Form 5: Submission on notified proposal for policy statement or plan, change or variation

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

To: Mackenzie District Council (**the Council**)

Name of submitter: Director-General of Conservation (the **Director-General**)

1. This is a submission on **Proposed Plan Change 28 (Hazards and Risks, Historic Heritage and Notable Trees)** to the Mackenzie District Plan.

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

3. The specific provisions of the proposal that my submission relates to, and the detailed decisions sought, are set out in **Attachment 1** to this submission.

4. I **seek** the following decision from the Council:

    a. That the particular provisions of Proposed Plan Change 28 that I support, as identified in Attachment 1, are retained;

    b. That the amendments, additions and deletions to Proposed Plan Change 28 sought in Attachment 1 are made; and

    c. Further or alternative relief to like effect to that sought in 4. a. and 4. b. above.

5. The decisions sought in this submission are required to ensure that the Mackenzie District Plan:

    a. Gives effect to the relevant national direction;

    b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act;

    c. Promotes the sustainable management of natural and physical resources; and

    d. The changes sought are necessary, appropriate and sound resource management practice.

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

Di Finn

Manager Operations

Te Manahuna/Twizel

Department of Conservation

Acting pursuant to delegated authority on behalf of the Director-General of Conservation

Date: 21 January 2025

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

Address for service:

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ATTACHMENT 1:

PROPOSED PLAN CHANGE 28 TO THE MACKENZIE DISTRICT PLAN
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

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

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from the Proposed Plan Change is shown in *Italics*. The wording of relief sought shows new text as <u>underlined</u> and original text to be deleted as ~~*strikethrough*~~.

Unless specified in each submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Entire Plan Change	Support in part	I support the overall approach of providing for Hazards and Risks, Historic Heritage and Notable Trees as giving effect to the relevant higher order documents. For the avoidance of doubt, provisions which are not specifically addressed below are supported for the reasons given in the s32 Report.	Retain as notified, except where specific changes are requested below.
Hazardous Substances:			
Hazardous Substances – entire chapter	Support in part	These provisions generally provide an appropriate framework for management of hazardous substances within the District.	Retain as notified, except where specific changes are requested below

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
HAZS-P2 Management of Major Hazard Facilities	Support in part	The chapeau of this policy only refers to the location of major hazard facilities, whereas clause 2 also addresses layout and design.	Amend as follows, or words to like effect: "Require major hazard facilities to be appropriately located and designed so as to: 1.Mitigate…"
Natural Hazards:			
Natural Hazards – entire chapter, and associated changes to definitions and planning maps	Support in part	These provisions generally provide an appropriate framework for management of natural hazards within the District.	Retain as notified, except where specific changes are requested below
Introduction	Support in part	Natural hazards can also affect the natural environment, which is a relevant matter to be managed in the District Plan.	Amend the second sentence as follows, or words to like effect: "…Natural hazard events can lead to a loss of human life and result in damage to property, ~~and~~ infrastructure and the wider environment…"
NH-P3 Risk Based Approach	Support in part	Natural hazards can also affect the natural environment, which is a relevant matter to be managed in the District Plan	Amend as follows, or words to like effect: "…and the consequences of that event, for people and communities, property, ~~and~~ infrastructure and the wider environment"
NH-P4 Flood hazards	Support in part	Although this policy would avoid increasing flood risk on another site, given the definition of 'site' this would not be effective for land which is in very large titles or does not have a title (eg public conservation land, rivers, and road reserves).	Amend as follows, or words to like effect: "Within the Flood Hazard Assessment Overlay Area (except High Flood Hazard Areas), enable: 1. new non critical infrastructure, or the operation, maintenance, repair, replacement, upgrading of non critical infrastructure where the infrastructure does not increase flood risk on another ~~site~~ location; and 2. the operation, maintenance, repair, replacement, upgrading of critical infrastructure where the infrastructure does not increase flood risk on another ~~site~~ location; and…"
NH-P6 Natural Hazard Mitigation Works	Support in part	This policy appropriately recognises the need to minimise physical works and engineering interventions. However, it would be helpful to distinguish that this applies to 'hard' engineering, as 'soft' engineering solutions can be preferable (eg opening floodplains, riparian planting, use of wetlands).	Amend Clause 1 as follows, or words to like effect: "1. approaches to risk management that reduce the need for physical works and hard engineering interventions;"

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
NH-P10 Wildfire	Oppose in part	This policy fails to recognise the role of wilding conifers in wildfire risk. Although rules relating to wilding conifers are located in other chapters of the Plan, it would be useful to have policy here to address this matter.	Insert a new policy, or words to like effect: "Reduce the contribution of wilding conifers to wildfire risk by avoiding the further planting of wilding conifer species; and promoting land use activities that contain or eradicate wilding conifers in Te Manahuna / the Mackenzie District where adverse effects of those activities can be appropriately managed."
Historic Heritage:			
Historic Heritage – entire chapter, and associated changes to definitions and planning maps	Support	These provisions provide an appropriate framework for management of historic heritage within the District, including provision for both continued use and adaptive re-use.	Retain as notified, except where specific changes are requested below
HH-SCHED-1 Historic Heritage Assessment Criteria	Oppose in part	While it is useful to have specified criteria for assessing historic heritage, it appears that this schedule effectively carries over the approach from the Operative Plan. It is unclear why there is no reference to more recent criteria, such as the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines (Rebecca O'Brien with Joanna Barnes-Wylie, 2019).	Review this Schedule for consistency with HNZPT guidelines.