

**BEFORE COMMISSIONER PANEL APPOINTED BY
MACKENZIE DISTRICT COUNCIL**

In the matter of the Resource Management Act 1991

And

In the matter of an application by Godley Peaks Station Limited to establish a Homestead and Accessory Buildings at Godley Peaks Station, Lake Tekapo.

**EVIDENCE OF CAREY VIVIAN ON BEHALF OF
GODLEY PEAKS STATION (PLANNING)**

16 March 2026

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MAY IT PLEASE THE PANEL:

CREDENTIAL AND EXPERIENCE

Current Position

- 1 My full name is Carey Vivian. I am a director of Vivian and Espie Limited, a resource management and landscape planning consultancy based in Queenstown.

Qualification and Experience

- 2 I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I have been practicing as a resource management planner for over 30 years, having held previous positions with Davie Lovell-Smith in Christchurch; the Queenstown-Lakes District Council, Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.
- 3 I am very familiar with the Mackenzie District Plan (**MDP**), having worked on several plan changes and resource consent applications within the Mackenzie Basin over the past 20 years. In particular, I was heavily involved in Plan Change 13 (**PC13**), Plan Change 18 (**PC18**) and Plan Change 19 (**PC19**) for various submitters/appellants and attended several mediations, conferencing and hearings spanning several years.
- 4 I have also, over the years, applied for several resource consent applications within the Mackenzie basin on behalf of large landholdings such as Pukaki Downs Station, Guide Hill Station and Mackenzie Lifestyle Limited.

Environment Court Practice Note

- 5 I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it.
- 6 Other than where I state that I am relying on the advice on another person, I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 7 At the time of writing this evidence, I have had the benefit of reading:
 - 7.1 The application (and associated reports);

- 7.2 Mr Boyes' section 95 report dated 10 March 2025;
 - 7.3 Ms Faulkner's landscape report dated 17 February 2025;
 - 7.4 Submissions and further correspondence with submitters;
 - 7.5 Ms Pfluger's Initial Landscape Recommendations Report dated 29 October 2025;
 - 7.6 The applicant's response to Ms Pfluger's Initial Landscape Recommendations Report (et al) dated 19 December 2025¹;
 - 7.7 Mr Boyes' section 42a Report (42a Report) and associated technical reports dated 3 March 2026;
 - 7.8 Draft evidence of Mr Espie (landscape assessment), Mr Baxter (landscape design), Mr Davis (ecology); Mr Whittaker (architecture), Mr McCartney (civil engineering), Mr Burgess (glint/glare), Prof. Boyle (dark sky), Dr Forrest (geotechnical) and Mr Grandiek (environmental management plan).
- 8 I prepared the application and Assessment of Effects (**AEE**), dated 13 December 2024, that was submitted with the RM240167 application. I am happy to answer any questions in respect of it.
- 9 This evidence focuses on the conclusions, findings and recommendations contained in Mr Boyes' 42a Report. I have used the same headings in Mr Boyes' 42a Report in this evidence for consistency.

THE PROPOSAL, SITE HISTORY & DESCRIPTION

- 10 It proposed to erect a homestead and associated ancillary buildings at the south-east corner of Godley Peaks Station for the station's owner, Mr Lewis. An integral part of the application includes structural landscaping planting around the proposed buildings, the adoption of a Farm Biodiversity Plan (FBP) for the eventual freehold property, the upgrade of huts on the property (including those that will end up in the conservation estate) and a contribution towards the Cass River bridge replacement.
- 11 Mr Boyes has described the proposal in detail in his 42a Report. I concur with that description. I note in response to the recommendation within the 42a Report, the Applicant has made further amendment to the location of the

¹ Accidentally dated 19 January 2025 in the cover letter.

workshop building (see Figure 1 below) and volunteered a restrictive covenant (see Figure 2 below) in relation to the Farm Base Area (FBA) as described in Mr Espie's and Mr Baxter's evidence.



Figure 1 – Snip of Baxter Design Group Masterplan showing relocated workshop building



Figure 2 – Proposed Restrictive Covenant Area over the FBA.

12 I note there has been some discrepancy with respect to the overall height Wintergardens building. In my cover letter description below “*The design response is to sink the Wintergarden building into the ground by 1m, and reduce the over[all] height of the building by 1m, giving a roof apex of 745.7masl.*” That statement is not correct. The Wintergardens building is to have FFL of 739masl (with ground around it being built up to 740masl) and apex height of **744.7masl**, resulting in an overall height reduction of 1m (of the apex) from the notified height. The overall height of the Wintergardens building has therefore been reduced from **6.7m** to **5.7m** from FFL to apex. I confirm the plans attached to Mr Whitaker’s and Mr Baxter’s evidence correctly show the apex at **744.7masl** (see snips from their evidence Figure 3 and 4 below). I also confirm an apex height of **744.7masl** also complies with Mr Burgess’ glint/glare assessment.

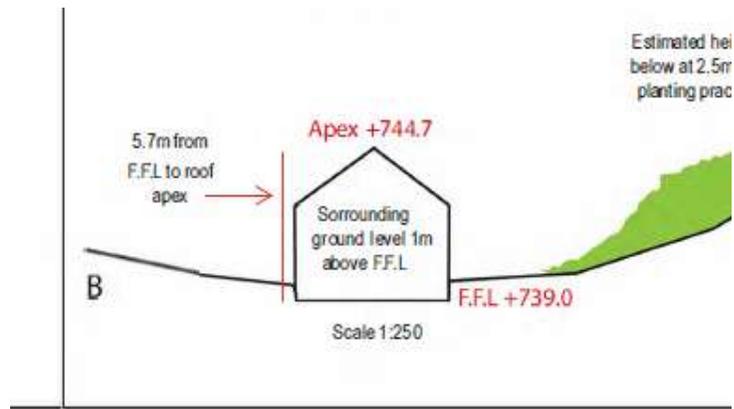


Figure 3 – Snip of Wintergardens building height from Baxter Design Group Plans

P	3.4m	6.5m	745.5m
Q	3.6m	6.5m	745.5m
R	3.2m		
S	3.3m	5.7m	744.7m
T	3.5m		
U	5.8m	8.0m	744.0m
V	4.4m		

Figure 4 – Snip of Wintergardens building height from Whitaker Architects Plans

MACKENZIE DISTRICT PLAN

13 I concur with Mr Boyes assessment of the Mackenzie District Plan (**MDP**) under the sub-headings District Plan Review, Zoning/Overlays, and Compliance Assessment.

- 14 I also concur with Mr Boyes' assessment that the proposal is, overall, a non-complying activity, given non-compliance with **NFL-R5 Earthworks** and **NFL-R9 Non-Farm Buildings including Residential Units**.

NOTIFICATION/SUBMISSIONS

- 15 I concur with Mr Boyes' description of the submissions received on the application.
- 16 I agree with Mr Boyes that the part of the submission which raises the matter of strobes on the existing irrigators is not within scope of the application. Notably, we also refer to RM090085 – Certification of Compliance.²
- 17 I also agree with Mr Boyes that submissions on topics that were addressed by the applicant in its additional information dated January 2026 have not been withdrawn, although the Applicant has consulted further with submitters and all were offered an opportunity to attend Godley Peaks Station and the proposed building site.

STATUTORY CONSIDERATIONS

- 18 I concur with Mr Boyes' description of s104, 104D and Part 2 of the Resource Management Act (**RMA**).

ASSESSMENT OF EFFECTS

Permitted Baseline (section 104(2))

- 19 Mr Boyes states that he agrees with the conclusions 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.
- 20 With respect, the application AEE does find that some aspects of this proposal are a permitted activity under the MDP. This includes the following permitted activities:
- 20.1 Conservation Activity (**GRUZ-R12**) which is defined as use of land for any activity undertaken for the purposes of the preservation, and protection and restoration of natural and historic resources for the purpose of maintaining or enhancing their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations;

² Section 42A at [35]

- 20.2 Buildings and structures not otherwise listed (GRUZ-R5), such as fencelines;
- 20.3 Earthworks undertaken for the purpose of maintenance and repair of existing tracks (**NFL-R5.1**).

- 21 Despite this, I concur with Mr Boyes that it is inappropriate to consider these aspects of the proposal in isolation to the built form, as it is unlikely they would occur without the building be approved (with the possible maintenance and repair of the existing track, which could occur for many other reasons). These matters do however offset the 'effects envelope' to a degree.
- 22 In addition to above, the application AEE also finds that the restoration of the huts within the property are also a permitted activity provided **Rule 3.1.2.c Reflectivity** is not exceeded.

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

- 23 I agree with Mr Boyes there are no matters of trade competition.

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

- 24 I agree with Mr Boyes with respect to written approval received in support of the application.
- 25 I note that Land Information New Zealand's (LINZ) written approval is specific to the application and is for the purposes of s95 of the RMA only. I take this to mean the written approval is on behalf of LINZ as the manager of the leasehold title on which the building platform and associated planting is proposed to be located. It doesn't extend to other land managed by LINZ, such as the bed and margins of Lake Tekapo.
- 26 Similarly, the Department of Conservations (**DOC**) written approval is limited to the likely effects of the proposal on the Department's interests only. Importantly, the approval states that it will become null and void if the proposal to which it refers and between the date and given (25 November 2025) and its consideration by the consent authority without referral back to Mr Ellis for further assessment. This is significant in terms of the FBP which the department have reviewed as part of the application. Obtaining written approval from DOC was the result of constructive engagement over an extended period, and retaining the FBP in the form authorised is important to the Applicant.

Receiving Environment

- 27 With respect to the receiving environment, Mr Boyes correctly identifies that development within the FBA forms part of the receiving environment. This level of development is described in Mr Espie's and Ms Pfluger's report.
- 28 At paragraph 78, Mr Boyes states that 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. Mr Boyes spatially shows this area in Figure 9 of his report.
- 29 I agree with Mr Boyes that the proposal seeks to take development otherwise enabled within the FBA and places it elsewhere on the property. I also agree with Mr Boyes that in doing so, the development opportunity across the underlying site is expanded beyond that which is strictly enabled. This is evident in the non-complying status for residential buildings outside the FBA, and a requirement to assess against a stringent s104D test. I discuss these issues further in relation to my objectives and policies assessment.
- 30 This Application, at least to-date, has not been presented as a 'land swap' between the proposed site and the FBA – rather an assessment of the 'pure merits' of the proposed site pursuant to s104 and s104D. My position is that the proposal can be supported on its own merits, without relying on a land-swap arrangement, although I acknowledge that this is a finely balanced assessment. The Applicant has confirmed that to address potential cumulative effects associated with possible development within the FBA, they are willing to restrict such development. My evidence proceeds on the basis that this restriction will be implemented. For clarity, I agree with Mr Boyes that, to genuinely "transfer" development potential from the FBA to the proposed building site, it is appropriate that development opportunity within the identified FBA is reduced accordingly. I accept his assessment that this approach would reduce potential cumulative effects.
- 31 Mr Boyes suggests that this would require the undertaking of a plan change to remove part of the FBA. In my opinion, a s.108 covenant over part of the FBA preventing any built form from locating within a specified area, equally reduces the development potential of the FBA. This covenant area is described in Mr Espie's evidence. It equates to approximately 12.7ha of land (refer to image below), reducing the development potential of the FBA by approximately three residential units (assuming the upper density of 1 residential unit per 4ha would apply to this area of the FBA). In my opinion,

this is a very generous concession where my assessment is that implementation of a 'land swap' is already finely balanced.

Landscape and Visual Amenity Effects

- 32 At paragraph 86 of his report, Mr Boyes outlines the following landscape recommendations:
- 32.1 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 within the receiving environment 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;
 - 32.2 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;
 - 32.3 Include a building restriction on the more sensitive part of the FBA; and
 - 32.4 Move the 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.
- 33 The applicant has adopted all of these recommendations and incorporated them into the proposal. On that basis, I understand Mr Boyes agrees with the overall findings set out in the Landscape Peer Review report, including:
- 33.1 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.

33.2 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.

34 I agree with Mr Boyes.

Ecological Effects

35 Mr Boyes finds 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. Mr Boyes considers 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.

36 Mr Boyes notes that 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. Mr Davis has addressed these suggested amendments in his evidence.

37 As noted obtaining written approval from DOC was the result of constructive engagement over an extended period, and retaining the FBP in the form authorised is important to the Applicant. I similarly agree with Mr Boyes that these changes are relatively minor and do not change the overall FBP outcomes. The key takeaway is that the FBP secures an ecological outcome for the property that delivers significant biodiversity benefit into the future. This mitigation is proposed notwithstanding the fact that no indigenous vegetation is being removed as part of the proposal.

Cultural Effects

38 I agree with Mr Boyes' comments regarding cultural effects.

Outdoor Lighting

39 I agree with Mr Boyes, that based on the undertakings recommended by Prof Boyle, 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

40 Mr Boyes states that the application includes a thorough and detailed AEE that includes various technical assessments. Mr Boyes adopts, aside from the matters outlined above, those assessments for the purpose of this section of his 42a reporting. For completeness, while these assessments appear to be uncontentious, they have also been filed by way of evidence before the panel, to ensure that appropriate weighting is placed, particularly in the event of unexpected submitter evidence being filed on these matters, and so that an appropriate witness is available for questions as required.

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

41 Mr Boyes correctly finds that Section 104(1)(ab) sets out that 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.

42 As identified in Mr Boyes' report, the positive effects arising from the application include:

42.1 implementation of the FBP;

42.2 a contribution 12.5% of the actual cost of the replacement bridge (inclusive of GST, if any) up to the value of \$500,000;

42.3 refurbishment of the of the John Scott Lodge, Ribbonwood, Angus, Rankin and Middle Gorge Huts.

43 Mr Boyes confirms that 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. However, in terms of the bridge contribution and proposed hut refurbishment works, Mr Boyes notes these have not been explicitly included in the assessment for the purpose of his 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. For clarity, if these matters do not fall within the scope of section 104(1)(ab), then they must be considered under section 104(1)(c). My understanding is that this is the point Mr Boyes is making, and I agree with that position. These are significant undertakings by the Applicant, and when assessing the benefits of the proposal, the positive contribution they make should carry some weight. The measures focus on enhancing accessibility to the Godley Peaks area (and its surrounds), supporting the long-term outcomes of the tenure review

process, particularly the retention of public access to natural resources, and enable continued use of the Godley peaks natural environment by the wider community. While the financial contributions and upgrades may not directly relate to the Homestead itself, they align with the broader Godley Peaks vision of enhancing the environment and ensuring that future generations can continue to enjoy it.

Conclusion – Assessment of Adverse Environmental Effects

- 44 Mr Boyes concludes that 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.
- 45 However, Mr Boyes considers that based on the additional recommendations set out in the landscape peer review report, that he considers the adverse effects can be further reduced to the point that they are no more than minor by:
- 45.1 Amending the position of the proposed workshop building such that it is outside the lake viewing catchment; and
 - 45.2 Avoiding potential future development in the more elevated and visually prominent parts of the existing Godley Peaks Station FBA.
- 46 The applicant has amended the application in accordance with above. While it remains my assessment that these changes were not necessary in order for the proposal to meet the threshold of effects being no more than minor, the proposal now before the Panel includes those alterations. In that context, I understand that Mr Boyes and I are aligned in our conclusion that the adverse effects of the proposal are no more than minor.

NATIONAL ENVIRONMENTAL STANDARDS (S104(I)(B)(I))

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

- 47 I agree with Mr Boyes 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)

- 48 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 STATEMENTS (S104(I)(B)(III))

National Policy Statement for Highly Productive Land (NPS- HPL)

49 I agree with Mr Boyes that the NPS-HL does not apply to this application.

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

50 I agree with Mr Boyes that no further consideration of the NPS-FM is considered necessary.

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

51 I agree with Mr Boyes that the proposal does not raise any issues with the matter set out in the NSP-IB. I also rely on Mr David that no indigenous vegetation will be removed through the proposed earthworks.

CANTERBURY REGIONAL POLICY STATEMENT (CRPS) (S104(1)(B)(V)).

52 With respect to Ecosystems and Biodiversity objectives 9.2.1 and 9.2.3 and policies 9.3.1. and 9.3.1.13 of the CRPS Mr Boyes notes that 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. Mr Boyes states that given the nature of the receiving environment and having observed the application site in person, there is no reason to dispute those findings. I agree.

53 On that basis, Mr Boyes concludes that the proposal does not raise any issues with the policy framework set out in Chapter 9 and 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. I concur with Mr Boyes' findings.

54 Mr Boyes also addresses Landscape Objective 12.2.1 and associated policy 12.3.2 where he relies on the technical findings set out in the peer review of Ms Pfluger. On the basis of the recommended changes to the proposal

recommended being accepted by the applicant (which they have), Mr Boyes considers that the proposal does not represent “inappropriate” development.³

55 I concur with Mr Boyes’ assessment. I also agree with Mr Boyes that as the MDP has recently been through a review, it has appropriately been prepared to give effect to the CRPS and there is no requirement to refer back up the planning hierarchy.

MACKENZIE DISTRICT PLAN (S104(1)(B)(VI))

56 I agree with Mr Boyes that the application AEE assesses all of the relevant provisions (as they were at the time) pre-review of the MDP i.e. the operative provisions. I disagree with Mr Boyes where he states that the application/ AEE does not consider the relevant PC23 that was notified one month prior to lodgment. The application does in fact traverse and comment on these proposed provisions. I agree with Mr Boyes that the resolution is now such that the Stage 3 appeals (PC23 to 27) can now be treated as operative and the appeals on Stage 4 are specific and do not otherwise affect the consideration of this application.

Strategic Direction

57 With respect to objectives **ATC-01**, **ATC-02** and **NE-01**, Mr Boyes agrees the application provides a living option for the owner, while also facilitating the implementation of a comprehensive FBP. I agree with Mr Boyes that 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, I disagree with Mr Boyes that all these matters would necessarily accrue from the proposal being located within the identified FBA. For example, a residential dwelling could be built within the more elevated and visually prominent parts of the Godley Peaks FBA without necessarily volunteering the positive effects of a FBP, financial contribution towards the bridge and the refurbishment of the huts.⁴

³ Notwithstanding, Mr Boyes acknowledges 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.

⁴ NFL-R9 restricts matters of control to: (a) External appearance and location within the landscape; (b) Landscape and visual effects; (c) Earthworks and planting; (d) Lighting; (e) Impacts on natural character including on rare and threatened species; (f) Servicing and access; and (g) the extent to which the development satisfies the Landscape Guidelines in NFL-SCHED3.

58 I agree with Mr Boyes that 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. I agree with Mr Boyes, subject to the further changes made by the applicant, the proposal does recognise and provide for the outstanding landscape values of the area and the FBP appropriately sets out to protect and enhance biodiversity values of the wider Godley Peaks Station environment (and beyond, in terms of wilding tree spread).

Sites and Areas of Significance to Maori

59 With respect to **SASM-4**, Mr Boyes notes 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. Mr Boyes therefore concludes, and I agree, that 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)

60 With respect to **NATC-01**, **NATC-P1** and **NATC-P2** Mr Boyes finds that 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**.

61 Mr Boyes notes 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, Mr Boyes agrees with the application AEE that as the proposal complies with those setbacks it accords with the above policy framework.

Natural Features and Landscapes (NFL)

62 With respect to **NFL-O1**, the application has now been amended by relocating the workshop and reducing development rights from an identified area within the FBA. Accordingly, I agree with Mr Boyes that the ONL values are protected in accordance with **NFL-O1**.

63 With respect to **NFL-O2**, Mr Boyes notes the second part of the objective is more enabling, although he notes the proposed location is not consistent with **NFL-O2.2.c**) as the homestead is proposed outside of the Godley FBA. With respect, I note that **NFL-O2.2.c**) is concerned with *rural residential*

subdivision, cluster housing and farm buildings within FBAs around existing *homesteads*. The proposal does not include any rural residential subdivision, cluster housing or a farm building around an existing homestead. In my opinion, **NFL-O2.2.c** is of limited relevance to the proposal, and in any event the entirety of NFL-02 ought to be read as whole and considered alongside other relevant objectives and policies.

- 64 With respect to **NFL-P1** and **NFL-P2** I agree with Mr Boyes there are aspects of the proposal that may not be in accordance with the policy. For example, **NFL-P1.4** requires the protection of the ONL values from adverse effects by *avoiding buildings and structures that break the skyline*. The difficulty with this policy is it does not say where these values are to be considered from. Technically, no building or structure would be able to meet this policy as when viewed in close proximity they all (except underground buildings) would likely break a skyline. In this case, the proposal homestead will likely break the skyline (temporarily) when viewed from the lake surface and lake edge to the northeast of the proposed homestead. Mitigation is proposed to mitigate even these discrete viewpoints over time. Mr Espie considers, in practical terms, this adverse visual effect will be experienced by very few people (given it needs to be appreciated from the lake/ lake front immediately adjoining Godley Peaks Station) and will be of a moderate-low degree before planting gains some growth (approximately 3 years) and be a low degree after that. I agree that this part of the lake and lake edge will be experienced by very few people. As shown in the Map 28 below image, taken from the Canterbury Regional Council Navigation Safety Bylaw 2016 (amended 19th July 2023)⁵, the majority of boating activities occur at the southern end of Lake Tekapo where the boat ramps are located.

⁵ <https://www.ecan.govt.nz/do-it-online/harbourmasters-office/recreational-boating/regulations>

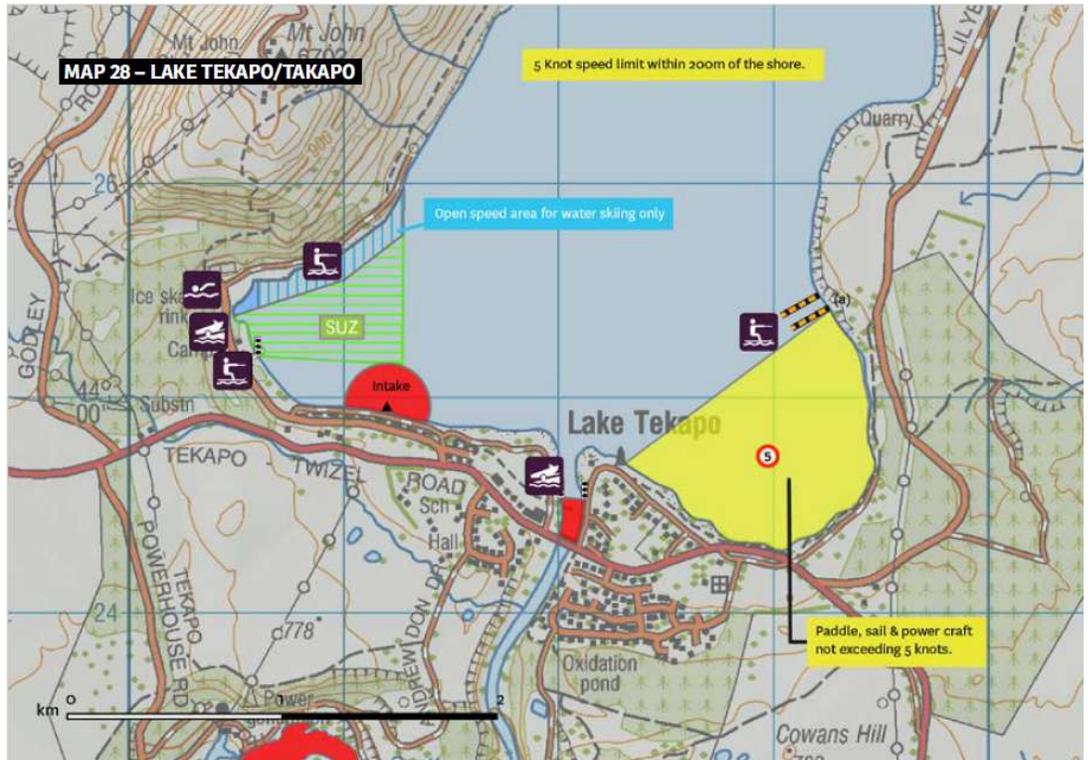


Figure 5 – Recreational Boating on Lake Tekapo

65 The conditions on Lake Takapō/ Tekapo, like all high-country lakes, can change very quickly. ECan warn *“If there’s a storm looming, a nor’wester wind or the conditions are set to deteriorate, stay on land.”*⁶ To get from the Tekapo Boat Ramp to the lake edge to the northeast of the proposed homestead is about 17km of boating in each direction. That is unlikely to be a trip that your average recreational boater would do on a regular basis, especially given the risk of changing weather conditions and the ability to achieve isolation on the lake much closer to the township. In my opinion, the likely low frequency of people viewing the temporary skyline breach is a practical consideration in the implementation of **NFL-P1.4**. As above, it is also important that attention to NFL-P1.4 is given within the context of the other clauses (together with the other policies) i.e. it cannot be read in isolation and deliver a bar to development.

66 I acknowledge that **NFL-P1.1** adopts directive wording; avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change.

⁶ <https://www.ecan.govt.nz/get-involved/news-and-events/2024/stay-safe-on-the-water-this-summer>

To me, this policy requires an assessment of whether the site has capacity to absorb the proposed change. I consider that the “land swap” now proposed is exactly what this policy is anticipating — a merits-based evaluation of the proposal that also has regard to the level of development anticipated by the plan. In this context, the covenant restriction limits cumulative effects, which is consistent with managing and limiting further change to the environment and ensuring that the landscape can continue to absorb change at an appropriate level.

67 I agree with Mr Boyes’ conclusion, that **NFL-P2.3** provides a pathway that ensures the proposal does not represent inappropriate use and development of the Te Manahuna/Mackenzie Basin ONL where relevant. Given the applicant has adopted the additional measures recommended, Mr Boyes considers the matters set out in **NFL-P1** and **NFL-P2** are not compromised by the proposed development and the ONL values remain protected. I agree with this assessment.

68 Mr Boyes notes that **NFL-P3** *strongly discourages* residential buildings located outside FBAs and that point has been taken as a key consideration when assessing the effects of the proposed development. I consider it is important to read the entirety of the policy before arriving at a conclusion. **NFL-P3.3** requires us to ensure the adverse effects on the environment of *sporadic development* are avoided or mitigated by strongly discouraging non-farm buildings outside FBAs. I understand that PC13 was promulgated on the basis that the District Plan (at the time) provided little or no control over rural subdivision, creating potential for adverse effects of *sporadic subdivision* to occur. This was particularly prevalent due to number of pastoral leases progressing through Tenure review and being freehold throughout the basin (particularly around Lake Pukaki) in the early 2000s. I understand that *sporadic development* means scattered, uncontrolled building or subdivision activity⁷. This proposal, in my view, does not constitute *sporadic development* for the following reasons:

68.1 The proposed development is not *scattered* in the context of what could occur Godley Peaks Station. The FBA is over 2.2km long and 0.5km in width (at its widest part). A homestead built in the northern end on the FBA (the area the applicant has agreed to restrict future built form under this application) is approximately 1.6km from the

⁷ PC13 described it as *currently the District Plan provides little or no control over such development, creating considerable potential for adverse effects of sporadic subdivision to occur.*

farm buildings which are centrally within the located FBA. The proposed homestead, by way of comparison, is 2.4km from those same farm buildings. While I acknowledge the proposed homestead is proposed to be located a little bit (800m) further from those centrally located farm buildings, it is my opinion that in terms of a property of this size, and the scale of the landscape it sits within, it is difficult to spatially differentiate one from the other. In other words, I consider the proposed homestead is no more scattered within the property and the landscape than what could to occur within the FBA.

68.2 The proposal is not uncontrolled building or subdivision. As described in the evidence of Mr Whitaker, the proposal is for a *homestead* which is important to the land as it provides a functional and symbolic centre for stewardship, enabling the day-to-day management, occupation, and long-term care of the land. It is a homestead for Mr Lewis, his family, and future generations of Godley Peaks Station. No homestead presently exists on the property. If this land-use consent is granted, the homestead cannot be on-sold independent of the Station without first completing the freeholding and then obtaining a non-complying subdivision consent. This is clearly not the applicant's intention.

69 For the above reasons, in my opinion, the proposal does not constitute *sporadic* development which was intended to be controlled by PC13 (and ultimately the MDP through rolling over of PC23). I note the Council's decision on PC13 recommended the following:

That the Proposed Plan Change is adopted in part: returning to minimal control on subdivision and buildings within re-defined large existing "farm base areas", and providing for farm buildings (including homesteads, workers' accommodation), farm retirement dwellings, and subdivision required for farming, outside these farm base areas, but imposing strict controls on other forms of development and subdivision. That the amendments to the subdivision and transportation rules are adopted.

70 Homesteads were seen as integral to a farming activity and could occur outside FBAs, as they (alongside workers accommodation and farm retirements dwellings) were not considered to be the cause "sporadic development" that PC13 was trying to manage. Unfortunately, this intent was lost the appeals process.

- 71 Again, I also consider the utilisation of the “land swap” arrangement to be important to the assessment of this policy, as it will ensure that “cumulative” effects are appropriately managed.
- 72 Mr Boyes notes that **NFL-P5.2** sets a lower threshold than *no more than minor*, being simply to *avoid adverse impacts*. On that basis Mr Boyes considers the proposed built form is not consistent with or accords with the outcomes sought by **NFL-P3** and **NFL-P5**.
- 73 With respect to **NFL-P5.2**, I disagree with Mr Boyes. **NFL-P5.1** relates to the Mackenzie Basin’s lakes, their margins, and their settings. I agree that **NFL-P5.1** is relevant as the proposed homestead falls within Lake Takapō/Tekapo’s *setting*. However, **NFL-P5.2**, relates only to the adverse impacts of buildings *on the landscape values and character of Mackenzie Basin lakes and their margins*. It does not include their *settings*. In my opinion, this distinction is deliberate, as:
- 73.1 The LPA boundaries (ie. the settings) were initially chosen by the Council’s then Planning Committee (in the mid1990’s), then mapped onto cadastral plans, then hand-digitised and added to the Council’s paper planning maps. This process, which was undertaken without any expert landscape assessment, has resulted in a number of inconsistencies as to where the landward boundary of the LPA is. When you look at these boundaries on the ground, there is really is no logic to them. Nevertheless, the LPA boundaries have survived a number of plan change processes, with no opportunity for them to be challenged along the way. The notified PC13 actually deleted the LPAs from the plan as they were considered defunct by classifying the entire basin as ONL (with the same discretionary activity status), only for the Council decision to overturn that and reinstate them in response to submissions (as a non-complying activity). The LPA *settings* have never (to my knowledge) been tested through an expert landscape assessment; and
- 73.2 Reference to lakes and their margins protects the most sensitive part of lakeside character under **NFL-P5.2** (i.e. s6(a) of the RMA) and allows assessment of their wider *setting* under **NFL-P5.1**.
- 74 As such, I consider **NFL-P5.2** is of no relevance to this application, as the proposal is not located within the applicable ‘margin’. This is important as it is NFL-P5.2 that adopts the directive “avoid” language. For clarity, the proposal remains accountable to **NFL-P5.1**

Lighting

75 I agree with Mr Boyes that proposal meets all associated lighting requirements designed to preserve the values associated with Night Sky Darkness.

Rural General Zone (GRUZ)

76 Mr Boyes finds that that 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 more relevant consideration for this application. I agree with this assessment.

Objectives and Policies Summary and Conclusion

77 Mr Boyes concludes the proposal is not consistent with the MDP policy framework set out in **NFL-O2**, **NFL-P1**, **NFL-P3** and **NFL-P5**. As discussed above, I have different view on the relevance of some of these policies. Nevertheless, Mr Boyes and I are in agreement, that the proposal can achieve the protection of outstanding landscape values as set out in **NFL-O1**.

78 Mr Boyes also concludes that 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**). Mr Boyes considers the proposal *runs counter* to that policy direction. I consider, on closer examination of the wording of Policies **NFL-P3.3** and **NFL-P5.2**, that they are not determinative and have little relevance to the proposal.

79 I also consider the adoption of the “land swap” to be consistent with the policy framework, which directs an assessment of the landscape’s capacity to absorb change and the need to avoid or mitigate “cumulative” effects. In this respect, I consider the land-swap method to be an effective mechanism for achieving greater consistency with these policies, as it reduces development potential in highly visible area within the FBA while enabling development in a location with capacity to absorb it (as reinforced by the effects assessment).

SECTION 104D THRESHOLD TEST

80 Mr Boyes finds that 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”. This is consistent with the conclusions of Mr Espie as well. Mr

Boyes notes that some of those matters cannot be imposed lawfully by way of conditions, so would have to be volunteered by the applicant. I have confirmed the applicant accepts those additional mitigation measures. On that basis, I understand and agree with Mr Boyes, that the proposal meets the *first limb* of the s104D threshold test.

- 81 Mr Boyes states, correctly in my view, that in terms of the objectives and policies, the activity proposal can have elements of inconsistency, but cannot be described as contrary, and his understanding of relevant case law is that this is a high threshold, being described as 'repugnant to'. Throughout his assessment of the objectives and policies, Mr Boyes refers to terms such as "not consistent with" or "not accords with" or "counter to". None of these terms equate to, in my opinion, contrary to (or repugnant to) the objectives and policies of the plan. Otherwise, I consider Mr Boyes would have stated that conclusion. I support his position, noting the relevance of some of the policies as discussed previously. Accordingly, in my opinion, the proposal also meets the second limb of the s104D threshold test.

IWI MANAGEMENT PLANS

- 82 Mr Boyes finds that the proposal does not impact on matters of traditional access for mahinga kai noted in the SASM policy framework as noted above and the implementation of the FBP will result in ecological enhancement of the wider property thereby improving biodiversity outcomes. Overall, Mr Boyes finds that the project is considered to be consistent with the social and environmental aspirations expressed in the Iwi Management Plans. I concur with that assessment.

ANY OTHER MATTERS (S104(1)(C))

- 83 Mr Boyes states 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. I agree with Mr Boyes' 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. Mr Boyes correctly acknowledges that 'precedent' is not an adverse effect on the environment per se, but notes these matters 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.

84 I agree with Mr Boyes that approval of this application would not create a precedent or undermine the integrity of the MDP due to the nature of this specific proposal within this specific receiving environment. I therefore agree that any such approval obtained could not be considered as a signal for how any other future application for a homestead development outside of FBA may be considered moving forward.

CONCLUSION & RECOMMENDATION

85 Mr Boyes concludes the proposal (incorporating the recommendations) is in a form that could be approved in terms of the MDP, s104D and accord with Part 2 of the RMA. I agree with this conclusion.

REVISED DRAFT CONDITIONS (APPENDIX 3 - 42A REPORT)

86 Mr Boyes usefully attaches draft conditions to his 42A Report. I have made some recommended changes to these conditions, by way of ~~deletion~~ and underlining:

87 The red text following the condition explains the recommended changes.

General

1. The design, construction of the residential unit (homestead), accessory buildings and access on Godley Peaks Station authorised by this consent must be undertaken in general accordance with the attached approved plans and information submitted in the documentation entitled 'Application and Assessment of Environmental Effects: Construction of a homestead and accessory buildings at Godley Peaks Station, Lake Tekapo', prepared by Vivian+Espie, dated December 2024, the supporting information and additional information provided on 19 January 2026 and evidence called by the applicant in support of the application at the hearing. Where there is any discrepancy between this documentation and the conditions, the requirements of the conditions shall prevail.

Explanation: This condition has been updated to reflect the latest plans presented at the hearing. This includes:

Whitaker Architects

Site Plan - Project 26027 Rev, RC 01, Sheet, 11 March 2026

Site and Overall Floor Plan - Project 26027 Rev, RC 02, Sheet, 11 March 2026

Part Overall Floor Plan - Project 26027 Rev, RC 03, 04 and 05, Sheet, 11 March 2026

Site Set Out Plan - Project 26027 Rev, RC 06, Sheet, 11 March 2026

Overall Elevations - Project 26027 Rev, RC 07, Sheet, 11 March 2026

Materials Selection - Project 26027 Rev, RC 08, Sheet, 11 March 2026

Baxter Design Group

+4559-SK40 - GODLEY PEAKS STATION HOMESTEAD - MASTERPLAN 11 MAR 26;

+4559-SK32 - GODLEY PEAKS STATION HOMESTEAD – CONTOUR PLAN 11 MAR 26

+4559-SK41 - GODLEY PEAKS STATION HOMESTEAD - PLANTING PLAN 11 MAR 26

+4559-SK44 - GODLEY PEAKS STATION HOMESTEAD - TEMPORARY SHELTER PLANTING PLAN 9 DEC 24

+4559-SK42 - GODLEY PEAKS STATION HOMESTEAD - PERSPECTIVE RENDER 28 Nov 25

+4559-SK43 - GODLEY PEAKS STATION - WORKSHOP SECTIONS 16 MAR 26

+4559-SK37 - GODLEY PEAKS STATION - WINTERGARDEN SECTIONS 16 MAR 26

+4559-SK35 - GODLEY PEAKS STATION HOMESTEAD - ELEVATIONS RENDER 28 NOV 25

+4559-SK47- GODLEY PEAKS STATION HOMESTEAD - BUILDING RESTRICTION AREA 13 MAR 26
+4559-SK45- GODLEY PEAKS STATION HOMESTEAD – WIDER PLANTING CONTEXT 12 MAR 26

Review Condition

2. The Council may, under sections 128 and 129 of the RMA, initiate a review of any or all conditions of this resource consent on the first, second and third anniversary of the commencement of the consent and every five years thereafter. Any such review of conditions shall be for the purposes of:
 - a) responding to any adverse effect on the environment which may arise from the exercise of the consent and which it is **most** appropriate to deal with at a later stage; or
 - b) dealing with any unanticipated adverse effects on the environment which may arise from the exercise of the consent, which it is appropriate to deal with at a later stage.

Indigenous Vegetation

- ~~3. No significant indigenous vegetation shall be removed during the construction of the residential unit, the accessory buildings, or the upgrade of the access to those buildings.~~

Explanation: the proposal does not seek to authorise any removal and does not trigger the relevant plan rules, so this condition is inappropriate.

Access

4. The access must be of metalled formation and not exceed a formed width of 3.5m.

Landscaping

5. The Consent Holder must implement planting as indicated on the Baxter Design amended Landscape Plans dated ~~12 November 2025~~ 11 March 2026, no later than the first available growing season (August to November) following completion of construction works on the application site.
6. This planting must include the 'lake face' planting included within the Farm Biodiversity Plan. This grey shrub vegetation planting, which consists of new 1000 plants, is to be undertaken within 3 years from the granting of consent and is to be arranged in clusters of 1m spacings in the open areas of the existing scattered vegetation.

Advice Note: The appropriate planting/best practice is to be assessed in accordance with the LPMP (condition 9), although these plantings are not intended to be immediate mitigation.

Explanation: The lake-face planting is proposed to be established over a shortened 2–3-year period, bringing forward the original planting timeline and helping to visually anchor the building within the landscape as it matures. This area is proposed as ecological enhancement rather than immediate mitigation. As a result, the fast-growth performance requirements applied to other mitigation areas do not apply to this specific area of lake-face planting, which is intended to develop naturally over time.

7. A Landscape Planting and Maintenance Plan (LPMP) must be prepared by a suitably qualified person and submitted to Council for certification at least four weeks (20 working days) prior to the commencement of construction. Certification is limited to confirming compliance with the Baxter Design landscape plans and the conditions of this consent.
8. The objective of the LPMP is ~~to avoid, remedy and mitigate adverse visual effects and to~~ ensure the successful establishment and long-term success of the landscape plantings to provide screening for the activity under this consent. The LPMP must be prepared in consultation with an ecologist. To achieve the objective, the LPMP must include:
 - a) Planting plans and written specifications detailing the plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting that responds to Landscape Masterplan layout. All indigenous planting must prioritise eco-sourced native species from within the Ecological District.
 - b) Written specifications for soil preparation to ensure appropriate growing conditions for plants.
 - c) A programme of plant establishment including identifying where planting can be undertaken prior to commencement of construction or undertaken as areas become available for planting due to the progress of the works and seasonal conditions.
 - d) A programme of post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering (if any) to maintain soil moisture, length of maintenance programme and pest control).
 - e) Details and the locations of stockproof fencing and the use of pest animal barriers (e.g. plant guards) to protect the planting.
9. All Masterplan landscape plantings in the vicinity of the buildings must be in accordance with the certified LPMP.

Advice note: for the avoidance of doubt, the LPMP is not required to incorporate any planting required in the Farm Biodiversity Plan, except for the lake face planting at condition 6.

Building and Lighting

10. All buildings and structures must have finished surfaces in a recessive natural colour of tawny brown, green, or grey tones shade with a Light Reflectance Value of less than 30%.
11. Security lights must be fitted and controlled with a motion sensor so that use is limited between the hours of 10pm and 6am.
12. All fixed exterior lighting must be directed away from Lake Takapō/Tekapo and must not be used to accentuate or highlight built form, slopes, trees, or any other landscape feature as viewed from beyond the property
13. Only light-emitting diode, low pressure sodium and high-pressure sodium light sources must be used for outdoor lighting. All outdoor lighting must be shielded from above in such a manner that all the light shines below the horizontal and the correlated colour temperature of outdoor lighting must not exceed 3000 K.
14. Pool building lighting must have timers/motion sensors so that use is limited between the hours of 10pm and 6am, or alternatively provide automated switching of colour temperature to below 2000K after 10pm.
15. There must be no internal lighting within the Winter Garden building to avoid any upward light spill.

Earthworks

16. The Consent Holder must adopt all reasonable and practicable measures to prevent any dust caused by operations on the site from causing an effect that is noxious, dangerous, offensive or objectionable at or beyond the site.
17. Prior to the commencement of construction, the Consent Holder must provide to the Mackenzie District Council an Erosion and Sediment Control Plan (ESCP) for the construction works. The ESCP must be prepared by a suitably qualified and experienced person, taking into account Environment Canterbury's Erosion and Sediment Toolbox. The objective of the finalised ESCP is to describe how earthworks can be effectively managed to mitigate the risk of a potential sediment discharge and subsequent adverse impact on the environment during construction.

18. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the ESCP must be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion.
19. Following completion or abandonment of earthworks, all areas of bare earth must be permanently stabilised against erosion as soon as reasonably practicable to the satisfaction of Council.

Earthworks - Accidental Discovery Protocol

20. In the event of discovery of sensitive material (which is not authorised to be disturbed by any resource consent or other statutory authority), the Consent Holder must take the following steps:

Cease works and secure the area

- a) Immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earthmoving activities.
- b) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

Inform relevant authorities and parties immediately of the discovery

- c) The New Zealand Police if the discovery of human remains or koiwi.
- d) The Council in all cases.
- e) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or koiwi.
- f) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or koiwi.

Wait for and enable an inspection of the site

- g) Wait for and enable an inspection of the site by the relevant authority or agency.
- h) Following site inspection and consultation with all relevant parties (including owner and consent holder), the Council will determine the area within which work must cease and any changes to controls on discharges of contaminants.

Recommencement of work

- i) Work within the area determined by the Council in h. above must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- i. Heritage New Zealand Pouhere Taonga has confirmed that an archaeological authority has been approved for the work or that none is required.
 - ii. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage.
 - iii. Any material of scientific or educational importance must be recorded and if appropriate, recovered and preserved.
 - iv. Where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required, the Council will confirm, in consultation with Mana Whenua, that:
 - any koiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
 - any agreed revisions to the planned works to be/have been made in order to address adverse effects on mana whenua values.
 - v. Resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the plan or allowed by any existing resource consent.

Construction Noise and Vibration

21. Construction works must only occur during the daytime (0700 – 1800 hrs Monday to Saturday). Sunday and public holidays would have no work unless where required by exception for health and safety or construction requirements.
22. Noise from construction must comply with the limits set out in NZS 6803:1999: Acoustics – Construction Noise.

Cass River Bridge Contribution

23. Prior to the occupation of the proposed residential unit, the Consent Holder must 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).

24. 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 (23) above. The cost of setting up the bond is to be borne by the Consent Holder. ~~This resource consent~~ Residential occupation of the Homestead shall not ~~be exercised~~ occur until the Consent Holder has provided evidence to the Council that the bond has been established.

Explanation: The above changes give a timeframe for a cash payment or bond consistent with other conditions.

Hut Refurbishment

25. Prior to the residential occupation of the proposed residential unit 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.
26. The exterior of any refurbishment shall not have a reflectivity index of more than 30%.

Advice Note: 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.

Farm Biodiversity Plan

27. A final Farm Biodiversity Plan (FBP) must be prepared by a suitably qualified person and submitted to Council for certification at least four weeks (20 working days) prior to the commencement of construction.
28. The objective of the FBP is to collate the known and likely biodiversity values across Godley Peaks Station and to facilitate the maintenance and enhancement of biodiversity values over time. The FBP must include:
- a) retirement of the Mistake Catchment and part of the McCabes Block including a significant fencing programme to achieve this; and
 - b) restoration planting of the wetlands and the pivot irrigator perimeter; and

- c) establishment of a monitoring programme on the moraine for the threatened vegetation communities and species that are present on the dry ridge crests of this landform; and
 - d) weed control (including a significant willow and wilding conifer removal programme), rabbit and hare control and pest control that will support the wider conservation effort to support black stilts; and
 - e) Monitoring and reporting requirements.
29. The Consent Holder must implement the certified Farm Biodiversity Plan, including monitoring and reporting on its effective implementation.

~~Additional requirement relating to limiting future development within the existing FBA is still to be determined following advice on whether the Applicant is willing to volunteer such a requirement.~~

Restriction on development within the Farm Base Area

30. No buildings (as defined in the Mackenzie District Plan) shall be erected within that part of the Farm Base Area shown as a **No Building Area** on the approved Baxter Design Group plans attached to the decision AND the maximum number of residential units within the Farm Base Area (as shown on the Mackenzie District EPlan mapping tool) shall be calculated as the total area of the Farm Base Area (63.36ha) minus the area of the No Building Covenant Area (12.7ha).
31. Within 3 months of the issue of the freehold title following tenure review the consent holder shall register a covenant in favour of the Council pursuant to section 108(2)(d) of the Resource Management Act 1991 for the performance of condition 30 on a continuing basis. This restrictive covenant shall note that these restrictions are binding on all successors in title. If a freehold title is never issued (for whatever reason) then this condition shall become null and void and condition 30 shall prevail on a continuing basis.

Explanation: As explained in the AEE, and Mr Boyes' 42a report, the property is in the final stages on land tenure review. The proposed homestead location and FBA will be part of the resultant freehold title.

LINZ have not given their written approval to a restrictive covenant being imposed on the title (while it is still pastoral lease) for the 'land swap'. I understand that conversations with LINZ are ongoing and haven't concluded prior to this evidence exchange.

As a result, to ensure scope is not constrained for flexibility at hearing, I have recommended using a covenant pursuant to section 108(2)(d) which is required to be registered within 3 months of the issue of the freehold title following tenure review. If freehold title is never obtained, then condition 30 prevails. This is highly unlikely given the status of tenure review.

However, the applicant reserves the right to utilise alternative options to secure this restriction if issues are raised at hearing.

Notes to the Consent Holder:

Commencement

- a) This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

Right of Objection

- b) If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357 A of the Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Mackenzie District Council within 15 working days of receipt of this decision.

Lapsing of Consents

- c) A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

Monitoring of Consent

- d) Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. This includes monitoring of the provision of any plans or documentation required by a condition of consent. Additional charges may apply for this monitoring.

Other Consents May Be Required

- e) This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- a. Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legal established.
- b. Conduct any activity that requires resource consent from Environment Canterbury (ECAN). You are advised to contact ECAN to ascertain if consent is required for the proposed development.
- c. Authorise building or utility services construction work that requires separate consent/approval.

Other approvals

- f) The resource consent does not confer or imply any other approval by Mackenzie District Council, other authority or private landowner required to undertake activities on, or gain access to, the land.

Charges

- g) Charges, set in accordance with section 36 of the Act, shall be paid to the Mackenzie District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

Carey Vivian

Dated 16 March 2026