

**HEARING REPORT ON APPLICATION RM240167
PURSUANT TO SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991**

Applicant:	Godley Peaks Station Ltd
Application Description:	Construction of a residential unit (homestead) and accessory buildings on Godley Peaks Station beyond the identified Farm Base Area and within a Lakeside Protection Area.
Application Status:	Non-complying
Property Address:	Godley Peaks Road, Lake Takapō/Tekapo
Legal Description:	Part Run 80 and Part Rural section 42000 and Section 1 Survey Office Plan 19295 as contained in Identifier CB30B/914; Rural section 35546 as contained in identifier CB22K/1055; Rural Section 28967 as contained in Identifier CB22K/1057; and Part Rural Section 33489 and Part Rural Section 33490 as contained in identifier CB29B/413.
District Plan Zone:	General Rural Zone (GRUZ) Te Manahuna/Mackenzie Basin Outstanding Natural Landscape (ONL) Area of High Visual Vulnerability (High and Low) (AHVV) Lakeside Protection Area (LPA) Site of Natural Significance (SONS65: Micks Lagoon; SONS56: Lake Takapō/Tekapo; and SONS66: Te Awa-a-Takatamira/Cass River) Sites and Areas of Significance to Māori – Waterbodies and Ancient Trails (SASM23: Te Awa-a-Takatamira/Cass River) Flood Hazard Assessment Overlay Liquefaction Assessment Overlay
Notification:	Publicly Notified
Submissions:	8 received (6 oppose and 2 neutral)
Author:	Nick Boyes, Consultant Planner
Date of Report:	3 March 2026
Recommendation:	Decline in present form, with approval subject to additional mitigation volunteered by the Applicant to be secured by way of conditions on any consent granted.

INTRODUCTION

REPORT PURPOSE

1. This planning report has been prepared on behalf of the Mackenzie District Council (the Council/MDC) in accordance with section 42A of the Resource Management Act 1991 (RMA). It follows an earlier Notification Report prepared pursuant to sections 95A to F of the RMA (dated 10 March 2025).
2. The report assesses the relevant statutory requirements pursuant to sections 104, 104B, 104D and 108 of the RMA. The purpose of this section 42A report is to assist the Commissioner/s acting under Council delegation. It should be noted that the recommendations made in this report are made at the time of writing with the information available. The recommendations herein are in no way binding and it should not be assumed that the Commissioner/s will reach the same conclusions having assessed the application documentation and received further evidence from submitters.

QUALIFICATIONS AND EXPERIENCE

3. My name is Nicholas (Nick) Boyes. I am an independent planning consultant. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University (1999). I have worked in the field of planning/resource management since 1999, the last 24 years as a planning consultant. I have recently been involved in the Mackenzie District Plan Review (author and reporting officer on PC23 (General Rural and Natural Features and Landscapes) and PC30 (Airport and Glentanner Special Purpose Zones) and also undertook the role of Acting Planning Manager at the Mackenzie District Council from July to November 2024. On that basis I am familiar with the Mackenzie District and the relevant planning provisions.
4. Although this is not an Environment Court Hearing, I have read the Code of Conduct for Expert Witnesses (contained in the Environment Court Practice Note 2023) and agree to comply with it. Except where I state I rely on the technical advice of another person, I confirm that the issues addressed in these comments are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
5. In preparing this report I have been assisted by the following technical peer reviews:
 - a) Landscape and Visual Amenity: Ms Yvonne Pluger (Boffa Miskell Ltd) (report attached as **Appendix 1**)¹; and
 - b) Ecology and Farm Biodiversity Plan: Mr Scott Hooson (Boffa Miskell) (report attached as **Appendix 2**).
6. I have visited the application site on two occasions specifically for the purpose of assessing this application. Firstly, a pre-application meeting was undertaken on site with representatives of the Applicant on 6 December 2023. Furthermore, following receipt of submissions another visit was undertaken on 14 October 2025 accompanied by Ms Pflugger. As part of that visit the Applicant provided boat access so that the proposed site could be viewed from the waters of Lake Takapō/Tekapo.

¹ The initial landscape peer review at the time of the notification assessment was undertaken by Ms Bron Faulkner on behalf of the MDC. Ms Faulkner's subsequent retirement meant that MDC engaged Ms Pflugger for the purpose of this section 42A reporting on the application.

APPLICATION DOCUMENTATION

7. This report acts as an audit of the consent application, various supporting information and submissions lodged on the application resulting from the public notification.
8. The application was lodged with the Council in December 2024 and prepared by Mr Carey Vivian of Vivian and Espie Ltd. The application included various specialist technical assessments. Subsequent further information has been provided to support the application in response to the Council's initial landscape peer review.
9. In undertaking this assessment the following application documents have been reviewed:
 - a) Resource Consent Application and Environmental Effects Assessment (AEE). Prepared by Vivian Espie Ltd for Godley Peaks Station Ltd, dated 13 December 2024;
 - b) Attachments A to S that accompanied the above document;
 - c) The 'Design Response' provided under cover letter dated 19 January 2025 [2026] in response to Ms Pfluger's Initial Landscape Recommendations, including the four Attachments to that letter; and
 - d) The updated Attachment 1 to the above Design Response provided 23 January 2026, notably introducing the concept of planting non-wilding pine trees (*pinus attenuata* x) temporarily to the north of the proposed indigenous vegetation to shelter those indigenous trees from the predominant wind direction while they establish.
10. The January 2026 changes to the proposal since lodgement can be described as:
 - a) lowering the floor level of the workshop by 2m (roofline at 745masl);
 - b) additional *Pinus attenuata* planting on a temporary basis to shelter the proposed native species planting from the wind during the establishment period;
 - c) lowering the wintergarden building into the ground by 1m, and reducing the height of the building by 1m (roof apex 745.7masl);
 - d) earth mounding /shaping to the north of the wintergarden building to a height of 744masl, on which beech and pittosporum trees will be planted;
 - e) removing the proposal for copper roof cladding and replacing it with dark grey coloursteel or slate;
 - f) clustered additional planting to the north and east of the of the dwelling and garage (beech and pittosporum); and
 - g) reducing the colour temperature of all outdoor light to 2700K (2000K after 10pm), motion sensors on outdoor lighting and providing shutters/blinds on the skylights of the pool building.

PROPOSAL, SITE & HISTORY DESCRIPTION

DESCRIPTION OF THE PROPOSED ACTIVITY

11. The Applicant seeks resource consent to establish a residential unit/homestead and associated ancillary buildings at the south-east corner of Godley Peaks Station to be used a residence for the station's owner (see proposed location in **Figure 1** below). The proposed activity is described in detail within the application documents (see Section 4 of the application Assessment of Environmental Effects (AEE)). This description is adopted for the purpose of this report. Therefore a brief summary, as was included in the Notification Report, is set out below.
12. The application includes landscaping planting around the proposed buildings, the adoption of a Farm Biodiversity Plan (FBP) for the entire freehold property, the upgrade of huts on the

property (including those that will become part of the Department of Conservation (DOC) conservation estate on finalisation of the tenure review process) and a volunteered contribution to Council towards the Cass River bridge replacement.

Buildings

13. Four separate buildings are proposed as follows:

- a) A residential unit with a floor area of 800m², including a 170m² pool and 70m² cabana. The highest point of the proposed dwelling is the apex of the gable roof form through the formal living and pool area, being 8.5m in height above a FFL of 739masl (approximately 5.8-6.8m above existing ground level). The residential unit is to be mainly clad in stone and cedar, a is now to have a dark grey coloursteel roof as opposed to the copper roof (left to weather naturally) originally proposed. The residence will have triple glazed aluminium joinery.
- b) A garage consisting of three bay car parking and woodshed. The garage has a floor area of 100m², and is 6.5m in height above a FFL of 739masl (approximately 3.2-3.6m above existing ground level). The garage is to be clad to match the principal residential unit.

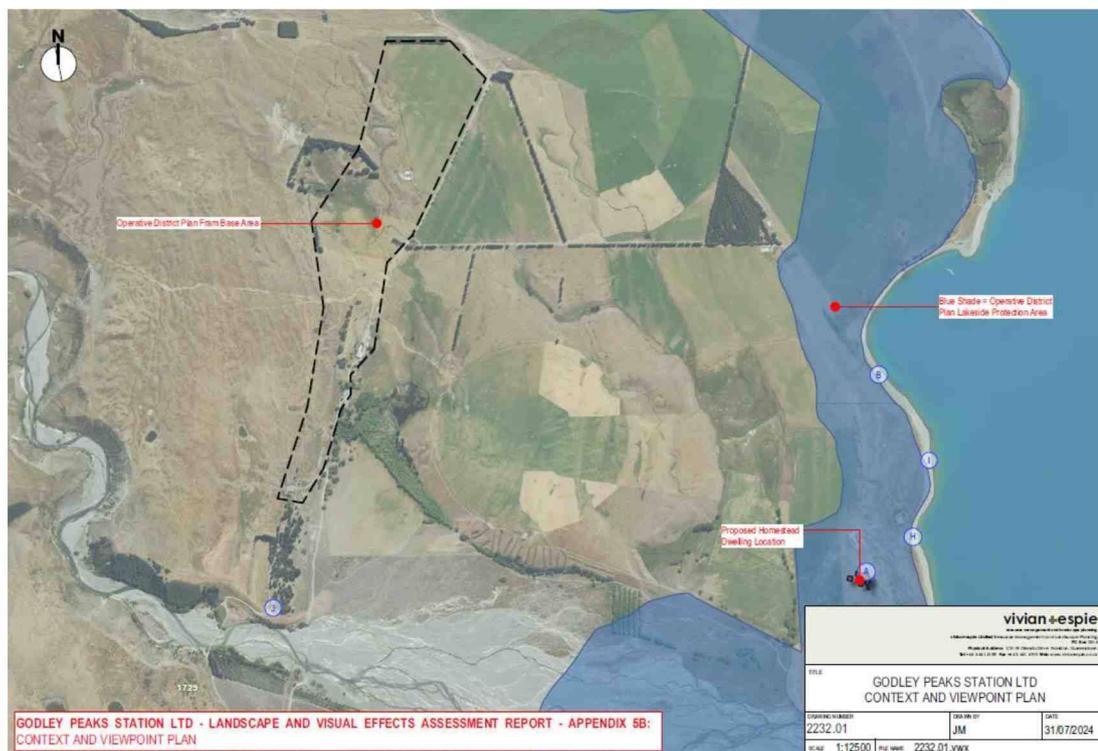


Figure 1: Location of proposed buildings relative to existing FBA (Source: application AEE).

- c) A winter garden building with a floor area of 90m², and is now proposed to be 1m lower than originally proposed, being 5.7m in height above a FFL of 738masl (approximately 2.3-2.5m above existing ground level). Earth mounding/shaping is now also proposed to the north of the building to a height of 744masl, on which beech and pittosporum trees will be planted. The Applicant notes that 2.5m of growth is all that is needed to achieve complete screening, and this will be attained within 3 years. The Winter Garden is to be clad to match the principal residential unit. The Applicant volunteers a condition that there be no internal lighting within the Winter Garden Building to avoid any upward light spill.
- d) A workshop/implement shed is proposed to be located to the west of the main residence. The workshop/implement shed floor area of 400m², and is now some 2m

lower than originally lodged (approximately 4.2-6.5m above existing ground level). The workshop/implement shed is to be clad to match the principal residential unit.

14. The application documentation includes an architectural statement describing the design of the above buildings in more detail (appended to the application as Attachment C).

Access

15. It is proposed to access the building site via an existing farm track from the north of the Godley Peaks Station Farm Base Area (FBA). This access alignment is shown on the Earthworks plan (Overall Plan) appended to the application as Attachment R. This farm track will need to be upgraded to service the proposed homestead and extended to the proposed building platform (see **Figure 2** below).

Servicing

16. Water supply, firefighting water, wastewater disposal and stormwater runoff in relation to the proposal are to be on-site and are specifically addressed in an Infrastructure Report, prepared by Civilised Ltd, is appended to the application as Attachment J.

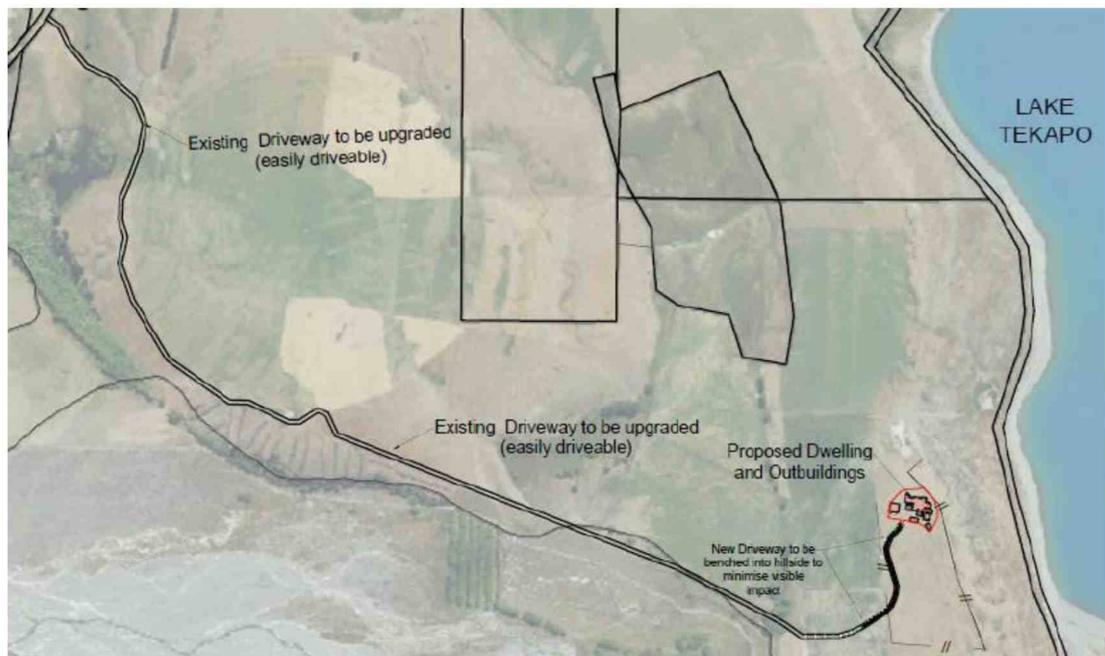


Figure 2: Proposed access alignment (Source: application AEE).

Earthworks

17. Overall, some 13,500m³ of cut for the building platform will be used to create a mound to the south of the building². The maximum depth of the cut is approximately 2.5m and the maximum height of fill is approximately 2.6m. Other surplus earthworks material will be used for landscaping on the site.
18. All earthworks will be undertaken in accordance with the Environmental Management Plan (EMP) prepared by Enviroscope, appended to the application AEE (Attachment K).

² This is likely to now be greater given the changes to the FFL of the proposed workshop and winter garden based on the more recent amendments to the application dated January 2026.

Landscaping

19. The landscape design of the area around the residential unit and ancillary buildings has been designed to use locally-relevant native species mixes to create a strongly vegetated setting for the buildings. Landscape plans and simulations are included in the AEE (Attachment E). These have been updated since the time of lodgement (January 2026).

Farm Biodiversity Plan (FBP)

20. The Applicant has commissioned e3 Scientific to prepare a Farm Biodiversity Plan (FBP) in accordance with Appendix Y Farm Biodiversity Plan Framework of the Mackenzie District Plan (which is the subject of PC18 appeals).
21. Whilst no indigenous vegetation clearance is proposed by this application, the application AEE states that production of a FBP is the most appropriate way to record and secure these biodiversity objectives and demonstrates the Applicant's commitment to sustainable management at Godley Peaks Station.

Cass River Bridge Contribution

22. The Applicant volunteers as a condition of consent to make a 12.5% contribution of the actual cost of the replacement bridge (inclusive of GST, if any) up to the value of \$500,000. The following condition is volunteered on the granting of the resource consent:
 - (a) *The consent holder shall pay a 12.5% contribution towards the actual cost of the Cass River bridge replacement, to a maximum value of \$500,000 (inclusive of GST).*
 - (b) *The consent holder may enter into a bond, in a form to be determined by Council solicitors, to secure the maximum value of the contribution detailed in (a) above. The cost of setting up the bond is to be borne by the consent holder. This resource consent shall not be exercised until the consent holder has provided evidence to the Council that the bond has been established.*

Hut Refurbishments

23. The property (prior to tenure review being completed) contains a number of huts which, within the next 5 years, are proposed to be refurbished by the Applicant. Each of these huts, and proposed work, are described in the application AEE. Specifically, these works relate to John Scott Lodge, Ribbonwood Hut, Angus Hut, Rankin Hut and Middle Gorge Hut.
24. The Huts themselves have existing use rights, so any refurbishment, described in the application AEE as recladding, reroofing, triple glazing and insulation, would be a permitted activity. However, it is noted that Rankin Hut has been demolished. The AEE refers to either rebuilding this hut or relocating the current Angus Hut to the former Rankin Hut site. This activity would not otherwise be permitted.
25. The proposed refurbishment of the Huts is put forward as a positive outcome arising from the proposal. On that basis the Applicant is willing to volunteer a condition of consent to the following effect:

Prior to the residential occupation of the proposed dwelling the consent holder shall complete the external refurbishment of the of the John Scott Lodge, Ribbonwood, Angus, Rankin and Middle Gorge Huts. The refurbishment shall be limited to recladding, reroofing, triple glazing and adding insulation.

The exterior of any refurbishment shall not have a reflectivity index of more than 40%.

This exercise of this condition is conditional on the Department of Conservation or LINZ giving permission to undertake the refurbishment of those huts which are not in the ownership of the consent holder.

26. It is noted that the Department of Conservation (DOC) has provided a written approval to the application proposal (as discussed further below).

DESCRIPTION OF THE SITE AND AFFECTED ENVIRONMENT

27. The application site is located on the western shores of Lake Takapō/Tekapo approximately at the mid-point of the lake, as shown in **Figure 3** below.

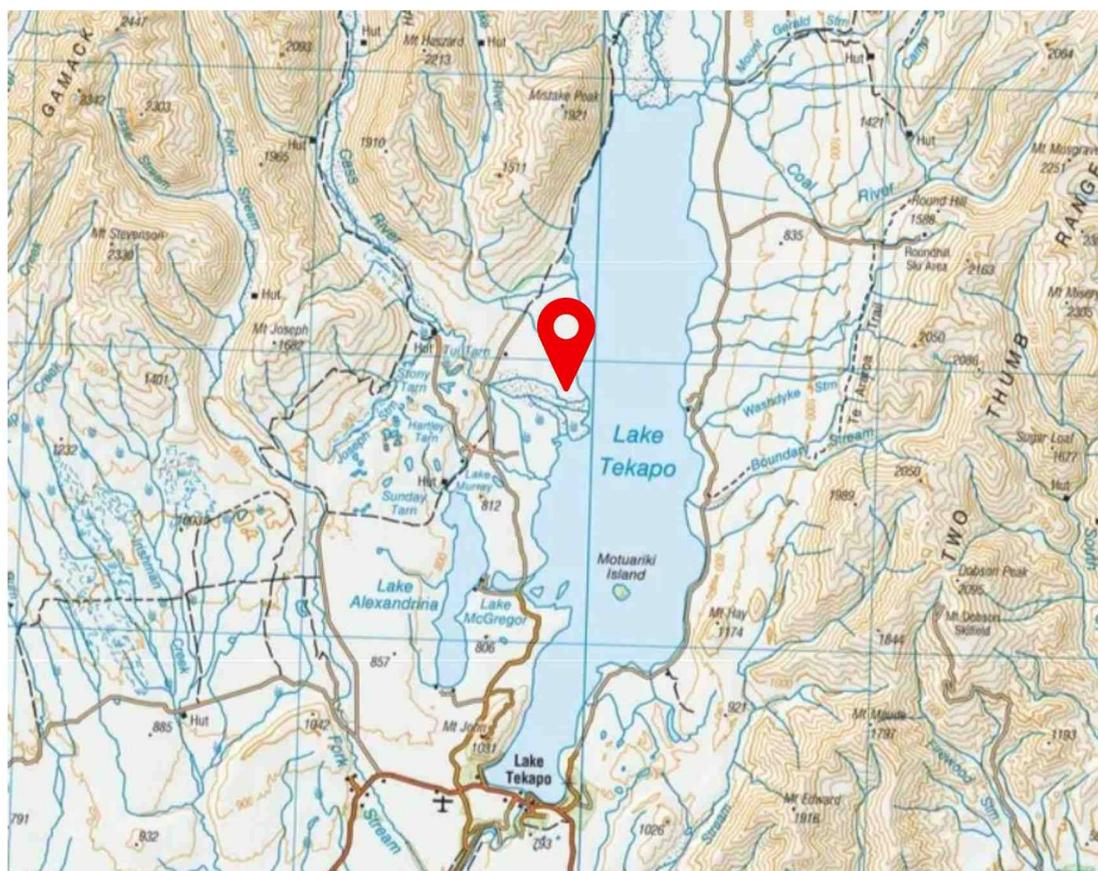


Figure 3: Site Location

28. The subject site is legally described in four separate titles. The main title is Part Run 80 and Part Rural section 42000 and Section 1 Survey Office Plan 19295 as contained in Record of Title CB30B/914. This is a pastoral lease under Section 83 of the Land Act 1948. The term of this lease is 33 years commencing on 1 July 1984 and renewed for a further period of 33 years commencing 1 July 2017.
29. The size of the pastoral lease is some 23627.2803ha (more or less) and takes in the Hall Range occupying the land between the Te Awa-a-Takatamira/Cass and Godley Rivers.
30. In addition, three contiguous freehold titles are owned by the Applicant, legally described as follows:
- a) Rural section 35546 as contained in identifier CB22K/1055;
 - b) Rural Section 28967 as contained in Identifier CB22K/1057;
 - c) Part Rural Section 33489 and Part Rural Section 33490 as contained in identifier CB29B/413.

31. Godley Peaks Station is well advanced through the 'land tenure review process'. The application AEE sets out that a copy of the Summary of Substantive Proposal (SSP) dated May 2021 is available on the LINZ website. As detailed in the SSP, the tenure review proposal provides for the protection of 11,883 hectares as conservation area, including 8 hectares as recreation reserve. The remaining 2,676 hectares are designated to be freehold, of which 376 hectares subject to a conservation covenant. The LINZ substantive proposal designation plan is included as **Figure 4** below.

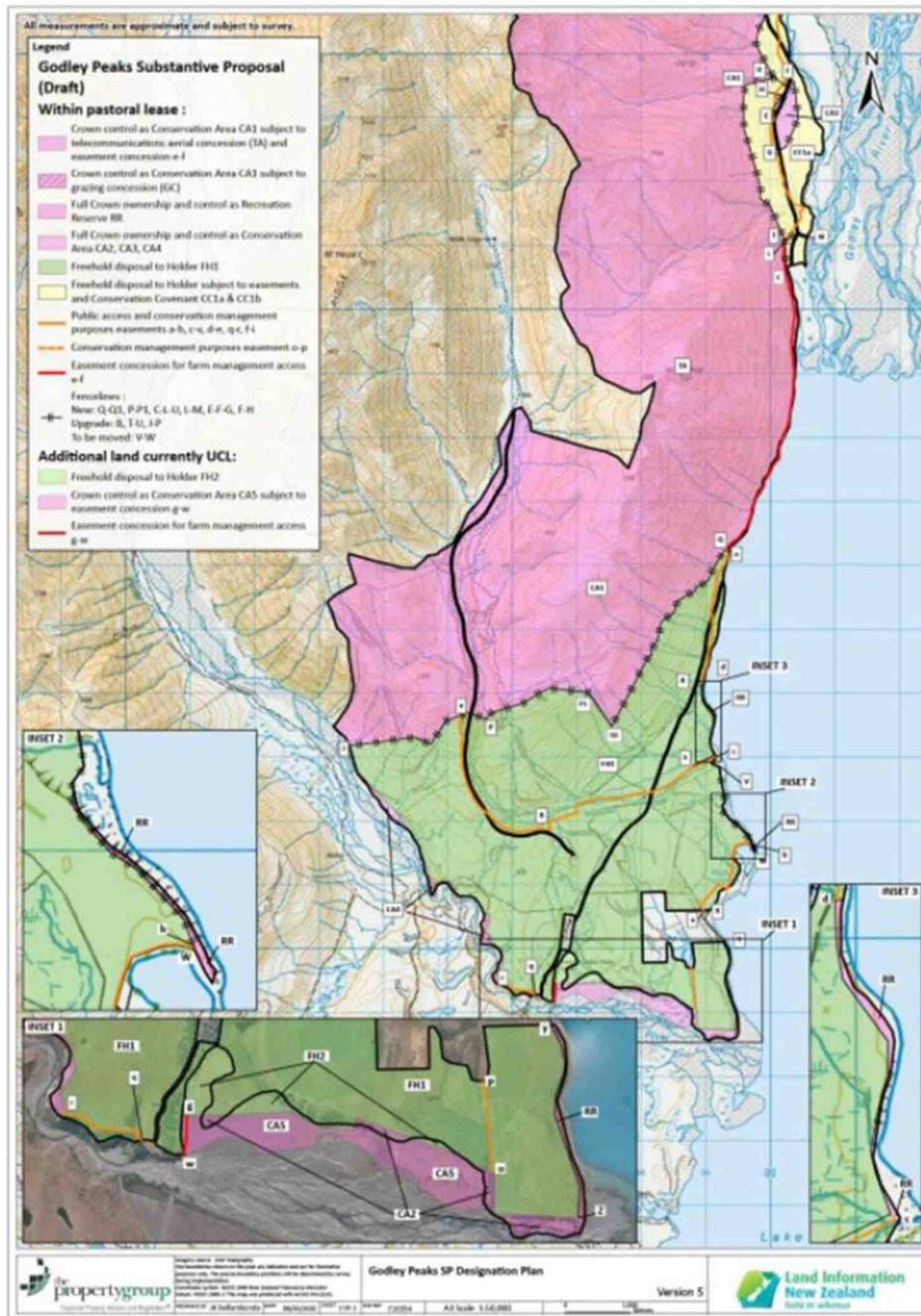


Figure 4: LINZ Substantive Proposal (Source: application AEE).

32. The AEE notes that the following changes to tenure arrangements are in the immediate vicinity of the proposed building platform:
- The area adjoining the Cass River/Te Awa-a-Takatamira will be subject to Crown Control as Conservation Area ('CA5'), subject to easement for farm management access (identified a G-W).

- b) Areas identified and Conservation Area ('CA2') adjoining CA5 will be in full Crown Ownership and Control.
 - c) An Easement will protect Crown Access (for conservation purposes) to Micks Wetland (SONS.65).
 - d) The Edge of Lake Takapō/Tekapo is to be in full Crown ownership and control for the purpose of Recreational Reserve.
33. The proposed residential unit/homestead is to be located within the 2,283ha of land that is proposed to be freehold and not subject to any conservation covenant.
34. The AEE states that the application is consistent with the Agreements contained within the Land Tenure Review. It is also noted that affected party approval of the Crown (LINZ) has been obtained (Attachment Q to the application).

Site History/Background

35. The application site is subject to three existing resource consents:
- a) **RM090085** – *Certificate of Compliance to undertake Farming Activities that includes the growth of pasture and crops for livestock farming, pastoral intensification and the spray irrigation of pasture and crops using centre pivots.*
 - b) **RM210107** – *Land Use Consent to Establish new Fencing to mark the new Property Boundary Following Tenure Review.*
 - c) **RM220149** – *Land Use Consent to Construct Sheep Yards Outside a Farm Base Area in the Mackenzie Basin Subzone, in a Lakeside Protection Area, Outstanding Natural Landscape and an Area of High Visual Vulnerability; and Retrospective Land Use Consent to Retain Cattle Yards in the Mackenzie Basin Subzone Outside of a Farm Base Area.*
36. The activities authorised by these consents form part of the existing environment for the purpose of assessing the subject application. They do not otherwise have any particular influence on the processing or consideration of the proposed activity.

MACKENZIE DISTRICT PLAN

District Plan Review

37. The Mackenzie District Plan (MDP) was made Operative in 2004 and is in the final stages of being reviewed.
38. Stages 1 and 2 of the District Plan Review (Plan Changes 20 and 21) were made operative on 28 April 2023, and included provisions relating to Strategic Directions, Spatial Plan Implementation and Lighting.
39. The Council's decisions on submissions on Stage 3 (Plan Changes 23 to 27) were notified on 5 August 2024, with appeals lodged by a number of parties. Of particular note in terms of this proposal are:
- a) PC23: including the provisions for the General Rural Zone (GRUZ) and Natural Features and Landscapes (NFL), including Outstanding Natural Landscapes (ONL); and
 - b) PC27: including the provisions contained in the Earthworks (EW), Subdivision (SUB) and Transport (TRAN) chapters.
40. Stage 4 was publicly notified on 5 November 2024, with the Council's decisions on submissions notified on 24 July 2025. Relevant to this application Stage 4 included PC28 relating to Natural Hazards. None of the outstanding Appeals relating to PC28 affect the

subject site. Those provisions were therefore to be treated as operative in accordance with section 86(f)(1)(a) of the RMA.

41. The subject application was lodged in December 2024.
42. On that basis the relevant provisions for assessing the status of the activity are those applying at the time the application was made (which includes the previously pre-plan change rules and those contained in PC23 and 27). Pursuant to section 88A of the RMA the proposed activity retains the activity status as at the date of lodgement.
43. In terms of the substantive consideration of the application pursuant to section 104 of the RMA; it is my understanding that it is the provisions applying at the date of consideration that are relevant.
44. In that regard it is important to note that the appeals lodged in relation to Stage 3 (including PC23) have now all been resolved, with the Environment Court issuing its Determination on 7 November 2025 (Decision No. [2025] NZEnvC 364). The resolution of those appeals now means that the provisions included within Stage 3 of the District Plan Review can be treated as operative.
45. The Council is also currently reviewing matters relating to the ongoing loss or potential loss of indigenous biodiversity within the District through Plan Change 18 (PC18). The Environment Court made a Declaration (Decision No. [2017] NZEnvC 202) that within the Mackenzie Basin Subzone Rules 1.1-1.3 shall have immediate legal effect. A new Section 19 focussed on indigenous biodiversity has been inserted in the District Plan along with a revised set of indigenous vegetation clearance rules. PC18 was notified on 20 December 2017, with the Council's decisions on submissions being notified on 24 June 2021. PC18's provisions are currently subject to appeals that have yet to have final decisions issued.
46. On that basis it is my understanding that all rules introduced through the District Plan Review (excluding PC18) relevant to this application should be treated as operative for the purpose of the section 104 evaluation.

Zoning/Overlays

47. The application site is located within the General Rural Zone (GRUZ). The Introduction to the GRUZ chapter sets out that the *"purpose of the General Rural Zone is to enable a range of primary production activities, as well as other compatible activities that rely on or support the natural resources within rural areas of the District, including tourism and conservation along with those activities that have an operational need or functional need to locate in the zone"*.
48. The underlying property, including the proposed building site subject to this application, is included within the following District Plan Overlays/Notations (either wholly or in part) as indicated in **Figures 5 and 6** below:
 - a) Outstanding Natural Landscape (ONL)
 - b) Areas of Visual Vulnerability (High and Low)
 - c) Lakeside Protection Area (LPA)
 - d) Farm Base Area (FBA)
 - e) Flood Hazard Assessment Overlay
 - f) Liquefaction Assessment Overlay (Noting this Overlay does not affect the proposed building site)
49. Both Sites of Natural Significance (SONS), and Sites and Areas of Significance to Māori (SASM) have been identified in the MDP in the immediate vicinity of the application site, but not on the site itself. These include SONS65: Micks Lagoon, SONS56: Lake Takapō/Tekapo, SONS66: Te Awa-a-Takatamira/Cass River, SASM15: Lake Takapō/Tekapo and SASM23: Te Awa-a-

Takatamira/Cass River, as set out in **Figure 7** below. For the most part these Overlays immediately adjoin the site, and where they do impinge on the underlying property boundary, do not include that part of the site on which the proposed buildings are located. However, the existing farm track, which is proposed to be upgraded to provide access to the proposed buildings, does traverse through a small part of SONS66: Te Awa-a-Takatamira/Cass River, as shown in **Figure 8** below.



Figure 5: District Plan AVV, LPA and FBA Overlays (Source: Mackenzie District Eplan).

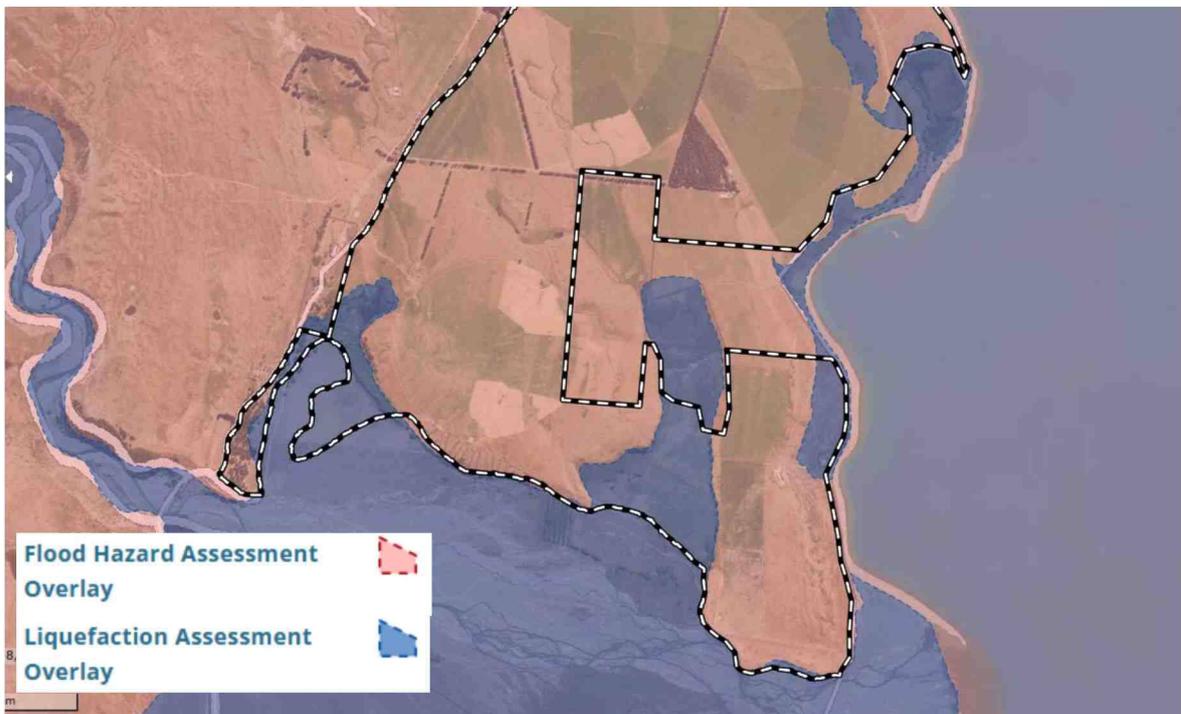


Figure 6: District Plan Flood Hazard Assessment and Liquefaction Assessment Overlays (Source: Mackenzie District Eplan).

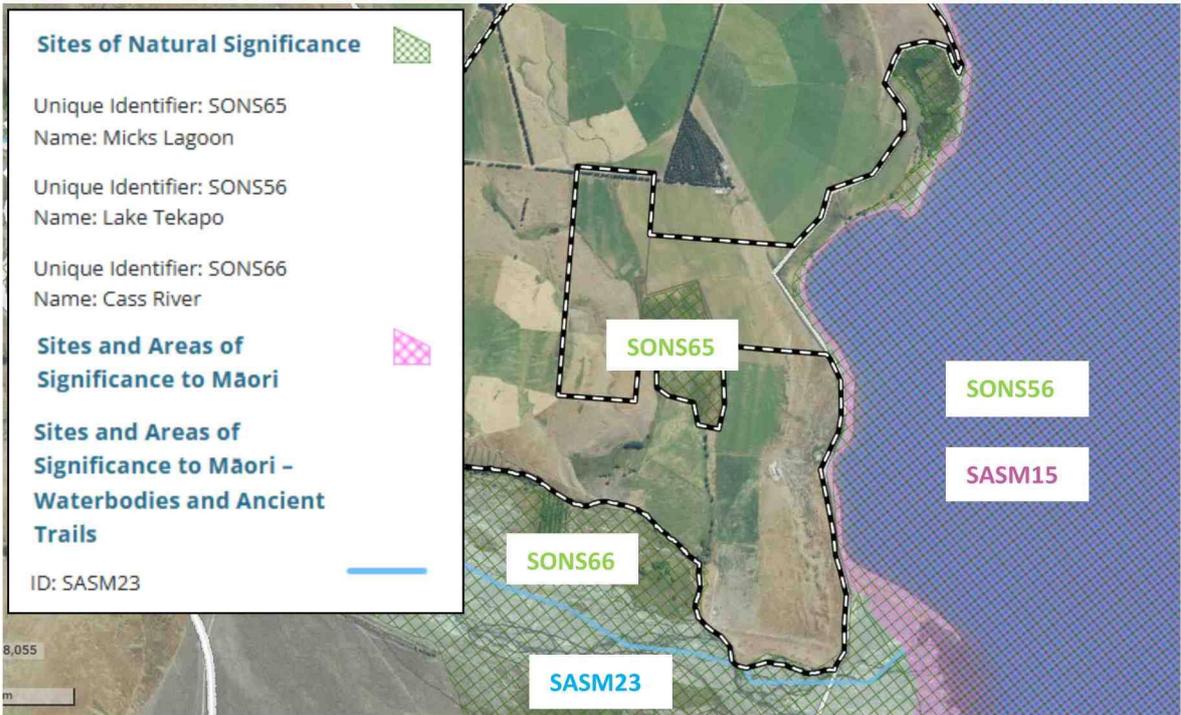


Figure 7: District Plan SONS and SASM Overlays (Source: Mackenzie District Eplan).

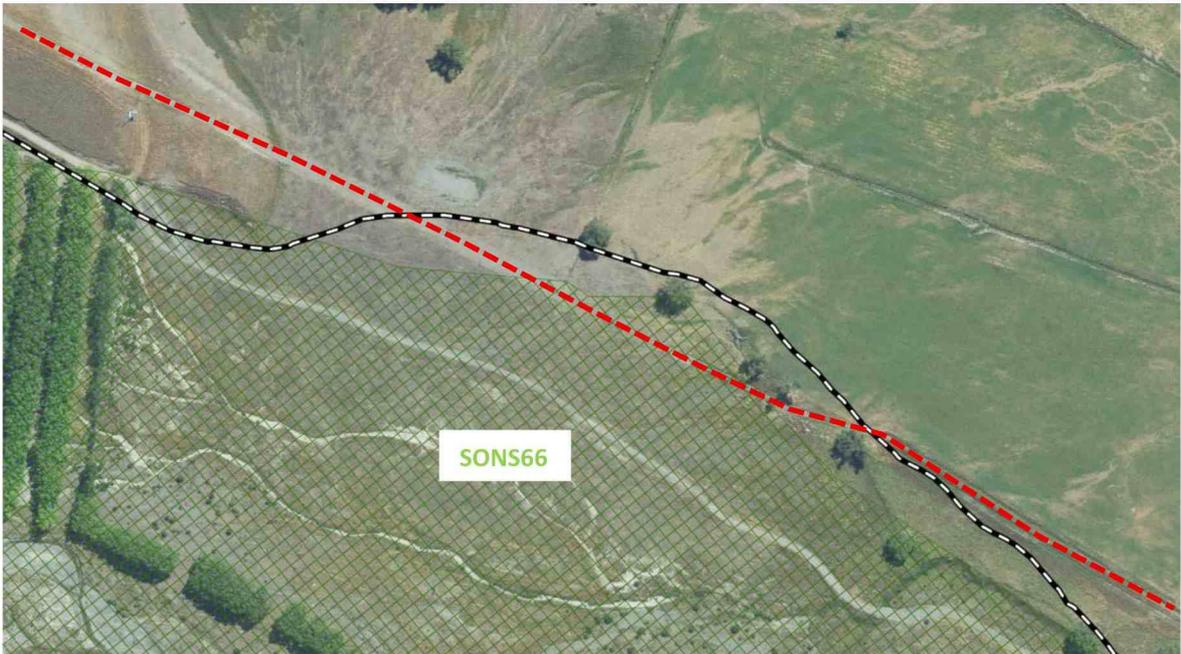


Figure 8: Area of proposed access (red dashed line) that traverses SONS66: Te Awa-a-Takatamira/Cass River (Source: Mackenzie District Eplan).

Compliance Assessment

50. A compliance detailed assessment of the proposed activity against the relevant rules applying at that time was set out in Section 5.2 of the application AEE. That detail is not repeated here, note the key elements/findings are noted below:

Pre District Plan Review

- a) The proposal is a non-complying activity under **Rule 3.4.4** as the proposed buildings are located within a LPA;
- b) The proposal is a non-complying activity under **Rule 3.4.5** as the proposed buildings are located outside an FBA in an area of High Visual Vulnerability;
- c) The earthworks associated with the proposal area discretionary activity under **Rule 4.3.1**;

Plan Change 18

- d) No indigenous vegetation is proposed to be cleared so the proposed activity does not create a non-compliance with the provisions set out in PC18.

As Amended by PC23

- e) The proposed Residential Unit is permitted under **GRUZ-R2** and otherwise complies with the applicable standards set out in **GRUZ-S1** (Density), **GRUZ-S2** (Building Setbacks), **GRUZ-S3** (Building Coverage), **GRUZ-S4** (Height), **GRUZ-S8** (Wastewater), **GRUZ-S9** (Firefighting Water);
 - f) The AEE does note that it is possible that part of the residential unit could be used for Residential Visitor Accommodation in the future, in which case it would comply with **GRUZ-R10.1** and **GRUZ-R10.2**;
 - g) The proposed location meets the 'Natural Character' setbacks from lakes set out in **NATC-R1** (Buildings) and **NATC-R2** (Earthworks);
 - h) The earthworks proposed within the LPA are a **non-complying activity** under **NFL-R5**;
 - i) Non-Farm Buildings including Residential Units are subject to **NFL-R9**. The proposal does not meet **NFL-R9.6** (Lakeside Protection Area), **NFL-R9.7** (Visual Vulnerability) or **NFL-R9.8** (Height), and is therefore a **non-complying activity**.
 - j) In terms of the NFL Standards, the proposed structures do not meet **NFL-S1** (Height), **NFL-S2** (Building Footprint), or **NFL-S3** (Building Coverage).
51. The application AEE document did not include assessment against the provisions contained in Stage 4 of the District Plan Review, which was notified in the month before the application was lodged. As the proposed residential unit meets the definition of a 'Natural Hazard Sensitive Building', it is only permitted under rule **NH-R1**, where:
- a) A Flood Hazard Assessment is issued in accordance with NH-S1 and is provided to Council; and
 - b) The building is located outside of a High Flood Hazard Area as stated in a Flood Hazard Assessment issued in accordance with NH-S1; and
 - c) The building has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Hazard Assessment issued in accordance with NH-S1.

52. Attachment 4 to the further information provided by the Applicant, namely in response to the matters raised in the initial landscape peer review, included a Flood Hazard Assessment completed by Mr Nick Griffiths, Team Leader, Natural Hazards Science at ECan. The Assessment confirmed that the proposed dwelling location is not within a 'High Hazard' area,

and the floor level does not need to be raised. The Assessment does note that the standard Building Act and Building Code requirements will apply, and care should be taken to ensure there is adequate stormwater management and fall away from the dwelling and outbuildings to avoid the potential for nuisance flooding. Based on the additional information now provided, the proposal complies with the requirements set out in **NH-R1**.

53. In terms of the Liquefaction Overlay, **Figure 6** above shows that this only affects parts of the site and does not include the site of the proposed buildings. In any case, the only rule relating to liquefaction is **SUB-R7C**, introduced through PC28 Natural Hazards. As the application does not involve subdivision, the inclusion of parts of existing access road to be upgraded within this Overlay does not impact on the status of the proposed activity.

Activity Status Summary

54. Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, it is my understanding that the general principle established from various case law is that the different components should be bundled and the most restrictive activity classification applied to the proposal.
55. On that basis the proposal is a **non-complying** activity given the non-compliance with **NFL-R5** 'Earthworks' and **NFL-R9** 'Non-Farm Buildings including Residential Units'.
56. As noted above, section 88A of the RMA states that if the type of activity for which the application was made is altered after the application was first lodged as a result of a proposed plan being notified, then the application continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged. It is noted that the **non-complying** activity status did not change as a result of either the resolution of Appeals on PC23 or the decisions on submissions on Stage 4 being released since the application was lodged.

NOTIFICATION/SUBMISSIONS

57. At the close of submissions a total of 8 submissions were received, with six opposed and two neutral. Full copies of the submissions have been provided to the Commissioners. No submissions were received late.
58. In summary, the main reasons cited for opposing the application included:
- Glare from the large glass surfaces, particularly from the winter garden and eastern elevation towards Lake Takapō/Tekapo. The relief sought being to change the orientation of the winter garden (turn it more towards the North), or otherwise that there be no light emission at night; and otherwise reduce the area of other non-vertical glass surfaces.
 - Strobe lights present on the centre pivot irrigators.
 - The house and associated garage and workshop will be highly visible from the lake and surrounding areas, from the Lake Takapō/Tekapo surface and shoreline, and across the wider landscape, particularly from Godley Peaks Rd, the Lilybank Rd, the Te Araroa Trail, Mt John observatory and public walkways, and from surrounding foothills and mountain ranges. This will detract from the Outstanding Natural Landscape and Lakeside Protection Area. The house and associated structures should be located within the identified Farm Base Area as guided by the MDP.
 - Precedent effect created from approving such a development, which will encourage others to locate large buildings outside of FBAs, within the Mackenzie ONL, within LPAs and within Areas of High Visual Vulnerability.

- Mitigation measures provided by the Applicant are not sufficient to address the potential to degrade Mackenzie ONL values.
 - Ecological assessment is not sufficient to fully characterise the vegetation present.
 - The ecological report provided by the applicant does not assess ecological significance against the assessment criteria specified in the MDP and CRPS. Species identified in the ecological assessment of the proposed stream crossing are indicative of wetland conditions per the National Policy Statement for Freshwater Management 2020 (NPS-FM) delineation protocols.
 - The application proposes to upgrade an existing accessway which runs through a Site of Natural Significance (SONS) identified in the MDP. Based on the information provided, it has not been adequately demonstrated that there will not be adverse effects on the SONS.
 - The proposed activity is located within the Flood Hazard Assessment Overlay as identified in Proposed Plan Change 28 to the Mackenzie District Plan. In order to demonstrate alignment with these provisions, a flood hazard assessment should be obtained.
 - The proposal may have the potential to adversely affect the SASM and therefore consultation with Mana Whenua should be undertaken.
 - The stream crossing or culvert for the accessway will need to meet permitted activity standards in the CLWRP or a consent from CRC will be required.
 - Potential impact on the capabilities of Ōtehiwai Mt John Observatory, a critical site for astronomical research and public education. Development has the potential for significantly increasing night sky glow and the magnitude of reflected light to the detriment of the Dark Sky Reserve and the scientific operations at Ōtehiwai Mt John Observatory. Hence it is important that the current consent is explicit in adhering to Plan Change 22 to ensure future developments are equally explicit.
59. The matters raised in submissions all appear to be within the scope of the application, with the exception of the matter of the strobe lights on the existing irrigators. Whilst PC22 introduced restrictions on the use of such lights, those rules do not apply retrospectively. Therefore, any irrigator established prior to that rule has existing use rights.
60. Matters relating to the winter garden, glare, outdoor lighting and potential impacts on the dark sky reserve, the presence of indigenous vegetation along the existing and proposed access road and natural hazards, were addressed by the Applicant in their additional information provided in January 2026. It is noted that to date the MDC has not been advised of any submissions having been withdrawn as a result of those changes.
61. The relevant matters raised in the submissions are further considered in the assessment of environmental effects set out later in this report.

STATUTORY CONSIDERATIONS

Section 104 & 104D

62. Section 104(1) of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:
- (a) *Any actual or potential effects on the environment of allowing the activity;*

- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
 - (b) *The relevant objectives, policies, rules and other provisions of the District Plan; and*
 - (c) *Any other matter that the Council considers relevant and reasonably necessary to determine the application.*
63. Section 104(2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard any adverse effects of the activity on the environment if the District Plan permits an activity with those effects.
64. Under section 104B of the RMA the Council may grant or refuse an application for a non-complying activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.
65. Section 104D sets out particular restrictions for non-complying activities, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the application will not be contrary to the objectives and policies of the District Plan.

Part 2 RMA

66. Reference to Part 2 when considering a resource consent should not be necessary if the applicable plan/s have been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes. In the context of this application, it is considered that the relevant plans (both operative and those introduced through plan changes) have been competently prepared and those provisions are coherent and comprehensive. Therefore there is no need to go beyond the relevant provisions and specifically assess Part 2 in making a decision. Notwithstanding, the relevant provisions of Part 2 are set out below for completeness.
67. Part 2 of the RMA sets out the purpose and principles of the Act, being *“to promote the sustainable management of natural and physical resources”* which is defined to mean:
- managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*
68. Any assessment is informed by reference to the matters set out in sections 6, 7 and 8 of the RMA. Section 6 sets out matters of national importance, being most notably in this instance including:
- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*
 - (b) *protection of outstanding natural features and landscapes.*
 - (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

69. Section 7 requires particular regard to be had to 'other matters.' Of relevance to this application are:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment; and*

70. Section 8 requires the principles of the Treaty of Waitangi to be taken into account.

ASSESSMENT OF EFFECTS

Permitted Baseline (section 104(2))

71. A consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or plan permits an activity with that effect. This is termed the 'permitted baseline'. I agree with the conclusion reached in the application AEE that there is no relevant permitted baseline in regard to the proposed activity as all buildings within the LPA are a non-complying activity.

Trade Competition (section 104(3)(a)(i))

72. It is considered that no matters of trade competition arise in relation to the proposed development and the nature of the submissions received.

Written Approvals (section 104(3)(a)(ii))

73. The consent authority must not consider any effect on a person who has given written approval to the application.

74. The application includes the written approval of Land Information New Zealand (LINZ) and the Department of Conservation (DOC). Furthermore, the application includes letters in support from Timaru Boys High School and Elizabeth Scott. Having reviewed these letters it is considered that they meet the requirements to be considered as a written approval in terms of the RMA.

75. No other written approvals have been submitted with the application.

Receiving Environment

76. It is my understanding that in assessing the effects of a resource consent applications, the consent authority is required to determine the relevant receiving environment. This must include a determination of what form the environment might take in the future having regard to activities that may be carried out if presently existing implemented and unimplemented resource consents are given effect to.

77. A matter relevant to the nature of the receiving environment is the development authorised on the application site, and in particular within the identified Farm Base Area (FBA). This development potential is described in paragraph 50 of the Landscape and Visual Effects Assessment included as Attachment I to the application AEE. Ms Pfluger also discusses this potential development and the potential for cumulative effects when considered in combination with the additional development now proposed by this consent application outside the FBA, i.e., in addition to that already provided for by the MDP.

78. Due to the separation of the proposal and FBA, Ms Pfluger considers any such cumulative effects in the future would be limited to any built form that could occur on the higher-lying part of the FBA that is more widely visible from Lake Takapō/Tekapo. That general area is indicated on **Figure 9** below.

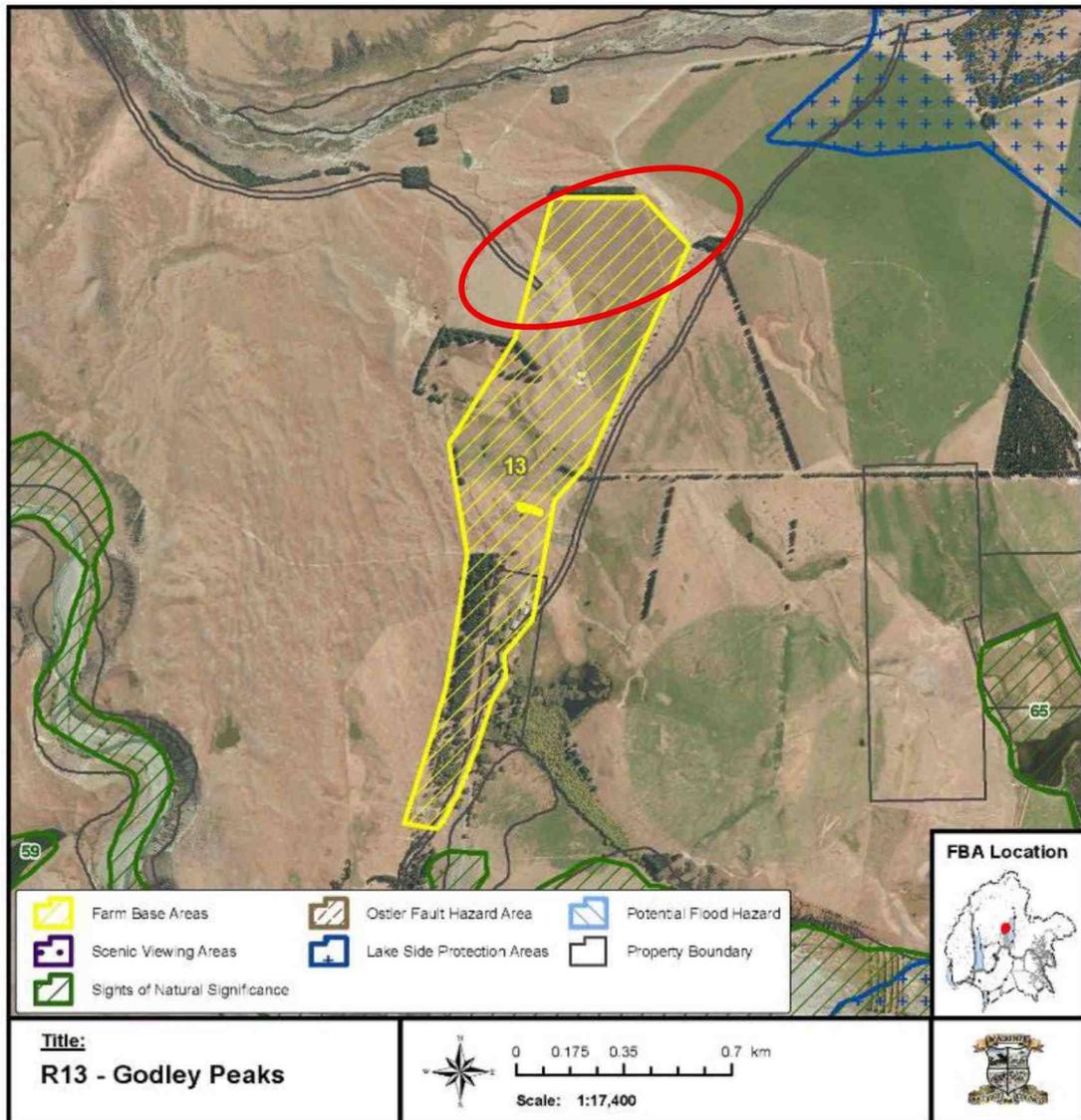


Figure 9: Godley Peaks FBA with area more visible from Lake Takapō/Tekapo indicated in red.

79. Ms Pfluger concludes that a building restriction in this more elevated portion of the FBA would be appropriate. I agree, the proposal is put forward on the basis that the proposed site provides a more desirable location for the homestead for Godley Peaks Station. On that basis it seeks to take development otherwise enabled within the FBA and place it elsewhere on the property. In doing so the development opportunity across the underlying site is expanded beyond that anticipated. In order to genuinely transfer the development from the FBA to the proposed building site, it is considered appropriate that the development opportunity within the identified FBA is reduced accordingly.
80. However, this raises issues in terms of the legality of imposing any such condition limiting the development otherwise provided for by the District Plan. In my view this is a matter the Applicant should consider and volunteer as part of an Augier³ condition on any consent granted for this development. In reality this would require the undertaking of a plan change to remove part of the FBA included in the MDP. No doubt this is a matter that the Applicant will provide further advice on in evidence and at the hearing.

³ An Augier condition is a planning consent condition voluntarily offered by the Applicant. This principle allows councils to enforce conditions that might otherwise be invalid (*ultra vires*) because the Applicant cannot later challenge the legality of a condition they proposed.

Environmental Effects (section 104(1)(a))

81. It is noted that an additional residential unit for the purpose of an owners residence is not an unreasonable expectation given the current housing stock on Godley Peaks Station; and as outlined above, such use is effectively provided for within the identified FBA. The effects of this proposal relate to the sensitivity of the proposed location outside the FBA, being within an ONL and LPA within Te Manahuna/the Mackenzie Basin.
82. It is considered that the primary effects of the proposed activity relate to the landscape and visual amenity effects of the residential unit and accessory buildings in the proposed location on Godley Peaks Station. Ecological matters, particularly in relation to the alignment of the access track have also been raised in submissions. On that basis this matter is also addressed, along with ecological comments in regard to the various mitigation and compensatory matters set out in the Farm Biodiversity Plan (FBP) put forward as part of the proposal.
83. Outdoor lighting and matter of glint and glare from the glazing proposed were also addressed in submissions. Whilst these matters are referred to in the visual effects assessment, specific comment is also made as part of the assessment below.

Landscape and Visual Amenity Effects

84. The application included a Landscape and Visual Effects Assessment prepared by Mr Ben Espie of Vivian and Espie Ltd (Attachment I to the application and now referred to as the V&E Assessment).
85. As noted above, a peer review of this assessment has been undertaken by Ms Pfluger and the resultant report is attached as **Appendix 1**. I do not propose to repeat the detail of that assessment here. Key findings being:
 - a) The proposed building platform has a high visual sensitivity due to its openness, but medium landscape character sensitivity due to the level of modification relating to pastoral improvement;
 - b) The site's ability to visually absorb change is limited due to the elevated landform, proximity to the lakeshore, absence of vegetation in the area and its openness;
 - c) The main visual effects arise when viewed from the surface of Lake Takapō/Tekapo and the lake shore to the north and north-east of the Site, located within the bay. The proposed buildings, including the workshop/implement shed (even with the reduced FFL), would be prominent on the skyline at a distance of around 800m-1.5km within the bay to the north of the dwelling, where the elevated landform does not assist substantially with screening;
 - d) The proposed amendments (January 2026) will reduce these visual effects to some degree, which are assessed as 'moderate' initially (more than minor) before the proposed planting matures and 'moderate-low' once the proposed planting reaches a height of 2.5-3m;
 - e) The views from the eastern side of Lake Takapō/Tekapo (Lilybank Road, Te Araroa Trail, Two Thumb Range, etc) would be affected to a low degree following construction and very low once vegetation establishes around the built form, given the viewing distance of around 5km;
 - f) The views of the proposal from the remainder of the main surface of Lake Takapō/Tekapo are limited, and largely confined to the limited visual catchment; and
 - g) The proposed masterplan and restoration planting, including the lakeface planting and retirement of grazed land, balance the adverse effects associated with the proposed structures in the vicinity of Lake Takapō/Tekapo given that the building site is located

in an ecologically more modified part of the station and set back/ elevated from the lake margin.

86. A series of recommendations are set out therein in order to achieve the outcomes listed above, these include:
- a) Adopting the amendments made to the application proposal in response to the initial landscape peer review as set out in the cover letter dated 19 January [2026]. The proposed additional planting assist to visually integrate the proposal more effectively and to reduce the adverse visual effects of the proposal appearing on the skyline from parts of the short to mid-distance lake/shore to the north over time;
 - b) Implementing the 'lakeface' planting at the same time as the proposed masterplan landscape planting to anchor the proposed built form and planting on the upper terrace in this part of the landscape. This planting area should be shown as part of the masterplan and in currently open areas (where no existing grey shrubs are present) a spacing of around 1m in clusters would be appropriate to provide meaningful coverage;
 - c) A building restriction on the more sensitive part of the FBA as discussed above; and
 - d) Moving the larger workshop/implement shed away from the building cluster to reduce the impact of the large built form and integrate the proposal into the landscape. There are locations available to the south of the proposed location where the building would be located lower in the terrain and visually contained by the elevated landform to screen it from the lake.
87. Based on the above recommendations being adopted and incorporated into the Applicant's proposal, I agree with the overall findings set out in the Landscape Peer Review report. The location of the proposed built form is within part of Godley Peaks Station that already contains a higher level of modification in terms of pastoral intensification, which allows the site some capacity to absorb change without compromising the higher landscape values found within the wider Te Manahuna/Mackenzie Basin ONL. I agree with Ms Pfluger that subject to the matters referred to above (and those in relation to the ecological effects/FBP set out below) the landscape and natural character effects are 'low', or in the RMA terms are no more than minor.

Ecological Effects

88. An ecological assessment of the proposed access road upgrade and building site is included as Attachment G to the application AEE. That assessment was prepared by e3 Scientific Ltd.
89. This assessment sets out that the existing access road and proposed extension to the proposed building platform traverses either 'intensively developed farmland' or 'exotic herbfield'. The report concludes that no indigenous vegetation was observed within the proposed disturbance areas and of the indigenous fauna species observed only one is classified as At Risk; and therefore exempt from SNA classification.
90. A number of submissions, namely Mackenzie Guardians and Environment Canterbury, raised concerns regarding the extent of the ecological assessment undertaken to support the application. Many of these concerns were also raised in the ecological peer review undertaken by Mr Scott Hooson on behalf of the MDC attached as **Appendix 2**.
91. The additional information submitted in January 2026 includes further ecological commentary from Mr Davis of e3 Scientific Ltd. This sets out that:
- a) It is proposed to retain the access as a gravel track in keeping with the rural environment and confirmed there is no intention or requirement to seal the access road and only minor works would be required;

- b) Formation and maintenance would not involve indigenous vegetation clearance; and
 - c) The installation of the culvert can comply with the permitted activity rules of the Canterbury Land and Water Regional Plan (Rules 5.137 & 5.141) for permitted structures and associated discharges.
92. The area of the proposed building site is improved pasture having been the subject of various pastoral intensification and agricultural conversion over a long period. On that basis it is considered that any ecological concerns are restricted to the proposed access alignment and primarily only that part that traverses the identified SONS otherwise applying to the bed of the Te Awa-a-Takatamira/Cass River (SONS66 – see **Figure 8** above).
 93. The access track is formed and used as part of the current farming operations of Godley Peaks Station. The land adjacent is also farmed and stated as not including indigenous vegetation. No consents have been sought to remove indigenous vegetation or habitats under the rules introduced via PC18. In that context any removal of indigenous vegetation is outside the scope of what has been applied for.
 94. Whilst the number of vehicles using the access track will no doubt increase as a result of this proposal, the fact that it is currently formed and used in my view mitigates the concerns raised in the ecological peer review in terms of a lack of specific avifauna, lizards or invertebrate survey. Mr Hooson also notes that wetlands maybe located within the proximity of the existing access track. The Applicant may wish to provide further comment on these matters at the hearing.
 95. In terms of the FBP, the retiring of the Mistake River catchment and part of the McCabes Block from grazing are considered to be beneficial for biodiversity values. However, Mr Hooson notes that removing livestock is likely to result in increased exotic woody weed growth, particularly wilding conifers. Additional surveillance and control of woody weeds will be required in these areas retired from grazing.
 96. The efficacy of the proposed 2m wide planting strip around the perimeter of three centre-pivots is questioned; and it is suggested that more effective ecological outcomes could be achieved by undertaking this planting elsewhere on the property, for example in the riparian margins of Mistake River in areas to be retired from grazing. If this centre-pivot perimeter planting is to be retained, Mr Hooson recommends that *Olearia lineata* and mountain totara are not appropriate for this location.
 97. The proposed measures including willow removal and wilding conifer control in the FBP are supported. The FBP also recommends enhancing wetlands and riparian margins with plantings. Again, Mr Hooson does not consider *Olearia lineata* to be ecologically appropriate for this location. *Olearia odorata* could be considered as an alternative.
 98. Minor amendments are suggested to the Monitoring and Reporting section of the FBP as put forward in Mr Hooson’s report attached as **Appendix 2**.
 99. In terms of the proposed species mix for the proposed lakeface planting, *Olearia lineata*, bog pine, mountain totara and mountain toatoa are not recommended by Mr Hooson in this location. Alternative species that could be considered include other shrubs such as mountain wineberry, desert broom, and porcupine shrub as well as the climbing vines bush lawyer (*Rubus schmidelioides*), native jasmine (*Parsonsia capsularis*) and *Clematis marata*.
 100. The proposed use of *Pinus attenuata x radiata* to shelter plantings around the proposed building cluster is supported, although it is noted that the use of ecologically appropriate indigenous tree species are generally preferred as visual mitigation planting from both an ecological and landscape character perspective. Overall, Mr Hooson considers that the planting palette and proposed approach outlined in the *Design Concept Amendment Drawing Set* is an appropriate solution for this location and situation.

101. Overall, assessing the ecological information provided and having visited the site, including travel along the existing access road and observation of the area in which the proposed access road is to be extended, the ecological assessment provided in the application appears reasonable. The nature of the improvements are restricted to widening of the existing metalled surface. It is considered appropriate to place a restriction by way of condition on any consent granted on the maximum width of the access in order that it retains a rural character and to require that any sealing is restricted to that within the curtilage of the building cluster itself.
102. Various suggested amendments have been put forward to the FBP in order to achieve more effective biodiversity outcomes, namely in terms of the proposed 2m wide planting strip at the edge of the centre-pivots. The Applicant may wish to comment on those proposed changes at the hearing. Otherwise the amendments suggested are relatively minor and do not change the overall FBP outcomes.

Cultural Effects

103. The Ngāi Tahu Statutory Acknowledgements and Freshwater Policy describe Ngāi Tahu's relationship with the area, in particular their association with Lake Takapō/Tekapo and its value with respect to mahinga kai.
104. The SASM identified in the MDP in vicinity of the proposed building site are indicated on **Figure 7** above, including Lake Takapō/Tekapo and the Te Awa-a-Takatamira/Cass River.
105. A copy of this report will be provided to papatipu runanga for comment via Aoraki Environmental Consultancy Ltd (AECL). If required further comment can be provided at the hearing.

Outdoor Lighting

106. In response to the matter raised in the initial landscape peer review and the submission received from the University of Canterbury, the application now includes additional volunteered conditions to address outdoor lighting and the potential impacts on the Dark Sky Reserve.
107. The Applicant commissioned Professor Brian Boyle, Emeritus Professor of Astronomy, UNSW Sydney, to prepare a report. In summary that report includes recommendations to ensure that all outdoor lighting complies with the rules for lighting introduced into the MDP by PC22. These rules require that:
 - a) Security lights must be fitted and controlled with a motion sensor (LIGHT-R2);
 - b) Outdoor lighting is constructed so that the edge of the shield is below the whole of the light source (LIGHT-S2); and
 - c) Outdoor lighting has a colour temperature of 3000K or lower (LIGHT-S3)
108. Professor Boyle's report goes further, making additional recommendations, based on the Applicant's stated desire for the development to act as an exemplar of environmental sustainability in the region. The information provided in January 2026 confirms that most of those recommendations have been adopted by the Applicant; including:
 - a) Reducing the colour temperature of all outdoor light to 2700K, where less than 4% of the spectral energy distribution is at the "harmful" wavelengths or less than 440nm. Note that the UC submission only calls for 3000K or less (the current AMIDSR limit), but that the AMIDSR Board is pressing for the adoption of a lower colour temperature limit; and
 - b) Treating the pool building as an outdoor area and installing lighting with timers/motion sensors so that use is limited between the hours of 10pm and 6am (a condition that the applicant has already offered) or alternatively the automated switching of colour

temperature to below 2000K after 10pm to balance safely with further dark sky protection.

109. Based on these undertakings it is considered that any adverse effects of the proposal on the night-sky are less than minor and no different than if the proposed built form was located within the FBA.

Other Effects

110. The application includes a thorough and detailed AEE that includes various technical assessments. It is noted that aside from the matters outlined above, those assessments are adopted for the purpose of this section 42A reporting.

Positive Effects (section 104(1)(ab))

111. Section 104(1)(ab) sets out that the consideration of applications must have regard to any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
112. The positive effects arising from this application include the implementation of the FBP, which is submitted as part of the proposal and is discussed in more detail within the Ecological Peer Review Report attached as **Appendix 2**. The Applicant volunteers the long-term implementation of the FBP be secured by a condition on any consent granted.
113. The Applicant is volunteering, as an Augier condition of consent, a contribution 12.5% of the actual cost of the replacement bridge (inclusive of GST, if any) up to the value of \$500,000. The AEE states that the volunteered condition promotes continued public access to areas of significant value for recreation purposes. The AEE states that it is expected that community/public interest will increase as a result of the Land Tenure Review process, and a financial contribution to the construction of the replacement/upgrade of the bridge compliments this outcome.
114. The Applicant is willing to volunteer as an Augier condition of consent that prior to the residential occupation of the proposed dwelling the consent holder shall complete the external refurbishment of the of the John Scott Lodge, Ribbonwood, Angus, Rankin and Middle Gorge Huts. The refurbishment shall be limited to recladding, reroofing, triple glazing and adding insulation. As acknowledged in the AEE, the exercise of this condition is conditional on DOC or LINZ giving permission to undertake the refurbishment of those huts which are not in the ownership of the consent holder.
115. The positive outcomes included in the FBP have been considered as part of the assessment of the landscape effects set out in Ms Pfluger's peer review. In terms of the bridge contribution and hut refurbishment, these have not been explicitly included in the assessment for the purpose of this report, but are relevant in that they provide additional benefits over and above those considered in coming to the overall effects conclusion set out below.

Conclusion – Assessment of Adverse Environmental Effects

116. Based on the application, further information, submissions, and peer review reports received; overall it is considered that the application of the typical effects hierarchy, including those additional positive outcomes set out in the FBP, are such that the adverse effects are marginally greater than what could be described as being minor.
117. However, based on the additional recommendations set out above and explained in more detail in the accompanying landscape peer review report, it is considered that the adverse effects can be further reduced to the point that they are no more than minor. Primarily the two matters in contention relate to:

- a) Amending the position of the proposed workshop building such that it is outside the lake viewing catchment; and
 - b) Avoiding potential future development in the more elevated and visually prominent parts of the existing Godley Peaks Station FBA.
118. For the sake of completeness, I re-iterate that this conclusion excludes consideration of the bridge contribution and hut refurbishments on public land.

NATIONAL ENVIRONMENTAL STANDARDS (NES) (section 104(1)(b)(i))

119. The National Environmental Standards currently in effect of relevance to this application include:
- a) The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
 - b) National Environmental Standard for Freshwater.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

120. The application includes a Preliminary Site Investigation (PSI) completed by e3 Scientific and forms Attachment L to the AEE. The purpose of the PSI being to determine whether any activities or industries listed on the HAIL have taken place and to consider the risks to human health associated with the proposed development.
121. Based on a detailed review of site history and a site walkover, e3 Scientific find that it is highly unlikely HAIL activities and/or potential contamination has occurred/is currently occurring at Godley Peaks Station where the proposed built form is proposed.
122. On this basis, I agree with the Applicant's assessment and consider that the proposed activity does not trigger the need for resource consent, or further site investigations, under the NESCS.

National Environmental Standard for Freshwater Management (NES-F)

123. The application AEE document states that the NES-F sets out requirements for carrying out activities that present a risk to freshwater and freshwater ecosystems. The activities that the NES-F addresses are largely farming activities, works near natural wetlands, reclamation of rivers and fish passage. The AEE notes that implementation of the FBP only requires access to the wetlands area for the purposes of planting and ecological enhancement; and that any activities within an identified natural inland wetland will meet the requirements of clause 38 of the NES-F (being permitted activities associated with restoration, wetland maintenance, and biosecurity of natural inland wetlands).

NATIONAL POLICY STATEMENT (NPS) (section 104(1)(b)(iii))

124. Many of the National Policy Statements, including those being potentially relevant to the assessment of this application, have recently been amended. It is noted by virtue of the timing of those amendments, the assessment set out in the AEE refers to the previous versions.
125. In terms of the National Policy Statement for Highly Productive Land (NPS-HPL), none of the Godley Peaks Station land is identified as being Class 1 to 3 soils under the Land Use Classification. The site is classified as having Class 6 and 7 soils, so the NPS-HPL does not apply to this application.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

126. The main objective of the NPS-FM is to ensure natural and physical resources are managed in away that prioritises the health and well-being of waterbodies and freshwater ecosystems, health needs of people and the ability for people and communities to provide for their social, economic and cultural well-being, now and in the future.
127. Part (1.3) states that a fundamental concept of the NPS-FM is Te Mana o Te Wai, a concept which promotes the protection and health of freshwater bodies and the wider environment, this is reflected in Policy 1.
128. The AEE states that the proposal addresses the NPS-FM through the adoption of the FBP which, among other things, proposes wetland and perimeter restoration planting, weed and pest control. Otherwise, the proposed activity is sufficiently setback from the Lake Takapō/Tekapo shoreline and there will be no discharges to the lake. On that basis no further consideration of the NPS-FM is considered necessary.

National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

129. The NPS-IB came into force in August 2023 and provides policy direction to protect, maintain and restore indigenous biodiversity in the terrestrial environment in New Zealand. It was recently amended in December 2025.
130. As no indigenous vegetation is to be removed, the AEE sets out that the relevance of the NPS-IB is limited to the adoption of the FBP, which retires certain sensitive areas from grazing, promotes dryland cushionfield /prostate shrub monitoring, proposes wetland and irrigation perimeter restoration planting, and additional weed and pest control. The AEE also states that FBP also serves as a critical resource to identify areas of value on Godley Peaks Station, and to manage and monitor change overtime (at the Applicants cost).
131. In that context the proposal does not raise any issues with the matter set out in the NPS-IB.

CANTERBURY REGIONAL POLICY STATEMENT (CRPS) (section 104(1)(b)(v))

132. Under section 104(1)(b)(v) of the RMA, the consent authority shall have regard to the relevant provisions of a regional policy statement. The Canterbury Regional Policy Statement (CRPS) provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. These methods include directions for provisions in district and regional plans.
133. The submission from the CRC has raised concerns regarding the consistency of the proposed activity with the provisions set out in Chapter 9 'Ecosystems and Indigenous Biodiversity', Chapter 11 'Natural Hazards' and Chapter 12 'Landscape'. In addition, it is noted that the Application AEE includes an assessment against the provisions contained in Chapter 5 'Land Use and Infrastructure', Chapter 16 'Energy' and Chapter 17 'Contaminated Land'.
134. As a higher order document, the recently reviewed Mackenzie District Plan was prepared to "give effect to" the CRPS (section 75(3)(c) of the RMA). In terms of the landscape provisions, the same statement can be made in regard to the promulgation of PC13, which was effectively "rolled over" as part of PC23.
135. On the basis of the above, the only CRPS provisions I wish to provide any additional comment on relate to Chapters 9 and 12.
136. In terms of Chapter 9 – Ecosystems and Indigenous Biodiversity, Objective 9.2.1 is "Halting the decline of Canterbury's ecosystems and indigenous biodiversity". Objective 9.2.3 refers to

the identification of significant indigenous vegetation and habitats so that their values and functions are protected.

137. Policy 9.3.1 states that significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats for representativeness, rarity or distinctive features, diversity and pattern, and ecological context. An area of habitat is considered to be significant if it meets one or more of the criteria in listed in Appendix 3 of the CRPS.
138. Policy 9.3.1.3 states that *“Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities”*.
139. The ecological assessment submitted with the application states that no indigenous vegetation will be removed to facilitate either the construction of the buildings or the upgrade of the existing access track. Given the nature of the receiving environment and having observed the application site in person, there is no reason to dispute those findings. On that basis the proposal does not raise any issues with the policy framework set out in Chapter 9. Furthermore, it is noted that the implementation, monitoring and reporting required by the FBP submitted as part of the Applicant’s proposal will result in ecological benefits to the wider Godley Peaks Station environment, and this accords with CRPS policy.
140. The landscape sensitivity of the proposed building site is the primary consideration when assessing this application. Objective 12.2.1 ‘Identification and protection of outstanding natural features and landscapes’ states that *“Outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development”*.
141. CRPS Policy 12.3.2 is to ensure management methods in relation to subdivision, use or development, seek to achieve protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
142. To assess these aspects of the CRPS policy I rely on the technical findings set out in the peer review of Ms Pfluger. On the basis of the recommended changes to the proposal set out therein, it is considered that the proposal does not represent *“inappropriate”* development. Notwithstanding, it is acknowledged that this is not a straightforward assessment and that many will view the development as inappropriate simply on the basis that it is located within the ONL/LPA and outside the identified FBA.

MACKENZIE DISTRICT PLAN (MDP) (section 104(1)(b)(vi))

143. The applicable District Plan policy to assess is that as amended through the recent District Plan Review, which as it relates to this site can now be treated as operative (none of the outstanding Appeals in relation to Stage 4 provisions affect the application site).
144. The objectives and policies of the MDP relevant to the proposed activity at the time of lodgement were assessed in the application AEE. This assessment includes all relevant provisions (as they were at that time) of the District Plan pre-review and the provisions of the various plan changes (namely PC23) as they were at the time of preparation/lodgement.
145. As explained above, resolution of appeals is now such that the Stage 3 provisions (PC23 to 27) can be treated as operative. The appeals on Stage 4 are site specific and do not otherwise affect the consideration of this application. On that basis those provisions can also be treated as operative. This means that the situation is now more straightforward than at the time the application and accompanying AEE was prepared. On that basis I do not repeat that assessment and instead focus on the key aspects of the MDP policy framework where there may be a point of difference with the assessment set out in the application.

Strategic Direction

146. PC20 introduced policy to set the overarching strategic direction for the MDP and respond to resource management issues that are of regional or national importance within the Mackenzie District. Those most relevant to this proposal are set out below.

ATC-O1 Live, Work, Play and Visit

The Mackenzie District is a desirable place to live, work, play and visit, where:

- 1. there are a range of living options, businesses, and recreation activities to meet community needs;*
- 2. activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and*
- 3. the anticipated amenity values and character of different areas are maintained or enhanced.*

ATC-O2 Rural Areas

The significant contribution of rural areas to the social, economic and cultural well-being of the District is recognised and provided for.

NE-O1 Natural Environment

The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:

- 1. mahika kai resources;*
- 2. night sky darkness;*
- 3. outstanding natural features and landscapes;*
- 4. significant indigenous biodiversity; and*
- 5. water bodies and their margins.*

147. I agree with the assessment contained in the application that the proposal provides a living option for the station owner, whilst also facilitating the implementation of a comprehensive FBP. The scale of the proposal is such that it also makes a contribution to the community's social, economic and cultural wellbeing by making a significant investment into the local economy. However, it is noted that all these matters would similarly accrue from the proposal being located within the identified FBA.
148. The primary consideration is whether the proposal ensures the natural environment and character of the Te Manahuna/Mackenzie Basin ONL are recognised and provided for, and where appropriate protected and enhanced.
149. In this regard, based on the technical advice received, that the proposed building site and the associated mitigation measures proposed, subject to some further changes, does recognise and provide for the outstanding landscape values of the area. Furthermore, the accompanying implementation of the FBP appropriately sets out to protect and enhance the biodiversity values of the wider Godley Peaks Station environment.

Sites and Areas of Significance to Māori

150. As set out in **Figure 7** above, the application site is not identified as a SASM, but the adjoining Lake Takapō/Tekapo and the Te Awa-a-Takatamira/Cass River are. The relevant SASM policy framework includes:

SASM-O1 Rakatirataka

Rakatirataka is recognised by supporting mana whenua to exercise kaitiakitaka over SASM.

SASM-O2 Sustaining Relationship with SASM

The relationship of mana whenua with their values within SASM is sustained and community awareness of the values of SASM is encouraged.

SASM-P4 Access to SASM

Maintain existing access to SASM for mana whenua and encourage landowners to explore opportunities and methods to provide new access to SASM, where requested by mana whenua.

151. In terms of SASM-P4 it is noted that the Land Tenure Review ensures that land immediately adjoining the margins of Lake Takapō/Tekapo and the Te Awa-a-Takatamira/Cass River go to the Crown for the purposes of recreational or conservation reserve. On that basis the nature of the land tenure in the immediate area is such that access is facilitated and the proposed activity does not impact those access rights and accords with the intent set out in SASM-P4.

Natural Character (NATC)

152. The policies relating to Natural Character were introduced through PC23.

NATC-O1 Preservation of Natural Character

The natural character of wetlands, lakes and rivers (surface waterbodies) and their margins is recognised, preserved and protected from inappropriate subdivision, use and development.

NATC-P1 Recognition of Natural Character Values

Recognise that natural character values of wetlands, lakes and rivers and their riparian margins are derived from:

- 1. being in their natural state or close to their natural state;*
- 2. the value of the waterbody to mana whenua, including values associated with traditional and contemporary uses and continuing ability of the waterbody to support taoka species, mahika kai and other customary uses;*
- 3. indigenous biodiversity, habitats and ecosystems;*
- 4. their contribution to landforms and landscapes, through hydrological, geologic and geomorphic processes; and*
- 5. people's experience of the above elements, patterns and processes.*

NATC-P2 Preservation of Natural Character Values

Preserve and protect the natural character values of wetlands, lakes and rivers and their margins from inappropriate use and development by:

- 1. ensuring that the location, intensity, scale and form of subdivision, use and development takes into account the natural character values of the surface waterbodies;*
- 2. requiring setbacks for activities from wetlands, and lakes and rivers, including buildings, earthworks, woodlots and quarrying activities;*
- 3. promoting and encouraging opportunities to restore and rehabilitate the natural character of surface waterbodies and their margins, including the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values and cultural values; and*
- 4. avoiding inappropriate use and development that detracts from the natural character of surface waterbodies.*

153. The implementation of these policies is via the NATC rules, which provide setbacks for built form and earthworks from the margins of lakes and rivers as set out in NATC-S1/Table NATC-1. It is noted that both Lake Takapō/Tekapo and the Te Awa-a-Takatamira/Cass River are listed in NATC-SCHED1 and therefore subject to the setbacks listed therein. Notwithstanding, I agree with the Applicant's assessment that as the proposal complies with those setbacks it accords with the above policy framework.

Natural Features and Landscapes (NFL)

154. Following the implementation of PC23, the NFL objectives and policies are now standalone from the Rural policy framework. Notwithstanding, the NFL policy effectively includes that implemented via the previous PC13 process. The operative policy framework of relevance to the assessment of this application is set out and assessed below.

NFL-O1 Outstanding Natural Features and Landscapes Values

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

155. The Applicant's V&E assessment finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives and overall concludes that the landscape values of the Mackenzie Basin will be protected. Ms Pfluger arrives at a similar conclusion, but requires additional changes as recommended in the Peer Review Report (**Appendix 1**) to reach this finding; namely an amended location for the proposed workshop and some removal of development rights within the more elevated parts of the existing FBA.

156. On the basis that such aspects form part of the proposal, then it is considered that the ONL values are protected in accordance with NFL-O1.

NFL-O2 Te Manahuna/Mackenzie Basin ONL

1. *To protect and enhance the outstanding natural landscape of Te Manahuna/the Mackenzie Basin ONL, 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, Te Manahuna/the Mackenzie Basin; and*
- f) *undeveloped lakesides and State Highway 8 roadside.*

2. *Subject to NFL-O2.1 above and to the rural objectives:*

- a) *to enable pastoral farming;*
- b) *to manage pastoral intensification and/or agricultural conversion throughout Te Manahuna/the Mackenzie Basin and to identify areas where they may be enabled (such as Farm Base Areas); and*
- c) *to enable rural residential subdivision, cluster housing and farm buildings within Farm Base Areas around existing homesteads (where they are outside hazard areas).*

157. NFL-O2 similarly seeks to protect, but also enhance the Te Manahuna/the Mackenzie Basin ONL, the key matters for assessment being:

- a) The landscape will remain open and vast;
- b) No tussock grasslands are affected by this proposal;
- c) The density of houses is controlled via subdivision and density, the proposal easily complies with the density set out in the MDP for the Te Manahuna/the Mackenzie Basin ONL;
- d) The proposed development is located outside the identified FBA, which otherwise ensure residential development remains in small areas in clusters (see also NFL-P3);
- e) The proposal does not adversely affect the form of the mountains, hills or moraines of Te Manahuna/the Mackenzie Basin ONL; and
- f) The development is within an area identified as LPA, but is not visible from State Highway 8.

158. The second part of NFL-O2 is more enabling, but I note that the proposed location is not consistent with 2.c) as it is not within the FBA were such development is facilitated.

NFL-P1 Protection of Outstanding Natural Features and Landscapes

Recognise the values of the identified ONF and ONL overlays on the Planning Maps and protect these values from adverse effects by:

1. *avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change;*
2. *avoiding inappropriate use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features;*
3. *managing building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation;*
4. *avoiding buildings and structures that break the skyline;*
5. *ensuring buildings and structures are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate;*
6. *recognising and providing protection for identified values in Sites and Areas of Significance to Māori; and*
7. *recognising the existence of working pastoral farms and their contribution to the outstanding natural features and landscapes of the Te Manahuna/Mackenzie District.*

NFL-P2 Te Manahuna/Mackenzie Basin ONL

1. *To recognise that within Te Manahuna/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 low or medium visual vulnerability and identified Farm Base Areas as shown on the Planning Maps.*
 - c) *Areas, places and features of particular significance to Ngāi Tahu.*
2. *To identify, describe and map as overlays, specific areas within Te Manahuna/the Mackenzie Basin that assist in the protection and enhancement of the characteristics and/or values of the outstanding natural landscape contained in NFL-O2.1 being:*
 - a) *Lakeside Protection Areas, shown on the Planning Maps;*
 - b) *Scenic Viewing Areas, in NFL-SCHED1 and shown on the Planning Maps;*
 - c) *Scenic Grassland Areas, in NFL-SCHED1 and shown on the Planning Maps;*
 - d) *Sites of Natural Significance, in Appendix I and shown on the Planning Maps; and*
 - e) *Land above 900m in altitude, shown on the Planning Maps.*
3. *As part of an assessment of the suitability of an area for a change in use for development:*
 - a) *To identify whether the proposed site has high, medium or low ability to absorb development according to the visual vulnerability areas shown on the Planning Maps.*
 - b) *To require an assessment of landscape character sensitivity (incorporating natural factors including geomorphology, hydrology, ecology, vegetation cover, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).*

159. Many of the matters set out in NFL-P1 have been assessed as part of the V&E assessment and peer reviewed by Ms Pfluger. There are aspects of this policy that the proposal is not in accordance with, namely in terms of NFL-P1.4 avoiding buildings that break the skyline; and NFL-P1.5 in terms of minimising earthworks. However, having undertaken a detailed site specific assessment (as set out in NFL-P2.3b)) and acknowledging that the proposed building

site is within an LPA (see NFL-P5) and an area of high visual vulnerability; it is considered that with the additional mitigation recommended by Ms Pfluger that the proposal does not represent inappropriate use and development of the Te Manahuna/Mackenzie Basin ONL. On that basis it is concluded that should the additional measures recommended be adopted by the Applicant then the matters set out in NFL-P1 and P2 are not compromised by the proposed development and the ONL values remain protected.

NFL-P3 Building Development

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

- 1. Managing residential and rural residential housing development within defined Farm Base Areas (refer to NFL-P4).*
- 2. Enabling farm buildings within Farm Base Areas and in areas of low visual vulnerability subject to bulk and location standards and elsewhere managing them in respect of location and external appearance, size, separation and avoidance of sensitive environments.*
- 3. Strongly discouraging non-farm buildings elsewhere in Te Manahuna/the Mackenzie Basin outside of Farm Base areas.*

NFL-P5 Lakeside Protection Areas

- 1. To recognise the significance of the lakes of Te Manahuna/the Mackenzie Basin, their margins and settings to Kāi Tahu and to recognise the special importance of Te Manahuna/the Mackenzie Basin's lakes, their margins, and their settings in achieving NFL-O2.*
- 2. Subject to 3, to avoid adverse impacts of buildings, structures and uses on the landscape values and character of Te Manahuna/the Mackenzie Basin lakes and their margins.*
- 3. To provide for the upgrading maintenance and enhancement of the existing elements of the Waitaki Power Scheme.*
- 4. 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.*

160. The proposed development is located within an LPA and outside the identified FBA for Godley Peaks Station included in the MDP. NFL-P3 “strongly discourages” residential buildings located outside FBA. That point has been a key consideration when assessing the effects of the proposed development. NFL-P5.2 seeks to “avoid adverse impacts of buildings” within LPA. The assessment of effects has found that with the mitigation proposed, and also some additional measures recommended by Ms Pfluger, that the adverse effects of the proposal can be described as “no more than minor”. However, it is noted that NFL-P5.2 sets a lower threshold, being simply to “avoid adverse impacts”.
161. On that basis it is considered that the proposed built form is not consistent with or accords with the outcomes sought by NFL-P3 and NFL-P5.

Lighting (LIGHT)

162. Te Manahuna/the Mackenzie Basin ONL has some of the clearest night skies in the world. The application site is located within the Aoraki Mackenzie International Dark Sky Reserve, created in 2012. The Dark Sky Reserve is important to the District as it attracts local, national and international visitors and includes the Mt John Observatory operated by the University of Canterbury. The maintenance of dark sky is essential for the continuation of the Dark Sky accreditation; as well as the associated tourism and research activities.

LIGHT-O1 Outdoor Lighting

Outdoor lighting allows activities to occur beyond daylight hours and provides safety and security for activities, while:

- 1. protecting views of the night sky; and*

2. *managing light spill to maintain amenity values, health and safety and the safe operation of the transport network.*

LIGHT-P1 Managing Outdoor Lighting

Manage the location, design and operation of outdoor lighting to ensure:

1. *it does not distract or interfere with the safety of road users; and*
2. *it is compatible with the zone in which any light spill is received.*

LIGHT-P2 Night Sky Darkness

Require outdoor lighting and skylights to minimise, as far as practicable, the potential for upward light spill that would adversely affect the ability to view the night sky.

163. Based on the additional information provided (including the assessment by Professor Boyle) and the recommendations adopted by the Applicant, it is considered that the proposal meets all associated policy requirements; namely preservation of the values associated with Night Sky Darkness.

General Rural Zone (GRUZ)

164. The Introduction to the GRUZ Chapter notes that the majority of Te Manahuna/the Mackenzie Basin is identified as an ONL, but makes it clear that both the NFL and GRUZ provisions apply.

GRUZ-O1 Zone Purpose

The General Rural Zone prioritises primary production and activities that support primary production, and provides for other activities where they rely on the natural resources found only in a rural location.

GRUZ-O2 Zone Character and Amenity Values

The adverse effects of activities and built form within the General Rural Zone are managed in a way that:

1. *Maintains a rural character consisting of a low overall building density with a predominance of open space and vegetation cover;*
2. *Supports, maintains, or enhances the function and form, character, and amenity values of the zone;*
3. *Recognises the functional needs and operational needs of activities within the zone; and*
4. *Allows primary production, activities that directly support primary production and other activities that have a functional or operational need to locate in the General Rural Zone to operate without risk of being compromised by reverse sensitivity.*

GRUZ-P6 Residential Density

Control the density and location of residential activities within the General Rural Zone to:

1. *Retain low overall building density with a predominance of open space and vegetation cover; and*
2. *Ensure consistency with the anticipated character and amenity values of the receiving environment.*

165. The proposal is to provide living and custodial accommodation for the owners of Godley Peaks Station. On that basis it recognises the functional and operational needs of undertaking farming activities in the GRUZ. However, in terms of the ONL context, it is noted that such development is provided for in specific areas identified as FBA. The density of the resultant residential development on the application site is such that low overall building density will be retained. However, whether consistency with the character and amenity values of the receiving environment is achieved is a matter more appropriately addressed via the NFL policy framework as assessed above.

166. Overall, there are no matters raised in the GRUZ policy framework that are not otherwise more appropriately considered in the context of the NFL Chapter, which is the more relevant consideration for this application.

Objectives and Policies Summary & Conclusion

167. The proposal is not consistent with the MDP policy framework set out in NFL-O2, NFL-P1, NFL-P2, NFL-P3, NFL-P5 as discussed above. However, overall, and subject to additional mitigation as set out in Ms Pfluger's peer review, the proposal can achieve the protection of outstanding landscape values as set out in NFL-O1.
168. The policy framework is clear in its intent that residential development outside identified FBA should be strongly discouraged (NFL-P3.3); and otherwise the MDP identifies LPA to assist in the protection and enhancement of the characteristics and/or values of the ONL, and to avoid adverse impacts (NFL-P2.2 and NFL-P5.2). The proposal runs counter to that policy direction.

SECTION 104D THRESHOLD TEST

169. As referred to above, in order to be eligible for approval in accordance with section 104D of the RMA, a consent authority may grant consent for a non-complying activity only if it is satisfied that either-
- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or...*
170. In terms of my understanding of the thresholds for this test, an activity can have adverse effects, up to the point where they remain to be described as minor, but not be 'more than minor'. In terms of the objectives and policies, the activity proposal can have elements of inconsistency, but cannot be described as contrary. My understanding of relevant case law is that this is a high threshold, being described as 'repugnant to'.
171. Ms Pfluger has assessed the adverse visual amenity and landscape effects as being more than minor, but with additional mitigation measures can be reduced to the point that they are described as "no more than minor". It is noted that some of those matters cannot be imposed lawfully by way of conditions, so would have to be volunteered by the Applicant. On that basis, as the proposal stands, it does not meet the first limb of the threshold test, but could if the additional measures recommended are adopted.
172. In terms of the objectives and policies, the proposal is not in accordance with the policy framework and has various aspects of inconsistency. Whether these are sufficient to describe the proposal as contrary to the MDP objectives is not clear. In coming to that conclusion I am conscious that with appropriate mitigation in place the proposal is considered to be able to meet the overall objective set out in NFL-O1, being the protection of outstanding landscape values.
173. On that basis I come to the conclusion that the proposal as it stands does not meet either limb of the section 104D threshold test, but should the workshop location be moved away from the visual catchment of Lake Takapō/Tekapo and the Applicant agree to reduce the development capability of the existing FBA, then I consider that the ONL values will be protected and the proposal able to then meet the first limbs of the threshold test. Noting that the matter of the second limb would remain finely balanced, as the proposal would clearly remain inconsistent with aspects of the NFL policy framework, but potentially not contrary.

IWI MANAGEMENT PLANS

174. The relevant iwi management plans affecting the local area emphasise the importance of direct engagement with takata whenua to ensure that their rakatirataka, kaitiakitaka and integral relationship with the land and water are acknowledged and provided for. They are prepared as strategic management plans that focus being on the appropriate protection of the natural environment.

Waitaki Iwi Management Plan 2019

175. The Waitaki Iwi Management Plan (WIMP) was developed by Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki as an expression of rakatirataka and in fulfilment of their kaikiaki responsibilities.

176. Of relevance to this project, the plan outlines the following strategic objectives:

- a) Manawhenua have a co-governance and co-management role over the Aoraki; and
- b) Wāhi tūpuna are protected and the relationship Manawhenua have with these landscapes is enhanced.

Iwi Management Plan of Kati Huirapa

177. The Iwi Management Plan of Kati Huirapa (1992) sets forward a number of aspirations:

- The Crown and other agents with authority delegated by the Crown, consult with Takata Whenua on all matters Māori as set out in the Resource Management Act;
- Breeding areas for fish, birds, all species in waterways remain undisturbed;
- Corridors of undisturbed vegetation be maintained along all rivers, and between rivers and forests, any areas of indigenous flora and habitats of indigenous fauna to maintain the seasonal migration and movement of birds, all creatures;
- The protection and restoration of natural habitats be encouraged; and
- The planting of flax and other native species which are a source of traditional materials be encouraged.

Ngāi Tahu Resource Management Strategy for the Canterbury Region

178. This document produced in 2014 outlines the key issues and aspirations for Ngāi Tahu in the Canterbury region with regards to natural resource management. This strategy also requests appropriate engagement of Ngāi Tahu in resource management matters and the right to be involved in and contribute to, the resource allocation and management decisions which impact on Tribal resources.

Assessment

179. The proposal does not impact on matters of traditional access for mahinga kai noted in the SASM policy framework as noted above. The implementation of the FBP will result in ecological enhancement of the wider property thereby improving biodiversity outcomes. There will also be no discharge of contaminants or stormwater to any adjacent surface waterbody.

180. Overall, the project is considered to be consistent with the social and environmental aspirations expressed in the Iwi Management Plans.

ANY OTHER MATTERS (section 104(1)(c))

181. Section 104(1)(c) sets out that when considering an application for a resource consent the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Precedent/Plan Integrity

182. The matter of the precedent that any approval of this application would mean for the balance of the ONL/LPA area adjoining Lake Takapō/Tekapo was a matter raised in various submissions opposing the application.
183. It is my understanding from relevant case law that the concept of precedent reflects a concern that the granting of resource consent may have planning significance beyond the immediate vicinity of the land concerned; with plan integrity more likely to affect the public confidence in the plan and its consistent administration. It is acknowledged that 'precedent' is not an adverse effect on the environment *per se*. However, these are considered to be matters that can be considered under section 104(1)(c) of the RMA, with the appropriate weight to be given to them being dependent on the circumstances of the particular application.
184. In my view that any approval of this application would not create a precedent or undermine the integrity of the MDP. This is due to the nature of this specific proposal within this specific receiving environment. As such any approval obtained could not be considered as a signal for how any other future application for residential development outside of FBA may be considered moving forward.

CONCLUSION & RECOMMENDATION

185. As set out above, Part 2 of the RMA sets out the purpose and principles of the Act, being "*to promote the sustainable management of natural and physical resources*". My understanding of recent case law as to whether and to what extent it will be appropriate for a decision-maker to resort to Part 2 depends on the relevant planning instruments. The starting point being the consent authority should give genuine consideration to and apply the planning instrument provisions.
186. The nature of the proposal is such that it raises matters of national importance, including:
- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development; and
 - b) protection of outstanding natural features and landscapes.
187. In conclusion, in its present form the proposal does not meet the section 104D threshold test and on that basis is ineligible for approval primarily as it does not adequately protect the outstanding landscape values of Te Manahuna/the Mackenzie Basin. However, as discussed in the landscape peer review and in the body of the assessment above, should the Applicant agree to amend the proposed workshop location and also give up some development rights within the existing FBA, then the proposal would be in a form that could be approved in terms of the MDP, section 104D and accord with Part 2 of the RMA.
188. In terms of conditions, it is noted that the application did not include a set of draft conditions, but conditions are referenced throughout the AEE. A draft set of conditions can be provided should the Commissioner decide to grant consent, but it is expected these will be further refined prior to the hearing process in light of the various matters raised above.



Nick Boyes

Consultant Planner

Date: 3 March 2026

APPENDIX 1: Landscape and Visual Amenity Peer Review

APPENDIX 2: Ecology and Farm Biodiversity Plan Peer Review

APPENDIX 3: Draft Recommended Conditions