to have long lasting effects. Or to notify the council so they are aware of the activity and could check compliance. This should not be permitted in ONF or ONLs or in high natural character areas or SNAs.</p> <p>As written an activity that complies with REG-R5.2 has no limit on the duration of time the structure could be in place or the scale of any structure. Nor is there a limit on the number of structures. There is no requirement for removal of structures or for remediation.</p> <p>Similar concerns arise for REG-R5.3 and 4.</p>	<p>Reduce the duration to 12 months at the PER level.</p> <p>Add a condition that there is no vegetation clearance.</p> <p>Amend REG-R5 so that all the PER standards apply, e.g. for zones.</p> <p>“Where: 1. The investigation, identification or assessment activity is located on site for no more than 60 <u>12</u> months; and 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>Similarly for other areas.</p>
REG-R6	Oppose	<p>This rule definition is inconsistent with the definition use in the NPSREG. The limits are better set as standards or conditions.</p> <p>Even “small-scale” activities could still have adverse effects on the environment. This is particularly concerning for the Mackenzie basin subzone.</p>	Amend the definition for “small scale” to align with that used in the NPSREG.

		<p>The rule does not accord with s5 of the RMA which includes avoiding, remedying, or mitigating any adverse effects of activities on the environment. In addition, it is not clear whether adverse effects of access and ancillary activities are addressed within this rule.</p> <p>The rule limits/standards are inadequate. They do not manage adverse effects on the environment to an acceptable level. For example, there are no conditions managing the potential for adverse effects on indigenous biodiversity. Nor do the NFL standards provide adequate limits to protect unmodified locations.</p> <p>Requiring compliance with height limits in zone chapters is uncertain as those chapters are not listed as relevant provisions in the Introduction section above. For example, where an activity is RDIS, relying on the REG Introduction wording would mean the zone chapter policies could not be considered to guide decision making on heights.</p>	<p>Add the requirements from the proposed definition as standards within REG-R6: “Where: <u>1A. the activity generates electricity for use on a site and is ancillary to the principal use of the site, and may include:</u> a. <u>supply of up to 20 other sites; and / or</u> b. <u>distribution of any surplus electricity generated into to the electricity distribution network; and</u> 1. Any building... 2. <u>the activity is located within 100m of existing buildings and structures on the site and is able to use existing access without the need to clear vegetation to create new access;</u> 3. <u>an activity is located within the Mackenzie basin subzone:</u> a. <u>solar electricity generation is limited to that which can be placed on existing lawfully established buildings; and</u> b. <u>the activity does not include the placement on wind turbines.</u> <u>Where 3.a. is not met the activity is NC.</u></p>
--	--	---	---

			<p><u>Where 3. b. is not met the activity is RDIS and for Wind electricity generation and is limited to no more than 2 turbines. Matters for discretion include effects on indigenous biodiversity and the ONL.</u></p> <p><u>Where the RDIS rule is not met the activity is NC ”.</u></p>
REG-R7		<p>It is not clear what the renewable activities would be, the location or the scale or the potential effects could be. Considering the lack of certainty, the activity status for “Any Renewable Electricity Generation Activities Not Otherwise Listed” should at least be DIS</p> <p>Within specified areas, the activity status should be non-complying.</p>	<p>Amend Outside Areas Specified Below to DIS.</p> <p>Amend within specified areas to NC.</p>
INF chapter	Oppose in part	<p>Forest & Bird has similar concerns with the wording and approach in the INF chapter that would override the objective and policies of the EIB chapter and that the scope of permitted and controlled activities is inappropriate to protect significant and outstanding natural areas and the need for appropriate discretion in RDIS rules for effects on ecological, natural landscape, features, and character.</p>	<p>Amend the INF chapter to address concerns, including that the EIB chapter applies with respect to effects on indigenous biodiversity.</p>

Thank you for the opportunity to submit.

Nicky Snoyink

Regional Conservation Manager Canterbury West Coast