



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.



Figure 1 Mackenzie Basin Subzone

BACKGROUND

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

This part of the Basin is identified as the “Mackenzie Basin Subzone” in the operative District Plan, (see Figure 1 below). The relevant objectives and policies and rules are contained in the Rural Chapter (Chapter 7) and in the Ecosystems and Indigenous Biodiversity Chapter (Chapter 19) of the Plan.

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.

Stage 1 of the District Plan Review has begun (incorporating plan changes 18 and 19). Plan change 18 focuses on indigenous biodiversity and plan change 19 on activities on and within waterbodies. These changes now form part of the operative District Plan but plan change 18 is still open to appeal.

Significant changes were made to objectives, policies and rules for the Mackenzie Subzone during the Plan Change 13 process from 2007-2018.

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 (Ecosystems and Indigenous Biodiversity). Plan Change 18 provisions need to be considered for any vegetation clearance or pastoral intensification. The plan change included protection for a greater area of land classed as Sites of Natural Significance, including moraines and alluvial outwash gravels. This plan change is still open to appeal.

A decision on Plan Change 19, which addresses activities on and within waterbodies in the Mackenzie District, was made in May 2019. 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.

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



OUTDOOR RECREATIONAL ACTIVITIES



EARTHWORKS AND TRACKING



VEGETATION CLEARANCE.



TREE PLANTING

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”.

Indigenous Vegetation – partly defined as “a community of vascular plants, mosses and/or lichens that includes species native to the ecological district...”

Improved pasture – defined as “an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.”

Vegetation clearance – defined as “the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, burning, irrigation, artificial drainage, and mob stocking. It includes oversowing, topdressing or overplanting on land that is not improved pasture.”

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 reflect 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, or in some circumstances include areas meeting Canterbury Regional Policy Statement criteria, or on the map included in PC18
High Altitude Area	Any land that is 900 m above mean sea level.	Shown on a topographic map





PASTORAL INTENSIFICATION, AGRICULTURAL CONVERSION AND IRRIGATORS

Pastoral Intensification and Agricultural Conversion also need to meet the applicable standards for 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 Irrigation is included in the definition of vegetation clearance under PC18	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 identified on a planning map. 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



BUILDINGS WITHIN THE MACKENZIE BASIN SUBZONE

Activity	Status	Comments/ Key Standards	Reference
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



EARTHWORKS

Activity	Status	Comments/ Key Standards	Reference
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	Can be undertaken as a permitted activity, so long as: <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	Earthworks cannot exceed 20m ³ (volume) or 50m ² (area) in a five year period 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	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 20m ³ (volume) or 50m ² (area) in a five year period. 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.	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	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. 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.	Rule 4.2.1
Any other Earthworks	Consent required		Rule 4.3.1



TREE PLANTING

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. Please contact the Mackenzie District Council about your proposal.

Activity	Status	Comments/ Key Standards	Reference
Amenity Tree Planting			
Erosion Control Planting			
Shelterbelts outside the Mackenzie Basin	Permitted	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.	Rules 6.1.1-6.1.4, 6.1.6 and 6.1.7
Shelter belts within the Mackenzie Basin	Consent required if standards not met	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.	Standards 6.1.8.a-h
Forestry in close proximity to farm buildings or the farming activity		For shelterbelts within the Mackenzie Basin, to be permitted they must be set back 300m from roads or planted at 90 degrees to formed road, and if placed at this angle at least 1km apart.	Rule 6.3.4
Forestry outside the Mackenzie Basin	Consent required	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. 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. 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.	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



OUTDOOR RECREATIONAL ACTIVITIES

See the Plan Change 19 Decision for the provisions relating to Activities on Waterbodies which are to be incorporated into Section 7 of the Operative Mackenzie District Plan 2004.

Activity	Status	Comments/ Key Standards	Reference
Non-commercial outdoor recreation on land or in the air	Permitted		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: 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

Activities on:		Activity is predominantly non-commercial motorised and non-motorised, or related to search and rescue, defence, maritime enforcement, civil emergency, scientific research and monitoring, or pest control, or to the Waitaki Power Scheme and the Opuha Dam Scheme.	Rule 7A.1.1
Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the	Permitted		Rule 7A.1.2
Opihi and Opuha Rivers	Consent required if standards not met and certain activities are prohibited.	The following activities are Prohibited	Rule 7A.1.3
Lake Pukaki		Lake Pukaki (Rule 7A.2.3):	Rule 7A.2.1
Lakes Alexandrina and McGregor		Commercial motorised activities.	Rule 7A.2.2
		Non-commercial motorised activities within 3km of Peters Lookout or 5km of the Lake Pukaki Visitor Centre at the south end of the Lake.	Rule 7A.3.1
		Craft on the surface of waterways used for accommodation.	Rule 7A.3.2
		Lake Alexandrina and McGregor (Rule 7A.3.4):	Rule 7A.3.3
		Commercial motorised activities and non-commercial motorised activities.	

Jetties and boat ramps	Consent required		Rule 7A.1.2.b
			Rule 7A.2.2.b
			Rule 7A.3.3.a

Craft on the surface of waterways used for accommodation	Consent required	Consent is required where the effluent is not contained onboard the craft or where craft are used for accommodation (including overnight) on Lakes Tekapo, Benmore and Ruataniwha and all rivers in the Mackenzie Basin Subzone.	Rule 7A.1.3.a
			Rule 7A.3.3.b

Craft on the surface of Lakes Alexandrina and McGregor	Consent required		Rule 7A.3.3.b
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VEGETATION CLEARANCE

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

Activity	Status	Comments/ Key Standards	Reference
Clearance of indigenous vegetation that meets the required standards	Permitted	<p>The clearance is within 2 m of, and for the purpose of maintenance or repair of existing fencelines, vehicle tracks, roads, stock tracks, stock crossings, firebreaks, drains, ponds, dams, stockyards, farm buildings, water troughs and associated reticulation piping or airstrips or the operation, maintenance, repair or upgrade of network utilities.</p> <p>The clearance is of indigenous vegetation:</p> <p>which has been planted and managed specifically for harvesting and subsequent replanting of plantation forest within 5 years of harvest.</p> <p>indigenous understory to plantation forestry, and is incidental to permitted or otherwise authorized forest clearance.</p> <p>planted and/or managed as part of a domestic garden or for amenity purposes, or for a shelterbelt.</p> <p>within an area of improved pasture.</p> <p>By, or on behalf of, a local authority for erosion and flood control.</p> <p>The clearance is not within an area of significant indigenous vegetation or significant habitat of indigenous fauna, a High Altitude Area and not within the specified distances to waterbodies and wetlands, except that clearance carried out on or behalf of a local authority for erosion and flood control can take place within those distances.</p>	<p>Rule 19.1.1.1</p> <p>Rule 16.1.1.(j)</p>
Clearance of indigenous vegetation up to 5000m ² in any 5 year period per site or per 100 ha	Consent required	<p>The clearance is not within an area of significant indigenous vegetation or significant habitat of indigenous fauna or High Altitude Area and not within the specified distances to waterbodies and wetlands.</p> <p>A Farm Biodiversity Plan is in place.</p>	<p>Rule 19.1.2.2</p>

Clearance of indigenous vegetation within the specified distances to waterbodies and wetlands

Consent required

Clearance is to exclude stock from the waterbody or wetland.

Rule 19.3.2.3

Indigenous vegetation clearance of more than 5000m² in any 5 year period per site or if no Farm Biodiversity Plan is in place

Consent required

Rule 19.1.3.1

Any indigenous vegetation clearance within specified areas

Consent required

This rule applies to vegetation clearance within an area of significant indigenous vegetation or significant habitat of indigenous fauna, High Altitude Area and within specified distances to waterbodies and wetlands.

Rule 19.1.3.2