
In the matter of: the Resource Management Act 1991 (Act)

and

in the matter of: the hearing of submissions and further submissions by Meridian Energy Limited on Plan Change 13 (Mackenzie Basin) to the Operative Mackenzie District Plan

between **Meridian Energy Limited**

Submitter

and **Mackenzie District Council**

Territorial Authority

Statement of evidence of Ken Gimblett on behalf of
Meridian Energy Limited

Dated: 1st September 2008

Introduction

1. My name is Ken Gimblett. I am a Director and Senior Resource Management Planner with the environmental consultancy firm Boffa Miskell Limited based in the firm's Christchurch office.
2. I hold the qualification of Bachelor of Regional Planning (Hons) and I am a member of the New Zealand Planning Institute. I have 20 years experience in planning and resource management, gained both in New Zealand and the UK. As a consultant I have provided advice on a broad range of developments and resource management issues to a range of clients, a number involving presenting evidence before Councils and the Environment Court. I have extensive experience of assisting with, and advising on, plan preparation under the Resource Management Act 1991 (RMA).
3. I have had significant involvement with undertaking environmental effects assessment and preparing consent applications in respect of Meridian Energy Limited's (Meridian's) Project Aqua proposal and the North Bank Tunnel concepts in the lower Waitaki Catchment. I have also advised Meridian in respect of various proposals to take and use water for irrigation in the Upper Waitaki and Mackenzie Basin, and in respect of the company's own hydro-electricity generation assets in that same area. Through this work in particular I have developed a comprehensive understanding of Meridian's electricity generation operations and am familiar with the operations of the energy industry generally in New Zealand.
4. In 2008 Boffa Miskell were asked to assist Meridian with preparing submissions and later, further submissions, to Proposed Plan Change 13 (Rural Zone – Mackenzie Basin) (PPC13) to the Mackenzie District Plan. I am authorised to present this evidence on behalf of Meridian.
5. I confirm that I have read, and in giving this evidence agree to comply with, the Code of Conduct for Expert Witnesses (Consolidated Practice Note July 2006).

Scope of the evidence

6. This evidence is in support of Meridian's submission¹ and further submissions to PPC13. Meridian's submissions are supportive in part, and oppose in part, the provisions of PPC13.
7. Meridian's submissions describe in detail the reasons underlying those aspects of PPC13 that are supported and opposed, and those reasons have also been summarised in legal submissions by Ms Somerville. I therefore need not repeat those. Meridian continues to seek the amendments sought to the provisions of PPC13 as described in Meridian's submissions (which were shown in tracked changes to the notified version of PPC13). I have attached to this evidence **Annexure A**, which sets out the changes sought by

¹ Note Meridian's submission was lodged in two parts – the first dated 10 April 2008, the second dated 11 April 2008.

- Meridian, as tracked changes to the version of PPC13 amended consistent with the recommendations in the Officer Report (being Attachment C to the Officer Report).
8. In essence, the matters of concern within Meridian's submissions fall under five key areas. They are:
- a) The widespread implications of the PPC13 for *all* forms of development, notwithstanding the intention of the changed provisions to be focused on controlling the adverse effects arising principally from sporadic residential subdivision and residential development in the Mackenzie Basin.
 - b) Failure to adequately recognise the importance of the Waitaki Hydro-Electricity Power Scheme (HEPS) and associated infrastructure present within the Basin.
 - c) Protecting that HEPS resource from adverse effects, (including reverse sensitivity effects) and the likely impact and constraint arising as a consequence on Meridian's continued operations.
 - d) Interpretative uncertainty regarding key terminology in applying and understanding PPC13.
 - e) Opposing requests for any greater protection of lakeside areas, surfaces and their margins, the night sky, etc within the Basin, insofar as those requests fail to appropriately recognise the importance of the Waitaki HEPS present within the District. Similarly, opposing requests by various submitters for greater development opportunity in and around areas such as Twizel and Manuka Terrace, Lake Ohau, for the same reasons (acknowledging the deferment of considering submissions in relation to the Twizel area).
9. My evidence addresses these key issues in turn. Throughout my evidence I comment on various matters raised in the Council's s.42A report and recommendations prepared by Ms Harte, and I note that in a number of areas Ms Harte has recommended adopting the relief sought by Meridian either in full or in part.
10. Rather than detail all specific changes sought by Meridian in respect of the proposed plan provisions and amendments in the body of my evidence, I have set those out following the order and sequence of PPC13 in **Annexure A**.

Implications for all forms of development

11. The first point at issue concerns the consequence of PPC13 beyond the intended focus on avoiding the adverse effects of sporadic residential subdivision and managing pressure for residential development. That focus is clearly evident in the background report prepared by G Densem² (the 'Densem Report'), the Plan Change itself and the accompanying Section 32 Report (s.32 Report).
12. The Densem Report considers various housing scenarios relating to rural lifestyle subdivision; hut settlements; towns and township development; and housing and development on farms and runs. In considering development pressures in the context

² "The Mackenzie Basin Landscape: Character & Capabilities" Graham Densem, 2007.

of the Basin's landscape values, development is described by Densem principally in terms of subdivision and residential building, and also in respect of typical farm development.

13. From that background arises the basic premise underlying PPC13 that residential development in the Basin should largely adhere to current landuse patterns; subdivision and housing development being controlled to concentrate around a nodal form of development based on current towns and clusters of building usually associated with homesteads. In principal, that approach is supported by Meridian. The purpose statement for PPC13 indicates that such nodes presently 'fit' with the landscape, would be relatively inconspicuous, and limited in number so as to not adversely affect the overall spacious character of the area.
14. The aspect opposed by Meridian is the much broader focus of parts of PPC13 to encompass all development. It is evident to Meridian that not only is it unnecessary in realising the objectives to promote all development to occur within identified or approved building nodes, it is unrealistic to do so; hydro-electricity generation and transmission infrastructure being an obvious example.
15. In my opinion, PPC13 has not taken sufficient account of the needs of some forms of development (e.g. utilities) to, of necessity, be located beyond building nodes or even identified landscape sub-areas containing them. Nor has any (and certainly not adequate) account been taken of the relationship between the landscape values sought to be protected and nationally important infrastructure that already forms an integral part of that landscape. This point will be reinforced throughout my evidence in discussing the interconnections between the various provisions the subject of PPC13.
16. I acknowledge the Council Officer, Ms Harte, has recommended "Issue 7 – Landscape Values" be amended to include recognition of the presence of existing established activities which have national importance, and that the balancing of the need for essential infrastructure with protecting particular landscape values will be a resource management issue for the District. I support that amendment, and I appreciate that Ms Harte has sought to better reflect that in suggesting other amendments elsewhere, but as I will explain, I consider that in some areas still further modification is necessary if the plan provisions are to enable the appropriate balance to be made.
17. In principle therefore I support Meridian's request for clarity as to what is meant by 'building node' or 'node' in the context of the plan provisions and to acknowledge that activities such as utilities (certainly HEPS related infrastructure) ought not be required to locate only within such nodes or the landscape sub-areas containing them. I accept the reasoning by Ms Harte that it may not be necessary to do so by way of adding a specific definition of either term³, and sufficient clarity can be achieved through the various descriptions, explanations and rules contained throughout the plan. However, in recognition of the background investigation to PPC13 and the associated s.32 analysis, I believe clarifying explanation of what is anticipated to occur within such nodes should seek to reflect a more specific focus on residential subdivision and

³ Page 36, Officer Report

development, perhaps also extending to domestic related buildings/structures on farms and other like forms of accommodation occurring in the rural area.

18. A key point in my view is that the background analysis to PPC13 has not considered the costs and benefits of on-going use, maintenance and potential expansion of HEP infrastructure in the context of managing the Basin landscape and in devising a nodal approach to address the adverse landscape effects of sporadic residential subdivision and/or residential or other domestic/homestead related development.
19. Related to this issue, I also support Meridian's request to continue to be able to undertake regular maintenance and upgrade work on their existing assets to ensure the on-going operation of the Waitaki HEPS. Much of this work is presently a permitted activity under Schedule A in Section 7 of the District Plan. In my view, retaining this ability and making that explicit is both consistent with promoting sustainable resource management and the intended focus of PPC13. I believe that is also a position shared by Ms Harte.
20. Noting the interrelationship of various other aspects of PPC13, Meridian's submission points further reflect this same issue and offer suggestions for improved clarification of the scope or application of the changed plan provisions. Relevant in this regard is the wording of policies relating to non-residential buildings being directed to establishing only within identified or approved building nodes⁴, restriction over subdivision for non-residential purposes⁵, and applying design and appearance controls to all buildings⁶. In my opinion insufficient regard has been had in developing the wording of several of the policies to the need for some development activity to occur outside of identified nodes, for limited subdivision to be able to occur without adverse effect on landscape values, and for design flexibility for some utility structures (and possibly others) to be constrained by locational and operational requirements.
21. Lastly on this issue, I support the request by Meridian that current exceptions in the District Plan for utilities and precedent provisions for utilities rules to prevail over other rules should not be removed by virtue of PPC13. The background to PPC13 would suggest that was not the Council's intention; however ambiguity in some provisions leaves this open to interpretation.

Adequate recognition of HEP activity and associated infrastructure

22. The second matter at issue relates to the extent of recognition given to the significance of activities and infrastructure associated with the Waitaki HEPS under the proposed provisions. Meridian's submission makes repeated reference to various aspects of PPC13 in seeking greater recognition of both the presence and importance of this activity within the Mackenzie Basin.

⁴ Proposed Policy 3I – Farm and Non-residential Buildings.

⁵ Proposed Policy 3L – Subdivision.

⁶ Proposed Policy 3N – Design and Appearance of Buildings.

23. An important emphasis of PPC13, and proposed Objective 3A in particular, is the protection of outstanding natural landscapes and features from inappropriate subdivision, use and development, consistent with section 6(b) of the RMA. It seems logical therefore that this objective draws a close connection with section 6(b) in terms of what these particular features are to be protected from (i.e. inappropriate subdivision, use and development) thus avoiding any misconception that the objective can only be satisfied and protection achieved by the avoidance of all development. The Officer's recommendation in this regard is consistent with the relief sought to that effect by Meridian for the wording of this key objective.
24. In my opinion it is appropriate that the explanation of proposed Objective 3A explicitly recognises the existence of the Waitaki HEPS within the local environment, itself providing significant national benefits. Although seen as unnecessary by the Council Officer, I believe the explanation of the objective (and associated policies) should offer greater guidance on how "inappropriate subdivision, use and development" is to be interpreted in the Mackenzie context, and that interpretation should, in my view, acknowledge the presence of significant HEP and transmission related infrastructure within the landscape, and its importance. There is an opportunity under the objective to recognise not only the significant physical presence of hydro-electricity generation infrastructure locally, but also of how its operation (e.g. lake margin draw-down) contributes to the landscape characteristic of the Basin.
25. As I will reiterate later, I have some significant reservations about the second bullet point statement in the *Explanation and Reasons* for Objective 3A which states there is to be an overriding regard to had for wider visual and landscape considerations (seemingly above all other Part 2 RMA considerations). Given the extent of the s.32 analysis, I believe this could only be contemplated in respect of residential/farming type development, and even then I question whether that could be justified in the context of such a broad and variable landscape.
26. Building on that, I also support Meridian's request for specific policy reference under this objective recognising the value and role of HEPS and transmission infrastructure and operations in the District and nationally. Such policy recognition and provision for that utility Infrastructure need not override endeavours to protect outstanding natural landscapes and features from the effects of inappropriate subdivision, use or development, but instead assist in providing guidance in the interpretation of what may or may not be 'appropriate' (in effects terms) on the values associated with outstanding natural landscapes and features present within the area. Such recognition is also consistent with recent amendments to section 7 of the RMA⁷, the New Zealand Energy Strategy⁸ (NZES) and the National Policy Statement on Electricity Transmission⁹. It's

⁷ Section 7 (i) and (j).

⁸ National direction on energy matters is contained in the New Zealand Energy Strategy (NZES). That Strategy was recently revised, but continues to include targets for renewable energy in keeping with the earlier Strategy, the *New Zealand Energy Strategy to 2050 – Powering Our Future* (2007). The government has set a target for 90% of electricity to be generated from renewable sources by 2025, with the government's detailed policies and actions on energy efficiency and renewables set out in the *New Zealand Energy Efficiency and Conservation Strategy* (NZECS).

hard to conceive of other district contexts in New Zealand where the interrelationships between HEPS infrastructure and operations have greater relevance in terms of the landscape than it does for the Mackenzie District.

27. I note the Council Officer does not support adding a specific policy to this effect, suggesting that it would be unnecessary given the recognition already given to these utilities under Rural Objective 15. I don't share that view and consider the relief suggested by Meridian better reflects the need for 'balance' as set out in the (amended) Issue 7 described earlier. Nor do I consider the proposed policy to be "confusing because it cannot be easily applied to other forms of development" as stated by the Officer¹⁰.
28. For similar reasons, the Officer recommends rejecting Meridian's request to have a new policy added following Policy 3B, recognising and providing for the use and development of renewable energy generation and associated operations. The Officer considers that PPC13 is not the right forum for that to be dealt with¹¹. Again, I find this hard to accept given the significance of the infrastructure concerned, both nationally and within the context of the Mackenzie Basin landscape. Notwithstanding Rural Objective 15, I support such specific recognition being included within those provisions of the Plan dealing with significant and important landscape values, and believe that approach to be consistent with the particular regard to be had to the matters contained in s.7(j) of the Act.
29. Meridian has raised similar concerns with proposed Policy 3D where the intent of the policy is not explicit. The s.32 Report and policy *Explanations and Reasons* describe the particular concerns regarding effects on the environment as being in relation to rural lifestyle subdivision, domestication and more intensive forms of farming or farm development. Consistent again with that focus, I support Meridian's request to have the policy directed at limiting the effects of building, earthworks and tracks associated with those particular activities.
30. It is inevitable that the types of works that Meridian is required to undertake, including within outstanding natural landscapes, will necessitate utilities-related buildings, earthworks and related development, and not all adverse effects of that type of work and development can always be avoided (nor is it always appropriate to). In my opinion the policy could be improved by including some such recognition and also reflecting the principal activities from which adverse impacts of buildings and earthworks are likely to be most prevalent. The Officer's recommendation to limit the policy to "residential" buildings, appropriately in my view, achieves that end.

⁹ National Policy Statement on Electricity Transmission 2008 (March).

¹⁰ Page 11, Officer Report

¹¹ Page 12, Officer Report

31. Meridian also made submissions in respect of Policy 3F seeking that reference in the policy to “built development” be replaced with a more focused reference to “further subdivision and residential buildings”. While Mr Densem at page 25 of his Technical Report L1 sees that as weakening the policy and therefore he is not supportive of the change, the Council Officer has recommended that change be made, along with the additional reference in the policy wording to “domestication”. I concur with the Officer’s view, and consider that amendment is more consistent with the *Explanation and Reasons* accompanying the policy, and with Meridian’s position of seeking to ensure adequate recognition of HEPS activity and related infrastructure.

Protecting the HEPS resource from adverse effects and potential for constraints over HEP operations

32. The third area of concern is the potential for adverse effects arising from activities in close proximity to the Waitaki HEPS and transmission infrastructure, including the potential for reverse sensitivity effects. Such effects have the potential to constrain or even preclude Meridian’s continued operations in the Mackenzie Basin.
33. Proposed Policy 3C addresses avoiding the adverse effects of sporadic development and subdivision, yet the adverse effects of concern listed within the associated *Explanations and Reasons* do not include reference to reverse sensitivity effects, which are of particular concern to Meridian. In my view, the potential for such effects, particularly arising from residential subdivision and development, is real and potentially quite constraining of HEPS operations that are present and recognised to be of national importance. Accordingly, and consistent with the Officer’s recommendations, I consider reference to such effects to be an appropriate addition to those already included in the *Explanations and Reasons* for this policy.
34. Related to this is the potential for increased demand for water required in servicing residential development to adversely impact on the availability of water for existing, authorised users, and potentially also wider landscape values. While typically the focus of regional authority controls, water quality impacts and stormwater management aspects of development have some relevance locally in terms of integrated resource management¹². These do not appear to have been significant considerations in the Densem Report, even though recognition is given to the pressures of water allocation in the District (para 7-1). Obviously at a small development scale this is much less likely to be an issue, but cumulatively and with the potential for a significant increase in residential allotment numbers in some areas under PPC13, the corresponding volume of water takes (in accordance with regional planning rules for reasonable domestic purposes), for example, could also be significant. Again, I note this to be consistent with the recommendations for Policy 3C in the Officer Report.

¹² As per s.30(a) RMA.

35. Meridian therefore considers these too to be matters appropriately recognised as potential adverse effects under proposed policies 3C, 3E, 3G, 3H, 3L and 3M in particular, and matters for discretion/control under proposed rules 3.3 (Restricted Activity – Buildings), 5.1 (Rural Residential – Manuka Terrace Zone), and in respect of subdivision under Section 12 of the District Plan. I concur. Consistent with this theme, similar recognition of reverse sensitivity effects could also be added to the *Explanations and Reasons* for proposed policies 3C, 3E, 3G, and 3M; also in new policies suggested to be added as per the Meridian submission; and again as a matter for control/discretion to be exercised under proposed rules, as applicable.
36. Without the addition of these acknowledgements in explaining various policies and rules, I see some merit in Meridian’s suggestion for an additional standalone policy concerning reverse sensitivity effects on the Waitaki HEPS and transmission infrastructure and operations, as a consequence of new subdivision and residential development. Inclusion of such a policy would duly recognise the value of these important physical assets and is consistent with the general approach adopted in the plan to providing some specific rule exemptions in recognition of the value and unique nature of utility activities. The Officer has not supported the inclusion of such a policy and on reflection I too accept that it may be unnecessary to do so, but provided due recognition is given to reverse sensitivity effects possibly arising from subdivision and residential development under other provisions (including assessment matters) in the way I have just described. I note the Officer’s recommendations are not supportive of such a widespread degree of recognition, and if that narrower approach were adopted, I believe an additional specific policy addressing reverse sensitivity would be appropriate.
37. A key aspect of PPC13 that has relevance to this issue is the identification of identified/approved landscape sub-areas, within which further residential nodes (of a certain number) may be developed (shown on Appendix R). This identification has a close link with proposed Policy 3E limiting residential subdivision and housing, and I believe interpretation of the policy would be improved if that were made more explicit. This is supported by the Officer.
38. However, in my view, there are also various aspects of uncertainty concerning interpretation of Appendix R and the suitability of several of the landscape sub-areas identified on that plan for containing nodal development. Some such areas, as identified in Meridian’s submission, are positioned in close proximity to existing infrastructure and operations associated with the Waitaki HEPS, and adverse effects (including issues of reverse sensitivity) could be reasonably expected to eventuate if sensitive development (e.g. housing and associated infrastructure) were to occur close by. Mr Connell and Mr Turner have addressed this particular matter in their evidence.
39. I also am unsure of the purpose of the area identified in purple on Attachment 3/Appendix R around Twizel as “*area for lifestyle subdivision (no nodes)*”. While the Densem Report makes general reference to “rural lifestyle subdivisions” in the vicinity of Twizel¹³, how that might have been interpreted and applied under PPC13 is quite unclear. I appreciate though that this is now a matter of relevance to the later consideration of those submissions made in respect of the Twizel area.

¹³ Pp.61-2.

40. Closely linked with Appendix R and proposed Policy 3G¹⁴ is the Council's intention to "approve" building nodes within the identified landscape sub-areas, subject to certain qualifiers and considerations (1-22) as set out in the *Explanations and Reasons* for the policy. While supportive of the nodal approach in principal, Meridian has sought redefinition or deletion of some of these 'landscape sub-areas' within which nodes are to be concentrated, and clarification of the relationship between the areas indicated on Appendix R and those referred to as "identified nodes" under the proposed additional definitions¹⁵.
41. Meridian's submission references individual landscape sub-areas shown on Appendix R for ease of identification (numbers M1-M8 are used, see Appendix 1 to Meridian's submission, reproduced as **Annexure B**). There are a number of issues raised by the location of these landscape sub-areas.

Landscape sub-areas M1-M4

42. The indicated proximity of future nodes within landscape sub-areas bordering Lake Pukaki (notwithstanding the 100m minimum setback distance under Rural Zone rule 3.1.1.f) potentially positions future development close to areas of lakeshore erosion that is on-going and subject to continual management. In my opinion, this setback distance may be insufficient to adequately avoid reverse sensitivity issues arising, and nor would application of the various considerations listed under the policy necessarily guarantee that same outcome. Accordingly, I consider the identification of landscape sub-areas bordering Lake Pukaki (Meridian's M1-M4) ought to be redefined to provide for a greater degree of separation (and certainty as to a minimum separation) between essential erosion control works regularly occurring along the lake edge and possible future (nodal) development on land nearby.

Landscape sub-area M5

43. The identification of a landscape sub-area (Meridian's M5) downstream of the Pukaki High Dam and the emergency spillway for the associated Pukaki Canal is of particular concern to Meridian. Operationally, development in this location could impose significant constraint over the ability to effectively maintain, manage and operate the dam and emergency spillway as authorised under the RMA. As Mr Turner has described in more detail, Meridian requests that development in this location be restricted so as to not encroach on an anticipated flood area, consistent with providing for the exercise of Meridian's maximum consented discharge from Lake Pukaki. Potentially exposing future development to inundation and associated safety risk, and constraining operations in the area indicated on the plan annexed to my evidence (**Annexure C**) is counter to promoting sustainable management (particularly of the nationally important physical resources represented by the Pukaki High Dam). I support Meridian's request to have this sub-area redefined on that basis.

¹⁴ Noting the Council Officer recommendation to effectively combine policies 3G and 3H, refer page 25, Officer Report.

¹⁵ Page 12, Amendments Recommended by Officer Report

Landscape sub-areas M6-M8

44. Similarly, three sub-areas are identified within close proximity of the Tekapo Canal (Meridian's M6-M8). For similar reasons to those just described, and as detailed in evidence by Mr Connell, the potential consequence of this proximity for Meridian's operations and the company's continued ability to fulfil obligations under applicable Guidelines and the Building Act, suggests sustainable management would not be promoted by encouraging or allowing for additional nodal residential development in such proximity. Although acknowledging detailed surveying has not been done to precisely determine inundation areas, Mr Connell has suggested redefinition of sub-areas M6 and M8, and prevention of any new nodal development within sub-area M7 entirely, given that so much of the area falls within the potential breach outflow area from the Tekapo Canal. Recommended modification of these sub-areas is also shown in **Annexure C** to my evidence.
45. Mr Densem in his report on submissions acknowledges that safety margins were not specifically taken into account in drawing up the sub-areas¹⁶ and he states that he "accepts" Meridian's concerns. Mr Densem however concludes that amendment of the four landscape sub-areas concerned is "probably not necessary", as any associated concern regarding HEPS operations could be addressed in determining the location of any particular node within those sub-areas in the future. Nor does he support their removal entirely.
46. As stated, Mr Connell has described, based on his expert view, how various landscape sub-areas ought to be adjusted or deleted in order to avoid undue risk, to avoid potentially costly infrastructure upgrade requirements and to enable Meridian to fully exercise consents it holds (therefore realising the social, economic and cultural benefits arising from the operation of those physical resources). In my opinion, with that knowledge, it would be better practice to seek to avoid future nodes within those susceptible areas now, rather than risk setting any pre-conception through the Plan that such development in those locations would be found to be acceptable if a future application were to be made.
47. It is not such a critical point but there remains some uncertainty and confusion, in my view, as to what is meant by various references in the Densem Report and different provisions of PPC13, particularly in relation to what is meant by terms such as 'existing homestead nodes', 'station nodes' and 'existing nodes' (as per Densem) and 'existing nodes', 'identified building nodes', 'existing identified nodes' and 'new nodes' (as per PPC13). My understanding is that the homestead photographs referred to as 'existing nodes' on the CD-Rom accompanying PPC13 constitute Attachment 4/Appendix S of the plan change. If that is the case, it would be of considerable assistance to those interpreting the provisions if there was greater clarity of the intended relationship between PPC13 Appendix R and Appendix S, and consistency in use of terminology and symbols within and between the various documents.

¹⁶ Technical Report L1, para 144

48. PPC13 includes specific policy recognition of existing and potential development on Manuka Terrace, at Lake Ohau (proposed Policy 3M). Meridian operates existing equipment in this location (e.g. tiltmeters, monitoring wells), the effectiveness of which could be impeded due to the positioning of buildings, other structures or vegetation. As already described in relation to other provisions of PPC13, I believe it would be appropriate that specific recognition is made in the District Plan of the need to consider this possible impact in seeking to avoid, remedy or mitigate potential adverse effects associated with development within the Manuka Terrace Rural-Residential Zone.
49. Additionally, and I touched on it earlier for this zone, inclusion of effects on water quality and stormwater management considerations is considered an appropriate addition to the matters subject to Council's control for controlled activities, and is consistent with Meridian's broader requests for such recognition elsewhere within the District Plan. Both have the potential to adversely impact nearby HEPS operations and infrastructure, and I note this too is consistent with the recommendations of the Council Officer.
50. Lastly in relation to this issue, and again consistent with other amendments sought, inclusion within the matters for consideration for controlled activity subdivision should be both reference to effects on existing HEPS infrastructure and operations, and on existing lawful water users. In this regard I note Ms Harte has recommended only reverse sensitivity and water quality matters for inclusion.

Interpretive uncertainty / need for clarification

51. Already evident in the various matters I have discussed regarding PPC13 is an apparent need for improved consistency in the use of terminology and greater clarification to assist correct interpretation for users and decision makers. Meridian's submission notes various instances where this is seen to be necessary and offers possible improvements in the relief sought. I will not discuss them all, but they are set out in more detail in **Annexure A**.
52. A more fundamental issue raised by Meridian is the extent to which the Densem Report has, and can be, relied on to identify "outstanding natural landscapes", as described in and protected by section 6 of the RMA, within the Mackenzie Basin. Objective 3A of PPC13 appropriately seeks to protect the outstanding natural landscapes and features of the District from inappropriate subdivision, use and development.
53. Proposed Policy 3A however seeks recognition of the Mackenzie Basin as an "outstanding natural landscape" and yet the *Explanation and Reasons* for the policy concede that not all areas within the Mackenzie Basin are 'outstanding'. Further, not all areas of the Mackenzie Basin are a 'natural landscape' either, with large parts of the Basin in fact being man-made, such as the artificial lakes and large infrastructure works present. While some aspects of the man-made elements of the Basin may be able to be deemed to be an "outstanding natural landscape", where they exhibit a high degree of naturalness for example, other parts will not be able to.

54. Mr Densem describes the Basin as "...among the group of landscapes most qualified for 'outstanding' status in New Zealand. However the landscape varies markedly throughout the Basin and the Council needs to ensure its rules guards [sic] strongly against inappropriate development in the particular, variable locations, while continuing to encourage appropriate developments." (pg 20, para 3.21). It is arguable from the earlier assessment whether Mr Densem regards the whole of the Mackenzie Basin as an outstanding landscape or not, although I note his more recent Technical Report L1 clearly states he believes it is¹⁷. It is evident that he believes some parts need to be managed differently from others in protecting landscape values from the adverse effects of development. It is not clear that Mr Densem has considered whether the landscape(s) within the Basin are "outstanding **natural** landscapes or features" in terms of section 6.
55. Interpreting the Densem findings, the PPC13 provisions are clear in stating that not all areas of the Basin are considered to be 'outstanding' (noting though presumably Mr Densem's view that "... virtually the entire Basin remains, in 2007, "outstanding" in terms of landscape values.")¹⁸. However, PPC13 does not go as far as to identify those parts/aspects of the landscape that are considered 'outstanding', and offers even less guidance on those natural features that equally might qualify for the same status.
56. The 'translation' of the Densem findings in terms of PPC13, in my view, creates significant uncertainty for users of the Plan as to the appropriate interpretation of the significance of various parts of the Mackenzie Basin landscape. In fairness, I accept the focus of the Densem study was very much orientated around residential and farming development and subdivision, with consideration also for other forms of accommodation¹⁹, and the study does distinguish 'landscape character areas' based on their capacity to absorb change as a consequence (principally) of that type of development (indicated on Map 8).
57. However, as I have already discussed, I believe PPC13 appears to draw significantly more from the Densem conclusions than it ought to in respect of managing the effects of *other* forms of development, and at the same time is deficient in providing sufficient understanding for users of the District Plan of the actual values (landscape and otherwise) sought to be protected, including how and where those values might vary. Having said that, Mr Densem recommends accepting Meridian's proposed amendments to Policy 3A set out in its submission, and consistent with that, the wording as set out in my **Annexure A**. In my view, that approach is preferable to the slightly differing wording recommended by Ms Harte in the Officer Report²⁰.

¹⁷ Para 198

¹⁸ PPC13 proposed Policy 3A, *Explanation and Reasons*, 2nd bullet point, page 5.

¹⁹ Namely holiday accommodation, hut settlements, tourist accommodation and rural lifestyle development.

²⁰ Pages 10 and 11, Officer Report

58. For these reasons, I support Meridian's submission raising these fundamental matters and the request to improve clarity in the expression of proposed Policy 3A especially, in conjunction with the inclusion of a new policy offering greater guidance in the consideration of appropriate subdivision, use and development affecting outstanding natural landscapes. As described earlier, I consider the Officer recommendations for Policy 3A and its explanation do not fully address this uncertainty – the amended policy still could be read to mean that the entire Basin is an outstanding natural landscape (despite the acknowledgement in the 3rd bullet point of the *Explanation and Reasons* that it isn't), and quite apart from the fact that the Basin in its entirety is clearly not "natural". I believe Meridian's suggested focus on protecting those natural landscapes within the Basin that are outstanding (in s.6 terms) from inappropriate subdivision, use and development to better reflect the supporting s.32 analysis and the requirements of the Act. As I have stated, I also seriously question whether the apparent elevation of landscape and visual considerations above other Part 2 RMA matters implied in the 2nd bullet point of the *Explanation and Reasons* for Objective 3A, is justifiable on the strength of the cost/benefit analysis undertaken in support of PPC13, and given the limited focus of the background assessment in support of PPC13 being principally focussed around residential/domestic/farm type development.
59. The issue of uncertainty as to the value of particular resources is evident also in respect of proposed Policy 3K concerning lakeside areas. Meridian contends that there could be an inference in the *Explanation and Reasons* for the policy that artificial lakes in the Basin, for example, are an outstanding natural feature and/or landscape as per s.6(b) of the RMA. The proposed provisions do not use those precise words, but do refer to the Mackenzie lakes as being "of the most outstanding value" and having "landscape values"; the totality of Lake Benmore is specifically described as being of "outstanding value".
60. At the very least, the similarity of wording between the policy and s.6(b) RMA creates confusion in understanding the exact intent of the policy. If the intention is that these lakes are to be considered in the context of s.6, then arguably too there is the issue of whether an artificially created and regulated hydro-lake qualifies as a "natural feature or landscape". Perhaps of greater concern, PPC13 is silent on the relevance and significance of the 'functional' role particular lakes have for HEP operations in the determination of what would constitute acceptable effects of development on the values derived from the landscape.
61. In my view, the *Explanation and Reasons* for proposed Policy 3K, amended as per the Meridian submission, provides an improved and clearer description of the relative values of the various lakes (or parts thereof) within the Basin, and equally acknowledges both a level of modification where that has occurred and outstanding value(s), as are applicable. I note that Mr Densem in his report on landscape issues arising from submissions generally accepts the modifications suggested by Meridian in respect of the policy and its explanation²¹. I do not agree with the Council Officer that including such additional explanation would not add to understanding the policy as it relates to lakeside areas. Indeed, the very aim of the policy is to respect the landscape values

²¹ Technical Report L1, para's 139-141.

- and character of the Mackenzie Basin lakes and their margins, and I consider acknowledgement of their particular values and the way in which those lakes might have been artificially formed or modified, is quite relevant in that regard.
62. Because the various lakes provide such an important component of the Waitaki HEPS Scheme and operations, and at the same time are such an integral feature of the Mackenzie landscape, I support Meridian's request for specific recognition at a policy level of hydro-electricity generation, and in particular of the key components – principally lakes, dams and power stations – in contributing to the landscape and also to widespread social, economic and cultural well-being. I therefore also support Meridian and the Officer recommendation for inclusion of a new policy to that effect.
63. As a more minor matter of consistency throughout the Plan, Meridian has asked that expression of proposed policies 3K, 3M and 3O should provide for adverse effects to be able to also be remedied or mitigated, other than just 'avoided', reflecting the equivalent wording of the Utilities Objective 1 and closer consistency with the Act. As Ms Harte points out, there is no compulsion in the RMA to mimic the wording of the Act in the drafting of plans and to simply do so can be unhelpful. Her preference in the case of Policy 3K is to avoid potentially "watering down" the policy and to rely on the special provision made for scheduled activities and utilities elsewhere in the Plan²².
64. I have some sympathy with that approach, which I think is reinforced further by the Officer acknowledging the need for maintenance and upgrading of essential electricity infrastructure to occur, and for that to be added to the description of "Issue 7 – Landscape Values". It is further reinforced with the Officer recommending inclusion of a new policy generally recognising the importance of hydro electricity generation existing in the Basin²³ as I have described. I do however maintain the view that the wording of Policy 3K, if it is to focus only on "avoiding adverse impacts", should be qualified to apply to a more limited range of buildings/structures/uses in a manner that is more consistent with the s.32 analysis. On that basis I would support the Officer recommendation for not including "remedy or mitigate" in the wording of Policy 3K. I also support the Officer recommendation to retain the word "manage" in relation to adverse effects in Policies 3M and 3O, acknowledging that both policies contemplate the situation where there is already a significant degree of existing development, and management, in my opinion, provides for any resultant effects to be appropriately avoided, remedied or mitigated.
65. Finally, Meridian has expressed some concern regarding proposed rural Objective 3B. A key issue is the inference through the focus on "protection" in the wording of the objective that a situation of no change to natural character is to be evident in the various features/elements described, or to the natural processes and elements contributing to the District's overall character and amenity. While that may not be the Council's intention, in my opinion, if it were construed to be the case, that could be seen to go beyond the appropriate "preservation" of natural character to be recognised and

²² Page 27, Officer Report

²³ Pages 28/29, Officer Report

provided for in accordance with s.6(a) RMA. Furthermore, I believe it fails to adequately recognise the national importance of other elements of the local landscape (artificial and natural components associated with hydro-electricity generation, for example), having particular regard to the efficient use and development of those resources (s.7(b)), the benefits to be derived from them (s.7(j)), and their contribution to overall landscape and amenity values.

66. In my view this objective also risks creating an inconsistency with other aspects of the District Plan, namely the extent to which utilities and other infrastructure are recognised and provided for through the Plan.
67. I therefore support the essential thrust of Meridian's submission in this regard and relief such as to achieve a more balanced recognition of the positive contribution of renewable hydro-electricity generation and transmission activity against any consequent adverse visual amenity and landscape considerations. In short, while the elevation of landscape and visual matters in relation to residential and farming subdivision and development in the Basin may be appropriate, it will not always be necessary or appropriate to elevate those matters above other Part 2 matters (such as social and economic wellbeing) in the assessment of infrastructure development in the Basin. Further, if PPC13 does wish to elevate single aspects of Part 2 in that manner in respect of **all** development in the Basin, a very careful s.32 analysis would need to have been undertaken on the costs and benefits of doing so, particularly in regard to the effects such provisions would have on the sustainable management of the hydro-electricity resources (both current and future development to meet reasonably foreseeable needs) in the Basin and beyond. Meridian's recommended amendment to the *Reasons* for the objective seeks to emphasise the overall judgement necessary in applying s.5 and Part 2 RMA and, certainly with significant infrastructure development, that will involve the weighing of competing issues.
68. I appreciate the comments made by the Council Officer that Objective 3B essentially is unaltered in the Plan other than as a consequence of the 'transfer' of any reference to outstanding natural landscapes to new Objective 3A. I also appreciate it has application in the District beyond just the Mackenzie Basin and is intended to address more general landscape matters. Nevertheless it does encapsulate s.6(a) matters concerning natural character, and insofar as that is the case I support Meridian's position.

Requests for greater or lesser protection without adequate recognition of the importance of HEP activity

69. Lastly, Meridian has supported and opposed various submissions (fully or in part) made by other parties (summarised in **Annexure D**). Fundamentally those further submissions seek to oppose or support, as appropriate, other submitter requests where they might be seen to be consistent or inconsistent with Meridian's own submission. I will not address these further submissions as the underlying basis to those further submissions has already been previously discussed.

Ken Gimblett

1st September 2008

Annexure A: Changes sought by Meridian in respect of the proposed plan provisions and associated amendments, as recommended by the Council Officer (Report dated 14th August 2008)

Mackenzie District Plan

Proposed Plan Change 13 RURAL ZONE - MACKENZIE BASIN

AMENDMENTS RECOMMENDED BY OFFICER REPORT

ADDITIONAL AMENDMENTS AS SOUGHT BY MERIDIAN (SHOWN IN BLUE)

PLAN AMENDMENTS

For the purpose of this document the Proposed Plan Change text to be added is shown as normal text. All deletions of the Operative Plan proposed by the Plan Change are shown as a ~~single strike through~~. All deletions **recommended by the Officer Report** are shown as a ~~double strike through~~. Any additions to the text of the Change **recommended by the Officer Report** are shown as a double underline.

The Plan Amendments are listed in the following order:

- Section 7 – Rural issues - Add to Issue 7
- Section 7 – Rural Objectives and Policies – Amend Objective 3 and supporting policies
- Section 3 – Definitions – add new definitions
- Section 7 – Rural Rules - Amend existing rules and add new rules
- Section 7A – Rural Residential – Manuka Terrace Zone – new zone provision
- Section 12 – Subdivision, Development and Financial Contributions Rules
- Planning Map Amendments
- Miscellaneous Amendments

SECTION 7 – RURAL ISSUES

Add the following to Rural Issue 7 –Landscape Values

Rural lifestyle developments and rural residential development around existing towns if too extensive or in the wrong location have the potential to alter the extensive open character that much of the Mackenzie Basin still offers. Where subdivision and housing occurs, the Basin becomes more strongly an "occupied rural place" as in the lowlands of South Canterbury. This potentially reduces the Basin's unspoiled openness and vastness, which are its main attributes. The breaking up of land through subdivision could result in the loss of the former high country ethos and landscape pattern. It may also result in more intensive use of the remaining farmed areas. This process has the potential to increase with the freeholding removal of former pastoral lease land from the working landscape and return to full Crown ownership in conjunction with the freeholding of some of this lease land, particularly, much of it at the lower altitudes, and with other pressures for lifestyle housing. Particular landscape values, which could be degraded by

inappropriate redevelopment, include visual openness, a sense of naturalness, sense of landform continuity, small well-separated towns and spectacular views such as the iconic views up the lakes, particularly Tekapo and Pukaki. The loss or degradation of views from the iconic tourist highways could also occur. Another issue associated with retaining values of the Basin is the extent to which additional irrigation will "green" the Basin and change land use patterns.

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

SECTION 7 – RURAL OBJECTIVES AND POLICIES

Delete Objective 3 – Landscape Values and add the following Objective 3A Outstanding Landscapes and Rural Policies 3A to 3O

(note that existing Rural Objective 3 has been replaced by two new Rural Objectives 3A Outstanding Landscapes and 3B Landscape Values and that existing Rural Policies 3B to 3F have been moved and now follow new Objective 3B. These policies have been renumbered Policies 3P to 3T)

Objective 3A – Outstanding Landscapes

To protect ~~and sustain~~ the outstanding natural landscapes and features of the District from inappropriate subdivision, use and development for the benefit of present and future generations.

Explanatllons and Reasons

- Section 6 of the Resource Management Act requires the Council to recognise and provide for the protection of outstanding natural features and landscapes within its District from inappropriate subdivision, use and development as a matter of national importance.
- The District Plan recognises that the landscape is modified in some areas and two modified and two artificial lakes exist for the purposes of hydro-electricity generation. The hydro canals, lake outlet structures, and lake margin draw down pattern, contribute to the landscape characteristic of the Basin. As such, the District Plan recognises that other matters of national significance exist within the District, such as hydro-electricity generation and transmission infrastructure and operations. These are recognised and provided for in Section 15 Utilities and in policies within the Rural Section.
- It is generally appropriate that development, particularly in the high country and Mackenzie Basin, has ~~an overriding~~ regard to the wider visual and landscape considerations that are important to the well-being of the District, its residents and visitors.

Policy 3A – Recognition of Mackenzie Basin

To recognise the outstanding natural landscapes of the Mackenzie Basin ~~as an outstanding natural landscape(s)~~ and through the Mackenzie Basin Subzone within the Rural Zone, ~~to~~ protect the Basin from inappropriate subdivision, use and development.

Policy 3A(X) – Appropriate Use

When considering whether subdivision, use or development in outstanding natural landscapes is appropriate in the Mackenzie Basin Subzone the Council shall, without limitation, have regard to the following:

- i. The degree of any local, regional and national benefits and any positive effects
- ii. The scale of any adverse effects
- iii. Effects on renewable energy generation and transmission
- iv. Compatibility with existing land uses
- v. Consistency with existing land forms

Explanations and Reasons

- As for Objective 3A
- A distinctive 'Mackenzie Country' character has developed, based on the visual and physical qualities of the Basin, combined with the land use practice and the social pattern of run holders, workers and extensive stations. Substantial areas of the Mackenzie Basin are public estate, and particularly those that provide the most dramatic landscape features (i.e. lake surfaces and edges, Mount Cook/Aoraki National Park, the Southern Alps backdrop, and extensive areas of Crown land and conservation estate). Despite its modified and managed land surface as a working landscape, virtually the entire Basin remains, in 2007, "outstanding" in terms of landscape values. This is because of the uniqueness, natural and visual qualities of the high-mountain basin environment, lakes, landforms, land use, community and Mackenzie identity. The landscape values of the Mackenzie Basin thus result from cultural factors such as land use, built structures, social pattern and identity as well as from natural factors such as the ecology, climate and topography.
- ~~The assessment report acknowledges that~~ Not all areas within the Mackenzie Basin are outstanding. However for the purposes of the District Plan objectives and policies relating to outstanding natural landscapes, reference to the Mackenzie Basin is used to refer to those parts of the Basin that are outstanding.
- ~~Sustainable management of natural and physical resources will not be sustained unless the protection of the District's natural resources, including the visual and landscape qualities of these resources can be assured.~~
- The uniqueness of the Mackenzie Basin, with its naturalistic appearance, legible geomorphology, natural and cultural heritage extensive and dramatic vistas from mountain tops to valley floors, and lack of apparent "clutter" is to be protected from inappropriate subdivision, use and development.

- Sustainable management of natural and physical resources will not be sustained unless the integrity of the values associated with the Mackenzie Basin resources, including visual and landscape qualities, can be assured.

Policy 3B – Economy, Environment and Community

To encourage a healthy productive economy, environment, and community within, and maintain the identity of, the Mackenzie Country.

Explanations and Reasons

- To sustain the valued landscapes of the Mackenzie Basin it is considered necessary to also foster its economic, social and environmental viability. In this way the communities, infrastructure and economic health can be sustained over time providing a situation where continued pastoral use and extensive runs can be maintained and developed. Along with this, it is intended that environmental values of the Basin will also be protected and enhanced.
- It is not considered reasonable or appropriate in achieving the Resource Management Act's purpose to prevent all further development in the Basin or regard the current environment as a museum piece. Sustainable management requires a balance to be found that provides for the social, economic and cultural well-being of the community, while sustaining natural and physical resources and safeguarding the environment from adverse effects.

Policy 3B (X) Renewable Energy

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

Explanations and Reasons

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

Policy 3C - Adverse Effects of Sporadic Development

To avoid the adverse effects on the environment of sporadic development and subdivision, residential subdivision and housing development is only provided for within identified urban areas of the Basin (Twizel and Lake Tekapo) and within identified or approved building nodes within landscape sub areas shown in Appendix R.

Explanations and Reasons

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

- It is desirable that the majority of housing and accommodation growth within the Mackenzie Basin occurs within the towns of Twizel and Lake Tekapo to:
 - a Reinforce and enhance these towns as commercial and service centres both for residents and rural residents and as sources of employment
 - b Reinforce and build on the social and community cohesion of these towns
 - c Maintain the character of these towns
 - d Provide support for and utilise existing and planned community, recreational, social and educational facilities.
 - e Achieve efficient utilisation of existing and planned infrastructure services of these towns.

- Traditional occupation of the Mackenzie Basin comprises periodic nodes of shelter and development (shelter trees, home paddocks and yards, farm sheds, houses, seasonal accommodation) within an otherwise vast, open and highly undeveloped landscape. In this pattern, the developed 'nodes' are small points of civilization, far outweighed in area by the natural 'landscape'. Thus the sense of extensive areas of highly natural landscape is maintained in the traditional Mackenzie land use pattern. Retaining much of this traditional pattern is possible by requiring buildings to either be located

within existing building nodes or new nodes which to a large extent replicate the existing nodes in terms of placement and character.

Policy 3D – Adverse Impacts of Buildings and Earthworks

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

Explanations and Reasons

- Domestication of the Mackenzie Basin landscape can reduce or remove those qualities for which it is valued. These effects include the imposition of buildings, structures, plantings and other patterns associated with development (earthworks, lighting, reflective surfaces etc.) that detract from the open and uncluttered landscape of the Basin.
- If poorly sited, the traditional landscape values of the Basin could be significantly changed and diminished by infilling empty rural areas and disrupting land use patterns with random rural lifestyle and other housing and tourism developments.
- Rural lifestyle subdivisions, as found throughout lowland rural areas of New Zealand, and other Southern Lakes districts, have the potential to lessen the sense of extensive wilderness and long views to distant points by dispersing developments over wide areas of the Basin.
- Some structures associated with more intensive farming such as large irrigators or industrial style buildings, when placed in the foreground of views can reduce the scenic values and sense of openness valued within the Basin.
- Poorly sited and constructed tracks and roading can result in scars on the landscape, reducing its value, naturalness and intactness.

~~Policy 3E – Limitations on Residential Subdivision and Housing~~

~~To only provide for residential subdivision and housing development within identified urban areas of the Basin (Twizel and Lake Tekapo) and within identified or approved building nodes.~~

~~Explanations and Reasons~~

- ~~• As for Objective 3A~~
- ~~• It is desirable that the majority of housing and accommodation growth within the Mackenzie Basin occurs within the towns of Twizel and Lake Tekapo to:~~
 - ~~f Reinforce and enhance these towns as commercial and service centres both for residents and rural residents and as sources of employment~~
 - ~~g Reinforce and build on the social and community cohesion of these towns~~
 - ~~h Maintain the character of these towns~~
 - ~~i Provide support for and utilise existing and planned community, recreational, social and educational facilities.~~
 - ~~j Achieve efficient utilisation of existing and planned infrastructure services of these towns.~~
- ~~• Traditional occupation of the Mackenzie Basin comprises periodic nodes of shelter and development (shelter trees, home paddocks and yards, farm sheds, houses, seasonal accommodation) within an otherwise vast, open and highly undeveloped landscape. In this pattern, the developed 'nodes'~~

~~are small points of civilization, far outweighed in area by the natural 'landscape'. Thus the sense of extensive areas of highly natural landscape is maintained in the traditional Mackenzie land use pattern. Retaining much of this traditional pattern is possible by requiring buildings to either be located within existing building nodes or new nodes which to a large extent replicate the existing nodes in terms of placement and character.~~

Policy 3F – Landscape Carrying Capacity

To recognise the diversity of physical settings and landscapes within the Mackenzie Basin and the varying capacity of these to absorb further subdivision and residential buildings and domestication, built development.

Explanations and Reasons

- The Basin has a diversity of conditions with a north to south altitude gradient and a west to east rainfall gradient. To this can be added the topographic and soil variability of outwash, moraine, valley, lake, hillside and high mountain environments and the variability of closeness to or remoteness from the state highways and other roads. Although the term Mackenzie Basin is frequently used (and is used throughout this District Plan) the area being referred to incorporates a number of land forms including the basin proper and areas of moraine valley, upland and range lands and mountains.
- The 2007 report "The Mackenzie Basin Landscape: character and capacity" by Graham Densem which assessed the Mackenzie Basin landscape identifies various landscape character areas and sub-areas and describes their characteristics and values. The report also contains descriptions of the types of landform and areas where nodes are likely to be the most suitable and those where they are unsuitable. This is achieved through classification of areas as having high, medium or low vulnerability to absorb development. A threshold number of new nodes is specified for landscape character sub-areas within each of the landscape character areas. Beyond these thresholds, it is considered that the cumulative impact of residential development and subdivision in these nodes, and any additional building nodes, will adversely impact on the landscape character, ~~and landscape values and physical attributes~~ of these sub-areas and the wider landscape. Council have adopted these thresholds as a tool to ensure that the cumulative impact of building residential development and subdivision in these nodes does not reduce the landscape values or change the characters of these subareas.

Policy 3G - Approved Building Nodes

To robustly control the establishment of Approved Building Nodes and extensions of Identified Building Nodes (by up to 10% in total) to ensure that the outstanding natural features and landscapes of the Mackenzie Basin are protected and to ensure that such development is sustainable. In considering any application for an Approved Building Node or extension to an Identified Building Node for residential development and subdivision, Council shall take into account the extent to which the following matters are satisfied. ~~New building nodes will only be granted as "approved building nodes" where the Council is satisfied that:~~

1. The buildings and structures and associated activities, earthworks, roading and boundary developments ~~will be~~ are visually inconspicuous, fit into the landscape and do not detract from the landscape characteristics and values of the Mackenzie Basin (refer report "The Mackenzie Basin

- Landscape: character and capacity"), including naturalness, legibility and heritage considerations.*
2. The built development is to be located within an area of trees, planted or natural, that visually absorbs the buildings from outside view or the location is sufficiently hidden so as to achieve significant screening from outside the node. Any planted trees shall be of a species that are not prone to wilding spread. Development ~~shall be~~ is inconspicuous by day and night from public places on land and from waters within a distance of 2 kilometres.
 3. Nodes ~~are to~~ have a low-key rural character in terms of location, layout, and development, with particular regard to fencing, roading, construction style, materials and detailing. ~~No urban forms or detailing should occur.~~
 4. The node is located away from main surfaces, ridgelines, and skylines of landforms. (Refer report "*The Mackenzie Basin Landscape: character and capacity*" for descriptions of areas to be avoided in terms of their vulnerability to change).
 5. The node is adjacent to a change point of the topography, such as a slope, stream course or forest edge.
 6. The node is located such that it is not significantly visible from roads and areas where there is public access
 7. The node is located away from the shoreline of any lake such that it will not be conspicuous from the lake or from along the lake margins due to topography. *Note all buildings are required to be a minimum of 100m from lakes under Rural zone rule 3.1.1.f*
 8. The node is separated from any existing or approved building node by at least two ~~several~~ kilometres, both within properties and between neighbouring properties to retain a sense of isolation. (Not relevant to extension of Identified Building Node).
 9. The location and use of the nodes will not adversely impact on the functioning of sites of environmental value including all water bodies and Sites of Natural Significance identified in the District Plan.
 10. The node is not within a Scenic Viewing Area or Site of Natural Significance or above 900metres.
 11. The location and use of the node, in particular any residential use of the node will not have the potential to create reverse sensitivity impacts on rural activities or activities such as airports, power/electricity generation, ~~or~~ transmission infrastructure, the state highway or the Tekapo Military Training Area.
 12. The location and use of the node will not adversely impact on wahi tapu, archaeological values and historic heritage.
 13. The earthworks, hard surfaces and roads, other than the access road, are located within the node and are minimised, designed, constructed and rehabilitated to avoid or mitigate more than minor adverse visual or environmental impacts. (Not relevant to extension of Identified Building Node).
 14. All access roads are sited to follow landscape "changes" such as gullies and changes of slope, to avoid crossing landscape "surfaces", to be unobtrusive and designed to retain a "farm" character.
 15. The node identifies and provides for a minimum of 5 and a maximum of 10 building platforms in locations that ensure the buildings (if suitably designed and clad) will be inconspicuous.
 16. The node will not be able to be seen from key views up Lake Tekapo and Lake Pukaki during the daytime and will not be obtrusive when viewed at night.
 17. The night sky is protected through the management of light spill.

18. All planting is of local native plant species and/or non-wilding prone exotic plant species.
19. The node will be of a size that is as small as will allow for clustering of buildings while avoiding dispersed development to ensure containment of the node, does not exceed the threshold for nodes specified for that property or property group in the report "Mackenzie Basin: Character and Capacity" 2007.
20. The node and its associated level of domestication will not result in an adverse incremental or cumulative impact on the features, landscape ~~values~~ and amenity values and character of the landscape ~~character~~-sub-area in which it is proposed to be located and does not exceed the maximum number of ~~new~~ nodes for the sub-area identified in ~~Map 8 of the report "The Mackenzie Basin Landscape: character and capacity" contained in~~ Appendix R of this Plan.
21. The establishment of the node and its use avoids, remedies or mitigates any adverse effects of natural hazards and of pest plants.
22. The water, sewage treatment and disposal and stormwater services are designed, operated and maintained (including during construction):
 - o Independently of Council services
 - o in a way which avoids, remedies or mitigates adverse effects on the environment
 - o sustainably over time, given the extreme climatic conditions that may be experienced over the life of the development, including a sustainable domestic water supply
 - o through effective legal arrangements between the respective owners of houses or other facilities within the node.
- ~~23. The need for buffering between farm buildings and farm dwellings and non-farm buildings.~~

Explanations and Reasons

- As for Objective 3A
- As for Policies 3C, 3D, 3E and 3F
- In the context of outstanding landscape values of the Mackenzie Basin there maybe some room for further limited residential development within areas identified, and at the scale indicated in Appendix R. In particular building nodes maybe appropriate on sites that are consistent with Policy G and other relevant Objectives, Policies and Rules in the Plan.

~~Policy 3H – Extensions to Existing Identified Nodes~~

~~Extensions to existing identified building nodes will only be granted where the Council is satisfied that all the matters listed above in Policy 3C are satisfied other than items 8 and 13, and that there is no longer sufficient land available within the identified node for the operational requirements of the property.~~

Policy 3(H)(X) – Compatibility of Activities

When considering new subdivision and residential development regard shall be given to avoiding reverse sensitivity effects from incompatible and potential sensitive land uses on hydro-electricity generation and transmission infrastructure and operations.

Explanations and Reasons

- As for Objective 3A

- As for Policies 3C, 3D, 3E and 3F

[Note: the inclusion of this policy is only sought if other references to reverse sensitivity effects on hydro-electricity generation and transmission infrastructure and operations are not adopted, i.e. in respect of provisions Policy 3C, 3E, 3G and 3M, and Rules 3.3 (Restricted Activities – Buildings), Rule 4 (Controlled Activities; Matters Subject to Council's Control) and Rule 3 (Section 12 – Subdivision, Development and Financial Contributions)]

Policy 3I – Farm and Non-residential Buildings

~~To provide for farm buildings and other non-residential buildings within identified and approved buildings. Where farm buildings and infrastructure require a location remote from nodes because of their purpose, function or effects, ensure that they are located and have an appearance which minimises their impact on landscape values. Other than farm buildings that require a remote location, are required to locate within identified or approved building nodes.~~

Farm and other non-residential buildings, other than farm buildings or hydro-electricity generation and transmission infrastructure that require a remote or specific location, are required to locate within identified or approved building nodes.

Explanations and Reasons

- As for Objective 3A
- As for Policies 3C, 3D, 3E and 3F
- A limited number of farm buildings are required to be located away from the main homestead areas because they are providing, for example, storage or shelter. It is considered that the anticipated small number of buildings can be appropriately located within the landscape, with Council having power to control the location, and external design and appearance of these buildings.
- While the nodes seek to control the location of residential development and subdivision, for the avoidance of doubt it is noted that the District Plan recognises that utilities of national significance are located in the District and the Council recognises that due to technical, operational and security requirements associated with electricity generation and transmission these activities may need to locate within remote or specific locations.

~~Policy 3J – Remote Farm Buildings~~

~~To recognise that some farm buildings are required because of their function to locate away from building nodes and to provide for these buildings subject to location, design and external appearance controls.~~

~~Explanations and Reasons~~

- ~~A limited number of farm buildings are required to be located away from the main homestead areas because they are providing, for example, storage or shelter. It is considered that the anticipated small number of buildings can be appropriately located within the landscape, with Council having power to control the location, and external design and appearance of these buildings.~~

Policy 3K - Lakeside areas

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

Explanations and Reasons

- The Mackenzie Basin contains two of the South Island's significant 'Southern Lakes'; Tekapo and Pukaki. It also contains the smaller Lake Alexandrina in its entirety, parts of Lakes Benmore and Ruataniwha, and parts of the margin of Lake Ohau, although not the lake surface itself. Hydro-electricity generation developments since the 1950s have resulted in the damming and raising of lake levels at Tekapo, Pukaki, Ohau, Ruataniwha and Benmore, and in the construction of power canals through the central basin. Although modified and in two cases artificial, man-made, these lakes variously are jewels of the Basin, and of the most outstanding value each have various outstanding values. Lake Pukaki and its setting, for example, is a tourist icon, both visually and as the approach to Mount Cook/Aoraki and the National Park. Tekapo similarly, without the specific Aoraki connection, but with a high mountain backdrop. Ohau has is similar in importance among value as other the Southern Lakes, and its margins within Mackenzie District should be considered in the same terms as those of Tekapo and Pukaki. Lake Alexandrina, while of smaller scale and differing character, is much a much valued for fishing lake and also of outstanding value. Lake Benmore is also artificial and formed behind New Zealand's largest earth-filled retaining structure. Although it is artificial, the lake while man-made, has a scale and ruggedness with also of outstanding value, including recreation values, and contributes to New Zealand's renewable energy production. Although the shoreline of Lake Benmore within Mackenzie District is the gentlest and least rugged of that lake's surrounds, the totality of Lake Benmore dictates that this lake and its surrounds within Mackenzie District should also be considered outstanding. The landscape values of the Mackenzie lakes arise from the naturalness, vastness, glacial colouration, legibility and the pure visual unity of both the lakes and their settings.
- Built development, roads, land use intensification, wilding tree spread, and earthworks in the vicinity of these lakes have the real potential to degrade not only their more local landscape character and naturalness, but also the wider and more expansive views up, down and across them.

Policy 3x – Hydro electricity generation

To recognise the importance of the Mackenzie Basin, and in particular Lakes Tekapo, Ruataniwha, Pukaki, Ohau and Benmore and their associated renewable energy generation and transmission infrastructure and operations to the district, region and nation's social, economic and cultural well-being.

Explanations and Reasons

- This policy recognizes the national importance of this infrastructure and aims to ensure that the values associated with the renewable energy resource of the Mackenzie Basin and its lakes are sustainably managed and not compromised by other development. As noted in Section 15 of this Plan, utilities of national significance are found in Mackenzie District including the Pukaki High Dam, Tekapo A and B and Ohau A power stations. Lakes Tekapo, Pukaki, Ruataniwha, and Ohau were dammed and raised between 1935 and 1985 to generate hydro-electricity while Lake Benmore was created as part of the process of damming the Upper Waitaki.

Policy 3L - Subdivision

- (a) To provide for subdivision of land for non-residential purposes (excluding utilities) only where this subdivision does not have the potential to adversely impact on the landscape values and character of the immediate and wider area, and will not diminish the sustainability of existing and likely future productive use of farm holdings.
- (b) To only provide for subdivision for residential purposes within identified or approved building nodes, and taking into account water supply availability.
- (c) To provide for subdivision for utilities purposes.

Explanations and Reasons

- As for Policy 3C
- Subdivision for utility purposes is often required to ensure that adequate infrastructure and facilities are provided for the District. This is provided for in Section 12: Subdivision, Development and Financial Contributions.

Policy 3M – Manuka Terrace Rural-Residential Zone

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

Explanations and reasons

- The Rural Residential zone for Manuka Terrace specifies how adverse effects of past and future subdivisions such as landscape impacts, servicing issues with water supply and sewage treatment and disposal, ~~and~~ winter shading and severe wind hazard, and adverse effects on hydro-electricity generation and transmission infrastructure and operations are to be avoided, remedied or mitigated by:
 - a Setting a minimum lot size of 4ha,
 - b Setting servicing standards for water supply, sewage treatment and disposal, stormwater, power and telecommunications,
 - c Controlling the design and appearance of subdivisions and housing,
 - d In addition to recognition of the wind hazard in this District Plan, all Property Information Memoranda and Land information Memoranda for the area will advise of the wind hazard.
 - e Taking into consideration the availability of a sustainable domestic water supply and potential effects on water quantity (including existing users) in the District,
 - f Taking into account any actual or potential effects on the safe and efficient operation of the Waitaki Power Scheme, including taking into account civil safety matters associated with the operation of the hydro-electricity generation in proximity to the site. This can be achieved for example by appropriate setbacks, the location of buildings in relation to monitoring equipment and facilities, and avoiding the potential for reserve sensitivity effects.

Policy 3N – Design and Appearance of Buildings

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

Explanations and Reasons

- As for Objective 3A.
- Refer also Policy 3D.
- Even buildings within identified and approved building nodes have the potential to impact on landscape values and character when viewed from afar and in particular from areas able to be accessed by the public and from roads.
- The Council will have regard to the extent to which applications for buildings and associated earthworks, tracks etc met the guidelines in Appendix K of the Plan.
- The Council recognises that due to technical, operation and security requirements associated with electricity generation and transmission, the extent to which the adverse landscape effects of these activities can be avoided, remedied or mitigated is more limited than for residential activities. For this reason, the Council will take into consideration the operation, design and purpose of the building, and the particular locational requirements of utilities infrastructure.
- The effects of built development are not confined simply to the built structure, but also frequently include the domestication or modification of the surrounding environment. The Council seeks to manage these potential effects when considering the merits of proposals to erect buildings within the Mackenzie Basin Subzone.

Policy 3O – Views from Roads

To manage landscape change so that the character, and outstanding natural landscapes values and features of the Mackenzie Basin are protected from inappropriate subdivision, use and development and the screening of distinct views is avoided, remedied or mitigated when viewed from public spaces and public roads.

Explanations and Reasons

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

Implementation Methods for all policies

To control residential subdivision and housing development in rural areas of the Mackenzie Basin through providing for a nodal form of development (based on the current homestead nodes) involving:

- Residential units only provided for within building nodes
- Buildings other than remote farm buildings being non-complying activities outside building nodes
- Minimum lot size of 200ha for subdivision outside of nodes
- Identify existing building nodes in the Plan, recognising that existing homestead areas and associated farm buildings generally fit within the landscape without adversely affecting values and character
- Approval of new building nodes and extensions to existing identified nodes through discretionary resource consent
- New non-farm buildings within existing building nodes and approved building nodes be provided as restricted discretionary activities with Council assessing their visual impact outside the node
- All new buildings requiring consent in relation to their design and appearance.

To encourage placement of various temporary farm structures such as irrigators and wrapped feed back from roads and state highways, through preparation and distribution of guidelines to landowners and managers.

Creation of a Rural-Residential - Manuka Terrace Zone with a minimum lot size and residential density of 4ha.

Add new Rural Objective 3B as follows:

Objective 3B – Landscape Values

Protection ~~from inappropriate subdivision, use and development the of the natural character of the landscape and margins of lakes, rivers and wetlands and of the natural processes and elements that contribute to the natural character and landscape values of the Mackenzie Basin. District's overall character and amenity.~~

Reasons

- Refer also to Objective 4, Policy 4B and Implementation, Objective 2, Policy 2A and 2C, and Objective 6
- It is generally appropriate that development, particularly in the high country and Mackenzie Basin has an overriding regard to the wider visual and landscape considerations which are important to the well-being of the District and its inhabitants. Notwithstanding this, a broad overall judgment is required when applying section 5 and Part 2 of the Resource Management Act 1991 in order to promote sustainable management of natural and physical resources. Some development, for example hydro-electricity generation and transmission, will have positive effects that need to be balanced against any adverse visual and landscape considerations. Sustainable management in those circumstances requires an overall consideration of various matters including enabling people and communities to provide for their social and economic well-being. In the Mackenzie District this will involve weighing competing issues, for example the benefits to be derived from renewable energy generation and transmission infrastructure, including locational and operational constraints.
- To sustainably manage the physical resource of the District, some priority is generally required to ensure the protection from inappropriate subdivision, use and

development of the landscape and visual amenity and in particular the landscapes which ~~are have been identified as~~ outstanding. The high country of the District and the Mackenzie Basin have an impressive array of landscapes.

- Assessment of landscapes shall be based on the following characteristics: natural ~~scenic-science~~ values, aesthetic values (including memorability and naturalness), shared and recognised values and takata whenua values, legibility values, transient values, natural character, and historic associations. Refer Rural Issue 7 for more detail.

Delete existing Rural Policy 3A Lakeside Landscapes

Renumber Rural Policies 3B to 3F as Rural Policies 3P to 3T to follow and support new Objective 3B. (Refer 2.2 above)

SECTION 3 DEFINITIONS

Add the following definitions:

Farm building or farm accessory building means a building the use of which is incidental to the use of the site for a farming activity (refer definition).

Remote farm accessory building means a farm accessory building, which because of its function or access requirements requires a location remote from the principal homestead and farm buildings.

Homestead means a residential unit providing the principal permanent residential accommodation for an owner and/or manager of a property.

Building Node or Node means a node to accommodate residential development and subdivision, including farm buildings (but excluding farm accessory buildings which require a remote location). For the avoidance of doubt, utilities may, but are not required to, locate within identified or approved building nodes.

[Note: the inclusion of this definition is only sought if all other amendments described in this Annexure are not adopted]

Identified Building Node means an Identified Building Node contained in Appendix S of this District Plan and any extension to the node approved by resource consent under Rural Zone rule 15.1.2.

Approved Building Node means a building node approved by resource consent under Rural Zone rule 15.1.1

SECTION 7 RURAL ZONE RULES

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

2 District Wide Rules

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

- Hazardous Substances Section 9
- Heritage Protection Section 10
- Signs and Outdoor Lighting Section 11
- Subdivision, Development and Financial Contributions Section 12
- Temporary Activities and Buildings and Environmental Noise Section 13
- Transportation Section 14
- Utilities Section 15

STATUS OF ACTIVITIES

All rules in the Rural Zone shall apply to the Mackenzie Basin Subzone unless otherwise stated. The Mackenzie Basin Subzone is that land identified on the Planning Maps.

For the avoidance of doubt, these rules do not apply to utilities which are addressed in Section 15 – Utilities Rules

The following Clauses 3 to 16 specify the status of activities under the District Plan i.e. Permitted, Controlled, Restricted Discretionary, Discretionary and Non-Complying Activities, for the following activities:

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

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

Amend Rural Zone Rule 3 Buildings by adding the following:

These rules do not apply to **Scheduled Activities** provided for in Rural Zone rule 13

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

3.1 Permitted Activities - Buildings

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

Delete Rural Zone Rule Permitted Activities – Buildings Standard 3.1.1.i Lakeside Protection Areas as follows:

~~3.1.1.a Lakeside Protection Area~~

~~3.1.1.b~~

~~No building or extensions to buildings, other than stock fencing, shall be erected in Lakeside Protection Areas identified on the Planning Maps (refer Discretionary Activities – Rule 3.3.1).~~

Renumber all the Permitted Activity – Buildings Standards from 3.1.1j-n to 3.1.1i-m

Add the following Activity to 3.1 Permitted Activity - Buildings

3.1.2 Any farm accessory building within the Mackenzie Basin Subzone which is located within an Identified Building Node or Approved Building Node which complies with all the following standards:

3.1.2.a **Height of Buildings**

Maximum height shall be 15m

3.1.2.b **Setback**

- i Minimum setback of buildings from the inner boundary of the perimeter planting of building nodes shall be 20m
- ii Minimum setback of buildings from state highways shall be 50m
- iii Minimum setback of buildings from other roads shall be 20m

3.1.2.c **Reflectivity**

The maximum reflectivity index of the exterior of any buildings shall be ~~40%~~
30%

3.1.2.d **Building Separation**

Farm buildings shall be a minimum of 100m from any non-farm buildings established after September 2008 other than homesteads or buildings used for farm worker accommodation.

3.1.2.e **Riparian Areas**

Refer Rule 3.1.1f

3.1.2.f **Flight Protection Areas**

Refer Rule 3.1.1n

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

Refer Rule 3.1.1.e

Amend 3.2.1 Controlled Activities – Buildings as follows:

3.2 **Controlled Activities - Buildings**

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

Standards and Terms for Relocated Buildings

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

Matters Subject to Council's Control

- External appearance of the relocated building.

Non-Notified Application

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

Add the following Activity to 3.2 Controlled Activities – Buildings

3.2.2 Remote Farm Accessory Buildings in the Mackenzie Basin Subzone

Standards and Terms

- i Height – Maximum height of 15m
- ii Minimum setback of buildings from state highways shall be 50m
- iii Minimum setback of buildings from other roads shall be 20m
- iv Minimum setback from internal boundaries shall be 20m
- v Sites of Natural Significance – Refer Rule 3.1.1.e
- vi Riparian Areas – Refer Rule 3.1.1f
- vii Flood Mitigation – Refer Rule 3.1.1i

Matters Subject to Council's Control

- External appearance and location within the landscape

Add the following new rule after 3.2 Controlled Activities:

3.3. **Restricted Discretionary Activities – Buildings**

3.3.1 Non-farm buildings within Identified Building Nodes or Approved Building Nodes within the Mackenzie Basin Subzone which comply with the following standards:

3.3.1.a **Height of Buildings**

Maximum height shall be 8m

- 3.3.1.b **Setback**
- i Minimum setback of buildings from the inner boundary of perimeter planting of building nodes shall be 20m
 - ii Minimum setback of buildings from state highways shall be 50m
 - iii Minimum setback of buildings from other roads shall be 20m

3.3.1.c **Reflectivity**

The maximum reflectivity index of the exterior of any buildings shall be ~~40%~~
30%

- 3.3.1.d **Building Separation**
- i Non-farm buildings, other than homesteads and workers accommodation, shall be a minimum of 100m from any farm buildings ~~other than homesteads.~~
 - ii Non-farm buildings shall be a minimum of 20m from any other non-farm building

3.3.1.e **Number of non-farm buildings**

The maximum number of non-farm buildings (excluding accessory buildings) within any building node shall be 10

3.3.1.f **Building Size**

The maximum footprint (ground floor area) of any single non-farm building and associated accessory buildings shall be 400m². This limitation does not apply to homesteads.

3.3.1.g **Riparian Areas**

Refer Rule 3.1.1f

3.3.1.h **Flight Protection Areas**

Refer Rule 3.1.1n

3.3.1.i **Sites of Natural Significance, Scenic Viewing and High Altitude Areas**

Refer Rule 3.1.1.e

Matters Subject to Council's Discretion

- External design and appearance of buildings
- Visual impact of area attached to building (curtilage)
- Visual impact of associated earthworks, hard surfacing and access
- Landscaping and planting

- Servicing of the site (stormwater, water supply, power and telecommunications)
- Impact on indigenous biodiversity.
- Effects on water quality arising from run-off during construction.
- Effectiveness of ongoing stormwater management of the site.
- Effects on existing hydro-electricity generation and transmission infrastructure and operations.

3.3.2 Any Building that does not comply with any one or more of the following standards for Permitted Activity Buildings:

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

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

Delete 3.3.1 Discretionary Activities – Buildings, buildings in Lakeside Protection Areas as follows:

3.4 Discretionary Activities - Buildings

~~3.3.1 Buildings or extensions and additions to buildings within the Lakeside Protection Area identified on the Planning Maps.~~

Renumber rule 3.3 Discretionary Activities - Buildings as 3.4 and add the following Activities to Rule 3.4

3.4.1 Within the Mackenzie Basin Subzone the following buildings shall be Discretionary Activities:

- a Farm accessory buildings within Identified Building Nodes or Approved Building Nodes which do not meet any of the standards in 3.1.2
- b Non-farm buildings within Identified Building Nodes or Approved Building Nodes which do not meet any of the standards in 3.3.1
- c Remote farm accessory buildings which do not meet the standards in 3.2.2

~~3.3.4 Any Building which does not comply with any one or more of the following standards for Permitted Activity Buildings:~~

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

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

Renumber rule 3.4 Non-Complying Activities - Buildings as 3.5 and add the following Activities to Rule 3.5

- 3.5.5 Non-farm buildings in the Mackenzie Basin Subzone not within an Identified Building Node or Approved Building Node
- 3.5.6 Any farm accessory building in the Mackenzie Basin Subzone which is not a remote farm accessory building and which is not within an Identified Building Node or Approved Building Node

Add a new rule 3.6 Prohibited Activities – Buildings

3.6 Prohibited Activities – Buildings

3.6.1 Amenity tree planting – It is a prohibited activity for which no consent will be granted to plant the following species within an approved building nodes or an extension to an identified building node:

- *Pinus contorta (Lodgepole)*
- *Pinus nigra (Corsican Pine)*
- *Pinus Muricata (Bishop Pine)*
- *Pinus sylestris (Scots Pine)*
- *Pinus menziesii (Douglas Fir)*

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

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

- areas containing Geopreservation Sites identified on the Planning Maps and listed in Appendix I;
- Sites of Natural Significance identified on the Planning Maps and listed in Appendix I;
- areas above 900m in altitude;
- areas within 10m of a river;
- areas within 50m of a wetland or lake

- 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone

This rule shall not apply to earthworks:

- Approved as part as part of a subdivision or building node where that subdivision has a resource consent
- For routine repair of operational tracks and roads
- Levelling of fence lines to a maximum depth of 200mm
- For utility services
- Approved as part of a resource consent for a building
- Approved as part of resource consent for a farming building except where the earthworks are for access

Matters Subject to Council's Control

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

Add new rural activity 15 BUILDING NODES as follows:

15 BUILDING NODES

These rules do not apply to **Scheduled Activities** provided for in Rural zone rule 13.

15.1 Discretionary Activities

15.1.1 An Approved Building Node shall be established by way of a Discretionary Activity application subject to compliance with the following standards:

- Except for nodes that are to be occupied by a homestead, all Approved Building Nodes shall identify at least ~~five~~ three but no more than 10 building platforms within the proposed Node. Each platform shall have a minimum area of 70m² and a maximum area of 100m².
- All nodes shall have substantial perimeter planting unless they are sufficiently hidden so as to achieve significant screening from outside the node

All applications for an Approved Building Node shall be accompanied by detailed information and assessment of all the requirements for these nodes contained in Rural Policy 3G.

15.1.2 An extension to an Identified Building Node shall be established by way of a Discretionary Activity application subject to compliance with the following standard:

- All extensions shall have substantial perimeter planting unless they are sufficiently hidden so as to achieve significant screening from ~~outside the node~~ public areas or public roads
- The total area of the Identified Building Node shall not be extended by more than 10%.

All applications for an extension of an Identified Building Node shall be accompanied by detailed information and assessment of all the requirements for these nodes contained in Rural Policy ~~3H3G~~.

15.2 Non-Complying Activities

15.2.1 Any Approved Building Node or extension to an Identified Building Node which does not meet the standards in 15.1.1 and 15.1.2 respectively, shall be a Non-Complying Activity.

Renumber rules/clauses, references to rules/clauses and any other consequential changes required as a result of amendments to the Rural Zone Rules

SECTION 7A – RURAL-RESIDENTIAL ZONE

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

RURAL RESIDENTIAL - MANUKA TERRACE ZONE

1 ZONE STATEMENT

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

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

2. DISTRICT WIDE RULES

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

- | | |
|------------------------------|------------|
| • Hazardous Substances | Section 9 |
| • Heritage Protection | Section 10 |
| • Signs and Outdoor Lighting | Section 11 |

- Subdivision, Development and Financial Contributions Section 12
- Temporary Activities and Buildings and Environmental Noise Section 13
- Transportation Section 14
- Utilities Section 15

STATUS OF ACTIVITIES

3. PERMITTED ACTIVITIES

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

3.1 Residential Activities

3.2. **Buildings** –for or directly associated with farming activity.

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

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

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

3.5. **Farming activities**

3.6. **Vegetation Clearance**

4. CONTROLLED ACTIVITIES

4.1. **Buildings** – Buildings for any purpose other than farming purposes. Control is reserved in respect of bulk and location including location to avoid natural hazard risk, access, earthworks, external appearance and condition and ability to withstand strong winds. All site standards must be complied with.

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

This rule shall not apply to earthworks:

- Approved as part as part of a subdivision ~~or building node~~ where that subdivision has a resource consent
- For routine repair of operational tracks

- Levelling of fence lines to a maximum depth of 200mm
- For utility services
- Approved as part of a resource consent for a building
- Approved as part of resource consent of a farming building except where the earthworks are for access

Matters Subject to Council's Control

- Siting, slope and camber of the track;
- Manner of forming the track;
- Terrain disturbance including vegetation clearance, volumes and materials to be removed;
- Rehabilitation of disturbed ground
- [Effects on water quality from run-off during construction](#)
- [Effects on existing hydro-electricity and transmission infrastructure](#)
- [Effects on water quantity and reliability of supply for existing users arising from domestic water supply](#)
- [Effects on existing hydro-electricity generation and transmission infrastructure and operations.](#)

5. RESTRICTED DISCRETIONARY ACTIVITIES

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

6. DISCRETIONARY ACTIVITIES

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

7. NON-COMPLYING ACTIVITIES

- 7.1 **Forestry Activities**
- 7.2. **Mining Activities**
- 7.3. **Industrial Activities**
- 7.4. **Noxious Activities** – no activity shall involve the following:

- Panel beating, spray painting, motor vehicle repairs or vehicle dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection or a recycling service, motor or marine body building, meat processing or require an Offensive Trade Licence under the Health Act 1956 or its amendments.

8. PROHIBITED ACTIVITIES

- 8.1. **Amenity Tree Planting** – It is a Prohibited Activity for which no resource consent will be granted to plant the following species:
- Pinus contorta (Lodgepole)
 - Pinus Nigra (Corsican Pine)
 - Pinus muricata
 - Pinus Sylvestris
 - Pinus menziesii (Douglas fir)
 - Pinus mugo/uncinata (Mountain pine)
 - Pinus pinaster (Maritime pine)

9. SITE STANDARDS

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

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

- i 2ha for lots created or approved by subdivision consent prior to 30 November 2007 and such approval has not lapsed
 - ii 4ha for all other lots
- 9.2 **Building Setbacks** – Minimum setback from road and internal boundaries of 20m.
- 9.3 **Building and Hard Surface Coverage** – the maximum coverage of all buildings and hard surfaces on each separate title shall not exceed 700m². For the purposes of this rule hard surface shall not include any access whose formation and surfacing is permeable.
- 9.4 **Building Height** - The maximum height of any building shall not exceed 8m above existing ground level.
- 9.5 **Noise** – All activities shall be conducted to comply with the following standards as measured at any point within the boundary of any other site:

Daytime	0700 – 2000 hours	50 dBA L ₁₀
Night-time	2000 – 0700 hours	40 dBA L ₁₀
At all times		70 dBA L _{max}

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

- 9.6 **Nature and Scale of Home Occupations**

- i No more than one full-time equivalent person who permanently resides

elsewhere than on the site may be employed in undertaking an activity on the site.

- ii All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles associated with an activity shall be carried out within a building.
- iii Hours of Operation – the maximum total number of hours the site shall be open to visitors, clients or deliveries shall be 50 hours per week. All activities associated with the home occupation or non-residential use of the site shall be restricted to within the following hours:
 - 0700 – 2000 Monday to Friday; and
 - 0800 – 2000 Saturday, Sunday and Public Holidays

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

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

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

10. **Assessment Matters**

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

SECTION 12 – SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS

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

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

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

3 Controlled Activities - Subdivision

Any subdivision outside the Mackenzie Basin Subzone which complies with all Primary and Secondary Subdivision Standards shall be a **Controlled Activity** in respect of the following matters:

Natural and Other Hazards

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

Earthworks

- The volume and area of earthworks
- The methods of excavation and filling
- The size and location of stockpiles

- Avoidance or mitigation of impacts on waterways, ecological and landscape values, heritage, cultural and archaeological values and neighbouring properties
- Methods of controlling stormwater runoff and erosion
- Rehabilitation of disturbed areas

Water Resources

- Effects on water resources, including quantity and reliability of supply for existing users.

Utilities

- Effects on existing hydro-electricity generation and transmission infrastructure and operations.

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

4A Restricted Discretionary Activities - Subdivision in Mackenzie Basin Subzone

4A.a Any subdivision, of or within

- an Identified Building Node,
- an approved extension to an Identified Building Node; or
- an Approved Building Node

shall be a **Restricted Discretionary Activity** with the Council's discretion limited to the following matters:

- All the matters listed in rule 3 above
- The matters referred to in Rural Objective 3A and Policies 3A to 3T relating to the Mackenzie Basin Subzone

Amend Discretionary Activities– Subdivisions Rule 4a and add new rule 4e as follows:

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

4.e Any subdivision in the Mackenzie Basin Subzone outside an Identified Building Node or Approved Building Node which creates new allotments with a minimum areas of 200ha.

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

5. Non-Complying Activities – Subdivision

- 5.a Any subdivision outside the Mackenzie Basin Subzone which does not comply with one or more Primary Subdivision Standards shall be a **Non-complying Activity**.
- 5.b Any subdivision within the Mackenzie Basin Subzone which is not listed as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity.

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

6 Primary Subdivision Standards

6.a Allotment Size—Residential Zones

6.a.ii Unsewered Areas

- In Residential 1 Zones where public reticulation is not available, no allotments created by subdivision (including balance titles) shall have a net area less than 1500m².
- In Rural-Residential–Manuka Terrace Zone no lots created by subdivision (including balance titles) shall have a net area less than 4ha.

6.b Water Supply

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

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

6.d Energy Supply and Telephone Systems

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

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

PLANNING MAP /APPENDIX AMENDMENTS

Insert Attachment 1 MACKENZIE BASIN SUBZONE into the Planning Maps.

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

Insert Attachment 3 as Appendix R *Capacity for New Nodes*

Insert Attachment 4 as Appendix S *Identified Building Nodes*

Appendices R and S

- (i) Amend the specific nodes contained in proposed Appendix R, and any relevant aspects of Appendix S, in accordance with the map attached in Annexure C to this evidence.
- (ii) The deletion of the shading around Twizel shown as "Area for Lifestyle subdivisions (no nodes)" on proposed Appendix R and provide further clarity on how this area is to be addressed via the Plan Change, with an option to submit on any further changes.
- (iii) Clarification of the relationship between Appendices R and S and the opportunity to submit on any ensuing changes.

Amend Planning Maps 32, 33 and 37 by rezoning the area identified in Attachment 5 from Rural to "Rural-Residential – Manuka Terrace Zone"

Insert Sign Restriction Area into Planning Maps for Pukaki Village zone

MISCELLANEOUS AMENDMENTS

Amend Section 9 HAZARDOUS SUBSTANCES Table 1 as follows:

Table 1: Quantity Limits For Hazardous Substances Identified In Schedule 1

Residential, Rural Residential, Recreation A & P, Open Space H & G, And Pukaki Village Zones

Amend Section 11 SIGNS Rule 7 as follows:

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

In addition to signs permitted in Rule 2, signs in Rural zones, Rural Residential zones and the Opuha Dam Zone, other than those listed in Rule 14 below shall be **Permitted Activities**, provided they comply with all of the following standards:

Amend Section 11 SIGNS Rule 10.c as follows:

10.c No signs shall be permitted within the ~~Lakeside Protection Areas~~ as Sign Restriction Area identified on the Planning Maps.

Amend Section 12 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS clauses 6.a.iii and 6.a.v as follows:

6.a.iii Boundary Adjustments

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

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

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

Amend Section 12 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS Secondary Subdivision Standards clause 7.b Property Access by amending the Table 7.b.i and adding a new clause 7.b.x as follows:

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

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

Amend Section 12 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS Secondary Subdivision Standards clauses 7.d Provision for Land for Open Space and Recreation as follows:

7.d Provision of Land for Open Space and Recreation

Rate of Contribution - Residential Purposes

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

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

Where:

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

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

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

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

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

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

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

- iii This rule shall not apply to any subdivision for the purposes of farm worker accommodation.

~~Method of Calculation:~~

- a. ~~All existing allotments, including those already created for cross-lease or unit titles, which when created (either pursuant to a resource consent or consent pursuant to previous legislation) complied with the minimum standards for their respective zone or the standards~~

~~contained in this Plan, at the date of public notification of this Plan, shall be deemed to have a credit of 5% of the cash value of their allotment area.~~

- ~~b. The credit for existing allotments, including those already created for cross lease or unit title, shall be deducted from the assessment made in accordance with the rates specified above~~
- ~~c. The value of land for the purposes of determining the average cash value of allotments shall reflect the value of the lots in the completed development.~~

Where, within the preceding 10 years:

- a subdivision of land creating the allotment(s) has made provision for land for open space and/or conservation in excess of a previous contribution assessment; or
- building(s) erected on the allotment(s) have paid a financial contribution towards the provision of land for open space and recreation

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

**Amend Section 12 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS
9 Provision for Open Space and Recreation – Residential and Visitor Accommodation
Developments, clauses 9.a Application of Rules to Zones and 9.c Discretionary Activity as follows:**

9.a Application of Rule to Zones

This rule applies to the following zones:

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

9.c Discretionary Activity

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

Amend Section 14 TRANSPORTATION RULES 2.q Private Vehicle Access as follows:

2.q Private Vehicle Access

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

Table 6 - Private Vehicular Access

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

- ii Minimum height clearance for private vehicular traffic access shall be 3.5m.
- iii Access to more than 6 allotments or residential units shall be provided by way of a road and not by a private way or access lot.

Amend Section 15 UTILITIES Standards for Permitted Activities Rules 1.2.b and 1.2c as follows:

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

Amend Section 15 UTILITIES Rule 1.5 Discretionary Activities as follows:

1.5 Discretionary Activities

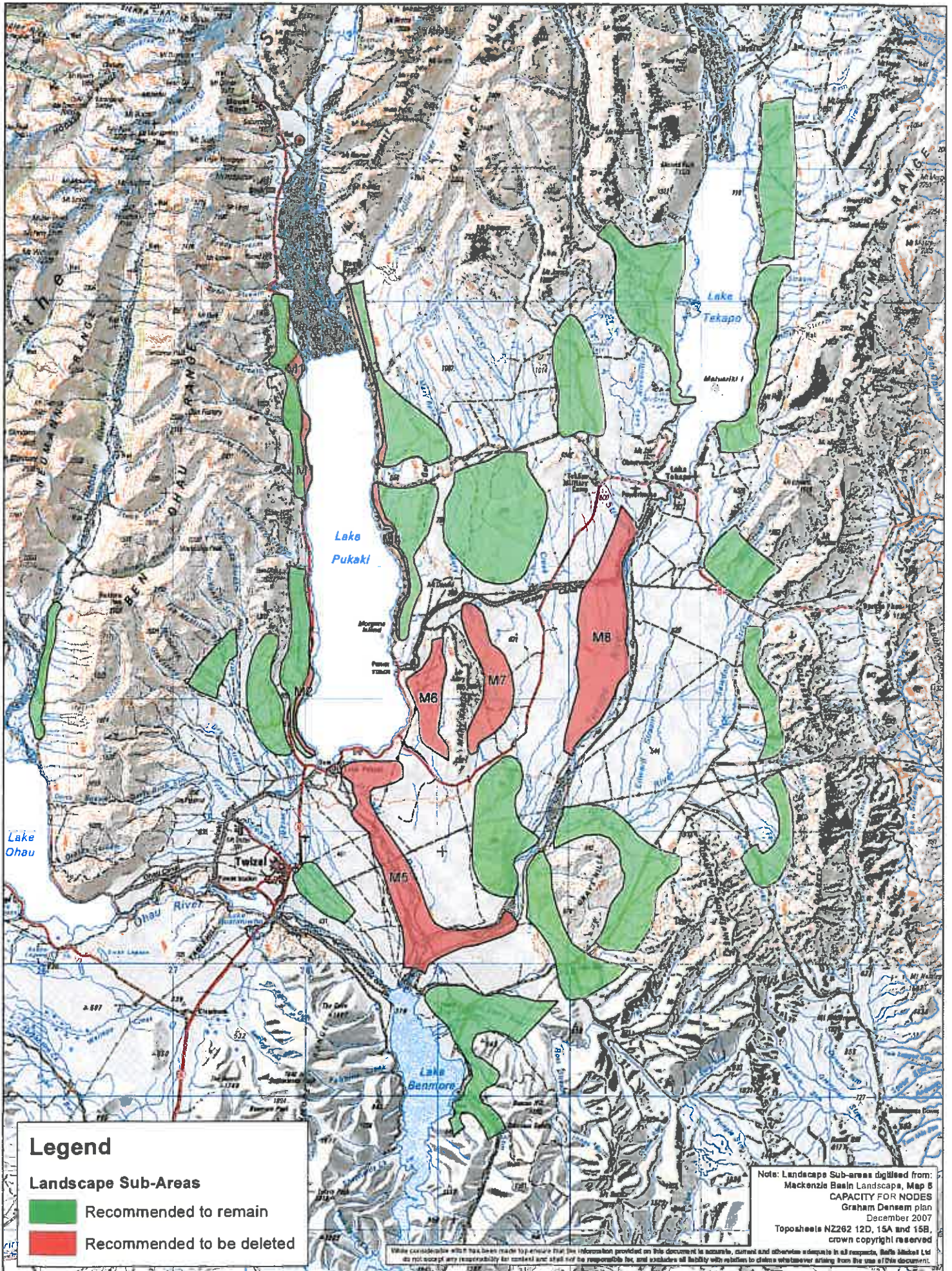
The following activities shall be **Discretionary Activities** throughout the District:

- a Any activity listed as a Permitted Activity which does not comply with any one or more Standards applying to that Activity shall be a Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s)

specified in that standard.

- ~~b~~ Any activity listed as a Permitted Activity which is located within the Lakeside Protection Area.
- c Weather Radar.
- d Lines and support structures for conveying electricity at a voltage exceeding 110KV and a capacity exceeding 100MVA.
- e Any other utility not specifically listed as a Permitted or Discretionary Activity.

Annexure B: Copy of Appendix 1 attached to Meridian's original submission



Legend

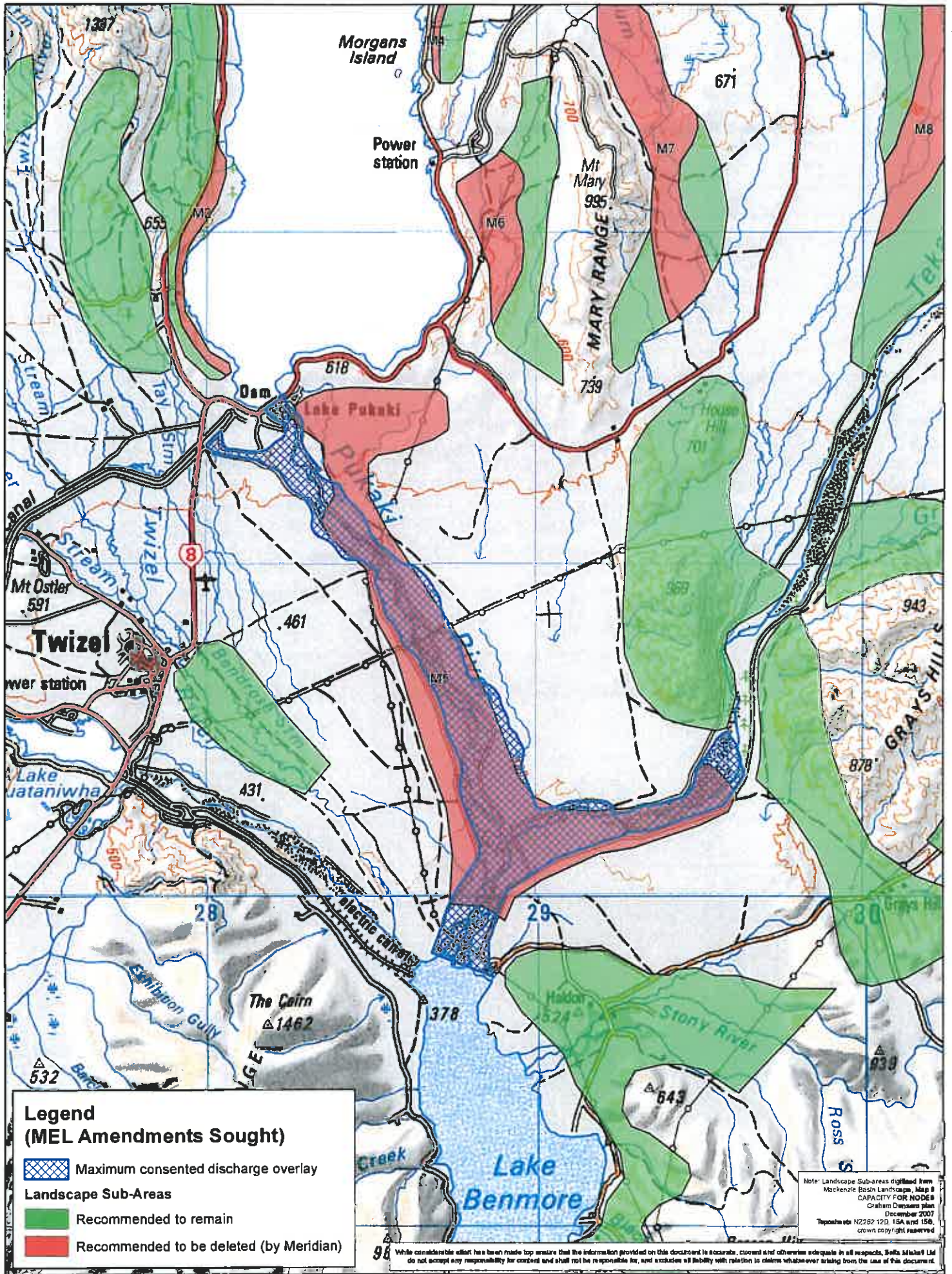
Landscape Sub-Areas

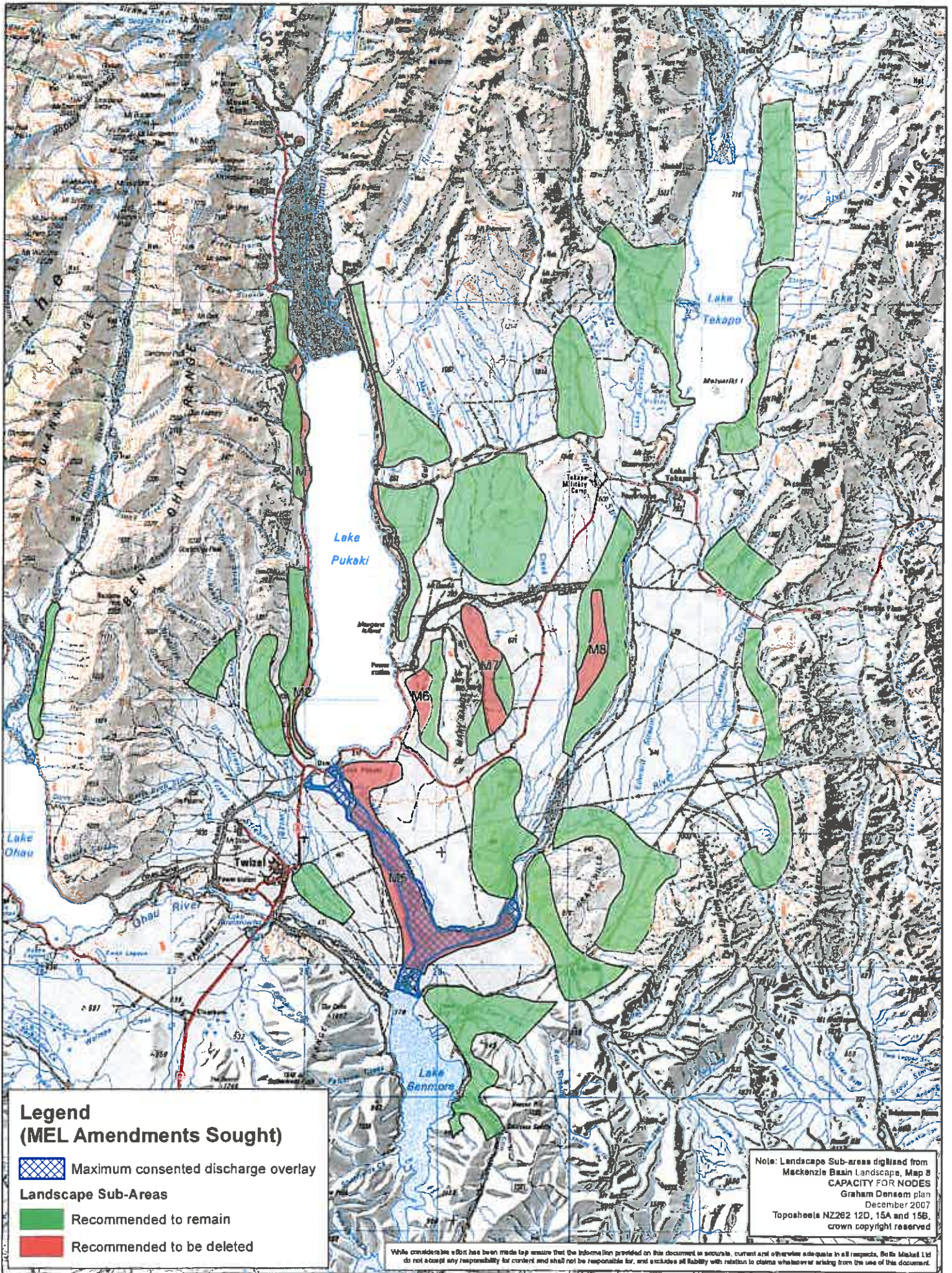
- Recommended to remain
- Recommended to be deleted

Note: Landscape Sub-areas digitised from:
 Mackenzie Basin Landscapes, Map 6
CAPACITY FOR NODES
 Graham Densen
 December 2007
 Toposheets NZ262 12D, 15A and 15B,
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Annexure C: Recommended modification of Landscape Sub-Areas





**Legend
(MEL Amendments Sought)**

-  Maximum consented discharge overlay
- Landscape Sub-Areas**
-  Recommended to remain
-  Recommended to be deleted

Note: Landscape Sub-areas digitised from Mackenzie Basin Landscapes, Map 8 CAPACITY FOR NODES Graham Densham plan December 2007 Toposheets NZ262 12D, 15A and 15B, crown copyright reserved

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Annexure D: Summary of Meridian's Further Submissions

**FURTHER SUBMISSIONS TO PLAN CHANGE 13 (RURAL ZONE – MACKENZIE BASIN) TO THE MACKENZIE DISTRICT
PLAN PURSUANT TO CLAUSE EIGHT OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Mackenzie District Council
PO Box 52
Fairlie 7949

Name: Meridian Energy Limited
Address: PO Box 2454
Christchurch

Att: Richard Turner
Ph: (03) 357 9707
Fax: (03) 357 9821
Mob: 021 756 391
Email: richard.turner@meridianenergy.co.nz

Meridian would like to be heard in support of its further submissions.

If other persons make a similar submission then Meridian would consider presenting joint evidence at the time of the hearing.

For and on behalf of Meridian Energy Limited


On behalf of Richard Turner
30 May 2008

SID = Submitter Identification Number

RID = Decision Requested Identification Number

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
Classic Properties Ltd	2	1	That Plan Change 13 is withdrawn.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Andrew Simpson	3	1	That Plan Change 13 be discontinued and look at where the current Plan is not working and address those specific points.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Tasman Downs Station	4	1	Withdraw Plan change.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Trustees Est. RH Simpson	5	1	Plan Change 13 be discontinued.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Braemer Station Ltd	6	1	Plan Change 13 be withdrawn in its entirety.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Helen Simpson	7	1	That Plan Change 13 be discontinued.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Rhoborough Downs Limited	10	1	Withdraw Plan Change 13 in its entirety.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Ruataniwha Farm Ltd	11	1	That the proposed Twizel town boundaries be enlarged to include all land that is either currently consented, or is in the process of being consented, for lifestyle block subdivision. These	Oppose	Any extension to the boundaries of Twizel township should only be considered once a full evaluation of the potential effects of the boundary adjustment has been undertaken. In this regard,

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
			areas must be excluded from the new Mackenzie Basin Subzone.		<p>the expansion of the township boundaries could potentially impact lawfully established infrastructure, including hydro infrastructure.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Ruatanuiwha Farm Ltd	11	6	That the requirement for resource consents to build residential dwellings be removed for those lots recently consented to subdivide by Council and also for those RCA's which were lodged with Council prior to notification date of the plan change date, i.e. 19 December 2007.	Oppose	<p>It is appropriate that the Plan includes all new residential development so that the potential effects of new residential activities can be adequately assessed and addressed.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Emily and Will Murray	12	1	That Plan Change 13 be withdrawn in its entirety.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Robert Preston	13	1	All of property with an 'X' on it to be removed and replaced with areas of Blue and Pink.	Oppose	<p>It is considered good resource management practice to include strategic planning approaches for proposed growth areas. The identification of areas where nodes are not suitable is considered a reasonable and strategic approach.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
Robert Preston	13	5	Remove the "x" from our Lake Wardell block and colour it pink, as well as adding provision for a town or settlement.	Oppose	<p>It is considered good resource management practice to include strategic planning approaches for proposed growth areas. The identification of areas where nodes are not suitable is considered a reasonable and strategic approach.</p> <p>The restriction on new nodes in this area is considered reasonable given the location in proximity to the Pukaki High Dam and the emergency spillway for the Pukaki Canal.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Federated Farmers Couth Canterbury	19	1	Withdraw Plan Change 13.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Simons Pass Station Ltd and Pukaki Irrigation Co. Ltd	21	1	That the Plan Change is withdrawn or rejected in its entirety.	Support in Part	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
John Maxwell Phillips	30	1	Agrees with nodal housing but not in a case where a subdivision approval has already been granted. Would like to see the existing sections on the north east side of Glen Lyon Road included in the residential zoning of the township - the Twizel River makes a perfect natural boundary between the township and Subzone.	Oppose	<p>Any extension to the boundaries of Twizel township should only be considered once a full evaluation of the potential effects of the boundary adjustment has been undertaken. In this regard, the expansion of the township boundaries could potentially impact lawfully established infrastructure, including hydro infrastructure.</p> <p>The submission is not consistent with the purpose</p>

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
Mackenzie Branch of Federated Farmers of NZ	39	3	Alternative to Submission 1 (withdraw PC 13) is to delete the last two bullet points from the Explanation and Reasons of Policy 3A.	Support	<p>and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p> <p>Meridian supports the deletion of the last two bullet point which is considers inconsistent with the purpose and principles of the RMA.</p> <p>The penultimate bullet point implies that physical resources can only be sustained if natural resources are protected and assured.</p> <p>The last bullet point requires the consideration of 'uniqueness' which is not a provision in the relevant section of the RMA (s.6(b)).</p>
Mackenzie Branch of Federated Farmers of NZ	39	10	Alternative to Submission 1: Delete Policy 3E and its Explanations and Reasons.	Oppose	<p>Policy 3E, subject to the amendments sought in Meridian's submission, provides a mechanism for addressing sporadic and inappropriate residential development in the District which, if not controlled, could have implications for existing hydroelectricity infrastructure and transmission including reverse sensitivity effects.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Mackenzie Branch of Federated Farmers of NZ	39	42	Alternative to Submission 1: Amend subdivision rule 4.e. so that the minimum area is 50ha not 200ha.	Oppose	<p>Thresholds for the lot size provide some control over the cumulative effects of subdivisions on matters such as water quality, erosion and reverse sensitivity.</p>

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
Roberta Preston	42	1	I would like all the property with an 'X' on it removed, and replaced with areas of blue and pink.	Oppose	Meridian considers the submission inconsistent with good planning practice. The identification of areas where no new nodes are suitable is considered an effective method for controlling the effects of development in certain locations.
Roberta Preston	42	3	That the triangle piece of land north of Lake Wardell to have the 'X' removed.	Oppose	Meridian considers the submission inconsistent with good planning practice. The area that the submitter proposes to exclude from the Appendix is in close proximity to utilities of national importance and could result in additional effects that have not been adequately assessed.
Sarah Preston	43	1	That all of our property marked with an 'X' replaced with pink so we can continue with our plans.	Oppose	Meridian considers the submission inconsistent with good planning practice. Meridian considers the submission inconsistent with good planning practice. The identification of areas where no new nodes are suitable is considered an effective method for controlling the effects of development in certain locations.
Grant & Natasha Hocken	47	1	I believe an area running from SH8 along the Twizel River to the Pukaki Canal along to Lake Ruataniwha and back to SH8 should be in the Twizel Town zone and excluded from the Subzone.	Oppose	Any extension to the boundaries of Twizel township should only be considered once a full evaluation of the potential effects of the boundary adjustment has been undertaken. In this regard, the expansion of the township boundaries could

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
The Mackenzie Experience Ltd	48	1	That the land on the corner of Max Smith Drive & SH8 (subject to a subdivision application lodged by the submitter) is excluded from the Mackenzie Basin Subzone and form part of the Twizel town boundary.	Oppose	<p>potentially impact lawfully established infrastructure, including hydro infrastructure.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p> <p>Any extension to the boundaries of Twizel township should only be considered once a full evaluation of the potential effects of the boundary adjustment has been undertaken. In this regard, the expansion of the township boundaries could potentially impact lawfully established infrastructure, including hydro infrastructure.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Guide Hill Station	54	1	That Plan Change 13 be withdrawn.	Support in Part	<p>Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.</p>
Guide Hill Station	54	10	Alternative to Submission 1: Delete Policy 3G.	Oppose	<p>Policy 3G, subject to the amendments sought in Meridian's submission, is considered appropriate for good resource management practice in providing guidance on matters to be considered in decision-making relating to further residential development.</p> <p>It is regarded as consistent with the RMA</p>

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
Guide Hill Station	54	11	Alternative to Submission 1: Delete Policy 3H.	Oppose	particular in relation to s.31(1)(a). Policy 3H, subject to the amendments sought in Meridian's submission, is considered appropriate for good resource management practices in providing guidance on matters to be considered in decision-making relating to further residential development.
Department of Conservation	58	5	Amend Policy 3O to read or alternative wording of like effect: <i>To manage landscape change so that the outstanding natural landscape values and features are protected and the screening of distinct views is avoided when viewed from public places including public roads.</i>	Oppose	The proposed amendment is not consistent with the RMA insofar as it sets a higher threshold than section 6(b) which only requires protection from inappropriate development. The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.
Department of Conservation	58	6	Retain Objective 3B, but insert rules that better protect the landscape and amenity values of the Basin's lakes and margins.	Oppose	Meridian does not support the retention of Objective 3B in its current form. It does not consider the Objective to be consistent with the balancing approach inherent in the RMA. In addition, Meridian considers it unclear what rules the submitter is seeking to improve the protection of landscapes and amenity values.
South Canterbury Branch of/and the Royal Forest & Bird Protection Society of NZ	62	7	Amend Policy 3B to read: <i>To encourage an appropriate healthy economy, environment and community and maintain the identity of the Mackenzie Country, subject to maintaining and enhancing the outstanding natural features and landscapes of the area.</i>	Oppose	This amendment is not considered consistent with the relevant sections of the RMA and goes beyond the requirements set out in the Act, by requiring 'enhancement' of the values listed.

Submitter	SID	RID	Summary of Submission	Support or oppose	Meridian's Justification
South Canterbury Branch of/and the Royal Forest & Bird Protection Society of NZ	62	16	Intent of Policy 3I is supported, but request that the height of any such buildings be limited to 7m, and all such building conform to colour, reflectivity and other requirements as set out under Policy 3G. Visitor accommodation and associated facilities need to be within an approved node.	Oppose	This amendment is considered to go beyond the provisions of the RMA insofar as it would place restrictions on <i>all</i> development within the District. It would be impractical and probably unnecessary to apply this Policy to renewable energy infrastructure and transmission. Such an approach would be inconsistent with s.7(i) and (j) of the Act.
South Canterbury Branch of/and the Royal Forest & Bird Protection Society of NZ	62	18	While the intent of Policy 3K is acceptable, concerned about removal of Lakeside Protection Areas. Request that there a control which states that there will be no buildings within a set distance of the lake edge and that set distance be around 500m. Buildings beyond that limit must be able to be built absorbed into the surrounding landscape, and no buildings on a prominent feature or ridge line.	Oppose	This catch-all amendment is not considered consistent with the RMA as it applies to all development; some development may be appropriate in these areas.
South Canterbury Branch of/and the Royal Forest & Bird Protection Society of NZ	62	25	Support Objective 3B and the reasons listed are supported.	Oppose	Meridian oppose Objective 3B unless the amendments sought in its submission are made.
South Canterbury Branch of/and the Royal Forest & Bird Protection Society of NZ	62	40	Include the following within the Plan Change: <ul style="list-style-type: none"> - <i>Glentanner Station and the provision of tourist accommodation on sides of Twin Stream</i> - <i>Pukaki Village land at the southern end of Lake Pukaki</i> - <i>Wind farms and the impact that these can have on landscape values, should be</i> 	Oppose in part	Meridian oppose this submission in part and notes that it is unclear what the submitter is seeking in the submission. Meridian would, for example, support the inclusion of wind farms in the proposed plan change where it recognises the value associated with wind farms in relation to renewable energy generation in the

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			<i>included by an objective and rule to deal with the eventuality of their establishment within the Basin.</i>		District. That recognition would be considered consistent with the RMA, in particular sections 7(i) and 7(j).
Glenrock Station Ltd	64	4	We request Policy 3G is amended to provide that the issues listed are for consideration upon an application for an "approved building node" but not standards which need to be satisfied. The first issue under Policy 3G should be amended to recognise that the visual effect of the application should be considered but any buildings or structures need not be visually inconspicuous.	Oppose	Meridian considers it appropriate that Policy 3G give potential resource consent applicants clear direction on matters that need to be contemplated when designing a development in the Mackenzie Basin subzone. The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.
Canterbury/Aoraki Conservation Board	72	1	Policy 3G – 17 the night sky – Establish strict guidelines to implement.	Oppose	The current clause is considered adequate for addressing this matter; 'strict' guidelines can hinder resource management practices that allow flexibility and innovation.
Canterbury Regional Council	74	2	That Proposed "Attachment 3 – Appendix R: Capacity for New Nodes" is deleted from the Proposed Change. And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes are made.	Oppose	Meridian opposes this submission as it considers effective resource management practice to include strategic planning approaches for proposed growth areas. The identification of areas via a map is considered a reasonable and strategic approach. The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.
Canterbury Regional	74	3	That the Lakeside Protection Areas are	Oppose	It is not considered good resource management

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Council			<p>reinstated into the Mackenzie District Plan that these be extended to encapsulate the broader lakeside landscapes that are vulnerable to the effects of inappropriate subdivision and development and that subdivision and built development within these areas is a non-complying activity.</p> <p>And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes are made.</p>		<p>practice to place a blanket approach to activity status for development in this area. Classifying all development in lakeside protection areas as non-complying activities would fail to recognise the importance of the lakes in the Mackenzie Basin to renewable energy in New Zealand.</p>
Canterbury Regional Council	74	6	<p>Amend the Explanation and Reasons for Proposed Policy 3A to include:</p> <p>(a) In the second bullet point, the statement that <i>"substantial areas of the Mackenzie Basin are public estate, and particularly those that provide the most dramatic landscape features (i.e. lake surfaces and edges, Mount Cook/Aoraki National Park, the Southern Alps backdrop, and extensive areas of Crown land and conservation estate)"</i></p> <p>(b) In the last sentence in the second bullet point, include reference to scale, natural character and legible geomorphology.</p> <p>(c) In the third bullet point, delete the reference to <i>"The assessment report"</i>.</p> <p>(d) Reword the fourth bullet point to read: <i>"The uniqueness of the Mackenzie Basin, with its naturalistic appearance, legible geomorphology, natural and cultural"</i></p>	Oppose	<p>Meridian opposes the amendment sought and considers that it is inconsistent with the purpose and principles of the RMA.</p>

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Canterbury Regional Council	74	12	<p><i>heritage, extensive and dramatic vistas from mountain tops to valley floors, and lack of apparent "clutter" is to be protected from inappropriate subdivision, use and development."</i></p> <p>And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes are made.</p> <p>1. Reword proposed Objective 3A to read: <i>"To protect and enhance the outstanding natural features and landscapes of the Mackenzie District, and the natural processes and elements which contribute to the District's overall character and amenity."</i></p> <p>2. Reword the Explanation and Reasons to include:</p> <ul style="list-style-type: none"> • Reference to Objective 2, Policy 2A and 2B, Objective 4, Policy 4B and Implementation Methods, and Objective 6 and Policy 6A. • Reference to the requirement of section 7 of the Resource Management Act 1991 to have particular regard to the maintenance and enhancement of amenity values and the intrinsic values of ecosystems. • An additional matter noting that <u>"The natural character of the margins of lakes, rivers and wetlands play an important role in sustaining the values of natural features and landscapes within the District."</u> 	Oppose	<p>Meridian considers that Objective 3A is inconsistent with section 6(b) of the RMA which regards the protection (not enhancement) of outstanding natural landscapes and features from "inappropriate" subdivision, use, and development.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>

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Canterbury Regional Council	74	14	<p>And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes be made.</p> <p>Delete proposed Policy 3G and amend Policy 3H to incorporate this change (refer to submission number 15), or amend proposed Policy 3G to read:</p> <p><u>"To strictly control the establishment of Approved Building Nodes to ensure that the outstanding natural features and landscapes of the Mackenzie Basin are protected and enhanced, and to ensure that any such development is sustainable."</u></p> <p>Incorporate the matters listed as (Approved Building Nodes) 1 – 22 into an Appendix to the District Plan as matters to which applicants should pay particular attention in seeking to establish new nodes (Approved Building Nodes), and amend the wording of these as follows:</p> <p>1 <u>The buildings and structures and associated activities, earthworks, roading and boundary developments will be visually inconspicuous, fit into the landscape, and not detract from the landscape characteristics and values of the Mackenzie Basin (refer....), including naturalness, legibility, and heritage considerations.</u></p> <p>2 A further point is requested to recognise that</p>	Oppose	<p>Meridian considers Policy G (with the amendments sought in its submission) constitutes effective resource management practice.</p> <p>Meridian considers some of the language used in the proposed amendments may be difficult to define in practice and impractical to achieve.</p>

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			<p>some trees used to screen development (planted or natural) may include wilding-prone species that are undesirable. In these cases, a measure should be included that requires some description of a regime to remove and control wilding trees and wilding source trees, and to replace these with non-pest or wilding-prone plantings.</p> <p>6 <u>The node is located such that the topography makes it reasonably difficult to see from roads and areas where there is public access.</u></p> <p>7 <u>The node is located away from the shoreline of any lake such that it will be reasonably difficult to see due to topography from the lake or from along the lake margins.</u></p> <p>10 <u>The node is not within a Scenic Viewing Area, Site of Natural Significance, Lakeside Protection Area, or above 900 metres above mean sea level.</u></p> <p>14 <u>All access roads are sited to follow landscape "changes" such as gullies and changes of slope, to avoid crossing landscape "surfaces", to be unobtrusive, and designed to retain "farm" character</u></p> <p>15 <u>The node identifies and provides for a minimum of 5 and a maximum of 10 building platforms in locations that ensure the buildings will be reasonably difficult to see from public places.</u></p> <p>16 <u>The node will not be able to be seen when</u></p>		

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			<p><u>viewed up, down and across lakes during the daytime, and will be reasonably difficult to see when viewed at night.</u></p> <p>19 Delete this provision, and replace it with <u>"The node will be of a size that is as small as will allow for clustering of buildings while avoiding dispersed development to ensure containment of the node".</u></p> <p>20 The node and its associated level of domestication will not result in an adverse incremental or cumulative impact on the features, landscape and amenity values, and character of the local area in which it is proposed to be located</p> <p>21 The establishment of the node and its use avoids, remedies or mitigates any adverse effects of natural hazards and of plant pests.</p> <p>Amend the second bullet point to refer to <u>avoiding, remedying or mitigating environmental effects.</u></p> <p>And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes be made.</p>		
Canterbury Regional Council	74	17	<p>Amend Policy 3N to read: <u>"To control the design, scale, appearance and location of all buildings within the Mackenzie Basin to avoid or mitigate adverse impacts on the outstanding natural features, landscape and</u></p>	Oppose	The policy is not consistent with the RMA given the broad brush approach implicit in the amendment sought by the submitter. The proposed change would apply to all types of development.

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			<p><u>heritage values of the Basin Subzone.</u></p> <p>Include a further two bullet points in the Explanations and Reasons to note that: <u>"The effects of built development are not confined simply to the built structure, but also frequently include the domestication or modification of the surrounding environment. The Council seeks to manage these potential effects when considering the merits of proposals to erect buildings within the Mackenzie Basin Subzone."</u></p> <p><u>"Wilding trees or wilding source trees shall not be used as landscape mitigation or as the context for building nodes, farm accessory buildings or remote farm buildings."</u></p>		
Canterbury Regional Council	74	18	<p>Amend proposed Policy 30 to read: <u>"To manage landscape change so that the character, outstanding natural features and landscapes are protected and the screening of distinct views is avoided when viewed from public roads and other public places."</u></p> <p>And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes be made.</p>	Oppose	<p>The policy is not consistent with the RMA insofar as it sets a higher threshold than section 6(b) which only requires protection from inappropriate development.</p> <p>Meridian also considers the amendment to go further than the intent of the Plan Change outlined in the accompanying s.32 report.</p>
Canterbury Regional Council	74	20	<p>Amend proposed Objective 3B to read: <u>"Protection of the natural character of the landscape and margins of lakes, rivers and</u></p>	Oppose	<p>Meridian do not support the retention of Objective 3B in its current form or with the amendments proposed by the submitter.</p>

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Mackenzie Lifestyle Limited	81	1	<p>wetlands and of the natural processes, patterns and elements that contribute to the District's overall character, <u>heritage</u>, and amenity."</p> <p>Amend the fourth bullet point in the Reasons to read:</p> <p><i>"Assessment of landscapes shall be based on the following characteristics: natural science values, aesthetic values (including memorability and naturalness), shared and recognised values and Takata whenua values, <u>legibility values, transient values, natural character, and historic associations.</u>"</i></p> <p>And that any other consequential amendments to the Mackenzie District Plan required to explain or give effect to these changes be made.</p> <p>That the extent of the Mackenzie Basin Subzone be amended to exclude that part of High Country Rosehip Orchards' land identified as proposed Lot 1 (229 ha) on the subdivision plan attached to the submission. Consequential amendments to achieve the intent of the submission.</p>	Oppose	<p>Meridian does not consider the Objective to be consistent with the balancing approach inherent in the RMA as it would apply to all development.</p> <p>Any extension to the boundaries of Mackenzie Basin Subzone should only be considered once a full evaluation of the potential effects of the boundary adjustment has been undertaken. In this regard, the extension sought could potentially impact lawfully established infrastructure, including hydro infrastructure.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Mackenzie Lifestyle Limited	81	2	<p>That the Manuka Terrace Rural Residential Zone be renamed the Twizel Rural Residential Zone, and the Twizel Rural Residential Zone be</p>	Oppose	<p>Any boundary or zone amendments should only be considered once a full evaluation of the potential effects of the proposed amendment has</p>

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			amended to include that part of the High Country Rosehip Orchards Limited land identified as Lot 1 (229ha) as shown on the plan attached to the submission. Consequential amendments to achieve the intent of the submission.		been undertaken. In this regard, the amendment sought could potentially impact lawfully established infrastructure and land uses. The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.
Stephen Rhodes	86	1	That Council delete rule 4.1 in relation to buildings at Manuka Terrace and allow for building activity within the Manuka Terrace Rural Residential Zone to be undertaken as a permitted activity (but subject to the normal standards in relation to height, setbacks and coverage etc.)	Oppose	Meridian consider additional rules in the Manuka Terrace Zone to be consistent with good resource management practice.
Stephen Rhodes	86	2	That the boundary of the Mackenzie Basin Subzone be amended to exclude the Manuka Terrace Rural Residential Zone	Oppose	Meridian consider it good resource management practice to include all areas undergoing subdivision and residential development, within the Mackenzie sub-zone.
Ethan Gabriel	87	1	That PC13 be withdrawn for the reasons set out in this submission – this would enable Council and the community to engage in consultation in relation to potential changes to plan provisions relating the rural zone. Rescind Plan Change 13.	Support	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Frank Hocken	90	1		Support	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Frank Hocken	90	2	Alternative to Submission 1: Enlarge the Twizel area to include the area between Twizel River, Ohau river, Ohau Canal and Pukaki Canal where it	Oppose	Any extension to the boundaries of Twizel township should only be considered once a full evaluation of the potential effects of the boundary

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			meets at the old salmon farm.		<p>adjustment has been undertaken. In this regard, the expansion of the township boundaries could potentially impact lawfully established infrastructure, including hydro infrastructure.</p> <p>The submission is not consistent with the purpose and principles of the Resource Management Act 1991 and does not constitute sound planning practice.</p>
Transpower New Zealand Limited (Transpower)	91	1	<p>Include text in Rural Issues 7 – Landscape Values to recognise the presence of nationally significant utilities as a component part of rural landscape values. This could be achieved by adding new text along the following lines (additional text underlined):</p> <p><u>Existing and new development, other than rural lifestyle development, may also result in an increase in the level of modification in the landscape and in an associated reduction in naturalness. As an example, nationally significant electricity infrastructure can be found within the Mackenzie Basin including at Pukaki, Tekapo and Ohau. This will need to be maintained and upgraded, and new lines may from time to time, be required. Striking a balance between the need for essential infrastructure and the desire to protect particular landscape values is an issue in this context.</u></p> <p>Any additions, deletions or consequential amendments made necessary as</p>	Support	<p>The amendment sought is regarded as good resource management practice and it not inconsistent with the current provisions for Utilities (Chapter 15).</p>

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Transpower	91	4	Specifically define on the Planning Maps, by way of Variation if necessary, the Outstanding Natural Landscapes within the Mackenzie Basin (or conversely those parts of the Basin that are not Outstanding Natural Landscapes) and amend the Explanation and Reasons to Policy 3A accordingly. Any additions, deletions or consequential amendments made necessary as a result of the matters raised in this submission. Any other such relief as to give effect to the submissions.	Support	The inclusion of clearly defined areas of relating to Outstanding Natural Landscapes to support policies is considered good resource management practice.
Transpower	91	9	Recognise in Policy 3F that the 2007 Report "The Mackenzie Basin Landscape: character and capacity" by Graham Densem is focused on rural residential development (nodes) and does not specifically recognise the transmission infrastructure that traverses the Basin. This could be achieved by adding text along the following text to the end of the second bullet point (additional text underlined): <u>It is acknowledged that the Report does not specifically recognise the transmission infrastructure that traverses the Basin and that the capacity of the landscape to accommodate the new nodes largely assumes rural residential type activity. The maintenance and upgrading of existing nationally significant infrastructure in outstanding landscape areas and areas of high landscape value will generally be allowed. Development of new infrastructure will generally only be allowed where</u>	Support	The proposed amendment is regarded as good resource management practice by ensuring a balanced approach is taken, as is inherent in the RMA.

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			<u>significant effects can be avoided, remedied or mitigated and/or where traversing the area is necessary to achieve a better overall environmental route for an infrastructure corridor and/or where the infrastructure is subject to a functional constraint or operational imperative.</u> Any additions, deletions or consequential amendments made necessary as a result of the matters raised in this submission. Any other such relief as to give effect to the submissions.		
Transpower	91	10	Retain without modification point (11) in Policy 3G.	Support	Policy 3G, clause 11 is considered consistent with the existing Plan which recognises and provides for utilities and therefore contributes to achieving s.7 (j) of the RMA.
Brenda Agnew	111	1	A boundary change to the Mackenzie Basin Subzone so that it does not include any properties previously subdivided and titles with the approval of this district council other than properties already 200ha and larger.	Oppose	The exclusion of these properties is not regarded as effective resource management practice.
C Hughes & Associates	114	2	That the alternative to the proposed 'nodal' concept is to require that all proposed residential buildings, farm buildings and development in the Mackenzie Basin Subzone is assessed as a discretionary activity, outside of existing building nodes.	Oppose	The nodal approach is considered an effective, strategic approach to resource management.
C Hughes & Associates	114	3	That there be no minimum lot size and all subdivision (other than boundary adjustments) is treated as a discretionary activity.	Oppose	This approach suggested by the Submitters is not regarded as effective for achieving good resource management outcomes compared with the nodal approach outlined in the proposed plan change.
Valasay Properties Ltd	121	1	Reject Plan Change 13	Support	Meridian support the withdrawal of PC13 unless

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Simon & Priscilla Cameron	122	1	Withdraw Plan change 13.	Support	Meridian support the withdrawal of PC13 unless the amendments sought in its submission are made.
Simon & Priscilla Cameron	122	10	Alternatively to submission 1 : - Policy 3B --Add: <u>"Working landscape with the ability to change in time to suit circumstances."</u>	Oppose	Meridian does not believe that the term "working landscape" offers as useful resource management approach given that Section 7 of the RMA already includes the term; visual amenity landscapes' which can be construed to include 'working' and other non-outstanding landscapes covered by section 6.