

## To Mackenzie District Council

### SUBMITTER DETAILS

Name of Submitter	Canterbury Regional Council
Physical Address	200 Tuam Street, Christchurch
Postal Address	PO Box 345, Christchurch
Email Address	regional.planning@ecan.govt.nz
Telephone	03 367 7427
Address for service	By email

### SUBMISSION DETAILS

- A. This is a submission on proposed Plan Change 23 (PC23), proposed Plan Change 24 (PC24), proposed Plan Change 25 (PC25), proposed Plan Change 26 (PC26), and proposed Plan Change 27 (PC27) to the Mackenzie District Plan.
- B. The relief sought by Canterbury Regional Council (hereafter Environment Canterbury) is addressed below.
- C. Environment Canterbury could not gain an advantage in trade competition through this submission.
- D. If others make a similar submission, Environment Canterbury will consider presenting a joint case with them at the hearing.

### THE REASONS FOR OUR SUBMISSION

#### ***GENERAL COMMENTS***

1. Environment Canterbury thanks the Mackenzie District Council (MDC) for the opportunity to comment on PC23, PC24, PC25, PC26, and PC27, and for engaging with Environment Canterbury prior to notification. Environment Canterbury supports MDC in seeking to improve the clarity of the operative district plan and proposing amendments that seek to give effect to the Canterbury Regional Policy Statement (CRPS) and national direction.
2. Environment Canterbury administers the CRPS. Both Environment Canterbury and MDC have responsibilities under the CRPS to achieve integrated management of the natural and physical resources within their jurisdictional areas.
3. The reasons for Environment Canterbury's submission on PC23, PC24, PC25, PC26, and PC27 are:
  - to ensure that the plan changes and provisions give effect to the CRPS as required by section 75 of the Resource Management Act 1991 (RMA);
  - to assist Environment Canterbury in carrying out its functions in section 30 of the RMA, and in relation to biosecurity matters; and
  - to suggest edits so that plan provisions are clear and free from minor errors.
4. In summary, Environment Canterbury's submission covers the following components:
  - drafting issues with definitions
  - wilding conifer planting and removal
  - protection and restoration of riparian margin
  - provision for renewable energy generation and consistency with provisions relating to indigenous biodiversity
5. Overall, Environment Canterbury considers that PC23, PC24, PC25, PC26, and PC27 are well drafted and generally implement the CRPS. However, some amendments are requested to help implement specific aspects of the CRPS and to ensure the integrated management of natural and physical resources. While amendments have been requested, we note that there is more than one way to achieve the intent of our requests and accordingly Environment Canterbury is happy to work with MDC on any amendments prior to the release of the s42A report.
6. Where an alternative position has not been otherwise noted within this submission, Environment Canterbury supports the provisions as notified within PC23, PC24, PC25, PC26 and PC27.

7. Where amendments have been sought, we have used underlined text to indicate recommended additions to the provisions and ~~strikethrough text~~ to indicate recommendations for the removal of the proposed text.
  
8. Environment Canterbury seeks that decisions address the matters raised in this submission, and also with respect to specific sections and provisions of the Plan as set out in the table below. Environment Canterbury seeks any alternative and consequential amendments to the provisions to address its submission points.

***Submission on Plan Change 23 (General Rural Zone. Natural Features and Landscapes, Natural Character)***

**Definitions**

9. Environment Canterbury requests the following amendments to definitions to be added to the Mackenzie District Plan through PC23:

<b>Definition</b>	<b>Support / Oppose</b>	<b>Comments</b>	<b>Change requested</b>
Community corrections activity	Support in part	Environment Canterbury note that this definition is sourced from the National Planning Standards, but the source has not been acknowledged.	Add note to definition: <b><u>(National Planning Standard Definition)</u></b>
Harvest of closed canopy wilding conifers	Support in part	Environment Canterbury notes that “wilding conifers” are not defined in the proposed provisions whereas “wilding conifer species” are. For consistency we suggest that the same term is used in the title of this definition.  Environment Canterbury considers that including the	Amend definition title:  Harvest of closed canopy wilding conifers <u>species</u>  Amend the definition:  Means felling trees, extracting trees, thinning tree stems <del>and extraction for sale or use</del> (production

		<p>term “...for sale or use...” in the definition could limit harvesting to where there is a market for the harvested wood. Harvesting of the wilding conifers and enabling the land to return to productive use or indigenous vegetation is of huge benefit to the environment even when there is no market for the wood.</p>	<p>thinning), processing trees...</p>
Land rehabilitation	Support in part	<p>Consequential change.</p> <p>Environment Canterbury also notes that this definition contemplates only the restoration of pasture for livestock grazing. While this is important especially where the regrowth of wilding conifer species is highly likely, Environment Canterbury would also like to see provision for other land uses including the restoration of indigenous biodiversity.</p>	<p>Amend the definition:</p> <p>Means the rehabilitation of land following harvest of closed canopy wilding conifers <u>species</u> through the restoration of pasture or <u>indigenous vegetation</u> through means including cultivation, root raking, direct drilling, <u>planting</u>, fencing, topdressing and oversowing.</p>
Mining	Support in part	Minor omission	<p>Amend the definition:</p> <p>...b. <i>includes</i></p> <p>i. <i>the injection of petroleum into an underground gas storage facility; and</i></p>

			<p>ii. the extraction of petroleum from an underground gas storage facility; but <u>c.</u> does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph a.</p>
Shelterbelt	Support in part	A maximum width of 15 m does not align with the provisions of the NES-CF that cover only plantings more than 30 m wide. The 15 m maximum width would mean that no controls are in place for shelterbelts between 15 and 30 m wide, as the definition of a woodlot does not include trees planted for shelter.	Amend the definition: ...limited to a maximum average width of <u>1530</u> m from stem to stem.
Wetland	Support in part	Environment Canterbury note that this definition is sourced from the National Planning Standards, but the source has not been acknowledged.	Add note to definition: <b><u>(National Planning Standard Definition)</u></b>

### Natural Character Chapter

10. Environment Canterbury requests the following amendments to the proposed Natural Character (NATC) Chapter:

Provision	Support / Oppose	Comments	Change Requested

<p>NATC-P2 Preservation of Natural Character Values</p>	<p>Support in part</p>	<p><b>Environment</b> Canterbury fully supports this policy and considers that it gives effect to policies 10.3.1 and 10.3.2 of the CRPS.</p> <p><b>Environment</b> Canterbury notes that there are no proposed rules to give effect to point 3 of NATC-P2: “promoting and encouraging opportunities to restore and rehabilitate the natural character of surface waterbodies and their margins, including the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values and cultural values”. While the NES-F provides for these activities as permitted activities near wetlands, it does not cover restoration activities along rivers or beside lakes.</p> <p><b>Environment</b> Canterbury also notes that there are no provisions restricting the planting of exotic vegetation within waterbody setbacks. The draft Waitaki District Plan classes this as a Restricted Discretionary Activity and Environment Canterbury would support a similar provision in the</p>	<p>The addition of a rule to the NATC Chapter to allow for restoration and rehabilitation of riparian margins as a permitted activity. . This is to better give effect to policy 10.3.2 of the CRPS.</p> <p><b>Suggested rule:</b> NATC-R2 Restoration of surface waterbodies and their margins</p> <p>All zones</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity takes place within a riparian margin; and</li> <li>2. The activity is: <ul style="list-style-type: none"> <li>(i) the planting of vegetation that is indigenous to the ecological district; or</li> <li>(ii) the removal of vegetation that is not</li> </ul> </li> </ol>
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		Mackenzie District Plan.	indigenous to the ecological district  Activity status when compliance is not achieved with R1.1 or R1.2: DIS
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### Natural Features and Landscapes

11. Environment Canterbury requests the following amendments to the proposed Natural Features and Landscapes (NFL) Chapter:

<b>Provision</b>	<b>Support / Oppose</b>	<b>Comments</b>	<b>Change requested</b>
NFL-P10 Harvest of closed canopy wilding conifers	Support in part	Environment Canterbury supports provision for the harvest of closed canopy wilding conifer species and the subsequent land rehabilitation to achieve a productive use, as this gives effect to CRPS Policy 5.3.13. However, Environment Canterbury considers that there may also be less productive uses that would also be appropriate in some circumstances. This would include the restoration of indigenous vegetation.	Amend the policy:  To enable the mechanical harvest of dense closed canopy wilding forests and the subsequent land rehabilitation <del>to achieve a productive use.</del>
NFL-P11 Wilding conifer spread	Support in part	Environment Canterbury supports the provision for the use of stock grazing to help control wilding conifer spread and considers that this provision gives effect	Amend the policy:  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>to CRPS Policy 5.3.13. There is however some concern that stock grazing and the associated oversowing and topdressing, may not always be appropriate where there could be adverse environmental effects.</p>	<p><u>where environmental effects can be appropriately managed.</u></p>
NFL-R6 Harvest of closed canopy wilding conifers	Support in part	<p>Environment Canterbury supports the provisions enabling the harvest of closed canopy wilding conifer species as a permitted activity within the wilding conifer overlay and considers that this provision gives effect to CRPS Policy 5.3.13. Environment Canterbury is concerned that, over the life of the Mackenzie District Plan, further areas could become infested with closed canopy wilding conifers as there are currently areas where dense carpets of seedlings are evident. Environment Canterbury would support a mechanism whereby harvest of these areas, outside the proposed overlay, could also occur as a permitted activity.</p> <p>Stormwater needs to be managed as well as controlled.</p>	<p>Add to definitions, a definition for closed canopy wilding conifer species.</p> <p>Amend rule:</p> <p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <p>1. The activity is <del>undertaken within the Wilding Conifer Removal Overlay included on the Planning Maps the harvest of closed canopy wilding conifer species...</del></p> <p>...4. Stormwater <del>management</del> controls are in place to prevent erosion and sediment run-off...</p>

		<p>At this stage it is not particularly clear what the interplay of these rules is with the vegetation clearance rules in PC18. There might need to be a carve out from the relevant PC18 / vegetation clearance rules for this type of activity. NFL-R5 contains a carve out from the earthworks rule, so this could be drafted similarly for consistency.</p>	
NFL-R7 Land rehabilitation following harvest of closed canopy wilding conifers	Support in part	<p>Environment Canterbury supports the provisions for land rehabilitation following harvest of closed canopy wilding conifers as a controlled activity within the Wilding Conifer Removal Overlay, and considers that the provisions give effect to CRPS Policy 5.3.13. Environment Canterbury would prefer the alternative approach outlined under NFL-R6 above.</p> <p>Environment Canterbury considers that indigenous vegetation should be able to be enhanced rather than solely maintained, as that would better give effect to CRPS Policy 9.3.4, while also enabling the aim of returning the land to extensive high</p>	<p>Amend NFL-MD2 Wilding conifer management:</p> <p>...d. Maintenance, <u>and where practicable, enhancement</u> of the composition of indigenous vegetation so as to return the land to extensive high country pastoral grazing following effective wilding conifer control...</p>

		country pastoral grazing.	
NFL-R8 Topdressing and oversowing within wilding conifer control overlays	Support in part	<p>Environment Canterbury supports the provisions for oversowing and topdressing following harvest of closed canopy wilding conifers as a controlled activity within the Wilding Conifer Removal Overlay and the Wilding Conifer Management Overlay, and considers that this gives effect to CRPS Policy 5.3.13. although Environment Canterbury would prefer the alternative approach outlined under NFL-R6 above.</p> <p>However we note the interplay with the PC18 and PC13 provisions which also control oversowing and topdressing. This rule may have limited effect if the oversowing and topdressing is still going to be triggered by other rules</p> <p>Environment Canterbury also considers that indigenous vegetation should, where possible, be enhanced rather than just maintained.</p> <p>Environment Canterbury notes that MPI requires a permit to move an unwanted</p>	<p>Amend NFL-MD2 Wilding conifer management:</p> <p>...d. <u>Maintenance Enhancement</u> of the composition of indigenous vegetation so as to return the land to extensive high country pastoral grazing following effective wilding conifer control...</p>

		organism, including pest conifer species.	
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### General Rural Zone

12. Environment Canterbury requests the following amendments to the proposed General Rural Zone (GRUZ) Chapter:

Provision	Support / Oppose	Comments	Change requested
GRUZ-R21 Planting of any wilding conifer species	Support in part	<p>The Canterbury Regional Pest Management Plan (RPMP) prohibits the planting of any pest species. Most of the wilding conifer species in the proposed provisions are listed as pest species in the RPMP and planting of these species should be a Prohibited Activity.</p> <p>Two of the species in the wilding conifers list (Bishops Pine and Douglas Fir) are not listed as pest species in the RPMP so their planting could continue to be a non-complying activity.</p>	<p>Amend the rule:</p> <p><b>Activity Status: NC</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li><u>The planting is of Douglas Fir or Bishops Pine</u></li> </ol> <p><b>Activity status when compliance is not achieved with R21.1: PR</b></p>

### Takamana / Lake Alexandrina Hut Settlements Precinct

13. Environment Canterbury requests the following amendments to the proposed Takamana / Lake Alexandrina Precinct (PREC3) Section:

Provision	Support / Oppose	Comments	Change requested
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PREC3-S7 Wastewater disposal	Support in part	Unlike in other plan sections, this provision does not mention the need for a Regional Council consent for wastewater disposal.	Amend the standard:  ...b. A Council approved on-site composting wastewater disposal system <u>authorised by Canterbury Regional Council by way of a rule in a regional plan or a resource consent.</u>
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### ***Submission on Plan Change 24 (Sites and Areas of Significance to Māori)***

#### **Definitions**

14. Environment Canterbury requests the following amendments to definitions to be added to the Mackenzie District Plan through PC24:

Definition	Support / Oppose	Comments	Change requested
Irrigation	Support in part	Environment Canterbury note that this definition is sourced from the National Environmental Standards for Freshwater, but the source has not been acknowledged.	Add note to definition: <b><u>(National Environmental Standards for Freshwater Definition)</u></b>
Wetland	Support in part	Environment Canterbury note that this definition is sourced from the National Planning Standards, but the source has not been acknowledged.	Add note to definition: <b><u>(National Planning Standard Definition)</u></b>

#### **Sites and Areas of Significance to Māori (SASM) Chapter**

15. Environment Canterbury does not request any other changes to the proposed SASM Chapter.

***Submission on Plan Change 25 (Rural Lifestyle Zones)***

16. Environment Canterbury does not request any changes to the provisions introduced under proposed Plan Change 25.

***Submission on Plan Change 26 (Renewable Energy Generation and Infrastructure)***

**Definitions**

17. Environment Canterbury requests the following amendments to definitions to be added to the Mackenzie District Plan through PC26:

Definition	Support / Oppose	Comments	Change requested
Antenna	Support in part	For consistency with national direction, use the definition from the National Environmental Standards for Telecommunication Facilities.	Delete the definition and replace with: <u>A device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit.</u>  <u>(National Environmental Standards for Telecommunication Facilities Definition)</u>
National Grid	Support in part	For consistency with national direction, use the National Policy Statement for Renewable Energy Generation definition.	Delete the definition and replace with: <u>The lines and associated equipment used or owned by Transpower to convey electricity.</u>  <u>(National Policy Statement for Renewable Energy Generation Definition)</u>
Regionally significant infrastructure	Support in part	Uses the CRPS definition but is incomplete, and most importantly leaves out point 6. Renewable	Amend the definition: ...h. electricity distribution network

		energy generation activities	i. <u>National, regional and local renewable electricity generation activities of any scale</u>
Transmission line	Support in part	Environment Canterbury note that this definition is sourced from the National Environmental Standards for Electricity Transmission Activities, but the source has not been acknowledged.	Add note to definition: <b><u>(National Environmental Standards for Electricity Transmission Activities Definition)</u></b>

#### Infrastructure (INF) Chapter

18. Environment Canterbury does not request any changes to the proposed INF Chapter.

#### Renewable Energy Generation (REG) Chapter

19. Environment Canterbury requests the following amendments to the proposed REG Chapter

Provision	Support / Oppose	Comments	Change requested
REG-R2 Upgrade of an existing hydroelectric power station and associated structures associated with the Ōpuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme	Support in part	Core sites of the Waitaki Power Scheme (WPS) have not been defined. This could be an issue if upgrades are carried out without resource consent to WPS sites that Mackenzie District Council do not consider to be core sites.	Add a definition: <u>Core sites of the Waitaki Power Scheme are:</u> Then list the sites MDC consider to be core sites.
REG-R7 – Any renewable electricity	Support in part	Environment Canterbury seeks	REG-MD4

generation activities not otherwise listed  REG-MD4 New renewable electricity generation	<p>further clarity on how the Chapter 19 policies and rules apply to an application progressed under REG-R7, to ensure that the relevant provisions regarding indigenous biodiversity are properly considered as part of any such application. As the provisions are drafted currently, it is unclear whether an application made under REG-R7 would be expected to apply the offsetting and compensation principles in policies in Chapter 19.</p>	<p>...</p> <p>b. The effectiveness of any proposed offsetting or compensation measures, <u>in accordance with the provisions of Section 19 (Ecosystem and Indigenous Biodiversity).</u></p>
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***Comments on Plan Change 27 (Earthworks, Subdivision, Public Access, Transport)***

**Definitions**

20. Environment Canterbury requests the following amendments to definitions to be added to the Mackenzie District Plan through PC27:

<b>Definition</b>	<b>Support / Oppose</b>	<b>Comments</b>	<b>Change requested</b>
Cleanfill material	Support in part	Definition comes from the National Planning Standards but is missing a letter.	Amend definition: ...e. contaminated soil and other contaminated materials; and f. liquid wastes.

**Transport (TRAN) Chapter**

21. Environment Canterbury does not request any changes to the proposed TRAN Chapter.

**Public Access (PA) Chapter**

22. Environment Canterbury does not request any changes to the proposed PA Chapter.

**Subdivision (SUB) Chapter**

23. Environment Canterbury does not request any changes to the proposed SUB Chapter.

Earthworks (EW) Chapter

24. Environment Canterbury does not request any changes to the EW Chapter.

**ATTENDANCE AT THE HEARING**

We wish to be heard in support of our submission.

**SIGNATURE**



Jeff Smith  
**Team Leader, Strategy and Planning**

**26 January 2024**