



Mackenzie District Plan

RURAL RULES (MACKENZIE BASIN SUBZONE)

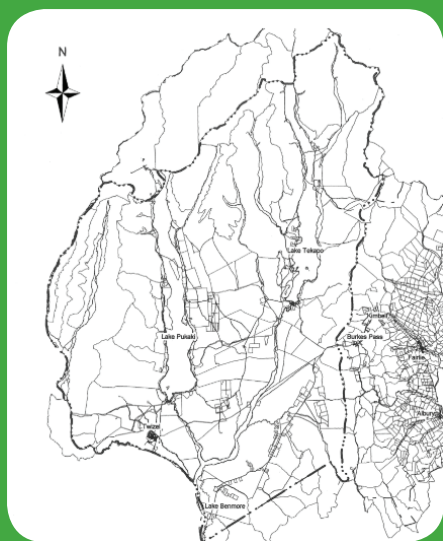
The Operative Mackenzie District Plan 2004 is the primary instrument through which the Mackenzie District Council carries out its functions under the Resource Management Act 1991.

Disclaimer: This factsheet summarises provisions that are common activities within the Mackenzie Basin. For a full list of provisions refer to the operative Mackenzie District Plan.

BACKGROUND

The Operative Mackenzie District Plan 2004 (the Plan) controls land use in the part of the Mackenzie Basin covered by Mackenzie District Council.

Significant changes have been made to objectives, policies and rules for the Mackenzie Subzone as result of Plan Change 13. The Plan Change 13 process started in 2007 and focused on landscape within the Mackenzie Basin subzone. It resulted in a number of Environment and High Court hearings and decisions. The last decision was released in December 2018.



This part of the Basin is identified as the “Mackenzie Basin Subzone” in the operative District Plan (see figure). The relevant objectives, policies and rules are contained in the Rural Chapter (Chapter 7) of the Plan.

Stage 1 of the District Plan Review has begun (incorporating plan changes 18 and 19). These plan changes focus on indigenous biodiversity and activities on and within waterbodies. They are at various stages of review.

Plan Change 13 resulted in the Mackenzie Basin subzone being identified as an outstanding natural landscape, because of

- the openness and vastness of the landscape
- the tussock grasslands
- the lack of houses and other structures
- residential development limited to small areas in clusters
- the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin
- the undeveloped lakesides and State Highway 8 roadside.

Plan Change 18 inserted a new objective for safeguarding biodiversity and ecosystem functioning by protecting and enhancing significant indigenous vegetation, and habitats and riparian margins, along with a new Chapter 19 (Indigenous Biodiversity). Some Plan Change 18 provisions have immediate effect and need to be considered for any vegetation clearance or pastoral intensification. The plan change still needs to go through hearings and subsequent plan processes, and is unlikely to be progressed until the release of the National Policy Statement for Biodiversity.

Plan Change 19 has also been notified and addresses activities on and within waterbodies in the Mackenzie District. This plan change addresses commercial and non-commercial use of these waterbodies. The plan change introduces new provisions that reflect the natural, ecological and amenity values associated with each waterbody. The provisions in Plan Change 19 in relation to the use of motorised craft (commercial and non-commercial) on Lakes Pukaki, Alexandrina and McGregor, and craft used for accommodation on Lake Pukaki, have immediate legal effect. The plan change hearing decision is due shortly.

Key Provisions

The Plan contains rules and standards which control key changes in land use in the Mackenzie Basin. Each rule will require a certain number of standards to be met. These standards can include design specifications, noise limits and setbacks. For an activity to be permitted, it will need to meet all the standards listed in the rural rules chapter. The Plan also controls activities, including:

BUILDINGS



EARTHWORKS AND TRACKING



TREE PLANTING



OUTDOOR RECREATIONAL ACTIVITIES



VEGETATION CLEARANCE.



Various definitions in the Mackenzie District Plan determine what is considered under specific activities, such as the following:

- Pastoral Intensification – defined as “subdivisional fencing and/or topdressing and oversowing”.
- Agricultural Conversion – defined as “direct drilling or cultivation (by ploughing, discing or otherwise) or irrigation”.
- Clearance of Indigenous Vegetation – partly defined as “species indigenous to that part of New Zealand in terms of coverage, structure and/or species diversity...”
- Improved pasture – this definition is currently being reviewed under Plan Change 18. Please see this plan change for the proposed definition.

The Plan uses a range of different planning tools to protect and enhance the outstanding natural values of the Mackenzie Basin. Different objectives, policies and rules apply depending on if they fall within a particular area or site. Some areas and sites are outlined below:

Lakeside Protection Areas	Areas which reflects the visual sensitivity of the landscapes around the major lakes in the District.	Shown on the Planning Maps
Scenic Viewing Areas	Areas identified as significant because of the landscapes, the views obtained from these areas, and because of the high degree to which these areas are visited for the purpose of experiencing the Mackenzie Basin and high-country landscapes.	Shown on the Planning Maps
Scenic Grasslands	Values as for Scenic Viewing Areas, but as well as being associated with iconic high-country vistas, Scenic Grasslands have numerous other values including their contribution to indigenous biodiversity, water production potential, pollination, recreation and tourism.	Shown on the Planning Maps, and Appendix J of the Plan
Farm Base Areas	Areas of farming activity and buildings that are generally already modified, so that natural and landscape character can accommodate change without adversely impacting on the outstanding natural landscape of the Mackenzie Basin.	Shown on the Planning Maps and Appendix R of the Plan.
Visual Vulnerability Areas (High, Medium or Low)	Visual Vulnerability is a measure of the capacity of the landscape to absorb development. When development is planned, the Visual Vulnerability maps are used to indicate whether the proposed site has high, medium or low ability to absorb development.	Shown in Appendix V of the Plan.
Sites of Natural Significance	Sites of significant indigenous vegetation or habitat. The criteria for deciding what is significant are listed in the Plan.	Shown on the Planning Maps and Appendix I of the Plan
High Altitude Area	Any land that is 900 m above mean sea level.	Shown on a topographic map





PASTORAL INTENSIFICATION, AGRICULTURAL CONVERSION AND IRRIGATORS

Activity	Resource Consent Needed?	Comments/ Key Standards	Rule Number in the Plan
Irrigators in the Mackenzie Basin Subzone	Permitted Consent required if standards not met	No irrigators are allowed in Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance or Lakeside Protection Areas as a permitted activity. Outside of these areas they must meet the setback requirements to roads	Rule 15.1.1.a
Pastoral Intensification outside the Mackenzie Basin Sub-zone	Permitted Consent required if standards not met	Must not exceed 5% of a Site of Natural Significance. This rule does not apply to pastoral intensification in a Geopreservation Site	Rule 15A.1.1 Rule 15A.4.1
Pastoral Intensification and/or Agricultural Conversion within the Mackenzie Basin Subzone	Permitted Consent required if standards not met	Must be within a defined Farm Base Area and set back at least 20m from the bank of a river or 50m from a wetland	Rule 15A.1.2
Pastoral Intensification and/or Agricultural Conversion in the Mackenzie Basin Subzone to which a water permit applies	Consent required	The water permit must still be active and granted prior to 14 November 2015, and the pastoral intensification and/or agricultural conversion must not occur within Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas	Rule 15A.2.1 Standard 15A.2.1.a
Subdivisional fencing in High Visual Vulnerability Areas	Consent required		Rule 15A.3.2
Pastoral Intensification and/or Agricultural Conversion within protected areas in the Mackenzie Basin Subzone	Consent required	Applies when undertaken in Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas	15A.4.2

Activity	Status	Comments/ Key Standards	Reference
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BUILDINGS WITHIN THE MACKENZIE BASIN SUBZONE

Any farm building within a defined Farm Base Area	Permitted Consent required if standards not met	Applicable standards must be met including building height, setbacks, reflectivity and riparian areas and the building must not be erected in a Site of Natural Significance, Scenic Viewing Area, Scenic Grassland, or a High Altitude Area.	Rule 3.1.2 Standards 3.1.2.a – g
Small farm buildings outside a defined Farm Base Area	Permitted Consent required if standards not met	This rule applies within Low or Medium Visual Vulnerability Areas. Applicable standards must be met including building height, setbacks, reflectivity and riparian areas, and the building must not be erected in a Site of Natural Significance, Scenic Viewing Area, Scenic Grassland, or a High Altitude Area (other than mustering huts less than 50m ² in floor area). The farm buildings must be located within 50m of an existing building or more than 1km from an existing building, other than an existing building in a Farm Base Area.	Rule 3.1.3 Standards 3.1.3.a-g
Large farm buildings outside defined Farm Base Areas within a Low Visual Vulnerability Area	Consent required	Rule applies within Low Visual Vulnerability Areas. Applicable standards must be met including building height, setbacks, reflectivity and riparian areas.	Rule 3.2.2
Non-farm buildings or extensions to non-farm buildings within defined Farm Base Areas	Consent required	Applicable standards must be met including building height, setbacks, reflectivity, floor area and riparian areas and the building must not be erected in a Site of Natural Significance, Scenic Viewing Area, Scenic Grassland, or a High Altitude Area.	Rule 3.2.3
Non-farm buildings outside defined Farm Base Areas	Consent required	Rule applies within Low and Medium Visual Vulnerability Areas. Applicable standards must be met including building height, setbacks, reflectivity and riparian areas and the building must not be erected in a Lakeside Protection Area.	Rule 3.3.3
Large farm buildings outside defined Farm Base Areas within a High Visual Vulnerability Area	Consent required	Applicable standards must be met including building height, setbacks, reflectivity and riparian areas and the building must not be erected in a Lakeside Protection Area, Site of Natural Significance, Scenic Viewing Area, Scenic Grassland and High Altitude Area. The farm buildings must be located within 50m of an existing building or more than 1km from an existing building, other than an existing building in a Farm Base Area.	Rule 3.3.7
All farm and non-farm buildings in specific areas	Consent required	Applies within Sites of Natural Significance, Scenic Grasslands, Lakeside Protection Areas and High Altitude Areas, other than mustering huts less than 50m ² in area.	Rule 3.4.4

Activity	Status	Comments/ Key Standards	Reference
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EARTHWORKS

Earthworks or tracking involving excavation and/or fill 300m ³ or less, or bare exposed soil 1000m ² or less.	Permitted Consent required if standard not met	<p>Can be undertaken as a permitted activity, so long as:</p> <ul style="list-style-type: none"> • Not located on slopes with an angle greater than 25 degrees (other than for track maintenance or appropriate Regional Council consent applies) • Not located within Scenic Viewing Areas or Scenic Grasslands (other than for track maintenance) • Meets all other standards below (4.1.1.a – 4.1.1.e) 	Rule 4.1.1 Standards 4.1.1.a-
Earthworks in Sites of Natural Significance	Permitted Consent required if conditions not met	<p>Earthworks cannot exceed 20m³ (volume) or 50m² (area) in a five year period</p> <ul style="list-style-type: none"> • In Sites of Significance Standard 4.1.1.a does not apply if provided for under specific sections of the Reserves or Conservation Acts). • In Geopreservation Sites or High Altitude Areas • Standard 4.1.1.d does not apply if for track maintenance. 	Standard 4.1.1.a Standard 4.1.1.d
Earthworks in a lake, river or wetland	Permitted Consent required if conditions not met	<p>Earthworks in a lake, river or wetland or within 20m of the main stem of specific rivers in the Rural Zone, 10m of any other river, 75m of specific lakes in the Rural Zone, 50m of any other lake or wetland cannot exceed 20m³ (volume) or 50m² (area) in a five year period.</p> <p>This standard doesn't apply if provided for under specific sections of the Reserves or Conservation Acts or for track maintenance or for earthworks and tracking between 10 and 20m of the main stem of specific rivers when indigenous vegetation is not present.</p>	Standard 4.1.1.c Schedule B
Earthworks (both excavation and fill) greater than 300m ³ and less than 1000m ³ per site or bare exposed greater than 1000m ² and less than 2500m ² per site	Consent required	<p>This rule does not apply if earthworks are part of a subdivision, farming building (except for access), a building resource consent or building consent, for routine repair and maintenance of operational tracks, roads and drains, levelling of fence lines or for utility services.</p> <p>This rule does not apply in Geopreservation Sites, Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands; High Altitude Areas or land with a slope greater than 25°, as well as areas within 10m of a river, 50m of a wetland or lake and 20m of specific rivers in the Rural Zone.</p>	Rule 4.2.1
Any other Earthworks	Consent required		Rule 4.3.1

In all instances regarding Forestry Activities, first refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES PF). If an aspect of your forestry activity is not covered by the NES PF then the Mackenzie District Plan rules and standards may apply.



TREE PLANTING

Please contact the Mackenzie District Council about your proposal.

Activity	Status	Comments/ Key Standards	Reference
Amenity Tree Planting	Permitted Consent required if standards not met	<p>For permitted tree planting and forestry all applicable standards need to be met including; setback from neighbours, shading of roads, wilding tree management and riparian margins; and are not planted within Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance (other than restorative plantings), High Altitude Areas or wetlands.</p> <p>For forestry in close proximity to farm buildings, a 300m setback to formed roads must be maintained and area of forestry is determined by date farm buildings were erected.</p> <p>For shelterbelts within the Mackenzie Basin, to be permitted they must be setback 300m from roads or planted at 90 degrees to formed road, and if placed at this angle at least 1km apart.</p>	Rules 6.1.1-6.1.4, 6.1.6 and 6.1.7 Standards 6.1.8.a-h Rule 6.3.4
Erosion Control Planting			
Shelterbelts outside the Mackenzie Basin			
Shelter belts within the Mackenzie Basin			
Forestry in close proximity to farm buildings or the farming activity			
Forestry outside the Mackenzie Basin	Consent required	<p>In areas of unimproved tussock grassland or improved tussock grassland with predominantly indigenous vegetation or shrubland, consent is required for planting of up to 50 hectares or 10% of the certificate of title; and where the planting is in close proximity to farm buildings or the farming activity and meets setbacks to roads and neighbours.</p> <p>Outside of areas of unimproved tussock grassland or improved tussock grassland with predominantly indigenous vegetation or shrubland, consent is required although there is no limit on area planted as long as setbacks to neighbours are maintained.</p> <p>The relevant standards need to be met, including shading of roads, wilding tree management and riparian areas; and are not planted within Sites of Natural Significance (other than restorative plantings), Scenic Viewing Areas, High Altitude Areas and wetlands.</p>	Rule 6.2.1 Rule 6.2.2 Standards 6.2.1.a-g Rule 6.3.3
Forestry within the Mackenzie Basin	Consent required		Rule 6.3.1
Forestry near a lake, river or wetland	Consent required	Where the planting is within 100m of a lake, 20m of a bank of a river or 50m of a wetland	Rule 6.3.2
Tree planting in Scenic Viewing Areas, Scenic Grasslands, High Altitude Areas, Sites of Natural Significance or wetlands	Consent required	This rule does not apply to restorative planting within Sites of Natural Significance.	Rule 6.4.1 Rule 6.4.2 Rule 6.5.1 Rule 6.5.2

See Plan Change 19 – Activities on the surface of water for the proposed provisions being developed through the Mackenzie District Plan review.



OUTDOOR RECREATIONAL ACTIVITIES

Activity	Status	Comments/ Key Standards	Reference
Non-commercial outdoor recreation on land, air or water	Permitted Consent required if standards not met	To undertake the activity without consent, no motorised boating above the confluence of the Opihi and Opuha Rivers is allowed; and no craft on the surface of waterways shall be used for accommodation, other than overnight accommodation where all effluent is contained onboard (excluding for Lakes Alexandrina and McGregor)	Rule 7.1.1
Commercial outdoor recreation	Permitted Consent required if standards not met	Activity is predominantly non-motorised, takes up to 20 people per group and up to 3 groups per day	Rule 7.1.2
Group or individual visits to experience farming or rural activities	Permitted		Rule 7.1.3
Commercial outdoor recreation	Consent required	Where the activity is either: <ul style="list-style-type: none"> • predominantly non-motorised, takes more than 20 people per group and more than 3 groups per day • predominantly motorised, takes up to 20 people per group and up to 3 groups per day • predominantly motorised, takes more than 20 people per group and more than 3 groups per day 	Rule 7.2.1 Rule 7.2.2 Rule 7.3.1
Jetties and boat ramps	Consent required		Rule 7.3.2
Craft on the surface of waterways used for accommodation	Consent required	Consent is required where the effluent is not contained on board the craft or where craft are used for accommodation (including overnight) on Lakes Alexandrina and McGregor	Rule 7.4.1
Craft on the surface of Lakes Alexandrina and McGregor used for accommodation	Consent required		Rule 7.4.2

The following rules are from Plan Change 18 to the Mackenzie District Plan and are currently in effect.



VEGETATION CLEARANCE

Activity	Status	Comments/ Key Standards	Reference
Clearance of indigenous vegetation that meets the required standards	Permitted	<p>The clearance is for the purpose of maintenance or repair of existing fencelines, vehicle tracks, roads, firebreaks, drains, stockyards, farm buildings, water troughs or airstrips and complies with the Regional Pest Management Strategy.</p> <p>The clearance is of indigenous vegetation:</p> <ul style="list-style-type: none"> • which has been planted and managed specifically for harvesting and subsequent replanting of plantation forest within 5 years of harvest. • indigenous understory to plantation forestry, and is incidental to permitted or otherwise authorised forest clearance. • planted and/or managed as part of a domestic garden or for a shelterbelt. • within an area of improved pasture. <p>The clearance is not within a Site of Natural Significance, a High Altitude Area and not within the specified distances to waterbodies and wetlands.</p>	Rule 19.1.1.1
Clearance of indigenous vegetation other than a permitted activity	Consent required	The clearance is not within a Site of Natural Significance or High Altitude Area, and the farm enterprise has a Farm Biodiversity Plan, and not within the specified distances to waterbodies and wetlands.	Rule 19.1.2.1
Clearance of indigenous vegetation up to 5000m ² in any 5 year period per site	Consent required	The clearance is not within a Site of Natural Significance or High Altitude Area and not within the specified distances to waterbodies and wetlands.	Rule 19.1.2.2
Indigenous vegetation clearance of more than 5000m ² in any 5 year period per site	Consent required		Rule 19.1.3.1
Any indigenous vegetation clearance within specified areas	Consent required	This rule applies to vegetation clearance with a Site of Natural Significance, High Altitude Area and within specified distances to waterbodies and wetlands.	Rule 19.1.3.2