

**SUBMISSION ON THE PROPOSED PLAN CHANGE 18 – INDIGENOUS
BIODIVERSITY UNDER THE FIRST SCHEDULE TO THE RESOURCE
MANAGEMENT ACT 1991**

To: Plan Change 18 – Indigenous Biodiversity
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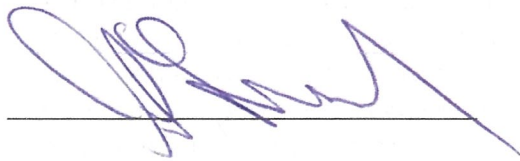
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Meridian Energy Limited (Meridian) makes the general and specific submissions on Proposed Plan Change 18 – Indigenous Biodiversity (PC18) set out in the **attached** document.

Meridian confirms its submission does not relate to trade competition or the effects of trade competition.

Meridian would like to be heard in support of its submissions

If other persons make a similar submission then Meridian would consider presenting joint evidence at the time of the hearing.



Andrew Feierabend
For and behalf of Meridian Energy Limited

Dated this 9th day of March 2018

OUTLINE OF SUBMISSION

This submission is structured under the following headings:

- Part One: Overview and Background – Reasons for Submission
- Part Two: General Submissions to Proposed Plan Change 18
- Part Three Specific Submission to Proposed Plan Change 18

PART ONE: OVERVIEW AND BACKGROUND (REASONS FOR SUBMISSION)

1. Part One of this submission provides the overriding reasons for the submissions that are lodged on PC18. These reasons inform all of the outcomes sought in the specific submissions. As such Part One, Two and Three are to be read and considered as part of the submission on PC18.
2. Meridian is a limited liability company listed on the New Zealand Stock Exchange, 51% of which is owned by the New Zealand Government. It is one of three companies formed from the split of the Electricity Corporation of New Zealand (ECNZ) on 1 April 1999.
3. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand.
4. Meridian is the single largest generator of electricity in New Zealand. Within the Mackenzie District its assets consist of part of the Waitaki Power Scheme. Genesis Energy has the remaining assets forming the overall Scheme.
5. The Waitaki Power Scheme consists of eight power stations, four canal systems and numerous dams, weirs, gates and other control structures that operate as a linked hydro-electricity generation chain. This chain includes; large modified storage lakes, a series of diversions via canals, and a cascade of in-river dams. The scheme was progressively constructed between 1928 and 1985.
6. The Waitaki Power Scheme is the largest hydro-electric power scheme in New Zealand, with controllable and flexible generating capacity of 1,723MW. This scheme contributes on average some 18% of New Zealand's annual electricity supply, although at times this can be as high as 30% of the national requirement. Lakes Tekapo and Pukaki provide approximately 2,500GWh of energy storage capacity, almost 60% of New Zealand's hydro storage. The scheme supports the HVDC link, which is connected to the South Island transmission network at the site of Benmore Power Station. In addition, the scheme provides essential ancillary services to the electricity system in relation to frequency keeping, spinning reserve, over frequency reserve and voltage support.
7. Relevant to the preparation of District Plans is the National Policy Statement on Renewable Electricity Generation (NPSREG) 2011. PC18 must give effect to National Policy statements as required by section 62(3) of the Act.

The objective of the NPSREG is "to recognise the National significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such as the proportion of New Zealand's electricity generated from renewable energy sources increases

to a level that meets or exceeds the New Zealand Government's National targets for renewable electricity generation."

8. The NPSREG also:
 - recognises the benefits of renewable electricity generation activities
 - acknowledges the practical limitations of achieving New Zealand's target for electricity generation from renewable resources
 - acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities in particular the need to locate the renewable electricity generation activity where the renewable energy resource is available
 - seeks to manage reverse sensitivity effects on renewable electricity generation activities;
 - seeks the incorporation of provisions for renewable electricity generation activities into regional policy statements and regional and district plans
 - Provides for the development, operation, maintenance and upgrading of existing and new hydro-electricity resources.
9. In addition to the NPSREG, sections 7(i) and 7(j) of the RMA expressly require all persons exercising functions and powers under it to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. These include having particular regard to these matters in the preparation of regional and district planning documents.
10. The Canterbury Regional Policy Statement (CRPS) Chapter 16 addresses energy and has a number of specific provisions addressing renewable electricity generation. In particular:
 - a. Objective 16.2.2 which is to have a reliable and resilient generation and supply of energy for the region, and wider contribution beyond Canterbury with a particular emphasis on renewable energy;
 - b. Objective 16.2.2(6) which recognises the locational constraints in the development of renewable electricity generation activities; and
 - c. Policy 16.3.3 which recognises and provides for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard, amongst other things, to maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions.

PART TWO: GENERAL RELIEF SOUGHT FOR PROPOSED PC18

11. Meridian seeks as general relief that the Waitaki Power Scheme is appropriately provided for when introducing controls on land use to protect indigenous biodiversity. Meridian seeks the specific relief in Part Three, any relief of similar effect, and any consequential amendment necessary in response to Meridian's submission or relief necessary to give effect to the NPSREG and the CRPS having regard to its interests as set out in this submission.
12. Meridian is particularly interested in ensuring that Waitaki Power Scheme can continue to be developed, operated, maintained and upgraded.

13. While supportive of a number of provisions Meridian believes that the PC18 can better reflect the NPSREG. Meridian submits that the PC18 should be changed through the addition, refocusing or providing clarity to a number of provisions that relate to, or could impact on renewable electricity generation activities.
14. Meridian considers that the approach taken to PC18 is not providing for the integrated management of the effects of the use, development or protection of land and associated natural and physical resources as it relates to the Waitaki Power Scheme. This lack of integration is evident within the proposed provisions and the accompanying Section 32 report.
15. Meridian acknowledges that the suite of rules within Rule 2 does specifically address the Waitaki Power Scheme. This approach of having a suite of Waitaki Power Scheme rules is supported. Providing a separate rule suite is important. Not to do so would result in the Waitaki Power Scheme activities being addressed under Rule 1 suite of rules. There are perverse outcomes that would result if the Waitaki Power Scheme were considered under the Rule 1 suite of rules, including:
 - The Waitaki Power Scheme is a hydro generation scheme. Its very nature means that most of the activities it undertakes occurs on, in and around lakes and rivers.
 - Ongoing maintenance, including vegetation clearance is necessary in order to maintain the structural integrity of the scheme, particularly canals. Maintaining the structural integrity of physical resources, such as canals is a necessity for the Dam Safety Assurance Programme and is necessary for health and safety reasons.
 - The Rule 1 suite of rules contains standards for permitted and restricted discretionary activities that any clearance of indigenous vegetation cannot be within 100m of a lake or 20 metres of the bank of a river.
 - Clearance of any indigenous vegetation, irrespective of its significance or insignificance, that breach the lake or river setback standards would necessitate consent as a non-complying activity.
 - Any exemptions provided in the definition of indigenous vegetation do not apply to activities associated with the Waitaki Power Scheme. The indigenous vegetation definition in combination with the rules would render any vegetation clearance, even an individual plant forming part of a landscaping area a non-complying activity.
 - Requiring a non-complying activity consent for any indigenous vegetation clearance associated Waitaki Power Scheme activity could not be considered to be the most appropriate way to achieve the objectives; nor be efficient or effective when considering the economic and social costs that would result from such provisions; would not give effect to the CRPS, particularly Chapter 16 and would not give effect to the NPSREG.
16. Within the Rule 2 suite of provisions Meridian considers the activity status for a number of activities associated with the Waitaki Power Scheme, particularly refurbishment and upgrading is not appropriate and does not give effect to Chapter 16 of the CRPS nor the NPSREG.
17. While a Section 32 evaluation report has been completed all of the matters specified in Section 32(1), (2) and (3) that must be addressed, have not been.

18. Plan Change 18 as notified imposes additional regulation on activities, and imposes a more stringent activity status for a number of activities associated with the Waitaki Power Scheme, than the current activity status in the Operative District Plan. The Section 32 undertaken does not raise any particular issues that have occurred with respect to the activities associated with the Waitaki Power Scheme. The level of regulation in the notified plan change is not the most appropriate, nor is it necessary.
19. There is no assessment of the costs and benefits of the rules, particularly their economic impact. This is particularly important when considering provisions that impact on the Waitaki Power Scheme. The Section 32 evaluation is inadequate to justify the provisions and level of regulation proposed.
20. The Section 32 does not contain any evaluation of those objectives and policies within the Plan Change that are currently included in the current District Plan. Further there has been inadequate consideration the new provisions relative to existing objectives in the Plan, particularly those provisions affecting the Waitaki Power Scheme. While the Section 32 consideration of existing provisions, are different than apply to new provisions, their relationship and context within the new Plan Change need to be considered.
21. The provisions within PC18 relocated from Chapter 7 were developed prior to the current CRPS and prior to the NPSREG. Given that neither the current CRPS nor NPSREG existed at the time those provisions were originally included in the District Plan, there can be no automatic acceptance that these transferred provisions do give effect to the CRPS and NPSREG. Insufficient consideration has been given to their appropriateness within this changed context.
22. Insufficient attention has been paid to the direction given in Chapter 9 Ecosystems and Indigenous Biodiversity of the CRPS. PC18 results in a high level of regulation on indigenous vegetation removal, irrespective of its significance. This Plan Change will result in increased costs of compliance. There has been no robust evaluation of the costs and benefits. The level of regulation is not necessary and does not give effect to the provisions of Chapters 9 and Chapter 16 of the CRPS.
23. The relative functions of regional councils and territorial authorities in the Resource Management Act have not be given due attention when drafting the provisions of PC18. The appropriate functions are further informed by the CRPS. Further, insufficient consideration has been given to other methods and regulations, including in regional plans that address the same resource management matters. This is evident in provisions impacting riparian margins, the beds of lakes and rivers and water quality matters. There has been insufficient evaluation undertaken to determine that the provisions notified are the most appropriate, are efficient and effective and are necessary.
24. There are no material risks to achieving the goal of no net loss to indigenous biodiversity having regard to the priorities in the CRPS from vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the **Waitaki Power Scheme Management Area**¹ and the purpose of the Act is best served by enabling those activities.

¹ The Waitaki Power Scheme Management Area consists of the existing footprint of the scheme, the core sites owned by Meridian Energy managed for hydro generation purposes

25. There are special features associated with the Waitaki Power Scheme that mean activities outside the existing **Waitaki Power Scheme Management Area** or resulting in any increase of the maximum operating level of a lake or water storage area or the creation of a new water storage area should be considered and provided for where appropriate in order to achieve the purpose of the Act.
26. Given the above, and in addressing the document as notified Meridian has identified a number of provisions that should be improved to either achieve greater consistency with the purpose of the RMA and with current government, and the CRPS. The specific relief being sought by Meridian is outlined in the following section of this submission.
27. Meridian's requests for specific relief outlined in the Table below should not be taken as limiting the general submissions and requests for relief and reasons for this relief identified this section.

associated with the Waitaki Power Scheme and areas Meridian has an operating easement over.

PART THREE: SPECIFIC SUBMISSION TABLE

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
All submission points	Meridian has identified specific changes it seeks in the submission points below. However, it is recognised that that alternative ways of providing the same or similar relief may also be appropriate. There may also be consequential changes that are necessary.	Meridian seeks the relief set out below, any relief of similar effect, alternative relief that addresses the matters of concern and any consequential amendment necessary in response to Meridians submissions.
Definition Waitaki Power Scheme	Oppose in Part Providing a definition of the Waitaki Power Scheme is important and is generally supported. The NPSREG identifies that the benefits of renewable electricity generation is a matter of national significance. Given that the Waitaki Power Scheme is the largest generation scheme in New Zealand it is appropriate that this national significance be recognised in the definition. In addition some minor grammatical corrections to the definition are sought.	Amend the definition of Waitaki Power Scheme to read: Waitaki Power Scheme: means the nationally significant electricity generation activities in the Waitaki River Catchment including the structures, works, facilities, components, plant and activities undertaken to facilitate and enable the generation of electricity from water. It includes power stations, dams, weirs, control structures, penstocks, canals, tunnels, siphons, spillways, intakes, storage of goods, materials and substances, switchyards, fish and elver screens and passes, booms, site investigation works, erosion and flood control, access requirements (including public access), jetties, slipways and landing places, signs, earthworks, monitoring, investigation and communication equipment and transmission network.
Definition Maintenance	Oppose in Part Providing for the maintenance and operation of the Waitaki Power Scheme as permitted activities are supported.	Delete the definition of maintenance on the basis that the definition of Waitaki Power Scheme Activities is inserted. Insert a new definition of "Waitaki Power Scheme Activities" as follows:

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
<p>New Definition Waitaki Power Scheme Activities</p>	<p>However, other activities, such as refurbishment, renewal and upgrading should also be permitted activities.</p> <p>Plan Change 18 imposes a greater level of regulation for a number of activities associated with the Waitaki Power Scheme than exists in the current Operative Plan. The Section 32 does not address in any detail any issues associated with the Waitaki Power Scheme that warrant this increased level of regulation.</p> <p>This submission seeks to ensure efficient and effective electricity generation associated with the Waitaki Power Scheme. This is consistent with Policy E2 of the NPSREG which is to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the district. It is also consistent with the objective of the NPSREG which is to provide for the ".....development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.....".</p> <p>The Waitaki Power Scheme exists, and is the largest hydro generation scheme in New Zealand. The ability for this scheme to continue to operate effectively should be a significant resource management issue within the District. The District Plan should provide for its lawful operation, maintenance, development and upgrading, without imposing unnecessary constraints and costs.</p> <p>The amended definition includes the aspects of operation, maintenance, refurbishment, and upgrading and as such will</p>	<p>Maintenance of Waitaki Power Scheme means undertaking work and activities, including erosion control works, necessary to keep the Waitaki Power Scheme operating at an efficient and safe level:</p> <p><u>Waitaki Power Scheme Activities means the act of managing and using natural and physical resources for generation of electricity and ensuring the safe and efficient performance of the lawfully established Waitaki Power Scheme.</u></p> <p><u>It includes conducting and/or undertaking work, activities and the development and operation of activities associated with the generation of electricity. This includes erosion control works necessary to keep the Waitaki Power Scheme operating at an efficient and safe level and includes upgrading or renewal of machinery, buildings, plant, structures, facilities, works or components.</u></p>

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	<p>provide a more appropriate level of regulation for activities associated with the nationally significant Waitaki Power Scheme.</p> <p>The level of control sought by Meridian will give effect to Chapter 16 of the CRPS and the NPSREG.</p>	
<p>New Definition of Waitaki Power Scheme Management Area</p>	<p>Existing management areas are already devoted to the operation of the Waitaki Power Scheme and this should continue.</p> <p>The definition identifies the area where these activities occur and must continue to occur</p>	<p>Insert a new definition to read:</p> <p><u>Waitaki Power Scheme Management Area means land within the following areas:</u></p> <p><u>a. The existing footprint of the Waitaki Power Scheme.</u></p> <p><u>b. On core sites associated with the Waitaki Power Scheme.</u></p> <p><u>c. On areas covered by an operating easement associated with the Waitaki Power Scheme.</u></p>
<p>Definition Refurbishment</p>	<p>Oppose</p> <p>The definition of refurbishment in combination with the activity status as notified means a number of activities associated with the Waitaki Power Scheme are subject to an inappropriate level of regulation.</p> <p>Linked to the submission lodged on the definition of maintenance and Waitaki Power Scheme Activities, the definition of refurbishment is no longer required.</p>	<p>Delete the definition of refurbishment on the basis that the definition of Waitaki Power Scheme Activities is inserted.</p> <p>Refurbishment of Waitaki Power Scheme means the upgrade or renewal (to gain efficiencies in generating and transmitting electricity) of machinery, buildings, plant, structure, facilities, works or components and operating facilities associated with the Waitaki Power Scheme.</p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
<p>Definition Indigenous Vegetation</p>	<p>Oppose</p> <p>The definition of indigenous vegetation is too broad.</p> <p>This definition, when implemented in combination with a number of provisions result in a level of regulatory control that is not the most appropriate to implement and achieve the objectives and policies.</p> <p>In the context of Rules 1.1 and 1.2 indigenous vegetation clearance within proximity of a lake or river would be a non-complying activity. This exceedingly high threshold is not justified.</p> <p>When considered in the context of Rules 2.2 and 2.3 if the definition remains unchanged there will be a disproportionate and inappropriate impact on the current and existing activities already being undertaken by Meridian.</p> <p>The definition does exclude some activities, including that the definition "does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, or that have been deliberately planted for the purpose of harvest". None of these exclusions would apply to any activities or vegetation on any site where Meridian undertakes its activities. This is because any planting is not a domestic garden; nor is it necessarily for screening or shelter purposes; nor would it have been planted for the purpose of harvest. This means</p>	<p>Amend the definition of Indigenous Vegetation to read:</p> <p>Indigenous Vegetation: Means a plant community of <u>where</u> species native to New Zealand dominate and comprise 66% or more of the ground cover, which may include exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, <u>for landscaping</u>, or that have been deliberately planted for the purpose of harvest, <u>or planted as part of the construction Waitaki Power Scheme</u>.</p> <p>Or as an alternative to changing the definition</p> <p>Amend permitted activity rules in Rule 1.1 to read:</p> <p>1.1 Permitted Activities – Indigenous Vegetation Clearance</p> <p>1.1.1 Clearance of indigenous vegetation where native species do not dominate and comprise less than 66% of the ground cover.</p> <p>1.1.1A Clearance of indigenous vegetation <u>where native species dominate and comprise 66% or more of the ground cover</u> is a permitted activity provided the following conditions are met:</p> <p>1. The clearance is for.....</p> <p>And</p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	<p>that even an individual plant native to New Zealand, even if within a landscaped area, is not covered by any exclusion.</p> <p>By virtue of Rules 2.2.1 and 2.2.2 the removal of any plant irrespective of its importance could render consent being required for either a restricted discretionary for any refurbishment activity or a full discretionary activity for any new activity.</p> <p>This definition in combination with the rules that apply to the Waitaki Power Scheme demonstrates that the implications of Plan Change 18 have not been properly considered with respect to the activities associated with the Waitaki Power Scheme. This is evident from the lack of specific consideration of these matters in the Section 32.</p> <p>The proposed definition of indigenous vegetation is even less determinative than the definition that was within the operative plan. This definition has no threshold consideration and given the wide reach of the rules particularly those in Rules 1.1 and 1.2 where a number of activities would be rendered a non-complying activity and in 2.2 and 2.3 where consent would be required this definition is not appropriate.</p> <p>In determining whether a plant community is indigenous it should be based on estimated vegetated cover, and native species should dominate the community. This is sought to be included in the definition.</p>	<p>Amend permitted activity Rule 2 as follows:</p> <p>2.1 Permitted Activities – Indigenous Vegetation Clearance</p> <p>2.1.1</p> <p>2.1.1A Clearance of indigenous vegetation required for Waitaki Power Scheme Activities where native species do not dominate and comprise less than 66% of the groundcover.</p> <p>2.1.2 Clearance of indigenous vegetation where native species dominate and comprise 66% or more of the ground cover is required for the operation-maintenance of Waitaki Power Scheme Activities, within the Waitaki Power Scheme Management Area.</p> <p>2.3 Discretionary Activity</p> <p>2.2.3 Any indigenous vegetation clearance where native species dominate and comprise 66% or more of the ground cover associated</p> <p>Specific changes are not sought to Rule 2.2 and Rule 2.2.1 as these provisions are sought to be deleted through other submissions.</p>

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	<p>Alternative relief is also provided if the definition is not sought to be changed. This is to insert new provisions into Rules 1 and Rule 2.</p>	
New Objective	<p>Oppose in Part</p> <p>Meridian seeks a new objective be included.</p> <p>Having no objective addressing the Waitaki Power Scheme does not provide the appropriate links between objectives, policies and rules.</p> <p>Section 75 of the Resource Management Act is clear that policies are to implement objectives and rules are to implement policies. An objective is needed to ensure there is a clear relationship between the objective, Policy 7 and Rule 3.2.</p> <p>While it is understood that PC18 is part of a staged review of the District Plan and that further provisions, including objectives will be addressed in other chapters of the District Plan, it is not appropriate to defer inclusion of an objective addressing the Waitaki Power Scheme until a later time, when there are specific provisions addressing the scheme included in the Plan Change.</p> <p>The new Objective provides specific recognition to the Waitaki Power Scheme. This provides a direct relationship between the objectives and Policy 7 and Rule 2.</p>	<p>Insert a New Objective to read:</p> <p><u>For activities associated with the nationally significant Waitaki Power Scheme to:</u></p> <p><u>(a) Address the special characteristics and significance of the Waitaki Power Scheme</u></p> <p><u>(b) Enable vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the Waitaki Power Scheme Management Area</u></p> <p><u>(c) Provide for appropriate vegetation clearance necessary for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme outside the Waitaki Power Scheme Management Area.</u></p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	<p>Failing to recognise and address through an objective the special case of the Waitaki Power Scheme and the issue of Indigenous Biodiversity does not give effect to NPSREG or the CRPS</p> <p>The objective recognises existing allocation of land use including vegetation clearance for the operational activities of the Waitaki Power Scheme within the existing management area of the Scheme and aims of the CRPS on indigenous biodiversity are not directed at protecting indigenous vegetation of lawful activities involving no significant change in the character of existing land use. In addition having regard to the priorities of the RPS it is implausible such land use needs to be controlled.</p> <p>The objective recognises that there may be tension between achieving protection of indigenous biodiversity and facilitating the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme outside its existing management area and only provides for appropriate vegetation clearance.</p> <p>This implements Chapters 9 and 16 of the CRPS and the NPSREG.</p>	
Objective 1	<p>Oppose in Part</p> <p>Objective 1 has been transferred from Chapter 7 Rural. However, the objective in its entirety is not appropriate within the context of Plan Change 18. In particular, the focus of maintaining natural biological and physical processes and riparian margins are</p>	<p>Amend Objective 1 to read:</p> <p>To safeguard indigenous biodiversity and ecosystem functioning through the protection and enhancement of the values of significant indigenous vegetation and habitats, riparian margins and the maintenance of natural biological and physical processes.</p>

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	<p>inappropriate and unnecessary within the context of this Plan Change.</p> <p>While potentially understandable within the context of Chapter 7 (a chapter which contained provisions relating to riparian areas, natural landscape and landform considerations) due consideration has not been given to whether this objective is appropriate within the changed context of Chapter 18.</p> <p>A suitable evaluation of the amended and existing provisions has not been undertaken.</p> <p>In particular, relative to this objective there has been no consideration whether this is the most appropriate way to achieve the purpose of the Act. Since this objective was developed the CRPS is now different, including identification of which functions are most appropriately to be addressed by the regional council and district councils.</p> <p>The reference to "the values of" being inserted provides greater consistency with the approach in the CRPS, particularly Objective 9.2.3.</p>	
Objective 2	<p>Oppose in Part</p> <p>Similar to the submission lodged on Objective 1, Objective 2 also addresses a number of matters including riparian areas,</p>	<p>Amend Objective 2 to read:</p>

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	<p>maintenance of natural biological and physical processes that are unnecessary within this objective.</p> <p>The amendment sought to the objective more clearly focuses on the important matters in 6(c) of the Resource Management Act being the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, section 7(d) intrinsic values of ecosystems and the functions of a territorial authority in Section 31(b)(iii), being the maintenance of indigenous biological diversity.</p> <p>Further, addressing the maintenance of biological diversity and then separately references the retention of indigenous vegetation in the policy is repetitive and unnecessary.</p> <p>The amendment sought provides clarity that maintaining biological diversity is to occur at a District scale.</p>	<p>Except as provided for in Objective (X²) Land development activities are managed to ensure the maintenance of indigenous biodiversity <u>in the District</u>, including the protection and/or enhancement of significant indigenous vegetation and habitats, and riparian areas—the maintenance of natural-biological and physical processes; and the retention of indigenous-vegetation.</p>
Policy 1	<p>Oppose in Part</p> <p>Policy 1 has been transferred from Chapter 7 Rural. However, the Policy in its entirety is not appropriate within the context of Plan Change 18.</p> <p>Since the time that this Policy was included within the Operative District Plan the CRPS has been reviewed. This means that the</p>	<p>Amend Policy 1 to read:</p> <p>To identify in the District Plan sites of significant indigenous vegetation or habitat in accordance with the criteria listed in the Canterbury Regional Policy Statement and to provide (Subject to Policy 7) for their protection. and to prevent development which reduces the values of these sites.</p>

² Reference is to the new objective sought by Meridian in the previous submission point.

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	<p>current wording cannot be considered to automatically give effect to the CRPS.</p> <p>The proposed wording of Policy 1 does not give effect to the CRPS. The CRPS ecosystem and indigenous biodiversity policies, particularly Policy 9.3.1 relates to protecting significant areas to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities. This is different to "preventing development which reduces the values of these sites or features". Providing protection for a significant area does not mean that prevention of activities that may reduce the values is the only management option that should be available.</p> <p>In relation to renewable electricity generation activities Policy 16.3.5 of the CRPS provides a range of options that can be applied to managing adverse effects on significant natural and physical resources, not solely avoidance. The range of measures includes avoiding, remedying, mitigating, offsetting measures and environmental compensation. This range of management options are clearly specified in Policy 16.3.5 particularly Clauses 2(b) and (4). The current wording 'prevent development' is not appropriate and does not give effect to the CRPS.</p>	
Policy 2 and New Policy	Oppose in Part Policy 2 has been transferred from Chapter 7 Rural. However, the Policy in its entirety is not appropriate within the context of Plan Change 18.	<p>Amend Policy 2 to read:</p> <p><u>2.</u> To avoid, remedy or mitigate, adverse effects on the natural character and <u>significant indigenous vegetation and</u></p>

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	<p>Since the time that this Policy was included within the Operative District Plan the CRPS has been reviewed. This means that the current wording cannot be considered automatically appropriate to give effect to the CRPS.</p> <p>Seeking to insert this policy without amendment into a new chapter fails to recognise that the context within the Plan where this provision is to sit has significantly changed.</p> <p>Consistent with the submission lodged on Objective 1, Policy 2 also contains a number of matters that are inappropriate and unnecessary within the context of this Plan Change. There are also a number of matters in the policy that are not, directly applicable to indigenous biodiversity. The focus on landform, hydrology, physical processes aquatic habitat and water quality are not appropriate.</p> <p>The inclusion of this policy does not give due consideration to the different functions of a regional council and territorial authority in Sections 30 and 31 of the Resource Management Act. It also does not given effect to the functional split identified in the CRPS, particularly with respect to matters such as hydrology and water quality.</p> <p>It is noted that there is not consistency in the language and terms used with the objectives and policies addressing biodiversity, while</p>	<p><u>significant habitats of indigenous fauna in</u> indigenous land-and-water-ecosystems-functions in the District including:</p> <ul style="list-style-type: none"> a) Landform, physical processes and hydrology b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas c) Aquatic habitat and water quality and quantity <p>AND</p> <p>Insert a new Policy 2A to read:</p> <p><u>2A. To manage actual or potential effects of the use, development and protection of land to maintain indigenous biological diversity in the District.</u></p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	<p>the rules focus on vegetation clearance. This creates discord and impacts on the efficient implementation of the provisions.</p> <p>Clause 2(b) addresses linkages between areas of remaining significant indigenous vegetation and habitat. The section 32 has not provided any basis as to the function of linkages. This may raise the value and protection around non-significant vegetation and habitat in situations where it does not fulfil an actual linkage function. Where linkages are important they will already have been considered in the determination of significance under the criteria within the CRPS.</p> <p>When considering the matters addressed by Policy 2 a more appropriate approach is to recognise that the CRPS signals a different approach may be appropriate when dealing with significant indigenous vegetation and significant habitats of indigenous fauna and other values.</p> <p>The relief sought seeks to ensure that the policy is better focused. Splitting the matters addressed by Policy 2 into two separate policies will give effect to the CRPS and the NPSREG.</p>	
Policy 7	<p>Oppose in Part</p> <p>The intent of Policy 7 which recognises the importance of renewable electricity generation and transmission is supported.</p>	<p>Amend Policy 7 to read:</p> <p>To recognise <u>and provide for</u> the <u>nationally significant</u> renewable energy generation and transmission <u>activities of the Waitaki Power Scheme and the special features of that activity including:</u></p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
<p>This policy provides the basis for the provisions contained in Rule 2. It is appropriate and necessary to provide separate provisions addressing activities associated with the nationally significant Waitaki Power Scheme.</p> <p>The parts of the policy not supported are addressed below.</p> <p>Firstly the Policy not recognising the national significance of renewable energy generation and transmission is not supported.</p> <p>In addition the reference to “consistent with the objectives and policies of this Plan” are not appropriate and should be deleted.</p> <p>As the full suite of provisions that will form the review of the Mackenzie District Plan are not known it is not effective to provide a policy that requires consistent with as yet unknown provisions. This is not effective, efficient nor reasonable. Retaining the words “consistent with the objectives and policies of this plan” provide uncertainty and mean that the submitter cannot determine what this policy may actually have on them.</p> <p>The reference to consistent with objectives and policies of this Plan is not needed and should be deleted. Policy 7 will be interpreted alongside other objectives and policies in the District Plan. It is not appropriate to provide a subservient relationship of this policy and all other policies of the District Plan, including policies not yet developed and notified.</p>	<p>a. <u>the need to locate the activity where the renewable energy resource is available;</u></p> <p>b. <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity;</u></p> <p>c. <u>the location of existing structures and infrastructure and consistent with objectives and policies of this Plan, to provide for its development, upgrading operation, maintenance and upgrading enhancement by:</u></p> <p>(i) <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Electric Power Scheme as distinct from Indigenous Vegetation Clearance for other activities</u></p> <p>(ii) <u>Permitting Indigenous Vegetation Clearance in areas that are part of the Waitaki Power Scheme Management Area where they involve Waitaki Power Scheme Activities</u></p> <p>(iii) <u>Despite Policy 6 in any areas outside the Waitaki Power Scheme Management Area to provide for development maintenance and upgrading of the Waitaki Electric Power Scheme by allowing appropriate environmental off-setting and/or environmental compensation of residual adverse effects (i.e. effects where it is not reasonably practicable to prevent adverse effects).</u></p>	<p>a. <u>the need to locate the activity where the renewable energy resource is available;</u></p> <p>b. <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity;</u></p> <p>c. <u>the location of existing structures and infrastructure and consistent with objectives and policies of this Plan, to provide for its development, upgrading operation, maintenance and upgrading enhancement by:</u></p> <p>(i) <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Electric Power Scheme as distinct from Indigenous Vegetation Clearance for other activities</u></p> <p>(ii) <u>Permitting Indigenous Vegetation Clearance in areas that are part of the Waitaki Power Scheme Management Area where they involve Waitaki Power Scheme Activities</u></p> <p>(iii) <u>Despite Policy 6 in any areas outside the Waitaki Power Scheme Management Area to provide for development maintenance and upgrading of the Waitaki Electric Power Scheme by allowing appropriate environmental off-setting and/or environmental compensation of residual adverse effects (i.e. effects where it is not reasonably practicable to prevent adverse effects).</u></p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	<p>Also given the nature and extent of the Waitaki Power Scheme it is important to recognise the practical and technical constraints on the scheme and its locational requirements. This is not a scheme that can be replicated elsewhere, or moved.</p> <p>With respect to transmission the National Environmental Standard for Electricity Transmission Activities takes precedence over any rules in the District Plan relating to operation, maintenance, upgrading, relocation and removal of national grid electricity transmission facilities that existed on 14 January 2010. The National Policy Statement on Electricity Transmission 2008 (NPSET) recognises the national significance of the need to operate, maintain, develop and upgrade the electricity transmission network and Section 75 (3) of the RMA requires district plans to give effect to the NPSET. These matters support the changes sought to the Policy.</p> <p>It is appropriate to have a Policy related to the Waitaki Power Scheme that is an intermediate provision between Objectives and Rules that resolves the tensions in the Objectives by providing greater specificity on how to reconcile them appropriately in order to assist in future decision making where discretions exist while also heralding the rule frame work that is necessary to implement the Policy</p> <p>These provisions implement Policy C1 of the NPSREG and Objective 16.2.2 of the CRPS.</p>	

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
Rule 2.1.1	<p>The changes sought to the policy will ensure that relevant matters necessary to give effect to the CRPS provisions relating to renewable electricity generation and the NPSREG are given effect to.</p> <p>Support Providing for clearance as a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme is supported.</p>	<p>Retain Rule 2.1.1</p>
Rule 2.1.2	<p>Oppose in Part</p> <p>Providing for vegetation clearance associated with the operation and maintenance of the Waitaki Power Scheme as a permitted activity is supported. This includes the need to manage a variety of flows and situations, including flood situations, that do not constitute an emergency.</p> <p>It is appropriate to include provisions specific to the Waitaki Power Scheme given its physical presence and significance within the District and the approach to renewable electricity generation in the NPSREG and Chapter 16 of the CRPS.</p> <p>Providing for these activities as permitted does in part give effect to the CRPS, particularly Policy 16.3.3.</p>	<p>Amend Rule 2.1.2 to read:</p> <p>2.1 Permitted Activities – Indigenous Vegetation Clearance</p> <p>2.1.2 Clearance is required for the operation–maintenance–of Waitaki Power Scheme Activities, within the Waitaki Power Scheme Management Area following areas:</p> <ul style="list-style-type: none"> • The existing footprint of the Waitaki Power Scheme; • On-core sites associated with the Waitaki Power Scheme; • On-areas covered by an operating-easement associated with the Waitaki Power Scheme; <p>2.1.3 For any activity, clearance that is a permitted activity under Rule 1.1.1.</p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
	<p>However, Meridian considers that the activity status for a number of activities associated with the Waitaki Power Scheme, particularly refurbishment, enhancement and upgrading is not appropriate and does not give effect to Chapter 16 of the CRPS nor the NPSREG.</p> <p>Plan Change 18 as notified imposes additional regulation on activities, and imposes a different activity status for activities associated with the Waitaki Power Scheme than the current activity status in the Operative District Plan. The Section 32 does not identify issues that have arisen with respect to the activities associated with the Waitaki Power Scheme. The level of regulation in the notified plan change is not the most appropriate, nor is it necessary.</p> <p>There is no assessment of the costs and benefits of the rules, particularly the economic impact of these rules. The combination of the definition of indigenous vegetation, the lack of clarity in many of the objectives and policies combined with the activity status creates uncertainty as to how activities will be assessed and does not provide regulation that is commensurate with the actual or potential effects of the activity. It is apparent that a number of the provisions, including the definition of indigenous vegetation has not given due consideration to implications of these provisions on the activities associated with the Waitaki Power Scheme.</p> <p>There are real consequences of the increased regulatory environment that would be imposed with PC18. None of the costs</p>	

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	<p>have been accounted for and due consideration has not been given to the impact of this regulation in giving effect to the NPSREG and Chapter 16 of CRPS.</p> <p>The Section 32 evaluation is inadequate to justify the provisions and level of regulation proposed. Due consideration has not been given to why the activity status in the Operative Plan should be so significantly departed from.</p> <p>The activity status for activities other than maintenance and operation is not supported.</p> <p>Consistent with the operative Plan, a discretionary activity status is appropriate for activities that involve any increase in the maximum operating level of a lake or water storage area, or the creation of a new lake or storage area.</p> <p>Other activities should be provided for as permitted activities within the Waitaki Power Scheme Management Area associated with the Waitaki Hydro Scheme.</p> <p>In addition, if indigenous vegetation clearance for any activity outside the management area of the Waitaki Scheme is provided for as a permitted activity under Rule 1 then this should not result in a more stringent activity status under Rule 2.</p>	

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
Rule 2.2	<p>The relief sought to the rules relies on the definition of "Waitaki Power Scheme Activities" addressed in the submission lodged on the definitions being adopted.</p> <p>Oppose</p> <p>The activity status for refurbishment activities as a restricted discretionary activity is not supported. Refurbishment activities which are to enable generation and transmission upgrades and renewals occurring within the existing footprint, the core land, or within the operating easements should be permitted activities.</p> <p>Given the issues raised in the submission addressing the very broad definition of indigenous vegetation restricted discretionary activity status for these activities will impose significant regulatory cost and will not give effect to the NPSREG.</p> <p>It is noted that when considering the proposed rule as a restricted discretionary activity the matters that discretion are restricted to do not explicitly acknowledge the national significance of the activity. Given the objective of the NPSREG this is not appropriate.</p> <p>This relief sought in the submission will give effect to the NPSREG including Policy A, the CRPS Policy 16.6.3 particularly clause (1).</p>	<p>Delete Rule 2.2 and provide for refurbishment as part of the activities associated with the Waitaki Power Scheme, as part of the Waitaki Power Scheme Activities as permitted activity, consistent with the submission lodged on the definitions and Rule 2.1.1.2.</p>
Rule 2.3	Oppose in Part	Amend Rule 2.3 to read:

Specific Provision	Submission	Decision Sought [New text shown as underlined and deleted text shown as strike-through]
	<p>The most stringent activity status being discretionary is supported. Given the nature of the Waitaki Power Scheme and the NPSREG and Chapter 16 of the CRPS a non-complying activity status applying to any activities associated with the Waitaki Power Scheme would not give effect to either document.</p> <p>However, the activity status for any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme being discretionary is not supported.</p> <p>Activities which are occurring within Waitaki Power Scheme Management Area being the existing footprint, the core land, or within the operating easements should be permitted activities. This has been addressed in the submission on the permitted activity rules and in the submission seeking a definition of Waitaki Power Scheme Activities.</p> <p>The concern with the activity status is also linked to the issues raised in the submission on the definition of indigenous vegetation. A discretionary activity status for any new activity will impose significant regulatory cost and will not give effect to the NPSREG.</p> <p>This discretionary activity status does not give effect to the CRPS Policy 16.6.3, the objective of the NPSREG providing for development, operation, maintenance and upgrading and does not have particular regard to the practical implications for achieving</p>	<p>2.3 Discretionary Activity – Indigenous Vegetation Clearance</p> <p>2.3.1 Any <u>Indigenous vegetation clearance for Waitaki Power Scheme Activities not permitted under Rules 2.1.1, 2.1.2 or Rule 2.1.3.</u> Any Indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme:</p> <p>2.3. <u>Indigenous vegetation clearance necessary to achieve an increase in the maximum operating level of a lake or water storage area or to create a new lake or water storage area.</u></p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	<p>New Zealand's target for electricity generation from renewable resources consistent with Policy B. With respect to Policy E2 upgrading has not been provided for to the extent applicable to the District.</p> <p>Given the issues raised in the submission addressing the broad definition of indigenous vegetation, discretionary activity status any new activity will impose significant regulatory burden and will not give effect to the NPSREG.</p> <p>The submission seeks a consistent approach be taken to discretionary activity status for activities associated with the Waitaki Power Scheme as in the Operative Plan relating to changing the maximum operational level of a lake, or the creation of a new lake or water storage area.</p>	
Scope Rule 1	<p>Support</p> <p>The Proposed Plan Change identifies that these rules do not apply to indigenous vegetation clearance associated with the Waitaki Power Scheme and this approach is supported.</p> <p>However, if activities are proposed that would be permitted activities by virtue of Rule 1.1 it is not considered necessary or appropriate to impose a more stringent activity status if any of these activities were undertaken. It is for this reason that permitted activities in Rule 1.1 are also provided for under Rule 2.1.</p>	<p>Retain the heading 1. "Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme".</p> <p>Insert a new permitted activity Rule in Rule 2.1 that states:</p> <p><u>2.1.3 Clearance for any activity that is a permitted activity under Rule 1.1.</u></p>

Specific Provision	Submission	Decision Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]

**SUBMISSION ON PROPOSED PLAN CHANGE 18 (INDIGENOUS BIODIVERSITY) TO
THE MACKENZIE DISTRICT PLAN**

Clause 6 First Schedule, Resource Management Act 1991

TO: Planning Manager
Mackenzie District Council
PO Box 52
Proposed Plan Change 18 (Indigenous Biodiversity) to Mackenzie District
Plan
Main Street
FAIRLIE 7949

By email: planning@mackenzie.govt.nz

Name of submitter:

- 1 Opuha Water Limited (**OWL**)
- Address: c/- Gresson Dorman & Co
P O Box 244
TIMARU 7940
- Contact: Georgina Hamilton
- Email: georgina@gressons.co.nz

Trade competition statement:

- 2 OWL could not gain an advantage in trade competition through this submission.

Proposal this submission relates to is:

- 3 This submission is on proposed Plan Change 18 (Indigenous Biodiversity) to the Mackenzie District Plan (**PC18**), which forms part of Stage 1 of the Mackenzie District Council's (**Council's**) review of the Operative Mackenzie District Plan (**District Plan**).

The specific provisions of PC18 that this submission relates to:

- 4 This submission relates to PC18 in its entirety, but specifically to the following proposed provisions of PC18:
- 4.1 Section 3 – Definitions;
- 4.2 Section 9 – Rural Zone:
- (a) Rule 12.1
- 4.3 Proposed new Section 19 – Indigenous Biodiversity:
- (a) Proposed Objectives 1, 2 and 3;
- (b) Proposed Policies 1 – 7; and
- (c) Proposed Rules 19.1 and 19.2.

Submission

Introduction

- 5 OWL owns and operates the Opuha Dam and Lake Opuha.
- 6 The Opuha Dam is situated at the confluence of the North and South Opuha Rivers 17 kilometres north-east of Fairlie. It is a 50 metre high earth dam, with a single 7MW hydro turbine and a lake covering up to 710 ha and storing over 74 million cubic metres of water. Flows released from the Opuha Dam are attenuated by the Downstream Weir (**DSW**) approximately 1.8km downstream of the Opuha Dam. The rate of flow released from the DSW gate is to ensure both consent conditions regarding minimum flows and water use requirements are met.
- 7 The Scheme operates by releasing water into the Opuha River which flows into the Opihi River, for sustaining in-river flows and supplying reliable water to its irrigator shareholders and the urban and industrial users of Timaru via the Timaru District Council's community water take. The water supplied by the Scheme presently facilitates the irrigation of approximately 16,000 hectares of land within the Mackenzie and Timaru Districts, and the power generated by the hydro station supplies, on average, over 3000 households per year.
- 8 The strategic importance of the Opuha Dam and OWL's hydro-electric and irrigation and community supply schemes are recognised in the following regional planning documents:
 - 8.1 The Canterbury Regional Policy Statement (**CRPS**) – the hydro-electric scheme is “regionally significant infrastructure” for the purpose of this document.
 - 8.2 The Canterbury Land and Water Regional Plan (**CLWRP**) – the national benefits of the Opuha hydro-electric and irrigation and community supply schemes is recognised within Policy 4.51 and Rule 5.125C of this document, and OWL's status as a “principal water supplier” is also recognised and provided for through the CLWRP's policy and rule framework.
- 9 The Opuha Dam, and related infrastructure and assets are located within the boundaries of the District Plan's current Opuha Dam Special Purpose Zone (**ODZ**), and were established in accordance with the associated planning framework set out in Section 9: Special Purpose Zones of the District Plan, and the Opuha Dam Concept Plan contained within it. Other irrigation and community supply infrastructure owned and operated by OWL is located outside of the ODZ, but within, or affect land within, the Rural Zone under the District Plan.
- 10 OWL has an interest in PC18 as vegetation clearance occurs as part of the ongoing operation and/or maintenance of its existing infrastructure and assets, and could occur as part of future infrastructure refurbishment and/or emergency works. While OWL is not aware of any identified areas of significant indigenous biodiversity within the ODZ or in the vicinity of its other infrastructure and/or assets (i.e. Significant Natural Areas or Sites of National Significance), the existence of such biodiversity cannot be discounted.

OWL's overall position

- 11 Overall, OWL considers that to the extent that PC18 fails to recognise and provide for vegetation clearance associated with emergency works, and the operation, maintenance and future refurbishment of the Opuha Dam and associated scheme infrastructure and/or assets, PC18:
 - 11.1 could compromise the efficient use and development of that infrastructure and/or assets, and the resources which they are dependent on;
 - 11.2 does not represent the most appropriate plan provisions in terms of section 32 of the Resource Management Act 1991 (**RMA**);
 - 11.3 would be inconsistent with the CRPS and the CLWRP; and
 - 11.4 would otherwise be contrary to the RMA, particularly Part 2 and section 76.
- 12 In addition, OWL notes that as PC18 has been notified before the Council's future review of the Zone Sections of the Plan, it is not entirely clear what relationship PC18 has to OWL's activities (particularly its "network utilities") within the ODZ and the Rural Zone. For completeness, and without prejudice to its position in any submission it makes on future stages of the District Plan review, OWL's submission proceeds on the assumption that PC18 is intended to apply district-wide, and consequently to those activities (to the extent that they might involve vegetation clearance and affect indigenous biodiversity).

Specific concerns

- 13 Without limiting the generality of the foregoing, the Submitter's specific concerns together with a summary of the decisions it seeks from Council are set out in **Annexure A** attached to this submission.

Decisions sought by OWL:

- 14 OWL seeks the following decisions from Council:
 - 14.1 that the decisions sought in **Annexure A** to this submission be accepted; and/or
 - 14.2 alternative amendments to the provisions of PC18 to address the substance of the concerns raised in this submission; and
 - 14.3 all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

Wish to be Heard:

- 15 OWL wishes to be heard in support of this submission.
- 16 OWL would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



Opuha Water Limited

By its Solicitors and authorised Agents

Gresson Dorman & Co: Georgina Hamilton

Date: 9 March 2018

ANNEXURE A – REASONS FOR SUBMISSION AND DECISIONS SOUGHT BY OPUHA WATER LIMITED

Specific provision of PC19 to which submission relates		Submission		Decision Sought (amendments shown in tracked changes)
Page Number	Provision	Support/Oppose	Reasons	
2/3	Section 3 – Definitions	Oppose	<p>For the reasons outlined below in relation to PC18's proposed rule framework, OWL considers that a new definition for the <i>Opuha Scheme</i> should be included in Section 3 – Definitions, and amendments should be made to the definitions of the following terms as a consequence of the decisions sought by OWL in relation to the PC18 policy and rule framework:</p> <ul style="list-style-type: none"> • <i>Maintenance of Waitaki Power Scheme;</i> • <i>Refurbishment of Waitaki Power Scheme;</i> and • <i>Operating Easement.</i> 	<p>Amend Section 3 – Definitions by including the following new definition:</p> <p><u><i>Opuha Scheme</i></u> means the irrigation, community supply, river enhancement and renewable electricity generation activities in the Opuha and Opihi catchments including the structures, works facilities, components, plant and activities to facilitate and enable the supply and/or use of water for irrigation and community purposes, river enhancement and renewable electricity generation and transmission, it includes the Opuha Dam and power station, downstream weir, regulating pond, control structures, tailrace, spillway, intakes, storage of goods, materials and substances, switchyards, fish and elver screens and passes, boom, site investigation works, erosion and flood control, access requirements (including public access), jetties, slipways and landing places, signs, earthworks, monitoring, investigation and communication equipment, and transmission network.</p> <p>Amend the following proposed definitions:</p> <p><u><i>Maintenance of Waitaki Power and Opuha Schemes</i></u>: means undertaking work and activities, including erosion control works, necessary to keep the <u>Waitaki Power and Opuha Schemes</u> operating at an efficient and safe level.</p> <p><u><i>Refurbishment of Waitaki Power and Opuha Schemes</i></u>: means the upgrade or renewal (to gain efficiencies in generating and transmitting electricity, and/or water supply) of machinery, buildings, plant, structure, facilities works or components and operating facilities associated with the <u>Waitaki Power and Opuha Schemes</u>.</p> <p><u><i>Operating Easement</i></u>: means land <u>Genesis Energy, or Meridian Energy or Opuha Water Limited</u> has an operating easement over. The purpose of this easement is to provide for activities to be undertaken by:</p> <ol style="list-style-type: none"> (i) <u>Genesis Energy or Meridian Energy</u> as part of the management of the hydro facilities associated with the <u>Waitaki Power Scheme</u>. (ii) <u>Opuha Water Limited</u> as part of the management of irrigation and community supply scheme infrastructure and assets.

7	Section 7 – Rural Zone Rule 12.1	Support in part	<p>OWL notes that as currently drafted PC18 provides, as a permitted activity, clearance of vegetation within the Rural Zone that complies with Standard 12.1.1.a only (as the other operative "standards" have been deleted under PC18). However, as a result of the changes proposed by PC18 (specifically the wholesale deletion of the Rural Zone Rules) it is not clear from PC18 what activity status applies to vegetation clearance that does not comply with that standard (or does not fall within the listed exemptions in the standard). In OWL's view, this "gap" in the rule framework should be addressed.</p> <p>In addition, OWL considers amendments are required to ensure the vegetation clearance rules in Section 7 appropriately recognise the strategic importance of the irrigation and community supply infrastructure and assets associated with the Opuha Dam that are owned and operated by OWL and lies outside of the Opuha Dam Zone.</p>	<p>Amend proposed Section 7 (Rural Zone) Rule 12 Vegetation Clearance as follows:</p> <p>12 VEGETATION CLEARANCE</p> <p>12.1 Permitted Activities - Vegetation Clearance</p> <p>...</p> <p>12.1.1 Clearance of vegetation is permitted where it complies with the following standards:</p> <p>12.1.1.a Riparian Areas</p> <p>Clearance of vegetation shall not exceed 100m² per hectare in any continuous period of 5 years</p> <ul style="list-style-type: none"> - within 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone; or - within 10m of the bank of any other river; or - within 75m of any lake listed in Schedule B to the Rural Zone; or - within 50m of or in any wetland or other lake. <p>Exemptions:</p> <p>(i) This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance or habitat enhancement;</p> <p>(ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.</p> <p>(iii) This standard shall not apply to any vegetation clearance which is provided for in any one of the following mechanisms:</p> <ul style="list-style-type: none"> o Section 76 Reserves Act 1977 Declaration o Section 77 Reserves Act 1977 Conservation Covenant o Section 27 Conservation Act 1987 Covenant o Section 29 Conservation Act 1987 Management Agreement o Queen Elizabeth II National Trust Act 1977 Covenant <p>Provided such mechanism:</p> <ul style="list-style-type: none"> • Protects the natural character and functioning of the riparian area, and • Remains current for the duration of the activity, and • the terms of the mechanism have not been breached, and • has been lodged with the Council. <p>(iv) <u>This standard shall not apply to vegetation clearance that is:</u></p> <ul style="list-style-type: none"> • <u>a consequence of an emergency occurring on, or</u>
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				<p><i>failure of the Opuha Scheme, required for the operation and maintenance of the Opuha Scheme within areas covered by an operating easement associated with the Scheme.</i></p> <ul style="list-style-type: none"> <i>12.2 Restricted Discretionary Activity – Vegetation Clearance</i> <i>12.2.1 Any vegetation clearance that does not comply with Standard 12.1.1a but is associated with the refurbishment of the Opuha Scheme within areas covered by an operating easement associated with the Scheme.</i> <p><i>The Council will restrict its discretion to the following matters:</i></p> <ol style="list-style-type: none"> <i>Whether the works are occurring on a surface that has previously been modified by the construction, operation, maintenance or refurbishment of the Opuha Scheme.</i> <i>The actual or potential impacts on biodiversity or ecological values expected to occur as a result of the proposal.</i> <i>The extent to which species diversity or habitat availability could be adversely impacted by the proposal.</i> <i>Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.</i> <i>Any technical and operational constraints and route, site and method selection process.</i> <i>The benefits that the activity provides to the local community and beyond.</i> <p><i>12.3 Discretionary Activity – Vegetation Clearance</i></p> <p><i>12.3.1 Any clearance of vegetation not provided for as Permitted Activity or Restricted Discretionary Activity.</i></p>
12	Policy 6	Oppose in part	<p>OWL is concerned that while, as currently drafted Policy 6 reflects the wording of CRPS Policy 9.3.6, clause (b) appears to be inconsistent with the wording of CRPS Policy 9.3.1 and Policy 3 of PC18, which both require "no net loss" of significant indigenous biodiversity only. OWL considers Policy 6 requires amendment to address this issue.</p>	
			<p>Amend Policy 6 as follows:</p> <p>Where offsetting is proposed, to apply the following criteria:</p> <ol style="list-style-type: none"> ... the residual adverse effects on biodiversity are capable of being offset, and to the extent that significant indigenous biodiversity is affected, it will be fully compensated by the offset to ensure no net loss of biodiversity. <p>Amend Policy 7 as follows:</p> <ol style="list-style-type: none"> To recognise the economic and social importance of renewable energy generation and transmission, irrigation and community supply, and river enhancement schemes consistent 	
13	Policy 7	Oppose in part	<p>For the reasons outlined below in relation to PC18's proposed rule framework, OWL considers that Policy 7 should be amended to include reference to irrigation, community supply and river enhancement schemes. This would ensure Policy 7:</p> <ul style="list-style-type: none"> gives appropriate recognition of the strategic importance 	

<p>13 - 17</p>	<p>Proposed Section 19 Rules 19.1 and 19.2</p>	<p>Oppose in part</p>	<p>of the Opuha Dam and the Scheme it facilitates: <ul style="list-style-type: none"> fully implements the Objectives for the Opuha Dam Special Purpose Zone; and is otherwise consistent with the Policies for the Opuha Dam Special Purpose Zone. <p>OWL is concerned that, as drafted, Rules 19.1 and 19.2 do not:</p> <ul style="list-style-type: none"> recognise the strategic importance of the Opuha Dam and the Opuha Scheme as identified in the CRPS, the CLWRP and elsewhere in the District Plan (i.e. Sections 9 – Special Purpose Zones (specifically the Opuha Dam Zone) and 16 (Utilities)); and fully implement Policy 7 or the Objectives and Policies of Sections 9 – Special Purpose Zones (specifically the Opuha Dam Zone) and 16 (Utilities), as required by section 76 RMA. <p>In OWL's view, to rectify these shortcomings of PC18, it is necessary for Rule 19.2, which currently applies to indigenous vegetation clearance associated with the Waitaki Power Scheme, to be extended so that it also applies to activities carried out by OWL and/or associated with the Opuha Scheme. OWL seeks that Rules 19.1 and 19.2 be amended to address this issue.</p> </p>	<p>with objectives and policies of this Plan, to provide for its <u>upgrading, maintenance and enhancement.</u></p> <p>Amend the heading of Rule 19.1 as follows:</p> <p><u>1. Indigenous Vegetation Clearance – excluding indigenous vegetation clearance associated with the Waitaki Power Scheme</u> <u>INDIGENOUS VEGETATION CLEARANCE EXCLUDING</u> <u>INDIGENOUS VEGETATION CLEARANCE ASSOCIATED</u> <u>WITH THE WAITAKI POWER AND OPUHA SCHEMES</u></p> <p>Amend Rule 19.2 as follows:</p> <p><u>2. INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER AND OPUHA SCHEMES</u></p> <p><u>2.1 Permitted Activities – Indigenous Vegetation Clearance</u></p> <p><u>2.1.1. The clearance is a consequence of an emergency occurring on, or failure of, the Waitaki Power or Opuha Schemes;</u></p> <p><u>2.1.2. Clearance is required for the operation and maintenance of the Waitaki Power or Opuha Schemes, within the following areas;</u></p> <ul style="list-style-type: none"> <u>The existing footprint of the Waitaki Power or Opuha Schemes.</u> <u>On core sites associated with the Waitaki Power Scheme.</u> <u>On areas covered by an operating easement associated with the Waitaki Power or Opuha Schemes.</u> <p><u>2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance</u></p> <p><u>2.2.1 Any indigenous vegetation clearance associated with the refurbishment of the Waitaki Power or Opuha Schemes within the following areas:</u></p> <ul style="list-style-type: none"> <u>The existing footprint of the Waitaki Power or Opuha Schemes.</u> <u>On core sites associated with the Waitaki Power Scheme.</u> <u>On areas covered by an operating easement associated with the Waitaki Power or Opuha Schemes.</u>
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				<p><i>Schemes.</i></p> <p><i>The Council will restrict its discretion to the following matters:</i></p> <p>(a) <i>Whether the works are occurring on a surface that has previously been modified by the construction, operation, maintenance or refurbishment of the Waitaki Power or Opuha Schemes.</i></p> <p>(b) <i>The actual or potential impacts on biodiversity or ecological values expected to occur as a result of the proposal, particularly the impact on significant values including the values significant to Ngāi Tahu.</i></p> <p>(c) <i>The extent to which species diversity or habitat availability could be adversely impacted by the proposal.</i></p> <p>(d) <i>Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.</i></p> <p>(e) <i>Any technical and operational constraints and route, site and method selection process.</i></p> <p>(f) <i>The benefits that the activity provides to the local community and beyond.</i></p> <p>2.3 <i>Discretionary Activity – Indigenous Vegetation Clearance</i></p> <p>2.3.1 <i>Any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power or Opuha Schemes.</i></p>
All	All	Oppose	<p>OWL notes that the numbering of PC18's objectives, policies and rules is not consistent with the current format of the District Plan and is otherwise confusing. In OWL's view, to avoid confusion, the numbering should be updated to align better with the current format of the District Plan.</p>	
			<p>Update/amend numbering of plan provisions to better align with the District Plan's numbering format.</p>	

FORM 5
SUBMISSION ON PROPOSED DISTRICT PLAN
Clause 6 of Schedule 1, Resource Management Act 1991

To: **Mackenzie District Council**

Submitter Details:

Name of submitter: **Pukaki Tourism Holdings Ltd.**

Address for Service: C/- Vivian + Espie Limited
P O Box 2514
Wakatipu Mail Centre
QUEENSTOWN

Contact: Carey Vivian

Phone: +64 3 441 4189

Email: carey@vivianespie.co.nz

1. This is a submission on Plan Change 18 on the Mackenzie District Plan.

2. Trade Competition

The submitter could not gain an advantage in trade competition through this submission.

3. Omitted

4. The submission addresses the following points and provisions within Plan Change 18 of the District Plan:

Provisions in Plan Change 18 (**PC18**) as it relates to definitions, objectives and policies, rules and framework.

5. Our submission is:

- (a) We own Pukaki Downs Station, located along the southwest shoreline of Lake Pukaki. Under the current Mackenzie District Plan, the Pukaki Downs Station is zoned as Mackenzie Basin Sub-Zone and as the Pukaki Downs Tourist Zone.

- (b) We support the intent of **PC18** as they relate to proposed definitions, objectives and policies, rules and framework.
- (c) However, we submit that the **PC18** rules should give greater weight to the voluntary formulation of Farm Biodiversity Plans (**FBP**), particularly with respect to integrating development with the sustainable management and long-term protection of indigenous vegetation values (i.e. Policy 8 and 9).
- (d) We submit that the approval of voluntary **FBPs**, as a protection method, should be enabled without necessarily having to clear indigenous vegetation. In other words, the approval of a **FBP** should be seen as a positive long-term management tool in itself, not just a reactive process that a landowner has to go through should they wish to apply for resource consent to clear indigenous vegetation.
- (e) We also submit that the approval of voluntary **FBPs** should not necessarily need to be a resource consent. The Council could instead simply certify a **FBP** that meets the criteria in Appendix Y, to which the indigenous rules could then apply. A similar certification process exists for Ground Level in the Queenstown-Lakes District Plan to aid the implementation of rules.

6. We seek the following decision from the local authority:

- (1) Adopt in intent of **PC18**; and
- (2) Amend any relevant objectives, policies, rules and definitions to give effect to this submission; and
- (3) Any consequential amendments as may be necessary.

7. We wish to be heard in support of our submission.

8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Signature of submitter
(or person authorised to sign
on behalf of submitter)



FORM 5

SUBMISSION ON A PUBLICLY NOTIFIED
PLAN CHANGE/ VARIATION

CLAUSE 6 OF FIRST SCHEDULE
RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council
PO Box 52
FAIRLIE 7949

Full name of submitter: Mt Gerald Station Limited
Address for service: Duncan Cotterill
Duncan Cotterill Plaza
148 Victoria Street
Christchurch 8013
Telephone: _____
Fax/email: Katherine.forward@duncancotterill.com
Contact person: Katherine Forward (solicitor)
(name and designation, if applicable)

This is a submission on proposed Plan Change 18/ ~~Plan Change 19~~ to the Mackenzie District Plan *(please select Plan Change)*

The specific provisions of the proposal that my submission relates to are:
(give details)

AS per the attached submission.

My submission is:

(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

AS per the attached submission

I seek the following decision from the Mackenzie District Council:
(give precise details)

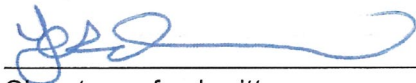
AS per the attached submission

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~~ (delete 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.)

9 March 2018

Date

If you have any queries about this form or the proposed plan change or variation, please contact Karina Morrow, Group Manager Planning and regulation, Mackenzie District Council.

**SUBMISSION OF MT. GERALD STATION LIMITED (MT GERALD)
ON PLAN CHANGE 18 TO THE MACKENZIE DISTRICT PLAN**

9 March 2018

To Mackenzie District Council

This is a submission on proposed Plan Change 18 – Indigenous biodiversity – to the Mackenzie District Plan (MDP).

1 The specific provisions of the proposal that the submission relates to are identified in the table attached to this submission. Mt Gerald’s position in relation to each provision (with reasons) is as set out in the table.

2 Mt Gerald’s general comments are as follows:

2.1 The proposal fails to strike a balance between achieving the environmental outcomes required by the Resource Management Act and Canterbury Policy Statement 2013 (CRPS) and providing a pathway for development and use of land in accordance with the concept of sustainable management.

2.2 Where areas of significant indigenous vegetation or significant habitats of fauna have not been identified or assessed, it is inappropriate for the Council to adopt a blanket approach that reduces the threshold for clearance of indigenous vegetation to zero.

2.3 The proposed provisions fail to provide for any development-related indigenous vegetation clearance. Permitted activity indigenous vegetation clearance is limited to maintenance and repair of existing infrastructure. This is inefficient land management and does not provide for a reasonable use of productive land.

2.4 The s 32 report does not adequately assess the costs of the proposed provisions to the landowner including the costs associated with identifying and determining significance of indigenous vegetation and habitats, the costs associated with collating information for inclusion in a farm biodiversity plan (including expert advice where this is required) and the costs associated with obtaining more than one resource consent to authorise development.

2.5 The proposed provisions do not adequately take account of the tenure review process or the controls on pastoral intensification and agricultural conversion introduced by plan change 13 particularly the concept of farm base areas - an area identified as appropriate for more intensive development. Properties that have been through tenure review have been subject to rigorous assessment and areas of significant inherent value, including biodiversity/ ecology, landscape and conservation are identified and either returned to the Crown/ DOC or protected

through conservation covenants on any land freeholded. The proposed provisions must be viewed in context alongside the large tracts of conservation land that is already protected and other planning restrictions already in place.

- 2.6 A policy of no net loss of indigenous biodiversity values in areas identified as significant is unrealistic within the Mackenzie Basin subzone where the majority of vegetation is likely to meet the criteria for significance under the CRPS. Proposed objective 2 and policy 3 will curtail development and severely impede landowner ability to make reasonable use of their interest in the land.
- 2.7 The proposed provisions may frustrate Environment Canterbury initiatives such as the fencing of waterways. Under the proposed provisions resource consent will need to be obtained where new fencing is proposed close to the bank of a river. This may act as a deterrent for landowners wishing to be proactive and is counter-productive.
- 2.8 The policies which address off-setting in exchange for development are unachievable. There is no ability to provide for a net-gain in biodiversity in the Mackenzie Basin subzone due to the nature of the environment. The costs associated with providing a net-gain will exceed any economic benefit derived from undertaking vegetation clearance and will curtail the likelihood of any further development.

3 Mt Gerald seeks the following decision:

Primary relief

- 3.1 Modify plan change 18 in accordance with clauses 3.1.1 - 3.1.7 below including such further or other consequential relief as may be necessary to fully give effect to the primary relief sought. The new proposal to include:

- 3.1.1 Vegetation to be classified to three categories – indigenous vegetation, mixed vegetation and introduced vegetation. To be defined as follows:

Indigenous vegetation means a plant community where species native to New Zealand dominate and comprise between 66% to 100% ground cover of the total area.

Mixed vegetation means a plant community comprised of species both native to New Zealand and introduced into New Zealand, and the ground

cover of each group of species comprising between 33% to 66% ground cover of the total area.

Introduced vegetation means a plant community where species introduced into New Zealand dominate and comprise between 66% to 100% ground cover of the total area.

- 3.1.2 Objectives (1 – 3) and policies (1 – 9) as notified subject to any amendments sought in table 1 below.
 - 3.1.3 Rule(s) that provide for clearance of introduced and mixed and vegetation to occur as permitted activities.
 - 3.1.4 Rule(s) that provide for clearance of indigenous vegetation to occur as a controlled activity if a farm management plan (including a component focussed on biodiversity values specific to the property) is prepared. Matters of control to be those set out in table 1 below in relation to rule 19.1.2.1.
 - 3.1.5 Where no farm management plan is prepared rule(s) to provide for clearance of indigenous vegetation to occur as a restricted discretionary activity. Matters of discretion to be those set out in table 1 below in relation to rule 19.1.2.2.
 - 3.1.6 Rules that provide for clearance of significant indigenous vegetation to occur as a non-complying activity.
 - 3.1.7 Rules relating to clearance of indigenous vegetation (including significant vegetation) to be subject to exemptions which would take the form of the permitted activity conditions as notified unless specifically amended in table 1 below. For the avoidance of doubt, any new condition proposed in table 1 below would be carried across.
- 3.2 The commissioning of a further evaluation under s32AA of the RMA.

Secondary relief

- 3.3 In the alternative, plan change 18 to be modified as set out in table 1 below.
- 3.4 Such further or other consequential relief as may be necessary to fully give effect to the matters raised and/or secondary relief sought in this submission, which

may also include the commissioning of a further evaluation under s32AA of the RMA.

Dated 9 March 2018



Katherine Forward
Solicitor for Mt Gerald Station Limited

This document is filed by Katherine Forward of Duncan Cotterill, solicitor for the submitter.

The address for service of the submitter is:

Duncan Cotterill
Duncan Cotterill Plaza
148 Victoria Street
Christchurch 8013

Documents for service on the submitter may be:

- Left at the address for service.
- Posted to the solicitor at 148 Victoria Street, Christchurch 8013
- Transmitted to the solicitor by fax on +64 3 3792430

Please direct enquiries to:

Katherine Forward
Duncan Cotterill
Tel +64 3 379 2340
Fax +64 3
Email Katherine.Forward@duncancotterill.com

TABLE 1

The Mt Gerald submission relates to:	The Mt Gerald submission is that:	Mt Gerald seeks the following decisions:
SECTION 3 – DEFINITIONS		
Improved Pasture	<p>Oppose:</p> <p>Over time Mt Gerald has invested in traditional farming activities including top dressing and oversowing exotic pasture species to modify land for the purpose of livestock grazing. It is critical that the MDP provide a pathway for continued clearance of vegetation (including significant vegetation and habitats) on land already modified for farming so as to preserve the significant investments already made.</p> <p>However, the terms “cover” and “composition” are uncertain and there is no guidance in place to assist the landowner in determining dominance.</p> <p>Dominance must be restricted to percentage of ground cover, not canopy cover, only. The nature of vegetation in the Mackenzie Basin subzone (even within an area of improved pasture) means the composition of vegetation may fall in favour of indigenous rather than exotic species. While ground cover may be 70% exotic, it is still possible to locate a number of indigenous species which will outnumber the two or three species of clover of grasses introduced. This is particularly so for the rural Stations which span large areas of land and where cultivated paddocks comprise several hundred hectares.</p> <p>It is important for a landowner to be able to interpret and apply the proposed provisions, without requiring expert ecology advice. The assessment of dominance should be restricted to a representative area. Certainty is needed so that land owners are able to proceed in confidence and without fear of enforcement action.</p>	<p>Amend b) as follows:</p> <p><i>b) Exotic pasture species have been deliberately introduced and dominate in <u>ground</u> cover—and <u>composition</u>. For the purposes of this definition the assessment of dominance <u>shall be conducted on a representative area within the area of improved pasture</u> and shall disregard indigenous vegetation which is growing upon land that has previously been modified and enhanced for livestock grazing in accordance with clause a) above and is less than 15 years old</i></p>

<p>Indigenous vegetation</p>	<p>Oppose:</p> <p>The proposed definition is too broad and will capture nearly all vegetation in the Mackenzie Basin subzone. It is inappropriate for areas of non-indigenous vegetation to be subject to indigenous vegetation clearance rules. The purpose of proposed chapter 19 is to address indigenous biodiversity so as to give effect to chapter 9 – Ecosystems and indigenous biodiversity of the CRPS. The proposed definition goes beyond what is required under the RMA of the CRPS.</p> <p>The decision sought will enable a landowner (and Council staff) to make an assessment on the spot whether vegetation is indigenous or not.</p>	<p>Amend definition of indigenous vegetation as follows:</p> <p><i>Means a plant community of species native to New Zealand which may include a minor element of exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, or that have been deliberately planted for the purpose of harvest</i></p>
<p>New definition - significant indigenous vegetation</p>	<p>The MDP needs to provide guidance as to what constitutes significant indigenous vegetation in the Mackenzie Basin.</p> <p>It is submitted that the introduction of a new appendix Z (that would read similarly to that of appendix 3 to the CRPS but modified to relate specifically to the Mackenzie Basin rather than Canterbury region wide) would assist landowners to interpret and apply the proposed provisions.</p> <p>Appendix Z may include cross reference to existing MDP appendices W and X where appropriate.</p>	<p>Add new definition of significant indigenous vegetation as follows:</p> <p><i>means any indigenous vegetation that meets the criteria set out in Appendix Z</i></p> <p>Appendix Z to include criteria (relevant to the Mackenzie District) for determining significant indigenous vegetation.</p>
<p>Vegetation clearance</p>	<p>Oppose:</p> <p>Irrigation is not an activity that leads to clearance of vegetation – water applied to land encourages plant growth rather than eradicating it. It is accepted that sustained irrigation may change the structure and composition of plant species but irrigation can be distinguished from “cutting, crushing, cultivation, spraying or burning” in that it is not capable of directly</p>	<p>Delete the words “or irrigation” from the definition of vegetation clearance.</p>

	<p>clearing vegetation. It is inappropriate for irrigation to be included in this definition alongside the other listed activities.</p> <p>Irrigation is already included in the definition of agricultural conversion and it is inefficient to require a landowner to obtain two separate resource consents for the same activity.</p>	
<p>CHAPTER 7 – RULE 12: VEGETATION CLEARANCE</p>		
<p>Rule 12.1.1</p>	<p>Support with amendment:</p> <p>Permitted activity status for clearance of non-indigenous vegetation is appropriate however additional exemptions need to be included so that clearance is permitted to occur within riparian areas in circumstances other than only those listed.</p> <p>It is critical to provide a pathway for maintenance, repair, replacement or minor upgrade of infrastructure and for new small scale activities integral to farm management to occur as permitted activities even if these are located within riparian areas.</p> <p>Provision needs to be made for clearance of non-indigenous vegetation to occur where the purpose is to facilitate exclusion of stock from waterways and to provide for the conveyance of stock water where an alternative supply is required.</p> <p>The setback distances in rule 12.1.1.a should be amended. It is not necessary to prevent works within 50m of a wetland. A more appropriate setback distance is 20m.</p>	<p>Amend rule 12.1.1.a as follows:</p> <ul style="list-style-type: none"> - Within 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone; or - Within 10m of the bank of any other river; or - Within 75m of any lake listed in Schedule B to the Rural Zone; or - Within 50m 20m of or in any wetland or other lake <p>Amend rule 12.1.1.a exemption (i) as follows:</p> <p><i>This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance <u>habitat enhancement or for the maintenance, repair, replacement or minor upgrade of existing fence lines, tracks, roads, stock crossings, firebreaks, drains, ponds, dams, stockyards, farm</u></i></p>

		<p><u>buildings, airstrips water troughs, waterlines, waterway crossings or any other utility</u></p> <p>Amend rule 12.1.1.a exemption (ii) as follows:</p> <p><i>This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991</i></p> <p>Add new exemption (iv):</p> <p><i>This standard shall not apply to vegetation clearance associated with small scale farming activities including but not limited to new fence lines, tracks, roads, stock crossings, firebreaks, drains, ponds, dams, small farm buildings, water troughs, waterlines, waterway crossings, providing alternative stock water supply and any other utility</i></p> <p>Add new exemption (v):</p> <p><i>This standard shall not apply to vegetation clearance associated with excluding stock from a</i></p>
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		<i>river, lake, wetland or other waterway</i>
CHAPTER 19 – INDIGENOUS BIODIVERSITY		
Heading	Oppose:	Delete <i>“Indigenous Biodiversity”</i> heading and replace with <i>“Vegetation Clearance”</i>
Objective 1	Oppose: This objective fails to acknowledge the role of the landowner in achieving environmental outcomes and the need for balance between protection of indigenous biodiversity and the need of landowners and communities to maintain and develop their livelihood to meet their needs, and the needs of future generations. Many landowners in the District value indigenous biodiversity and adjust their farm practices to voluntarily protect significant areas – this is often the sole reason why areas of significant indigenous biodiversity remain.	Delete objective 1 and replace with: <i>Safeguarding the life-supporting capacity of indigenous biodiversity and ecosystems while also sustaining the reasonable use of land and natural resources</i>
Objective 2	Oppose : The proposed objective will curtail all development in the Mackenzie Basin. It is not only land development activities that impact on indigenous biodiversity. Natural processes such as soil erosion, climate change, nutrient depletion and the introduction of weeds and pests are arguably the main contributors to a decline in biodiversity. Land development activities should not be singled out and penalised for a decline in biodiversity. In some circumstances restricting land use development may exacerbate a decline in biodiversity on the basis that a lower income derived from the farm operation will lead to less money spent on weed and pest control.	Delete objective 2 and replace with: <i>To maintain and enhance indigenous biodiversity and ecosystem functioning by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna</i>
Objective 3	Oppose:	Delete objective 3 and

	<p>It is submitted that there are other ways of achieving integration of protection of significant indigenous biodiversity values with development proposals. The Council needs to enable all types of integrated management - not only farm biodiversity plans.</p>	<p>replace with:</p> <p><i>Enable land use activities that achieve integration of development with protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i></p>
Policy 1	<p>Oppose:</p> <p>This policy is in conflict with policies 5 and 6 which provide for off-setting as a means to achieve protection of significant indigenous vegetation and habitats. It is not possible to “prevent development which reduces the value of these sites” and at the same time provide for a range of mechanisms to avoid, remedy, mitigate or off-set adverse effects on the value of these sites.</p>	<p>Delete from policy 1 the words:</p> <p><i>“and to prevent development which reduces the values of these sites”</i></p> <p>If the decision sought by Mt Gerald to include a new definition for significant indigenous vegetation a consequential change to this policy will be required – to refer to Appendix Z rather than the CRPS.</p>
Policy 2	<p>Oppose:</p> <p>The concept of sustainable management in s5 RMA requires adverse effects on the environment to be avoided, remedied or mitigated but not at the expense of enabling people and communities to provide for their social, economic and cultural wellbeing.</p>	<p>Delete policy 2 and replace with:</p> <p><i>Enable land use activities that make efficient use of land and resources while avoiding, remedying, mitigating or offsetting adverse effects on water, soil, ecosystems and the natural character of the Mackenzie District</i></p>
Policy 3	<p>Oppose:</p>	<p>Amend policy 3 as follows:</p>

	<p>It is not only rural development that may contribute to a decline in indigenous biodiversity. Any development has the potential to affect indigenous biodiversity.</p> <p>The concept of no net loss must be assessed at a District wide scale rather than on a per property basis. No net loss of indigenous biodiversity values will be achieved if representative areas of significant vegetation and habitat are adequately protected within the District i.e. through QEII covenants, the Lake Tekapo Scenic Reserve and land returned to the Crown under tenure review. It is not necessary for every example of a particular indigenous species to be protected in order to achieve no net loss.</p>	<p>Rural Development, including indigenous vegetation clearance and pastoral intensification, occurs in a way or at a rate that provides for no net loss of indigenous biodiversity values in areas identified as significant <u>when assessed at a District wide scale</u></p>
<p>Policy 4</p>	<p>Oppose:</p> <p>The CRPS provides that any ecologically significant wetland will also be a habitat of significant indigenous fauna so vegetation clearance in relation to ecologically significant wetlands will be managed through other proposed provisions. This policy is not required.</p>	<p>Delete policy 4</p>
<p>Policy 5</p>	<p>Oppose:</p> <p>Achieving protection of significant indigenous vegetation and significant habitats of indigenous fauna (on land that is in private ownership) is entirely dependent on landowner support.</p> <p>Other mechanisms that may achieve protection also need to be listed.</p>	<p>Delete policy 5 and replace with:</p> <p><i>Recognise that the maintenance indigenous biodiversity is dependent on landowner support and will be achieved through a number of mechanisms, including:</i></p> <ul style="list-style-type: none"> - <i>the listing of sites of significant indigenous vegetation and significant habitats of indigenous fauna;</i> - <i>the use of rules regulating clearance of indigenous vegetation;</i> - <i>legal protection by way of covenants; and</i> - <i>landowner commitment to</i>

		<p><i>conservation and stewardship of the natural environment, including though the use of farm biodiversity plans and other farm management plans developed by suitably qualified people</i></p>
Policy 6	<p>Oppose:</p> <p>An offset that provides for a net gain for biodiversity is unachievable in the Mackenzie Basin subzone. There is no ability to obtain the number of indigenous species required to re-establish or protect an area large enough in size to provide a net gain for biodiversity where the area proposed for development is large i.e. part of a rural Station.</p> <p>An off-set may be viewed as a tool to enable development which in turn may justify more restrictive provisions elsewhere in a District plan. This is not the case in the Mackenzie Basin subzone. The only properties likely to obtain any benefit from this policy are smaller lifestyle blocks.</p> <p>It is acknowledged that policy 6 is a direct replication of policy 9.3.6 of the CRPS however to enable a more user friendly MDP it is submitted that the criteria for offsetting would be more appropriately located outside of this policy and within a new appendix ZA.</p>	<p>Delete policy 6 and replace with:</p> <p><i>Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in residual adverse effects on significant indigenous vegetation and habitats of significant indigenous fauna that cannot be otherwise avoided, remedied or mitigated</i></p> <p>Move the balance of policy 6 to new appendix ZA</p>
Policy 8	<p>Support with amendment:</p> <p>The decision sought improves readability of the MDP by combining the key matters addressed in policies 8 and 9 into one policy and clarifies that it will take time to achieve enhancement of indigenous biodiversity.</p>	<p>Delete policy 8 and replace with:</p> <p><i>To enable rural land use and development at an on-farm level where development is integrated with a farm biodiversity process that provides for:</i></p> <ul style="list-style-type: none"> - <i>comprehensive identification and protection of significant</i>

		<p>vegetation and significant habitats of indigenous fauna;</p> <ul style="list-style-type: none"> - encourages sustainable management; - adapts to the changing needs of land use and indigenous biodiversity management; and - achieves maintenance, and over time, the enhancement of indigenous biodiversity
Policy 9	<p>Oppose:</p> <p>There needs to be a true collaborative process between the Council and the landowner. It is inappropriate for the Council to transfer the costs associated with obtaining expert advice to identify significant indigenous biodiversity values at an on-farm level to the landowner – the costs should be shared in proportion to the benefit derived, public vs land owner.</p>	Delete policy 9.
New policy	<p>The MDP needs to provide for minor works undertaken as part of normal farming activities to occur to ensure that a landowner is permitted reasonable use of their interest in the land. The decision sought is in keeping with the concept of sustainable management and provides a firm direction in chapter 19 that indigenous biodiversity needs to co-exist with development - provided development proposals also protect areas of significant indigenous vegetation and habitats of significant indigenous fauna.</p>	<p>Add new policy</p> <p><i>To allow clearance of significant indigenous vegetation or habitats of indigenous fauna where such activities are necessary for:</i></p> <ul style="list-style-type: none"> - <i>The management of the site including the management of pests and the removal of diseased, damaged or dead plants;</i> - <i>To facilitate access for livestock, utility structures or farm vehicles past or through the site; and</i> - <i>Enable the reasonable use of land and the maintenance of</i>

		<i>existing infrastructure.</i>
Rule 19.1.1.1	<p>Oppose:</p> <p>It is critical that the MDP provide for some level of indigenous vegetation clearance to occur as a permitted activity however additional conditions are required to provide a greater level of clearance to occur without the need for the landowner to obtain resource consent and be subject to the costs and uncertainty of the consenting process.</p> <p>As well as providing for maintenance and repair of existing activities and farm infrastructure it is appropriate to also provide for replacement or minor upgrade.</p> <p>Provision needs to be made for vegetation clearance associated with new small scale farming activities that are integral to farm management to occur as permitted activities.</p> <p>Provision needs to be made for clearance of indigenous vegetation to occur within a farm base area (an area identified as appropriate for more intensive development) as a permitted activity.</p> <p>Provision needs to be made for clearance of indigenous vegetation to occur where the purpose is to facilitate exclusion of stock from waterways.</p> <p>For the avoidance of doubt it is submitted that maintenance of pastoral intensification and agricultural conversion activities should be explicitly provided for as a permitted activity.</p> <p>Condition 8 should be amended to align the setback provisions with the decision sought for rule 12.1.1.a.</p>	<p>The word “or” needs to be included after conditions 1 – 6 of rule 19.1.1.1. It is critical that one, not all, of the conditions need to be met for the activity to qualify as a permitted activity.</p> <p>Amend condition 1 of rule 19.1.1.1 as follows:</p> <p><i>The clearance is for the purpose of maintenance, repair, <u>replacement or minor upgrade</u> of existing fence lines, tracks, roads, <u>stock crossings</u>, firebreaks, drains, <u>ponds, dams</u>, stockyards, farm buildings, airstrips, water troughs, <u>waterlines</u>, <u>waterway crossings or any other utility</u></i></p> <p>Amend condition 8 of rule 19.1.1.1 so that the setback distances align with the decision sought for rule 12.1.1.a</p> <p>Add new condition 9 to rule 19.1.1.1 as follows:</p> <p><i>The clearance is associated with small scale farming activities including but not limited to new fence lines, tracks, roads, stock crossings, firebreaks, drains, ponds, dams, small</i></p>

		<p><i>farm buildings, water troughs, waterlines, waterway crossings, providing alternative stock water supply and any other utility.</i></p> <p>Add new condition 10 to rule 19.1.1.1 as follows:</p> <p><i>Clearance is within a farm base area contained in Appendix R</i></p> <p>Add new condition 11 to rule 19.1.1.1 as follows:</p> <p><i>Clearance is for the purpose of with excluding stock from a river, lake, wetland or other waterway</i></p> <p>Add new condition 12 to rule 19.1.1.1 as follows:</p> <p><i>For the avoidance of doubt, existing pastoral intensification and agricultural conversion activities may be maintained and this land is exempt from the indigenous vegetation clearance rules</i></p>
Rule 19.1.2.1	<p>Oppose :</p> <p>It is submitted that where a farm biodiversity plan is developed (at great expense to the landowner) that the land owner ought to receive the benefit of a less restrictive activity status for indigenous vegetation clearance that is in compliance with that plan. It should not be available to the Council to decline consent provided the farm biodiversity plan meets the</p>	<p>Change the activity status for clearance under rule 19.1.2.1 from restricted discretionary to controlled.</p> <p>Amend condition 3 of rule 19.1.2.1 so that the setback distances are consistent with the decision</p>

	<p>requirements set out in Appendix Y.</p> <p>Condition 3 should be amended so that the setback provisions are consistent with the decision sought for rule 12.1.1.a</p> <p>A new condition needs to be inserted to provide that an application processed under this rule may proceed on a non-notified basis. This may encourage landowners to buy in to the concept of farm biodiversity plans where development is proposed.</p>	<p>sought for rule 12.1.1.a</p> <p>Delete all matters of discretion and replace with the following matters of control:</p> <ul style="list-style-type: none"> - <i>The extent to which the nature, scale, intensity and location of the proposed activity will adversely affect indigenous biodiversity and the methods proposed in the farm biodiversity plan to avoid, remedy, mitigate or offset these effects;</i> - <i>The extent to which the methods proposed in the farm biodiversity plan will achieve overall maintenance and/or enhancement of indigenous biodiversity and the protection of significant indigenous vegetation and significant habitats of indigenous fauna;</i> - <i>The extent to which the methods, targets, monitoring and reporting proposed in the farm biodiversity plan are adequate to protect the biodiversity values identified; and</i> - <i>The benefits that the activity provides to the local community and beyond</i> <p>Add new condition 4 to rule 19.1.2.1 to provide that any application for resource consent under this rule will be processed on a non-notified basis.</p>
<p>Rule 19.1.2.2</p>	<p>Oppose:</p> <p>This rule needs to specifically provide for clearance to</p>	<p>Amend rule 19.1.2.2 as follows:</p>

	<p>occur as a restricted discretionary activity so that it is consistent with rule 19.2.1.</p> <p>The proposed 5000m² limit is only appropriate for small properties. Where large rural Stations are concerned, which comprise several thousand hectares, the limit should be 5000m² per 100 hectares.</p> <p>Condition 2 should be amended so that the setback provisions are consistent with the decision sought for rule 12.1.1.a</p>	<p><i>Unless provided for in rule 19.2.1 any indigenous vegetation clearance up to 5000m² <u>per 100 hectares</u> within any site in any 5 year continuous period <u>shall be a restricted discretionary activity</u> provided the following conditions are met:</i></p> <p>Amend condition 2 of rule 19.2.2 so that the setback distances are consistent with the decision sought for rule 12.1.1.a</p> <p>Delete all matters of discretion and replace with the following:</p> <ul style="list-style-type: none"> - <i>Whether the site meets the criteria for a significant area of indigenous vegetation or habitat of indigenous fauna in Appendix Z; and if so;</i> - <i>Whether the activity will result in significant effect on the significant values of the long-term viability of the site; and</i> - <i>Whether denying the activity will prevent the landowner making reasonable use of their interest in the land; and</i> - <i>The appropriateness of any indigenous biodiversity offsets or other mitigation measures proposed.</i>
Rule 19.1.3	As above the proposed 5000m ² limit is only appropriate for small properties. The limit should be 5000m ² per 100 hectares.	Amend rule 19.1.3.1 as follows: <i>Any indigenous vegetation</i>

	<p>Setback provisions should be consistent with the decision sought for rule 12.1.1.a.</p>	<p><i>clearance up to 5000m² per 100 hectares within any site in any 5 year continuous period.</i></p> <p>Amend condition 3 of rule 19.1.3.2 so that the setback distances are consistent with the decision sought for rule 12.1.1.a</p>
<p>Appendix Y</p>	<p>Support with amendment:</p> <p>Farm biodiversity plans are an effective and accurate way of identifying and protecting areas of significant indigenous vegetation and significant habitats of fauna and identifying where development is possible within a farm enterprise.</p> <p>In order to encourage landowner buy in it is critical that the information to be included in these plans is not overly onerous and can be obtained in a straight forward manner and without putting the landowner to significant expense.</p> <p>In light of the costs associated with preparing a farm biodiversity plan (or other farm management plan), it is critical that these plans remain the property of the landowner at all stages – including where they may become a condition of resource consent. Farm biodiversity plans will contain commercially sensitive information and should be confidential between the landowner and the Council.</p> <p>It is not appropriate that the Council use farm biodiversity plans as a means to establish existing use rights on a property. Historic land management practices are only relevant where they relate to any area of proposed development.</p> <p>It is not appropriate for the Council to require the landowner to complete an assessment of effects as required at C (3) in a farm biodiversity plan. This information will be required with any application for</p>	<p>Insert new condition 4 under the heading 'framework' as follows:</p> <p><i>4. The content of a Farm Biodiversity Plan shall remain the property of the landowner at all times and the information contained within the Farm Biodiversity Plan shall be confidential between the landowner and the Council</i></p> <p>Amend section C(1) as follows:</p> <p><u>In relation to the development area(s)</u> <i>describe historic and current land use management which may include stocking policy, water supply, grazing regimes, improved pasture, biodiversity management where relevant</i></p> <p>Delete C (3).</p> <p>Amend section D as follows:</p>

	<p>resource consent.</p> <p>Other amendments as set out in the decision sought.</p>	<p>Having regard to the information in B above, The purpose of this section is to set out information on management methods to ensure the values <u>areas of significant vegetation and habitats of significant indigenous fauna</u> identified in the assessment at B are protected to ensure no net loss of indigenous biodiversity values in areas identified as significant</p> <p>Delete the word “objective” from D(1) and (3) and replace it with “goal”.</p> <p>Add the words “of significant indigenous vegetation and habitats of significant indigenous fauna” after the words “not net loss” in D(1).</p> <p>Delete the words “management to protect values” from D(1)(c)</p> <p>Amend D(3) as follows:</p> <p><i>Confirmation from an appropriately qualified and experienced ecologist that the proposed methods will likely achieve the objective goal.</i></p> <p>Delete E(2).</p>
Add new appendix Z		Appendix Z to include criteria (relevant to the

		Mackenzie District) for determining significant indigenous vegetation.
Add new appendix ZA		Include new appendix to contain the off-setting detail i.e. that which has been removed from Policy 6.

FORM 5

SUBMISSION ON A PUBLICLY NOTIFIED
PLAN CHANGE/ VARIATION

CLAUSE 6 OF FIRST SCHEDULE
RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council
PO Box 52
FAIRLIE 7949

Full name of submitter: The Words Station Limited
Address for service: Duncan Cotterill
Duncan Cotterill Plaza
149 Victoria Street
Telephone: Christchurch 8013
Fax/email: Katherine.forward@duncancotterill.com
Contact person: Katherine Forward (solicitor)
(name and designation, if applicable)

This is a submission on proposed Plan Change 18/ ~~Plan Change 19~~ to the Mackenzie District Plan *(please select Plan Change)*

The specific provisions of the proposal that my submission relates to are:
(give details)

AS per the attached submission.

My submission is:

(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

AS per the attached submission.

I seek the following decision from the Mackenzie District Council:

(give precise details)

AS per the attached submission.

- 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~~** *(delete 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.)

9 March 2018 _____
Date

If you have any queries about this form or the proposed plan change or variation, please contact Karina Morrow, Group Manager Planning and regulation, Mackenzie District Council.

**SUBMISSION OF THE WOLDS STATION LIMITED (THE WOLDS)
ON PLAN CHANGE 18 TO THE MACKENZIE DISTRICT PLAN**

9 March 2018

To Mackenzie District Council

This is a submission on proposed Plan Change 18 – Indigenous biodiversity – to the Mackenzie District Plan (MDP).

- 1 The specific provisions of the proposal that the submission relates to are identified in the table attached to this submission. The Wolds position in relation to each provision (with reasons) is as set out in the table.
- 2 The Wolds general comments are as follows:
 - 2.1 The proposal fails to strike a balance between achieving the environmental outcomes required by the Resource Management Act and Canterbury Policy Statement 2013 (CRPS) and providing a pathway for development and use of land in accordance with the concept of sustainable management.
 - 2.2 Where areas of significant indigenous vegetation or significant habitats of fauna have not been identified or assessed, it is inappropriate for the Council to adopt a blanket approach that reduces the threshold for clearance of indigenous vegetation to zero.
 - 2.3 The proposed provisions fail to provide for any development-related indigenous vegetation clearance. Permitted activity indigenous vegetation clearance is limited to maintenance and repair of existing infrastructure. This is inefficient land management and does not provide for a reasonable use of productive land.
 - 2.4 The s 32 report does not adequately assess the costs of the proposed provisions to the landowner including the costs associated with identifying and determining significance of indigenous vegetation and habitats, the costs associated with collating information for inclusion in a farm biodiversity plan (including expert advice where this is required) and the costs associated with obtaining more than one resource consent to authorise development.
 - 2.5 The proposed provisions do not adequately take account of the tenure review process or the controls on pastoral intensification and agricultural conversion introduced by plan change 13 particularly the concept of farm base areas - an area identified as appropriate for more intensive development. Properties that have been through tenure review have been subject to rigorous assessment and areas of significant inherent value, including biodiversity/ ecology, landscape and conservation are identified and either returned to the Crown/ DOC or protected

through conservation covenants on any land freeholded. The proposed provisions must be viewed in context alongside the large tracts of conservation land that is already protected and other planning restrictions already in place.

- 2.6 A policy of no net loss of indigenous biodiversity values in areas identified as significant is unrealistic within the Mackenzie Basin subzone where the majority of vegetation is likely to meet the criteria for significance under the CRPS. Proposed objective 2 and policy 3 will curtail development and severely impede landowner ability to make reasonable use of their interest in the land.
- 2.7 The proposed provisions may frustrate Environment Canterbury initiatives such as the fencing of waterways. Under the proposed provisions resource consent will need to be obtained where new fencing is proposed close to the bank of a river. This may act as a deterrent for landowners wishing to be proactive and is counter-productive.
- 2.8 The policies which address off-setting in exchange for development are unachievable. There is no ability to provide for a net-gain in biodiversity in the Mackenzie Basin subzone due to the nature of the environment. The costs associated with providing a net-gain will exceed any economic benefit derived from undertaking vegetation clearance and will curtail the likelihood of any further development.

3 The Wolds seeks the following decision:

Primary relief

3.1 Modify plan change 18 in accordance with clauses 3.1.1 - 3.1.7 below including such further or other consequential relief as may be necessary to fully give effect to the primary relief sought. The new proposal to include:

3.1.1 Vegetation to be classified to three categories – indigenous vegetation, mixed vegetation and introduced vegetation. To be defined as follows:

Indigenous vegetation means a plant community where species native to New Zealand dominate and comprise between 66% to 100% ground cover of the total area.

Mixed vegetation means a plant community comprised of species both native to New Zealand and introduced into New Zealand, and the ground

cover of each group of species comprising between 33% to 66% ground cover of the total area.

Introduced vegetation means a plant community where species introduced into New Zealand dominate and comprise between 66% to 100% ground cover of the total area.

- 3.1.2 Objectives (1 – 3) and policies (1 – 9) as notified subject to any amendments sought in table 1 below.
- 3.1.3 Rule(s) that provide for clearance of introduced and mixed and vegetation to occur as permitted activities.
- 3.1.4 Rule(s) that provide for clearance of indigenous vegetation to occur as a controlled activity if a farm management plan (including a component focussed on biodiversity values specific to the property) is prepared. Matters of control to be those set out in table 1 below in relation to rule 19.1.2.1.
- 3.1.5 Where no farm management plan is prepared rule(s) to provide for clearance of indigenous vegetation to occur as a restricted discretionary activity. Matters of discretion to be those set out in table 1 below in relation to rule 19.1.2.2.
- 3.1.6 Rules that provide for clearance of significant indigenous vegetation to occur as a non-complying activity.
- 3.1.7 Rules relating to clearance of indigenous vegetation (including significant vegetation) to be subject to exemptions which would take the form of the permitted activity conditions as notified unless specifically amended in table 1 below. For the avoidance of doubt, any new condition proposed in table 1 below would be carried across.

- 3.2 The commissioning of a further evaluation under s32AA of the RMA.

Secondary relief

- 3.3 In the alternative, plan change 18 to be modified as set out in table 1 below.
- 3.4 Such further or other consequential relief as may be necessary to fully give effect to the matters raised and/or secondary relief sought in this submission, which

may also include including the commissioning of a further evaluation under s32AA of the RMA.

Dated 9 March 2018



Katherine Forward
Solicitor for the Wolds Station Limited

This document is filed by Katherine Forward of Duncan Cotterill, solicitor for the submitter.

The address for service of the submitter is:

Duncan Cotterill
Duncan Cotterill Plaza
148 Victoria Street
Christchurch 8013

Documents for service on the submitter may be:

- Left at the address for service.
- Posted to the solicitor at 148 Victoria Street, Christchurch 8013
- Transmitted to the solicitor by fax on +64 3 3792430

Please direct enquiries to:

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Tel +64 3 379 2340
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Email Katherine.Forward@duncancotterill.com

TABLE 1

The Wolds submission relates to:	The Wolds submission is that:	The Wolds seeks the following decisions:
SECTION 3 – DEFINITIONS		
Improved Pasture	<p>Oppose:</p> <p>Over time the Wolds has invested in traditional farming activities including top dressing and oversowing exotic pasture species to modify land for the purpose of livestock grazing. It is critical that the MDP provide a pathway for continued clearance of vegetation (including significant vegetation and habitats) on land modified for farming so as to preserve the significant investments already made.</p> <p>However, the terms “cover” and “composition” are uncertain and there is no guidance in place to assist the landowner in determining dominance.</p> <p>Dominance must be restricted to percentage of ground cover, not canopy cover, only. The nature of vegetation in the Mackenzie Basin subzone (even within an area of improved pasture) means the composition of vegetation may fall in favour of indigenous rather than exotic species. While ground cover may be 70% exotic, it is still possible to locate a number of indigenous species which will outnumber the two or three species of clover or grasses introduced. This is particularly so for the rural Stations which span large areas of land and where cultivated paddocks comprise several hundred hectares.</p> <p>It is important for a landowner to be able to interpret and apply the proposed provisions, without requiring expert ecology advice. The assessment of dominance should be restricted to a representative area. Certainty is needed so that land owners are able to proceed in confidence and without fear of enforcement action.</p>	<p>Amend b) as follows:</p> <p><i>b) Exotic pasture species have been deliberately introduced and dominate in <u>ground</u> cover—and <u>composition</u>. For the purposes of this definition the assessment of dominance <u>shall be conducted on a representative area within the area of improved pasture</u> and shall disregard indigenous vegetation which is growing upon land that has previously been modified and enhanced for livestock grazing in accordance with clause a) above and is less than 15 years old</i></p>

<p>Indigenous vegetation</p>	<p>Oppose:</p> <p>The proposed definition is too broad and will capture nearly all vegetation in the Mackenzie Basin subzone. It is inappropriate for areas of non-indigenous vegetation to be subject to indigenous vegetation clearance rules. The purpose of proposed chapter 19 is to address indigenous biodiversity so as to give effect to chapter 9 – Ecosystems and indigenous biodiversity of the CRPS. The proposed definition goes beyond what is required under the RMA of the CRPS.</p> <p>The decision sought will enable a landowner (and Council staff) to make an assessment on the spot whether vegetation is indigenous or not.</p>	<p>Amend definition of indigenous vegetation as follows:</p> <p><i>Means a plant community of species native to New Zealand which may include a minor element of exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, or that have been deliberately planted for the purpose of harvest</i></p>
<p>New definition - significant indigenous vegetation</p>	<p>The MDP needs to provide guidance as to what constitutes significant indigenous vegetation in the Mackenzie Basin.</p> <p>It is submitted that the introduction of a new appendix Z (that would read similarly to that of appendix 3 to the CRPS but modified to relate specifically to the Mackenzie Basin rather than Canterbury region wide) would assist landowners to interpret and apply the proposed provisions.</p> <p>Appendix Z may include cross reference to existing MDP appendices W and X where appropriate.</p>	<p>Add new definition of significant indigenous vegetation as follows:</p> <p><i>means any indigenous vegetation that meets the criteria set out in Appendix Z</i></p> <p>Appendix Z to include criteria (relevant to the Mackenzie District) for determining significant indigenous vegetation.</p>
<p>Vegetation clearance</p>	<p>Oppose:</p> <p>Irrigation is not an activity that leads to clearance of vegetation – water applied to land encourages plant growth rather than eradicating it. It is accepted that sustained irrigation may change the structure and composition of plant species but irrigation can be distinguished from “cutting, crushing, cultivation, spraying or burning” in that it is not capable of directly</p>	<p>Delete the words “or irrigation” from the definition of vegetation clearance.</p>

	<p>clearing vegetation. It is inappropriate for irrigation to be included in this definition alongside the other listed activities.</p> <p>Irrigation is already included in the definition of agricultural conversion and it is inefficient to require a landowner to obtain two separate resource consents for the same activity.</p>	
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CHAPTER 7 – RULE 12: VEGETATION CLEARANCE

<p>Rule 12.1.1</p>	<p>Support with amendment:</p> <p>Permitted activity status for clearance of non-indigenous vegetation is appropriate, however additional exemptions need to be included so that clearance is permitted to occur within riparian areas in circumstances other than only those listed.</p> <p>It is critical to provide a pathway for maintenance, repair, replacement or minor upgrade of infrastructure and for new small scale activities integral to farm management to occur as permitted activities even if these are located within riparian areas.</p> <p>Provision needs to be made for clearance of non-indigenous vegetation to occur where the purpose is to facilitate exclusion of stock from waterways and to provide for the conveyance of stock water where an alternative supply is required.</p> <p>The setback distances in rule 12.1.1.a should be amended. It is not necessary to prevent clearance within 50m of a wetland. A more appropriate setback distance is 20m.</p>	<p>Amend rule 12.1.1.a as follows:</p> <ul style="list-style-type: none"> - <i>Within 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone; or</i> - <i>Within 10m of the bank of any other river; or</i> - <i>Within 75m of any lake listed in Schedule B to the Rural Zone; or</i> - <i>Within 50m 20m or in any wetland or other lake</i> <p>Amend rule 12.1.1.a exemption (i) as follows:</p> <p><i>This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance <u>habitat enhancement or for the maintenance, repair, replacement or minor upgrade of existing fence lines, tracks, roads, stock crossings, firebreaks, drains, ponds, dams, stockyards, farm</u></i></p>
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		<p><u>buildings, airstrips water troughs, waterlines, waterway crossings or any other utility</u></p> <p>Amend rule 12.1.1.a exemption (ii) as follows:</p> <p><i>This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991</i></p> <p>Add new exemption (iv):</p> <p><i>This standard shall not apply to vegetation clearance associated with small scale farming activities including but not limited to new fence lines, tracks, roads, stock crossings, firebreaks, drains, ponds, dams, small farm buildings, water troughs, waterlines, waterway crossings, providing alternative stock water supply and any other utility</i></p> <p>Add new exemption (v):</p> <p><i>This standard shall not apply to vegetation clearance associated with excluding stock from a</i></p>
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		<i>river, lake, wetland or other waterway</i>
CHAPTER 19 – INDIGENOUS BIODIVERSITY		
Heading	Oppose:	Delete <i>“Indigenous Biodiversity”</i> heading and replace with <i>“Vegetation Clearance”</i>
Objective 1	Oppose: This objective fails to acknowledge the role of the landowner in achieving environmental outcomes and the need for balance between protection of indigenous biodiversity and the need of landowners and communities to maintain and develop their livelihood to meet their needs, and the needs of future generations. Many landowners in the District value indigenous biodiversity and adjust their farm practices to voluntarily protect significant areas – this is often the sole reason why areas of significant indigenous biodiversity remain.	Delete objective 1 and replace with: <i>Safeguarding the life-supporting capacity of indigenous biodiversity and ecosystems while also sustaining the reasonable use of land and natural resources</i>
Objective 2	Oppose : The proposed objective will curtail all development in the Mackenzie Basin. It is not only land development activities that impact on indigenous biodiversity. Natural processes such as soil erosion, climate change, nutrient depletion and the introduction of weeds and pests are arguably the main contributors to a decline in biodiversity. Land development activities should not be singled out and penalised for a decline in biodiversity. In some circumstances restricting land use development may exacerbate a decline in biodiversity on the basis that a lower income derived from the farm operation will lead to less money spent on weed and pest control.	Delete objective 2 and replace with: <i>To maintain and enhance indigenous biodiversity and ecosystem functioning by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna</i>
Objective 3	Oppose:	Delete objective 3 and

	<p>It is submitted that there are other ways of achieving integration of protection of significant indigenous biodiversity values with development proposals. The Council needs to enable all types of integrated management - not only farm biodiversity plans.</p>	<p>replace with:</p> <p><i>Enable land use activities that achieve integration of development with protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i></p>
Policy 1	<p>Oppose:</p> <p>This policy is in conflict with policies 5 and 6 which provide for off-setting as a means to achieve protection of significant indigenous vegetation and habitats. It is not possible to “prevent development which reduces the value of these sites” and at the same time provide for a range of mechanisms to avoid, remedy, mitigate or off-set adverse effects on the value of these sites.</p>	<p>Delete from policy 1 the words:</p> <p><i>“and to prevent development which reduces the values of these sites”</i></p> <p>If the decision sought by the Wolds to include a new definition for significant indigenous vegetation a consequential change to this policy will be required – to refer to Appendix Z rather than the CRPS.</p>
Policy 2	<p>Oppose:</p> <p>The concept of sustainable management in s5 RMA requires adverse effects on the environment to be avoided, remedied or mitigated but not at the expense of enabling people and communities to provide for their social, economic and cultural wellbeing.</p>	<p>Delete policy 2 and replace with:</p> <p><i>Enable land use activities that make efficient use of land and resources while avoiding, remedying, mitigating or offsetting adverse effects on water, soil, ecosystems and the natural character of the Mackenzie District</i></p>
Policy 3	<p>Oppose:</p>	<p>Amend policy 3 as follows:</p>

	<p>It is not only rural development that may contribute to a decline in indigenous biodiversity. Any development has the potential to affect indigenous biodiversity.</p> <p>The concept of no net loss must be assessed at a District wide scale rather than on a per property basis. No net loss of indigenous biodiversity values will be achieved if representative areas of significant vegetation and habitat are adequately protected within the District i.e. through QEII covenants, the Lake Tekapo Scenic Reserve and land returned to the Crown under tenure review. It is not necessary for every example of a particular indigenous species to be protected in order to achieve no net loss.</p>	<p><i>Rural Development, including indigenous vegetation clearance and pastoral intensification, occurs in a way or at a rate that provides for no net loss of indigenous biodiversity values in areas identified as significant <u>when assessed at a District wide scale</u></i></p>
<p>Policy 4</p>	<p>Oppose:</p> <p>The CRPS provides that any ecologically significant wetland will also be a habitat of significant indigenous fauna so vegetation clearance in relation to ecologically significant wetlands will be managed through other proposed provisions. This policy is not required.</p>	<p>Delete policy 4</p>
<p>Policy 5</p>	<p>Oppose:</p> <p>Achieving protection of significant indigenous vegetation and significant habitats of indigenous fauna (on land that is in private ownership) is entirely dependent on landowner support.</p> <p>Other mechanisms that may achieve protection also need to be listed.</p>	<p>Delete policy 5 and replace with:</p> <p><i>Recognise that the maintenance of indigenous biodiversity is dependent on landowner support and will be achieved through a number of mechanisms, including:</i></p> <ul style="list-style-type: none"> - <i>the listing of sites of significant indigenous vegetation and significant habitats of indigenous fauna;</i> - <i>the use of rules regulating clearance of indigenous vegetation;</i> - <i>legal protection by way of covenants; and</i> - <i>landowner commitment to</i>

		<p><i>conservation and stewardship of the natural environment, including though the use of farm biodiversity plans and other farm management plans developed by suitably qualified people</i></p>
Policy 6	<p>Oppose:</p> <p>An offset that provides for a net gain for biodiversity is unachievable in the Mackenzie Basin subzone. There is no ability to obtain the number of indigenous species required to re-establish or protect an area large enough in size to provide a net gain for biodiversity where the area proposed for development is large i.e. part of a rural Station.</p> <p>An off-set may be viewed as a tool to enable development which in turn may justify more restrictive provisions elsewhere in a District plan. This is not the case in the Mackenzie Basin subzone. The only properties likely to obtain any benefit from this policy are smaller lifestyle blocks.</p> <p>It is acknowledged that policy 6 is a direct replication of policy 9.3.6 of the CRPS however to enable a more user friendly MDP it is submitted that the criteria for offsetting would be more appropriately located outside of this policy and within a new appendix ZA.</p>	<p>Delete policy 6 and replace with:</p> <p><i>Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in residual adverse effects on significant indigenous vegetation and habitats of significant indigenous fauna that cannot be otherwise avoided, remedied or mitigated</i></p> <p>Move the balance of policy 6 to new appendix ZA</p>
Policy 8	<p>Support with amendment:</p> <p>The decision sought improves readability of the MDP by combining the key matters addressed in policies 8 and 9 into one policy and clarifies that it will take time to achieve enhancement of indigenous biodiversity.</p>	<p>Delete policy 8 and replace with:</p> <p><i>To enable rural land use and development at an on-farm level where development is integrated with a farm biodiversity process that provides for:</i></p> <ul style="list-style-type: none"> - <i>comprehensive identification and protection of significant</i>

		<p><i>vegetation and significant habitats of indigenous fauna;</i></p> <ul style="list-style-type: none"> - <i>encourages sustainable management;</i> - <i>adapts to the changing needs of land use and indigenous biodiversity management; and</i> - <i>achieves maintenance, and over time, the enhancement of indigenous biodiversity</i>
Policy 9	<p>Oppose:</p> <p>There needs to be a true collaborative process between the Council and the landowner. It is inappropriate for the Council to transfer the costs associated with obtaining expert advice to identify significant indigenous biodiversity values at an on-farm level to the landowner – the costs should be shared in proportion to the benefit derived, public vs land owner.</p>	Delete policy 9.
New policy	<p>The MDP needs to provide for minor works undertaken as part of normal farming activities to occur to ensure that a landowner is permitted reasonable use of their interest in the land. The decision sought is in keeping with the concept of sustainable management and provides a firm direction in chapter 19 that indigenous biodiversity needs to co-exist with development - provided development proposals also protect areas of significant indigenous vegetation and habitats of significant indigenous fauna.</p>	<p>Add new policy</p> <p><i>To allow clearance of significant indigenous vegetation or habitats of indigenous fauna where such activities are necessary for:</i></p> <ul style="list-style-type: none"> - <i>The management of the site including the management of pests and the removal of diseased, damaged or dead plants;</i> - <i>To facilitate access for livestock, utility structures or farm vehicles past or through the site; and</i> - <i>Enable the reasonable use of land and the maintenance of</i>

		<i>existing infrastructure.</i>
Rule 19.1.1.1	<p>Oppose:</p> <p>It is critical that the MDP provide for some level of indigenous vegetation clearance to occur as a permitted activity however additional conditions are required to provide a greater level of clearance to occur without the need for the landowner to obtain resource consent and be subject to the costs and uncertainty of the consenting process.</p> <p>As well as providing for maintenance and repair of existing activities and farm infrastructure it is appropriate to also provide for replacement or minor upgrade.</p> <p>Provision needs to be made for vegetation clearance associated with new small scale farming activities that are integral to farm management to occur as permitted activities.</p> <p>Provision needs to be made for clearance of indigenous vegetation to occur within a farm base area (an area identified as appropriate for more intensive development) as a permitted activity.</p> <p>Provision needs to be made for clearance of indigenous vegetation to occur where the purpose is to facilitate exclusion of stock from waterways.</p> <p>For the avoidance of doubt it is submitted that maintenance of pastoral intensification and agricultural conversion activities should be explicitly provided for as a permitted activity.</p> <p>Condition 8 should be amended to align the setback provisions with the decision sought for rule 12.1.1.a.</p>	<p>The word “or” needs to be included after conditions 1 – 6 of rule 19.1.1.1. It is critical that one, not all, of the conditions need to be met for the activity to qualify as a permitted activity.</p> <p>Amend condition 1 of rule 19.1.1.1 as follows:</p> <p><i>The clearance is for the purpose of maintenance, repair, <u>replacement or minor upgrade</u> of existing fence lines, tracks, roads, <u>stock crossings,</u> firebreaks, drains, <u>ponds,</u> <u>dams,</u> stockyards, farm buildings, airstrips, water troughs, <u>waterlines,</u> <u>waterway crossings or any other utility</u></i></p> <p>Amend condition 8 of rule 19.1.1.1 so that the setback distances align with the decision sought for rule 12.1.1.a</p> <p>Add new condition 9 to rule 19.1.1.1 as follows:</p> <p><i>The clearance is associated with small scale farming activities including but not limited to new fence lines, tracks, roads, stock crossings, firebreaks, drains, ponds, dams, small</i></p>

		<p><i>farm buildings, water troughs, waterlines, waterway crossings, providing alternative stock water supply and any other utility.</i></p> <p>Add new condition 10 to rule 19.1.1.1 as follows:</p> <p><i>Clearance is within a farm base area contained in Appendix R</i></p> <p>Add new condition 11 to rule 19.1.1.1 as follows:</p> <p><i>Clearance is for the purpose of with excluding stock from a river, lake, wetland or other waterway</i></p> <p>Add new condition 12 to rule 19.1.1.1 as follows:</p> <p><i>For the avoidance of doubt, existing pastoral intensification and agricultural conversion activities may be maintained and this land is exempt from the indigenous vegetation clearance rules</i></p>
Rule 19.1.2.1	<p>Oppose :</p> <p>It is submitted that where a farm biodiversity plan is developed (at great expense to the landowner) that the land owner ought to receive the benefit of a less restrictive activity status for indigenous vegetation clearance that is in compliance with that plan. It should not be available to the Council to decline consent provided the farm biodiversity plan meets the</p>	<p>Change the activity status for clearance under rule 19.1.2.1 from restricted discretionary to controlled.</p> <p>Amend condition 3 of rule 19.1.2.1 so that the setback distances are consistent with the decision</p>

	<p>requirements set out in Appendix Y.</p> <p>Condition 3 should be amended so that the setback provisions are consistent with the decision sought for rule 12.1.1.a</p> <p>A new condition needs to be inserted to provide that an application processed under this rule may proceed on a non-notified basis. This may encourage landowners to buy in to the concept of farm biodiversity plans where development is proposed.</p>	<p>sought for rule 12.1.1.a</p> <p>Delete all matters of discretion and replace with the following matters of control:</p> <ul style="list-style-type: none"> - <i>The extent to which the nature, scale, intensity and location of the proposed activity will adversely affect indigenous biodiversity and the methods proposed in the farm biodiversity plan to avoid, remedy, mitigate or offset these effects;</i> - <i>The extent to which the methods proposed in the farm biodiversity plan will achieve overall maintenance and/or enhancement of indigenous biodiversity and the protection of significant indigenous vegetation and significant habitats of indigenous fauna;</i> - <i>The extent to which the methods, targets, monitoring and reporting proposed in the farm biodiversity plan are adequate to protect the biodiversity values identified; and</i> - <i>The benefits that the activity provides to the local community and beyond</i> <p>Add new condition 4 to rule 19.1.2.1 to provide that any application for resource consent under this rule will be processed on a non-notified basis.</p>
Rule 19.1.2.2	<p>Oppose:</p> <p>This rule needs to specifically provide for clearance to</p>	<p>Amend rule 19.1.2.2 as follows:</p>

	<p>occur as a restricted discretionary activity so that it is consistent with rule 19.2.1.</p> <p>The proposed 5000m² limit is only appropriate for small properties. Where large rural Stations are concerned, which comprise several thousand hectares, the limit should be 5000m² per 100 hectares.</p> <p>Condition 2 should be amended so that the setback provisions are consistent with the decision sought for rule 12.1.1.a</p>	<p><i>Unless provided for in rule 19.2.1 any indigenous vegetation clearance up to 5000m² <u>per 100 hectares</u> within any site in any 5 year continuous period <u>shall be a restricted discretionary activity</u> provided the following conditions are met:</i></p> <p>Amend condition 2 of rule 19.2.2 so that the setback distances are consistent with the decision sought for rule 12.1.1.a</p> <p>Delete all matters of discretion and replace with the following:</p> <ul style="list-style-type: none"> - <i>Whether the site meets the criteria for a significant area of indigenous vegetation or habitat of indigenous fauna in Appendix Z; and if so;</i> - <i>Whether the activity will result in significant effect on the significant values of the long-term viability of the site; and</i> - <i>Whether denying the activity will prevent the landowner making reasonable use of their interest in the land; and</i> - <i>The appropriateness of any indigenous biodiversity offsets or other mitigation measures proposed.</i>
Rule 19.1.3	As above the proposed 5000m ² limit is only appropriate for small properties. The limit should be 5000m ² per 100 hectares.	Amend rule 19.1.3.1 as follows: <i>Any indigenous vegetation</i>

	<p>Setback provisions should be consistent with the decision sought for rule 12.1.1.a.</p>	<p><i>clearance up to 5000m² per 100 hectares within any site in any 5 year continuous period.</i></p> <p>Amend condition 3 of rule 19.1.3.2 so that the setback distances are consistent with the decision sought for rule 12.1.1.a</p>
<p>Appendix Y</p>	<p>Support with amendment:</p> <p>Farm biodiversity plans are an effective and accurate way of identifying and protecting areas of significant indigenous vegetation and significant habitats of fauna and identifying where development is possible within a farm enterprise.</p> <p>In order to encourage landowner “buy-in” it is critical that the information to be included in these plans is not overly onerous and can be obtained in a straight forward manner and without putting the landowner to significant expense.</p> <p>In light of the costs associated with preparing a farm biodiversity plan (or other farm management plan), it is critical that these plans remain the property of the landowner at all stages – including where they may become a condition of resource consent. Farm biodiversity plans will contain commercially sensitive information and should be confidential between the landowner and the Council.</p> <p>It is not appropriate that the Council use farm biodiversity plans as a means to establish existing use rights on a property. Historic land management practices are only relevant where they relate to any area of proposed development.</p> <p>It is not appropriate for the Council to require the landowner to complete an assessment of effects as required at C (3) in a farm biodiversity plan. This information will be required with any application for</p>	<p>Insert new condition 4 under the heading ‘framework’ as follows:</p> <p><i>4. The content of a Farm Biodiversity Plan shall remain the property of the landowner at all times and the information contained within the Farm Biodiversity Plan shall be confidential between the landowner and the Council</i></p> <p>Amend section C(1) as follows:</p> <p><u>In relation to the development area(s)</u> <i>describe historic and current land use management which may include stocking policy, water supply, grazing regimes, improved pasture, biodiversity management where relevant</i></p> <p>Delete C (3).</p> <p>Amend section D as follows:</p>

	<p>resource consent.</p> <p>Other amendments as set out in the decision sought.</p>	<p>Having regard to the information in B above, The purpose of this section is to set out information on management methods to ensure the values <u>areas of significant vegetation and habitats of significant indigenous fauna</u> identified in the assessment at B are protected to ensure no net loss of indigenous biodiversity values in areas identified as significant</p> <p>Delete the word “objective” from D(1) and (3) and replace it with “goal”.</p> <p>Add the words “of significant indigenous vegetation and habitats of significant indigenous fauna” after the words “not net loss” in D(1).</p> <p>Delete the words “management to protect values” from D(1)(c).</p> <p>Amend D(3) as follows:</p> <p><i>Confirmation from an appropriately qualified and experienced ecologist that the proposed methods will likely achieve the objective goal.</i></p> <p>Delete E(2).</p>
Add new appendix Z		Appendix Z to include criteria (relevant to the

		Mackenzie District) for determining significant indigenous vegetation.
Add new appendix ZA		Include new appendix to contain the off-setting detail i.e. that which has been removed from Policy 6.



DOCDM-5412283

9 March 2018

Mackenzie District Council
PO Box 52
Main Street
Fairlie
7949

Attention: Karina Morrow

Dear Karina,

Plan Change 18 and Plan Change 19 – Mackenzie District Plan

Please find enclosed the submission by the Director-General of Conservation in respect of Plan Change 18 and Plan Change 19. The submission identifies the Director-General's concerns.

Please contact Nardia Yozin in the first instance if you wish to discuss any of the matters raised in this submission (03 363 1665, 027 502 3129 or via nyozin@doc.govt.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to read "Sally Jones". The signature is stylized and fluid.

Sally Jones

Operations Manager

Twizel, Eastern South Island

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON A CHANGE TO THE MACKENZIE DISTRICT PLAN

TO: Mackenzie District Council

SUBMISSION ON: Plan Change 18 – Indigenous Vegetation Clearance
Plan Change 19 – Surface Water Activities

NAME: Lou Sanson
Director-General of Conservation

ADDRESS: RMA Shared Services
Department of Conservation
Private Bag 4715
Christchurch Mail Centre 8140
Attn: Nardia Yozin

**STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE
DEPARTMENT OF CONSERVATION**

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Sally Jones, Operations Manager, Twizel, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed Plan Change 18 and Proposed Plan Change 19 to the Mackenzie District Council.

1. This is a submission on the Plan Change 18 and Plan Change 19 to the Mackenzie District Plan.
2. The specific provisions of the Proposed Plan that my submission relates to are set out in Attachments 1 to this submission. The decisions sought in this submission are required to ensure that the Mackenzie District Plan:
 - a. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act.
 - b. Promotes the sustainable management of natural and physical resources.
 - c. The changes sought are necessary, appropriate and sound resource management practice.
4. I seek the following decision from the Council:
 - 4.1 That the particular provisions of Proposed Plan Change 18 (vegetation Clearance) and Proposed Plan Change 19 (Surface Water Activities) that I support, as identified in Attachment 1, are retained.
 - 4.2 That the amendments, additions and deletions to Proposed Plan Change 18 and Proposed Plan Change 19 sought in Attachments 1 are made.

4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Sally Jones
Operations Manager
Twizel, Eastern South Island

Pursuant to delegated authority
On behalf of
Lou Sanson
Director-General of Conservation

Date: 9/3/18

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

PROPOSED PLAN CHANGE 18 and 19– Mackenzie District Plan
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Plan Change 18 and Proposed Plan Change 19 and the Mackenzie District Plan shows, text taken from Section 7 – Rural and inserted into the new Section 19 – Biodiversity (original text) as plain text, new text as underlined and original text to be deleted as ~~strikethrough~~. The relief sought by the Department is in double underline for new text or ~~double strikethrough~~ for text seeking to be deleted.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Plan Change 18 – Indigenous Vegetation Clearance			
PC18: <u>Section 19 – Definitions Biodiversity (or biological diversity)</u>	<u>Biodiversity (or biological diversity): means the variability of living organisms and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems.</u>	Support	<i>Retain as notified.</i>
PC18: <u>Section 19 – Definitions (New) Biodiversity Offset</u>	<i>New Definition</i>	(new definition) The D-G considers that it is important 'biodiversity offset' is defined to provide clarity on what this means in terms of outcomes. This definition comes from the CRPS with 'indigenous' added in the second sentence for clarity.	<i>Insert new definition for 'Biodiversity Offset':</i> <u>Biodiversity offset means a measurable conservation outcome resulting from actions which are designed to compensate for significant residual adverse effects on biodiversity arising from human activities after all appropriate prevention and mitigation measures have been taken. The goal of a biodiversity offset is to achieve no net loss and preferably a net gain of indigenous biodiversity on the ground with respect to species composition, habitat structure and ecosystem function. They typically take the form of binding conditions associated with resource consents and can involve bonds, covenants financial contributions and</u>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
PC18: <u>Section 19 – Definitions</u> <u>Farm Biodiversity Management Plan</u>	<u>Farm Biodiversity Management Plan: means a plan that covers the whole of a farming enterprise that is submitted to the Council as part of a resource consent application under Section 19 Indigenous Biodiversity, and is prepared in accordance with Appendix Y.</u>	Support in Part – Amend The D-Gs position of FBP is discussed in the submission points in relation to Objective 3, Policy 9, Rule 1.2.1 and Appendix Y.	<u>biodiversity banking.</u> <i>Retain, provided the submission points for Objective 3, Policy 9, Rule 1.2.1 and Appendix Y are addressed.</i>
PC18: <u>Section 19 – Definitions</u> <u>Improved Pasture</u>	<u>Improved Pasture: means an area of pasture where:</u> a) <u>Species composition and growth have been modified and enhanced for livestock grazing within the previous 15 years, by clearance, cultivation or topdressing and oversowing, or direct drilling; and</u> b) <u>Exotic pasture species have been deliberately introduced and dominate in cover and composition. For the purposes of this definition the assessment of dominance shall disregard indigenous vegetation which is growing on land that has previously been modified and enhanced for livestock grazing in accordance with clause a) above and is less than 15 years old.</u>	Oppose in Part – delete or amend so that areas of improved pasture have to be identified on the planning maps. The D-G also seeks to delete ‘oversowing and topdressing, or direct drilling’ as being improved pasture as in many cases indigenous values and significant indigenous values can still be present where these activities have occurred. Ecologically, cultivation and irrigation is where the D-G considers that improved pasture has been achieved. The Map referred to in the amendment is included in Attachment 2 of this submission. The D-G has based this on known cultivated areas (to the Department Staff) but is aware there may be some areas which are lawfully consented, but yet to be cultivated.	<u>Improved Pasture: means an area of pasture identified on the Planning Maps where:</u> a) <u>Species composition and growth have been modified and enhanced for livestock grazing within the previous 15 years, by clearance, or cultivation or topdressing and oversowing, or direct drilling; and</u> b) <u>It has been determined by a suitably qualified ecologist that indigenous biodiversity values have been lost; and</u> c) <u>Is recorded with the Council as ‘improved Pasture’.</u> Exotic pasture species have been deliberately introduced and dominate in cover and composition. For the purposes of this definition the assessment of dominance shall disregard indigenous vegetation which is growing on land that has previously been modified and enhanced for livestock grazing in accordance with clause a) above and is less than 15 years old.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
PC18: Section 19 – <u>Definitions</u> <u>Indigenous</u> <u>Vegetation</u>	<u>Indigenous Vegetation: means a plant community of species native to New Zealand, which may include exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/ shelter purposes within a domestic garden or that have been deliberately planted for the purpose of harvest.</u>	Support in Part – Amend The D-G supports the definition where it recognises that indigenous vegetation is a plant community, and that as part of the plant community, exotic vegetation may be present. However, indigenous vegetation is indigenous irrespective of who planted it, and for what purposes. If the Council is not concerned about the removal amenity garden plantings, or intentionally planted indigenous vegetation (for the purpose of harvest), then this exemption should be contained in the rule, not the definition of indigenous vegetation. The D-G is not opposed to these types of vegetation being removed, just considers that this removal should be controlled through the rules rather than the definition. Notified Rule 1.1.1 already includes these exclusions in permitted activity rule 1.1.1.2 and 1.1.1.4.	<u>Indigenous Vegetation: means a plant community of species native to New Zealand, The indigenous vegetation plant community, which may include exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/ shelter purposes within a domestic garden or that have been deliberately planted for the purpose of harvest.</u>
PC18: Section 19 – <u>Definitions (New)</u> <u>Significant Indigenous</u> <u>Vegetation or habitat</u>	<i>New Definition</i>	(new definition) This definition supports the policy framework and provides clarity around what is considered to be significant.	<i>Insert new definition for ‘significant indigenous vegetation and habitat’ as follows:</i> <u>Significant Indigenous Vegetation or habitat: means indigenous vegetation of habitat of indigenous fauna which meets the criteria listed in the Canterbury Regional Policy Statement.</u>
PC18: Section 19 –	Vegetation Clearance: means the felling,	Support	<i>Retain as notified.</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
<u>Definitions</u> Vegetation Clearance	clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, or burning <u>or irrigation</u> . Clearance of vegetation shall have the same meaning.	The D-G supports this definition and the mention of particular activities which result in vegetation clearance.	Vegetation Clearance: means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, or burning <u>or irrigation</u> . Clearance of vegetation shall have the same meaning.
PC18: <u>Section 19 – Definitions</u> (New) <u>No net loss</u>	<i>New Definition</i>	(new definition) The D-G considers that it is important ‘no-net-loss’ is defined to provide clarity on what this means in terms of outcomes. This definition comes from the Business Biodiversity Offsetting Programme (BBOP).	<i>Insert a new definition for ‘no net loss’ as follows:</i> <u>No net loss: means no overall reduction in indigenous biodiversity, as measured by type, amount and condition.</u>
PC18: Section 7 – Rural Zone	Rural Objective 1 and Policies 1A, 1B and 1C	Support The D-G agrees with the intent of PC18 to insert a biodiversity specific chapter in the MDP.	<i>Support the deletion of Rural Policy 1A from Section 7 – Rural Zone</i> <i>Support the transfer (with the amendments outlined in this submission) of Rural Objective 1, Rural Policy 1B and Rural Policy 1C into the new Biodiversity Chapter 19 of the MDP.</i>
PC18: Section 7 – Rural Zone Rules – Rule 12 – Vegetation Clearance – Rule 12.1	12.1 Permitted Activities - Vegetation Clearance Reference in this rule to the Mackenzie Basin means that part of the District known as the Mackenzie Basin and identified as such on the map in Appendix E of the Plan	Support The D-G agrees with the intent of PC18 to insert a biodiversity specific chapter in the MDP.	<i>Support the deletion of parts of 12.1 as notified from Section 7 – Rural Zone</i> <i>Support the transfer (with the amendments outlined in this submission) of Rural Objective 1, Rural Policy 1B and Rural Policy 1C into the new Biodiversity Chapter 19 of the MDP.</i>
PC18: Section 7 – Rural Zone Rules – Rule 12 – Vegetation Clearance – Rules 12.1.1b to 12.1.1i	Delete all provisions from Section 7 – Rural Zone Rules 12.1.1b to 12.1.1i	Support The D-G agrees with the intent of PC18 to insert a biodiversity specific chapter in the MDP.	<i>Support the deletion of Rules 12.1.1b – 12.1.1i from Section 7 – Rural Zone Rules.</i>
PC18: Section 7 – Rural Zone Rules – Rule 12 – Vegetation Clearance – Rules 12.2 to 12.2.1	Delete all provisions from Section 7 – Rural Zone Rules 12.2 and 12.2.1	Support The D-G agrees with the intent of PC18 to insert a biodiversity specific chapter in the MDP.	<i>Support the deletion of Rules 12.2 and 12.2.1 from Section 7 – Rural Zone Rules.</i>
PC18: Section 7 – Rural Zone Rules –	Delete all provisions from Section 7 – Rural Zone Rules 12.3 and 12.3.1	Support The D-G agrees with the intent of	<i>Support the deletion of Rules 12.3 and 12.3.1 from Section 7 – Rural Zone Rules.</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Rule 12 – Vegetation Clearance – Rules 12.3 to 12.3.1		PC18 to insert a biodiversity specific chapter in the MDP.	
PC18: <u>Section 19 – Objective 1</u>	To safeguard indigenous biodiversity and ecosystem functioning through the protection and enhancement of significant indigenous vegetation and habitats, riparian margins and the maintenance of natural biological and physical processes.	Support	<i>Retain as notified.</i>
PC18: <u>Section 19 – Objective 2</u>	<u>Land development activities are managed to ensure the maintenance of indigenous biodiversity, including the protection and/or enhancement of significant indigenous vegetation and habitats, and riparian areas; the maintenance of natural biological and physical processes; and the retention of indigenous vegetation.</u>	Support	<i>Retain as notified.</i>
PC18: <u>Section 19 – Objective 3</u>	<u>To support/encourage the integration of land development proposals with comprehensive identification, and protection and/or enhancement of values associated with significant indigenous biodiversity, through providing for comprehensive Farm Biodiversity Plans and enabling development that is in accordance with those plans.</u>	Support in Part - Amend FBP should identify all indigenous biodiversity values across the whole farm. It is the only way to consider the effects of comprehensive proposals at the farm wide scale. FBP already requires that all indigenous vegetation is identified, so it makes sense that the objective provides for this more clearly.	<i>Amend Objective 3 as follows: To support/encourage the integration of land development proposals with comprehensive identification, and protection and/or enhancement of values associated with significant indigenous biodiversity, through providing for comprehensive Farm Biodiversity Plans and enabling development that is in accordance with those plans.</i>
PC18: <u>Section 19 – Policy 1</u>	To identify in the District Plan sites of significant indigenous vegetation or habitat in accordance with the criteria listed in the Canterbury Regional Policy Statement and to prevent development which reduces the	Support in Part The D-G is concerned that mapping does not identify the known significant areas as at 2017 and is outdated. The CRPS contains criteria	<i>Amend Policy 1 as follows: To identify in the District Plan sites of significant indigenous vegetation or habitat in accordance with the criteria listed in the Canterbury Regional Policy Statement and to prevent development which reduces the values of these sites or features.</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	values of these sites or features.	for identifying significant values, which require protection under s6(c) of the RMA. The D-G is concerned that relying only on (outdated) mapped areas, s6(c) or Policies 9.3.1 and 9.3.2 of the CRPS will not be given effect to.	
PC18: <u>Section 19 – New Policy</u>	<u>New Policy</u>	(Insert new Policy) It is important that there is a clear policy hierarchy in the plan which: <ol style="list-style-type: none"> 1. Seeks to identify significant values; 2. Seeks to protect significant values 3. Seeks to maintain indigenous values. This new policy is required to undertake (2) above. It sets a clear direction to protect significant values, giving effects to s6(c) of the RMA and Policies 9.3.1 and 9.3.2 of the CRPS.	<i>Insert new policy as follows:</i> <u>To avoid adverse effects of subdivision, use and development on significant indigenous vegetation and habitat.</u>
PC18: <u>Section 19 – Policy 2</u>	To avoid, remedy or mitigate adverse effects on the natural character and indigenous land and water ecosystems functions in the District including: <ol style="list-style-type: none"> a) Landform, physical processes and hydrology b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas c) Aquatic habitat and water quality and quantity 	Support in Part – Amend The D-G in relation to the proposed policy above, the amendment to Policy 2 seeks to maintain indigenous biodiversity values within the Mackenzie District. This is consistent with the Councils function under s31(1)(b)(iii), as well as giving effect policies 9.3.3, 9.3.4 and 9.3.5 of the CRPS.	<i>Amend Policy 2 as follows:</i> To avoid, remedy or mitigate adverse effects on the natural character and indigenous land and water ecosystems functions in the District including: <ol style="list-style-type: none"> a) Landform, physical processes and hydrology b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas c) Aquatic habitat and water quality and quantity

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
PC18: Section 19 – Policy 3	<u>Rural development, including indigenous vegetation clearance and pastoral intensification, is to occur in a way or at a rate that provides for no net loss of indigenous biodiversity values in areas identified as significant.</u>	Support in Part – Amend The D-G is concerned that the no net loss approach will only be taken for significant indigenous biodiversity, which requires protection under the RMA. The no net loss approach should be taken for all indigenous biodiversity.	<i>Amend Policy 3 as follows:</i> <u>Rural development, including indigenous vegetation clearance and pastoral intensification, is to occur in a way or at a rate that provides for no net loss of indigenous biodiversity values in areas identified as significant.</u>
PC18: Section 19 – Policy 4	<u>To ensure that land use activities including indigenous vegetation clearance and pastoral intensification do not adversely affect any ecologically significant wetland.</u>	Support – Retain as notified. The Department agrees with the intent of this policy to protect ecologically significant wetlands in the district from the adverse effects of development.	<i>Retain as notified.</i>
PC18: Section 19 – Policy 5	<u>To consider a range of mechanisms for achieving protection of significant indigenous vegetation and significant habits of indigenous fauna, including avoidance, remediation, mitigation or offsetting of adverse effects, and to secure protection through appropriate instruments including resource consent conditions (if approved).</u>	Oppose – Delete and replace with new Policy Biodiversity offsetting should not be used as preference for avoiding, remedied or mitigating adverse effect. The Department supports the Business and Biodiversity Programme (BBOP) approach to biodiversity offsetting and have developed the ‘Guidance on Good Practice Biodiversity Offsetting in New Zealand’ (the Guidance) along with other government agencies. The Guidance promotes a mitigation hierarchy, which strives for avoiding, remedying or mitigating adverse effects in the first instance, and using offsetting for any residual effects	<i>Delete proposed policy 5 and replace with the following policy:</i> To consider a range of mechanisms for achieving protection of significant indigenous vegetation and significant habits of indigenous fauna, including avoidance, remediation, mitigation or offsetting of adverse effects, and to secure protection through appropriate instruments including resource consent conditions (if approved). <u>Manage the effects of activities on indigenous vegetation habitat by:</u> a) <u>Avoiding as far as practicable, and where total avoidance is not practicable, minimising adverse effects</u> b) <u>Requiring remediation where adverse effects cannot be avoided</u> c) <u>Requiring mitigation where adverse effects on the areas identified above cannot be avoided or remedied</u> <u>Where (a), (b), or (c) cannot be met, residual adverse effects that are more than minor are to be offset through protection, restoration and enhancement actions in accordance with Policy (8)</u>

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		<p>which can't be avoided, remedied or mitigated.</p> <p>The Guidance which should be referred to when developing any potential offsetting measures can be found at http://www.doc.govt.nz/Documents/our-work/biodiversity-offsets/the-guidance.pdf.</p> <p>The D-Gs proposed amendment also give effect to Policy 9.3.6 of the CRPS.</p>	<p><u>below.</u></p>
<p>PC18: <u>Section 19 – Policy 6</u></p>	<p><u>Where offsetting is proposed, to apply the following criteria:</u></p> <ul style="list-style-type: none"> a) <u>the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;</u> b) <u>the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;</u> c) <u>where the area to be offset is identified as a national priority for protection in accordance with Policy 9.3.2 of the Canterbury Regional Policy Statement 2013 or its successor, the offset must deliver a net gain for biodiversity;</u> d) <u>there is a strong likelihood that the offsets will be achieved in perpetuity; and</u> 	<p>Support in part – amend</p> <p>The Department supports a policy to manage how offsets are used.</p> <p>The proposed amendments complement the mitigation hierarchy supported by BBOP and The Guidance and well as policy 9.3.6 contained in the CRPS.</p> <p>The term 'compensation' has been deleted as under both BBOP and the Guidance, compensation is separate to a biodiversity offset. A biodiversity offset must be a like-for-like offset.</p> <p>Compensation occurs if (following the mitigation hierarchy proposed in the amended policy 6 above), the biodiversity offset isn't like-for-like biodiversity. Compensation is protecting or enhance a different type of biodiversity or financial in nature. Using the term</p>	<p>Amend Policy 5 as follows:</p> <p>Where For any biodiversity offsetting is proposed, to apply the following criteria applies:</p> <ul style="list-style-type: none"> a) <u>the offset is will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;</u> b) <u>the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset through protection, restoration and enhancement actions that achieve to ensure no net loss of biodiversity and preferably a net gain in indigenous biodiversity values;</u> c) <u>where the area to be offset is identified as a national priority for protection in accordance with Policy 9.3.2 of the Canterbury Regional Policy Statement 2013 or its successor, the offset must deliver a net gain for biodiversity;</u> d) <u>there is a strong likelihood that the offsets will be achieved in perpetuity; and</u> e) <u>where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity conservation.</u>

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	<p>e) <u>where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity conservation.</u></p> <p><u>Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.</u></p>	<p>'compensation' in the policy is confusing.</p>	<p><u>Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected. Where the offset is for the loss of significant indigenous vegetation or habitat, there must provide for a net gain for indigenous biodiversity, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.</u></p>
<p>PC18: Section 19 – <u>Policy 8</u></p>	<p><u>To enable rural land use and development at an on-farm level, where that development is integrated with comprehensive identification, sustainable management and long-term protection of values associated with significant indigenous vegetation and significant habitats of indigenous fauna, through a Farm Biodiversity Plan process.</u></p>	<p>Oppose in Part – Amend</p> <p>Rural development needs to recognise all indigenous biodiversity values over the whole farm. This is because the Mackenzie Basin has experienced extensive biodiversity losses due to previous land use activities, meaning that what remains is highly likely to be 'significant even if it hasn't been mapped in the District Planning Maps. It is important that farm development considers this and appropriate assessments are undertaken of all remaining vegetation to identify significant values and then appropriate manage them in accordance with the proposed Plan framework, the objectives and policies of the CRPS and the RMA.</p> <p>FBP already require that all indigenous vegetation is identified,</p>	<p><i>Amend Policy 8 as follows:</i></p> <p><u>To enable rural land use and development at an on-farm level, where that development is integrated with comprehensive identification, sustainable management and long-term protection of values associated with significant indigenous vegetation and significant habitats of indigenous fauna, through a Farm Biodiversity Plan process.</u></p>

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		so it makes sense that the objective provides for this more clearly.	
PC18: <u>Section 19 – Policy 9</u>	<u>Where a Farm Biodiversity Plan is proposed, to require comprehensive and expert identification of significant indigenous biodiversity values as part of that Plan, and to ensure that any development proposed under that Plan is integrated with protection for those significant values.</u>	Oppose in Part – Amend FBP already require that all indigenous vegetation is identified, so it makes sense that the objective provides for this more clearly. The Mackenzie Basin has experienced extensive biodiversity losses due to previous land use activities, meaning that what remains is highly likely to be 'significant even if it hasn't been mapped in the District Planning Maps. It is important that appropriate assessments are undertaken as part of a FBP process so that of all remaining vegetation assessed against the CRPS significance criteria to ensure that any significant values are managed in accordance with the proposed Plan framework, the objectives and policies of the CRPS and the RMA.	<i>Amend Policy 9 as follows:</i> <u>Where a Farm Biodiversity Plan is proposed, to require comprehensive and expert identification of significant indigenous biodiversity values as part of that Plan, and to ensure that any development proposed under that Plan is integrated with protection for those significant values.</u>
PC18: <u>Section 19 – Rule 1</u>	Rules <u>Indigenous Vegetation Clearance</u> 1. <u>Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme.</u>	Support in Part - Amend The Department supports the approach of having specific vegetation clearance rules, however is concerned that some permitted activities in the Plan in other sections provide for extensive vegetation clearance to occur unchecked. To give effect to the proposed	<i>Amend Rule 1 as follows:</i> Rules <u>Indigenous Vegetation Clearance</u> <u>The rules contain in this part of Section 19 take precedence over any other rules that may provide for associated indigenous vegetation clearance as part of another activity, including those rules contained in Section 16.</u> 1. <u>Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power</u>

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		objectives and policies in section 19, all vegetation activities need to be subject to the proposed rules.	<u>Scheme.</u>
PC18: Section 19 – Rule 1.1.1 clause 1 to clause 5	<p>1.1. <u>Permitted Activities – Indigenous Vegetation Clearance</u></p> <p>1.1.1. <u>Clearance of indigenous vegetation is a permitted activity provided the following conditions are met:</u></p> <p>1. ...</p> <p>5. ...</p>	<p>Support</p> <p>The D-G supports some permitted activities which cover indigenous vegetation clearance for safety and maintenance, provided these structures for which the clearance relates to are lawfully established. However, the D-G notes that the large parts of the District, the vegetation types are highly unlikely to compromise safety and integrity structures or access due to their small stature and it needs to be ensured that clearance under 1.1.1.1 is not abused.</p>	<i>Retain 1.1.1 clause 1-5 noting the D-Gs concerns.</i>
PC18: Section 19 – Rule 1.1.1 clause 6	<p>1.1. <u>Permitted Activities – Indigenous Vegetation Clearance</u></p> <p>1.1.1. <u>Clearance of indigenous vegetation is a permitted activity provided the following conditions are met:</u></p> <p>6. <u>The clearance is of indigenous vegetation within an area of improved pasture (refer Definitions);</u></p>	<p>Oppose in Part – Amend 1.1.1(6)</p> <p>How Improved pasture is identified appears to be problematic in the context of the Mackenzie Basin and the significant indigenous biodiversity loss which has occurred to date as a result of the (pre PC17) loophole rule.</p> <p>The D-G considers that in order to sustainably manage the significant indigenous biodiversity community, which was confirmed by PC13 to be throughout the whole basin, there needs to be more accurate method for identifying what is considered to</p>	<p><i>Amend 1.1.1 Clause 6 as below:</i></p> <p>1. <u>Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme</u></p> <p>1.1. <u>Permitted Activities – Indigenous Vegetation Clearance</u></p> <p>1.1.1. <u>Clearance of indigenous vegetation is a permitted activity provided the following conditions are met:</u></p> <p>1. ...</p> <p>6. <u>The clearance is of indigenous vegetation within an identified area of improved pasture (refer Definitions);</u></p>

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		<p>be improved pasture. While the D-G is not averse to landowners maintaining existing sprayed or irrigated land where the values are already lost, land which has been oversowed, topdressed or direct drilled can often still contain indigenous plant communities, and more than likely significant indigenous biodiversity due to the nature of biodiversity loss and rarity within the Mackenzie Basin.</p> <p>The D-G considers that there needs to be a clearer identification of what is improved pasture, and when something is considered to be 'within' improved pasture. The notified provision has the potential to lead to further significant losses, similar to what occurred prior to PC17.</p> <p>The Department considers that identifying 'improved pasture' through this plan change process is the best way to ensure that there is clarity and agreement (or at least a baseline) on what areas are improved pasture. The Department would be comfortable with a permitted activity rule, if identification and assessment occurs.</p>	
PC18: <u>Section 19 – Rule 1.1.1 clauses 7</u>	1.1. <u>Permitted Activities – Indigenous Vegetation Clearance</u>	Support – Retain 1.1.1 clause 7 and 8 as notified.	<i>Retain 1.1.1 clause 7 and 8 as notified.</i>

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and 8	<p>1.1.1. <u>Clearance of indigenous vegetation is a permitted activity provided the following conditions are met:</u></p> <p>7. <u>The clearance is not within a Site of Natural Significance or on land above 900m in altitude;</u></p> <p>8. <u>The clearance is not within:</u></p> <ul style="list-style-type: none"> a) <u>100m of a lake</u> b) <u>20m of the bank of a river</u> c) <u>100m of an ecologically significant wetland</u> d) <u>50m of all other wetlands</u> 	<p>The D-G supports the rule hierarchy for the clearance of indigenous vegetation within sensitive areas (SONS, above 900m and waterbody margins)</p>	
PC18: Section 19 – Rule 1.2.1	<p>1.2. <u>Restricted Discretionary Activity – Indigenous Vegetation Clearance</u></p> <p>1.2.1. <u>Unless permitted under Rule 19.1 the clearance of indigenous vegetation clearance is a restricted discretionary activity provided the following conditions are met:</u></p> <p>1. ...</p>	<p>Support in Part – Amend Rule 1.2.1</p> <p>The D-G only supports the use of Farm Biodiversity Management Plans (FBMP) if a consent is required to establish the plan in the first instance. The D-Gs understanding of the FBMP as proposed in PC18 is that is forms part of a comprehensive, farm wide resource consent that signals what development will occur over the whole farm site and requires a significance assessment to be undertaken. The department supports this approach provided:</p> <ul style="list-style-type: none"> ▪ The FBMP is able to be amended by Council through the (resource consent) approval process; ▪ The areas identified under (A)(4)(a)-(i) and (B) are 	<p><i>Ensure that amendments or changes to FBMP are approved, there is transparency around the content of FBMP and that the FBMP is enforceable.</i></p> <p><i>Please see comment on Appendix Y.</i></p>

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		<p>confirmed on the ground by Council, and in particular (A)(4)(c)-(i) and (B) and the methodologies in (D) are confirmed and agreed by an independent ecologist;</p> <ul style="list-style-type: none"> ▪ The implementation of the FBMP is monitored; ▪ Any changes to the FBMP have to be approved through the same process as its establishment. This includes (E)(2); ▪ There is transparency around the content of the FBMP and any changes to it; and ▪ The FBMP is enforceable and where any non-compliances with the FBMP as approved occur, enforcement action can be undertaken by council. <p>It is important to make clear in the district plan, that while the FBMP is not called a resource consent, it is a resource consent and any changes to it need to go through the district plan process.</p>	
<p>PC18: Section 19 – Rule 1.2.1 (matters of discretion)</p>	<p>1.2.1. <u>Unless permitted under Rule 19.1 the clearance of indigenous vegetation clearance is a restricted discretionary activity provided the following conditions are met:</u></p> <p>1. ...</p>	<p>Oppose in Part – Amend</p> <p>The D-G is concerned that the effects of indigenous biodiversity clearance on visual or landscape values are not considered in the determining of consent for vegetation clearance</p>	<p>3.2.1. <u>Unless permitted under Rule 19.1 the clearance of indigenous vegetation clearance is a restricted discretionary activity provided the following conditions are met:</u></p> <p>1. ...</p> <p><u>The Council will restrict its discretion to the following matters:</u></p>

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	<p><u>The Council will restrict its discretion to the following matters:</u></p> <p>1. ...</p>	<p>through a FBP. The D-G recognises that FBP focus on indigenous biodiversity and ecological values but consider that where this vegetation clearance would cause adverse effects on outstanding or significant landscape or visual values, that an assessment of these effects is warranted. This also recognises that often ecological values contribute to the visual or landscape values. Expanding the matters of discretion to include landscape and visual effects would achieve this.</p>	<p>1. ...</p> <p>3. <u>Where the proposed clearance is within an geopreservation site, Area of High Visual Vulnerability, or Scenic Grassland Area, and how the indigenous vegetation proposed to be cleared contributes to the values of these areas and how any proposed clearance will impact on the values of these areas.</u></p> <p>4. <u>Where the clearance is within an Outstanding Natural Feature or Landscape, whether the vegetation proposed to be cleared contributes to the Outstanding Natural Feature or Landscape values and the degree to which the proposed clearance would avoid adverse effects on these values.</u></p>
<p>PC18: <u>Section 19 – Rule 1.2.2</u></p>	<p>1.2.2. <u>Unless provided for in Rule 19.2.1 any indigenous vegetation clearance up to 5000m², within any site in any 5-year continuous period provided the following conditions are met:</u></p> <p>1. <u>The clearance is not within a Site of Natural Significance or on land above 900m in altitude.</u></p> <p>2. <u>The clearance is not within:</u></p> <p>a) <u>100m of a lake</u></p> <p>b) <u>20m of the bank of a river</u></p> <p>c) <u>100m of an ecologically significant wetland</u></p> <p>d) <u>50m of all other wetlands</u></p> <p><u>The Council will restrict its discretion to the following matters:</u></p> <p>1. <u>The actual or potential impacts on</u></p>	<p>Support in Part – Amend Matters of Discretion</p> <p>The D-G seeks that the matters of discretion are amended to:</p> <p>i. Provide a mechanism to undertake significance assessments in accordance with the CRPS significance Criteria;</p> <p>ii. Assess the effects on significant indigenous values, including any how the proposal seeks to avoid adverse effects;</p> <p>iii. Assess the effects on Indigenous biodiversity values, including how the proposal seeks to avoid,</p>	<p>1.2.2. <u>Unless provided for in Rule 19.2.1 any indigenous vegetation clearance up to 5000m², within any site in any 5-year continuous period provided the following conditions are met:</u></p> <p>1. <u>The clearance is not within a Site of Natural Significance or on land above 900m in altitude.</u></p> <p>2. <u>The clearance is not within:</u></p> <p>e) <u>100m of a lake</u></p> <p>f) <u>20m of the bank of a river</u></p> <p>g) <u>100m of an ecologically significant wetland</u></p> <p>h) <u>50m of all other wetlands</u></p> <p><u>The Council will restrict its discretion to the following matters:</u></p> <p>5. <u>The actual or potential impacts on biodiversity or ecological values expected to occur as a result of the proposal, particularly the impact on significant indigenous vegetation and habitat values including the values significant to Ngāi Tahu.</u></p>

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	<p><u>biodiversity or ecological values expected to occur as a result of the proposal, particularly the impact on significant values including the values significant to Ngāi Tahu.</u></p> <p>2. <u>The extent to which species diversity or habitat availability could be adversely impacted by the proposal.</u></p> <p>3. <u>Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.</u></p> <p>4. <u>Any technical and operational constraints and route, site and method selection process.</u></p> <p>5. <u>The benefits that the activity provides to the local community and beyond.</u></p>	<p>remedy or mitigate adverse effects;</p> <p>iv. Effects on adjacent vegetation and habitat;</p> <p>v. Effects on the ecosystem processes in the Mackenzie Basin;</p> <p>vi. Effects on the wider ecosystem from the proposed clearance and how this may impact function, diversity and integrity; and</p> <p>vii. Any linkages between the vegetation proposed to be cleared and the visual or landscape values which are underpinned by the ecology present.</p> <p>The D-G considers that these are important consideration for the Council to take into account when assessing in proposals for indigenous vegetation clearance and will assist the council in implementing the policies, particularly:</p> <ul style="list-style-type: none"> - Identifying further significant values throughout the life of the Plan; - Achieving biodiversity maintenance; - Ensuring the protection of 	<p>6. <u>Where vegetation meets the criteria for significant indigenous vegetation and habitat, how the proposed clearance has considered the avoidance of adverse effects on the significant values, including if alternative options have been considered.</u></p> <p>7. <u>The extent to which species diversity or habitat availability could be adversely impacted, modified or damaged by the proposal.</u></p> <p>8. <u>Methods proposed to avoid, remedy or mitigate adverse effects including:</u></p> <ul style="list-style-type: none"> a) <u>Soil and water conservation measures</u> b) <u>Animal and plant pest control</u> c) <u>Stock control measures</u> <p>9. <u>The treatment of the area surrounding any clearance created so that vegetation within the adjoining area of significant indigenous vegetation or habitat is not adversely affected.</u></p> <p>10. <u>The effect on the overall ecological integrity and biological diversity throughout the district.</u></p> <p>11. <u>Whether the indigenous vegetation contributes to an important ecological function (such as an ecological corridor or connectivity), or result in ecological fragmentation and the degree to which this function will be compromised or fragmentation increased by the proposed clearance.</u></p> <p>12. <u>The proximity of the area affected by the proposal to riparian margins and wetland.</u></p> <p>13. <u>Where the proposed clearance is within an geopreservation site, Area of High Visual Vulnerability, or Scenic Grassland Area, and how the indigenous vegetation proposed to be cleared contributes to the values of these areas and how any proposed clearance will impact on the values of these areas.</u></p>

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		<p>significant biodiversity and landscape values; and</p> <ul style="list-style-type: none"> - Managing adverse effects appropriately. 	<p>14. <u>Where the clearance is within an Outstanding Natural Feature or Landscape, whether the vegetation proposed to be cleared contributes to the Outstanding Natural Feature or Landscape values and the degree to which the proposed clearance would avoid adverse effects on these values.</u></p> <p>15. <u>The quantity of indigenous vegetation to be cleared and reason for the removal.</u></p> <p>16. <u>Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.</u></p> <p>17. <u>Any technical and operational constraints and route, site and method selection process.</u></p> <p>18. <u>The benefits that the activity provides to the local community and beyond.</u></p>
<p>PC18: <u>Section 19 – Rule 1.3</u></p>	<p>1.3. <u>Non-Complying Activity – Indigenous Vegetation Clearance</u> <u>The following activities are Non-complying activities unless specified as a Permitted Activity, Restricted Discretionary Activity or Discretionary Activity:</u></p> <p>1.3.2. <u>Any indigenous vegetation clearance of more than 5000m² within any site in any 5-year continuous period.</u></p> <p>1.3.3. <u>Any indigenous vegetation clearance in the following location:</u></p> <ol style="list-style-type: none"> 1. <u>Within a Site of Natural Significance.</u> 2. <u>Above 900m in altitude.</u> 3. <u>Within 100m of a lake, 20m of the bank of a river, 100m of an ecologically significant wetland or 50m of all other wetlands</u> 	<p>Support – retain as notified</p> <p>The Department supports the proposed non-complying Rule.</p>	<p><i>Retain Rule 1.3 as notified.</i></p>

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<p><u>Appendix Y – Farm Biodiversity Plan Framework</u></p>	<p>Introduction <u>The purpose of a Farm Biodiversity Plan is to facilitate integration of development activity with the identification and protection of significant ecological areas to ensure no net loss of biodiversity, on a comprehensive whole of property basis.</u></p> <p>Development of a Farm Biodiversity Plan <u>A Farm Biodiversity Plan can be developed through a collaborative process between the Council and the landowner / land manager. (refer footnote)</u></p> <p><i><u>Note: The Council will work with landowners / land managers in developing a Farm Biodiversity Plan and may provide a suitably qualified ecological expert to identify and assess the indigenous biodiversity of the farming enterprise, and to provide ecological advice on management of those values. Advice may also be provided from an appropriately qualified person who has expertise in land/farm management, where appropriate. Council will not fund experts other than those provided by the Council.</u></i></p> <p>Framework <u>The following sets out the framework for development of a Farm Biodiversity Plan.</u></p> <p>1. <u>A Farm Biodiversity Plan can be provided in one of the following formats:</u></p> <p>a. <u>as a separate stand-alone Farm</u></p>	<p>Oppose in Part – Amend</p> <p>The main amendments are to clarify that the FBP functions much the same as conditions on a resource consent would, and that the Council retains the ability to influence these management methods, as they would resource consent conditions. The D-G supports that management proposed (in (C) and (D)) are developed by a suitably qualified and experienced ecologist. However, the D-G needs to be sure that this information is peer reviewed by Council’s ecologist and any areas of difference in opinion between ecologists are addressed prior to the FBP being approved. The Council needs to retain the ability to suggest amendments to any of the content in the FBP to address their concerns and require that these concerns are addressed through the FBP. Where a review under (E) occurs, any changes need to be approved through the FBP process as would a variation of resource consent. “improved pasture” must be assessed and approved by Council’s independent ecologist, as per the D-G’s proposed amendments to the ‘improved pasture’ definition and how is related to rule 1.1.1.6.</p>	<p><i>Amend Appendix Y as follows:</i></p> <p>Introduction <u>The purpose of a Farm Biodiversity Plan is to facilitate integration of development activity with the identification and protection of significant ecological areas to ensure no net loss of biodiversity, on a comprehensive whole of property basis.</u> <u>A Farm Biodiversity Plan can be developed through a collaborative resource consent which outlines the existing environment, future development and biodiversity values present within a farm enterprise.</u></p> <p>Development of a Farm Biodiversity Plan <u>A Farm Biodiversity Plan can be developed through a collaborative process between the Council and the landowner / land manager. However, a Farm Biodiversity Plan must be approved by Council in order to be implemented as a Farm Biodiversity Plan under Rule 1.1.1.6 (refer footnote)</u> <i><u>Note: The Council will work with landowners / land managers in developing a Farm Biodiversity Plan and may provide a suitably qualified ecological expert to identify and assess the indigenous biodiversity of the farming enterprise, and to provide ecological advice on management of those values. Advice may also be provided from an appropriately qualified person who has expertise in land/farm management, where appropriate. Council will not fund experts other than those provided by the Council.</u></i></p> <p>Framework <u>The following sets out the framework for development of a Farm Biodiversity Plan.</u></p> <p>1. <u>A Farm Biodiversity Plan can be provided in one of the following formats:</u></p> <p>a. <u>as a separate stand-alone Farm Biodiversity Plan; or</u> b. <u>as an additional section to a farm environment plan prepared according to an industry template such as the Beef and Lamb New Zealand Canterbury Farm</u></p>

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	<p><u>Biodiversity Plan; or</u></p> <p>b. <u>as an additional section to a farm environment plan prepared according to an industry template such as the Beef and Lamb New Zealand Canterbury Farm Biodiversity Plan or a plan prepared to meet Schedule 7 of the Canterbury Land and Water Regional Plan.</u></p> <p><i>Note: Where an industry farm biodiversity plan template is used, the Council is only concerned with the sections of that plan which address the matters outlined in this Appendix Y.</i></p> <p>2. <u>A Farm Biodiversity Plan shall apply to a farming enterprise (see Definitions).</u></p> <p>3. <u>A Farm Biodiversity Plan must contain as a minimum:</u></p> <p>A Description of the property and its features:</p> <p>1. <u>Physical address;</u></p> <p>2. <u>Description of the ownership and name of a contact person;</u></p> <p>3. <u>Legal description of the property; and</u></p> <p>4. <u>A map(s) or aerial photograph at a scale that clearly shows, where relevant:</u></p> <p>a. <u>The boundaries of the farming enterprise;</u></p> <p>b. <u>The boundaries of the main land management units on the property or within the property;</u></p> <p>c. <u>The location of all water bodies,</u></p>	<p>The D-G recognises that the FBP manages effects on Biodiversity values but is concerned about how effects on Landscape from these biodiversity values will be addressed.</p> <p>To address these concerns, it is suggested that the matters of discretion in Rule 1.2.2 are extending to include effects on landscape and visual values. The D-G notes that assessments of visual or landscape effects are not part of the FBP framework.</p>	<p><u>Biodiversity Plan or a plan prepared to meet Schedule 7 of the Canterbury Land and Water Regional Plan.</u></p> <p><i>Note: Where an industry farm biodiversity plan template is used, the Council is only concerned with the sections of that plan which address the matters outlined in this Appendix Y.</i></p> <p>2. <u>A Farm Biodiversity Plan shall apply to a farming enterprise (see Definitions).</u></p> <p>3. <u>A Farm Biodiversity Plan must contain as a minimum:</u></p> <p>A Description of the property and its features:</p> <p>1. <u>Physical address;</u></p> <p>2. <u>Description of the ownership and name of a contact person;</u></p> <p>3. <u>Legal description of the property; and</u></p> <p>4. <u>A map(s) or aerial photograph at a scale that clearly shows, where relevant:</u></p> <p>a. <u>The boundaries of the farming enterprise;</u></p> <p>b. <u>The boundaries of the main land management units on the property or within the property;</u></p> <p>c. <u>The location of all water bodies, including riparian vegetation;</u></p> <p>d. <u>Constructed features including buildings, tracks and any fencing to protect biodiversity values (including around riparian areas);</u></p> <p>e. <u>The location of any areas within or adjoining the property that have been identified as a Sites of Natural Significance or are legally protected by way of covenant;</u></p> <p>f. <u>The location of any other areas within the property that may have ecologically significant values;</u></p> <p>g. <u>Areas of improved pasture¹;</u></p> <p>h. <u>Areas of retired land; and</u></p> <p>i. <u>Location of any proposed developments, including intensification of production, new tracks or buildings and areas to be cleared.</u></p> <p>B Description of existing ecological values:</p>

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	<p><u>including riparian vegetation;</u></p> <p>d. <u>Constructed features including buildings, tracks and any fencing to protect biodiversity values (including around riparian areas);</u></p> <p>e. <u>The location of any areas within or adjoining the property that have been identified as a Sites of Natural Significance or are legally protected by way of covenant;</u></p> <p>f. <u>The location of any other areas within the property that may have ecologically significant values;</u></p> <p>g. <u>Areas of improved pasture;</u></p> <p>h. <u>Areas of retired land; and</u></p> <p>i. <u>Location of any proposed developments, including intensification of production, new tracks or buildings and areas to be cleared.</u></p> <p>B Description of existing ecological values: <u>The purpose of this section of the Farm Biodiversity Plan is to describe the indigenous biodiversity of the farming enterprise to understand what the ecological values are and any threats or risks to these values. This will inform how these values are to be managed to achieve the overall goal(s) of maintenance, and over time, enhancement, of indigenous biodiversity on the property/catchment.</u></p> <p>1. <u>This assessment shall be undertaken by a suitably qualified and experienced</u></p>		<p><u>The purpose of this section of the Farm Biodiversity Plan is to describe the indigenous biodiversity of the farming enterprise to understand what the ecological values are and any threats or risks to these values. This will inform how these values are to be managed to achieve the overall goal(s) of maintenance, and over time, enhancement, of indigenous biodiversity on the property/catchment.</u></p> <p>1. <u>This assessment shall be undertaken by a suitably qualified and experienced ecologist.</u></p> <p>2. <u>This assessment shall describe existing ecological values within the farming enterprise and identify any significant sites in accordance with Policy 9.3.1 (1) and 9.3.1 (2) and the criteria in Appendix 3 of the Canterbury Regional Policy Statement 2013.</u></p> <p>3. <u>This assessment shall contain:</u></p> <p>a. <u>Recommended and measurable outcomes to demonstrate achievement of no net loss of identified values of significance;</u></p> <p>b. <u>Recommended actions to achieve these outcomes;</u></p> <p>c. <u>Recommendations for monitoring and review of progress in achieving the outcomes.</u></p> <p>C Development Areas and Activities: <u>The purpose of this section is to understand how the land, including any Sites of Natural Significance, has been managed, what the future management will be, and how this will affect the indigenous biodiversity.</u></p> <p>1. <u>Describe historic and current land use management, including stocking policy, water supply, grazing regimes, improved pasture, biodiversity management, where relevant;</u></p> <p>2. <u>Describe any proposed land use management or activities to be undertaken that would require the clearance or disturbance of indigenous biodiversity and the time frames over which these activities are proposed to occur. Such activities may</u></p>

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	<p><u>ecologist.</u></p> <p>2. <u>This assessment shall describe existing ecological values within the farming enterprise and identify any significant sites in accordance with Policy 9.3.1 (1) and 9.3.1 (2) and the criteria in Appendix 3 of the Canterbury Regional Policy Statement 2013.</u></p> <p>3. <u>This assessment shall contain:</u></p> <p>a. <u>Recommended and measurable outcomes to demonstrate achievement of no net loss of identified values of significance;</u></p> <p>b. <u>Recommended actions to achieve these outcomes;</u></p> <p>c. <u>Recommendations for monitoring and review of progress in achieving the outcomes.</u></p> <p><u>C Development Areas and Activities:</u> <u>The purpose of this section is to understand how the land, including any Sites of Natural Significance, has been managed, what the future management will be, and how this will affect the indigenous biodiversity.</u></p> <p>1. <u>Describe historic and current land use management, including stocking policy, water supply, grazing regimes, improved pasture, biodiversity management, where relevant;</u></p> <p>2. <u>Describe any proposed land use management or activities to be undertaken that would require the clearance or disturbance of indigenous</u></p>		<p><u>include construction of new farm tracks or buildings, intensification of land use, vegetation clearance of previously undisturbed areas, earthworks or cultivation; and</u></p> <p>3. <u>Describe any potential adverse effects of the proposed activities described above on areas of indigenous biodiversity, including any Site of Natural Significance.</u></p> <p><u>D Management Methods to Achieve Protection of Values</u> <u>Having regard to the information in B above, the purpose of this section is to set out information on management methods to ensure the values identified in the assessment at B are protected to ensure no net loss of indigenous biodiversity values in areas identified as significant:</u></p> <p>1. <u>A description of how the objective of 'no net loss' will be met by the proposal/s, including a description of tools and methods to achieve this. These may include:</u></p> <p>a. <u>Formal legal protection;</u></p> <p>b. <u>Pest or weed control;</u></p> <p>c. <u>Grazing regimes/management to protect values;</u></p> <p>d. <u>Fencing;</u></p> <p>e. <u>Restoration planting or other restoration measures;</u></p> <p>f. <u>Confirmation that area/s will not be subject to future land use change or development activity that will impact on the identified values present;</u></p> <p>g. <u>Confirmation that the tools and methods will endure beyond any fragmentation of the farming enterprise e.g. as a result of changes in ownership</u></p> <p>2. <u>The plan shall include for each proposed management method above:</u></p> <p>a. <u>Detail commensurate with the scale of the environmental effects and risks;</u></p> <p>b. <u>Defined measurable targets that clearly set a pathway and timeframe for achievement;</u></p> <p>c. <u>Any proposed monitoring and information or records to</u></p>

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	<p><u>biodiversity and the time frames over which these activities are proposed to occur. Such activities may include construction of new farm tracks or buildings, intensification of land use, vegetation clearance of previously undisturbed areas, earthworks or cultivation; and</u></p> <p>3. <u>Describe any potential adverse effects of the proposed activities described above on areas of indigenous biodiversity, including any Site of Natural Significance.</u></p> <p>D Management Methods to Achieve Protection of Values <u>Having regard to the information in B above, the purpose of this section is to set out information on management methods to ensure the values identified in the assessment at B are protected to ensure no net loss of indigenous biodiversity values in areas identified as significant:</u></p> <p>1. <u>A description of how the objective of 'no net loss' will be met by the proposal/s, including a description of tools and methods to achieve this. These may include:</u></p> <ol style="list-style-type: none"> <u>Formal legal protection;</u> <u>Pest or weed control;</u> <u>Grazing regimes/management to protect values;</u> <u>Fencing;</u> <u>Restoration planting or other</u> 		<p><u>be kept for measuring performance and achievement of the target.</u></p> <p>3. <u>Confirmation from an appropriately qualified and experienced ecologist that the proposed methods will achieve the objective.</u></p> <p>E Monitoring and Reporting on actions: <u>The Farm Biodiversity Plan shall include the following:</u></p> <ol style="list-style-type: none"> <u>Having regard to B (3.) above, describe how the outcomes will be monitored, and how the results will be reported.</u> <u>Describe when a review of management methods will be necessary; how such reviews/s will be undertaken, who by and within what timeframes; and how the results of any review will be implemented.</u> <p>¹ <u>Improved Pasture where it is confirmed by an independent ecologist and there are no indigenous biodiversity values present.</u></p>

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	<p><u>restoration measures;</u></p> <p>f. <u>Confirmation that area/s will not be subject to future land use change or development activity that will impact on the identified values present;</u></p> <p>g. <u>Confirmation that the tools and methods will endure beyond any fragmentation of the farming enterprise e.g. as a result of changes in ownership</u></p> <p>2. <u>The plan shall include for each proposed management method above:</u></p> <p>a. <u>Detail commensurate with the scale of the environmental effects and risks;</u></p> <p>b. <u>Defined measurable targets that clearly set a pathway and timeframe for achievement;</u></p> <p>c. <u>Any proposed monitoring and information or records to be kept for measuring performance and achievement of the target.</u></p> <p>3. <u>Confirmation from an appropriately qualified and experienced ecologist that the proposed methods will achieve the objective.</u></p> <p><u>E Monitoring and Reporting on actions:</u> <u>The Farm Biodiversity Plan shall include the following:</u></p> <p>1. <u>Having regard to B (3.) above, describe how the outcomes will be monitored, and how the results will be reported.</u></p>		

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	2. <u>Describe when a review of management methods will be necessary; how such reviews/s will be undertaken, who by and within what timeframes; and how the results of any review will be implemented.</u>		
PC19: Section 7 – Rural Objective 8	Rural Objective 8 – Surface of Waterways <u>Activities on or within Waterbodies</u> Recreational activities being undertaken on or within the District waterways and riverbeds in a manner which avoids, remedies or mitigates potential adverse effects on conservation values, wildlife and wildlife habitats, public health and safety, recreational values, takata whenua values and general amenity values.	Support The D-G supports this outcome.	<i>Retain as notified</i>
PC19: Section 7 – Rural Objective 8A	<u>Rural Policy 8A – Values of Waterbodies</u> <u>To acknowledge the range of values associated with waterbodies within the District and to maintain or enhance those values through management of activities on or within waterbodies.</u> ---	Support The D-G supports this outcome.	<i>Retain as notified</i>
PC19: Section 7 – Rural Objective 8B	<u>Rural Policy 8B – Lake Pukaki</u> <u>To protect the unique natural quiet, beauty and tranquillity values and experience of Lake Pukaki by avoiding motorised activities on the Lake other than for essential activities.</u> ---	Support The D-G supports this outcome for Lake Pukaki.	<i>Retain as notified</i>
PC19: Section 7 – Rural Objective 8EA	<u>Rural Policy 8E A – Effects on Wildlife and Wildlife Habitats</u> Recreational Use Of Riverbeds And Waterbodies	Support in Part – include provisions to address access to waterbodies	<i>Amend provisions in the plan or signal effective non-regulatory measures which address the access to waterbodies and their margins as these are areas where activities can result in significant</i>

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	<p>To avoid, remedy or mitigate the adverse effects of the recreational use of riverbeds and waterbodies (in particular the use of off-road vehicles and power boats) on wildlife and wildlife habitats.</p> <p>Explanation and Reasons As for Objective 8</p> <ul style="list-style-type: none"> • The braided riverbeds of the Tasman, Dobson, Hopkins, Ohau, Tekapo, Pukaki, Cass, Godley and Macauley rivers are important breeding habitats for many important and threatened species. It is important that care is undertaken during the breeding season as disturbance of parent birds leaves eggs and chicks unattended and therefore extremely vulnerable to predation and cold temperatures. • Off-road vehicles can inadvertently run over eggs and chicks. • Lake Alexandrina and Lake McGregor form part of a wildlife refuge that was initially established in 1899, and re-gazetted in 1957 under the Wildlife Act 1953. At this time restrictions were also gazetted limiting boats to those 'wholly propelled by oars or paddles' to prevent disturbance of wildlife habitats and bird breeding areas. • The predominately single thread braided river channels of the Opihi and Opuha rivers are widely utilised by trout and salmon for spawning. During the 	<p>The D-G supports this policy, however is concerned that there are limited provisions in the plan which address the effects of access or off-road vehicles on beds and margins of waterbodies, which the explanation of this policy considers. The D-G notes that the authority over the disturbance of beds lays with the Regional Council, but would like to see clarity on how this policy seeks to be achieved, possibly through amending provisions in the plan or signalling effective non-regulatory measures which address the access to waterbodies and their margins as these are areas where activities can result in significant adverse effects on biodiversity.</p>	<p><i>adverse effects on biodiversity.</i></p>

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	spawning season (April to September) eggs and fry buried in the riverbed gravels are particularly susceptible to disturbance from motorised boats.		
PC19: Section 7 – Rural Objective 8FB	Rural Policy 8FB - Structures To ensure that the location, design and use of structures and facilities, within or near waterways are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the waterways are avoided or mitigated.	Support in Part – Amend The D-G seeks that the effects of structures on or near waterbodies can result in adverse effects on habitat and ecological processes. Where any structure are considered, the effects on biodiversity values resulting from their construction and occupation should be considered by the Council. The effects of any improved access to waterbodies (e.g. increased usage of that waterbody) should also be considered. As increased access and activity can have adverse effects on habitat.	<i>Amend Rural Policy 8F as follows:</i> Rural Policy 8FB - Structures To ensure that the location, design and use of structures and facilities, within or near waterways are such that any adverse effects on visual qualities, safety, <u>indigenous habitat</u> and conflicts with recreational and other activities on the waterways are avoided or mitigated.
PC19: Section 7 – Rural Objective 8HD	Rural Policy 8HD - Cross Boundary Co-Ordination To co-ordinate with adjoining territorial authorities where activities on the surface of rivers and lakes cross territorial boundaries, including the co-ordination of resource consent processes.	Support The D-G supports the co-ordination between agencies where an activity is across boundaries.	<i>Retain as notified</i>
PC19: Section 7 – Rural Zone Rules Clause 7	OUTDOOR RECREATIONAL ACTIVITIES - <u>EXCLUDING ACTIVITIES ON OR WITHIN WATERBODIES</u> 7.1. Permitted Activities – Outdoor Recreational Activities 7.1.1. Non-commercial...	Support The D-G supports the deletion of surface water activities from these rules and the new rule structure within the plan proposed by PC19.	<i>Retain the deletions and amendments to Clause 7 of the Rural Zone Rules.</i>
Rural Zone Rules	<u>7A ACTIVITIES ON OR WITHIN</u>	Support in Part – Amend	<i>Amend 7A.1 as follows:</i>

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Clause <u>7A.1</u>	<u>WATERBODIES</u> <u>7A.1 Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</u>	The D-G supports the management of activities provided from through the 7A.1 proposed Rule on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers (other than Opihi and Opuha). However. The D-G is concerned that Rivers Godley, Tasman, Cass and Dobson require additional protection beyond what Rule 7A.1 will provide. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers by any motorised craft could lead to adverse effects on these species.	<u>7A ACTIVITIES ON OR WITHIN WATERBODIES</u> <u>7A.1 Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Godley, Tasman, Cass, Dobson, Opihi and Opuha Rivers</u>
PC19: Section 7 – Rural Zone Rules Clause <u>7A.1.1</u>	<u>7A.1.1 Permitted Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</u> <u>7A.1.1.a. Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</u> <u>7A.1.1.b Non-commercial motorised and non-motorised activities</u> <u>7A.1.1.c Craft on the surface of waterways used for accommodation where all effluent is contained on board the craft.</u>	Support in Part – Amend The D-G supports the management of activities provided from through the 7A.1 proposed Rule on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers (other than Opihi and Opuha). However. The D-G is concerned that Rivers Godley, Tasman, Cass and Dobson require additional protection beyond what Rule 7A.1 will provide. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers by any motorised craft could lead to adverse effects on these species. The D-G support permitted activity 7A.1.1.a as these activities are	<i>Amend 7A.1.1 and 7A.1.1.b and retain 7A.1.1.a as follows:</i> <u>7A.1.1 Permitted Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Godley, Tasman, Cass, Dobson, Opihi and Opuha Rivers</u> <u>7A.1.1.a. Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</u> <u>7A.1.1.b Non-commercial motorised and non-motorised activities.</u> <u>Where it is a motorised activity, access to the waterbody must be via a form accessway or boat ramp.</u> <u>7A.1.1.c</u>

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		<p>important for Department staff to carryout their conservation work within waterbodies and their margins.</p> <p>The D-G supports the ability for all non-motorised craft to use and enjoy the waterbodies covered by Rule 7A.1.. However, there is concerns around motorised-craft. This is because regardless of is the operator is undertaking a commercial or recreational activity, the effects would be the same.</p>	
<p>PC19: Section 7 – Rural Zone Rules Clause <u>7A.1.2</u></p>	<p><u>7A.1.2 Discretionary Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</u></p> <p><u>7A.1.2.a Commercial motorised and non-motorised activities</u></p> <p><u>7A.1.2.b Jetties and boat ramps</u></p>	<p>Support in Part – Amend</p> <p>The D-G supports the management of activities provided through the 7A.1.2 proposed Rule on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers (other than Opihi and Opuha). However. The D-G is concerned that Rivers Godley, Tasman, Cass and Dobson require additional protection beyond what Rule 7A.1.2 will provide. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers by any motorised craft could lead to adverse effects on these species.</p> <p>The D-G supports a discretionary activity status for the activities covered by 7A.1.2.</p>	<p><i>Amend 7A.1.2 as follows:</i></p> <p><u>7A.1.2 Discretionary Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Godley, Tasman, Cass, Dobson, Opihi and Opuha Rivers</u></p> <p><u>7A.1.2.a ...</u></p>

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PC19: Section 7 – Rural Zone Rules Clause <u>7A.1.3</u>	<u>7A.1.3 Non-complying Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</u> <u>7A.1.3.a Craft on the surface of waterways used for accommodation where effluent is not contained on board the craft.</u>	Support in Part – Amend The D-G supports the management of activities provided from through the 7A.1.3 proposed Rule on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers (other than Opihi and Opuha). However. The D-G is concerned that Rivers Godley, Tasman, Cass and Dobson require additional protection beyond what Rule 7A.1.3 will provide. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers by any motorised craft could lead to adverse effects on these species. The D-G supports a non-complying activity status for the activities covered by 7A.1.2.	<i>Amend 7A.1.3 as follows:</i> <u>7A.1.3 Non-complying Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Godley, Tasman, Cass, Dobson, Opihi and Opuha Rivers</u> <u>7A.1.3.a Craft on the surface of waterways used for accommodation where effluent is not contained on board the craft.</u>
PC19: Section 7 – Rural Zone Rules Clause <u>7A.2.1</u>	<u>7A.2.1 Permitted Activities on or within Lake Pukaki</u> <u>7A.2.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</u> <u>7A.2.1.b Non-commercial non-motorised activities</u>	Support – Retain as notified The D-G supports proposed Rule 7A2.1 which allows for monitoring, research and safety activities and the ability for non-motorised craft to be permitted activities on Lake Pukakai.	<i>Retain 7A.2.1 as notified.</i>
PC19: Section 7 – Rural Zone Rules Clause <u>7A.2.2</u>	<u>7A.2.2 Non-complying Activities on or within Lake Pukaki</u> <u>7A.2.2.a Commercial non-motorised activities</u> <u>7A.2.2.b Jetties and boat ramps</u>	Support – Retain as notified The D-G supports proposed Rule 7A2.2 which restricts motorised commercial activities and the construction of jetties and boat	<i>Retain as notified</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
PC19: Section 7 – Rural Zone Rules Clause <u>7A.2.3</u>	<u>7A.2.3 Prohibited Activities</u> <u>7A.2.3.a Commercial motorised activities</u> <u>7A.2.3.b Non-commercial motorised activities</u> <u>7A.2.3.c Craft on the surface of waterways used for accommodation.</u>	ramps on or within Lake Pukakai. Support – Retain as notified The D-G supports proposed Rule 7A.2.3 which prohibits all motorised activities and craft used for accommodation on or within Lake Pukakai.	<i>Retain as notified</i>
PC19: Section 7 – Rural Zone Rules Clause <u>7A.3.1</u>	<u>7A.3.1 Permitted Activities on or within Lakes Alexandrina and McGregor</u> <u>7A.3.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</u> <u>7A.3.1.b Non-commercial non-motorised activities</u>	Support in Part – Amend The D-G supports the specific rules for Lakes Alexandrina and McGregor as it recognises their significant wildlife value and status as a wildlife refuge. The D-G supports proposed Rule 7A.2.3.1a which allows for monitoring, research and safety activities and the ability for non-motorised craft to be permitted activities on both lakes. However, the D-G is concerned the yachts or sail-boats could operate on these lakes, and while they may not be motorised, their wakes can cause significant effects on indigenous biodiversity and therefore does not consider that their use on these lakes is appropriate. The D-G seeks that yachts and sails boats are specifically excluded from the permitted activity rules and are instead prohibited activities.	<i>Amend Rule 7A.3.1.b as follows:</i> <u>7A.3.1 Permitted Activities on or within Lakes Alexandrina and McGregor</u> <u>7A.3.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</u> <u>7A.3.1.b Non-commercial non-motorised activities (excluding yachts and sail-boats).</u>
PC19: Section 7 – Rural Zone Rules	<u>7A.3.2 Discretionary Activities on or within Lakes Alexandrina and McGregor</u>	Support in Part – Amend The D-G supports the specific rules	<i>Amend Rule 7A.3.2.a as follows:</i> <u>7A.3.2 Discretionary Activities on or within Lakes Alexandrina</u>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Clause 7A.3.2	7A.3.2.a Commercial non-motorised activities	for Lakes Alexandrina and McGregor as it recognises their significant wildlife value and status as a wildlife refuge. The D-G is concerned the yachts or sail-boats could operate on these lakes, and while they may not be motorised, their wakes can cause significant effects on indigenous biodiversity and therefore does not consider that their use on these lakes is appropriate. The D-G seeks that yachts and sails boats are specifically excluded from the permitted activity rules and are instead prohibited activities.	and McGregor 7A.3.2.a Commercial non-motorised activities (excluding yachts and sail-boats).
PC19: Section 7 – Rural Zone Rules Clause 7A.3.3	7A.3.3 Non-complying Activities on or within Lakes Alexandrina and McGregor 7A.3.3.a Jetties and boat ramps 7A.3.3.b Craft on the surface of waterways used for accommodation	Support – Retain as notified The D-G supports the specific rules for Lakes Alexandrina and McGregor as it recognises their significant wildlife value and status as a wildlife refuge.	<i>Retain as notified</i>
PC19: Section 7 – Rural Zone Rules Clause 7A.3.4	7A.3.4 Prohibited Activities on or within Lakes Alexandrina and McGregor 7A.3.4.a Commercial motorised activities 7A.3.4.b Non-commercial motorised activities	Support in Part – Amend The D-G supports that those activities which may have adverse effects on the biodiversity values present on or within Lakes Alexandrina and McGregor. As noted in the D-Gs submission on 7A.3.1 and 7A.3.2 , the use of yachts and sail-boats on the lakes could result in adverse environmental	Amend Rule 7A.3.4 as follows: 7A.3.4 Prohibited Activities on or within Lakes Alexandrina and McGregor 7A.3.4.a Commercial motorised activities 7A.3.4.b Non-commercial motorised activities 7A.3.1.c Commercial sail-boats or yachts 7A.3.1.d Non-commercial sail-boats or yachts

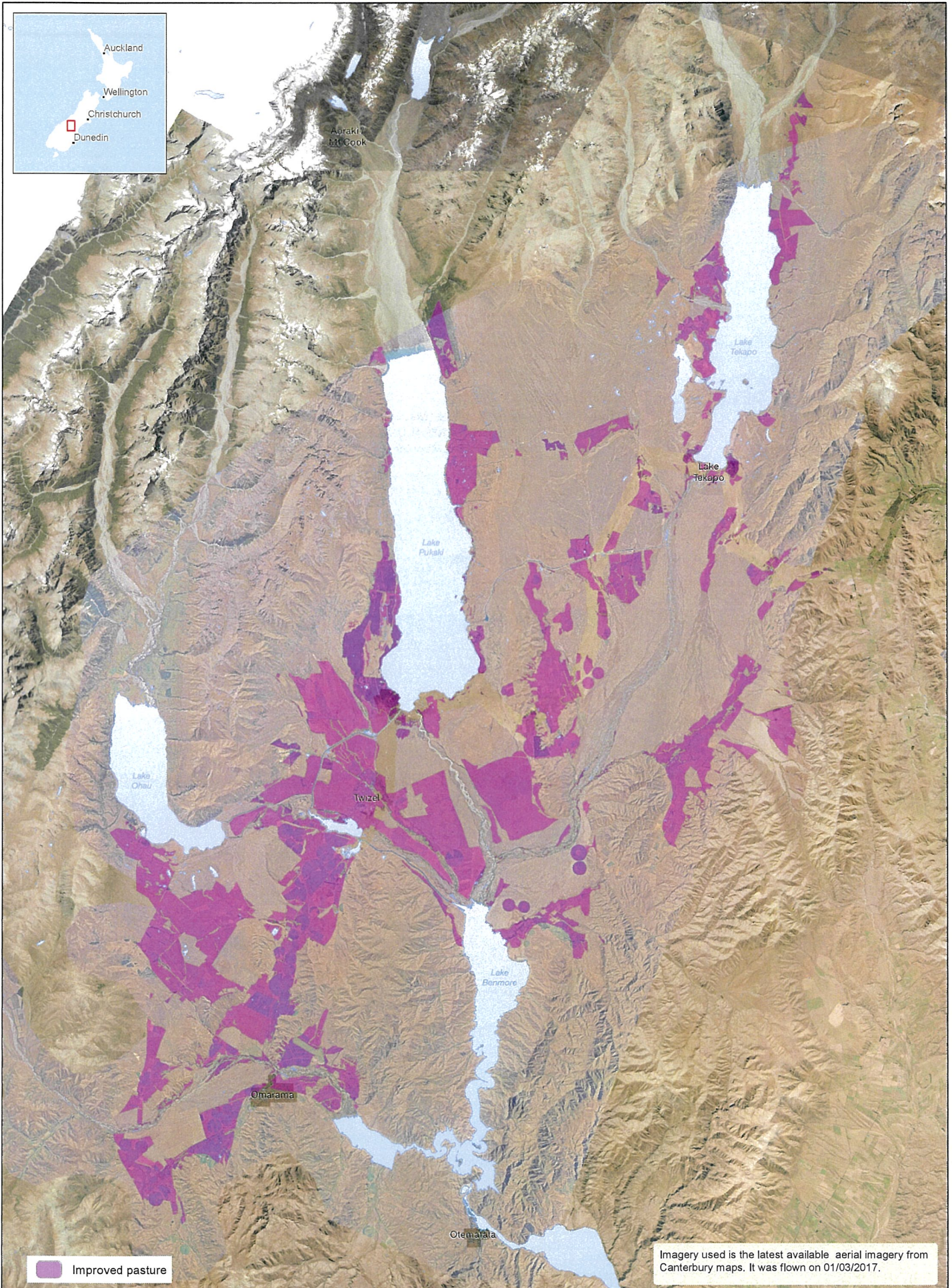
PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		effects on indigenous biodiversity values, and as such should be treated the same as motorised activities. The D-G seeks for these activities to be included as prohibited activities.	
PC19: Section 7 – Rural Zone Rules Clause <u>7A.4</u>	<u>7A.4 Activities on or within the Opihi and Opuha Rivers</u>	Support in Part – Amend The D-G supports the additional protection proposed for the Opihi and Opuha Rivers. However, the D-G considers that this level of protection should extend to the Godley, Tasman, Cass and Dobson rivers as they require additional protection of their values. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers could lead to adverse effects on these species.	<i>Amend 7A.4 as follows:</i> <u>7A.4 Activities on or within the Godley, Tasman, Cass and Dobson Opihi and Opuha Rivers</u>
PC19: Section 7 – Rural Zone Rules Clause <u>7A.4.1</u>	<u>7A.4.1 Permitted Activities on or within the Opihi and Opuha Rivers</u>	Support in Part – Amend The D-G supports the additional protection proposed for the Opihi and Opuha Rivers. However, the D-G considers that this level of protection should extend to the Godley, Tasman, Cass and Dobson rivers as they require additional protection of their values. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers through certain activities could lead to adverse effects on these species.	<i>Amend 7A.4.1 as follows:</i> <u>7A.4.1 Permitted Activities on or within the Godley, Tasman, Cass and Dobson Opihi and Opuha Rivers</u>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>The D-G supports proposed Rule 7A.4.1.a which allows for monitoring, research and safety activities and the ability for non-motorised craft to be permitted activities on the rivers covered by this rule (noting the D-Gs proposed amendments).</p>	
<p>PC19: Section 7 – Rural Zone Rules Clause <u>7A.4.2</u></p>	<p><u>7A.4.2 Discretionary Activities on or within the Opihi and Opuha Rivers</u> <u>7A.4.2.a Jetties and boat ramps</u> <u>7A.4.2.b Commercial non-motorised activities</u></p>	<p>Support in Part – Amend The D-G supports the additional protection proposed for the Opihi and Opuha Rivers. However, the D-G considers that this level of protection should extend to the Godley, Tasman, Cass and Dobson rivers as they require additional protection of their values. This is because these rivers are home to significant indigenous biodiversity and the use of these rivers by any craft or the erection of structures on could lead to adverse effects on these species.</p>	<p><i>Amend 7A.4.2 as follows:</i> <u>7A.4.1 Discretionary Activities on or within the Godley, Tasman, Cass and Dobson Opihi and Opuha Rivers</u></p>
<p>PC19: Section 7 – Rural Zone Rules Clause <u>7A.4.3</u></p>	<p><u>7A.4.3 Non –complying Activities on or within the Opihi and Opuha Rivers</u> <u>7A.4.3.a Commercial motorised activities</u> <u>7A.4.3.b Non-commercial motorised activities</u> <u>7A.4.3.c Craft on the surface of waterways used for accommodation</u></p>	<p>Support in Part – Amend The D-G supports the additional protection proposed for the Opihi and Opuha Rivers. However, the D-G considers that this level of protection should extend to the Godley, Tasman, Cass and Dobson rivers as they require additional protection of their values. This is because these rivers are home to significant indigenous biodiversity and the use</p>	

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		of these rivers by any motorised craft could lead to adverse effects on these species.	
PC19: Section 7 – Rural Zone Rules Clause <u>7A – all rules</u>	<u>(all proposed rules in 7A)</u>	Opposed in Part – Amend The D-G is concerned, in particular regarding waterbody margins and braided river beds, of the adverse effects of vehicles and craft.	

ATTACHMENT 2:

**PROPOSED PLAN CHANGE 18 and 19– Mackenzie District Plan
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION
Improved Pasture Mapping**



5 km

NZGD 2000 New Zealand Transverse Mercator
 Not for publication nor navigation
 Crown Copyright Reserved
 1:300,000
 Produced: 6/03/2018
 DOC, Geospatial Services
 Canterbury Maps
 R131695_Cultivated_Land_Mackenzie_Basin_Pasture.mxd
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Improved Pasture in Mackenzie Basin



Department of Conservation
 Te Papa Atawhai
 New Zealand Government

FORM 5
SUBMISSION ON PROPOSED DISTRICT PLAN
Clause 6 of Schedule 1, Resource Management Act 1991

To: **Mackenzie District Council**

Submitter Details:

Name of submitter: **Blue Lake Investments NZ limited**

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QUEENSTOWN

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Phone: +64 3 441 4189

Email: carey@vivianespie.co.nz

1. This is a submission on Plan Change 18 on the Mackenzie District Plan.

2. Trade Competition

The submitter could not gain an advantage in trade competition through this submission.

3. Omitted

4. The submission addresses the following points and provisions within Plan Change 18 of the District Plan:

Provisions in Plan Change 18 (**PC18**) as it relates to definitions, objectives and policies, rules and framework.

5. Our submission is:

(a) We own Guide Hill Station, located along the eastern shoreline of Lake Pukaki.

(b) We support the intent of **PC18** as they relate to proposed definitions, objectives and policies, rules and framework.

- (c) However, we submit that the **PC18** rules should give greater weight to the voluntary formulation of Farm Biodiversity Plans (**FBP**), particularly with respect to integrating development with the sustainable management and long-term protection of indigenous vegetation values (i.e. Policy 8 and 9).
- (d) We submit that the approval of voluntary **FBPs**, as a protection method, should be enabled without necessarily having to clear indigenous vegetation. In other words, the approval of a **FBP** should be seen as a positive long-term management tool in itself, not just a reactive process that a landowner has to go through should they wish to apply for resource consent to clear indigenous vegetation.
- (e) We submit that the approval of voluntary **FBPs** should not necessarily need to be a resource consent. The Council could instead simply certify a **FBP** that meets the criteria in Appendix Y, to which the indigenous rules could then apply. A similar certification process exists for Ground Level in the Queenstown-Lakes District Plan to aid the implementation of rules.

6. We seek the following decision from the local authority:

- (1) Adopt in intent of **PC18**; and
- (2) Amend any relevant objectives, policies, rules and definitions to give effect to this submission; and
- (3) Any consequential amendments as may be necessary.

7. We wish to be heard in support of our submission.

8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Signature of submitter
(or person authorised to sign
on behalf of submitter)

