

Mackenzie District Council
Plan Change 13 (Mackenzie Basin) – Mackenzie District Plan
Resource Management Act 1991
Section 293 Package

Dated: 27 May 2016

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PART A: INTRODUCTION

- A.1 Plan Change 13 to the Mackenzie District Plan (PC13) was initiated by Mackenzie District Council in 2007. The primary purpose of this Plan Change was to provide greater protection of the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use. To achieve this, greater acknowledgement of the outstanding natural landscapes and features within the District is provided through objectives, policies and rules relating particularly to the Mackenzie Basin. For this purpose the Mackenzie Basin Subzone was created as a subzone of the main Rural Zone which applies throughout the District.
- A.2 The Plan Change was notified in December 2007. Hearings on submissions were held in September and November 2008 and May 2009 and the Commissioners appointed by the District Council issued their decision in September 2009. Ten appeals were lodged; the main issues raised were:
- the existence and extent of outstanding natural landscapes within the Mackenzie Basin Subzone;
 - the rural objectives regarding landscape;
 - the implementing policies;
 - hazard provisions;
 - implementing rules in section 7, especially regarding reflectivity and wilding trees;
 - land use practices and sustainability;
 - Farm Base Areas and their rules;
 - proposed rural residential and tourist resort zones.
- A.3 After hearing the appeals the Environment Court (the Court) issued an interim decision in December 2011. The only final decision made by the Court at that stage was that the Mackenzie Basin as a whole is an Outstanding Natural Landscape (excluding the townships of Twizel and Tekapo). This decision was followed by eight further procedural decisions between December 2011 and December 2014 considering and directing upon various issues within the Plan Change. The Ninth Decision¹, issued in December 2014, also responded to the decision by the High Court² on matters of law concerning PC13.
- A.4 In considering and deciding on PC13, the Court has chosen to use its particular powers in sections 290 and 293 of the Resource Management Act 1991 (RMA). Under section 290 the Court has determined that the following changes are to be made to the PC13 and have effect. These changes, which are listed below are currently being incorporated into the online version of the Mackenzie District Plan:
- The establishment of an additional statement in Rural Issue 7;
 - The establishment of Rural Objective 3B(1) and (2) covering *Activities in the Mackenzie Basin's outstanding natural landscape*. This objective is the basis for the amended policies and rules in this S293 Package;
 - The establishment of Rural Objective 3A, Landscape Values, and its supporting policies. This Objective and its policies apply across the whole of the District and can be found in Schedule A and B of Attachment B of this Package; and
 - The establishment of a new Rural Residential Zone for Manuka Terrace and a new Pukaki Downs Tourist Zone; and

¹ [2014] NZEnvC 246.

² [2014] NZHC 2616.

- The establishment of an objective, policy and rules package for the Ohau River Rural-Residential Zone.
- A.5 In addition, consent documentation recording agreed policies and rules for the management of occupied buildings within identified hydro-electricity inundation areas were filed with the Court on 15 March 2016.
- A.6 The Court's Ninth Decision directs the Council, under section 293 of the RMA, to prepare changes to PC13 to address the various identified issues. After preparing the changes, the Council is directed to publicly notify and undertake consultation on the amended PC13 provisions.
- A.7 Council's proposed amendments to PC13 for the Mackenzie Basin Subzone, taking into account all directions and recommendations made by the Court and further assessments where that has become necessary, were publicly notified on 14 November 2015. Consultation of the package of amendments was undertaken between December 2015 and April 2016. Council's proposed amendments to PC13, updated to address matters raised in submissions and during consultation, are discussed in Part D and detailed in **Attachment A** of this section 293 Package.

PART B: SECTION 293 PROCESS

- B.1 The process for consultation, submissions and for involvement with the Environment Court process as set out by the Court in the Ninth Decision is detailed below. If you have any queries about the process it is recommended that you seek legal advice. For any general queries, contact Nathan Hole, Planning and Regulations Manager, Mackenzie District Council.
- (1) Council publicly notifies the Section 293 Package for proposed amendments to PC13.
 - (2) Any person who wishes to be consulted about the proposed amendments advises the Mackenzie District Council.
 - (3) Any person who wishes to be heard by the Environment Court on the proposed amendments may lodge a late request under section 274 of the RMA to become a party to the PC13 proceedings.
 - (4) Council consults with all persons who might be affected by the proposed amendments or who advised Council of their wish to be consulted.
 - (5) Council makes any changes it considers appropriate (within jurisdiction) to PC13 arising out of the consultation.
 - (6) Council submits the amendments to the Court for approval together with a list of the persons who wish to be heard by the Court.
- B.2 In accordance with the Court's directions, the Council prepared this section 293 Package and publicly notified it on 14 November 2015. It then consulted with people and organisations on the Package and/or whether they wished to become involved in consideration or hearing of these matters. In response, 30 written submissions were received. A number of these submissions were by people or organisations who were already parties to the PC13 proceedings. Other have indicated that they now wish to become a party to the proceedings.
- B.3 Council staff, consultants, legal advisers and Councillor Murray Cox then held a series of meetings with individual submitters and a joint session with landowners at Lake Tekapo. From these meetings a better understanding of the concerns about, and support for, the Package was gained. These meetings also appeared to provide submitters with a more in-depth understanding of the purpose of the various amendments proposed by Council. Following from these meetings a series of amendments have been made by the Council to the s293 Package.

- B.4 These amendments are discussed in detail in this report and the associated Section 32 Report, and are reflected as tracked changes to the amended PC13 included as **Attachment A**.

PART C: SECTION 293 REQUIREMENTS

- C.1 The Environment Court in the Ninth Decision directed the Council to prepare changes to PC13 as follows:³

- (a) *including any further subordinate objectives (if it wishes there to be any more) for the Mackenzie Basin to address the issue of non-residential development and buildings; but*
- (b) *excluding objectives 3A and 3B(1) and (2) which were settled under section 290 of the Act by the Eighth Decision; and*
- (c) *including its policies to address these matters:*
 - *recognition of the Mackenzie Basin’s distinctive characteristics*
 - *views from roads*
 - *enabling pastoral farming*
 - *farm buildings*
 - *landscape aspects of subdivision*
 - *pastoral intensification*
- (d) *Including policy 3B(5) Farm Base Areas,...*
- (e) *Including its methods for implementing all the policies for Objective 3B(1) and (2) and for the new, subordinate, Objective 3B(3) if any.*

- C.2 The Court also directed that a section 32 evaluation of the matters, especially the rules be undertaken for any provisions amended in response to the directions above.⁴

- C.3 To assist the Council, the Court made numerous suggestions and recommendations throughout its decisions and, in particular, provided a suggested list of policies to implement Objective 3B *Activities in the Mackenzie Basin’s outstanding natural landscape*. These policies (Policies 3B1 to 3B16) are contained in Schedule C in **Attachment B** of this Package.

- C.4 The Court has also provided its interim findings on various matters, including:

- The “greening” of the Basin, in particular by pastoral intensification such as intensive irrigation for dairy conversion, is an issue that has to be addressed as part of PC13 because the effects of this intensification have the potential to compromise the outstanding natural landscape of the Basin.
- That the Basin has a range of capacity to accommodate development without compromising the outstanding natural landscape with some areas having little or no capacity. The high, medium and low visual vulnerability classifications contained in the Council’s landscape assessment provide a useful basis for assessing and managing the appropriateness of subdivision and development within the Basin.

³ [2014] NZEnvC 246, Order 9D(1).

⁴ Ninth Decision, Order 9D(2).

- Some of the provisions for buildings in the Basin should be tightened to ensure appropriate consideration is given to the impacts of these buildings, but recognising that farm buildings because of their role in supporting farming operations should be subject to a slightly more liberal regime than dwellings. Farm Base Areas are to remain the focus for built development.
- Special protection is required for tussock grasslands flats and hillsides along tourist roads which are important aspects of the overall outstanding natural landscape.
- That special provision for farm retirement dwellings and for subdivision which provides for these dwellings should be removed from PC13.
- Rural-residential and visitor accommodation should only be provided for in areas of low or medium visual vulnerability and only by way of a formal plan change.
- The minimum lot size for subdivision in the Mackenzie Basin Subzone outside Farm Base Areas should be returned to 200ha as per PC13 as originally notified.

PART D: COUNCIL SECTION 293 PROPOSAL

1.0 INTRODUCTION

- 1.1 In this section the Council's proposed amendments to PC13 are summarised and reasons for these amendments are discussed. The detailed amendments referred to are contained in **Attachment A** to this S293 Package. Policies suggested by the Environment Court are referred to as "*EC Policy...*" and can be found in Schedule C in **Attachment B** to this Package.
- 1.2 Council has used the Court's confirmed Objective 3B(1) and (2) as a starting point in preparing this S293 Package, together with the Court's suggested Objective 3B(3) and implementing policies and assessments (contained in the various decisions).
- 1.3 The Court provided the Council with a comprehensive suite of policies to implement Objective 3B in its First (Interim) Decision (First Decision). As a result of the subsequent decision of Justice Gendall in the High Court,⁵ the Court revised its earlier position, instead including headings for a number of the policies suggested in the First Decision, leaving the Council to determine the appropriate wording. For the purposes of consultation, the Council has largely accepted all of the suggested policies, including those from the First Decision. It has however amended the policies to maintain consistency of language, to simplify the policies by pulling like matters together in a single policy, slightly reordering the policies to achieve better flow and avoiding overlap where possible. In addition, in keeping with the current District Plan, explanations and reasons have been written for all the policies to provide the reader with a deeper understanding of the genesis and purpose of these policies.
- 1.4 As outlined in Part B – B2 – B5 the Council, in response to discussion and information received during recent consultation has made a number of amendments to the s293 Package. The main changes are:

⁵ *Federated Farmers of New Zealand (Inc) Mackenzie Branch v Mackenzie District Council* [2014] NZHC 2616.

- To generally replace the term *visual vulnerability* with the broader term *landscape sensitivity*, which includes both visual sensitivity and sensitivity of landscape character. This requires changes to **Policy 3B1 – Recognition of the Mackenzie Basin’s distinctive characteristics** and its explanations. The map identifying high, medium and low visual vulnerability areas throughout the Basin (Areas of Landscape Management) and all references to this map are removed from the s293 Package.
- Inclusion of an overlay in the Planning Maps identifying the Scenic Grasslands.
- To discourage non-farm buildings outside of Farm Base Areas, the activity status for non-farm buildings within Farm Base Areas has been reduced from Restricted Discretionary to Controlled.
- To simplify the assessment of farm buildings outside of Farm Base Areas, all of these buildings have the status of Restricted Discretionary Activity with no reference to visual vulnerability classification.
- Fences no longer require resource consent within Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas.
- Due to difficulty in defining what constitutes a “large” irrigator, the rules controlling irrigators in sensitive areas and requiring setbacks from the tourist roads simply refer to “irrigators”.
- The potential benefits for the Basin environment from covenants initiated by the Mackenzie Country Trust are acknowledged in **Policy 3B13 – Pastoral Intensification** as a matter of consideration in assessing application for pastoral intensification.

1.5 A number of other minor consequential changes have been made as well as corrections of grammar and cross references.

1.6 Other changes requested by submitters but which have not been accepted by the Council include:

- More lenient status for non-farm buildings outside Farm Base Areas e.g. for tourist accommodation;
- Increased area of some Farm Base Areas;
- The cut-off date for irrigation consents which exempt development from requiring consent for pastoral intensification;
- Issues with determining whether a consent is required for pastoral intensification in some circumstances;
- Requests to include homesteads and workers accommodation in the definition of “farm buildings”.

2.0 OBJECTIVES

2.1 The Environment Court has determined the final wording of Rural Objective 3B(1) and (2) Activities in the Mackenzie Basin’s outstanding natural landscape as follows:

Objective 3B – Activities in the Mackenzie Basin’s outstanding natural landscape

(1) Subject to (2)(a), to protect and enhance the outstanding natural landscape of the Mackenzie Basin Subzone in particular the following characteristics and/or values:

- (a) the openness and vastness of the landscape;
- (b) the tussock grasslands;
- (c) the lack of houses and other structures;
- (d) residential development limited to small areas in clusters;
- (e) the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin;
- (f) undeveloped lakesides and State Highway 8 roadside;

(2) To maintain and develop structures and works for the Waitaki Power Scheme:

- (a) within the existing footprints of the Tekapo-Pukaki and Ohau Canal Corridor, the Tekapo, Pukaki and Ohau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lake Tekapo, Pukaki, Ruataniwha and Ohau and subject only (in respect of landscape values) to the objectives, policies and methods of implementation within Chapter 15 (Utilities) except for management of exotic tree species in respect of which all of objective (1) and all implementing policies and methods in this section apply;
- (b) elsewhere within the Mackenzie Basin Subzone so as to achieve objective (1) above

2.2 The Court then suggested an additional subordinate Objective 3B(3) and stated that the Council may wish to adopt this, reword this, or choose to leave Objective 3B as it is.⁶ The suggested subclause (3) is:

(3) Subject to objective (1) above and to rural objectives 1, 2 and 4:

- (a) to enable pastoral farming while limiting building, fencing and shelterbelts;*
- (b) to enable pastoral intensification including cultivation and/or direct drilling and high intensity (irrigated) farming in appropriate areas south and east of SH8 except adjacent to, and in the foreground of views from, State Highways and tourist roads;*
- (c) to enable rural residential subdivision, cluster housing and farm buildings preferably around existing homesteads (where they are outside hazard areas) or in the areas of low visual vulnerability shown on map z in the district plan.*

2.3 Council's preferred alternative version of suggested subordinate Objective 3B(3) is set out below. Council considers some of the suggested areas where pastoral intensification may be enabled are not appropriate given the range of values in the majority of the Basin. Given the significance of pastoral farming in the Basin Council considers it is appropriate to include reference in Objective 3B(3) to areas where pastoral intensification is managed and where this control is not warranted. Council therefore proposes to include the following Objective 3B(3). The Council's alternative Objective 3B (3) now includes the main activities within the Basin that are subject to control for the purpose of maintaining and enhancing the outstanding natural landscape. These activities are pastoral farming, pastoral intensification and rural residential development.

3) Subject to objective (1) above and to rural objectives 1, 2 and 4:

- (a) to enable pastoral farming;*
- (b) to enable pastoral intensification, including cultivation and/or direct drilling and high intensity (irrigated) farming, in Farm Base Areas and in areas for which irrigation consent was granted prior to 14 November 2015 and the effects on the outstanding natural landscape have been addressed through the regional consenting process; and elsewhere, to manage pastoral intensification;*
- (c) to enable rural residential subdivision, cluster housing and farm buildings around existing homesteads (where they are outside hazard areas)*

3.0 STATUS OF ACTIVITIES

3.1 Throughout this section the status of buildings and activities within the District Plan are frequently referred to and discussed. The following is a brief summary of the terms used:

⁶ Ninth Decision, at [12].

Permitted Activity (PA):

No resource consent is needed, but there may be standards that have to be met.

Controlled Activity (CA):

Resource consent is required, but the Council must grant this consent. It may place conditions on the consent on matters to which it has reserved control.

Discretionary Activity (DA):

Resource consent is required. Council may grant or decline consent and may place conditions on the consent.

Restricted Discretionary Activity (RDA):

Same as a Discretionary Activity except that the matters that Council can consider and any conditions are restricted to the matters specified in the District Plan rule.

Non-complying Activity (NCA):

Resource consent is required. These consents are more onerous as the activity is generally considered to be inappropriate in the particular location. These consents must also satisfy a particular test set out in the RMA.

4.0 POLICIES AND RULES - GENERAL

4.1 The following sections describe and comment on the main issues raised in this review of PC13 following the Court's request under section 293 of RMA. The description refers to the relevant policies and rules prepared or amended in relation to each of these issues, namely:

- 5.0 Diversity within the Mackenzie Basin landscape
- 6.0 Farm buildings and other (non-farm) buildings
- 7.0 Scenic Grasslands/Tussock grasslands
- 8.0 Pastoral intensification
- 9.0 Subdivision
- 10.0 Hazards
- 11.0 Wildings
- 12.0 Other issues

5.0 DIVERSITY WITHIN THE MACKENZIE BASIN LANDSCAPE

5.1 **Policy 3B1 – Recognition of the Mackenzie Basin's distinctive characteristics** has the purpose of recognising that while the Basin as a whole is an outstanding natural landscape, it contains a diversity of landforms, vegetation and natural character. This diversity is an expression of geological processes, altitude, climate (particularly rainfall) and human occupation. This diversity results in differing abilities for the landscape to absorb change and development. The policy included in the notified Section 293 Package relied, in part, on identification of three categories of visual vulnerability within the Basin, namely high, medium and low. Although the classifications were only referred to in rules relating to farm buildings and in some policies in a more general way, it became apparent from submissions and during consultation that the identification of these areas on the map "Areas of Landscape Management" created a level of confusion and concern amongst landowners.

5.2 Council also received submissions on the limitations of only using **visual** vulnerability/sensitivity in assessing the values of areas within the Basin and their sensitivity to change and development as this is limited to assessing a site as it is viewed from beyond the site. The inherent landscape character of an

area which comprises landforms and natural processes as well as cultural and aesthetic factors are also important factors in assessing landscapes. This is very relevant when assessing consent for a specific development.

- 5.3 For the above reasons, the Council has retained the main thrust of Policy 3B1 as notified which is to acknowledge the variability of the Basin landscape and the consequential differences in capacity to absorb development without adversely impacting the outstanding natural landscape. However, Council now proposes that all references to visual vulnerability be removed and replaced with the term *landscape sensitivity*. As a consequence, the map showing areas of visual vulnerability included as Attachment C to the Section 293 Package as notified will not be required in the District Plan, but Council intends to retain the map as reference material. The explanations to the policy are also amended to reflect this change in emphasis. Consequential changes in rules are addressed in the relevant sections below.

6.0 FARM BUILDINGS and OTHER (NON-FARM) BUILDINGS – POLICIES AND RULES

- 6.1 **Policy 3B2 – Subdivision and Building Development** (derived from EC Policies 3B3, 3B4 and 3B14) sets out a clear directive as to where building and subdivision development is to occur within the Basin if adverse effects of uncontrolled development are to be avoided. In particular:
- Farm Base Areas are to be the primary location for all buildings.
 - Farm buildings are permitted within Farm Base Areas, subject to standards, and outside Farm Base Areas, are to be managed in terms of their impacts on the landscape based on the visual sensitivity of the landscape.
 - New residential or rural residential development should occur in Farm Base Areas or if beyond Farm Base Areas only in areas of lesser landscape sensitivity and then only by way of formal plan change creating a new zone.
- 6.2 **Policy 3B3 – Development in Farm Base Areas** (derived from EC Policy 3B5) provides policy direction as to the matters to be assessed when development and subdivision is proposed within Farm Base Areas. These apply to non-farm buildings and any subdivision. The assessment matters include a wide range of factors including integrating development so that it nestles within the landform and vegetation, avoiding adverse impacts on environmental values and sustainable servicing.
- 6.3 **Policy 3B4 – Potential residential and visitor accommodation activity zones and environmental enhancement** (derived from EC Policy 3B6) contains a detailed list of considerations for any future proposal for these new zones. It also acknowledges the zoning of past sporadic rural residential subdivisions such as Manuka Terrace, and the Pukaki Downs Tourist zoning, where specialist zoning has been created incorporating environmental compensation.
- 6.4 The Court suggested activity status for buildings within Farm Base Areas identified in the District Plan for each station and for the rural area outside the Farm Base Areas. The Council is in general agreement with this approach for farm buildings with Farm Base Areas. However in keeping with the move away from the use of the visual vulnerability classifications, the Council has chosen to adopt a simple and more encouraging regime for non-farm buildings within Farm Base Areas through a controlled activity status. This level of encouragement within Farm Base Areas is proposed as a means of discouraging this form of development outside Farm Base Areas, in keeping with Objective 3B3(c).

- 6.5 Also, as a consequence of the removal of the visual vulnerability classifications from PC13, the Council proposes that the activity status for all farm buildings outside Farm Base Areas be changed to restricted discretionary. It is considered that this status will give the Council sufficient discretion to take into account matters relevant to establishment of a farm building in a proposed location. In addition a number of bulk and location standards have been included, which limit the size of farm buildings and which require a minimum separation between buildings.
- 6.6 A summary of the Court's suggestions and Council's proposals for activity status for buildings is set out below.

Area	Farm Buildings		Residential/Other Buildings	
	Env Court	MDC	Env Court	MDC
Farm Base Areas				
All Farm Base Areas	Permitted ⁷	Permitted Rule 3.1.2	-----	Controlled Rule 3.2.2
Farm Base Areas in Low Visual Vulnerability (LVV) areas	-----	-----	Restricted Discretionary/ Controlled ⁸	-----
Farm Base Areas in Medium Visual Vulnerability (MVV) areas	-----	-----	Restricted Discretionary/ Controlled ⁹	-----
Farm Base Areas in High Visual Vulnerability (HVV) areas	-----	-----	Restricted Discretionary ¹⁰	-----
Outside Farm Base Areas				
Outside Farm Base Areas	-----	Restricted Discretionary Rule 3.3.3	Non-complying ¹¹	Non-complying Rule 3.4.5
LVV	Controlled ¹²	-----	-----	-----
MVV	Restricted Discretionary ¹³	-----	-----	-----
HVV	Discretionary ¹⁴	-----	-----	-----
Scenic Viewing Area/Scenic Grasslands/Lakeside Protection Areas	Non Complying ¹⁵	Non-complying Rule 3.4.4	-----	-----

- 6.7 As part of revising the rules to address matters raised by the Court, it is necessary to amend the definition of "Farm building" by excluding homesteads and farm workers accommodation which are subject to different rules. The definition now returns to the definition in PC 13 as notified which refers to buildings for farming activity. To avoid any ambiguity the definition now specifically states that dwellings and buildings for residential use are not included in the definition of farm building. For clarification reference has also been added to buildings for factory farming and dairying and not just

⁷ First (Interim) Decision, at [268].

⁸ First (Interim) Decision, at [268].

⁹ First (Interim) Decision, at [268].

¹⁰ First (Interim) Decision, at [268].

¹¹ First (Interim) Decision, at [276].

¹² First (Interim) Decision, at [272].

¹³ First (Interim) Decision, at [272].

¹⁴ First (Interim) Decision, at [272].

¹⁵ First (Interim) Decision, at [273].

farming activity, as the definitions of these activities inter-relate or overlap. A potential legal scope issue arises with the reference to “factory farming and dairying”, however, for the purposes of consultation, Council included those words in the proposed definition. No concerns were raised in submissions or during consultation on the Section 293 Package in relation to this matter.

6.8 The definition of Farm building now proposed is:

Farm Building: means a building the use of which is incidental to the use of the site for a farming activity, dairying and factory farming (refer definitions) and does not include a dwelling or other building used for residential activity.

6.9 As part of the Environment Court processes associated with PC13, Meridian and Genesis have worked with the Council and Federated Farmers to develop policy and rules relating to potential failure of hydro structures which could result in flooding leading to loss of life and damage to property. This matter is considered in more detail in section 9.

7.0 SCENIC GRASSLANDS/TUSSOCK GRASSLANDS

7.1 The Court in the First Decision stated that there are relatively small tussock covered flats and hillsides which may not be in the foreground to distant views (unlike Scenic Viewing Areas identified on the Planning Maps) but which are in themselves important aspects of the overall outstanding natural landscape.¹⁶ In many cases there is no distant view so the foreground becomes even more important. Some of these areas are adjacent to the road and they are often found on both sides of a road. The Court refers to these areas as *Scenic Grasslands*.

7.2 The Court also uses the term *tussock grasslands* as a reference to native tussock grassland species.¹⁷

7.3 Given the importance of the landscape to the users of the State Highways and tourist roads the Court suggested that a policy should be adopted which addresses:¹⁸

- Avoidance of buildings, structures, exotic trees and fences in both Scenic Grasslands and Scenic Viewing Areas;
- Setback of buildings from roads;
- Management of conversion to and of irrigated pastures adjacent to roads to avoid greening of the immediate area.

7.4 The Council proposes the inclusion of **Policy 3B7 – Views from State Highways and Tourist Roads** below which is based on the Court’s suggestion and its suggested wording of Policy 3B8 in the First Decision:

Policy 3B7 – Views from State Highways and Tourist Roads

- (a) To avoid all buildings, irrigators and exotic trees in the Scenic Grasslands and in the Scenic Viewing Areas;
- (b) To require buildings to be set back from roads, particularly state highways, and to manage the sensitive location of irrigators to avoid or limit screening of views of the outstanding natural landscape of the Mackenzie Basin;

¹⁶ First (Interim) Decision, at [189].

¹⁷ Eighth (Procedural) Decision, [2013] NZEnvC 258, at [15].

¹⁸ First (Interim) Decision, at [190].

- (c) To avoid clearance, cultivation or oversowing of Scenic Viewing Areas and Scenic Grasslands, including tussock grasslands, adjacent to and within the foreground of views from State Highways and the tourist roads;
- (d) Subject to Policy 3B13, to minimise the adverse visual effects of irrigation of pasture adjacent to the state highways or the tourist roads.

- 7.5 As notified, this policy referred to buildings, other structures, large irrigators and exotic trees. While most people have a general idea of the type of irrigator that can have an impact on viewing landscapes within the Basin, defining the size or type of irrigator was difficult and complex. It was also considered that small irrigators such as K-lines were unlikely to be used in the Basin. For these reasons, Council now proposes to simply refer to “irrigators” in Policy 3B7 and the controls requiring a 250m setback from State Highways and tourist roads and avoidance in Scenic Grasslands and Scenic Viewing Areas.
- 7.6 Council also proposes that the term “other structures” be removed from the notified version of the policy as there are no controls in PC13 on structures other than buildings. With regard to fences, many submitters questioned the need to control fencing within the Basin, including in the more sensitive areas such as Scenic Viewing Areas, Scenic Grasslands and Lakeside Protection Areas. Environment Canterbury also requested that fencing should not be limited as it was an effective tool in keeping animals away from waterways and more effectively managing grazing. The Council agrees with these comments and considers fencing (normally post and wire) has been an accepted part of the Basin landscape and is not expected to become obtrusive over time. Accordingly, Council considers it appropriate that the term “other structures”, which would include fences, is removed from the policy.
- 7.7 Further policy support for encouraging retention of areas associated with traditional pastoral farming is found in proposed **Policy 3B12 – Pastoral Farming**:

Policy 3B12 – Pastoral Farming

Traditional pastoral farming is encouraged so as to maintain tussock grasslands, subject to achievement of the other Rural objectives and to Policy 3B7.

- 7.8 The Council has engaged Graham Densem, Landscape Architect, to identify the location and extent of the Scenic Grasslands referred to by the Court. The results of Mr Densem’s assessment are shown on the Maps in **Attachment C**, which Council now proposes be included as a new Scenic Grasslands overlay on the planning maps. The Scenic Grasslands are generally in areas of high visual vulnerability areas and are in the following locations:
- East side of Lake Tekapo
 - Areas to the north and south of the Tekapo Canal
 - Areas to the west and east of State Highway 8 approaching Lake Pukaki from the east
 - Areas to the west and east of the Haldon Road
 - Areas to the north of State Highway 8 in the vicinity of Dog Kennel Corner
- 7.9 The Scenic Grasslands are considered by the Council to have similar sensitivities to development as the Scenic Viewing Areas, Lakeside Protection Areas and Sites of Natural Significance. For this reason the limitations on Scenic Grasslands are proposed to be in combination with limits on these other identified areas in most cases. The limitations now proposed by the Council for activities within identified Scenic Grasslands are as follows:
- Farm or non-farm buildings - non-complying activity (new Rules 3.4.4 and 3.4.5)
 - Irrigators – non-complying activity (amended Rule 15.1.1.a)
 - Pastoral intensification– non-complying activity (new Rule 15A.3.2)

- Subdivision - non-complying activity (amended Subdivision Rule 5b)
- Earthworks and mining – discretionary activity (amended Rules 4.1.1, 10.1.2.c and 10.2.1.e)
- Tree planting – discretionary activity (amended Rules 6.1.8c and 6.4.2)

7.10 The Plan Change amendments have also addressed the visual impact of irrigators within the Basin. The proposed changes have included controls over such systems where their location may affect landscape values.

7.11 A potential legal scope issue arises in relation to the amendments proposed to the mining rules (Rule 10.1 and 10.2) and tree planting rules (Rules 6.1 and 6.4). However, these amendments were included in the Section 293 Package for the purposes of consultation. No concerns were raised in submissions or during consultation on the Section 293 Package in relation to this matter.

8.0 PASTORAL INTENSIFICATION – POLICIES AND RULES

8.1 The issue of the “greening” of the Basin and the potential impacts on the outstanding natural landscape is one of significant complexity. Firstly, it is not common for district plans under the RMA to specify that certain types of farming (other than intensive livestock farming) are not permitted and therefore will require resource consent to establish. However, the Council is aware that there are other district plans, such as the Waitaki District Plan, which require consent for irrigated farming in more sensitive areas of the district. The second challenge in relation to PC13 is to determine what the landscape consequences are of greening through irrigation, crop changes and the like. Part of this assessment requires identification of the areas in the Basin of most concern. Another challenge is deciding what elements of pastoral intensification need to be controlled as there are varying degrees of intensification as well as considerable variation in the developed state of land prior to intensification.

8.2 With regard to the definition of pastoral intensification, it was found by the Court that the present definition in the Operative District Plan, which refers only to subdivisional fencing and/or topdressing and oversowing, is too limited. The Court suggested that cultivation and direct drilling be included in the definition.¹⁹ The Council considers that irrigation should also be referred to as this is a key component of much of the pastoral intensification that leads to greening within the landscape.

8.3 The definition of pastoral farming included in the notified Section 293 Package, as it applied in the Mackenzie Basin, included subdivisional fencing. However, Council has considered the issues raised in submissions on the definition and now accepts that fencing can be an effective and low key way of better managing grazing. On that basis, Council considers that it should not be included in the definition of pastoral intensification for the purpose of District Plan controls in the Basin. Accordingly, the following amended definition of pastoral intensification is now proposed as part of the s293 Package to apply within the Mackenzie Basin Subzone only:

Pastoral Intensification within the Mackenzie Basin Subzone means cultivation, irrigation, topdressing and oversowing and/or direct drilling.

8.4 While it is suggested that the control be on pastoral intensification, the Council is aware that there are elements of development flowing from this intensification that also have landscape impacts, such as the large dairy sheds, laneways alongside roads, night lighting and loss of larger vegetation such as

¹⁹First (Interim) Decision, at [149]

shelterbelts. These impacts would need to be taken into account in considering any application for pastoral intensification in conjunction with the greening of the land surface.

- 8.5 With regard to the landscape effects associated with greening of the Basin where currently there is a dryland farming regime, the Court stated that pastoral intensification should not occur within Scenic Viewing Areas, Scenic Grasslands and Sites of Natural Significance.²⁰ The Court has also stated in relation to intensive farming activities:

7th Decision [78] – The idea of policy 3B8 is to ensure that only small areas of outstanding natural landscape are subject to a more restrictive protection.

First Decision [205] This is a complex issue, made more so by the lack of ecological evidence. Subject to that important qualification two broad themes emerge from our findings of fact and, tentatively, predictions. The first is that further conversion of brown grasslands to green introduced grassland (whether irrigated or not) is generally inappropriate in the Mackenzie Basin. The second is that because there are extensive – usually lower altitude – areas which are highly (and possibly irreversibly) modified, these may be suitable for higher intensity irrigated farming.

First Decision[208] ...the flats of the lower Mackenzie Basin – much of the Eastern Plain, the Pukaki River Plain as well as the lower Twizel River Plain and part of Benmore – are at present covered in highly modified semi-desert vegetation dominated by green – or in autumn and winter near black – Hieracium species. On those areas we judge that change to higher density irrigated farming is not detrimental to perceptions of naturalness. Its colours will change to brighter greens. The scale of modern farming with its very long travelling irrigators ensures that the openness of the landscape will generally be maintained. Of course, if there are areas which should be protected under the other rural objectives then other considerations will come into play.

In addition, the Court's suggested Objective 3B(3) states:

Subject to objective (1) above and to Rural objectives 1, 2 and 4:

(b) enable pastoral intensification including cultivation and/or direct drilling and high intensity (irrigated) farming in appropriate areas in the south and east of State Highway 8 except adjacent to, and in the foreground of views from, State highways and tourist roads

- 8.5 The Council has looked into the possibility, on the basis of the Court's suggested Objective 3B(3) (above), of providing for pastoral intensification to the south and east of SH8 and in particular in areas of low visual vulnerability and areas where irrigation consents have been granted by Environment Canterbury. This approach has some merit on the basis of landscape effects (low visual vulnerability areas) and fairness (existing consented areas). However, substantial parts of the floor of the Basin to the south and east of SH8 are, based on readily available information, likely to support significant indigenous vegetation and/or significant habitats for indigenous fauna. To allow pastoral intensification throughout all these areas and without further investigation of areas would therefore potentially not meet Rural Objective 1 as required by Objective 3B3. Objective 1 – Indigenous Ecosystems, Vegetation and Habitat states:

²⁰First (Interim) Decision, at [296]

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 and physical processes.

- 8.6 After consideration of all these matters the Council has come to the position that pastoral intensification should be subject to assessment through a resource consent process throughout the Basin other than in Farm Base Areas and in areas where Environment Canterbury has granted a water permit to take and use water for the purpose of irrigation prior to the notification of this section 293 package, such consent has not lapsed and the landscape effects of irrigated pasture were addressed through the regional consenting process. In this way the Council is recognising that landowners have spent considerable time and money obtaining consent to irrigate and that in many cases consideration of landscape impacts has been taken into account in granting these consents. It would be unfair then for the District Plan to prevent these consents being implemented on the basis of impacts on the landscape. It is also considered the majority of land within Farm Base Areas is generally modified such that further intensification is unlikely to impact on the outstanding natural landscape values of the Basin. However, to avoid impacts on natural values and sedimentation of waterways pastoral intensification within Farm Base Areas is required to be setback from rivers and wetlands.
- 8.7 A number of submitters requested that the cut-off date for the exemption for irrigation consents be amended to include current applications which are part way through the consenting process but have yet to be granted. Council has chosen to retain the current cut-off date notified as part of the s293 Package as any date is necessarily arbitrary. Those farms with irrigation consents granted after the cut-off date will need resource consent where the adequacy of that consent in protecting the values of the outstanding natural landscape can be considered.
- 8.8 The status of pastoral intensification (outside of Farm Base Areas and areas with irrigation consents) is proposed to be a discretionary activity except in Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance and tussock grasslands where it would be non-complying. The discretionary status enables the Council to take into account all impacts of the intensification including impacts on significant indigenous vegetation.
- 8.9 The rules relating to pastoral intensification have been proposed as part of a new clause 15A and will apply regardless of the purpose of the intensification. These rules are contained in **Attachment A** to this package.
- 8.10 The above approach is considered to be generally in line with **Policy 3B1 Recognition of the Mackenzie Basin's distinctive characteristics** which states:
- Policy 3B1 - Recognition of the Mackenzie Basin's distinctive characteristics**
To recognise that within the Mackenzie Basin's outstanding natural landscape there are:
- (a) Many areas where development beyond pastoral activities is either generally inappropriate or should be avoided;
 - (b) Some areas with greater capacity to absorb different or more intensive use and development, including areas of lesser landscape sensitivity and identified Farm Base Areas.
- 8.10 EC Policy 3B14 from the First Decision, which is now renumbered **Policy 3B13 – Pastoral Intensification** however requires modification to recognise that pastoral intensification needs to be managed in many areas within the Basin because of its potential to adversely impact the

characteristics and values of the outstanding natural landscape as well as biodiversity values. Further, the exemption from pastoral intensification control for land which has a water permit authorising the take and use of water for the purpose of irrigation (whether implemented or not) and for Farm Base Areas also needs to be recognised in the policy.

- 8.11 Since preparing this S293 Package, the Mackenzie Country Trust has been formed which has the purpose of protecting, by negotiation with landowners, priority areas for biodiversity and tussock restoration purposes. The Council understands that as part of its work, the Trust is likely to enter into covenants with landowners that provide for increased protection of tussock grasslands and other important biodiversity values compensated for by intensification of production elsewhere on a property. While it is not known at this stage how these arrangements will work out and how production and protection values are to be balanced, the Council considers it is appropriate that the potential for these covenants to achieve positive outcomes should be recognised in the pastoral intensification policy.

Policy 3B13 – Pastoral Intensification

- (1) To ensure areas in the Mackenzie Basin which are proposed for pastoral intensification maintain the outstanding natural landscape of the Mackenzie Basin and meet all the other relevant objectives and policies for the Mackenzie Basin Subzone (including Rural Objectives 1, 2 and 4 and implementing policies).
- (2) To avoid pastoral intensification in Sites of Natural Significance, Scenic Viewing Areas and Scenic Grasslands (including tussock grasslands) adjacent to and within the foreground of views from State Highways and the tourist roads.
- (3) To enable pastoral intensification in Farm Base Areas and of land for which irrigation consent was granted prior to 14 November 2015 and the effects on the outstanding natural landscape have been addressed through the regional consenting process.
- (4) To manage pastoral intensification elsewhere in order to retain the valued characteristics of the Mackenzie Basin Subzone.
- (5) To take into account any agreement between the Mackenzie Country Trust and landowners which secures protection of landscape and biodiversity values as compensation for intensification of production.

9.0 SUBDIVISION – POLICIES AND RULES

- 9.1 **Proposed Policy 3B5 – Landscape Aspects of Subdivision** (derived from Policy 3B16 of the First Decision) seeks to minimise adverse effects of subdivision in the Mackenzie Basin Subzone by encouraging subdivision only in Farm Base Areas. This is achieved by providing options for subdivision within Farm Base Areas such as small lot subdivision (less than 1ha) possibly for tourist accommodation or similar, and larger rural residential lots (greater than 4ha). Outside Farm Base Areas subdivision has a minimum lot size of 200ha as originally proposed in PC13 as notified. There is no specific provision for houses to be part of a subdivision as these are discouraged outside Farm Base Areas.
- 9.2 Consideration was given to the possibility of providing for rural residential subdivision within areas of low visual vulnerability, but subject to consultation, the Council does not consider this is appropriate. It is concerned it would spread visually-divided lowland landscape character into the open high country. This would compromise the outstanding natural landscape of the Basin as well as creating issues associated with providing sustainable servicing of these lots.

- 9.3 The proposed Policy 3B5 flags the possibility of conditions being placed on subdivision in situations where the land being subdivided has a wilding problem. These conditions could require ongoing removal and monitoring of wildings. In addition, Scenic Grasslands and Scenic Viewing Areas have been included in the existing non-complying subdivision rule relating to Lakeside Protection Areas. This level of protection from subdivision and associated development is considered appropriate given the sensitivity of these areas in maintaining the outstanding natural landscape of the Basin.
- 9.4 For the reasons outlined by the Environment Court²¹, Council does not consider there should be an allowance for subdivision for farm retirement dwellings in PC13.

10.0 HAZARD/INUNDATION - POLICIES AND RULES

- 10.1 The Court instructed the generators (Meridian and Genesis) to work with the Council in addressing the issues associated with houses and some businesses being established in areas that could be flooded if a hydro-electricity facility such as a dam or canal were to be breached. These discussions have been undertaken, the policies, rules and planning maps agreed and consent documentation recording that agreement have been filed with the Court. The relevant policies relate to avoidance of risk to life and property from inundation and the potential for new occupied buildings to result in increased requirements for the generators relating to the construction of their facilities and operations. The agreed form of the policies on these matters are listed below for information purposes

Policy 3B10 - Hazards

To avoid hazards caused by power generation, including water storage, water transport by canal and aqueduct or where it has been demonstrated that avoidance is not necessary, remedy or mitigate the adverse effects of the hazard.

Policy 3B11 - Consequential effects of Occupied Buildings in Inundation Areas

Within hydro-electricity inundation hazard areas avoid occupied buildings which are likely to result in a requirement to cease to operate, upgrade, modify or replace the hydro-electricity related structures or significantly alter the operation of the affected portion of the hydro-electricity scheme.

11.0 WILDINGS - POLICIES AND RULES

- 11.1 The issue of how wilding trees are to be controlled under PC13 was the subject of consideration by the Court in its First Decision. There the Court suggested the inclusion of a subordinate objective 3B(3)(d) and implementing Policy 3B15 for managing the spread of wilding trees. However, the Court subsequently determined that Objective 3B(3)(d) was beyond jurisdiction,²² but left open to Council the option of consulting on a policy concerning wilding trees.
- 11.2 For consultation purposes, the Council has prepared proposed Policy 3B14 – Wilding Trees which prohibits the planting of known wilding prone species and enables conditions to be placed on consents requiring wildings removal as part of subdivision or housing approval. This reflects current District Plan provisions and Council’s approach in granting of consents, particularly in the case of non-farm

²¹ First (Interim) Decision, at [303]

²² Sixth (Procedural) Decision [2013] NZEnvC 257, at [76].

development. In response to submissions, additional text has been included in the explanations and reasons for Policy 3B14 to reflect that position.

12.0 OTHERS - POLICIES

12.1 There are several policies which have been confirmed by the Environment Court which have no new or amended rules associated with them (and are therefore included in the s293 Package for information purposes only). These are:

- Policy 3B8 – Renewable Energy
- Policy 3B9 – Reverse sensitivity
- Policy 3B6 – Lakeside Protection Areas

ATTACHMENT A – PROPOSED AMENDMENTS TO PLAN CHANGE 13

ATTACHMENT B – ENVIRONMENT COURT’S DIRECTED AND SUGGESTED OBJECTIVES AND POLICIES

ATTACHMENT C – SCENIC GRASSLAND MAPS

Attachment A - Proposed Amendments to Plan Change 13

Attachment A – Proposed Amendments to Plan Change 13

NOTE:

For the purpose of this document, Mackenzie District Council's (**Council's**) proposed amendments to Plan Change 13 (**PC13**), which are subject to consultation, are shown as tracked changes to the Commissioners' Decision on PC13.¹ The proposed additions are shown in underline, and the proposed deletions are shown in ~~strikethrough~~.

Changes to this document have been made in response to consideration of submissions received and consultation with submitters. These changes are shown in red with additions underlined and deletions struck through. They are also marked by a vertical line in the left margin.

The text which is shaded grey in this Attachment has been included to provide context for Council's proposed amendments to PC13. These provisions are not subject to consultation either because they now form part of the Operative Mackenzie District Plan or otherwise fall outside of the scope of the section 293 process for PC13.

Council's proposed changes are listed in the following order:

1. Section 7 – Rural Issues
2. Section 7 – Rural Objectives and Policies
3. Section 3 – Definitions
4. Section 7 – Rural Rules
5. Section 7A – Rural Residential
6. Section 13 – Subdivision, Development and Financial Contributions Rules
7. Planning Map Amendments
8. Miscellaneous Amendments

1. SECTION 7— RURAL ISSUES

Add the following to Rural Issue 7 —Landscape Values

Rural lifestyle developments and rural residential development around existing towns if too extensive or in the wrong location have the potential to alter the extensive open character that much of the Mackenzie Basin still offers. Where subdivision and housing occurs, the Basin becomes more strongly an "occupied rural place" as in the lowlands of South Canterbury. This potentially reduces the Basin's unspoiled openness and vastness, which are its main attributes. The breaking up of land through subdivision could result in the loss of the former high country ethos and landscape pattern. It may also result in more intensive use of the remaining farmed areas. This process has the potential to increase with the removal of former pastoral lease land, from the working landscape and return to full Crown ownership in conjunction with the freeholding of some of this lease land, particularly, at lower altitudes. Particular landscape values, which could be degraded by inappropriate redevelopment, include visual openness, a sense of naturalness, sense of landform continuity, small well-separated towns and spectacular views such as the iconic views up the lakes, particularly Tekapo and Pukaki. The loss or degradation of views from the iconic tourist highways could also occur.

Existing and new development, other than rural lifestyle development, may also result in an increase in the level of modification in the landscape and in an associated reduction in naturalness. As an example, nationally significant electricity and defence infrastructure can be found within the Mackenzie Basin including at Pukaki, Tekapo and Ohau. This infrastructure will need to be maintained and upgraded from time to time. Striking a balance between the need for essential infrastructure and the desire to

¹ dated 18 August 2009, updated (where relevant) to reflect the text of the Operative Mackenzie District Plan.

protect particular landscape values is an issue in this context.

1A. Amend the statement of Relevant Objectives and Policies after Issue 7 – Landscape Values as follows:

Relevant Objectives and Policies

- Rural: Objectives 3A and 3B, Policies 3A, 3B, 3C, 3D, 3E, 3F, 3A1, 3A2, 3A3, 3A4, 3A5, 3B1, 3B2, 3B3, 3B4, 3B5, 3B6, 3B7, 3B8, 3B9, 3B10, 3B11, 3B12, 3B13, 3B14.

2. SECTION 7— RURAL OBJECTIVES AND POLICIES

Delete Objective 3 — Landscape Values and add the following Objectives 3A, and 3B, and 3C, and amend replace supporting policies as set out below. Please note that the numbering of the original policies and policies introduced through PC13 has altered to allow for new, deleted and amended policies.

Rural Objective 3A - Landscape Values

Protection of outstanding landscape values, the natural character of the margins of lakes, rivers and wetlands and of those natural processes and elements which contribute to the District's overall character and amenity.

Explanation and Reasons

- While the Mackenzie Basin has been the focus of concern to protect a distinctive landscape, the whole Mackenzie District has landscape that is a resource deserving protection.
- Refer also to Objective 4, Policy 4B and Implementation, Objective 2, Policy 2A and 2C, and Objective 6.
- It is appropriate that development, particularly in the high country and Mackenzie Basin has an overriding regard to the wider visual and landscape considerations which are important to the well-being of the District and its inhabitants.
- To sustainably manage the physical resources of the District, some priority is required to ensure the protection of the landscape and visual amenity, and in particular the landscapes which have been identified as outstanding. The high country of the District and the Mackenzie Basin have an impressive array of landscapes.
- Assessment of landscapes shall be based on the following characteristics: natural scenic values, aesthetic values, recognised values and takata whenua values. Refer Rural Issue 7 for more detail.

~~Policy 3A — Recognition of Mackenzie Basin~~

~~*To recognise the Mackenzie Basin as having a distinctive and highly valued landscape containing outstanding natural landscapes, and through the Mackenzie Basin Subzone within the Rural Zone, to protect the Basin from inappropriate subdivision, use and development.*~~

~~Explanations and Reasons~~

- ~~• As for Objective 3A~~
- ~~• A distinctive 'Mackenzie Country' character has developed, based on the visual and physical qualities of the Basin, combined with the land use practice and the social pattern of run holders, workers and extensive stations. Substantial areas of the Mackenzie Basin are in the public estate, including areas that provide the most dramatic landscape features: the lake surfaces and margins, Mount Cook/Aoraki National Park, the Southern Alps backdrop, and extensive areas of Crown land and conservation estate. Despite its modified and managed land surface as a working~~

landscape, virtually the entire Basin remains, in 2007, “outstanding” in terms of landscape values. This is because of the uniqueness, natural and visual qualities of the high mountain basin environment, lakes, landforms, land use, community and Mackenzie identity. The landscape values of the Mackenzie Basin thus result from cultural factors such as land use, social pattern and identity, and from physical factors such as built structures including houses, roads, transmission lines and power generation structures, as well as from natural factors such as the ecology, climate and topography.

- Not all areas within the Mackenzie Basin are outstanding. However for the purposes of the District Plan objectives and policies relating to outstanding natural landscapes, reference to the Mackenzie Basin is used to refer to those parts of the Basin that are distinctive and/or outstanding.
- Sustainable management of natural and physical resources will not be achieved unless the integrity of the values associated with the Mackenzie Basin including the visual and landscape qualities of this resource can be assured.
- The uniqueness of the Mackenzie Basin, with its naturalistic appearance, legible geomorphology, natural and cultural heritage extensive and dramatic vistas from mountain tops to valley floors, and lack of apparent “clutter” is to be protected from inappropriate subdivision, use and development.

Policy 3B – Landscape Diversity

To recognise the diversity of physical settings and landscapes within the Mackenzie Basin and the varying capacity of these to absorb further subdivision, buildings and domestication, and in particular to recognise the suitability of existing farm base areas to accommodate and absorb additional buildings.

Explanations and Reasons

- The Basin has a diversity of conditions with a north to south altitude gradient and a west to east rainfall gradient. To this can be added the topographic and soil variability of outwash, moraine, valley, lake, hillside and high mountain environments and the variability of closeness to or remoteness from the state highways and other roads. Although the term Mackenzie Basin is frequently used (and is used throughout this District Plan) the area being referred to incorporates a number of land forms including the basin proper and areas of moraine valley, upland and range lands and mountains.
- The 2007 report “The Mackenzie Basin Landscape: character and capacity” by Graham Densem which assessed the Mackenzie Basin landscape identifies various landscape character areas and sub-areas and describes their characteristics and values. The report also contains descriptions of the types of landform and areas, and classifies areas as having high, medium or low ability to absorb development.

Policy 3C – Adverse Impacts of Buildings and Earthworks

To avoid adverse impacts on the outstanding natural landscape and features of the Mackenzie Basin, in particular from residential, buildings, domestication, structures, earthworks, tracks and roads.

Explanations and Reasons

- Domestication of the Mackenzie Basin landscape can reduce or remove those qualities for which it is valued. These effects include the imposition of buildings, structures, plantings and other patterns associated with development (earthworks, lighting, reflective surfaces etc.) that detract from the open and uncluttered landscape of the Basin.

- If poorly sited, the traditional landscape values of the Basin could be significantly changed and diminished by infilling empty rural areas and disrupting land use patterns with random rural lifestyle and other housing and tourism developments.
- Rural lifestyle subdivisions, as found throughout lowland rural areas of New Zealand, and other Southern Lakes districts, have the potential to lessen the sense of extensive wilderness and long views to distant points by dispersing developments over wide areas of the Basin.
- Some structures associated with more intensive farming such as large irrigators or industrial style buildings, when placed in the foreground of views can reduce the scenic values and sense of openness valued within the Basin.
- Poorly sited and constructed tracks and roading can result in scars on the landscape, reducing its value, naturalness and intactness.

Policy 3D – Adverse Effects of Sporadic Development

To control non farming buildings and subdivision in the Mackenzie Basin (outside of existing farm base areas) to ensure adverse effects on the environment of sporadic development and subdivision are avoided and to sustain existing and likely future productive use of farm holdings.

Explanations and Reasons

- Subdivision creates separate legal entities each having a bundle of rights and set of landowner expectations about what can be done within each legal entity, e.g. building a house. Subdivision is therefore the first step in a process that can ultimately result in changes to, and adverse effects on landscape, rural character and sustainable resource use. Although individual subdivisions and resulting activities may only have a limited adverse effect on their own if sensitively sited, the incremental and cumulative effect of further subdivisions may be significant. Adverse effects which are of concern within the Mackenzie Basin include:
 - a) Cumulative impacts on rural character and in particular the unique character of the Mackenzie Country
 - b) Impacts on rural amenity values including a sense of isolation and naturalness
 - c) Impacts on rural productivity resulting from incompatibility of rural and non-rural activities
 - d) Impacts on native plant and animal biodiversity and ecological patterns
 - e) Impacts on landscape values from earthworks, including additional access roads and tracks, structures and built development
 - f) Loss of versatility of rural land from fragmentation of existing land holdings
 - g) Impacts on water quality from overland runoff with increased hard surface, land modification and earthworks, and sewage treatment and disposal
 - h) Impacts on waahi tapu, archaeological sites and historic heritage.
 - i) Minimise the potential for reverse sensitivity effects on hydro electricity generation and transmission infrastructure and operations.
 - j) Impacts on the provision of and/or safe and efficient operation of existing infrastructure including reverse sensitivity effects on utilities and facilities of national importance.
 - k) Impacts on the availability of water to existing water users.

Policy 3E – Limitations on Residential Subdivision and Housing

To provide for residential subdivision and housing development in the Mackenzie Basin only within identified urban areas of the Basin (Twizel and Lake Tekapo), within the special zone for a possible small settlement at Lake Pukaki and within identified farm base areas.

Explanations and Reasons

- ~~As for Objective 3A~~
- ~~It is desirable that the majority of housing and accommodation growth within the Mackenzie Basin occurs within the towns of Twizel and Lake Tekapo to:~~
 - a) ~~Reinforce and enhance these towns as commercial and service centres both for residents and rural residents and as sources of employment~~
 - b) ~~Reinforce and build on the social and community cohesion of these towns~~
 - c) ~~Maintain the character of these towns~~
 - d) ~~Provide support for and utilise existing and planned community, recreational, social and educational facilities.~~
 - e) ~~Achieve efficient utilisation of existing and planned infrastructure services of these towns.~~
- ~~Traditional occupation of the Mackenzie Basin comprises periodic nodes of shelter and development (shelter trees, home paddocks and yards, farm sheds, houses, seasonal accommodation) within an otherwise vast, open and highly undeveloped landscape. In this pattern, the developed ‘nodes’ are small points of civilization, far outweighed in area by the natural ‘landscape’. Thus the sense of extensive areas of highly natural landscape is maintained in the traditional Mackenzie land use pattern. Retaining much of this traditional pattern is possible by requiring buildings to either be located within existing farm base areas unless they are required to be sited elsewhere to facilitate farming.~~

Policy 3F – Design and Appearance of Buildings

To control the design, scale, appearance and location of all residential buildings, and other buildings where reasonable, with regard to the purpose of the buildings, within the Mackenzie Basin to avoid, remedy or mitigate adverse impacts on the landscape and heritage values of the Basin Subzone.

Explanations and Reasons

- ~~As for Objective 3A.~~
- ~~Refer also Policy 3C.~~
- ~~The Council will have regard to the extent to which applications for buildings and associated earthworks, tracks etc met the guidelines in Appendix K of the Plan.~~
- ~~The Council recognises technical, operational and security requirements associated with electricity generation and transmission mean that some adverse effects on the landscape from these activities cannot be avoided or mitigated. For example, there may be no realistic alternatives.~~
- ~~The effects of built development are not confined simply to the structure, but also frequently include the domestication or modification of the surrounding environment. The Council seeks to manage these potential effects when considering the merits of proposals to erect buildings within the Mackenzie Basin Subzone.~~

Policy 3G – Lakeside areas

To avoid adverse impacts of buildings, structures and uses on the landscape values and character of the Mackenzie Basin lakes and their margins.

Explanations and Reasons

- ~~The Mackenzie Basin contains two of the South Island’s significant ‘Southern Lakes’; Tekapo and Pukaki. It also contains the smaller Lake Alexandrina in its entirety, parts of Lakes Benmore and Ruataniwha, and parts of the margin of Lake~~

Ohau, although not the lake surface itself. Although modified and in two cases man-made, these lakes variously are jewels of the Basin, and of the most outstanding value. Pukaki and its setting is a tourist icon, both visually and as the approach to Mount Cook/Aoraki and the National Park. Tekapo similarly, without the specific Aoraki connection, but with a high mountain backdrop. Ohau is similar in importance among the Southern Lakes, and its margins within Mackenzie District should be considered in the same terms as those of Tekapo and Pukaki. Lake Alexandrina, while of smaller scale and differing character, is much valued for fishing and also of outstanding value. Lake Benmore, while man made, has a scale and ruggedness also of outstanding value. Although the shoreline of Lake Benmore within Mackenzie District is the gentlest and least rugged of that lake's surrounds, the totality of Lake Benmore dictates that this lake and its surrounds within Mackenzie District should also be considered outstanding. The landscape values of the Mackenzie lakes arise from the naturalness, vastness, glacial colouration, legibility and the pure visual unity of both the lakes and their settings.

- Built development, roads, land use intensification, wilding tree spread and earthworks in the vicinity of these lakes have the real potential to degrade not only their more local landscape character and naturalness, but also the wider and more expansive views up, down and across them. Notwithstanding this, the presence of nationally significant electricity generation and transmission infrastructure within the Mackenzie Basin, and particularly within the outstanding natural landscape areas of Pukaki, Tekapo and Ohau must be acknowledged and the benefits derived from the supply of electricity need to be taken into account when assessing landscape values, character and capacity.
- A Lakeside Protection Area has been identified in the Plan. This reflects the visual sensitivity of the landscapes around the major lakes in the District. Any proposed development within this area needs to be carefully considered. Buildings and subdivision within the Lakeside Protection Area are non-complying activities.

Policy 3H—Views from Roads

To require buildings to be set back from roads, particularly state highways, and to encourage the sensitive location of structures such as large irrigators to avoid or limit screening of views of distinctive and outstanding landscapes of the Mackenzie Basin.

Explanations and Reasons

- As for Objective 3A.
- As for Policies 3A, 3B, 3C, 3D, 3F, 3G, 3L, 3M, 3N, and 3O
- Refer also Policy 3M Scenic Viewing Areas, which applies within the Rural Zone and Mackenzie Basin Subzone.
- Structures such as large irrigators and storage of polythene wrapped feed and long lengths of shelter planting aligned along roads can impact on the experience of road users. Given the emphasis on the unique natural character and landscapes of the Mackenzie Basin it is appropriate to encourage sensitive placement of structures, feed etc including setbacks from road frontages, particularly state highways, through information and guidelines.

Policy 3I—Manuka Terrace Rural Residential Zone

To avoid, remedy or mitigate the adverse effects of existing and further subdivision and development on Manuka Terrace, Lake Ohau through the Rural Residential—Manuka Terrace Zone.

Explanations and Reasons

- ~~The Rural Residential zone for Manuka Terrace specifies how adverse effects of past and future subdivisions such as landscape impacts, servicing issues with water supply and sewage treatment and disposal, winter shading and severe wind hazard, and adverse effects on hydro electricity generation and transmission infrastructure and operations are to be avoided, remedied or mitigated by:

 - a ~~Setting a minimum lot size of 4ha;~~
 - b ~~Setting servicing standards for water supply, sewage treatment and disposal, stormwater, power and telecommunications;~~
 - c ~~Controlling the design and appearance of subdivisions and housing;~~
 - d ~~In addition to recognition of the wind hazard in this District Plan, all Property Information Memoranda and Land Information Memoranda for the area will advise of the wind hazard.~~
 - e ~~Controlling the clearance of indigenous shrubland.~~
 - f ~~Taking into consideration the availability of a sustainable domestic water supply and potential effects on water quantity (including existing users) in the District.~~
 - g ~~Taking into account any actual or potential effects on the safe and efficient operation of the Waitaki Power Scheme, including taking into account civil safety matters associated with the operation of the hydro electricity generation in proximity to the site. This can be achieved for example by appropriate setbacks, the location of buildings in relation to monitoring equipment and facilities, and avoiding the potential for reserve sensitivity effects.~~~~

Policy 3J – Renewable Energy

To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations while, as far as practicable, avoiding, remedying or mitigating significant adverse effects on the outstanding natural landscapes and features of the Mackenzie Basin.

Explanations and reasons

- ~~The Resource Management Act specifies, amongst other matters, that particular regard must be given to the benefits to be derived from the use and development of renewable energy. Utilities of national significance are found within the Mackenzie District. These have distinctive and varied characteristics. Key infrastructure includes the Pukaki High Dam, Tekapo A and B, the Ohau Power Stations, and part of Lake Benmore (which was created specifically for hydro electricity generation purposes).~~
- ~~There is also a clear recognition by Government of both the importance of the use and development of renewable energy and the need to address climate change. Recognising and providing for this type of development in the District Plan goes some way to contributing to New Zealand renewable energy targets.~~

Implementation Methods for all policies

~~To protect the distinctive and outstanding landscapes of the Mackenzie Basin by:~~

- ~~Identify existing farm base areas in the Plan, recognising that existing homestead areas and associated farm buildings generally fit within the landscape without adversely affecting values and character~~
- ~~Providing for residential development and subdivision only within the established townships of Twizel and Lake Tekapo, in a potential new small settlement at Lake Pukaki, and within the defined existing farm base areas.~~

- ~~Requiring consent (as controlled activities) for farm buildings and farm retirement buildings (both defined in the District Plan) outside the farm base areas.~~
- ~~Requiring consent (as a discretionary activity) for non farming buildings and subdivision outside the farm base areas.~~
- ~~Requiring consent (as a non-complying activity) for buildings and subdivision within Lakeside Protection Areas.~~
- ~~Encouraging placement of various temporary farm structures such as irrigators and wrapped feed back from roads and state highways, through preparation and distribution of guidelines to landowners and managers.~~
- ~~Creation of a Rural Residential Manuka Terrace Zone with a minimum lot size and residential density of 4ha.~~

Policy 3K Farming Buildings and Subdivision

To enable productive use of the land of the Mackenzie Basin and in particular farming use, by providing for farming buildings and subdivision to facilitate farming, while limiting their potential adverse impacts on important landscape values.

Explanations and Reasons

- ~~The open natural looking landscape of the Mackenzie Basin is maintained by controlling the spread of wilding pines in grazed areas as part of farming. Grazing is effective in controlling wildings in many places, but in other places additional control measures are needed. These measures may be economically viable only if subsidized by more intensive farming elsewhere on properties. More intensive farming may require new buildings, and where new farming units are feasible through irrigation they may require subdivision. Similarly, viable farming is needed to fund rabbit control and soil loss through wind erosion.~~
- ~~The new buildings that may be required for farming include new homesteads and farm workers' accommodation (permanent and temporary).~~
- ~~Farm buildings are an expected element in the Mackenzie Basin landscape. They "read" as related to the clearly evident farming activities being carried out, in a way that even the most carefully "disguised" buildings for other purposes, such as visitor accommodation cannot. Traditionally they have been loosely grouped and located in sheltered situations so that generally they do not appear obtrusive or incongruous in the landscape.~~
- ~~Ideally new farm buildings will be located within the existing farm base areas so as to keep most of the Basin free of buildings. It is recognised however that sometimes this is not feasible for farm management reasons. Most properties within the Basin have sufficient size and topographical complexity to provide sites for new farm buildings where they will be no more inconspicuous than existing buildings, provided care is taken with details such as colour finishes.~~
- ~~While farm retirement dwellings can also assist to maintain the viability of farming, if they are erected away from buildings with a more visually obvious link to farming they may appear out of place and thus undermine landscape values. Particular care in siting and design is required.~~

Rural Policy 3A1 - Important Landscapes And Natural Features

To limit earthworks on steeper slopes, high altitude areas, and on land containing geopreservation sites to enable the landforms and landscape character of these areas to be maintained.

Explanation and Reasons

- As for Objective 3A

- Earthworks, other than small scale earthworks, have the potential to scar the landscape or destroy the landform or visual value of natural features (geopreservation sites).
- Earthworks and tracks on steeper slopes (over 25°) and in high altitude areas (over 900m) can be visibly obtrusive because of their slowness in rehabilitating, their high degree of visibility and the greater amount of earthworks required to ensure stability. It is appropriate therefore that controls be in place relating to location, design and revegetation.

Implementation Methods

- Controls on Earthworks in Geopreservation Sites and High Altitude Areas
- Controls on Earthworks and Tracking on land over 25°

Environmental Results Anticipated

- Protection of the visual values and natural character of areas containing steep slopes, high altitude areas and natural features (geopreservation sites) from unsightly or damaging earthworks.

Rural Policy 3A2 - Scenic Viewing Areas

To limit structures and tall vegetation within scenic viewing areas to enable views of the landscape to be obtained within and from these areas.

Explanation and Reasons

- As for Objective 3A.
- Areas have been identified by the Council as being significant because of the landscapes contained in these areas, 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. To ensure that views within and from these areas are not obstructed it is considered appropriate that structures and tall vegetation not be permitted as of right. It is also appropriate that earthworks be limited and vegetation clearance controlled in these areas.
- Because the controls needed in these areas are the same as those required for areas of natural significance (refer Policy 1B) these scenic viewing areas have been incorporated into areas of natural significance for control and mapping purposes. In addition there is often an overlapping of these two types of area. A schedule listing all these sites details the values of each site in terms of their conservation and/or scenic values.

Implementation Methods

- Controls on Buildings and Trees in Scenic Viewing Areas

Environmental Results Anticipated

- Retention of view within and from scenic viewing areas.

Rural Policy 3A3 - Impacts Of Subdivision Use And Development

Avoid or mitigate the effects of subdivision, uses or development which have the potential to modify or detract from areas with a high degree of naturalness, visibility, aesthetic value, including important landscapes, landforms and other natural features.

Explanation and Reasons

- As for Objective 3A
- Sustainable management of natural and physical resources will not be maintained unless the protection of the District's natural resources, including the visual and landscape qualities of those resources, can be assured. This is because the quality of life and development within the District is, in part, dependant on the quality of the visual and landscape character within which it operates.

Implementation Methods

- Administration of resource consents guided by this policy.
- Promotion of adoption of the Design Guidelines in Appendix K
- To undertake a study, in consultation with the community, to identify landscapes of value outside the Mackenzie Basin.

Rural Policy 3A4 - Tree Planting

To control the adverse effects of siting, design and potential wilding tree spread of tree planting throughout the District, to enable forestry to be integrated within rural landscapes and to avoid screening of distant landscapes.

Explanation and Reasons

- As for Objective 3A.
- Plantation Forestry can impact significantly on landscapes and potential adjacent landuses. This is particularly so in the open and uncluttered landscapes of the Mackenzie Basin and high country. Within these areas the grasslands give a unity to the landscape and allow the landforms to dominate the landscape and define the horizons. The tussock grassland also emphasises even subtle changes in light and colour. Because of this potential for impact it is considered important that the Council have power, through Controlled Activity status of forestry, to place conditions on the siting and design of forests and on potential wilding tree spread.
- Because of the natural character, visibility and environmental sensitivity of sub-alpine and alpine areas, and the potential for wilding tree spread from plantings it is necessary to control tree plantings in higher altitude areas as a Discretionary Activity.
- As for Rural Policy 3MA2 - Scenic Viewing Areas.
- Generally the landscape character of the District is such that further small scale plantings can be assimilated without adversely impacting on the landscape character.

Implementation Methods

- Small scale forestry – Permitted Activity Fairlie Basin – Permitted Activity.
- Other planting in the Fairlie Basin – Controlled Activity.
- Small scale forestry in the vicinity of homesteads and farm buildings in the Mackenzie Basin Permitted Activity.
- Other planting in the Mackenzie Basin – Restricted Discretionary Activity.
- Tree planting in riparian areas – Restricted Discretionary Activity.
- Tree planting in scenic viewing areas and high altitude areas –Discretionary Activity.
- Tree planting in wetlands and Sites of Natural Significance – Non-complying Activity.
- To undertake a study, in consultation with the community, to identify landscapes of value outside the Mackenzie Basin.
- To review the provisions for forestry following assessment of landscape values outside the Mackenzie Basin.

Environmental Results Anticipated

- Tree planting in the high altitude areas limited to locations where adverse effects on landscape values, ecology, visual amenity and natural values can be avoided or mitigated.
- Retention of views from and within scenic viewing areas.
- Tree planting in other parts of the District which is in sympathy with the landscape and which avoids, remedies or mitigates adverse effects on the environment.

Rural Policy 3A5 - In Harmony With The Landscape

To encourage the use of guidelines for the siting and design of buildings and structures, tracks, and roads, tree planting, signs and fences.

To encourage the use of an agreed colour palette in the choice of external materials and colours of structures throughout the district, which colours are based on those which appear in the natural surroundings of Twizel, Tekapo and Fairlie.

Explanation and Reasons

- As for Objective 3A.
- A harmony of colour and design between the built and natural environment is one which most people find agreeable and desirable. For this reason the Council has had prepared three colour palettes containing the predominant colours of Twizel, Fairlie and Tekapo areas and adopted a set of design guidelines. Because it was considered that there may be some administrative and enforcement difficulties in requiring these palettes and design guidelines to be applied in all cases the Council has chosen to encourage the use of these by bringing the existence and advantages of the palettes and guidelines to the attention of all people who are building within the District. Council will however apply these to resource consents where appropriate.

Implementation Methods

- Design guidelines - Appendix K
- Encourage use of colour palette.
- Through resource consent conditions

Environmental Results Anticipated

- Increased use over time of colours within the colour palettes prepared for the Fairlie, Tekapo and Twizel areas.

Rural Objective 3B – Activities in the Mackenzie Basin’s outstanding natural landscape

(1) *Subject to (2)(a), to protect and enhance the outstanding natural landscape of the Mackenzie Basin Subzone in particular the following characteristics and/or values:*

- (a) *the openness and vastness of the landscape;*
- (b) *the tussock grasslands;*
- (c) *the lack of houses and other structures;*
- (d) *residential development limited to small areas in clusters;*
- (e) *the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin;*
- (f) *undeveloped lakesides and State Highway 8 roadside;*

(2) *To maintain and develop structures and works for the Waitaki Power Scheme:*

- (a) *within the existing footprints of the Tekapo-Pukaki and Ohau Canal Corridor, the Tekapo, Pukaki and Ohau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lake Tekapo, Pukaki, Ruataniwha and Ohau and subject only (in respect of landscape values) to the objectives, policies and methods of implementation within Chapter 15 (Utilities) except for management of exotic tree species in respect of which all of objective (1) and all implementing policies and methods in this section apply;*
- (b) *elsewhere within the Mackenzie Basin Subzone so as to achieve objective (1) above.*

(3) *Subject to objective (1) above and to rural objectives 1, 2 and 4:*

- (a) *to enable pastoral farming;*
- (b) *to enable pastoral intensification, including cultivation and/or direct drilling and high intensity (irrigated) farming, in Farm Base Areas and areas for which irrigation consent was granted prior to 14 November 2015 and the effects on the outstanding natural landscape have been addressed through the regional consenting process; and elsewhere, to manage pastoral intensification;*
- (c) *to enable rural residential subdivision, cluster housing and farm buildings around existing homesteads (where they are outside hazard areas).*

Explanation and Reasons

- Section 6(b) of the Resource Management Act requires the Council to recognise and provide for the protection of outstanding natural features and landscapes within its District from inappropriate subdivision, use and development as a matter of natural importance.
- It is appropriate that development, particularly in the high country and Mackenzie Basin has and overriding regard to the wider visual and landscape considerations that are important to the well-being of the District, its residents and visitors.

Policy 3B1 – Recognition of the Mackenzie Basin’s distinctive characteristics

To recognise ~~and identify~~ that within the Mackenzie Basin’s outstanding natural landscape there are:

- (a) Many areas where development beyond pastoral activities is either generally inappropriate or should be avoided;
- (b) Some areas with greater capacity to absorb different or more intensive use and development, including areas of lesser ~~landscape sensitivity visual vulnerability~~ and identified Farm Base Areas.

Explanations and Reasons:

- A distinctive ‘Mackenzie Country’ character has developed, based on the visual and physical qualities of the Basin, combined with the land use practice and the social pattern of run holders, workers and extensive stations. Despite its modified and managed land surface as a working landscape, the entire Basin remains ‘outstanding’ in terms of landscape values. This is because of the uniqueness, natural and visual qualities of the high mountain basin environment, lakes, land forms, land use, community and Mackenzie identity.
- The Basin has a diversity of conditions with a north to south altitude gradient and west to east rainfall gradient. To this can be added the topographic and soil variability of outwash, moraine, valley, lake, hillside and mountain environments and the variability of closeness to or remoteness from the state highways and other roads.
- The 2007 report “The Mackenzie Basin Landscape: character and capacity” by Graham Densem assesses the Mackenzie Basin landscape, identifying its various character areas and describes their characteristics and values.
- The sensitivity of the landscape to change is a key matter in determining the ability of an area to absorb that change without adversely impacting the outstanding natural landscape of the Basin. This sensitivity comprises visual sensitivity (incorporating general visual exposure of an area, number and types of viewers and potential to mitigate visual effects of proposed changes) and landscape character (incorporating natural patterns such as geomorphology, hydrology, vegetation patterns and processes, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).
- Accordingly three levels of visual vulnerability having high, medium or low ability to absorb development have been identified within the Mackenzie Basin and are contained in Appendix V (Areas of Landscape Management). A summary of the characteristics of the three levels of visual vulnerability is set out below.

Summary of Visual Vulnerability

High Visual Vulnerability:

Areas of high visual vulnerability can be summarised as:

–the wide basins;

–lakes and lakesides, including shorelines and lakeside hill and mountain flanks;

–raised mountain ranges, hills and isolated mountains;

–river corridors;

–particularly pristine areas of continuous natural grassland, low development levels and visual vividness.

Medium Visual Vulnerability:

~~These are areas which remain vulnerable to change but are not highly vulnerable by being less prominent to view or having more existing development such as tree growth or land surface disturbance. These are areas where modest or light developments may be considered but should not be extensive and should be configured to fit into the landscape with a high degree of conformity.~~

Low Visual Vulnerability:

~~These areas have a low visual vulnerability to change, meaning that it would be possible to provide for development in these areas while still maintaining the main landscape values. Areas of low visual vulnerability include:~~

- ~~– recessed valleys at the meeting point between plains and surrounding hills;~~
- ~~– valleys and gullies incised below the generally seen surfaces;~~
- ~~– recessed gullies and indentations back from lake shorelines;~~
- ~~– areas of tree shelter and buildings in existing Farm Base Areas;~~
- ~~– areas of existing subdivision and rural residential development.~~

Policy 3B2 – Subdivision and Building Development

To ensure adverse effects, including cumulative effects, on the environment of sporadic development and subdivision are avoided or mitigated by:

- (1) Managing residential and rural residential subdivision and housing development within defined Farm Base Areas (refer to Policy 3B3);*
- (2) Enabling farm buildings in Farm Base Areas ~~and in areas of low visual vulnerability~~ subject to bulk and location standards ~~and protection of environmental values and elsewhere managing them in respect of location and external appearance size, separation and avoidance of sensitive environments;~~*
- (3) Ensuring new residential or rural residential zones in areas of ~~low-lesser landscape sensitivity or medium visual vulnerability~~ achieve Objectives 1, 2, 4, 7, 8 and 11 of the Rural chapter and satisfy Policy 3B4 below;*
- (4) Strongly discouraging ~~non-farm buildings residential units~~ elsewhere in the Mackenzie Basin ~~outside of Farm Base Areas.~~*

Explanations and Reasons:

- Domestication of the Mackenzie Basin landscape can reduce or remove those qualities for which it is valued. These effects include the imposition of buildings, structures, plantings and other patterns associated with development (earthworks, lighting, reflective surfaces etc.) that detract from the open and uncluttered landscape of the Basin.
- Rural lifestyle subdivisions, as found throughout lowland rural areas of New Zealand have the potential to lessen the sense of extensive wilderness and long views to distant points by dispersing developments over wide areas of the Basin.
- Individual subdivisions and resulting activities may only have a limited adverse effect on their own if sensitively sited, however the incremental cumulative effect of further subdivisions may be significant. Adverse effects which are of concern within the Mackenzie Basin include:
 - (a) Cumulative impacts on rural character and in particular the unique character of the Mackenzie Country
 - (b) Impacts on rural amenity values including a sense of isolation and naturalness
 - (c) Impacts on rural productivity resulting from incompatibility of rural and non-rural activities
 - (d) Impacts on native plant and animal biodiversity and ecological patterns
 - (e) Impacts on landscape values from earthworks, including additional access roads and tracks, structures and built development

- (f) Impacts on the provision of and/or safe and efficient operation of existing infrastructure including reverse sensitivity effects on utilities and facilities of national importance
- (g) Impacts on the availability of water to existing water users.
- Individual farm buildings outside of Farm Base Areas are generally inappropriate. It is recognised however that at times it is necessary to locate farm buildings outside these areas. These buildings will require resource consent with different considerations taken into account depending on the landscape sensitivity of the area within the Basin, whether the farm building is within a high, medium or low visual vulnerability area.

Policy 3B3 – Development in Farm Base Areas

- (1) Within Farm Base Areas ~~in areas of high visual vulnerability~~, subdivision and development (other than farm buildings) shall maintain or enhance the ~~significant and outstanding natural landscape and other natural values of the Mackenzie Basin~~ where possible by:

 - (a) Confining development to areas where it is screened by topography or vegetation or otherwise visually inconspicuous, particularly from public viewpoints and from views of Lakes Tekapo, Pukaki and Benmore provided that there may be exceptions for development of existing farm bases at Braemar, Tasman Downs and for farm bases at the stations along Haldon Road
 - (b) Integrating built form and earthworks so that it nestles within the landform and vegetation
 - (c) Planting local native species and/or non-wildling exotic species and managing wilding tree spread
 - (d) Maintaining a sense of isolation from other development
 - (e) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
 - (f) Mitigating the adverse effects of light spill on the night sky
 - (g) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance
 - (h) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access;

- (2) ~~Subdivision and development (other than farm buildings) in Farm Base Areas which are in areas of low or medium visual vulnerability to development shall:~~
 - ~~(a) Restrict planting to local native species and/or non-wildling exotic species~~
 - ~~(b) Manage exotic wilding tree spread~~
 - ~~(c) Maintain a sense of isolation from other development~~
 - ~~(d) Mitigate the adverse effects of light spill on the night sky~~
 - ~~(e) Avoid adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance~~
 - ~~(f) Install sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.~~

Explanations and Reasons:

- The developed nodes associated with pastoral runs are small points of civilization, far outweighed in area by the natural landscape. Thus the sense of extensive areas of highly natural landscape is maintained in the traditional Mackenzie land use pattern. Retaining much of this traditional pattern is possible by requiring buildings to be located within existing Farm Base Areas unless they are required to be sited elsewhere to facilitate farming.
- Farm buildings are an expected element in the Mackenzie Basin landscape. Traditionally they have been loosely grouped and located in sheltered situations so

that generally they do not appear obtrusive or incongruous in the landscape. Ideally new farm buildings will be located within the existing Farm Base Areas so as to keep most of the Basin free from buildings.

- The exception in sub-policy (1)(a) is for two reasons – first the two Farm Base Areas on the eastern side of Lake Pukaki are exceptional because of their isolation and the distances from which they are viewed. Secondly development along the Haldon Road would, given the length of the road, the small number of Farm Base Areas and the Area’s distance from tourist routes, be unexceptional in terms of effects upon the landscape.

Policy 3B4 – Potential residential, rural residential and visitor accommodation activity zones and environmental enhancement

- (1) To mitigate the effects of past subdivision on landscape and visual amenity values in the Mackenzie Basin by identifying, where appropriate, alternative specialist zoning options such as Rural-residential where there are demonstrable advantages for the environment;
- (2) To consider and encourage appropriate residential and rural residential activities in areas of lesser landscape sensitivity ~~low or medium visual vulnerability of~~ within the Mackenzie Basin by identifying where appropriate, alternative specialist zoning options which incorporate enhancement of landscape and ecological values, including wilding pine control;
- (3) Any development within such zones shall maintain or enhance the ~~significant and outstanding natural landscape and other natural values of the Mackenzie Basin by:~~
 - (a) Confining developments to areas where it is visually inconspicuous, particularly from public viewpoints and from views up Lakes Tekapo and Pukaki, provided that there may be exceptions for development of existing Farm Base Areas at Braemar, Tasman Downs and for farm bases at the stations along Haldon Arm Road
 - (b) Integrating built form and earthworks so that it nestles within the landform and vegetation
 - (c) Planting local native species and/or non-wilding exotic species and managing wilding tree spread
 - (d) Maintaining a sense of isolation from other development
 - (e) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
 - (f) Mitigating the adverse effects of light spill on the night sky
 - (g) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance
 - (h) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.

Explanations and Reasons:

- The rural residential zones for Manuka Terrace and Ohau River and inclusion of rural residential development in the Pukaki Downs tourist zone have been created to address adverse effects of past and future subdivisions such as landscape impacts and servicing. In addition the Ohau River and Pukaki Downs provisions require compensatory removal of wilding trees.
- Landowners seeking to take advantage of the policy in relation to establishing new rural residential or visitor accommodation development will need to make applications for private plan changes.

Policy 3B5 – Landscape Aspects of Subdivision

- (1) In order to minimise its adverse effects, subdivision in the Mackenzie Basin Subzone will not be encouraged except in Farm Base Areas;
- (2) ~~There should be a minimum lot size of 200 hectares (except in Farm Base Areas);~~

- (2) Further subdivision of Lakeside Protection Areas, (except for existing Farm Base Areas), Scenic Viewing Areas and Scenic Grasslands will not be allowed;
- (3) All subdivision shall address the need to remove exotic wildings from the land being subdivided;
- (4) All subdivision should have regard to topographical and ecological constraints.

Explanations and Reasons:

- Due to the potential for subdivision to adversely impact on the values and attributes of the outstanding natural character of the Basin, it is important for it to be tightly controlled. This is particularly so in Lakeside Protection Areas, Scenic Viewing Areas and Scenic Grassland Areas. Buildings, structures, plantings and other patterns associated with development can reduce or remove the qualities of the Basin for which it is valued.
- Subdivisions have the potential to lessen the sense of extensive wilderness and the impact of uninterrupted long views to distant points. The traditional landscape values of the Basin can be significantly changed and diminished by infilling empty rural areas and disrupting land use patterns with random rural lifestyle, housing and tourism developments.
- Commitment to the removal of exotic wildings is generally best achieved at the time of subdivision. This removal enhances the open landscape character.
- Due to the potential for subdivision to cut across natural patterns in the landscape with fences, buildings and structures, it is appropriate that subdivision is designed on a topographical basis.
- The Basin has numerous ecological values resulting from the indigenous vegetation present, habitat, flora and fauna. Where possible these sites need to be allowed for and accounted for in any subdivision.

Policy 3B6 – Lakeside Protection Areas

- (a) To recognise the special importance of the Mackenzie Basin's lakes, their margins, and their settings in achieving Objective 3B;
- (b) Subject to (c) to avoid adverse impacts of buildings, structures and uses on the landscape values and character of the Mackenzie Basin lakes and their margins;
- (c) To provide for the upgrading, maintenance and enhancement of the existing elements of the Waitaki Power Scheme;
- (d) To avoid, remedy or mitigate the adverse impacts of further buildings and structures required for the Waitaki Power Scheme on the landscape values and character of the Basin's lakes and their margins.

Explanations and Reasons:

- Built development, roads, land use intensification, wilding tree spread and earthworks in the vicinity of the Basin's lakes have the real potential to degrade not only their more local landscape character and naturalness, but also the wider and more expansive views up, down and across them. Notwithstanding this, the presence of nationally significant electricity generation and transmission infrastructure within the Mackenzie Basin, and particularly within the outstanding natural landscape areas of Pukaki, Tekapo and Ohau must be acknowledged and the benefits derived from the supply of electricity need to be taken into account when assessing landscape values, character and capacity.
- A Lakeside Protection Area has been identified in the Plan. This reflects the visual sensitivity of the landscapes around the major lakes in the District. Any proposed development within this area needs to be carefully considered. Buildings and subdivision within the Lakeside Protection Area are non-complying activities.
- There are a number of existing structures associated with the Waitaki Power Scheme that are within Lakeside Protection Areas. It is appropriate that the Plan provides for maintenance and upgrading of these existing elements.

Policy 3B7 – Views from State Highways and Tourist Roads

- (a) To avoid all buildings, ~~other structures, large~~ irrigators and exotic trees in the Scenic Grasslands and the Scenic Viewing Areas;
- (b) To require buildings to be set back from roads, particularly state highways, and to manage the sensitive location of ~~structures and large~~ irrigators to avoid or limit screening of views of the outstanding natural landscape of the Mackenzie Basin;
- (c) To avoid clearance, cultivation or oversowing of Scenic Viewing Areas and Scenic Grasslands, including tussock grasslands, adjacent to and within the foreground of views from State Highways and the tourist roads;
- (d) Subject to Policy 3B13, to minimise the adverse visual effects of irrigation of pasture adjacent to the state highways or tourist roads.

Explanations and Reasons:

- Scenic Viewing Areas and Scenic Grasslands have been identified by the Council as being significant because of the landscapes contained in these areas, 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. To ensure that views within and from these areas are not obstructed, it is appropriate that buildings and tall vegetation (such as shelterbelts and plantation forests) not be permitted as of right. It is also appropriate that pastoral intensification and earthworks be limited in these areas.
- Scenic Viewing Areas and Scenic Grasslands comprise dry grasslands adjoining SH8 and tourist roads which include tussock grasslands, generally containing short tussock species. In addition to tussock grasslands being associated with iconic high country vistas, they have numerous other values including their contribution to indigenous biodiversity, water production potential, pollination, recreation and tourism.
- Sustainable management of natural and physical resources will not be maintained unless the protection of the District's natural resources, including the visual and landscape qualities of those resources can be assured. This is because the quality of life and development within the District is, in part, dependent on the quality of the visual and landscape character within which it operates.

Policy 3B8 – Renewable Energy

To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011 while, as far as practicable, avoiding, remedying or mitigating significant adverse effects on the outstanding natural landscape and features of the Mackenzie Basin.

Explanations and Reasons:

- The Resource Management Act 1991 and National Policy Statement for Renewable Electricity Generation 2011 specifically require particular regard must be given to the benefits to be derived from the use and development of renewable energy including the need to address climate change. This is particularly relevant in the Mackenzie Basin which contains utilities of national significance including the Pukaki High Dam, Tekapo A and B, the Ohau Power Stations, and part of Lake Benmore (which was created specifically for hydro-electricity generation purposes).

Policy 3B9 – Reverse sensitivity

To avoid, remedy or mitigate adverse reverse sensitivity effects of non-farm development and residential activity on rural activities and activities such as power generation, transmission, infrastructure, state highways and the Tekapo Military Training Area.

Explanations and Reasons:

- Reverse sensitivity occurs where an established activity is vulnerable to complaints from a new land use. Within the Mackenzie Basin reverse sensitivity is most likely to occur where a new residential or commercial activity establishes close to a farming operation or infrastructure such that the new activity is adversely affected by effects of the existing activity such as noise, smell or heavy traffic movements.

Policy 3B10 – Hazards

To avoid hazards caused by power generation, including water storage, water transport by canal and aqueduct or where it has been demonstrated that avoidance is not necessary, remedy or mitigate the adverse effects of the hazard.

Explanations and Reasons:

- The adverse effects of flooding resulting from failure or breach of hydroelectricity infrastructure, such as dams and canals, are most effectively avoided by directing new buildings away from areas identified as subject to inundation from failure or breach of hydroelectricity infrastructure. The hydro-electricity inundation hazard areas in Appendix U identify areas potentially subject to inundation from failure or breach of hydroelectricity infrastructure. Where assessment of the flood risk (through the resource consent process) indicates that avoidance is not necessary, mitigation of the effects of flooding can be achieved by means such as requiring buildings to be located on higher land or to have higher flood levels.

Policy 3B11 - Consequential effects of Occupied Buildings in Inundation Areas

Within hydro-electricity inundation hazard areas avoid occupied buildings which are likely to result in a requirement to cease to operate, upgrade, modify or replace the hydro-electricity related structures or significantly alter the operation of the affected portion of the hydro-electricity scheme.

Explanations and Reasons:

- Inundation areas have been identified in Appendix U for all the hydroelectricity structures in the Mackenzie Basin should they fail. New occupied buildings within these inundation areas could result in the need for structures to be upgraded, modified or replaced or operations altered, causing substantial cost to the generator. In some cases it could result in a facility having to be closed down. This policy seeks to avoid this situation by requiring detailed assessment of any proposed occupied building in an inundation area to determine the level of impact on the generator.
- For the purposes of this Policy, “occupied buildings” has the same meaning as the meaning in Standard 3.1.2.h.

Policy 3B12 – Pastoral Farming

Traditional pastoral farming is encouraged so as to maintain tussock grasslands, subject to achievement of the other Rural objectives and to Policy 3B7.

Explanations and Reasons:

- A distinctive character has developed from the land use practices and social pattern of run-holders, workers and extensive stations in the Mackenzie Basin.
- Traditional dry-lands farming on brown grasslands (including browntop) should continue to be enabled. The golden-brown landscape enjoyed by tourists and other visitors to, and residents of, the Mackenzie Basin are in considerable part maintained by the every-day farming operations on the stations scattered around the Basin.

Policy 3B13 – Pastoral Intensification

- (1) To ensure areas in the Mackenzie Basin which are proposed for pastoral intensification maintain the outstanding natural landscape of the Mackenzie Basin and meet all the other relevant objectives and policies for the Mackenzie Basin Subzone (including Rural Objectives 1, 2 and 4 and implementing policies);
- (2) To avoid pastoral intensification in Sites of Natural Significance, Scenic Viewing Areas, and Scenic Grasslands (including tussock grasslands) adjacent to and within the foreground of views from State Highways and the tourist roads;
- (3) To enable pastoral intensification in Farm Base Areas and of land for which irrigation consent was granted prior to 14 November 2015 and the effects on the outstanding natural landscape have been addressed through the regional consenting process;
- (4) To manage pastoral intensification elsewhere in order to retain the valued characteristics of the Mackenzie Basin Subzone;:-
- (5) To take into account any agreement between the Mackenzie Country Trust and landowners which secures protection of landscape and biodiversity values as compensation for intensification of production.

Explanations and Reasons:

- Continued pastoral use and extensive runs generally sustain the valued landscapes of the Mackenzie Basin. It is recognised however that to achieve on-going economic, social and environmental viability it is necessary to provide for further productive farm development.
- There are significant indigenous vegetation values throughout the Basin in addition to those identified as Sites of Natural Significance. Managing pastoral intensification through a consent process will enable appropriate consideration of the impacts of intensification on these values and limit or avoid adverse effects.
- Some structures and systems associated with more intensive farming such as irrigators or industrial style buildings, when placed in the foreground of views can reduce the scenic values and sense of openness valued within the Basin.
- Pastoral intensification is provided for within Farm Base Areas as these areas are generally already modified such that natural and landscape character can accommodate change without adversely impacting on the outstanding natural landscape of the Mackenzie Basin.
- A number of consents for taking of water and irrigation have been granted by Environment Canterbury for properties within the Basin, many of which are yet to be implemented. Although the natural and landscape values within some of these areas are significant, it is unreasonable to require additional consents through the District Plan for pastoral intensification within those areas as considerable time and expense has been involved in obtaining these irrigation consents. It is also understood that landscape considerations have been taken into account in granting these consents.

Policy 3B14 – Wilding Trees

To manage wilding trees and their spread by prohibiting the planting of wilding prone trees and, where possible, by requiring their removal:

- (a) at the time of subdivision;
- (b) when consent is required for housing or development;
- (c) when new zones are proposed.

Explanations and Reasons:

- The spread of wilding trees from plantations and from self-sown trees within the Mackenzie Basin has accelerated over time. This has significantly impacted the outstanding natural landscape character of the Basin by reducing the sense of openness and vastness and displacing indigenous vegetation including tussock grasslands.

- While the District Plan does not require removal of wildings per se, it can achieve a reduction in existing and likely future wildings by prohibiting the planting of wilding prone species and by making subdivisions and development conditional on removal of existing and future wildings within the property involved and, in some cases, from other land. **Removal of wildings and limiting their spread is most likely to be a requirement of subdivision for non-farm purposes.**

3. SECTION 3 DEFINITIONS

3.1 Add the following definitions:

Farm Base Area means a Farm Base Area identified in Appendix SR of this District Plan.

Farm building means a building the use of which is incidental to the use of the site for a farming activity, dairying and factory farming (refer definitions) and does not include dwellings or other buildings used for residential activity. ~~and includes residential units and accommodation used predominantly for people engaged in farming activity and their families.~~

~~**Farm Retirement Dwelling** means a residential unit and associated outbuildings occupied by someone who has been engaged in full time farming of the property on which the farm retirement dwelling is established and his/her family.~~

Pastoral intensification within the Mackenzie Basin Subzone means ~~subdivisional fencing,~~ cultivation, irrigation, topdressing and oversowing and/or direct drilling.

3.2 Amend the definition of Pastoral Intensification as follows:

Pastoral Intensification outside the Mackenzie Basin Subzone means subdivisional fencing, topdressing and oversowing.

4. SECTION 7 RURAL ZONE RULES

4.0 Add the following statement to the Rural Zone Statement:

1 Zone Statement

The Rural Zone comprises the majority of the District, apart from the settlement areas. The Mackenzie Basin Subzone is that land identified on the Map entitled “Mackenzie Basin Subzone Boundary” contained in the Planning Maps.

The Ostler Fault Hazard Area is an area west of Twizel township which lies within the Mackenzie Basin Subzone. Activities in this area will be assessed against the provisions of the subzone as well as the additional requirements specifically relating to managing fault rupture hazard within the mapped area. This area is identified on Planning Maps 33, 38, 53 and 55.

4.1 Amend Rural Zone Rule 2- Status of Activities statement as follows:

2 District Wide Rules

The following General Provisions containing District Wide Rules apply in the Rural Zone.

- Hazardous Substances Section 10
- Heritage Protection Section 11
- Signs and Outdoor Lighting Section 12

- Subdivision, Development and Financial Contributions Section 13
- Temporary Activities and Buildings and Environmental Noise Section 14
- Transportation Section 15
- Utilities Section 16

STATUS OF ACTIVITIES

All rules in the Rural Zone shall apply to the Mackenzie Basin Subzone unless otherwise stated.

For the avoidance of doubt, these rules do not apply to utilities, which are addressed in Section 16 — Utilities Rules.

The following Clauses 3 to 15A specify the status of activities under the District Plan i.e. Permitted, Controlled, Restricted Discretionary, Discretionary and Non-Complying Activities, for the following activities:

- 3 Buildings
- 4 Earthworks and Tracking
- 5 Factory Farming
- 6 Forestry
- 7 Recreational Activities
- 8 Visitor Accommodation
- 9 Retail Sales
- 10 Mining Activities
- 12 Vegetation Clearance
- 13 Scheduled Activities
- 14 Aviation Activities
- 15 Other Activities (Including farming, but not factory farming);
- 15A Pastoral Intensification.

Any activity which is not provided for in these Rural Zone rules as either a Permitted, Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity shall be a Discretionary Activity.

4.2 Amend Rural Zone Rule 3.1 Permitted Activities — Buildings 3.1.1 as follows:

3.1 Permitted Activities - Buildings

- 3.1.1 Any Building outside the Mackenzie Basin Subzone which is not specified as a Controlled Activity, Discretionary Activity or Non-Complying Activity and which complies with all the following standards:

4.3 Retain and amend Rural Zone Rule Permitted Activities — Buildings Standard 3.1.1.h Lakeside Protection Areas as follows:

3.1.1.h Lakeside Protection Area

No building or extensions to buildings, other than stock fencing, shall be erected in Lakeside Protection Areas identified on the Planning Maps (refer Non-Complying Activities - Rule 3.4.54).

4.4 Add the following Activity to 3.1 Permitted Activity - Buildings

3.1.2 Any farm building and extension to a farm building within a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone which complies with all the following standards:

3.1.2.a Height of Buildings

- i Maximum height of farm buildings, ~~excluding residential units and buildings used for accommodation~~ shall be 15m;
- ii ~~Maximum height for all other buildings shall be 8m.~~

3.1.2.b Setback

- i Minimum setback of buildings from the boundary of the defined Farm Base Area shall be 20m;
- ii Minimum setback of buildings from state highways shall be 100m; and
- iii Minimum setback of buildings from other roads shall be 20m.

3.1.2.c Reflectivity

The maximum reflectivity index of the exterior of any buildings shall be 40%; except that extensions increasing the floor area of farm buildings existing at 1 August 2009 by up to 50% may be clad in the same material and with the same finish as the existing building.

3.1.2.d Riparian Areas

Rule 3.1.1.f shall apply

3.1.2.e Flight Protection Areas

Rule 3.1.1.1 shall apply

3.1.2.f Sites of Natural Significance, Scenic Viewing and High Altitude Areas

Rule 3.1.1.e shall apply

~~3.1.2.g Ostler Fault Hazard Area~~

~~There shall be no residential buildings (including relocated dwellings, farm dwellings and farm retirement dwellings) erected in the Ostler Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).~~

3.1.2.h Hydro-electricity inundation areas

There shall be no occupied buildings located within a hydro-electricity inundation area identified on the hazard map in Appendix U.

For the purposes of this standard “occupied buildings” means a building in which people reside, occupy or work on a permanent or regular basis; and includes residential accommodation, home occupations, factory farming, wintering barns, herd homes and dairy sheds.

Provided that a building shall be deemed not to be an occupied building if:

- (i) it is demonstrated that the building, will not raise the PIC level (Low, Medium, High) under the Building Act 2004 with the consequence of a requirement to cease to operate, upgrade, modify or replace the hydroelectricity related structures or that it will significantly alter the operation of the affected portion of the hydroelectricity scheme; and
- (ii) it is located at least 150 metres from the toe of the embankment of any canal in fill or any dam or associated structure; and
- (iii) is sited within an area of low hazard that would result from any dam breach within a hydro-electricity inundation hazard area; and
- (iv) is designed so that any habitable floor area of any residential structure is a minimum of 300 mm above the maximum inundation level that would result from any dam breach; or
- (v) the building is a temporary structure required by the dam owner/operator to give effect to maintenance of any dam and associated structure, and the structure is in place for not longer than 12 months.

For the purpose of this rule:

“Dam” has the same meaning as the Building Act 2004 and includes canals and aqueducts.

“Low Hazard Area” means those areas that result from any dam breach which are subject to inundation where the water depth (metres) x velocity (metres per second) is less than or equal to 1, or where depths are less than 0.5 metre.

4.5 Amend 3.2.1 Controlled Activities — Buildings as follows:

3.2 Controlled Activities - Buildings

- 3.2.1 Relocated buildings, other than accessory buildings, used for residential purposes within the Rural Zone (excluding the Mackenzie Basin Subzone):

Standards and Terms for Relocated Buildings

- i All the standards in 3.1.1 above shall be complied with.
- ii The Council may require a bond from the consent holder in respect of the performance of one or more conditions of any consent granted, including any conditions relating to the alteration or removal of structures on the expiry of the consent.

Matters Subject to Council's Control

- External appearance of the relocated building.

Non-Notified Application

Any application under clause 3.2.1 will not require the written approval of other persons and shall be non-notified.

4.6 Add the following Activity to 3.2 Controlled Activities — Buildings

- 3.2.2 ~~Within the Mackenzie Basin Subzone but excluding the Ostler Fault Hazard Area, farm buildings and farm retirement dwellings outside the defined farm base areas (see Appendix R).~~

~~Farm buildings outside a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone Low Visual Vulnerability areas.~~

~~Standards and Terms~~

- ~~i Maximum height of farm buildings, excluding residential units and buildings used for accommodation shall be 15m;~~
- ~~ii Maximum height for all other buildings shall be 8m. Maximum building footprint shall be 30m x 20m;~~
- ~~iii Minimum separation of 1km from an existing farm building, other than an existing farm building within a defined Farm Base Area;~~
- ~~iviii Minimum setback of buildings from state highways shall be 100m;~~
- ~~iv Minimum setback of buildings from other roads shall be 20m;~~
- ~~vi Minimum setback from internal boundaries shall be 20m;~~
- ~~vii Sites of Natural Significance, Scenic Viewing and High Altitude Areas Rule 3.1.1.e shall apply;~~
- ~~viii Riparian Areas Rule 3.1.1.f shall apply;~~
- ~~ixviii Lakeside Protection Areas Rule 3.1.1.h shall apply;~~
- ~~ix Flood Mitigation Rule 1.1.1.j shall apply~~
- ~~x No farm building shall be erected within Scenic Grasslands identified on the Planning Maps or in Appendix V (Areas of Landscape Management); and~~
- ~~xi Hydro Electricity Inundation Hazard Area Rule 3.1.2.h shall apply.~~

~~Note: For the avoidance of doubt, this rule does not apply to farm buildings and farm retirement buildings within the Ostler Fault Hazard Areas (refer Rule 3.3.4).~~

~~Matters Subject to Council's Control~~

- ~~• External appearance and location within the landscape~~

~~Non-Notified Application~~

~~Any application under clause Rule 3.2.2 will not require the written approval of other persons and shall be non-notified.~~

3.2.2 Non-farm buildings or extensions to non-farm buildings within defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which comply with the following standards and terms shall be a Controlled Activity:

Standards and Terms

- i. Maximum height of non-farm buildings shall be 8m;
- ii Minimum setback of buildings from state highways shall be 100m;
- iii Minimum setback of buildings from other roads shall be 20m;
- iv Minimum setback from internal boundaries shall be 20m;

- v Riparian Areas – Rule 3.1.1.f shall apply;
- vi Airport Noise – Rule 3.1.1.g shall apply;
- vii Lakeside Protection Areas – Rule 3.1.1.h shall apply;
- viii Flood Mitigation – Rule 3.1.1.i shall apply;
- ix Flight Protection Areas – Rule 3.1.1.l shall apply; and
- x Hydro Electricity Inundation Areas – Rule 3.1.2.h shall apply.
- xi Maximum gross floor area of any single building shall be 550m²;
- xii Non-farm buildings with a floor area greater than 100m² shall be separated by at least 3.6m from all other buildings on the same site with a floor area greater than of 100m².
- xiii The maximum reflectivity index of the exterior of any building shall be 40%

Matters subject to Council’s control

- External appearance and location within the landscape
- Landscape and visual effects including the sensitivity of the landscape
- Earthworks and planting
- Lighting
- Impacts on natural character and environmental values
- Servicing and access

Notification

Any application under rule 3.2.2 will not require the written approval of other persons and shall be non-notified.

4.7 Delete 3.3.1 Discretionary Activities — Buildings, Buildings in Lakeside Protection Areas.

4.8 Add the following rule under 3.3 Discretionary Activities - Buildings as 3.3.3, and amend rules 3.3.4 and 3.3.5 as follows:

3.3.3 ~~Within the Mackenzie Basin Subzone, buildings other than farm buildings and farm retirement dwellings outside the defined farm base areas (see Appendix R).~~

Farm Buildings outside a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone ~~Medium and High Visual Vulnerability areas~~ which comply with the following standards shall be a Restricted Discretionary Activity:

3.3.3.a Farm buildings shall not be erected within any of the following areas identified on the Planning Maps ~~or in Appendix V (Areas of Landscape Management)~~:

- Sites of Natural Significance

- Scenic Viewing Areas
- Scenic Grasslands
- Lakeside Protection Areas
- Land above 900m in altitude, other than mustering huts less than 50m² in area;

3.3.3.b Maximum height of farm buildings shall be ~~7m~~8m-;

3.3.3.c Maximum reflectance value shall be 30%;

3.3.3.d Maximum building footprint shall be 30m x 20m;

3.3.3.e Minimum separation of 1km from an existing farm building, other than an existing farm building within a defined Farm Base Area;

3.3.3.f Minimum setback from state highways shall be 100m;

3.3.3.g Minimum setback from other roads shall be 20m;

3.3.3.h Minimum setback from internal boundaries shall be 20m;

3.3.3.i Flight Protection Areas - Rule 3.1.1.n shall apply; and

3.3.3.j Hydro Electricity Inundation Areas – Rule 3.1.2.h shall apply.

In considering any such Restricted Discretionary Activity the consent authority shall restrict the exercise of its discretion to the following matters:

- External appearance and location within the landscape
- Landscape and visual effects including the sensitivity of the landscape
- Impacts on natural character and environmental values
- Lighting
- Serviceing and access

3.3.4 Residential buildings (including relocated dwellings, ~~farm dwellings and farm retirement dwellings~~) in the ~~Ostler~~ Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).

3.3.5 (a) Any Permitted Activity Building outside the Mackenzie Basin Subzone (refer Rule 3.1.1) which does not meet any one or more of the following standards ~~for Permitted Activity Buildings~~:

- 3.1.1.a Height of Buildings
- 3.1.1.b Setback from Roads
- 3.1.1.c Setback from Neighbours
- 3.1.1.d Access
- 3.1.1.e Sites of Natural Significance, Scenic Viewing and High Altitude Areas
- 3.1.1.f Riparian Areas
- 3.1.1.g Airport Noise
- 3.1.1.i Flood Mitigation - Floor Height/Location
- 3.1.1.l Flight Protection Areas

(b) Any Permitted Activity farm building in a Farm Base Area within the Mackenzie Basin Subzone (refer Rule 3.1.2) which does not comply with any one or more of the following standards:

3.1.2.a	Height of Buildings
3.1.2.b	Setback
3.1.2.c	Reflectivity
3.1.2.d	Riparian Areas
3.1.2.e	Flight Protection Areas
3.1.2.h	Hydro Electricity Inundation Hazard Areas

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to those matters of non-compliance.

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to standard 3.1.2.h within the Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under standard 3.1.2.h will not require the written approval of other persons or service on other persons and shall be non-notified.

4.9 Add the rule 3.3.6 under 3.3 Discretionary Activities – Buildings

3.3.6 Any Building which does not meet the Standards and Terms for Controlled Activities Buildings.

- i In considering any such Discretionary Activity, except as provided for in ii below the consent authority shall restrict the exercise of its discretion to those matters of non-compliance and to the matters of control listed for the Controlled Activity.
- ii In considering any such Discretionary Activity arising from non-compliance with Standard 3.1.2h, the consent authority shall:
 - a Restrict the exercise of its discretion to grant or decline consent to the assessment matters set out in 16.2.n: Buildings and Visitor Accommodation and Retail Sales within Hydro Electricity Inundation Hazard Areas in Appendix U;
 - b Restrict the exercise of its discretion to place conditions on a consent to the assessment matters referred to in clause i. above and to the external appearance and location of buildings within the landscape.

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to standard 3.1.2h – Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under 3.1.2h will not require the written approval of other persons or service on other persons and shall be non-notified.

4.9A – Include new Rules 3.3.7 and 3.3.8 as follows:

3.3.7 – Non farm buildings within defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which comply with the following standards and terms shall be a restricted discretionary activity:

Standards and Terms

- i. Maximum height of non farm buildings shall be 8m;
- ii. Minimum setback of buildings from state highways shall be 100m;
- iii. Minimum setback of buildings from other roads shall be 20m;
- iv. Minimum setback from internal boundaries shall be 20m;

~~v Riparian Areas Rule 3.1.1.f shall apply;~~

~~vi Airport Noise Rule 3.1.1.g shall apply;~~

~~vii Lakeside Protection Areas Rule 3.1.1.h shall apply;~~

~~viii Flood Mitigation Rule 3.1.1.i shall apply;~~

~~ix Flight Protection Areas Rule 3.1.1.l shall apply; and~~

~~x Hydro Electricity Inundation Areas Rule 3.1.2.h shall apply;~~

~~In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to the following matter:~~

- ~~• External appearance and location within the landscape.~~

~~Note: for the avoidance of doubt, this rule does not apply to residential buildings within the Ostler Fault Hazard Area (refer Rule 3.3.4)~~

~~Notification~~

~~Any application under clause 3.3.7 will not require the written approval of other persons and shall be non-notified.~~

~~3.3.8 Non farm buildings within defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which do not meet the standards and terms listed in 3.3.7 shall be a discretionary activity.~~

~~3.3.7 Farm buildings outside Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which do not meet the standards and terms listed in rule 3.3.3 shall be a discretionary activity except as provided for in rule 3.4.4.~~

4.10 Add the following rules under 3.4 Non-Complying Activities - Buildings as 3.4.4 and 3.4.5

~~3.4.4 Except for buildings within identified Farm Base Areas (refer Appendix R), all buildings or extensions and additions to buildings within the Lakeside Protection Area identified on the Planning Maps are a non-complying activity. Farm Buildings and extensions of farm buildings outside a Farm Base Area (refer Appendix R) within the Mackenzie Basin Subzone within any of the following areas identified on the Planning Maps ~~or in Appendix V (Areas of Landscape Management):~~~~

- ~~• Sites of Natural Significance~~
- ~~• Scenic Viewing Areas~~
- ~~• Scenic Grasslands~~
- ~~• Lakeside Protection Areas~~
- ~~• Land above 900m in altitude, other than mustering huts less than 50m² in area~~

~~3.4.5 Non-farm buildings and extensions of these buildings within the Mackenzie Basin Subzone outside of defined Farm Base Areas (refer Appendix R) including all non-farm buildings within Lakeside Protection Areas, Scenic Viewing Areas, Scenic Grasslands and land above 900m in altitude identified on the Planning Maps ~~or in Appendix V (Areas of Landscape Management):~~~~

4.11 Add the following new rule 3.5 Prohibited Activities — Buildings:

3.5 Prohibited Activities - Buildings

3.5.1 **Amenity Tree Planting** — It is a Prohibited Activity for which no resource consent will be granted to plant the following species within a ~~Farm~~ ~~Base~~ Area:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pseudotsuga menziesii* (Douglas Fir)

4.12 Amend 4.1.1 Permitted Activities Earthworks and Tracking to read:

4.1.1 Any earthworks or tracking involving excavation and/or fill 300m³ or less, or bare exposed soil 1000m² or less which complies with all of the following standards:

...

4.1.1.e Scenic Viewing Areas and Scenic Grasslands

No earthworks or tracking in the Mackenzie Basin Subzone shall be located within Scenic Viewing Areas or Scenic Grasslands identified ~~on the Planning Maps in Appendix V (Areas of Landscape Management)~~ other than earthworks for the purpose of track maintenance.

4.12A Delete Rule 4.2.1 Controlled Activities – Earthworks and Tracking

4.13 Add the following activity to 4.2 Controlled Activities — Earthworks and Tracking:

4.2.~~2~~1 Other than in the areas listed below, any earthworks (both excavation and fill) greater than 300m³ and less than 1000m³ per site or bare soil exposed greater than 1000m² and less than 2500m² per site, will be a controlled activity:

- areas containing Geopreservation Sites identified on the Planning Maps and listed in Appendix I;
- Sites of Natural Significance identified on the Planning Maps and listed in Appendix I;
- areas above 900m in altitude or land with a slope angle greater than 25⁰;
- areas within 10m of a river;
- areas within 50m of a wetland or lake.
- areas within 20m of a river listed in Schedule B to the Rural Zone;
- Scenic Viewing Areas and Scenic Grasslands.

This rule shall not apply to earthworks:

- Approved as part of a subdivision or building consent
- For routine repair and maintenance of operational tracks, roads and drains
- Levelling of fence lines
- For utility services
- Approved as part of a resource consent for a building
- Approved as part of resource consent for a farming building except where the earthworks are for access
- ~~For the installation of pipes and re grading of land for irrigation purposes~~

Matters Subject to Council's Control

- Siting, slope and camber of the track;
- Manner of forming the track;
- Terrain disturbance including vegetation clearance, volumes and materials to be removed;
- Rehabilitation of disturbed ground
- Visual impact of stockpiles.
- Impact on landscape, amenity and indigenous ecosystems.

4.13A Amend Permitted Activities Tree Planting Standard 6.1.8.c as follows:

6.1.8 General Standards for Permitted Activities – Tree Planting

6.1.8 c Scenic Viewing Areas and Scenic Grasslands

No trees shall be planted in Scenic Viewing Areas identified on the Planning Maps and scheduled in Appendix J or in Scenic Grasslands identified in the Planning Maps. ~~or in Appendix V (Areas of Landscape Management).~~

4.13B Amend Discretionary Activities Tree Planting Rule 6.4.2 as follows:

- 6.4.2 Tree planting in Scenic Viewing Areas identified on the Planning Maps and scheduled in Appendix J and in Scenic Grasslands identified on the Planning Maps. ~~or in Appendix V (Areas of Landscape Management).~~

4.13C Amend Permitted Activity Rule 8.1 – Visitor Accommodation and Discretionary Activity Rule 8.2 – Visitor Accommodation as follows:

8.1 Permitted Activities - Visitor Accommodation

8.1.1 Homestays (refer definition) outside the Ostler Fault Hazard Area and Hydro Electricity Inundation Hazard Areas in Appendix U which accommodate ~~accommodating~~ no more than 6 guests at any one time.

8.1.2 Visitor accommodation outside the Ostler Fault Hazard Area and Hydro Electricity Inundation Hazard Areas in Appendix U which accommodates up to 20 people at any one time provided any building complies with all the standards in 3.1.1 a to n.

Note: Buildings within the Mackenzie Basin Subzone may require resource consent.

Note: Requirements outside the District Plan relating to Liquor, Health, and Buildings apply to visitor accommodation.

8.2 Discretionary Activities - Visitor Accommodation

8.2.1 Homestays (refer definition) which accommodate no more than 6 guests at any one time and visitor accommodation which accommodates up to 20 people at any one time, provided the building complies with all the standards in 3.1.1 a to l located within the Hydro- Electricity Inundation Hazard Areas in Appendix U.

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to hazard management.

8.2.42 Visitor accommodation and homestays not listed as a Permitted Activity or provided for under Rule 8.2.1

- 8.2.23 Visitor accommodation and homestays in the Ostler Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to Rule 8.2.1 and Rule 8.2.2 within the Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under these rules will not require the written approval of other persons or service on other persons and shall be non-notified.

4.13D Amend Rural Zone Permitted Activities – Mining Rule 10.1.2 by adding an additional standard as follows:

10.1 Permitted Activities – Mining

- 10.1.2 Extraction of gravel not exceeding 2000m³ per hectare and 2 metres depth in any continuous period of 5 years which complies with the following standards:

10.1.2.c Scenic Viewing Areas and Scenic Grasslands

There shall be no extraction within areas identified in Appendix V (Areas of Landscape Management) as Scenic Viewing Areas or Scenic Grasslands.

4.13E Amend Rural Zone Permitted Activities – Mining Rule 10.1.2 by adding an additional standard as follows:

10.2 Controlled Activities – Mining

- 10.2.1 Mineral Exploration which complies with the following standards and terms:

10.2.1.e Scenic Viewing Areas and Scenic Grasslands

Standard 4.1.1.e shall apply.

4.13F Re-number Clause 15.1.1.a Pastoral Intensification as 15A.1.1 (see Amendment no. 4.13J) and add new standard 15.1.1.a Irrigators and fences as follows:

15.1.1.a Pastoral Intensification

~~Pastoral intensification (refer definitions) shall not exceed 5% of any Site of Natural Significance identified on the Planning Maps other than on Geopreservation sites.~~

Exemption:

~~This standard shall not apply to any pastoral intensification which is provided for in any one of the following mechanisms:~~

- ~~○ Section 76 Reserves Act 1977 Declaration~~
- ~~○ Section 77 Reserves Act 1977 Conservation Covenant~~
- ~~○ Section 27 Conservation Act 1987 Covenant~~
- ~~○ Section 29 Conservation Act 1987 Management Agreement~~

~~provided such mechanism:~~

- ~~● protects the significant natural character of the Site of Natural Significance, 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~~

15.1.1.a Irrigators ~~and fences~~

- i ~~There shall be no large-irrigators (including centre pivot and linear move irrigation systems) ~~or fences (other than replacement fences)~~ within Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance or Lakeside Protection Areas identified on the Planning Maps within the Mackenzie Basin Subzone ~~or in Appendix V (Areas of Landscape Management).~~~~
- ii In all other areas of the Mackenzie Basin Subzone large-irrigators (including centre pivot or linear move irrigation systems) shall be setback at least 250m from State Highway 8, the Haldon Road, Godley Peaks Road and Lilybank Road.

Note: Controls on Pastoral Intensification in the Mackenzie Basin Subzone are contained in Clause 15A of the Rural Zone.

4.13G Amend Rural Zone Other Activities Rules 15.2.1 Discretionary Activities as follows:

- 15.2.1** Any Activity, other than those specified in Clauses 3 to 14 of the Rural Zone, which do not comply with one or more of the following standards for Permitted Other Activities:

15.1.1.a.ii	Irrigators and Fences
15.1.1.b	Noxious and Unpleasant Activities
15.1.1.c	Outdoor Activity – Commercial Manufacturing
15.1.1.d	Buildings
15.1.1.e	Retail Sales
15.1.1.f	Traffic generation
15.1.1.g	Earthworks
15.1.1.h	Noise
15.1.1.i	Offal Pits
15.1.1.j	Power Generation Facilities

4.13H Re-number Rural Zone Rule 15.3.1 as Rule 15A.3.1 and amend as set out below (see Amendment no. 4.13J).**4.13I Add the following new rule to Rural Zone Rule 15.3 Other Activities – Non-complying activities:**

- 15.3.1 Any ~~large-irrigators (including centre pivot and linear move irrigation systems) ~~or fences (other than replacement fences)~~~~ within Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance or Lakeside Protection Areas identified on the Planning Maps within the Mackenzie Basin Subzone ~~or in Appendix V (Areas of Landscape Management)~~ shall be a Non-complying activity.

4.13J Add New Pastoral Intensification Activity rules 15A.1.2, 15A.2.1 and 15A.3.2 to Rural Zone Rules as Clause 15A as follows:

15A PASTORAL INTENSIFICATION

15A.1 Permitted Activities

15.1.1.a 15A.1.1 Pastoral intensification (refer definitions) outside the Mackenzie Basin Subzone shall not exceed 5% of a Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I other than on Geo-preservation sites.

Exemption

This standard shall not apply to any pastoral intensification which is provided for in any one of the following mechanisms:

- Section 76 Reserves Act 1977 Declaration
- Section 77 Reserves Act 1977 Conservation Covenant
- Section 27 Conservation Act 1987 Covenant
- Section 29 Conservation Act 1987 Management Agreement

provided such mechanism:

- protects the significant natural character of the Site of Natural Significance, 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

15A.1.2 Pastoral Intensification (refer definitions) within the Mackenzie Basin Subzone which is:

- (a) within a defined Farm Base Area (refer Appendix R) and is setback at least 20m from the bank of a river and 50m from a wetland; or
- (b) within an area for which a ~~resource consent~~ a water permit to take and use water for the purpose of irrigation has been granted by ~~Environment~~ the Canterbury Regional Council prior to 14 November 2015 ~~authorising irrigation~~, the consent has not lapsed and effects on the outstanding natural landscape have been addressed through the regional consenting process.

15A.2 Discretionary Activities

15A.2.1 Pastoral Intensification (refer definitions) in the Mackenzie Basin Subzone other than as provided for as a Permitted Activity or Non-complying Activity.

15A.3 Non-Complying Activities

15.3.1 15A.3.1 ~~Any~~ Pastoral intensification (refer definitions) outside the Mackenzie Basin Subzone which involves 5% or more of any Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I.

15A.3.2 Pastoral Intensification (refer definitions) in the Mackenzie Basin Subzone within a Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I, Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps ~~or in Appendix V (Areas of Landscape Management)~~ or tussock grasslands within 1km of State Highway 8, Haldon Road, Godley Peaks Road or Lilybank Road.

4.14 Add the following assessment matters, as new rules 16.2.k, 16.2l, and 16.2.n

16.2.k Farm buildings and ~~Farm Retirement Dwellings~~

- i. Whether the ~~farming building(s) or farm retirement dwelling~~ would be located away from main surfaces, ridgelines and skylines of landforms. (Refer to the report "The Mackenzie Basin Landscape: character and capacity" Graeme Densem Landscape Architects November 2007, and "Intensification and Outstanding Natural Landscape: Landscape Management of the Mackenzie Basin in the Light of Court Decisions" Graham Densem Architects ~~September-November 2015~~ for descriptions of areas to be avoided in terms of their vulnerability to change.)
- ii. Whether the proposed building(s) would be adjacent to a change point of the topography, such as a slope, stream course, or forest edge.
- iii. Whether the ~~farming building(s) or farm retirement dwelling~~ would be highly visible when viewed from public viewpoints such as the state highway or the surface of a lake.
- iv. The extent to which existing natural topography would be or could be used to ensure that development is located where it is not highly visible when viewed from public viewpoints.
- v. Whether the building(s) would be located so they would be highly visible in the foreground of views of the mountains surrounding the Basin or views of the lakes, from public viewpoints.
- vi. Where the siting and/or scale of proposed building(s) means they would have an adverse effect on the landscape, whether there are other sites on the application property where the building(s) could be located and serve the intended function without such adverse effect.
- vii. The extent to which any potential adverse effects on the landscape would be avoided or mitigated by appropriate design and landscaping, and/or other measures (including covenants and other restrictive instruments).
- viii. Whether the building(s) would be located where it/they would break the line and form of any skylines, ridges, hills or prominent slopes, and in particular whether buildings would appear above the skyline when viewed from any public viewpoint.
- ix. The extent to which any proposed accessways, earthworks or landscaping would follow the form and lines of the natural topography and landscape.
- x. Whether the ~~farm building(s) or farm retirement dwelling~~ would be concentrated together or in close proximity to existing buildings or other man-made structures (preferred).
- xi. Whether the colours of the roofs and walls would be recessive and of low reflectivity.

16.2.l Non-Farming Activities and Buildings

- i. The extent to which building(s) would be visible when viewed from public viewpoints such as the state highway or the surface of a lake.
- ii. Whether existing natural topography would be or could be used to ensure that activities and buildings are located where not visible when viewed from public viewpoints.
- iii. Whether building(s) would be visible in the foreground of views of the mountains surrounding the Basin or of the lakes, from public viewpoints.
- iv. Whether and the extent to which the nature, scale and overall layout of the development would compromise the character of the surrounding landscape.
- v. Where the siting and/or scale of proposed building(s) means it/they would have an adverse effect on the landscape, whether there are other sites on the application property or in the wider area where the building(s) could be located and serve the intended function without such adverse effect.
- vi. The extent to which any potential adverse effects on the landscape would be avoided

- or mitigated by appropriate design and landscaping, and/or other measures (including covenants and other restrictive instruments).
- vii. Whether building(s) would be located where they would break the line and form of any skylines, ridges, hills or prominent slopes, and in particular whether buildings would appear above the skyline when viewed from any public viewpoint.
 - viii. The extent to which any proposed accessways, earthworks or landscaping would follow the form and lines of the natural topography and landscape.
 - ix. Whether building(s) would be concentrated together or in close proximity to existing buildings or other man-made structures (preferred).
 - x. Whether the colours of the roofs and walls would be recessive and of low reflectivity.
 - xi. Whether the site is within a Lakeside Protection Area, Scenic Viewing Area or Scenic Grasslands.
 - xii. Whether the application includes proposals for ecological restoration and/or the containment and control of wilding species.
 - xiii. The extent to which any exterior lighting can be minimised to avoid adverse effects on amenity values.
 - xiv. Any adverse effects of the proposed activity in terms of:
 - Noise, vibration and lighting from the activity and from vehicles entering and leaving the site.
 - Loss of privacy for adjacent properties.
 - Levels of traffic congestion or reduction in levels of traffic safety.
 - Noise, dust and traffic from earthworks.

16.2.n Buildings and Visitor Accommodation and Retail Sales not listed as a permitted activity within Hydro-Electricity Inundation Hazard Areas in Appendix U

- i The potential for reverse sensitivity and adverse effects of new buildings/activities on the operation and management of existing power generation infrastructure, including any effect on the Potential Impact Classification, and requirements in any dam safety assurance programme;
- ii The risk of inundation associated with the uncontrolled release of water or operational discharges from existing power generation infrastructure, and the potential effects on property and life.

5 SECTION 7A — RURAL-RESIDENTIAL ZONE

Add the following Rural Residential Manuka Terrace Zone rule after the Rural Zone Rules in Section 7:

RURAL RESIDENTIAL - MANUKA TERRACE ZONE

1 ZONE STATEMENT

The Rural Residential Zone at Manuka Terrace near Lake Ohau provides an alternative low density living environment within the District's rural areas.

The Manuka Terrace Rural Residential Zone recognises the recent subdivision of land into residential sized lots, and provides for the maintenance of the scale of subdivision to provide lower density living environments that are semi-rural in nature. The minimum lot size set for the zone protects its viability in respect of the balance between providing services and maintaining amenity and the outstanding landscape values of the area. The area is close to the Ben Ohau Range and is subject to strong winds.

2. DISTRICT WIDE RULES

The following General Provisions containing District Wide Rules apply in the Zone:

- | | |
|--|------------|
| • Hazardous Substances | Section 10 |
| • Heritage Protection | Section 11 |
| • Signs and Outdoor Lighting | Section 12 |
| • Subdivision, Development and Financial Contributions | Section 13 |
| • Temporary Activities and Buildings and Environmental Noise | Section 14 |
| • Transportation | Section 15 |
| • Utilities | Section 16 |

STATUS OF ACTIVITIES

3. PERMITTED ACTIVITIES

The following shall be Permitted Activities provided they comply with the Site Standards in, and are not otherwise listed as Controlled, Discretionary, Non-complying or Prohibited Activities.

3.1 Residential Activities

3.2. Buildings – for or directly associated with farming activity and dwellings on lots created or approved prior to 19 December 2007, where such approval had not lapsed and where the approval specifically provides for a building platform within the lot.

3.3. Amenity Tree Planting – Planting of those species listed in Rule 8.1 shall be a Prohibited Activity

3.3. Visitor Accommodation – providing accommodation for a maximum of six guests on site at any one time.

3.4. Home Occupations – home occupations, other than those that involve noxious activities that comply with the site and zone standards.

3.5. Farming Activities

3.6. Earthworks – Any earthworks (excavation and filling) 300m³ or less or bare soil exposed 1000m² or less.

3.7. Vegetation Clearance

4. CONTROLLED ACTIVITIES

4.1. Buildings – Buildings for any purpose other than farming purposes, except for dwellings on lots created or approved by subdivision consent prior to 30 November 2007 and such approval has not lapsed, and where the approval specifically provides for a building platform within the lot.

Matters Subject to Council's Control

- bulk and location including location to avoid natural hazard risk;
- access;

- servicing;
- earthworks;
- external appearance and condition;
- ability to withstand strong winds

All Site Standards in 9 must be complied with.

- 4.2.** Earthworks – Any earthworks (excavation and filling) greater than 300m³ and less than 1000m³ per site or bare soil exposed greater than 1000m² and less than 2500m² per site is a Controlled Activity.

This rule shall not apply to earthworks:

- Approved as part as part of a subdivision or building consent
- For routine repair of operational tracks
- Levelling of fence lines
- For utility services
- Approved as part of a resource consent for a building
- Approved as part of resource consent for a farming building except where the earthworks are for access

Matters Subject to Council's Control

- Siting, slope and camber of the track;
- Manner of forming the track;
- Terrain disturbance including vegetation clearance, volumes and materials to be removed;
- Rehabilitation of disturbed ground.

5. RESTRICTED DISCRETIONARY ACTIVITIES

- 5.1.** Any Permitted Activity or Controlled Activity that does not comply with the Site Standards in 9 shall be a Discretionary Activity, with Council's discretion limited to the matters of non-compliance.

6. DISCRETIONARY ACTIVITIES

- 6.1. Retail Sales** – All retail sales.
- 6.2. Visitor Accommodation** - providing accommodation for more than six guests on site at any one time.
- 6.3. Commercial Activities** – commercial activities other than complying visitor accommodation activities and complying farm activities
- 6.4. Any activity** which is not listed as a Permitted, Controlled, Restricted Discretionary, non-Complying or Prohibited Activity

7. NON-COMPLYING ACTIVITIES

7.1 Forestry Activities

7.2. Mining Activities

7.3. Industrial Activities

- 7.4. Noxious Activities** – no activity shall involve the following:

- Panel beating, spray painting, motor vehicle repairs or vehicle dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection or a recycling service, motor or marine body building, meat processing or require an Offensive

Trade Licence under the Health Act 1956 or its amendments.

8. PROHIBITED ACTIVITIES

8.1. **Amenity Tree Planting** – It is a Prohibited Activity for which no resource consent will be granted to plant the following species:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pinus menziesii* (Douglas Fir)
- *Pinus mugo/uncinata* (Mountain Pine)
- *Pinus pinaster* (Maritime Pine)
- *Pinus ponderosa* (Ponderosa Pine)
- *Larix deciduas* (European Larch)

9. SITE STANDARDS

9.1 **Residential Density** – no more than one residential unit and one minor unit per site provided the minor unit can comply, in its own right with setback, height and parking requirements for a residential unit.

The minimum site area for each residential unit and minor unit shall be:

- i 2ha for lots created or approved by subdivision consent prior to 30 November 2007 and such approval has not lapsed;
- ii 4ha for all other lots

9.2 **Building Setbacks** – Minimum setback from road and internal boundaries of 20m.

9.3 **Building and Hard Surface Coverage** – the maximum coverage of all buildings and hard surfaces on each separate title shall not exceed 700m². For the purposes of this rule hard surface shall not include any access whose formation and surfacing is permeable.

9.4 **Building Height** - The maximum height of any building shall not exceed 8m above existing ground level.

9.5 **Noise** – All activities shall be conducted to comply with the following standards as measured at any point within the boundary of any other site:

Daytime	0700 – 2000 hours	50 dBA L10
Night-time	2000 – 0700 hours	40 dBA L10
At all times		70 dBA Lmax

Noise levels shall be measured and assessed in accordance with NZS6801:1991 and NZS 6802:1991 or their successors.

9.6 **Nature and Scale of Home Occupations**

- i No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in undertaking an activity on the site.
- ii All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles associated with an activity shall be carried out within a building.
- iii Hours of Operation – the maximum total number of hours the site shall be open to visitors, clients or deliveries shall be 50 hours per week. All activities associated with the home occupation or non-residential use of the site shall be restricted to within the following hours:

- 0700 – 2000 Monday to Friday; and

- 0800 – 2000 Saturday, Sunday and Public Holidays

except: where the activity is carried out entirely within a building; and where each person involved in the activity resides permanently on the site.

9.7 **Aircraft** – No activity shall involve the take-off or landing of aircraft, other than for emergency services landing and rescues, or civil defence purposes.

9.8 **Vegetation Clearance** – Clearance of indigenous shrubland shall be limited to those areas required for the establishment and occupation of buildings, access and services.

10. Assessment Matters

In considering whether or not to grant consent or impose conditions the Council shall have regard to, but not be limited by, the appropriate assessment matters in the Rural Zone or Residential Zone rules.

6. SECTION 13 — SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS

6.1A Amend Explanations and Reasons for Subdivision Objective 6 – Design and Location as follows:

Explanation and Reasons

There are areas within the District where subdivision has the potential to create adverse visual effects because boundaries are poorly located in relation to topography. In addition subdivision in the vicinity of important habitat or vegetation areas can impact on those values of these areas.

Other relevant objectives and policies that the Council shall refer to in considering subdivision are:

Rural Objective 1 - Indigenous Ecosystems, Vegetation and Habitat
Policy 1C - Natural Character and Ecosystem Functions

Rural Objective 2 - Natural Character of Waterbodies and their Margins
Policy 2A - Controlling Adverse Effects
Policy 2B - Riparian Margins

Rural Objective 3A - Landscape Values
Policy 3A3D - Impacts of Subdivision Use and Development
Policy 3A4 - Tree Planting
Policy 3A5 - In harmony with the Landscape

Rural Objective 3B - Activities in the Mackenzie Basin's outstanding natural landscape
Policy 3B1 - Recognition of the Mackenzie Basin's Distinctive Characteristics
Policy 3B2 - Subdivision and building development
Policy 3B3 - Development in Farm Base Areas
Policy 3B4 - Potential Residential and Visitor Accommodation Activity Zones and Environmental Enhancement
Policy 3B5 - Landscape aspects of subdivision

Rural Objective 4 - High Country Land
Policy 4A - Vegetation Cover
Policy 4B - Ecosystem Functioning, Natural Character and Open Space Values
Policy 4C - Soils and Water.

6.1 Amend Rule 1e of Rule 1 General Provisions Applicable to all Subdivision and Development Activities as follows:

1.e

- Any reference to Residential Zones in these Subdivision Rules shall be a reference to the Residential 1, Residential 2 Zone, and Pukaki Village Zone.
- Any reference to Business Zones in these Subdivision Rules shall be a reference to the Village Centre, Service, Industrial, Tourist, Tourist G, and Travellers Accommodation Zone.
- Unless otherwise stated any reference to Rural Zones in these Subdivision Rules shall be a reference to the Rural Zone, the Mackenzie Basin Subzone, any Rural-Residential Zone and the Aoraki/Mount Cook National Park.
- Any reference to Special Purpose Zones in these Subdivision Rules shall be a reference to the Opuha Dam, Recreation A, Recreation P, Open Space H, Open Space G, Ruataniwha Rowing, Twizel Special Travellers Accommodation and Airport Zones.

6.2 Amend the first clause in Rule 3 Controlled Activities —Subdivision, add wind as a Natural hazard and add Earthworks as a new matter in respect of which subdivision is a Controlled activity, as follows:

3 Controlled Activities - Subdivision

3a Any subdivision outside the Mackenzie Basin Subzone or within a Farm Base Area within the Mackenzie Basin Subzone which complies with all Primary and Secondary Subdivision Standards shall be a Controlled Activity in respect of the following matters:

Natural and Other Hazards

- Provision of works, the location and type of services, building location, and location and quantity of filling and earthworks that could be affected by the following natural hazards or which could affect the impact of those natural hazards on the site or other land in the vicinity.
- Erosion
- Flooding and Inundation
- Landslip
- Rockfall
- Alluvion (affect of river wash)
- Avulsion (removal of land by flooding)
- Unconsolidated Fill
- Wind
- Soil Contamination
- Subsidence

Earthworks

- The volume and area of earthworks
- The methods of excavation and filling
- The size and location of stockpiles
- Avoidance or mitigation of impacts on waterways, ecological and landscape values, heritage, cultural and archaeological values and neighbouring properties
- Methods of controlling stormwater runoff and erosion
- Rehabilitation of disturbed areas

~~3b Any subdivision in the Mackenzie Basin Subzone (excluding subdivision within Farm Base Areas) for the purpose of providing for a retirement dwelling (see definition) on an identified building platform within a site of at least 50 hectares, where land use consent has been granted for the subdivision or is being applied for simultaneously, shall be a **Controlled**~~

~~Activity with the Council's discretion limited to the following matters:~~

- ~~• The matters listed in 3a~~
- ~~• The effect on the landscape of the proposed dwelling sited on the identified building platform~~

6.3 Add the following new RESTRICTED DISCRETIONARY ACTIVITIES rule after rule 4 Controlled Activities as follows:

4A Restricted Discretionary Activities - Subdivision in Mackenzie Basin Subzone

~~4A.a Any subdivision within the Mackenzie Basin Subzone (excluding subdivision within Farm Base Areas) for the purpose of facilitating farming activity or providing an identified building platform within a site of at least 50 hectares for a farm retirement dwelling where land use consent has not been obtained and is not being sought simultaneously, shall be a Restricted Discretionary Activity with the Council's discretion limited to the following matters:~~

- ~~• All the matters listed in rule 3a above~~
- ~~• In the case of subdivision to facilitate farming activity, the effects of proposed or likely buildings and structures on landscape values and the location of building platforms~~
- ~~• In the case of subdivision to provide a site for a farm retirement dwelling, the effect on the landscape of the proposed dwelling sited on the identified building platform.~~

4A.a Any subdivision in a Farm Base Area (refer Appendix R) within the Mackenzie Basin Subzone (excluding any subdivision in the Ostler Fault Hazard Area) which complies with the Primary and Secondary Subdivision standards shall be a **Restricted Discretionary Activity** with the Council's discretion limited to the following matters:

- All the matters in rule 3a listed above
- The effect on the landscape of the subdivision and any associated earthworks, buildings and curtilage.

6.4 Amend Discretionary Activities— Subdivisions Rules 4a and 4b, delete 4.d and add new rules as 4d and 4e as follows:

4a Any subdivision outside the Mackenzie Basin which complies with all the Primary Subdivision Standards but does not comply with any one or more Secondary Subdivision Standards shall be a Discretionary Activity, in respect of the applicable matter.

4b Any subdivision, which occurs within any area shown on the Planning Maps as "Flood Risk", within a Hydro Electricity Inundation Area in Appendix U or within the Ostler Fault Hazard Area (refer Planning Maps 33, 38, 53 and 55), shall be a **Discretionary Activity**.

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to Rule 4.b where it is within a Hydro-Electricity Inundation Hazard Area. Except as outlined above, any application under this rule will not require the written approval of other persons or service on other persons and shall be non-notified where it is within a Hydro-Electricity Inundation Hazard Area.

4.d Any subdivision in the Mackenzie Basin Subzone within the Ostler Fault Hazard Area or outside a Farm Base Area which complies with the Primary and Secondary subdivision standards shall be a **Discretionary Activity**, ~~to facilitate an activity other than farming activity where that activity is a permitted activity or land use consent has been obtained or is being sought simultaneously.~~

6.5 Amend Non-Complying Discretionary Activities— Subdivisions Rule 5a and add new rule 5b and 5c as follows:

5. Non-Complying Activities — Subdivision

5.a Any subdivision outside the Mackenzie Basin Subzone which does not comply with one or more Primary Subdivision Standards shall be a **Non-complying Activity**.

5.b Except within ~~identified~~ defined Farm Base Areas within the Mackenzie Basin Subzone (refer Appendix R) any subdivision on any site within ~~the~~ a Lakeside Protection Area, Scenic Viewing Area or Scenic Grasslands identified on the Planning Maps ~~or Appendix V (Areas of Landscape Management)~~ shall be a **Non-complying Activity**

5.c Any subdivision within the Mackenzie Basin Subzone which is not listed as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity.

6.6 Amend Primary Subdivision Standards 6.a Allotment Size, 6.a.ii Unsewered Areas, 6b Water Supply and 6d Energy Supply and Telephone Systems as follows:

6 Primary Subdivision Standards

6.a Allotment Size

6.a.ii Unsewered Areas

6.a.ii (a) In Residential 1 Zones where public reticulation is not available, no allotments created by subdivision (including balance titles) shall have a net area less than 1500m².

...

6.a.ii (d) In defined Farm Base Areas in the Mackenzie Basin Subzone (Appendix R) (excluding in the Ostler Fault Hazard Area) a maximum of 10 allotments each having a net area of no more than 1ha may be created by subdivision.

6.a.ii (e) In defined Farm Base Areas in the Mackenzie Basin Subzone (Appendix R) (excluding the Ostler Fault Hazard Area) no lots created by subdivision shall have a net area less than 4ha, except as provided for by rule 6.a.ii (d) above.

6.a.ii (f) In the Mackenzie Basin Subzone outside Farm Base Areas (including in the Ostler Fault Hazard Area) no allotments created by subdivision shall have a net area less than 200ha.

6.b Water Supply

All new allotments in the Residential, Rural Residential and Business Zones other than allotments for access, roads, utilities and reserves, shall be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the allotment, except where:

- 6.b.i there is no Council reticulation network and/or
- 6.b.ii there is no water available from a water scheme to supply the new allotments.

6.d Energy Supply and Telephone Systems

All new allotments in the Residential, Rural Residential and Business Zones, other than allotments for access, roads, utilities and reserves, shall be provided with connections to electric supply and telephone systems to the boundary of the net area of the allotment. Refer to Part 15 Utilities Rules for standards relating to lines.

~~6.7 Add the following new rule to Section 13 Subdivision and Development Assessment Matters, Rule 10.2 Assessment Matters:~~

~~10.2.t Subdivision for farming activities (see definition), farm retirement dwellings (see definition), and non farming activities.~~

~~i. In the case of subdivision to create a separate title for a farm retirement dwelling, the extent to which the proposed building platform would allow the future dwelling to meet the assessment matters for farm buildings and farm retirement dwellings.~~

~~ii. In the case of subdivision to facilitate farming activities, the extent to which the proposed lot(s) could provide sites for potential buildings associated with the identified farming purpose that would allow the buildings to meet the assessment matters for farm buildings.~~

~~iii. In the case of subdivision for non farming activities, the extent to which the proposed lot(s) could provide sites for the proposed buildings and associated development that meets the assessment matters for non farm activities and buildings.~~

~~iv. In all cases, the safety of the proposed access point to the road.~~

6.7A Add the following additional clause to Assessment Matters 10.2h Natural and Other Hazards:

xiv Within the Hydro-Electricity Inundation Hazard Area identified on the hazard map in Appendix U:

- a. The potential for adverse and reverse sensitivity effects on the operation and management of existing power generation infrastructure, including any effect on the Potential Impact Classification, and requirements in any dam safety assurance programme;
- b. The risk of inundation associated with the uncontrolled release of water or operational discharges from existing power generation infrastructure, and the potential effects on property and life.

6.8 Renumber rules/clauses, references to these and any other consequential changes required as a result of amendments to the Subdivision and Development Rules

7. PLANNING MAP /APPENDIX AMENDMENTS

7.1 Insert Attachment 1 MACKENZIE BASIN SUBZONE into the Planning Maps.

7.2 Amend Planning Maps 51 and 33 by replacing the Twizel Water Supply Protection Zone area with the area identified Attachment 2.

- 7.3 Insert Attachment 4 as Appendix R *Farm Base Areas***
- 7.4 Amend Planning Maps 32, 33 and 37 by rezoning the area identified in Attachment 5 from Rural to “Rural-Residential – Manuka Terrace Zone”**

7.5 Insert Attachment C as Appendix V *Areas of Landscape Management*

[Amend Planning Maps by including Scenic Grasslands overlay as shown on the maps in Attachment C.](#)

8. MISCELLANEOUS AMENDMENTS

8.1 Amend Section 10 HAZARDOUS SUBSTANCES Table 1 as follows:

Table 1: Quantity Limits For Hazardous Substances identified in Schedule 1 Residential, Rural Residential, Recreation A & P, Open Space H & G, Ruataniwha Rowing, Special Travellers Accommodation And Pukaki Village Zones

8.2 Amend Section 12 SIGNS Rule7 as follows:

7 Signs In Rural Zones, Rural Residential Zones and Opuha Dam Zone

In addition to signs permitted in Rule 2, signs in Rural zones, Rural Residential zones and the Opuha Dam Zone, other than those listed in Rule 15 below shall be **Permitted Activities**, provided they comply with all of the following standards:

8.3 Amend Section 13 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS clauses 6.a.iii and 6.a.v as follows:

6.a.iii Boundary Adjustments

Notwithstanding 6.a.i and 6.a.ii above, where there are two separately saleable existing allotments, which have separate Certificates of Title, any adjustment of the boundaries shall be such that the resultant allotments are not less than the smallest that existed before the subdivision. In Residential and Rural-Residential zones that allotments shall be contiguous or separated by a road.

6.a.v Access, Utilities, Roads and Reserves

Notwithstanding 6.a.i and 6.a.ii above, there shall be no specified minimum allotment sizes in any zone for allotments for access, utilities, reserves and roads.

8.4 Amend Section 13 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS Secondary Subdivision Standards clause 7.b Property Access by amending the Table 7.b.i and adding a new clause 7.b.x as follows:

Type of Road	Road Width(m) Min/max	Carriageway Width (m) Min/Max	Kerb & Channel	Footpath(s)
Rural Zone and Rural-Residential Zone Roads	15/20	6.2/6.5	-	-

- 7.b.x Access to allotments with the potential to accommodate more than 6 residential units shall be provided by way of a public road and not by private way or access lot.

8.5 Amend Section 13 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS Secondary Subdivision Standards clauses 7.d Provision for Land for Open Space and Recreation as follows:

7.d Provision of Land for Open Space and Recreation

Rate of Contribution - Residential Purposes

Where any subdivision creates separately saleable, additional allotments for residential or visitor accommodation purposes in Residential zones, Business zones, Special Purpose zones, Rural Residential Zones or the Rural zone, other than in the Aoraki/Mount Cook National Park, a cash contribution shall be made to the Council towards the provision of land for open space in the locality, land for recreational facilities and maintenance of recreational facilities and open space calculated as follows:

$$5\% \times (a-b) \times c$$

Where:

a = the number of allotments authorised by the subdivision consent and includes

- i Vacant allotments, including vacant parts of allotments for cross-leases and unit titles; and
- ii Allotments created after the erection of a household unit, or where the subdivision and building consent for the household unit are issued in conjunction with one another:

b = number of allotments in the land prior to the subdivision (which were held in separate Certificates of title or for which Certificates of title could be issued without consent of the Council) that when created (either pursuant to a resource consent or previous legislation) complied with the minimum subdivision standards for their respective zones or standards contained in the Plan

c = the average per allotment market value (\$) of all allotment's in the subdivision, determined at the date on which the subdivision is granted, as if the allotments had been subdivided in accordance with the subdivision consent. The value of land for the purposes of determining the average cash value of allotments shall reflect the value of the lots in the completed development

In the Rural Zone and Rural Residential Zone 5% of the average value of 1500m² of each lot assessed as a site for a residential unit.

In all other zones 5% of the average cash value of the allotments in the subdivision, excluding the area of allotments for roads, utilities, reserves, access and similar purposes.

All contributions shall be to the Council in cash, unless negotiated land purchases are made in conjunction with the subdivision.

Where, within the preceding 10 years:

- a subdivision of land creating the allotment(s) has made provision for land for open space and/or conservation in excess of a previous contribution assessment; or

- building(s) erected on the allotment(s) have paid a financial contribution towards the provision of land for land for open space and recreation

the excess contribution or the financial contribution from the building development shall be assessed as a credit and deducted from the value of the subdivision contribution.

8.6 Amend Section 13 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS 9 Provision for Open Space and Recreation - Residential and Visitor Accommodation Developments, clauses 9.a Application of Rules to Zones and 9.c Discretionary Activity as follows:

9.a Application of Rule to Zones

This rule applies to the following zones:

- i Residential zones
- ii Business zones
- iii Special Purpose zones
- iv The Rural Zone, (other than in the Aoraki/Mount Cook National Park) and Rural-Residential zones

9.c Discretionary Activity

Any development which does not meet the standard of contribution specified in Standard 9b above shall be a Discretionary Activity.

8.7 Amend Section 15 TRANSPORTATION RULES 2.q Private Vehicle Access as follows:

2.q Private Vehicle Access

- i All private vehicular access to fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in the table below.

Table 6 - Private Vehicular Access

Zone	Potential No of Lots	Lengths	Legal Width (m)	Carriage-way Width (m)	Turning Area	Passing Bay	Footpaths
Residential	0-2	All lengths	3.5	3.0	Optional	Optional	Optional
Residential	3-6	0-50	4	3.5	Required	Required	Optional
Residential	3-6	Over 50	4.5	4.0	Required	Required	Required
Rural and Rural-Residential	0-6	All Lengths	5.0	4.0	Required	Optional	Optional
All Other Zones	0-6	All Lengths	6.0	4.0	Required	Optional	Optional

- ii Minimum height clearance for private vehicular traffic access shall be 3.5m.

- iii Access to more than 6 allotments or residential units shall be provided by way of a road and not by a private way or access lot.

8.8 Amend Section 16 UTILITIES Standards for Permitted Activities Rules 1.2.b and 1.2c as follows:

- 1.2.b Any support structure for lines within Rural Zones and Rural-Residential Zones shall be setback a minimum distance of 15m from any intersection, measured parallel from the centreline of the carriageways, at the point where the roads intersect.
- 1.2.c No facility or support structure for telecommunication, radiocommunication and/or meteorological facilities shall exceed the following applicable maximum height (refer definition) above ground level:
 - 11m in Residential, and Pukaki Village Zone.
 - 20m in Rural, Rural Residential or Business Zones.

8.9 Amend Section 16 UTILITIES Rule 1.5 Discretionary Activities as follows:

1.5 Discretionary Activities

The following activities shall be **Discretionary Activities** throughout the District:

- a Any activity listed as a Permitted Activity which does not comply with any one or more Standards applying to that Activity shall be a Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.
- b Any activity listed as a Permitted Activity which is located within the Lakeside Protection Area.
- c Weather Radar.
- d Lines and support structures for conveying electricity at a voltage exceeding 110KV and a capacity exceeding 100MVA.
- e Any other utility not specifically listed as a Permitted or Discretionary Activity.

ATTACHMENT B – ENVIRONMENT COURT’S DIRECTED AND SUGGESTED OBJECTIVES AND POLICIES

Ninth Decision: Schedule A Objectives A and B

Objective 3A: Landscape Values

Protection of the outstanding landscape values

Objective 3A – Landscape Values

Protection of the natural character of the landscape and margins of lakes, rivers and wetlands and of the natural processes and elements that contribute to the District’s overall character and amenity.

Objective 3B:

Objective 3B – Activities in the Mackenzie Basin’s outstanding natural landscape

- (1) Subject to (2)(a), to protect and enhance the outstanding natural landscape of the Mackenzie Basin Subzone in particular the following characteristics and/or values:
 - (a) the openess and vastness of the landscape;
 - (b) the tussock grasslands;
 - (c) the lack of houses and other structures;
 - (d) residential development limited to small areas in clusters;
 - (e) the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin;
 - (f) undeveloped lakesides and State Highway 8 roadside;
- (2) To maintain and develop structures and works for the Waitaki Power Scheme:
 - (a) within the existing footprints of the Tekapo-Pukaki and Ohau Canal Corridor, the Tekapo, Pukaki and Ohau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lakes Tekapo, Pukaki, Ruataniwha and Ohau and subject only (in respect of landscape values) to the objectives, policies and methods of implementation within Chapter 15 (Utilities) except for management of exotic tree species in respect of which all objective (1) and all implementing policies and methods in this section apply;
 - (b) elsewhere within the Mackenzie Basin Subzone so as to achieve objective (1) above.

**Ninth Decision: Schedule B
Policies to Implement Objective 3A**

Note: The original policies 3B¹ to 3F in the operative district plan were not changed by PC13(N)². Renumbered so that they go with the zone-wide objective but otherwise unchanged they read:

Rural Policy 3A1 – Important Landscapes and Natural Features

To limit earthworks on steeper slopes, high altitude areas and on land containing geopreservation sites to enable the landforms and landscape character of these areas to be maintained.

Rural Policy 3A2 – Scenic Viewing Areas

To limit structures and tall vegetation within scenic viewing areas to enable views of the landscape to be obtained within and from those areas.

Rural Policy 3A3 – Impacts of Subdivision Use and Development

Avoid or mitigate the effects of subdivision, uses or development which may have the potential to modify or detract from areas with a high degree of naturalness, visibility, aesthetic value, including important landscapes, landforms and other natural features.

Rural Policy 3A4 – Tree Planting

To control the adverse effects of siting, design and potential wilding tree spread of tree planting throughout the District, to enable forestry to be integrated within rural landscapes and to avoid screening of distant landscapes.

Rural Policy 3A5 – In Harmony with the Landscape

To encourage the use of guidelines for the siting and design, buildings and structures, tracks and roads, tree planting, signs and fences.

To encourage the use of an agreed colour palette in the choice of external materials and colours of structures throughout the District, which colours are based on those which appear in the natural surroundings of Twizel, Tekapo and Fairlie.

Former Policy 3A – Lakeside Landscapes – is omitted from that list because, as mentioned in a footnote, that policy was deleted by PC13(N).

¹ We start with policy 3B because policy 3A was deleted by para 23 of PC13(N).

² Para 2.4 of PC13(N) proposed merely to renumber them.

Ninth Decision: Schedule C
Policies 3B1 to 3B16

Policy 3B1- Recognition of the Mackenzie Basin’s distinctive characteristics

(To be put forward for approval by the Mackenzie District Council after consultation)

Policy 3B2 – Adverse Impacts of Buildings and Earthworks

To avoid adverse impacts on the outstanding natural landscape and features of the Mackenzie Basin, in particular from residential buildings, domestication, structures, earthworks, tracks and roads except in particular areas under policies below, and to remedy or mitigate the adverse effects of farm buildings or fences.

Policy 3B3 – Adverse Effects of Sporadic Subdivision and Development

To control buildings and subdivision in the Mackenzie Basin Subzone (outside of approved Farm Base Areas and other than for activities provided for in [the Renewable Energy] Policy 3B9 and subject to lesser controls on buildings and subdivision in areas of lower visual vulnerability) to ensure adverse effects, including cumulative effects, on the environment of sporadic development and subdivision are avoided or mitigated and to sustain existing and likely future productive use of land.

Policy 3B4 – Limits on Subdivision and Housing

- (1) Subject to (2) below, to enable residential or rural residential subdivision and housing development in the Mackenzie basin Rural subzone only within identified Farm Base Areas;
- (2) To encourage new residential or rural residential subzones in areas of low or medium vulnerability provided:
 - (a) objectives 1, 2, 4, 7, 8 and 11 of the rural chapter are achieved; and
 - (b) the new subzones satisfy policy 3B6 below;
- (3) To strongly discourage residential units elsewhere in the Mackenzie Basin.

Policy 3B5 – Development in Farm Base Areas

- (1) Subdivision and development of Farm Base Areas which are in areas of high vulnerability to development shall maintain or enhance the significant and outstanding natural landscape and other natural values of the Mackenzie Basin by:
 - (a) confining development to areas where it is screened by topography or vegetation or otherwise visually inconspicuous, particularly from public viewpoints and from views of Lakes Tekapo, Pukaki and Benmore provided that there may be exceptions for development of existing farm bases at Braemar, Tasman Downs and for farm bases at the stations along Haldon Road.
 - (b) integrating built form and earthworks so that it nestles within the landform and vegetation;
 - (c) planting of local native species and/or non-wilding exotic species and management of wilding tree spread
 - (d) maintaining a sense of isolation from other development
 - (e) built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
 - (f) mitigating the adverse effects of light spill on the night sky
 - (g) avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance
 - (h) installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access;

- (2) Subdivision and development in Farm Base Areas which are in areas of low or medium vulnerability to development shall:
- (a) restrict planting to local native species and/or non-wilding exotic species
 - (b) manage exotic wilding tree spread
 - (c) maintain a sense of isolation from other development
 - (d) mitigate the adverse effects of light spill on the night sky
 - (e) avoid adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance
 - (f) install sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.

3B6 – Potential Residential and Visitor Accommodation Activity subzones

- (1) To mitigate the effects of past subdivision on landscape and visual amenity values and to encourage appropriate rural residential activities in the Mackenzie Basin by identifying, where appropriate, alternative specialist zoning options (such as Rural-Residential) in areas of low or medium vulnerability to development where there are demonstrable advantages for the environment;
- (2) where such subzones are located wholly or partly in areas of medium vulnerability then any development within shall maintain or enhance the significant and outstanding natural landscape and other natural values of the Mackenzie Basin by:
 - (1) confining developments to areas where it is visually inconspicuous, particularly from public viewpoints and from views up Lakes Tekapo and Pukaki provided that there may be exceptions for development of existing farm bases at Braemar, Tasman Downs and for farm bases at the stations along Haldon Arm Road
 - (2) integrating built form and earthworks so that it nestles within the landform and vegetation
 - (3) planting of local native species and/or non-wilding exotic species and management of wilding tree spread
 - (4) maintaining a sense of isolation from other development
 - (5) built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
 - (6) mitigating, the adverse effects of light spill on the night sky
 - (7) avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance
 - (8) installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.

Policy 3B7 – Lakeside Protection Areas

- (a) To recognise the special importance of the Mackenzie Basin's lakes, their margins, and their settings in achieving Objective 3B.
 - (b) Subject to (c) to avoid adverse impacts of buildings, structures and uses on the landscape values and character of the Mackenzie Basin lakes and their margins.
 - (c) To avoid, remedy or mitigate the adverse impacts of further buildings and structures required for the Waitaki Power Scheme on the landscape values and character of the Basin's lakes and their margins.
- (Note: Policy (c) has different objectives to achieve dependent on whether Rural Objective (7)3B or Utilities objective (Section 15) 3 is being implemented.)

Policy 3B8 – Views from State Highways and Tourist Roads

(To be put forward for approval by the Mackenzie District Council after consultation)

Policy 3B9 – Renewable Energy

To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure

operators as at 31 October 2011 while, as far as practicable, avoiding, remedying or mitigating significant adverse effects on the outstanding natural landscape and features of the Mackenzie Basin.

Policy 3B10 – Reverse Sensitivity

To avoid, remedy or mitigate adverse reverse sensitivity effects of non-farm development and residential activity on rural activities and activities such as power generation, transmission infrastructure, state highways and the Tekapo Military Training Area.

Policy 3B11 – Hazards

To avoid hazards caused by activities such as power generation; and water transport by canal and aqueduct on non-farm development and activities.

Policy 3B12 – Pastoral Farming

(To be put forward for approval by the Mackenzie District Council after consultation).

Policy 3B13 – Farm Buildings

(To be put forward for approval by the Mackenzie District Council after consultation).

Policy 3B14 – Pastoral Intensification

(To be put forward for approval by the Mackenzie District Council after consultation).

Policy 3B15 – Wilding Trees

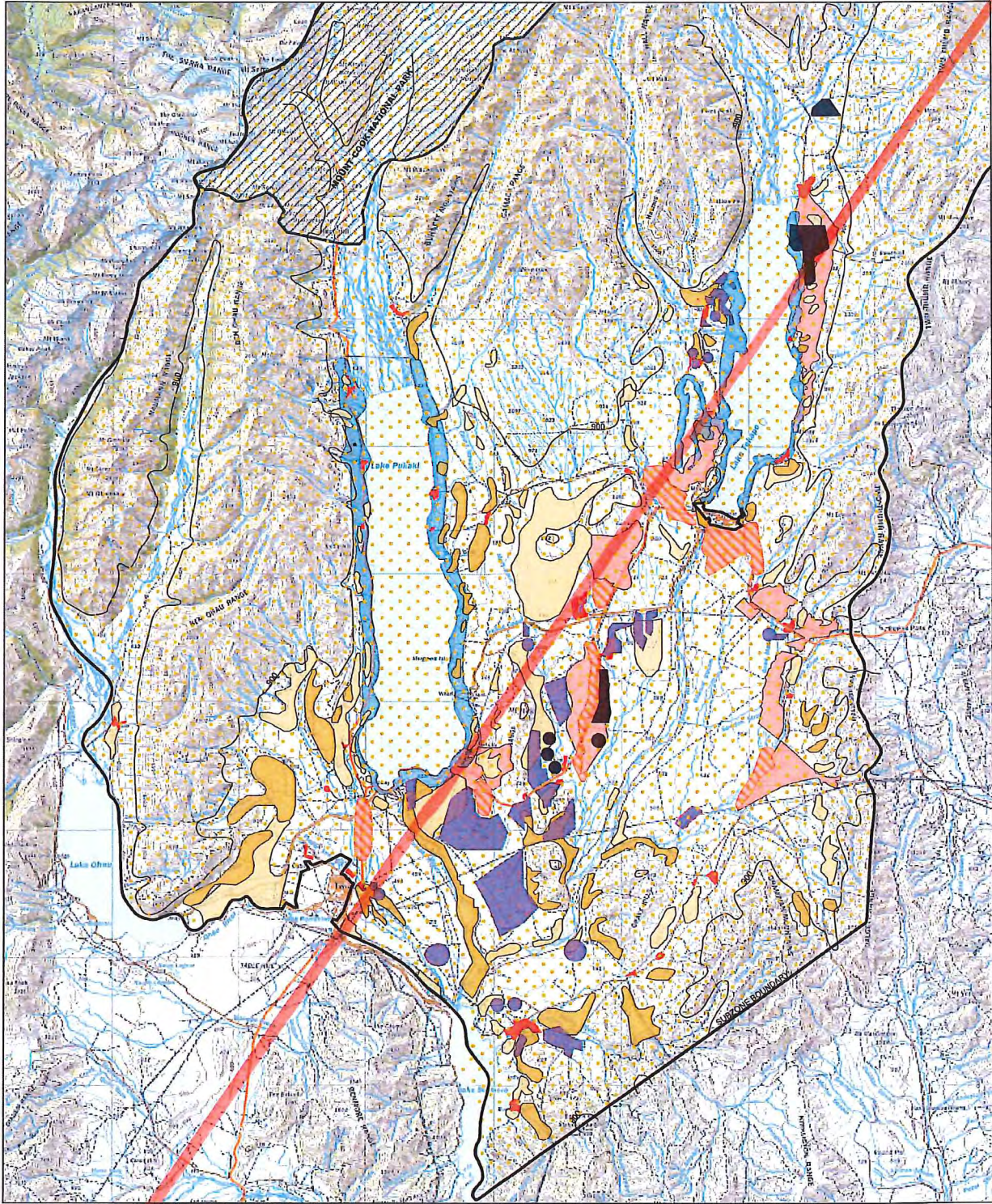
(To be put forward for approval by the Mackenzie District Council after consultation).

Policy 3B16 – Landscape Aspects of Subdivision

(To be put forward for approval by the Mackenzie District Council after consultation).

ATTACHMENT C – SCENIC GRASSLAND MAPS

(to be included in the Planning Maps of the Mackenzie District Plan)



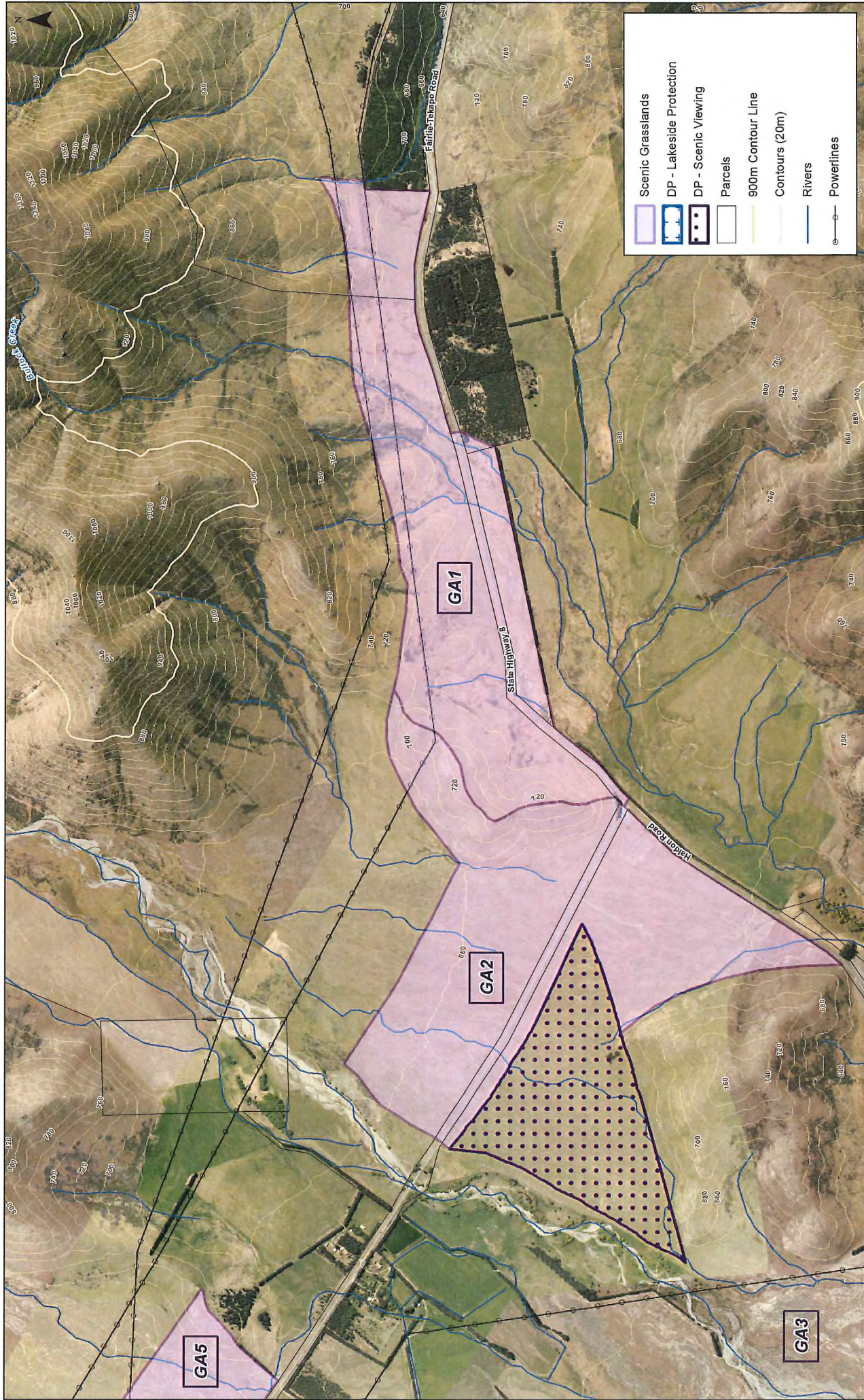
KEY

- | | | | | | | |
|---|-----------------------------------|---|--------------------------|---|--|---|
|  | High Visual Vulnerability Areas |  | Scenic Grasslands |  | Farm Base Areas | Scale: 1:30,000 @ A3
Date: 12 Nov 2015
Map No: 201501 V8 |
|  | Medium Visual Vulnerability Areas |  | Scenic Viewing Areas |  | Consented Irrigation Sites | |
|  | Low Visual Vulnerability Areas |  | Lakeside Protection Area |  | Proposed Irrigation Sites
(Application/Subject to Appeal) | |
-  900m Contour

Mackenzie District Plan Change 13
2015 SERIES, MAP 1

AREAS OF LANDSCAPE MANAGEMENT



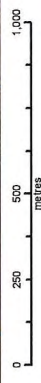


Scenic Grasslands GA1 & GA2

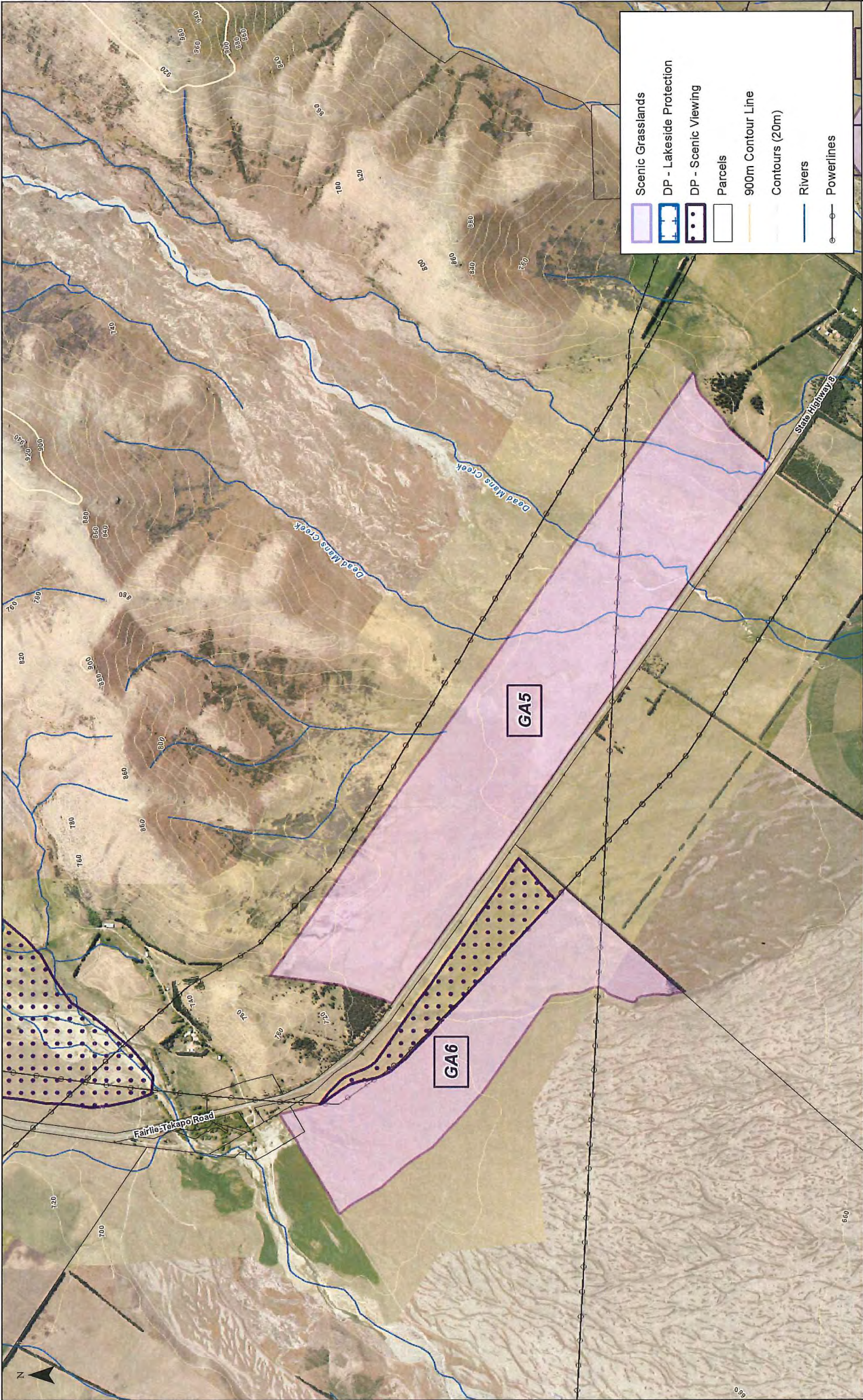
Property boundaries, 20m Contours, road names, rail lines, address & title points sourced from Land Information Services. Contour data sourced from Statistics NZ. Particulars sourced from NZ Post. Assets, contours, water and drainage information shown is approximate and must not be used for detailed purposes. Other data has been compiled from a variety of sources, and its accuracy may vary, but is generally 4-1m.

MAP PRODUCED BY:
 Fairlie District Council
 83 Main Street,
 FAIRLIE, NZ

Scale 1:115,000
 ORIGINAL MAP SIZE: A3
 DATE: 5/05/2016



	Scenic Grasslands
	DP - Lakeside Protection
	DP - Scenic Viewing
	Parcels
	900m Contour Line
	Contours (20m)
	Rivers
	Powerlines



Scenic Grasslands

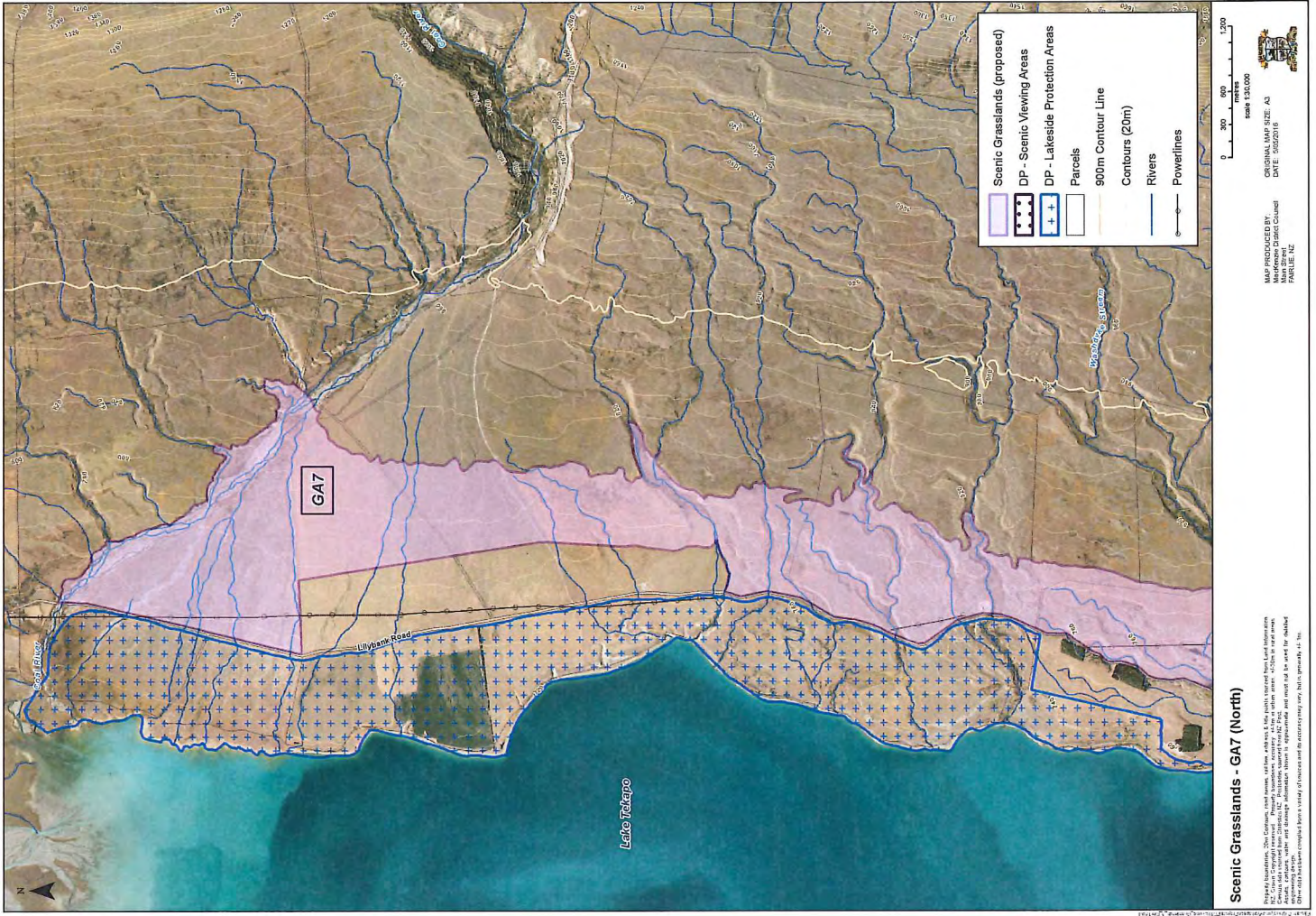
- Scenic Grasslands
- DP - Lakeside Protection
- DP - Scenic Viewing
- Parcels
- 900m Contour Line
- Contours (20m)
- Rivers
- Powerlines

Scale 1:15,000
 ORIGINAL MAP SIZE: A3
 DATE: 5/05/2016

MAP PRODUCED BY:
 Landscape Design Consultants
 83 St Albans Road, PO Box 62
 FAIRLIE, NZ

Scenic Grasslands - GA5 & GA6

Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information New Zealand. Contour data sourced from Statistics NZ. Potable water supply from 1/2 inch maps. Assets, contours, water and drainage information shown is approximate and must not be used for detailed design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally $\pm 1m$



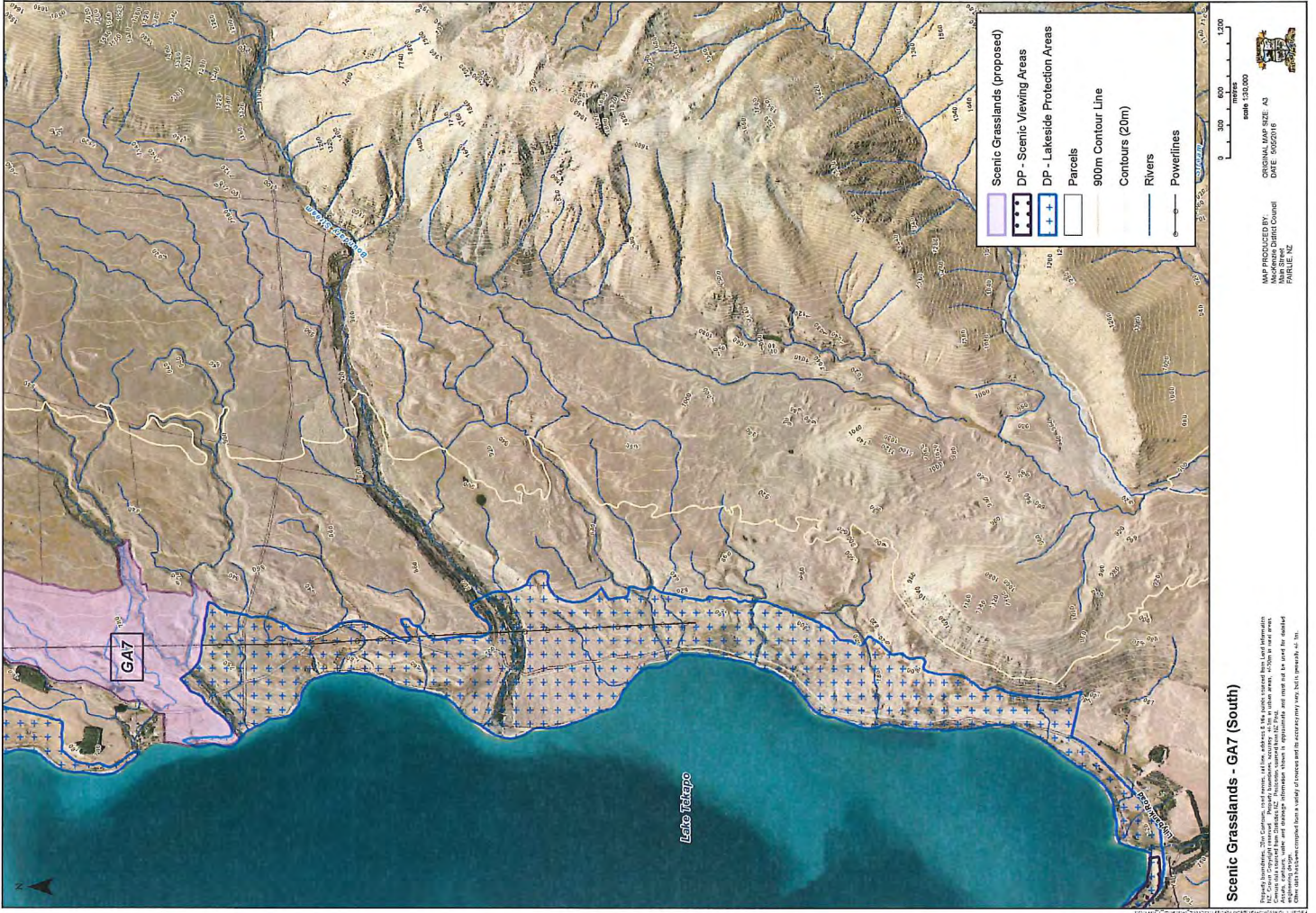
Scenic Grasslands - GA7 (North)

Map produced by the Department of Conservation, using aerial photography and other data. The map is a representation of the current state of the land and is not a guarantee of any particular use or value. The map is for general information only and should not be used for any specific purpose. The map is subject to change without notice. The map is not a substitute for a site visit. The map is not a guarantee of any particular use or value. The map is for general information only and should not be used for any specific purpose. The map is subject to change without notice. The map is not a substitute for a site visit.

MAP PRODUCED BY:
MARTIN HARRIS CONSULTING
FARMVILLE, NZ

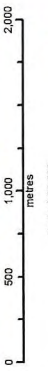
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DATE: 05/02/2016







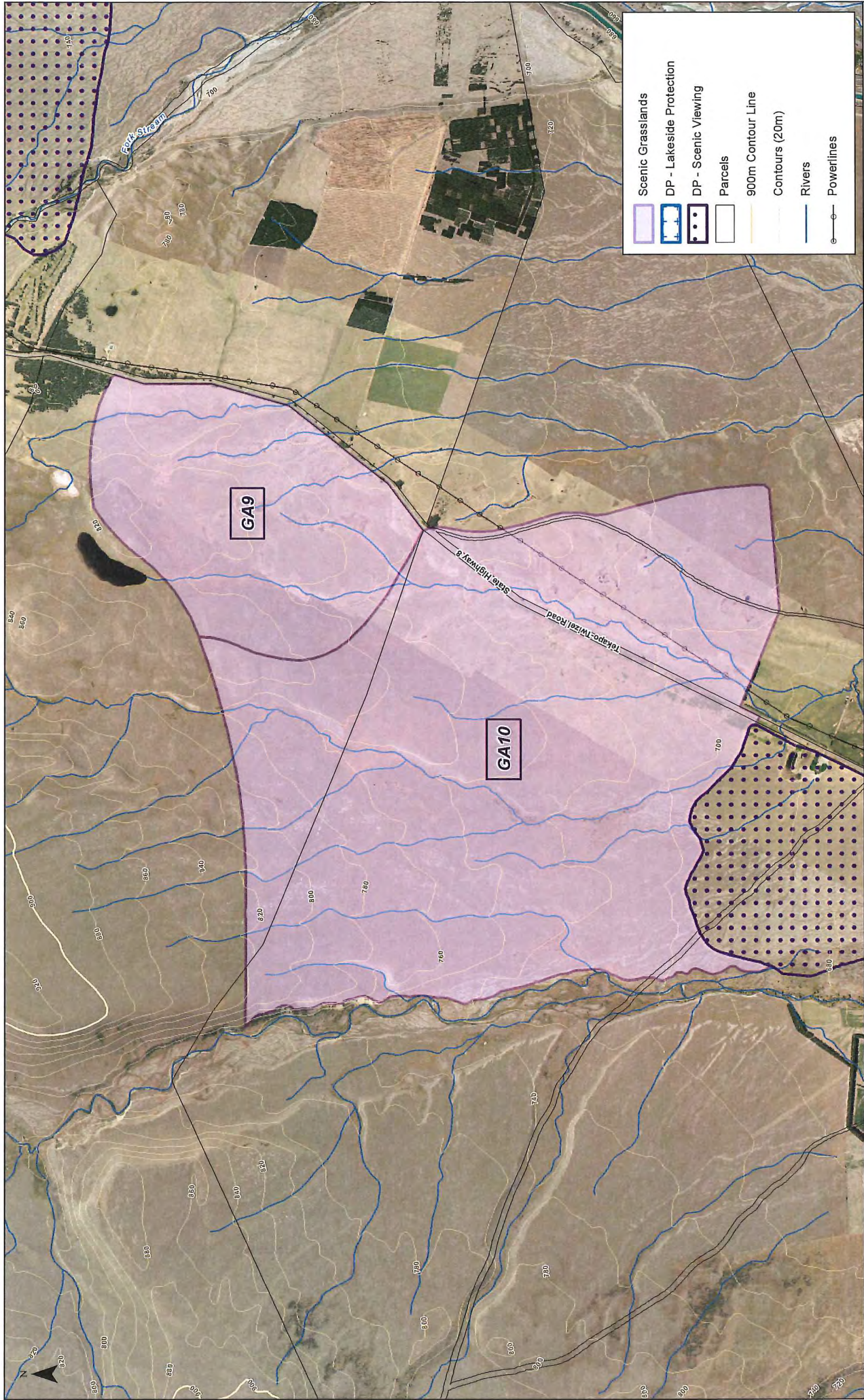
Scenic Grasslands (proposed)
 DP - Lakeside Protection Areas
 DP - Scenic Viewing Areas
 Parcels
 900m Contour Line
 Contours (20m)
 Rivers
 Powerlines



Scale 1:30,000
 ORIGINAL MAP SIZE: A3
 DATE: 11/05/2016
 MAP PRODUCED BY:
 Resource District Council
 100 Main Street, PO Box 55
 FAIRLIE, NZ

Scenic Grasslands - GA8

Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information Services. DP - Lakeside Protection Areas, DP - Scenic Viewing Areas, 900m in width areas. Contour data sourced from Statistics NZ. Photographs sourced from NZ Post. Assets, contours, water and drainage information shown is approximate and must not be used for detailed design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally $\pm 1m$.



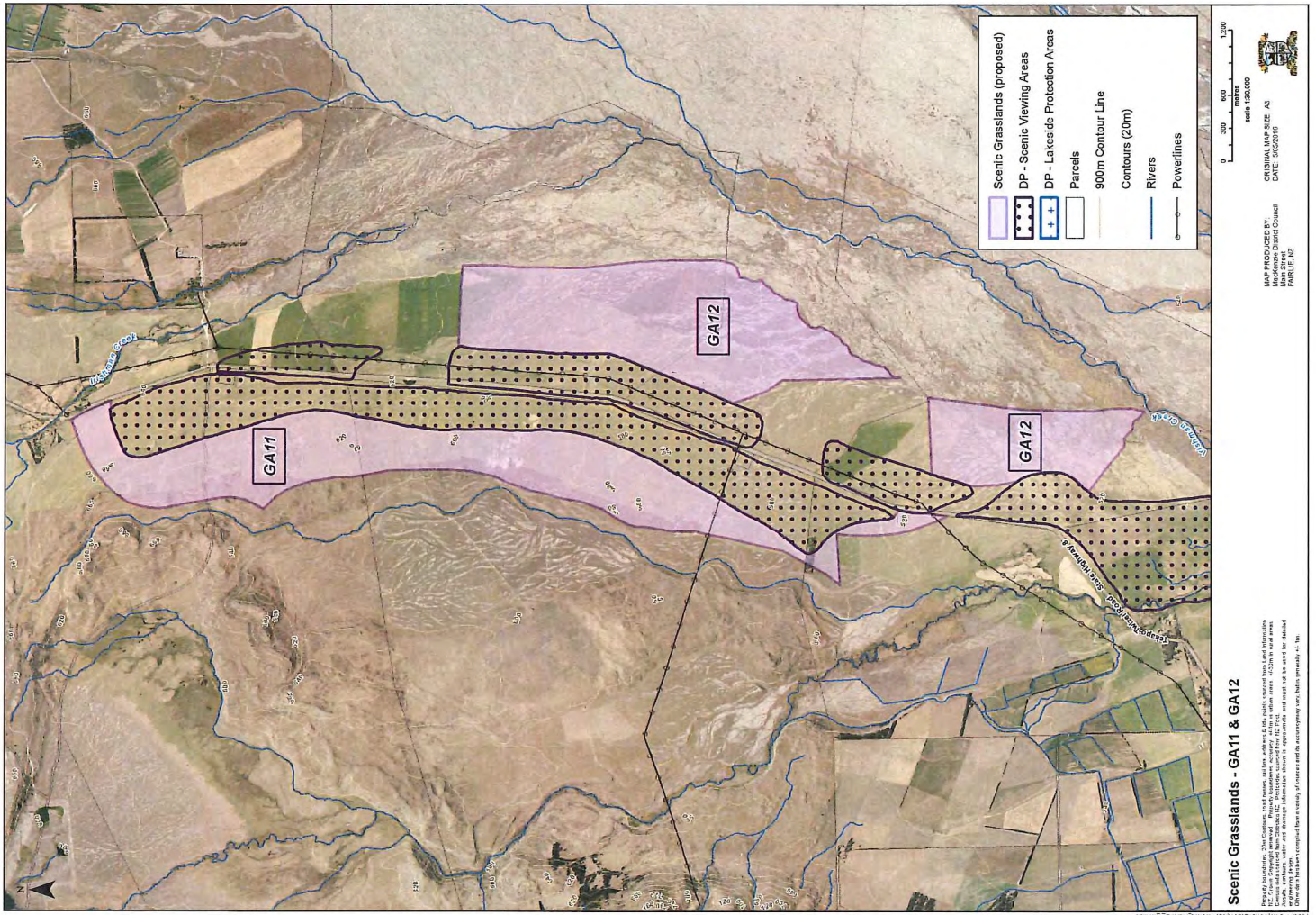
Scenic Grasslands - GA9 & GA10

Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information Services. Contour data sourced from Straker NZ. Parcels sourced from NZ Post. Assets, contours, water and drainage information shown is approximate and must not be used for detailed purposes. Other data has been compiled from a variety of sources, and its accuracy may vary, but is generally of 1m.

MAP PRODUCED BY:
 James
 83 Main Road, PO Box 52
 FAIRLIE, NZ

Scale 1:25,000
 ORIGINAL MAP SIZE: A3
 DATE: 30/05/2016





Scenic Grasslands (proposed)
 DP - Scenic Viewing Areas
 DP - Lakeside Protection Areas
 Parcels
 900m Contour Line
 Contours (20m)
 Rivers
 Powerlines

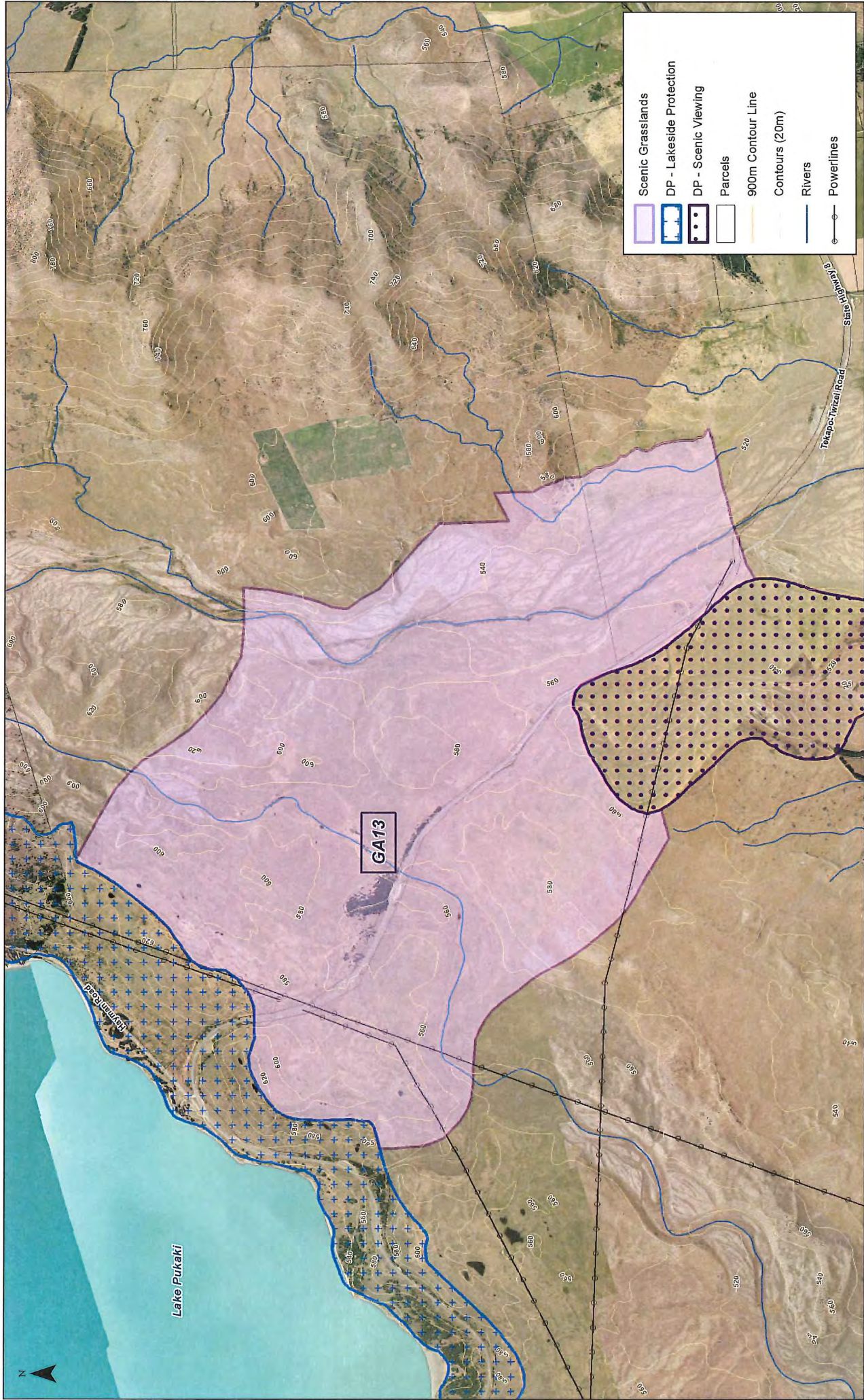
Scenic Grasslands - GA11 & GA12

This map was prepared for the purpose of providing information to the public regarding the proposed Scenic Grasslands. It is not intended to be used for any other purpose. The map is based on the best available information and is not a guarantee of accuracy. The map is provided as a service to the public and is not intended to be used for any other purpose.

MAP PRODUCED BY
 MARY STREIBER
 MARY STREIBER CONSULTING
 PARCELIZING

ORIGINAL MAP SIZE: A3
 DATE: 08/20/16





Scenic Grasslands

- Scenic Grasslands
- DP - Lakeside Protection
- DP - Scenic Viewing
- Parcels
- 900m Contour Line
- Contours (20m)
- Rivers
- Powerlines

Scale 1:20,000
 ORIGINAL MAP SIZE: A3
 DATE: 30/05/2016

MAP PRODUCED BY:
 GUY HARRISON
 23 Main Road, PO Box 52
 FAIRLIE, NZ

0 300 600 1,200
 metres

Scenic Grasslands - GA13

Property boundaries, 20m contours, road names, rail line, streams & 50m points sourced from Land Information NZ Crown 20m contours. DP - Scenic Viewing areas are shown in dark purple grid pattern and areas - Contour data sourced from Statistics NZ. Protection sourced from NZ Post. Other data has been compiled from a variety of sources and its accuracy may vary. Data is generally +/- 1m