

PREPARED FOR GODLEY PEAKS STATION LIMITED
13 DECEMBER 2024
J2232

APPLICATION & ASSESSMENT OF ENVIRONMENTAL EFFECTS

CONSTRUCTION OF A HOMESTEAD
AND ACCESSORY BUILDINGS AT
GODLEY PEAKS STATION, LAKE
TEKAPO.

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Quality Assurance

Prepared By	Carey Vivian	Planner	13 December 2024
Reviewed By	Gabriela Glory	Planner	13 December 2024

1. Key Information

Address	Godley Peaks Station, Godley Peaks Road, Lake Tekapo.
Legal Description	<p>(1) Part Run 80 and Part Rural section 42000 and Section 1 Survey Office Plan 19295 as contained in Identifier CB30B/914; and</p> <p>(2) Rural section 35546 as contained in identifier CB22K/1055; and</p> <p>(3) Rural Section 28967 as contained in Identifier CB22K/1057; and</p> <p>(4) Part Rural Section 33489 and Part Rural Section 33490 as contained in identifier CB29B/413.</p> <p>A copy of the relevant titles are appended as Attachment A.</p>
Site Area	23,710.423ha (noting a 9,124ha partial surrender in 1995 and further reduction through the Tenure Review process).
Owners	Godley Peaks Station Limited.
Occupiers	Godley Peaks Station Limited.
Applicant	Godley Peaks Station Limited.
Operative District Plan Zoning	Rural Zone within the Mackenzie District Plan (MDP).
Designations & Special Provisions	Te Manahuna/the Mackenzie Basin Outstanding Natural Landscape ONL, Lakeside Protection Area (LPA) and an Area of High Visual Vulnerability (AHVV).
Proposed Activity	Construction of a homestead (including accessory buildings and use) at Godley Peaks Station, associated earthworks, landscaping and approval of a Farm Biodiversity Plan (FBP).

<p>Consents Required</p>	<p><u>Operative District Plan</u></p> <ul style="list-style-type: none"> ○ Non-complying activity consent pursuant to Section 7 Rule 3.4.4 of the MDP for the construction of a building within an LPA; ○ Non-complying activity consent pursuant to Section 7 Rule 3.4.5 of the MDP for the construction of a building within an area of High Visual Vulnerability; ○ Discretionary Activity consent pursuant to Section 7 Rule 4.3 of the MDP for earthworks. <p><u>Plan Change 23 (We note that the rules below are not subject to appeal, so must be treated as operative)</u></p> <ul style="list-style-type: none"> ○ Non-complying activity consent pursuant to NFL-R5 for earthworks within an Outstanding Natural Landscape (ONL); ○ Non-complying activity consent pursuant to Natural Features and Landscapes (NFL) Rule NFL-R9; ○ Discretionary activity consent for non-compliances with NFL-S1 (Height); NFL-S2 (Building Footprint) and NFL-S3 (Building Coverage).
<p>Written Approvals and Consultation</p>	<p>Refer to letter of support from Timaru Boys' High School, appended as Attachment P.</p> <p>Written approval from LINZ (due to the delay in Tenure Review processing) is appended as Attachment Q.</p> <p>Written approval from DOC is appended as Attachment S.</p>

	A pre-application meeting with MDC staff (and consultants Nick Boyes and Bron Faulkner) was held on 6 December 2024.
Other consents/permits	<p>Consent from LINZ will be required for disturbance of soil and construction of a building required.</p> <p>Consent will also likely be required for ECan for stormwater disposal.</p> <p>Neither of these consents have been applied for at this stage.</p>

2. Introduction

This report is submitted as part of the application by Godley Peaks Station Limited (“the Applicant”) for land use consent from Mackenzie District Council (“MDC” or “Council”) to construct a homestead at Godley Peaks Station, Lake Tekapo. The full proposal is described in more detail in Part 4 of this application. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

The new station owner (Mr Lewis) brought the property from LSF Holdings Limited in 2023. The homestead dwelling is to be the family house of the new station owner who has a long history of involvement with the station. The only dwelling on the station currently is the farm manager’s dwelling adjacent to Godley Peaks Road, which accommodates the farm manager and his family. Following the current freeholding of the station, Mr Lewis wishes to now live on the station, establish an inter-generational family home, and to commit to a new management trajectory into the future. Improving ecological health and implementing the Farm Biodiversity Plan is central to intended farm management.

Mr Lewis’ affinity with Godley Peaks is expanded further in the Owner’s Statement appended to the application as **Attachment B**.

3. Background

3.1 Subject Site

According to the Godley Peaks Conservation Resources Report¹ (**CRR**), Godley Peaks was originally called The Mistake and the first run holder was Thomas Williamson Hall. The report states:

“Pinney (1971) explains that his mistake was to pick a run with no suitable homestead site. He had originally applied for part of what became Glenmore Station however when he arrived to take possession he found this land was already taken, his amended description was dated 3 May 1859. Hall sold to Smith and Saunders on the 20 August 1867. This period was notable for the conflict between William Sibbald of Lilybank Station over land boundaries. Nicolo Radove from Birch Hill took over the property in 1875 and endured 10 years of very hard times, heavy snows and low prices. By 1885 a mortgagee sale forced Radove off and John, Robert and Edmund Rutherford became the new owners. Between 1889 and 1912 further heavy snows, huge stock losses and rabbit problems drove several attempts to sell without success.

However in 1912 Alexander MacRae became the new leaseholder. It was in this period that Godley Peaks was first used as the property name. Further changes of hands saw Bruce Murrey take over in 1922, Donald Burnett, John Ballantyne and John William Simpson in 1937 and in 1944 John Scott. Godley Peaks Station (1996) Limited was the new leaseholder in 1996 and in August 2001 LSF Holdings Limited took over.

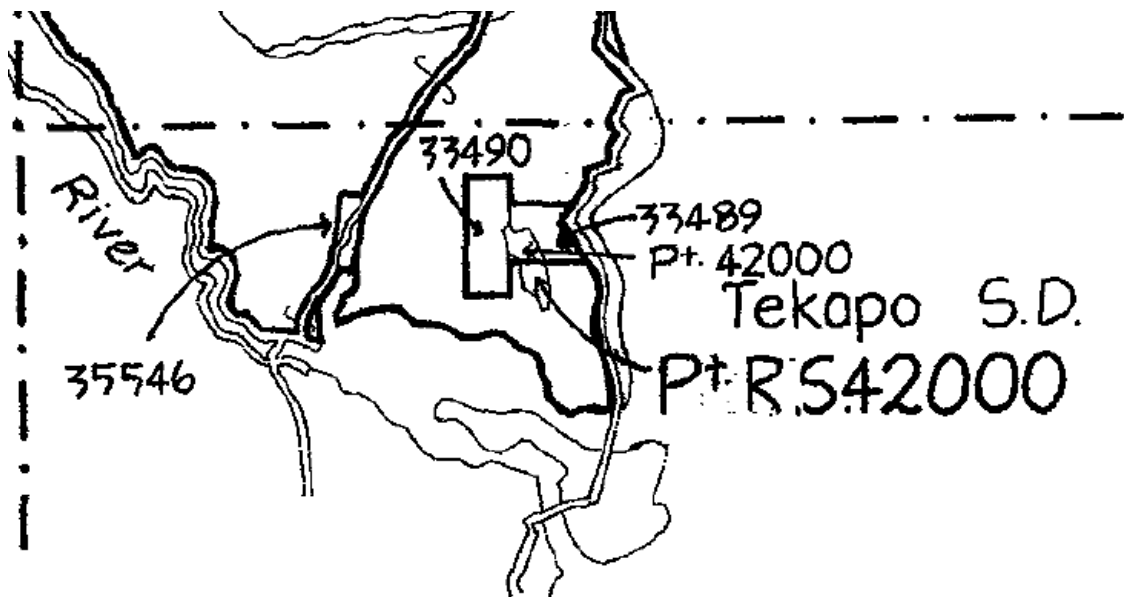
The raising of Lake Tekapo, the flooding of the lower Godley valley and the surrender of part of the land for soil and water conservation purposes have reduced the property land size from approximately 23,627ha in 1951 to the current 14,493ha.²

The subject site is legally described in four separate titles. The main title is Part Run 80 and Part Rural section 42000 and Section 1 Survey Office Plan 19295 as contained in Identifier CB30B/914. This is a pastoral lease under Section 83 of the Land Act 1948. The term of this lease is 33 years commencing on the 1st July 1984 and renewed for a further period of 33 years commencing 1 July 2017.

¹ Godley Peaks Conservation Resource Report – CHCCO 49835 – 28 April 2003
<https://www.linz.govt.nz/sites/default/files/cp/godley-peak-con-res.pdf>

² Godley Peaks Conservation Resource Report – CHCCO 49835 – 28 April 2003
<https://www.linz.govt.nz/sites/default/files/cp/godley-peak-con-res.pdf>

Three contiguous freehold titles are owned by the applicant, two of which are shown as 35546 and 33490/33489 in the plan below:



These areas are legally described as follows:

- (1) Rural section 35546 as contained in identifier CB22K/1055;
- (2) Rural Section 28967 as contained in Identifier CB22K/1057;
- (3) Part Rural Section 33489 and Part Rural Section 33490 as contained in identifier CB29B/413.

Copies of these titles are appended to this application as **Attachment A**.

3.2 Land Tenure Review

As noted on the title CB30B/914 attached, the pastoral lease area is subject to a Notice of Acceptance of Proposal pursuant to Section 61 of the Crown Pastoral Land Act 1998.

Stage	Status
Information Gathering for Preliminary Proposal	Completed
Consultation with Lessee for Preliminary Proposal	Completed
Preliminary Proposal Advertised	Completed
Substantive Proposal Put (but not yet accepted)	Completed
Substantive Proposal Accepted by Lessee	Completed
Review Completed / Lease Disposal Effected	

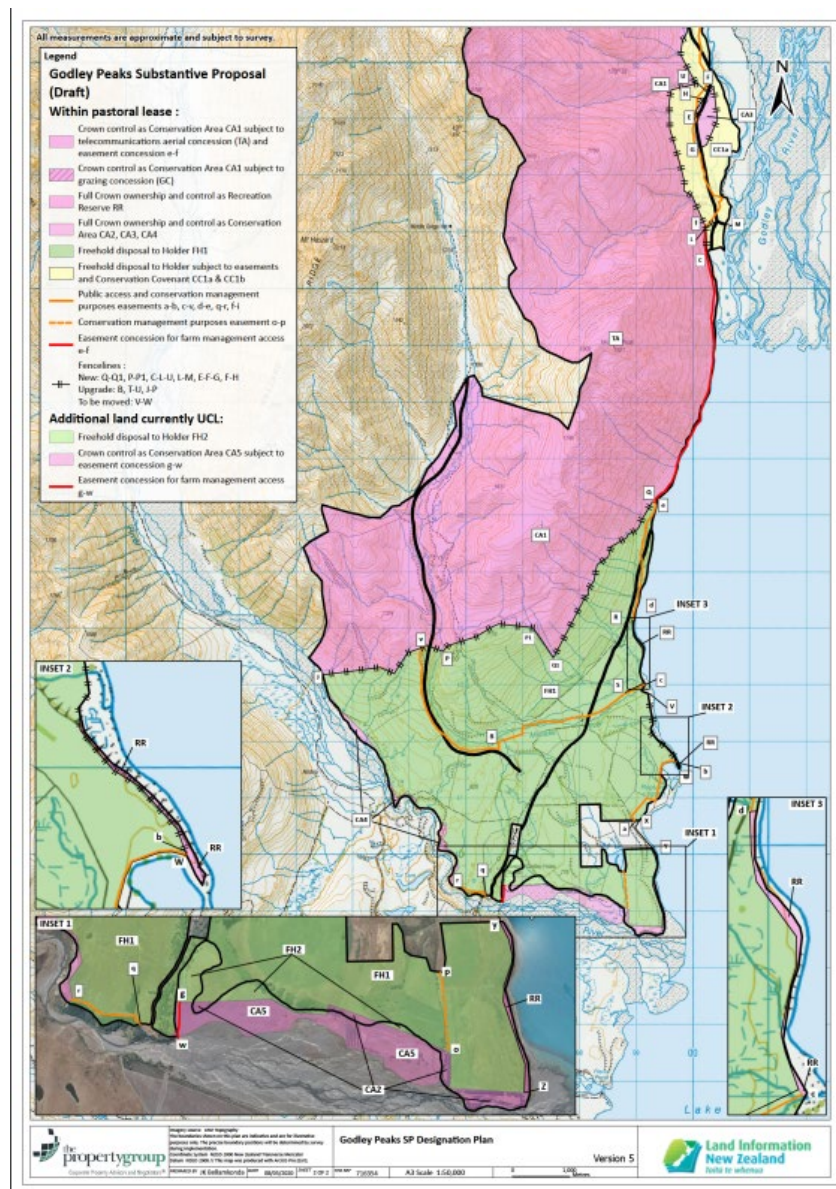
Figure 3 – Current Stage: In Tenure Review.³

The final stage is the implementation of the agreement. This involves:

- registering the relevant changes in Landonline (LINZ's digital title and survey plan system);
- finalising covenants;
- organising the transfer of conservation land to Department of Conservation (**DOC**);
- surveying and fencing.

³ <https://www.linz.govt.nz/our-work/crown-property-management/pastoral-land/status-and-location-crown-pastoral-land/godley-peaks>

A copy of the Summary of Substantive Proposal (**SSP**) dated May 2021 is available on the LINZ website (see hyperlink footnote #2). As detailed in the SSP, the tenure review proposal provides for the protection of 11,883 hectares as conservation area, including 8 hectares as recreation reserve. The remaining 2,676 hectares are designated to be freehold, of which 376 hectares subject to a conservation covenant. The proposed homestead is to be located within the 2,283ha of land that is proposed to be freehold and not subject to any conservation covenant. This area is illustrated within the green area below:



**Figure 4 – Tenure Review of Godley Peaks Pastoral Lease
– Substantive Proposal Designations Plan.⁴**

⁴ https://www.linz.govt.nz/sites/default/files/godley_peaks_-_substantive_proposal_designations_plan.pdf

3.3 Tenure Review - Substantive Protections

Then Land Tenure Review will result in several changes to the land ownership arrangement along the edges of Lake Tekapo and the Cass River/Te Awa-a-Takatamira. As identified in 'Inset 1' within Figure 4 above, the following are in the immediate vicinity of the proposed building platform:

- The area adjoining the Cass River/Te Awa-a-Takatamira will be subject to Crown Control as Conservation Area ('CA5'), subject to easement for farm management access (identified a G-W).
- Areas identified and Conservation Area ('CA2') adjoining CA5 will be in full Crown Ownership and Control.
- An Easement will protect Crown Access (for conservation purposes) to Micks Wetland (SONS.65).⁵
- The Edge of Lake Tekapo is to be in full Crown ownership and control for the purpose of Recreational Reserve.

For clarity, this Application is consistent with the Agreements contained within the Land Tenure Review. For completeness, affected party approval of the Crown (LINZ) has been sought and will be forwarded on receipt.

4. The Proposal

4.1 Summary

In summary, it is proposed to erect a homestead and associated ancillary buildings at the south-east corner of Godley Peaks Station for the station's owner. An integral part of the application includes structural landscaping planting around the proposed buildings, the adoption of a Farm Biodiversity Plan (**FBP**) for the entire freehold property (described in more detail below), the upgrade of huts on the property (including those that will end up in the conservation estate) and a contribution towards the Cass River bridge replacement.

4.2 Proposed Buildings

⁵ The existing wetland was subject to a Partial Surrender of the within Lease as to part Rural Section 42000 being 10.2221 hectares. Also see Appendix A Title CB30B/914.

Land-use consent is sought for the erection of a large homestead consisting of four separate buildings clustered together in the southeast corner of Godley Peak Station for use by the station's owner. The proposed buildings are depicted in the architectural plans appended to the application as **Attachment D** and are described as four separate buildings as follows:

- The dwelling has a floor area of 800m² and includes a 170m² pool and 70m² cabana. The highest point of the proposed dwelling is the apex of the gable roof form through the formal living and pool area. This gable is 8.5m in height above a FFL of 739masl (approximately 5.8-6.8m above existing ground level). The dwelling is to be mainly clad in stone and cedar, a copper roof (left to weather naturally) with triple glazed aluminum joinery.
- A garage consisting of three bay car parking and woodshed. The garage has a floor area of 100m², and is 6.5m in height above a FFL of 739masl (approximately 3.2-3.6m above existing ground level). The garage is to be clad to match the principal dwelling.
- A Winter Garden building with a floor area of 90m², and is 6.7m in height above a FFL of 739masl (approximately 3.3-3.5m above existing ground level). The Winter Garden is to be clad to match the principal dwelling. The applicant volunteers a condition that there be no internal lighting within the Winter Garden Building to avoid any upward light spill.
- A workshop/implement shed is proposed to be located to the west of the main dwelling. The workshop/implement shed floor area of 400m², and is 9m in height above a FFL of 738masl (approximately 6.2-8.5m above existing ground level). The workshop/implement shed is to be clad to match the principal dwelling.

An architectural statement describing the design of the above buildings in more detail is appended to the application as **Attachment C**.

4.3 Access

The area to be freehold under the SSP has legal access to the Godley Peaks Road which is formed (gravel) to the northern side of the Cass River Bridge, and then becomes an unformed road (a farm track providing vehicle access runs parallel to much of this legal road corridor).

It is proposed to access the site via an existing farm track to the north of the farm base area. This access alignment is shown on the Earthworks plan (Overall Plan) appended to the application as **Attachment R**. This farm track will need to be upgraded to service the proposed homestead.

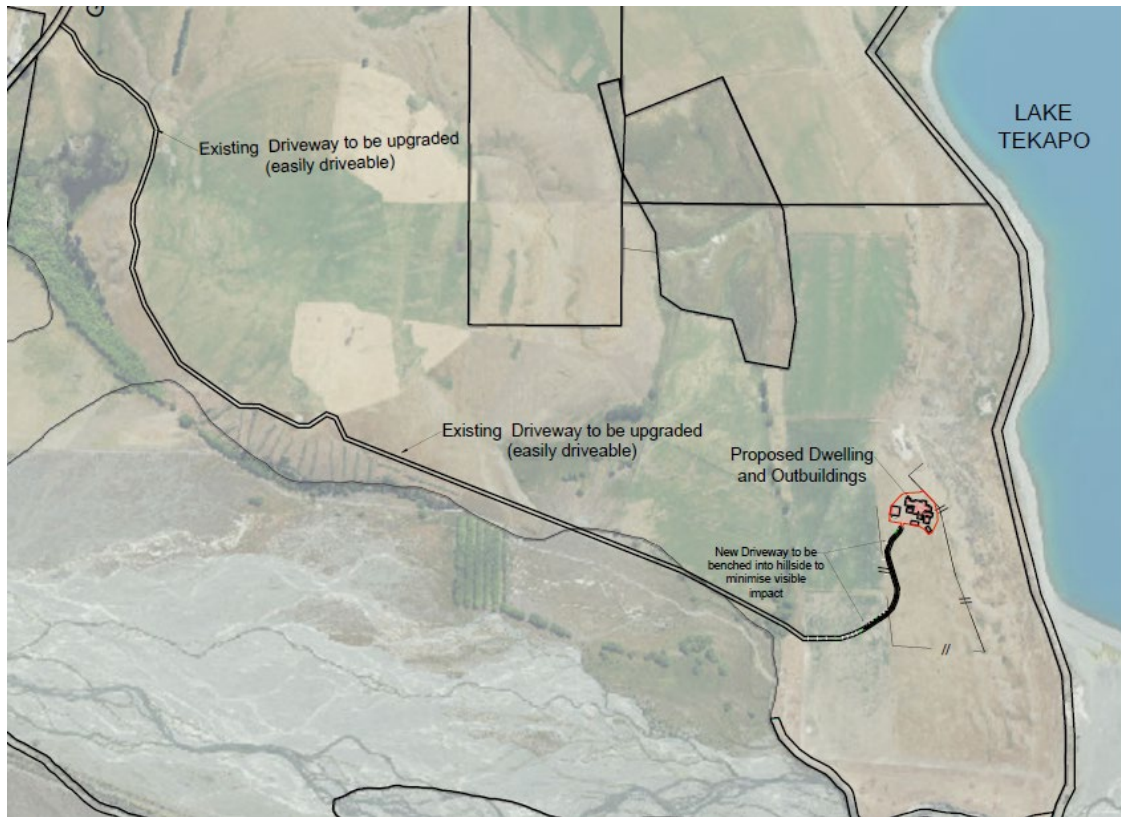


Figure 5 – Proposed Roading Alignment

For clarity, e3Scientific have completed a vegetation survey along the proposed access road and the proposed dwelling homestead location (refer **Attachment G**). e3Scientific found there is no indigenous vegetation within the proposed disturbance areas and of the indigenous fauna species observed only one is classified as At Risk and is therefore exempt from SNA classification.

4.4 Infrastructural Services

An Infrastructure Report, prepared by Civilised Ltd, is appended to the application as **Attachment J**. This report addresses water supply, wastewater disposal and stormwater runoff in relation to the proposal.

4.4.1 Potable Water

The Civilised report notes there is an existing farm water supply connection available to the site. The nearest reticulation is currently located on land to the north of the proposed dwelling and the reticulation will be extended underground to the site of the proposed dwelling.

The Civilised report notes that the water is sourced from Mistake River and is currently used across the farm station for stock water and for potable purposes at the existing dwellings and places of work. This source of water has been used for several decades without issue. The existing potable water supply will be reticulated to the proposed dwelling and will be the potable water source for the proposed dwelling.

Because the water is sourced from a surface water take, Civilised find that the water is likely to require treatment to ensure that it is of a potable quality at all times. Civilised recommend that the water undergo filtration and UV disinfection prior to human consumption. This treatment can occur at the dwelling with a suitable system installed at the time a dwelling is constructed. This will ensure that the water meets the quality requirements of the Water Services (Drinking Water Standards for New Zealand) Regulations 2022.

4.4.2 Firefighting Water

The Civilised report notes that the proposed dwelling does not have coverage from fire hydrants. It is therefore necessary to provide on-site firefighting water storage for the proposed dwelling.

New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 requires that each new rural building must make certain provision for firefighting. At the time that the new dwelling is constructed, new water storage tanks of at least three 22,500 litres will be installed near the proposed dwelling. These tanks will have a combined storage volume of at least 67,500 litres and will be connected in such a way that there is always a reserve volume of at least 45,000 litres in storage. A new fire coupling and connecting pipework will be constructed to ensure that a suitable connection point is available to the Fire Brigade approaching the dwelling. The ongoing requirements for the firefighting water supply should be addressed as conditions of consent.

4.4.3 Wastewater Disposal

The Civilised report notes that the disposal of wastewater within the property will be facilitated by the installation of a treatment system producing a quality of effluent that complies with modern standards, which is also suitable for disposal on site.

Based on their knowledge of the subsurface soils Civilised have recommended that Low Pressure Effluent Distribution (**LPED**) disposal beds be used to facilitate even low-rate intermittent dosing of treated effluent in order to promote further renovation within the soil. The recommended location of the disposal area is indicated on the plan included in Appendix C of the Civilised report.

The Civilised report also recommends that a secondary level of wastewater treatment is provided to produce a high quality of effluent prior to land application. They envisage the secondary level of treatment will be implemented by the installation of a proprietary wastewater treatment plant utilising a biological packed bed reactor.

The system for the treatment and disposal of sewage effluent has been based on the findings of site investigations and assessment of conditions.

4.4.4 Stormwater Disposal

With respect to stormwater disposal the Civilised report notes that the development of the dwelling on the building platform on the site will alter the existing stormwater run-off patterns from the site catchment.

The Civilised report also notes that access to the dwelling is to be completed as part of the works. There will also be hardstanding and parking areas adjacent to the dwelling and ancillary buildings. Most of the driveway runoff will be managed using roadside swales to facilitate drainage to ground and conveying excess runoff to lower parts of the site and drainage into existing water courses. It is proposed that runoff from driveway and hardstanding areas around the dwelling will be collected and conveyed to the existing tarn basin that will be regenerated as part of the dwelling establishment.

The Civilised report also notes that runoff from the roof areas will flow directly to ground. This approach has been used so that spouting is not required and be subject to potential damage during heavy snowfall events. It is proposed that roof runoff will drain to specifically designed landscaping around the dwelling that allows for the uptake of water and the prevention of any scour effects.

4.5 Earthworks

Earthworks are proposed to create a level building pad, access and outdoor living as modelled in the Earthworks Plans appended to the application as **Attachment R**.

Overall, 13,500m³ of cut for the building platform will be used to create mound to the south of the building. The maximum depth of the cut is approximately 2.5m and the maximum height of fill is approximately 2.6m. Other surplus earthworks material will be used for landscaping on the site.

All earthworks will be undertaken in accordance with the Environmental Management Plan (**EMP**) prepared by Enviroscope, appended to the application as **Attachment K**.

4.6 Landscaping

A proposed structural landscaping plan, prepared by Baxter Design Group Limited, is appended to the application as **Attachment E**.

The landscape design of the area around the dwelling has been designed to use locally-relevant native species mixes to create a strongly vegetated setting for the buildings that will anchor built form in its location, ultimately tying it into the patterns of the home paddocks area and increasingly giving an established appearance over time.

Access and fencing have been configured to retain as much useful, productive pasture in the vicinity of the dwelling as possible. The homestead dwelling will sit amongst functional paddocks that will be worked seasonally.

Other planting proposed around the house, as indicatively shown on the architectural plans, is proposed to be indigenous species only (with the exception of vegetable areas). The applicant volunteers a condition of consent to this effect if necessary.

4.7 Farm Biodiversity Plan

As part of the application, the applicant has commissioned e3Scientific to prepare a Farm Biodiversity Plan (**FBP**) in accordance with Appendix Y Farm Biodiversity Plan Framework of the Mackenzie District Plan (subject to PC18 appeals). While an FBP pursuant to Appendix Y would ordinarily be attached to a resource consent application for vegetation

clearance, such consent is not required under this application. The construction of the dwelling is inextricably linked to the implementation of the biodiversity protections and enhancements. The production of a FBP is the most appropriate way to record and secure these biodiversity objectives and demonstrates the Applicant's commitment to sustainable management at Goldey Peaks Station.

The FBP closely follows the MDC framework and documents the farming operation, the ecological values of the property and a suite of management measures designed to support and enhance biodiversity values. The framework of the FBP plan is set out below:

- Provides a description of Godley Peaks Station and its environmental attributes; and
- Summarises farm management historically, at present and in the future; and
- Summarises the known indigenous biodiversity values, ecological risks and a suite of measures to support and enhance the farms biodiversity; and
- Sets out monitoring and reporting actions to document the work achieved toward meeting the objectives of the FBP.

This plan collates the known and likely biodiversity values across the property and the development of a range of measures designed to protect and enhance these values. This includes, among other things, the following:

- The Mistake River Catchment (70ha) and part of the McCabe's Block (3ha) will be retired from grazing, including an extensive fencing programme, to ensure protection and enhancement to two areas of significant biodiversity values.

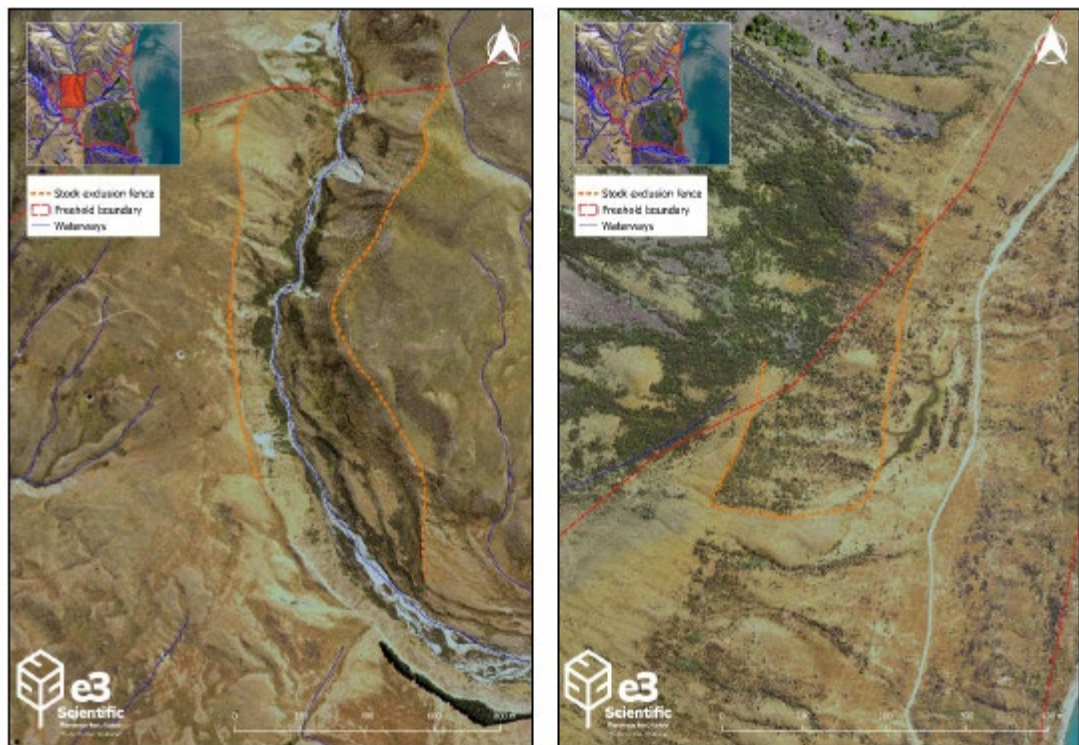


Figure 6 – McCabe's Block (Left) and Mistake River catchment (right)

- Establishment of a monitoring programme on the moraine (Figure 6 of the FBP) for the threatened vegetation communities and species that are present on the dry ridge crests of this landform. This includes a commitment to a baseline inspection and to undertake further 5-year monitoring inspections (by suitably qualified personnel). Continuation of grazing is proposed, as values have persisted notwithstanding land management.
- Restoration planting of the wetlands, pivot irrigator perimeter and lakeface planting. A broad overview of these plantings is identified within Figure 9 of the FBP below. The enhancements include:
 - Seven wetland areas⁶ are identified within the improved pasture of the station. It is proposed to plant clusters of natives in these so as to initially cover 25% of their area to improve biodiversity and nutrient cycling; and

⁶ Appendix C, at Appendix B contains detailed maps of priority 1 and 2 wetlands.

- Within the improved pastures, it is proposed to plant 2m wide bands of mixed native shrub species around the perimeters of the pivot irrigated areas, the total perimeter length being 8km; and
- o Undertake planting of 1000 plants within the lakeface matagouri shrubland community, to enhance the biodiversity of the lake faces near the proposed house site. The plantings also have a dual purpose of providing mitigation planting as recommended by the LVEAR.

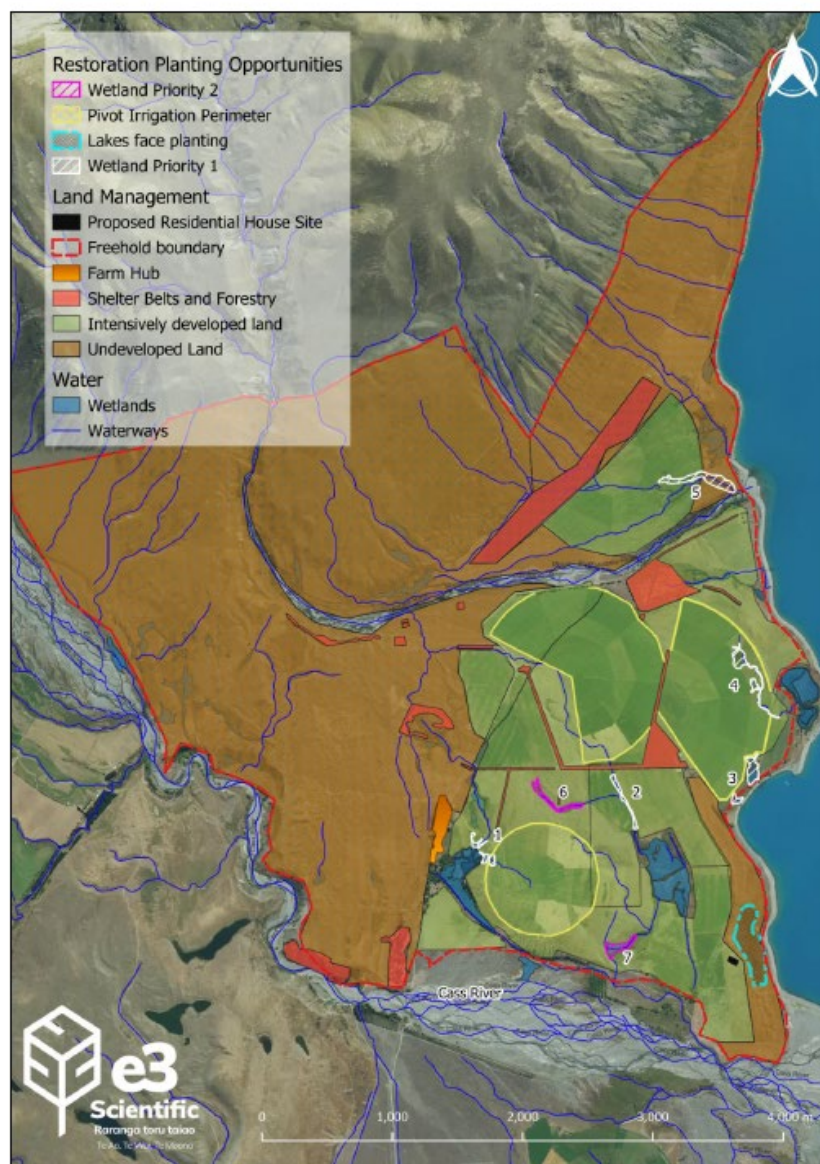


Figure 7 – Ecological Restoration Planting Reference Plan

- A Weed/Pest Control Programme is to be implemented. The Weed/Pest Control programme shall include the following:
 - The monoculture of crack willows is to be removed from the willow-infested areas of the improved pastures. This equates to approximately 13ha of wilding tree removal. Wilding conifer removal is also to be done on an ongoing basis.
 - The implementation of a rabbit control programme to ensure the population is maintained at a low level. Control of other pests such as Himalayan Thar
 - Record expanse and ensure existing predator control measures are protected (currently implemented in conjunction with DOC, Te Manahuana Aoraki and Predator Free Aoraki).
- The extent of the Weed Monitoring Zones is identified within Figure 12 of the FBP:

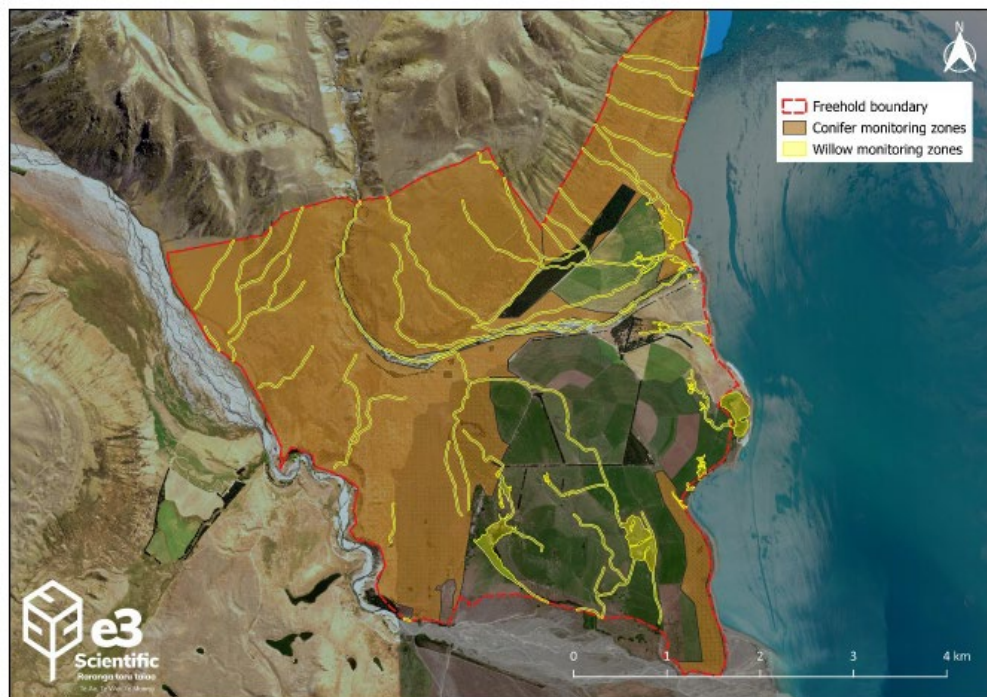


Figure 12: Weed monitoring zones.ⁱ

Figure 8 – Weed Monitoring Zones

The proposed FBP is an integral part of this proposal and the applicant volunteers that the long-term implementation of the FBP be secured by a condition of consent, which includes the biennial submission of an environmental report⁷ including the following information:

⁷ For the first six years, and then every five years after that.

- The length of fenceline installed and area retired from grazing;
- Number and location of plants installed;
- Any plant maintenance completed;
- Results of 5-yearly monitoring of moraine surface;
- Performance of plantings;
- Weed control undertaken;
- Pest species and numbers that have been removed killed.

All of the above measures are considered significant positive benefits to biodiversity of the station. A full copy of the FBP is appended to the application as **Attachment F**.

4.8 Cass River Bridge Contribution

As reported in the Timaru Herald on the 3rd June 2023⁸ the possibility of *cost sharing the replacement of an ageing bridge is to be explored by the MDC as it ponders maintaining access to a remote area on the edge of Lake Tekapo*.



Figure 9. Cass River Bridge.

⁸ <https://www.stuff.co.nz/timaru-herald/132218013/mackenzie-council-ponders-funding-options-for-replacing-remote-bridge>

The article reports that the 124m long single lane structure across the Cass River mainly provides access for the Godley Peaks Station with Timaru Boys' High School, the Department of Conservation, Land Information New Zealand and the public considered as other lesser users of the bridge. The article states:

Despite the bridge's remoteness, it is considered "a significant bridge that is positioned near the end of the roading network" and the council decided on Tuesday to include it in their Transport Asset Management Plan and District Land Transport Programme.

The article also states that David Adamson, the council's general manager operations, planning and regulatory services, said the bridge has deteriorated over time and was nearing the end of its remaining useful life. Mr Adamson's report estimated the replacement cost at \$2.76m.

An article in *Stuff*, dated 8 August 2024⁹ provides the following assessment and update on cost:

Council deferred the proposed replacement of the Cass River Bridge, estimated to cost \$4.2m, subject to a detailed business case with its commitment conditional on stakeholder engagement and funding.

The applicant is willing to volunteer, as a condition of consent, a contribution 12.5% of the actual cost of the replacement bridge (inclusive of GST, if any) up to the value of \$500,000.¹⁰

The following condition is volunteered on the granting of the resource consent:

(a) The consent holder shall pay a 12.5% contribution towards the actual cost of the Cass River bridge replacement, to a maximum value of \$500,000 (inclusive of GST).

(b) The consent holder may enter into a bond, in a form to be determined by Council solicitors, to secure the maximum value of the contribution detailed in (a) above. The cost of setting up the bond is to be borne by the consent holder. This resource consent shall not be exercised until the consent holder has provided evidence to the Council that the bond has been established.

⁹ 'No-frills' budget comes with average 14.7% rise in Mackenzie District rates | Stuff

¹⁰ 12.5% is a one quarter share of 50% cost to replace the bridge, assuming the other 50% would come from NZTA. Refer: <https://www.stuff.co.nz/nz-news/350373011/bridging-cass-river-1-offer-table-if-new-build-cant-be-finalised>

The volunteered condition promotes continued public access to areas of significant value for recreation purposes. It is expected that community/ public interest will increase as a result of the Land Tenure Review process, and a financial contribution to the construction of the replacement/upgrade of the bridge compliments this direction and contributes to the financial pressures on the Mackenzie District Council. As such this is considered a positive effect relevant under section 104(1)(ab) of the RMA.

4.9 Hut Refurbishments

As noted in the CRR, the Godley Valley has been an area of high recreational interest for a number of years:

It's an access point to the public conservation land beyond and Mt Cook National Park. Activities have mainly included tramping, climbing and shooting. Property huts have been utilised by these groups as they provide excellent bases for access into the adjoining [sic] hinterland. The Hall Range, Mistake Valley are key attractions as well as the side valleys and basins. Access into upper valley by vehicles is through the middle of the property and is normally by permission only. This permission is seldom denied unless for climatic or stock management reasons. Timaru Boys High School has a camp at Sutherlands Hut in a disused woolshed that has been modified. This facility is used for the schools outdoor activities.¹¹

The property (prior to tenure review being completed) contains a number of huts which, within the next 5 years, are proposed to be refurbished by the applicant. Each of these huts, and proposed work, are described as follows:

¹¹ Page 25 of the CRR.



The John Scott Lodge – photo credit Timaru Boys' High website.

Sutherlands Creek (aka John Scott Lodge)

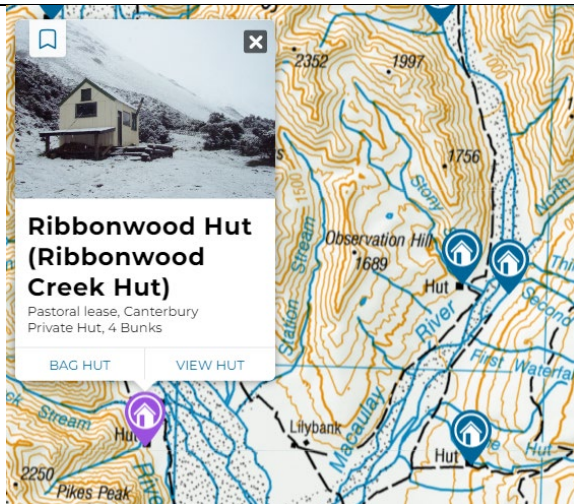
Sutherlands Hut is an old woolshed and hut formally which in the past has been leased to the Timaru High School for outdoor education purposes. It is understood that the initial approval started in 1983.

The applicant proposes to refurbish this hut by recladding, reroofing, triple glazing and adding insulation.

It is also the applicant's intention to continue to allow Timaru Boy's High School to use the hut for outdoor education purposes (at no charge).

Timaru Boys' High School have submitted a letter in support of the refurbishment – refer **Attachment P**.

The applicant has also clarified that other youth organisations may apply to use the hut at no charge (but approval is at the sole discretion of the owner).



Ribbonwood Hut – photo credit hutbagger.co.nz

Ribbonwood Hut

Under the Tenure Review Ribbonwood Hut is proposed to be on freehold land.

The applicant proposes to refurbish this hut by recladding, reroofing, triple glazing and adding insulation.

The applicant has also clarified that the public may be able to use the hut (but approval is at the sole discretion of the owner).



Angus Hut – photo credit hutbagger.co.nz

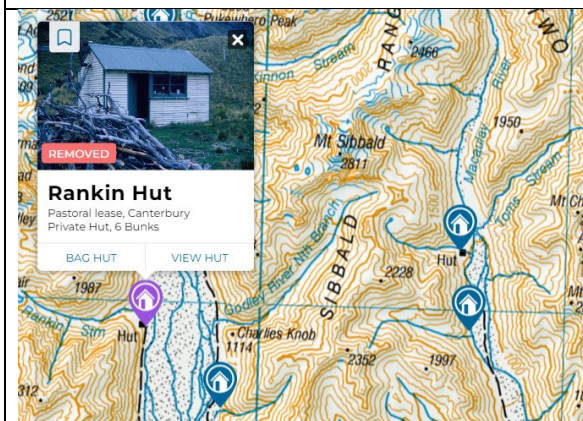
Angus Hut

Under the Tenure Review Angus Hut is proposed to be on freehold land.

The applicant proposes to refurbish Angus Hut by recladding, reroofing, triple glazing and adding insulation.

There is also the possibility of re-siting the refurbished Angus Hut to the Rankin Hut site as discussed below for public use.

The applicant has also indicated that the public may be able to use the refurbished or new Angus Hut (but approval is at the sole discretion of the owner).



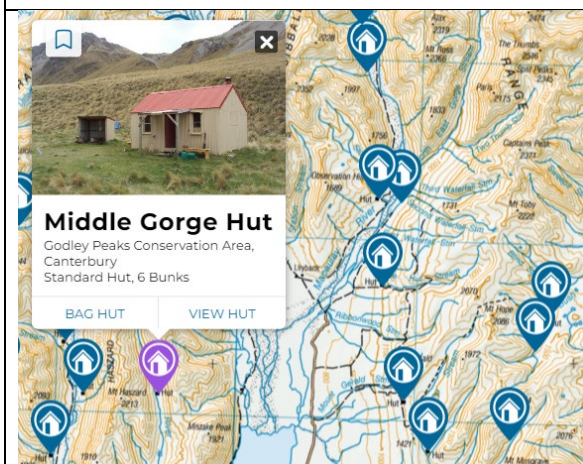
Rankin Hut – photo credit hutbagger.co.nz

Rankin Hut

Under the Tenure Review Rankin Hut is proposed to be within the conservation estate.

It is understood that this hut was recently demolished.

The applicant proposes to either rebuild or relocate the refurbished Angus Hut to this location for public use.



Middle Gorge Hut – photo credit hutbagger.co.nz

Middle Gorge Hut

Under the Tenure Review Middle Gorge Hut is proposed to be within the conservation estate.

The applicant proposes to refurbish this hut by recladding, reroofing, triple glazing and adding insulation.

The applicant has consulted with DOC and obtained their Affected Person Approval (refer **Attachment S**).

It is understood that these huts, which are essentially musterers huts, are by definition Farm Buildings:

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

Small Farm Building: means a farm building with a maximum building footprint of 10 metres x 10 metres and a maximum height of 8 metres.

Large Farm Building: means a farm building with either a building footprint greater than 10 metres x 10 metres or with a height greater than 8 metres.

We note that the huts are not used for permanent living accommodation as required by the definition of 'Residential Activity':

Residential Activity: means the use of land and buildings by people for the purpose of permanent living accommodation, including all associated accessory buildings, leisure activities and the keeping of domestic livestock. For the purpose of this definition, residential activity shall include residential community care homes for up to and including six people and management staff, and emergency and refuge accommodation.

It is also understood that the refurbishment of these huts is a permitted activity under the MDP provided Rule 3.1.2.c is not exceeded:

3.1.2.c

Reflectivity

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

Given our assessment that refurbishment of the huts will be a permitted activity, it is not discussed in the rule classification tables in Section 5 of this report below.

The applicant is willing to volunteer a condition of consent to the following effect:

Prior to the residential occupation of the proposed dwelling the consent holder shall complete the external refurbishment of the of the John Scott Lodge, Ribbonwood,

Angus, Rankin and Middle Gorge Huts. The refurbishment shall be limited to recladding, reroofing, triple glazing and adding insulation.

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

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

4.10 Other

To complete the picture, there are two other aspects of the property enhancement that the applicant is currently investigating. For the record, these aspects do not form part of this application and are therefore not considered positive effects of this current application. They are likely to have to go through their own consenting process. They have been included in this application for information purposes only and to demonstrate the level of commitment that the applicant is willing to undertake in order to enhance the property. This aligns with the station owner's desire to live on the property in order to implement these works over the long-term horizon.

4.10.1 Carbon Zero

In addition to the biodiversity objectives stated in the FBP, Godley Peaks Station has two other stated goals for the future:

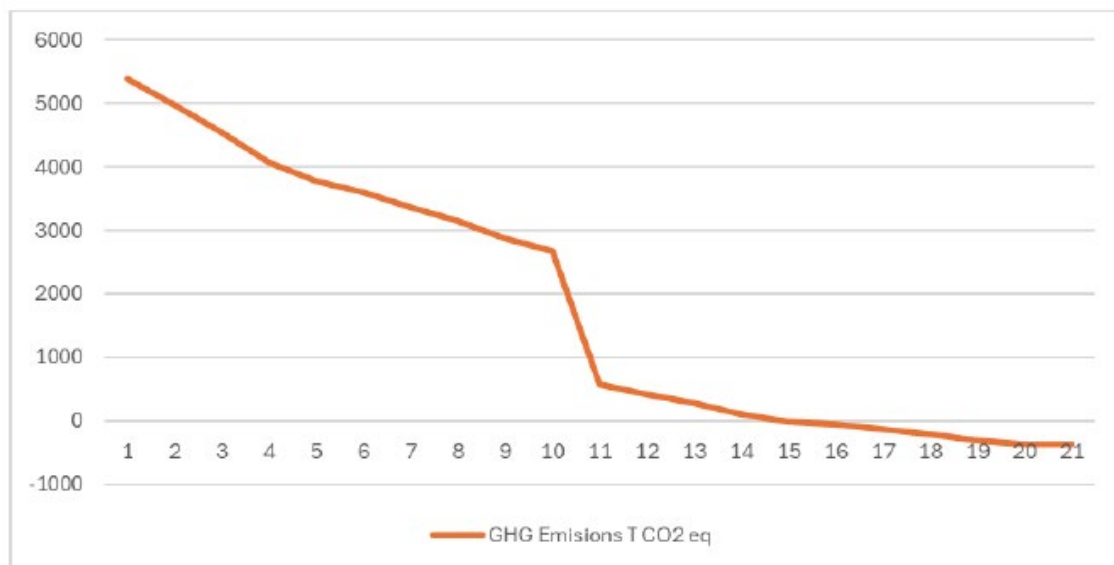
- (i) That Godley Peaks will be able to run as a standalone financial venture after a five-year development period; and
- (ii) Godley Peaks can operate as, at least, a net carbon zero operation.

To achieve these goals, Godley Peaks Station has employed the services of The AgriBusiness Group (**TAG**) to prepare a report on how Godley Peaks Station can achieve net zero emissions in the future. TAG found that carbon zero is possible for the station with the introduction of the following sequestration/mitigation options:

- Conversion to Hydro (as discussed in the next section of the application);
- Establish additional areas of native forestry;
- Establish a harvestable exotic forestry rotation (acknowledging that exotic afforestation must be completed in a sustainable manner);

- Efficiency Gains - such as reducing stocking rates, reducing replacement rates, shorter finishing times, change in stock types, fertigation, different forage types, improved pasture quality, reduced supplementary feed;¹²
- Animal Genetics (to reduce methane emissions);
- Vaccine/Inhibitor (uncertain at this point of time) - there is a large amount of research being carried out in New Zealand and internationally to identify an appropriate means of reducing the amount of methane that is emitted from livestock. TAG expect that once a method has proven to be successful and economic to be used across New Zealand's livestock industries that the country will be able to greatly reduce the amount of emissions that New Zealand farms produce.

The introduction of the above sequestration/mitigation options will result in a steady reduction of GHG emissions for the first 10 years ending up with a reduction of approximately 60% at that point. There is then a rapid reduction with the advent of the vaccine/inhibitor which reduces the emissions by a further 30%. This means that the station could meet carbon zero at year 2044. However, because the advent of the vaccine/inhibitor is still very uncertain TAG recommend that Godley Peaks look at increasing the amount of exotic forestry that it adopts to ensure that it is able to meet the target of being carbon zero, as shown below:



¹² This aspect has a direct link to the FBP outcomes.

Because the TAG report relies on activities that require separate resource consents (such as hydro power or exotic forestry) the goal of carbon zero cannot be considered a positive effect of this application.

A copy of the TAG report is appended to the application as **Attachment O**.

4.10.2 Hydro Power

The applicant is also investigating the possibility of installing a small hydro power station in Mistake Creek, with a 6.8km penstock route to the upper reaches of the creek. The hydro power station, penstock route and estimated power generation, is shown below:



Figure 10. Proposed hydro power system.

As noted above with respect to the goal of carbon zero above, this hydro power station requires a separate resource consent it cannot be considered a positive effect of this application.

5. Matters Requiring Consent

5.1 National Environmental Standards

5.1.1 Assessing and Managing Contaminants in Soil to Protect Human Health

A Preliminary Site Investigation (**PSI**) has been completed by e3Scientific and appended to the application as **Attachment L**. The PSI purpose is to determine whether any activities or industries listed on the HAIL have taken place within the site and to consider the risks to human health associated with the proposed development.

The PSI notes that the construction of the homestead will require soil disturbance and a change in land use, which are subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) if they occur on land that is, or has the potential, to be contaminated. Activities with the potential to contaminate land are described in the Ministry for the Environment's Hazardous Activities and Industries List (**HAIL**).

The PSI finds that currently the greater station is predominantly used for grazing of livestock and some cropping. The site (i.e. the building platform and surrounds) is modified through cultivation and is used for grazing and cropping.

Based on a detailed review of site history and a site walkover, e3Scientific find that it is highly unlikely HAIL activities and/or potential contamination has occurred/is currently occurring at the site, therefore, the site is not subject to the regulations within the NESCS.¹³

5.1.2 Freshwater

The National Environmental Standards for Freshwater (**NES-F**) set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards.

¹³ Appendix M, page 17

The standards are designed to:

- protect natural inland wetlands
- protect urban and rural streams from in-filling
- ensure connectivity of fish habitat (fish passage)
- set minimum requirements for feedlots and other stockholding areas
- improve poor practice intensive winter grazing of forage crops
- restrict further agricultural intensification until the end of 2024
- limit the discharge of synthetic nitrogen fertiliser to land, and require reporting of fertiliser use.

None of these standards are particularly relevant to the proposal. For clarity, the BFP only requires access to the wetlands area for the purposes of planting and ecological enhancement. Any activities within an identified natural inland wetland will meet the requirements of clause 38 of the NES-F (being permitted activities associated with restoration, wetland maintenance, and biosecurity of natural inland wetlands).

5.2 Mackenzie District Plan

The applicant seeks all necessary resource consents under the MDP (operative and relevant District Plan review Plan Changes) for the activities and development shown on the attached plans and as described in this assessment. This assessment is presented in two parts. Part one addresses the operative MDP (inclusive of Plan Change 18), and Part two considers the Commissioners decision version on Plan Changes 23-27 (General Rural Zone, Natural Features and Landscapes, Natural Character, Sites of Significance to Maori) to the MDP – both sets of provisions are relevant and consent is required under both.

We note that appeals period has now closed on Plan Changes 23-27 and few appeals have been filed on those provisions. We have noted where provisions are subject to appeal. Therefore, most of the applicable rules are now to be treated as operative. For completeness, we have undertaken comprehensive assessment of both the Operative and Proposed District Plan, and later assessed both policy frameworks.

Part 1: Operative Mackenzie District Plan

The subject site is located within the Mackenzie Basin Sub-Zone (**MBS-Z**) of the Rural Zone. The proposed homestead buildings are also located within a Lakeside Protection Area (**LPA**) as depicted below:

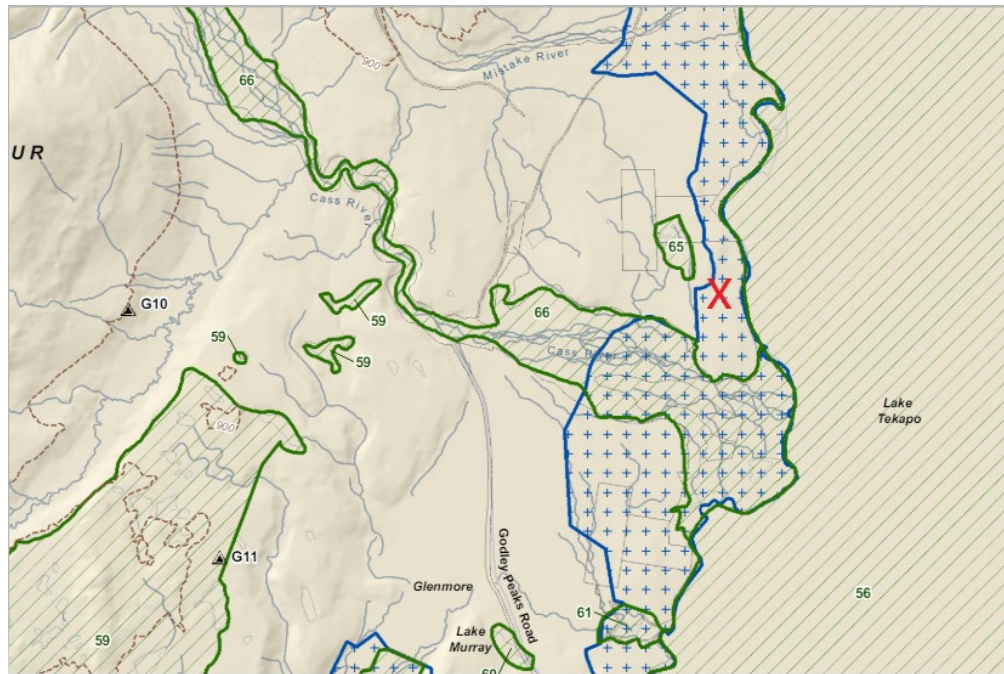


Figure 11 - MDC District Planning Map #18. District Plan Map overlays identifying Lakeside Protection Area (Blue Cross) and Sites of Natural Significance (Green dash). Note that no Sites of Significance to Maori are identified on Map 18 above. The **X** marks the approximately location of the proposed homestead buildings.

The subject site is also within an Area of High Visual Vulnerability under Appendix V Areas of Landscape Management to the MDP (which covers the majority of Te Manahuna/the Mackenzie Basin:

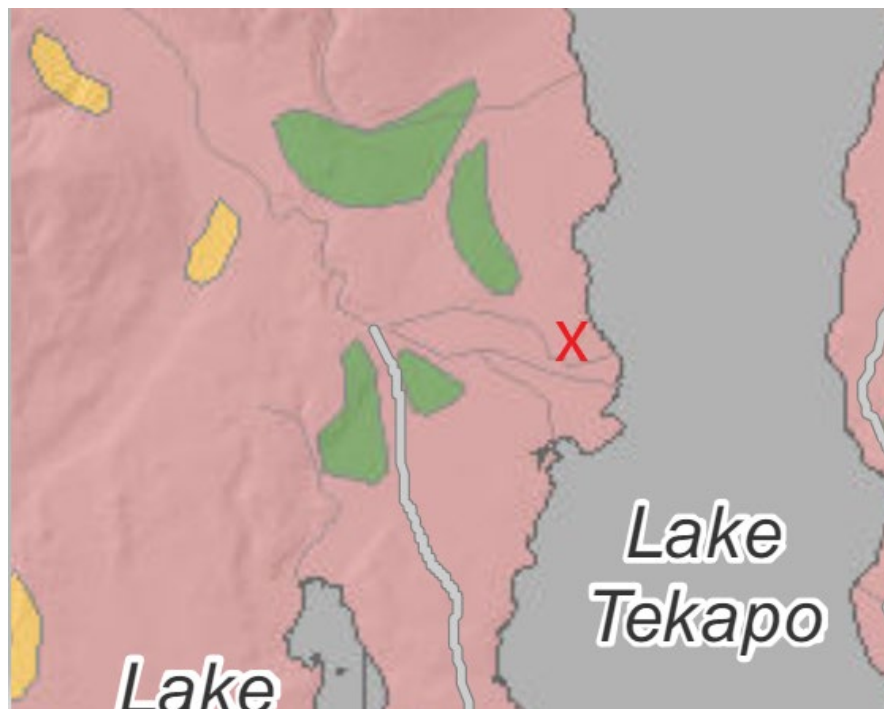


Figure 12- Appendix V of the ODP – Snip of Areas of Landscape Management. The X marks the approximately location of the proposed homestead buildings.

Godley Peaks Station includes an identified Farm Base Area to the west of the subject site:

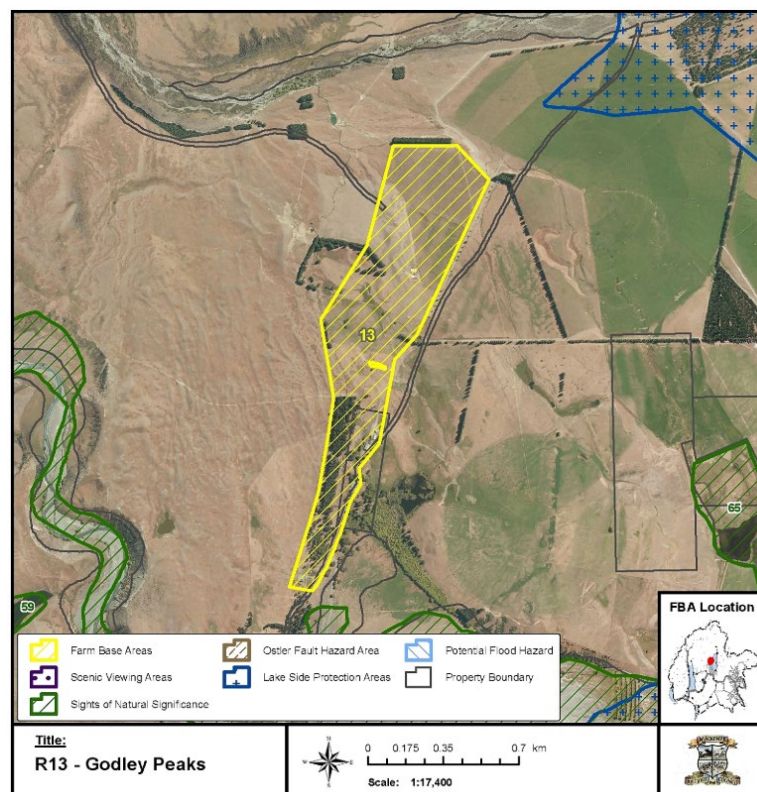


Figure 13 - Appendix X - R13 - Godley Peaks

An assessment of the proposal against the relevant MDP rules is as follows:

(i) Operative MDP

Section 7 Rural Zone Rules	
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:	Not relevant, as the proposal is specified as a Non-Complying activity.
3.1.2 Any farm building within a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone which complies with all the following standards: ...	Not relevant, as the proposal does not meet the definition of a farm building.
3.1.3 Small farm buildings (refer Definitions) outside a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability areas which comply with the following standards: ...	Not relevant, as the proposal does not meet the definition of a farm building.
3.2 Controlled Activities - Buildings 3.2.1 Relocated buildings, other than accessory buildings, used for residential purposes to be relocated to or within the Rural Zone (excluding the Mackenzie Basin Subzone): ...	Not relevant, as the proposal is not a relocated building and it located within the Mackenzie Basin Sub Zone (MBSZ).
3.2.2 Large farm buildings (refer definitions) outside a defined Farm Base Area (see Appendix R) within the	Not relevant, as the proposal does not meet the definition of a farm building.

Mackenzie Basin Subzone Low Visual Vulnerability area. ...	
3.2.3 Non-farm buildings or extensions to non-farm buildings within defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which comply with the following standards and terms:...	Not relevant, as the proposal is not located within an identified Farm Base Area (FBA).
3.3 Discretionary Activities - Buildings 3.3.1 Residential buildings erected in the area identified as Kimbell Environs Flood Risk Area on Planning Map 57 Flood Risk.	Not relevant, as the proposal is not located within the Kimbell Environs Flood Risk Area.
3.3.2 Habitable residential buildings in areas subject to 'High Flood Risk', Note: "High Flood Risk", is defined in Section 3 Definitions. Note: To ascertain whether a property falls within a high or low flood risk area it will be necessary to obtain a flood risk assessment from a suitably qualified expert.	Not relevant, as the proposal is not located within an identified High Flood Risk area.
3.3.3 Non-farm buildings outside defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability Areas which comply with the following standards and terms: ...	Not relevant, as the proposal is not located within an Area of Low or Medium Visual Vulnerability.
3.3.4 Residential buildings (including relocated dwellings) in the Ostler Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).	Not relevant, as the proposal is not located within Ostler Fault Hazard Area.

3.3.5 (a) Any Permitted Activity Building outside the Mackenzie Basin Subzone (refer Rule 3.1.1) which does not comply with any one or more of the following standards:	Not relevant, as the proposal is located within the MBSZ.
3.3.6 Any Building which does not met the Standards and Terms for Controlled Activities Buildings....	Not relevant.
3.3.7. Large farm buildings outside of a defined farm base area (refer Appendix R) within the Mackenzie Basin Subzone Medium Visual Vulnerability area and all farm buildings outside of a defined farm base area (refer Appendix R) within the Mackenzie Basin Subzone High Visual Vulnerability area, which comply with the follow standards and terms:	Not relevant, as the proposal does not meet the definition of a farm building.
3.4 Non-Complying Activities - Buildings 3.4.1 Residential buildings erected within the area identified as Kimbell Hazard Area on Planning Map 57 - Flood Risk.	Not relevant, as the proposal is not located within the Kimbell Environs Flood Risk Area.
3.4.4 All farm and non-farm buildings and extensions of these buildings within the Mackenzie Basin Subzone within the following areas identified on the Planning Maps: <ul style="list-style-type: none"> • Sites of Natural Significance • Scenic Viewing Areas • Scenic Grasslands • Lakeside Protection Areas • Land above 900m in altitude, other than mustering huts less than 50m² in area. 	Relevant, as the proposed buildings are located within the MBZ and within a Lakeside Protection Area (LPA). As such a Non-complying Activity consent is required pursuant to Rule 3.4.4 of the District Plan.
3.4.5 Non-farm buildings and extensions of these buildings outside of a defined	Relevant, as the proposed buildings are non-farm buildings located outside of a

Farm Base Area (refer Appendix R) within the Mackenzie Basin Subzone High Visual Vulnerability area.	defined FBA, within an area of High Visual Vulnerability and within the MBSZ. As such a Non-complying Activity consent is required pursuant to Rule 3.4.5 of the District Plan.
3.4.6 Non-farm buildings outside of a defined Farm Base Area within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability areas which do not comply with the standards in rule 3.3.3.	Not relevant, as the proposal is not located within an Area of Low or Medium Visual Vulnerability.
3.4.7 Large farm buildings outside of a defined Farm Base Area (refer Appendix R) within the Mackenzie Basin Subzone Medium Visual Vulnerability area and all farm buildings outside of a defined farm base area (refer Appendix R) within the Mackenzie Basin Subzone High Visual Vulnerability area which do not comply with the standards in Rule 3.3.7	Not relevant, as the proposal does not meet the definition of a farm building.
4.1 Permitted Activities - Earthworks and Tracking No earthworks in Sites of Natural Significance shall exceed: <ul style="list-style-type: none"> • 20m³ (volume) per hectare in any continuous 5 year period, or • 50m² (area) per hectare in any continuous 5 year period 	Not relevant.
4.1.1.b Slope No earthworks or tracking shall be located on slopes with an angle greater than 25°. (Refer 4.2 Controlled Activities or 4.3 Discretionary Activities.)	Not relevant, as no earthworks or tracking is proposed to be located on a slope with an angle greater than 25°.

<p>4.1.1.c Riparian Areas</p> <p>On any land in a lake, river or wetland or within:</p> <p>20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone, or</p> <p>10m of the bank of any other river, or - 75m of any lake listed in Schedule B to the Rural Zone, or - 50m of a wetland or any other lake earthworks shall not exceed:</p> <ul style="list-style-type: none"> • 20m³ (volume) per hectare in any continuous 5 year period. 	<p>Not relevant, as no earthworks is proposed within any riparian area.</p>
<p>4.1.1.d Geopreservation Sites and High Altitude Areas</p> <p>No earthworks (excluding excavations for permitted buildings) within Geopreservation Sites identified on the Planning Maps, or on land over 900metres in altitude shall exceed:</p> <ul style="list-style-type: none"> • 20m³ (volume) per hectare in any continuous 5 year period, or • 50m² (area) per hectare in any continuous 5 year period. 	<p>Not relevant, as no earthworks are proposed within a Geopreservation Site or High Altitude Area.</p>
<p>4.1.1.e Scenic Viewing Areas and Scenic Grasslands</p> <p>No earthworks or tracking in the Mackenzie Basin Subzone shall be located within Scenic Viewing Areas or Scenic Grasslands identified on the Planning Maps other than for the purpose of track maintenance.</p>	<p>Not relevant, as no earthworks are proposed within any Scenic Viewing Areas and Scenic Grasslands.</p>

<p>4.2 Controlled Activities - Earthworks and Tracking</p> <p>4.2.1 Other than in the areas listed below, any earthworks (both excavation and fill) greater than 300m³ and less than 1000m³ per site or bare soil exposed greater than 1000m² and less than 2500m² per site, will be a controlled activity:</p> <ul style="list-style-type: none"> • 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 containing Scenic Viewing Areas or Scenic Grasslands identified on the Planning Maps and listed in Appendix J • areas above 900m in altitude or on land with a slope angle greater than 25°; • areas within 10m of a river; • areas within 50m of a wetland or lake. • areas within 20m of a river listed in Schedule B to the Rural Zone 	<p>Relevant as the subject earthworks, although not located in the listed areas, exceeds the maximum amount of earthworks per site. The proposal therefore does not comply with this rule.</p>
<p>4.3 Discretionary Activities - Earthworks and Tracking</p> <p>4.3.1 Any Earthworks or Tracking which are not provided for as a Permitted or Controlled Activity.</p>	<p>Relevant, as the proposed earthworks by default fall to this status and as such require a discretionary activity resource consent pursuant to Rule 4.3.1.</p>
<p>6.1 Permitted Activities – Tree Planting</p> <p>The following tree planting (6.1.1 to 6.1.7) is a Permitted Activity provided it complies with all of the general standards listed in 6.1.8 below and the specific</p>	<p>Relevant, as the proposal includes a significant degree of amenity tree planting as shown on the Structural Landscape Plan appended to the LVEAR.</p>

<p>standards listed for each Permitted Activity.</p> <p>Location/Type of Planting and Specific Standards</p> <p>6.1.1 Amenity Tree Planting</p> <p>6.1.2 Erosion Control Planting</p> <p>6.1.3 Shelter belts outside the Mackenzie Basin (Appendix E)</p> <p>6.1.4 Shelter belts within the Mackenzie Basin (Appendix E) provided that a Shelter belts shall be set back 300m from formed roads or planted at 90° to formed roads; and b Shelter belts placed at 90° to a formed road shall be a least 1000m apart.</p> <p>...</p>	<p>This tree planting is a permitted activity pursuant to Rule 6.1.1.</p>
<p>14 AVIATION ACTIVITIES</p> <p>14.1 Permitted Activities</p> <p>14.1.1 The take-off or landing of aircraft limited to emergency rescues and landings, fire fighting, farming, residential or non-commercial recreational purposes, management purposes on land administered under the Conservation Act or its First Schedule, or activities of the New Zealand Defence Force.</p>	<p>Relevant, to the extent that the take-off or landing of aircraft for residential activities is a permitted activity.</p>
<p>Section 14 Temporary Activities and Buildings and Environmental Noise</p>	
<p>2.3 Permitted Activities</p> <p>2.3.1 Construction noise rules - all zones</p> <p>Construction noise in any zone shall not exceed the recommended limit in, and shall be measured and assessed in</p>	<p>Given the sites isolation, it is anticipated that any construction noise will comply with this rule.</p>

accordance with, the provisions of NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work (or its successors). Discretionary adjustments provided in clause 6.1 shall be mandatory within the District.	
2.3.2 Blasting Vibration from a site due to blasting shall not exceed a peak particle velocity of 5mm/sec provided this level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. The level should not exceed 10mm/sec at any time.	Not relevant, as no blasting is proposed.

Part 2: Plan Change Framework (Plan Change 18, Plan Change 23 and Plan Change 24)

Under the Stage 3 Plan Change Decisions (Plan Change 23-27), the site is located within an Outstanding Natural Landscape, and adjoins the Lake Tekapo which is an identified area of Significance to Maori as well as the Cass River which is an identified site of Significance (waterbody) to Maori. Figure 14 below identifies the map notations:



Figure 14 – MDC Stage 3 Plan Change Decision Map. Sites of Significance to Maori (Pink hatch and Blue Line) and FBA (Black dotted line).

We note that MDC Stage 3 Plan Change did not include scope to remove the LPA.

(ii) Plan Change 18 (Decisions Version)

Section 19 – Ecosystems and Indigenous Biodiversity	
It is noted the below rules are subject to appeal. They therefore have legal effect, but cannot be treated as being operative. The Appeals do not capture the FBP framework.	
1.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance	Relevant, to the extent that although no indigenous vegetation is proposed to be removed, the proposal does include a Farm Biodiversity Plan (FBP) prepared pursuant to Rule 1.2.2. FBP framework
1.2.1 Intentionally blank	
1.2.2. Other than as permitted by Rule 1.1.1 the clearance of up to 5000m ² of indigenous vegetation within a site, or per	

<p>100ha where a site is greater than 100ha, in any 5-year continuous period is a restricted discretionary activity provided the following conditions are met:</p> <p>The clearance is not within a location specified in Rule 1.3.2.</p> <p>2. A Farm Biodiversity Plan is prepared in accordance with Appendix Y for the farming operation and submitted with the application for resource consent.</p>	<p>contained within Appendix Y of the MDP has been followed in preparing the FBP.</p>
<p>1.2.3. The clearance of indigenous vegetation within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, for the purpose of installing a fence to exclude stock, is a restricted discretionary activity. The Council will restrict its discretion to the following matters:</p> <p>i. The location of the fence.</p> <p>ii. Managing the effects of the intended clearance of indigenous vegetation.</p>	<p>Not relevant, as no indigenous vegetation is proposed to be cleared.</p>
<p>1.3 Non-Complying Activity – Indigenous Vegetation Clearance</p> <p>The following activities are Non-complying activities:</p> <p>1.3.1 Any indigenous vegetation clearance not categorised as a Permitted Activity or Restricted Discretionary Activity.</p>	<p>Not relevant, as no indigenous vegetation is proposed to be cleared.</p>
<p>1.3.2 Any indigenous vegetation clearance in the following locations, unless specified as a permitted activity under Rule 1.1.1.1, 1.1.1.5 or 1.1.1.6 or a</p>	<p>Not relevant, as no indigenous vegetation is proposed to be cleared.</p>

restricted discretionary activity under Rule 1.2.3: 1. Within an area of significant indigenous vegetation or significant habitat of indigenous fauna. 2. Above 900m in altitude. 3. Within 75m of a lake, 20m of the bank of a river, or 50m of any wetland.	
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(iii) Plan Change 23 (Decisions Version)

General Rural Zone Decisions have been released on PC23. It is noted where the rules below are subject to appeal. Rules that are subject to appeal are not treated as being operative.	
GRUZ-R1 The Establishment of a New, or Expansion of an Existing Primary Production Activity Not Otherwise Listed	Not relevant, as no Establishment of a New, or Expansion of an Existing Primary Production Activity Not Otherwise Listed is proposed.
GRUZ-R2 Residential unit Activity Status: PER And the activity complies with the following standards: GRUZ-S1 Density GRUZ-S2 Boundary Setbacks GRUZ-S3 Building Coverage GRUZ-S4 Height GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production GRUZ-S6 Sensitive Activity Setback from Quarrying Activity and Mining GRUZ-S7 Sensitive Activity Setback from Commercial Forestry GRUZ-S8 Wastewater GRUZ-S9 Water Supply for Firefighting GRUZ-S10 Airport Height Restrictions	Standards considered below.

GRUZ-R3 Minor Residential Unit	Not relevant, as the proposal is not for a Minor Residential Unit.
GRUZ-R4 Relocated Buildings and Structures	Not relevant, as the proposal is not for a relocated building.
GRUZ-R5 Buildings and Structures Not Otherwise Listed GRUZ Where the activity complies with the following standards: GRUZ-S2 Boundary Setbacks GRUZ-S3 Building Coverage GRUZ-S4 Height GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production GRUZ-S6 Sensitive Activity Setback from Quarrying Activity and Mining GRUZ-S8 Wastewater GRUZ-S10 Airport Height Restrictions	Standards considered below.
GRUZ-R6 Home Business	Not relevant, as the proposal is not for a home business (acknowledging a permitted baseline enabling limited Home Business Activity exists if the proposal is approved).
GRUZ-R7 Rural Selling Place	Not relevant, as the proposal is not for a rural selling place.
GRUZ-R8 Rural Industry	Not relevant, as the proposal is not for a rural industry.
GRUZ-R9 Rural Tourism Activity GRUZ Activity Status: PER Where: 1. Visitors are limited to a maximum of 100 persons per day.	Not relevant, as the proposal is not for a Rural Tourism Activity (acknowledging a permitted baseline enabling limited Rural Tourism Activity exists if the proposal is approved).

<p>2. A maximum of five non-resident staff shall be employed in undertaking the activity at any one time.</p> <p>3. The maximum combined gross floor area of any building/s occupied for the rural tourism activity shall be 500m² .</p> <p>4. The maximum gross floor area of any building used for overnight track accommodation shall be 50m².</p> <p>5. A maximum of three huts/cabins or other buildings used for overnight accommodation shall be located on a site.</p> <p>6. The maximum number of guests that can be accommodated on any site as part of a rural tourism activity shall be six per night.</p> <p>7. The maximum gross floor area occupied for any ancillary retail sales shall be limited to 50m².</p> <p>8. The activity does not take place within a site listed in SASM SCHED3 – Māori Rock Art.</p>	
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<p>GRUZ-R10 Residential Visitor Accommodation</p> <p>GRUZ</p> <p>Activity Status: PER</p> <p>Where:</p> <p>1. No more than one residential unit on a site is used for residential visitor accommodation, including a minor residential unit; and</p> <p>2. The maximum occupancy of the unit used for residential visitor accommodation does not exceed six guests per night.</p> <p>And the activity complies with the following standards:</p> <p>GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production</p> <p>GRUZ-S6 Sensitive Activity Setback from Quarrying Activities and Mining</p> <p>GRUZ-S7 Sensitive Activity Setback from Commercial Forestry</p>	<p>It is possible that part of the dwelling could be used for Residential Visitor Accommodation in the future, provided it complies with R10.1 and R10.2.</p> <p>PC23-27 amends the definition of Visitor Accommodation to align with the National Planning Standards definitions. This does not alter the position that consent is not required under this rule.</p>
GRUZ-R11 Camping Ground	Not relevant, as the proposal is not for a camping ground.
GRUZ-R12 The Establishment of a New, or Expansion of an Existing Conservation Activity	Relevant, as aspects of the FBP fall within the definition of Conservation Activity.
GRUZ-R13 Commercial Forests and Woodlots	Not relevant, as the proposal is not for a commercial forest or woodlot.
GRUZ-R14 Shelterbelt	Not relevant, as the proposal is not for a shelterbelt.
GRUZ-R15 Aircraft and Helicopter Movements	Not relevant, as the proposal is not for aircraft or helicopter movements (acknowledging a permitted baseline

	enabling certain aircraft or helicopter movements if the proposal is approved).
GRUZ-R16 Airfields and Helicopter Landing Areas	Not relevant, as the proposal is not for an airfield or helicopter landing area (acknowledging a permitted baseline enabling airfield or helicopter landing area exists if the proposal is approved).
GRUZ-R17 Quarrying Activities	Not relevant, as the proposal is not for a quarry.
GRUZ-R17A Stockpiling of Aggregate	Not relevant, as the proposal is not for a the stockpiling of aggregate.
GRUZ-R18 Community Facilities and Educational Facilities	Not relevant, as the proposal is not for a community or education facility.
GRUZ-R19 Intensive Primary Production	Not relevant, as the proposal is not for intensive primary production.
GRUZ-R20 Landfill	Not relevant, as the proposal is not for a landfill.
GRUZ-R21 Planting of any Wilding Conifers	Not relevant, as the proposal is not for the planting of wilding conifers.
GRUZ-R22 Activities Not Otherwise Listed	Not relevant, as the proposal is not for an activity otherwise listed.
GRUZ-S1 Density GRUZ within ONF or ONL 1. The minimum net site area per residential unit is 200ha.	The proposal complies with this standard.
GRUZ-S2 Boundary Setbacks 1. Any building or structure, excluding ancillary structures, shall comply with the minimum setbacks listed in GRUZ-Table 1.	The proposal complies with the setbacks listed in GRUZ-TABLE 1.
GRUZ-S3 Building Coverage GRUZ	The proposal complies with this standard (the relevant part being S3.1(b)).

<p>1. The maximum building coverage of any site shall not exceed:</p> <p>a. A maximum of 35% or 500m², whichever is lesser for sites less than 1ha;</p> <p>or</p> <p>b. 5% for all sites greater than 1ha.</p>	
<p>GRUZ-S4 Height</p> <p>GRUZ</p> <p>1. The maximum height of any building or structure above ground level shall be:</p> <p>a. 15m for farm accessory buildings; or</p> <p>b. 9m for all other buildings.</p>	<p>The proposal complies with this standard.</p>
<p>GRUZ-S5, S6 or S7</p>	<p>Not relevant, as the proposal is not within a sensitive activity setback from intensive primary production, quarrying or forestry.</p>
<p>GRUZ-S8 Wastewater</p> <p>GRUZ</p> <p>1. All residential units and buildings which are not connected to a reticulated wastewater network, but which involve the discharge of wastewater shall be provided with an on-site wastewater treatment and disposal system, authorised by Canterbury Regional Council by way of a rule in a regional plan or a resource consent.</p>	<p>The proposed wastewater disposal complies with CRC rules. Otherwise, a consent will be obtained.</p>
<p>GRUZ-S9 Water Supply for Firefighting</p> <p>GRUZ</p> <p>1. Where a reticulated water supply compliant with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) is not available, or the only supply available is a</p>	<p>The proposal meets this standard.</p>

rural restricted rural supply not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.	
GRUZ-S10 Airport Height Restrictions	Not relevant.
GRUZ-S11 Hours of Operation	Not relevant.
GRUZ-S12 Staff Numbers 1. A maximum of two non-resident full time equivalent staff shall be employed in undertaking the activity; or 2. For Rural Industry in Specific Control Area 13 (Eastern Plains) a maximum of five non-resident full time equivalent staff shall be employed in undertaking the activity.	Not relevant.

Natural Character Decisions have been released on PC23. It is noted where the rules below are subject to appeal. Specific rules that are subject to appeal are not treated as being operative.	
NATC-R1 Buildings and Structures (excluding fences, and water troughs and water pump sheds with a building footprint of 10m² or less) All zones Activity Status: PER Where the activity complies with the following standards: NATC-S1 Activity Setbacks from Surface Waterbodies.	NATC-R1 requires the setbacks detailed in table NATC-1 to be complied with, this includes 50m from wetlands, 100m from lakes and 20m from rivers. The proposal complies with these setbacks.

<p>NATC-R2 Earthworks and Stockpiles</p> <p>Activity Status: PER</p> <p>Where the activity complies with the following standards:</p> <p>NATC-S1 Activity Setbacks from Surface Waterbodies With the exception of earthworks associated with conservation activity, where no setback shall apply.</p> <p><i>Advice Note: this rule does not apply to earthworks regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2023.</i></p>	<p>NATC-S1 requires the setbacks detailed in table NATC-1 to be complied with, this includes 50m from wetlands, 100m from lakes and 20m from rivers. The proposal complies with these setbacks.</p>
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<p>Natural features and Landscapes</p> <p>Decisions have been released on PC23. It is noted where the rules below are subject to appeal. Specific rules that are subject to appeal [STA] are not treated as being operative.</p>	
<p>NFL-R1 Farm Buildings and Structures (excluding Residential Units)</p>	<p>Not relevant, as no Farm Buildings and Structures are proposed.</p>
<p>NFL-R2 Small Farm Buildings (Outside a Farm Base Area)</p>	<p>Not relevant, as no Small Farm Buildings are proposed.</p>
<p>NFL-R3 Pastoral Intensification and Agricultural Conversion</p>	<p>Not relevant, as no Pastoral Intensification and Agricultural Conversion are proposed.</p>
<p>NFL-R4 Irrigators and Fences</p>	<p>Not relevant, as no Irrigators are proposed.</p>
<p>NFL-R5 Earthworks</p> <p>ONL</p> <p>Activity Status: PER</p> <p>Where:</p>	<p>Earthworks are proposed within the LPA. To that extent R5.3 is relevant.</p>

<p>1. Undertaken for the purpose of the maintenance and repair of existing fence lines, tracks, reticulated stock water systems (including troughs); or</p> <p>2. Earthworks on any site shall not exceed 500m³ by volume and 500m² by area per site in any 5-year <u>12 month</u> period.</p> <p>3. No earthworks or tracking in the <u>Te Manahuna / Mackenzie Basin ONL Subzone</u> shall be located within Scenic Viewing Areas, or Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps other than for the purpose of track maintenance.</p> <p>4. <u>Undertaken for the purpose of the maintenance and repair of existing firebreaks, or the creation of new firebreaks under the direction of Fire & Emergency New Zealand.</u></p> <p><i>Advice Note:</i> <i>This rule applies in addition to the rules in the Earthworks Chapter.</i></p>	<p>Rule NFL-R5 states that the Activity status when compliance is not achieved with R5.3 is non-complying consent.</p>
NFL-R6 Harvest of Closed Canopy Wilding Conifers	Not relevant, as no harvest of closed canopy wilding conifers is proposed.
NFL-R6A Mechanical Discing of Wilding Conifers	Not relevant, as no mechanical discing wilding conifers is proposed. [STA].
NFL-R7 Land Rehabilitation following Harvest Removal of Closed Canopy Wilding Conifers	Not relevant, as no land rehabilitation following removal of wilding conifers is proposed. [STA].

<p>NFL-R8 Topdressing and Oversowing within Wilding Conifer Overlay Areas</p>	<p>Not relevant, as no topdressing or oversowing within an area of wilding conifer overlay is proposed. [STA]</p>
<p>NFL-R9 Non-Farm Buildings Including Residential Units Te Manahuna / Mackenzie Basin ONL LPA Activity Status: CON Where: 1. Within a defined Farm Base Area. 2. The maximum height shall be 8m. 3. No building shall be erected on Sites of Natural Significance, Scenic Viewing Scenic Grasslands, Lakeside Protection Areas or areas above 900m in altitude. 4. The maximum reflectivity index of the exterior of any building shall be 30%. 5. The maximum gross floor area of any single building shall be 550m² . Activity status when compliance is not achieved with R9.1 to R9.5: DIS Where: 6. Located within a Low or Medium Visual Vulnerability Area. 7. The maximum height is 6m. 8. No building or extensions to buildings, other than stock fencing, shall be erected in Lakeside Protection Areas identified on the Planning Maps (refer Non-Complying Activities – Rule 3.4.4). Activity status when compliance is not achieved with R9.6 to R9.8: NC</p>	<p>The proposal does not achieve R9.6, R9.7 or R9.8 therefore requires a non-complying activity consent.</p>

Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).	
NFL-R10 Commercial Forestry and Woodlots	Not relevant, as no commercial forestry or woodlots are proposed. [STA]
NFL-R11 Shelterbelts	Not relevant, as no shelterbelts are proposed.
NFL-R12 Quarrying Activities and Mining	Not relevant, as no quarry activities or mining are proposed. [STA]
NFL-R13 Landfills	Not relevant, as no landfills are proposed.
NFL-S1 Height 1. The maximum height of any building or structure shall not exceed 5m above natural ground level. 2. The highest point of any building or structure is to be located: a. at least 20m vertically below any ridgeline; or b. at least 100m horizontally from any ridgeline.	The proposal does not achieve S1.1 or S1.2. In such circumstances a Discretionary Activity consent is required.
NFL-S2 Building footprint 1. The maximum building footprint for any individual building shall be 50m ² .	The proposal does not achieve S2.1. In such circumstances a Discretionary Activity consent is required.
NFL-S3 Building Coverage 1. The maximum building coverage is limited to the lesser of: a. 300m ² for every 20 ha of site area, or b. 2,000m ² per property.	The proposal is unlikely to achieve S3.1b. In such circumstances a Discretionary Activity consent is required.
NFL-S4 Reflectivity 1. All buildings and structures in an ONE or ONL must be finished in materials with a maximum reflectance value of 30%.	The proposal achieves S4.1.
NFL-S5 Setbacks Te Manahuna / Mackenzie Basin ONL	The proposal achieves S5.1 to 4.

<p>1. Minimum setback of buildings from the boundary of the defined Farm Base Areas shall be 20m.</p> <p>2. Minimum setback from internal property boundary shall be 20m.</p> <p>3. Minimum setback from buildings from state highways shall be 100m.</p> <p>4. Minimum buildings from other roads shall be 20m.</p>	
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(iv) Plan Change 24 (Decisions Version)

Sites and Areas of Significance to Maori	
It is noted the below rules have recently been decided. Only one appeal has been filed by the Minister of Defence in relation to this chapter which relates to Definitions and Regionally Significant Infrastructure. This appeal does not apply to the applicable rules assessed below	
SASM-R1 Indigenous Vegetation Clearance	Not relevant, as no indigenous vegetation clearance is proposed.
SASM-R2 The Use of Nohoaka Sites by Ngā Rūnaka to Exercise Mahika Kai and Kaitiaki Practices	Not relevant, as no use of a Nohoaka Site is proposed.
SASM-R3 Earthworks within a Silent File Area or a Māori Rock Art Protection Area	Not relevant, as no earthworks within a Silent File or Maori Rock Protection Area is proposed.
SASM-R4 Any Residential Unit or Building which is not Connected to a Reticulated Sewer Network, but which involves the Discharge of Wastewater in a Silent File or Māori Rock Art Protection Area	Not relevant, as no discharge to a Silent File or Maori Rock Protection Area is proposed.
SASM-R5 Irrigation within a Māori Rock Art Protection Area	Not relevant, as no irrigation is proposed.
SASM-R6 Establishment of New or Expansion of Existing: Landfills; Waste	Not relevant, as none of these activities are proposed within a SASM.

Disposal Facilities; Wastewater Treatment Plants; Crematoria; New Cemeteries; Hazardous Facilities; Quarrying or Mining within a SASM	
SASM-R7 Excavation, Destruction, Removal or Alteration of Māori Rock Art	Not relevant, as no excavation, destruction, removal or alteration of Maori Rock Art is proposed.
SASM-R8 The Establishment of a New, or Expansion of an Existing Commercial Forest within the Māori Rock Art Protection Area	Not relevant, as no forestry is proposed within a Maori Rock Art Protection Area is proposed.

Overall, the proposal is assessed as a **Non-Complying Activity** under the operative MDP and relevant plan changes.

The MDP states that for a non-complying activity, a resource consent is required and may only be granted where the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies. There are no restrictions on the matters which the Council can consider.

The MDP also states:

- that the type of resource consent required is generally dependent on the degree of change anticipated and the effects that the proposed change is likely to have on the environment; and
- except for prohibited activities, resource consent is required for any activity that is not permitted. If more than one rule applies, and the activity status for each rule is different, then the most restrictive activity status will apply.

5.3 Scope of Application

This application is for all matters requiring resource consent under the MDP, rather than for the specific list of consent matters / non-compliances identified above.

As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE.

If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the RMA to process the application regardless of the type of activity that the application was expressed to be for.

6. Statutory Considerations

6.1 Resource Management Act (RMA)

The Council's decision on the proposal must give effect to the purpose and principles of the RMA, as set out in Part 2 of the RMA, and have regard to the relevant matters in sections 104 of the RMA. Sustainable management is defined to mean:

Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The broader principles of the Act are set out in sections 6 to 8 of the Act. Section 6 identifies a number of matters of national importance. These matters include (relevantly):

- (a) The preservation of the natural character of ... lakes ... and their margins, and protection of them from inappropriate ... use and development.
- (b) The protection of outstanding natural features and landscapes from inappropriate ... use, and development:
- (d) The maintenance and enhancement of public access to and along ... lakes...
- ...
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, Waahi Tapu and other taonga.

Section 7 sets out a number of “other matters” to which the Council is required to have regard. These matters include (relevantly):

- (a) Kaitiakitanga;
- (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- ...
- (c) The maintenance and enhancement of amenity values:
- ...
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

6.1.2 Section 104 of the RMA

Of relevance to this application, Section 104(1) of the Act requires the MDC to have regard to the following matters, subject to Part 2 of the Act:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

An assessment of the effects of the proposal on the environment is provided in section 7 of this report. Assessments against the relevant statutory documents are provided in section 11 below.

6.1.3 Section 104B – Determination of Non-Complying Activities

Under Section 104B of the Act, the Council may only grant or refuse consent for a non-complying activity and should resource consent be granted, then conditions may be imposed on the resource consent under Section 108 of the Act.

6.1.4 Section 104D – Particular Restrictions on Non-Complying Activities

Section 104D of the RMA states:

- (1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

In this instance, the relevant plan is the Mackenzie District Plan – both the operative MDP and the various Decisions on recent Plan Changes 23 – 27 to the MDP

7. Effects on the Environment

7.1 Meaning of Minor

As stated above, Section 104D of the RMA provides that consent may only be granted for a non-complying activity if the consent authority is satisfied that one of the gateway tests are met.

This section of the AEE considers whether or not the adverse effects of the activity on the environment will be minor (Section 104D(10(a))).

It is understood that the term “minor” suggests adverse effects that are less than major, but more than simply minute or slight, and are determined after having regard to any mitigation that may be achieved by imposing conditions.¹⁴

7.2 The Permitted Baseline

As stated above, section 104(2) of the RMA states that when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

All buildings within the LPA of the MBSZ are non-complying activities. Therefore, no permitted baseline exists with respect to buildings.

However, some aspects of this proposal are a permitted activity under the MDP. This includes the following permitted activities:

- Conservation Activity (GRUZ-R12) which is defined as use of land for any activity undertaken for the purposes of the preservation, and protection and restoration of natural and historic resources for the purpose of maintaining or enhancing their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations;
- Buildings and structures not otherwise listed (GRUZ-R5) which we interpret to include fencelines;
- Earthworks undertaken for the purpose of maintenance and repair of existing tracks (NFL-R5.1).

It is noted that if the proposed homestead is approved, then the MDP enables the following activities as a permitted activity within the homestead buildings (within the standards/limits specified):

- Home Businesses (GRUZ-R6);

¹⁴ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316, [2018] 3 NZLR 283 at [75].

- Rural Industry (GRUZ-R8);
- Rural Tourism Activity (GRUZ-R9);
- Residential Visitor Accommodation (GRUZ-R10);
- Aircraft and Helicopter Movements (GRUZ-R15); and
- Airfields and Helicopter Landing Areas (GRUZ-R16).

There is no guidance in the Act as to when it would be appropriate for a Council to adopt the permitted baseline approach. However, it is considered inappropriate to do so in this case, given the MDP lists all built form as a non-complying activity within the LPA.

7.3 Assessment Matters under the Operative MDP

Section 16 (of Section 7 - Rural Zone Chapter) of the Operative MDP contains a number of assessment matters relevant to the consideration of this application. Section 16.1 General states:

- a In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out below.
- b In the case of Controlled Activities, and activities which are Discretionary Activities in respect of which discretion is limited the assessment matters taken into account shall only be those relevant to matters to which discretion is limited.
- c In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.
- d In considering resource consents the Council shall have regard to compliance with District-wide rules.
- e In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited to, the following Assessment Matters.

This assessment has therefore been structured in accordance with the relevant assessment matters, which include:

Assessment Matter	Clause	Relevance
16.2 Buildings	16.2.a Building height and Recession Lines	Relevant
	16.2.b Setback from Roads	Relevant
	16.2.c Setback from Neighbours	Relevant
	16.2 d Access	Relevant
	16.2.e SONS (et al)	Not relevant
	16.2.f Riparian Management	Relevant

	16.2.g Airport Noise	Not relevant
	16.2.h Lakeside Protection Area	Relevant
	16.2.i Flood Mitigation – Floor Levels	Not relevant
	16.2.j Flight Protection Areas	Not relevant
	16.2.k Farm Buildings	Not relevant
	16.2.l Non-Farming Activities and Buildings	Relevant
	16.2.m Residential buildings in the OFHA	Not relevant
	16.2.n Buildings .. in HEIHA	Not relevant
	16.3.a SONS	Not relevant
	16.3.b Slope	Relevant
	16.3.c Riparian management	Relevant
16.4 Factory Farming Rural Zones	16.4.a All concerns	Not relevant
16.5 Tree Planting	16.5.a Setback from neighbours	Relevant
	16.5.b Shading of roads	Relevant
	16.5.c Scenic Viewing Areas, scenic grassland and shelter belts	Relevant
	16.5.d SONS	Not relevant
	16.5.e Wilding tree Management	Relevant
	16.5.f High Altitude Areas	Not relevant
	16.5.g Tree planting – Riparian Area and Water Catchment Area	Relevant
	16.5.h Other matters	Not relevant
	16.5.i Tree Planting – Discretionary Activity	Not relevant
16.6 Outdoor Recreational Activities		Not relevant
16.7 Visitor Accommodation		Not relevant
16.8 Retail Sales		Not relevant
16.9 Mining Activities		Not relevant
16.10 Vegetation Clearance	16.10.a Riparian Areas ...	Relevant
	16.10.b SONS	Not relevant
	16.10.c Tall Tussock and Canopy and Wetlands	Not relevant
	16.10.d Shrublands, Short Tussock etc.	Not relevant.
16.11 Scheduled Activities		Not relevant.
16.12 Aviation Activities		Not relevant
16.13 Other activities		Not relevant

16.14 Pastoral Intensification and Agricultural Conversion		Not relevant
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7.3.1 Building Height and Recession Planes (16.2.a)

Building height is defined in the Operative MDP as:

Height: in relation to a building means the vertical distance between ground level at any point and the highest part of the building immediately above that point.

For the purpose of calculating height, account shall be taken of parapets but not of poles, towers, turrets, chimneys, ventilation shafts, lift towers, machinery rooms, stair wells, water towers, cooling towers or finials, provided that such features:

a Do not exceed the maximum height normally permitted in the zone by more than 3.0m.

b Do not exceed an aggregate floor area of 20 sq m or 10% of the area of the roof to the storey immediately below such structures, whichever is the lesser.

c Do not exceed a dimension of 6m, measured in any direction.

In addition for the purpose of calculating height, account shall be not be taken of radio and television aerials and other telecommunication antennas that are attached to buildings and are no more than 1m squared in area on any side or 1200mm in diameter, provided the maximum height normally permitted by the rules for the zone is not exceeded by more than 3 metres.

The architectural plans appended to the application as **Attachment D** specify the height of the proposed building modules above existing ground level and finished ground level (the earlier being most relevant to the definition of height). The highest part of the proposed built form is gable end E and F as shown on plan RC 07 at 6.8-7.8m above existing ground level and 8.5m above FFL.

Rule 3.1.1.a Height of Buildings states that maximum height of buildings (other than those buildings specified in (i) and (ii) which are not relevant to this proposal) is 9m. To that extent, the proposed built form complies with the operative standard¹⁵. However, the Assessment Matter 16.2.a is still a relevant consideration, in my opinion, given overall the proposed buildings is a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.2.a states the following:

¹⁵ Noting PC23 reduces this height further.

- i The extent to which there is a need for the increased height in order to undertake the proposed activities on the site.
- ii The effect of the increased height in terms of visual dominance by buildings of the outlook from other sites, roads and public open space in the surrounding area, which is out of character with the local environment.
- iii The extent to which the increased height would have any adverse effect on other sites in the surrounding area in terms of loss of privacy through being over-looked from neighbouring buildings.
- iv The extent to which the increased building height will result in decreased opportunities for views from properties in the vicinity, or from roads or public open space in the surrounding area.
- v The ability to mitigate any adverse effects of increased height, such as through increased separation distances between the building and adjoining sites or the provision of screening.
- vi Long term effects on landscape values.
- vii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

The relevant parts of this Assessment Matter to the proposal are (vi) and (vii). I comment on those parts as follows.

With respect to (vi), the Landscape and Visual Effects Assessment Report (**LVEAR**) appended to the application as **Attachment I** finds that the Te Manahuna/The Mackenzie Basin is an ONL takes the form of a vast, open intermontane basin, punctuated by glacially fed lakes, dominated by open grassland vegetation. The characteristics of the basin that are particularly important are its openness, tussock grasslands, lack of buildings and structures, the clustered settlement pattern, its landform and its undeveloped highway sides and lakesides. Overall, LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives. It concludes that the landscape values of Te Manahuna/the Mackenzie Basin will be protected.

With respect to (vii), the LVEAR finds that the architecture and external appearance of the homestead dwelling and the landscape treatment that is proposed around it have been formulated to reflect traditional rural vernacular and patterns. Overall, the LVEAR finds that the proposal significantly accords with the Guidelines of the Operative MDP's Appendix K.

7.3.2 Setback from Roads (16.2.b)

The proposed buildings are approximately 2,600 meters from Godley Peaks Road. Standard 3.1.1.b(iii) requires buildings in excess of 5 square meters in gross floor level to be at least 30 metres from a road boundary. To that extent the proposed buildings comply (and significantly exceed) this standard. However, the Assessment Matter 16.2.b is still a

relevant consideration given overall the proposed buildings are a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.2.b states the following:

- i The extent to which the intrusion towards the road is necessary in order to allow more efficient, practical and/or pleasant use of the remainder of the site.
- ii The extent to which alternative practical locations are available for the building.
- iii The extent to which the proposed building will detract from the pleasantness, coherence, openness and attractiveness of the site as viewed from the road and adjoining sites.
- iv The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries, which will mitigate the effects of the building intrusion towards the road.
- v The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites.
- vi The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.
- vii The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from road boundaries.
- viii The degree to which existing or proposed landscaping, including plantings, mitigate the effects of limited building setback from a road.
- ix Long term effects on landscape values.
- x The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- xi The extent to which the location of a retail building closer to a State Highway will affect the safety and efficiency of adjoining roads.

The most relevant parts of this Assessment Matter to the proposal are (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x). We comment on those parts as follows.

With respect to (ii), it is acknowledged that there are other practical locations within the property to locate the homestead. However, we understand that the Scott's always had the intention of locating the homestead close to Lake Pukaki within their freehold title.¹⁶ However, the proposed location is considered the best location for a building of this significance within the property.

It is relevant that much of the station holds ecological value and selecting the homestead building location was carefully considered within this context. The site was selected from several alternate locations, primarily due to it being situated within an area of improved

¹⁶ Refer to letter appended as **Attachment M** from Ms Elizabeth Scott.

pasture/ cropping, its proximity to the heavily modified irrigation platforms and other freehold land, the 'nestling effect' afforded by the surrounding natural topography and the ability to design/ build into these landforms to mitigate adverse effects, and when viewed from public vantage points around the basin, the site's synergy with the FBA and existing shelterbelts. Despite being located outside the FBA, its sensitive siting retains the cluster approach to development.

With respect to (iii), (iv), (v) and (viii) the LVEAR finds the following:

- Regarding public land in and around Godley Peak Station, from the easternmost part of the Cass River delta, upper parts of built form will be visible before proposed vegetation matures, bringing increased awareness of domesticity and an adverse effect on amenity of a low degree, reducing as vegetation matures. A similar but more recognisable effect can be experienced from lakeside public land to the north of the proposed dwelling (the vicinity of viewpoints H and I). This effect is best described as moderate from these particular viewpoints in the short term, again, reducing as vegetation matures. Observers in some of these public locations will visually experience strengthening native ecology as time goes on.
- Members of the public who traverse the steep slopes of the Hall or Gammack Range will have difficulty recognising a new dwelling as proposed. Any adverse visual effects will be of a very low degree. Strengthening natural patterns brought about by the FBP will incrementally become legible.
- Observers on the surface of Lake Tekapo to the north, northeast and east of the homestead location will have the ability to see it. Those that are within approximately 3km of the homestead will generally be able to recognise it as a dwelling (depending upon light conditions and other factors). This will be a visual increase in human modification and occupation of the landscape, albeit that it will sit is what is recognisable a home paddocks area. For the closest observers, this will bring an adverse effect on the amenity that is derived from the ONL that ranges up to a moderate degree in the short term and the reducing. Again, maturing native vegetation that results from the FBP will also become a relevant element in these views, increasing perceived natural character.

With respect to (vi) the proposed homestead is approximately 2,600 meters from Godley Peaks Road. All parking and manoeuvring space for vehicles clear of the road.

With respect to (vii), although the proposed homestead cluster of buildings are of a larger scale, its appearance and layout is compatible with other homestead areas on high country stations within the Mackenzie Basin.

With respect to (ix) and (x), these have been discussed in the previous section. Those findings are equally relevant to this assessment matter.

7.3.3 Setback from Neighbours (16.2.c)

The proposed buildings are several kilometres from their nearest neighbour. Standard 3.1.1.c(i) requires residential units to be at least 20 metres from an internal boundary. To that extent the proposed buildings comply with the standard. However, the Assessment Matter 16.2.c is still a relevant consideration given overall the proposed lodge building is a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.2.c states the following:

- i The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.
- ii The extent to which alternative practical locations are available for the building.
- iii Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings or reduced privacy on adjoining sites and buildings, which is out of character with the local environment.
- iv The ability to provide adequate opportunities for garden and tree plantings around buildings.
- v The extent to which residents of the proposed building will be affected by permitted activities on the adjoining sites in terms of matters such as noise, smell, glare, dust or vibration.
- vi Any adverse effects of the proximity of buildings housing animals in terms of noise, smell, flies or vermin on adjoining sites.
- vii The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings.
- viii Long term effects on landscape values.
- ix The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

It is considered the most relevant parts of this Assessment Matter to the proposal are (iii), (iv), (v), (vii), (viii) and (ix). We comment on those parts as follows.

With respect to (iii), the design of the proposed homestead, although having a large footprint, mitigates the effects of visual dominance by placing the single-level buildings below current ground level and proposing extensive structural planting which is not out of character with the surrounding local environment.

With respect to (iv), the proposed structural landscaping plan provides for adequate and complimentary and sensitively located garden and tree plantings around buildings.

With respect to (v), post Land Tenure Review being concluded, all of the surrounding land is under the owner's control.

With respect to (vii), extensive mitigation planting is proposed which will, over time, reduce the increased awareness of domesticity.

With respect to (viii) and (ix), these have been discussed in the previous section. Those findings are equally relevant to this assessment matter.

7.3.4 Access (16.2.d)

The proposed buildings are proposed to gain access from Godley Peaks Road. Standard 3.1.1.d requires residential units to have legal access to a formed road, as well as comply with the relevant Section 15 Transportation standards. The proposal complies with all these relevant standards. Assessment Matter 16.2.d is still, however, a relevant consideration given overall the proposed lodge building is a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.2.c states the following:

- i The extent to which alternative formed access can be assured to the residential unit in the long-term.
- ii The extent to which the level and nature of the use of the residential unit will make it unlikely that access by way of a formed road will ever be necessary.
- iii The level of financial contribution required to be made to the Council towards the formation of the road to a standard suitable for residential access, taking into account the levels of traffic likely to be generated by the use of the residential unit in relation to the existing use of the road.

I consider the most relevant part of this Assessment Matter to the proposal is (i). The proposed access to the homestead area is along an existing farm track which is proposed to be upgraded. Given the farm track and the proposed homestead are all in the same ownership then its long-term viability is assured.

7.3.5 Riparian Management (16.2.f)

The proposed buildings are in excess of 200m from the shoreline of Lake Tekapo. Standard 3.1.1.f requires buildings to be more than 100 metres from any lake. To that extent the proposed buildings comply with this standard. Assessment Matter 16.2.f is still, however, a relevant consideration given overall the proposed buildings are a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.2.f states the following:

- i The degree to which the building or activity will restrict public access and enjoyment of the waterway margin.
- ii The degree to which the building or activity threatens indigenous plants or animals or their habitat identified in the waterway beds and margins.
- iii The degree of significance of the indigenous plant or animal communities (refer to Assessment Matter - Sites of Natural Significance.)
- iv The extent of any alteration of a wetland and the subsequent loss of habitat.
- v The extent to which the natural character of the waterway margin will be retained.
- vi The extent to which the building or activity may impact on recreational values associated with the water body, including the amenity of that part of the river, stream, lake or wetland.
- vii Long term effects on landscape values
- viii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- ix The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

The most relevant parts of this Assessment Matter to the proposal are (i), (ii), (iii), (v), (vi), (viii) and (ix). These are discussed further below.

With respect to Assessment Matters (i), (v) and (vi) the proposed homestead is *not* located within a waterway margin.¹⁷ The proposal will therefore not restrict public access to, affect the natural character of, or affect the enjoyment of the waterway margin, to any extent.

With respect to (ii) and (iii), the proposal seeks to manage riparian areas through the FBP. The homestead is not located within a riparian area.

With respect to (vii) and (viii), these have been discussed in the previous section. Those findings are equally relevant to this assessment matter.

¹⁷ Refer paragraphs 19 and 20 of the LVEAR.

With respect to (ix) the proposed FBP, secured by way of consent condition, is a mechanism anticipated by the MDP to protect the significant indigenous values of the property (alongside clearance rules).

7.3.6 Lakeside Protection Areas (16.2.h)

The proposed buildings are located within an LPA. Standard 3.1.1.h states that no buildings shall be erected within LPA identified on the Planning Maps. Additionally, Rule 3.4.4 states that all non-farm buildings in the Mackenzie Basin Subzone within a LPA are a non-complying activity. As such, Assessment Matter 16.2.h is relevant to the consideration of the proposal as follows:

- i The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- ii Long term effects on landscape values.
- iii The extent to which siting, design and colour of buildings and structures mitigate against the loss of landscape values contained in the Lakeside Protection Areas.
- iv The impact on the natural functioning of the lake margins.

With respect to (i) and (ii), these have been discussed in the previous section. Those findings are equally relevant to this assessment matter.

With respect to (iii), the LVEAR finds that the proposed stone cladding of all elevations of the building and the earthy colour of the gabled roofs, and compliance with reflectivity standards will assist in visually blending the built form with its immediate visual context.

With respect to (iv), the proposed homestead, is located in excess of 200m from the Lake Tekapo shoreline. The building site is located at a higher/ terraced elevation to the lake edge and within an area of improved pasture. As such, the proposal will have no affect the natural functioning of the lake margin.

7.3.7 Flood Mitigation (16.2.i)

The proposed buildings are located in excess of 200m back from the shoreline position. The proposed foundation level is 740m, 39m above the normal operating range for Lake Tekapo (and 29m above the maximum operating level). Standard 3.1.1.i(i) states that no habitable residential buildings shall be located in areas of 'High Flood Risk'. The proposed

buildings are not in an area of high flood risk, however Assessment Matter 16.2.i is still relevant given the proposed buildings are a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.2.i states the following:

- i. The likelihood of the proposed activity being threatened by flooding or ponding as a result of the proposed floor level.
- ii. The frequency of flooding events and flooding and ponding levels in relation to the site of the habitable residential buildings.
- iii. The quantity and value of assets that will be vulnerable to flooding as a result of the establishment of the proposed floor level.
- iv. The ability of buildings to be relocated, and estimated cost, and the possible destination of a relocated building.

A Geotechnical Assessment is appended to the application as **Attachment H**. That assessment confirms that the site is not prone to flooding. To that extent the above assessment matters have been considered. The LVEAR also confirms that the building site is located outside of the normal operating levels of Lake Tekapo in the context of its function as a controlled lake under the Tekapo Power Scheme.

7.3.8 Non-Farming Activities and Buildings (16.2.I)

The proposed buildings are located within a LPA. Standard 3.1.1.h states that no buildings shall be erected within a LPA identified on the Planning Maps. Additionally, Rule 3.4.4 states that all non-farm buildings in the Mackenzie Basin Subzone within a LPA are a Non-Complying Activity. As such the Assessment Matter 16.2.I is relevant to the consideration of the proposal as follows:

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

- vii. Whether building(s) would be located where they would break the line and form of any skylines, ridges, hills or prominent slopes, and in particular whether buildings would appear above the skyline when viewed from any public viewpoint.
- viii. The extent to which any proposed accessways, earthworks or landscaping would follow the form and lines of the natural topography and landscape.
- ix. Whether building(s) would be concentrated together or in close proximity to existing buildings or other man-made structures (preferred).
- x. Whether the colours of the roofs and walls would be recessive and of low reflectivity.
- xi. Whether the site is within a Lakeside Protection Area.
- xii. Whether the application includes proposals for ecological restoration and/or the containment and control of wilding species.
- xiii. The extent to which any exterior lighting can be minimised to avoid adverse effects on amenity values.
- xiv. Any adverse effects of the proposed activity in terms of:
 - Noise, vibration and lighting from the activity and from vehicles entering and leaving the site.
 - Loss of privacy for adjacent properties.
 - Levels of traffic congestion or reduction in levels of traffic safety.
 - Noise, dust and traffic from earthworks.
- xv. Whether wāhi taonga sites are effected.
- xvi. Whether there are threatened or “at-risk” plants (including those in Appendix W) on the building site or within 30m of it.
- xvii. Whether the integrity of the ecological components in Appendix X is compromised resulting in adverse impacts on biological diversity and natural character.

All of these assessment matters are relevant to the proposal.

With respect to (i) to (iii), the LVEAR finds that public land in and around Godley Peak Station, from the easternmost part of the Cass River delta, upper parts of built form will be visible before proposed vegetation matures, bringing increased awareness of domesticity and an adverse effect on amenity of a low degree, reducing as vegetation matures. The LVEAR continues that a similar, but more recognisable effect, can be experienced from lakeside public land to the north of the proposed dwelling (the vicinity of viewpoints H and I). The LVEAR finds that this effect is best described as moderate from these particular viewpoints in the short term, again, reducing as vegetation matures. Observers in some of these public locations will visually experience strengthening native ecology as time goes on.

From the surface of Lake Tekapo, the LVEAR finds that observers north, northeast and east of the homestead location will have the ability to see it. The LVEAR finds that those that are within approximately 3km of the homestead will generally be able to recognise it as a dwelling (depending upon light conditions and other factors). The LVEAR finds that this will

be a visual increase in human modification and occupation of the landscape, albeit that it will sit is what is recognisable a home paddocks area. The LVEAR also finds that for the closest observers, this will bring an adverse effect on the amenity that is derived from the ONL that ranges up to a moderate degree in the short term and the reducing. Again, the LVEAR finds, maturing native vegetation that results from the FBP will also become a relevant element in these views, increasing perceived natural character. The lengthier and more distant ONL vistas remain and these higher elevations serve as a key focal point.

With respect to (iv), the LVEAR finds that the preservation of natural character is important in relation to ONLs and also to LPAs. Considered in isolation, a large dwelling in this location will be a de-naturalising element. However, this potential effect is mitigated by a number of factors including the improved pasture nature of the location, the form and appearance of the homestead and its proposed landscape treatment, and its inextricable connection to the ongoing management of the station. Overall, the extent of the proposed buildings and mitigation planting is unlikely to compromise the character of the surrounding landscape.

With respect to (v), it is considered that the siting/scale of the proposed homestead buildings are appropriate within this landscape.

The LVEAR assessed the possibility of various locations on the site (including within the Godley Peaks FBA). The key to this assessment is whether there is any functional/effects benefit of doing so, particularly given the development potential within the FBA itself. The LVEAR states that the FBA provides for considerable development and includes some relatively prominent locations on which a large homestead could be located. The applicant seeks not to use those locations but to site the homestead as proposed. The LVEAR finds that with reference to the other FBAs of Te Manahuna/the Mackenzie Basin in general, a farm homestead on the improved home paddocks area of a large station is not fundamentally out-of-place in terms of landscape character and values.

While it is acknowledged that there are potentially several other sites within the property where such buildings can be located and serve the intended purpose, it is considered that those alternative sites are unlikely to have a lesser effect on the environment than the application site.

With respect to (vi), significant consideration has been given to how potential adverse effects on the environment can be avoided or mitigated through an appropriate design and landscaping, including the implementation of the FBP.

With respect to (vii), the LVEAR finds that from Viewpoints H and I, and adjacent locations to the north of these, visibility of proposed built form on a skyline will occur in the short term. The LVEAR finds that the schist stone cladding will reduce potential prominence but considerable glazing (recessed into cladding/roofing) will be visible, as will the gabled forms of the roofline. The LVEAR also finds that landform and lower vegetation will screen the lower part of built form and considerable tree planting will ultimately create a dense green backdrop, such that the building will not appear with a sky backdrop. The LVEAR notes that visual simulations using these two viewpoints are included in the Baxter Design document. The treed backdrop behind the homestead buildings will create a more visually complex and varied skyline, into which the gabled forms of the buildings will be incorporated.

With respect to (viii), the LVEAR finds that proposed earthworks will create rising ground in front of the dwelling in these views and high native vegetation is proposed to the southwest of the dwelling that will (in time) entirely screen any built form. The LVEAR states, with reference to Photographs J, the only realistically noticeable change will be a roughly horizontal blur of additional dark vegetation (being the proposed native forest vegetation to the south and west of the homestead) that will tie in with the horizontal lines of the backdrop and there will be no effect on visual amenity.

With respect to (ix), the proposed buildings are concentrated together to form a homestead cluster. The homestead buildings also in close proximity to fencelines (being a man-made structure) and from distant viewpoints sit alongside the existing FBA and modified irrigation platforms.

With respect to (x), the colours of roofs and walls of the proposed homestead buildings have been designed to be recessive and of low reflectivity.

With respect to (xi), the site is within the LPA. However, that in itself, does not mean the site is inappropriate after an effects-based assessment.

With respect to (xii), the proposal includes the adoption of a FBP which protects and enhances indigenous vegetation on the property. This FBP is considered a significant positive effect (including mitigation) of the proposal.

With respect to (xiii), exterior lighting will be minimised to avoid adverse effects on amenity values and to contribute to the Aoraki Mackenzie International Dark Sky Reserve. This is best achieved through the imposition of a consent condition to the effect that all external lighting shall be directed away from adjacent sites, roads and the lake and shall be capped and directed downwards and shall be contained located within the garden area only and not turned on between 10pm and 6am. Additionally, external lighting shall not be used to accentuate or highlight built form, slopes, trees, or any other landscape feature as viewed from beyond the property.¹⁸

With respect to (xiv), the proposed homestead buildings, including the access to such, are located entirely within the property which has no immediate neighbours. No adverse traffic effects are therefore anticipated.

With respect to (xv), no wahi taonga sites, as identified in PC24, are affected by the proposal.

With respect to (xvi), there are no threatened or “at risk” plants within 30m of the building site.

With respect to (xvii), the integrity of the ecological components in Appendix X are not compromised, but rather maintained and enhanced through the adoption of the FBP.

7.3.9 Earthworks and Tracking – Slope (16.3.b)

Standard 4.1.1.b prohibits earthworks or tracking to be located on slopes with an angle of greater than 25 degrees. The proposal complies with this standard. However, Assessment Matter 16.3.b is still a relevant consideration given overall the proposed buildings are a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.3.b. states the following:

- i The extent to which the environment in and adjoining the site is sensitive to modification.
- ii The degree to which water habitat may be compromised through runoff and sedimentation caused by earthworks.
- iii The extent to which the activity will result in a loss of natural character of the area.
- iv Long term effects on landscape values.
- v The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

¹⁸ It is additionally noted that lighting is proposed to be prohibited within the Winter Garden building.

- vi The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

With respect to (i), a Geotechnical Assessment is appended to the application as **Attachment H**. That assessment confirms that the site is situated on gently rolling topography, which poses no slope stability issues and the hazard database does not zone the site for any form of landslide feature.

With respect to (ii), an Environmental Management Plan (**EMP**) is appended to the application as **Attachment K** which has been prepared in accordance with the objectives and policies of the MDP. This document will also ensure that the project aligns with Environment Canterbury's (**ECan**) "Erosion and Sediment Control Toolbox for the Canterbury Region" (**ESCT**). The purpose of this EMP is to be an effective and practical reference manual for construction personnel that applies to all project activities during the construction phase and includes the following:

- Strategies to manage environmental aspects and risks, based on associated best practice.
- Provides for contingency planning.
- Provides a framework for monitoring, reporting, review and continual improvement.
- Defines roles and responsibilities.
- Procedures to investigate and resolve environmental non-conformances and initiate corrective and preventative actions.

An overview of the project and sequencing can be found in the construction methodology at Section 2.0 of the EMP appended to this application as **Attachment K**. The adoption of the EMP will ensure best practice methods are undertaken to avoid any water habitat being compromised through runoff and sedimentation caused by the proposed earthworks, consistent with this assessment matter.

Subclause (iii) to (vi) have been assessed under clause 16.2.a above. Those findings are equally applicable to this assessment matter.

7.3.10 Earthworks and Tracking – Riparian Management (16.3.c)

Standard 4.1.1.c places a minimum volume and area of earthworks within 75m of a lake and 20m of a listed river (which includes the Cass River). Earthworks to construct the building platform are in excess of 200m from Lake Tekapo and the new part of the accessway to the building site is well in excess of 20m from the Cass River. No earthworks are proposed within 75m of the lake or within 20m of the Cass River. However, Assessment Matter 16.3.c is still a relevant consideration given overall the proposed buildings are a Non-Complying Activity under Rule 3.4.4. Assessment Matter 16.3.b. states the following:

- i The extent to which floodwater conveyance will be enhanced without adversely affecting flood hazard elsewhere in the area.
- ii The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

With respect to (i), a Geotechnical Assessment is appended to the application as **Attachment H** which confirms that the site is not prone to flooding. The site is also located outside the normal operating levels of hydro-controlled Lake Tekapo.

With respect to (ii), the FBP appended to the application as **Attachment F** protects the natural values of the site (including the wider property).

7.3.11 Tree Planting – Setback from Neighbours (16.5.a)

No tree planting is proposed within 15 metres of a neighbouring property, however, given the entire proposal is to be assessed overall as a Non-Complying Activity, Assessment Matter 16.5.a is a relevant consideration in assessing this proposal:

- i The extent to which the tree planting could cause shading and/or loss of production on adjoining sites.
- ii The extent to which forest operations could impact on the efficient use of adjoining sites.
- iii The impact of the tree planting on fire risk management in the area.
- iv Long term effects on landscape values.
- v The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

With respect to (i), given the remoteness of the site to neighbouring properties it is not likely that any tree planting in the lakeside area could cause shading or loss of production.

With respect to (ii), no forestry activities are proposed.

With respect to (iii) the removal of wilding pines and replacement with indigenous vegetation is unlikely to increase fire risk. The area is not within a Wilding Conifer Control Area adopted by PC23.

With respect to (iv) and (v) these have been assessed under 16.2.a. Those findings are equally applicable to this assessment matter.

7.3.12 Tree Planting – Shading of Roads (16.5.b)

No planting is within close proximity to Godley Peaks Road. Standard 6.1.8.b states that trees shall not be planted or allowed to grow in such a position that at any time they would shade the roadway between the hours of 1000 and 1400 on the shortest day of the year. The proposed tree planting has been designed to comply with this standard, however, given the entire proposal is to be assessed overall as a Non-Complying Activity, Assessment Matter 16.5.b is a relevant consideration in assessing this proposal:

The extent to which the location, orientation, species and maximum height of the proposed trees will result in shading of the carriageway and a potential for icing which could endanger the safety of motorists.

No proposed trees will shade the carriageway of any roads.

7.3.13 Tree Planting – Wilding Tree Management (16.3.e)

Standard 6.1.8.e prohibits the planting of certain species that have wilding characteristics. While it is not proposed to plant any of those species, it is proposed to control the effect of such pest spread (and the potential for future spread) through the proposed FBP. To that extent, I consider some aspects of Assessment matter 16.3.e are relevant to the consideration of this proposal:

- i The extent to which wilding trees and/or the potential for wilding tree spread is to be controlled, or eliminated by the choice of species, forest location and design, grazing, and other management tools.

- ii The need to ensure compliance with conditions on wilding tree management by way of bonds or other economic instruments.
- iii Long term effects on landscape values.
- iv The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- v The potential for tree planting to threaten the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding tree spread into these areas.

With respect to (i) potential of wilding spread is being eliminated through the proposed FBP. We note that the site is not otherwise subject to wilding conifer removal and management overlays.

With respect to (ii) there is no need, in this instance, for a bond or other economic instrument in relation to the control of wilding trees. The proposed FBP requires an ongoing long-term commitment which can be secured by conditions of consent.

With respect to (iii) and (iv) these have been assessed under 16.2.a. Those findings are equally applicable to this assessment matter.

With respect to (v) no wilding tree species are proposed to be planted.

7.3.14 Tree Planting –Riparian Management (16.3.g)

While it is not proposed to do any forestry,¹⁹ it is proposed to control the effect of such past spread (and the potential for future spread) through the proposed FBP. To that extent, I consider some aspects of Assessment Matter 16.3.e are relevant to the consideration of this proposal:

- The extent to which forestry planting, management, harvesting and ancillary activities will have a significant effect on:
- the ecological functioning of the riparian area and on the quality and character of the adjoining water body
 - legal public access and amenity values of waterway margins
 - indigenous plants or animals or their habitat in the waterway beds or margins
 - a wetland or habitat
 - recreational values associated with the water body including the amenity of that part of a river, lake or wetland
 - the availability of water within the catchment.

¹⁹ It is noted that although forestry is referred to in the Carbon Zero plan, none is proposed.

Wilding Tree Management

1. The extent to which the potential for wilding tree spread is to be controlled, or avoided by the choice of species, forest location and design, grazing, and other management tools.
2. The need to ensure compliance with conditions on wilding tree management by way of bonds or other economic instruments.
3. Long term effects on landscape values.
4. The potential for tree planting to affect the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding tree spread into these areas.

The proposed FBP states that woody weed control is a focus for the station and work to remove crack willow from the property is a priority. Crack willow forms dense monoculture thickets in wetlands and waterways of the property, impacting the natural hydrology and outcompeting indigenous species. The figure below shows the scale of the willow removal programme that will be undertaken:

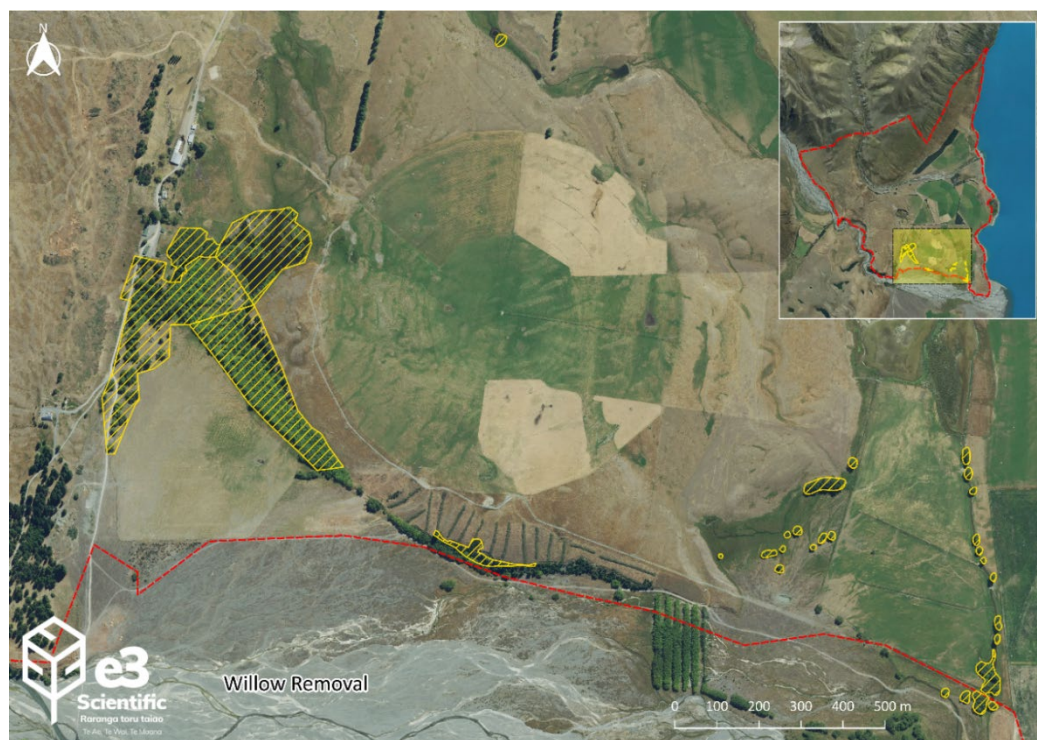


Figure 15 – Proposed wilding conifer control.

The proposed FBP also states that wilding conifer control is also a priority for the station monitoring and removal of high-risk species is undertaken.

The proposed FBP states that farm managers will monitor woody weed establishment across the property in addition to any other weed species that may become problematic for both the farm operation and ecological values. The proposed FBP also states that weed control work undertaken by the station will be monitored and recorded (the total area of willow and wilding conifers treated).

7.3.15 Vegetation Clearance – Riparian Areas (16.10a)

Standard 12.1.1.a states that the clearance of vegetation shall not exceed 100m² per hectare in any continuous period of 5 years. No vegetation clearance is proposed within any riparian areas. Accordingly, I consider Assessment Matter 16.10.a. is relevant to the consideration of this proposal only to the extent that the proposal is overall a non-complying activity:

The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

The long-term implementation of the proposed FBP, which could be secured by way of condition of consent, protects the significant nature values on the property.

7.4 Other Matters

7.4.1 Natural Hazards

A Geotechnical Assessment report prepared by Geotago is appended to the application as **Attachment H**. The assessment finds:

- The site is not underlain by any form of alluvial fan or alluvial landform.
- The soil classification for the site is Class C, relating to shallow soils that are very dense or soft rock. Based on the investigations undertaken, this is considered an appropriate classification. No active faults were mapped in the field, however, the active Irishman Creek Fault is shown on the published Qm 15 approximately 2.5km south from the site. There is a significant seismic risk to the Mackenzie region when the rupture of the Alpine Fault System occurs; recent probability predictions estimate a magnitude 7.5 or greater is highly likely within the next 45 years. Significant ground shaking is expected from this type of event. The homestead and ancillary buildings are designed to accommodate this risk.

- The site is described as having an unlikely probability of liquefaction damage, according to the report on “Revised liquefaction information for the Mackenzie District” by Environment Canterbury, and dated September 2023. This classification suggests that the ground is predominantly underlain by scree, glacier or fan deposits. This is aligned with Geotago’s site investigation data, plus the fact there is no groundwater identified within 1.8m of ground level.²⁰

7.4.2 Geotechnical Considerations

As above, a Geotechnical Assessment report prepared by Geotago is appended to the application as **Attachment H**. The assessment finds:

- The site is situated on gently rolling topography, which poses no slope stability issues. The hazard database does not zone the site for any form of landslide feature;
- Earthworks anticipated in the realms of 2 to 4m cut required to form level platform;
- NZS3604 “good ground” present which will provide an ultimate bearing capacity of 300kPa for traditional shallow foundations or waffle slab-on-ground solutions;
- Standard conditions apply to align with NZS4404 and Mackenzie District subdivision chapter. Site won material is suitable for reuse subject to appropriate screening.

7.4.3 Stormwater Disposal

A Geotechnical Assessment report prepared by Geotago is appended to the application as **Attachment H**. The assessment finds the site has poor drainage conditions. Stormwater disposal will likely require integrated water storage and detention tank with an overflow to a dispersal trench. These issues have been considered in the design of the stormwater disposal in the Civilised Report appended to the application as **Attachment J**.

7.4.4 Wastewater Disposal

A Geotechnical Assessment report prepared by Geotago is appended to the application as **Attachment H**. The assessment finds the subject site has Category 3 Soils. A package plant home aeration type system capable of the disposal of secondary treated effluent according to AS/NZS1547:2012 standards via a discharge control bed (or trench) is

²⁰ Appendix H – Geotechnical Report, Executive Summary.

considered appropriate. These issues have been considered in the design of the stormwater disposal in the Civilised Report appended to the application as **Attachment J**.

7.4.5 Cultural effects

Plan Change 24 (PC24) to the ODP introduces district-wide provisions relating to Sites and Areas of Significance to Maori (**SASM**). A decision on PC24 was issued on 31 July 2024. PC24 decisions version (**DV**) recognises that:

Ngā Rūnaka worked and travelled extensively across South Canterbury and the Te Manahuna/Mackenzie District and, as a result, they have historical and cultural connections with the land, mountains, lakes, and waterbodies throughout Te Manahuna/Mackenzie District. To appropriately reflect the depth and breadth of their relationship with the district, the approach taken is to firstly identify areas of association. These are categorised as:

- Wāhi Tūpuna — refers to large geographic areas that hold significant value to Kāi Tahu due to the concentration of wāhi tapu or taoka values, or the importance of the area to cultural traditions, history or identity. Wāhi tūpuna provide current and future generations of Kāi Tahu and Nga Rūnaka the opportunity to experience and engage with the landscape as their tūpuna once did. The term wāhi tūpuna encompasses places where the tūpuna travelled, stayed, gathered and used resources, and the associated stories and traditions (including place names) that transcend the generations. These places are often sites in which victories and defeats were fought by Ngāi Tahu tūpuna (ancestors) and were frequently protected by tūpuna not revealing the exact location.
Wāhi taoka — special places that are treasured due to their high intrinsic values and the critical role they have in maintaining a balanced and robust ecosystem (such as wetlands, freshwater springs and nesting sites for birds) and/or their capacity to shape and sustain the quality of life and provide for the needs of present and future generations.
- Wāhi tapu — sacred sites or areas held in reverence according to whakapapa. Wāhi tapu may be associated with creation stories of tākata whenua, particular events, such as battles or ceremonies, sacred locations such as where whenua or placenta is buried, or sites where a particular valued resource is found.
- Wai tapu and wai taoka — sacred water (wai) represents the essence of life and were set aside for undertaking a number of rituals including waters of death and water burials. It is integral to tribal identity and considered to be wai taoka and/or wai tapu with some locations also considered wāhi tapu. Water is a source of mahika kai and therefore has intrinsic connection to the health of the environment and species harvested for mahika kai purposes. In addition to this, there are cultural values associated with water related to places of significant events, occupation and historic access and travel routes. Major rivers (and their tributaries), lakes, wetlands, and springs within Te Manahuna/Mackenzie District are retained within cultural memory via ancestral placement names and follow

their original natural water course. Many of the rivers were also trails in which settlements were located and there is a strong desire by mana whenua to ensure such rivers continue to have capacity for future generations to access, use and treasure the resource.

- Māori rock art — refers to the rich heritage of rock art, including designs that are unique to Kāi Tahu found on limestone shelters and outcrops through Te Manahuna/Mackenzie District and South Canterbury. The rock art is mostly painted, or sometimes drawn, other works are carved, cut, scraped or chipped from rock. Māori rock art often shows everyday subjects such as people, birds, dogs and waka (canoes) as well as taniwha or other spiritual beings.
- Silent files are a tool to protect culturally significant sites or other wāhi tapu. A silent file gives a general indication of the location of the significant site without identifying its exact site. The presence of a silent file on a planning map should act as a trigger for a high level of meaningful engagement with mana whenua for activities proposed within the identified area.

Importantly, PC24 DV states:

This chapter is not the only chapter in the District Plan which manages activities that are located within SASM and should be read alongside other sections of the District Plan which also consider the effects on SASM. In particular, it should be noted that there are rules in other chapters, including the Natural Character, Natural Features and Landscapes, Public Access and Earthworks chapters which manage activities that occur in SASM, and where an activity is proposed within a SASM which requires resource consent under those chapters, the objectives, policies and matters of discretion in this chapter may also be relevant to consideration of that activity.

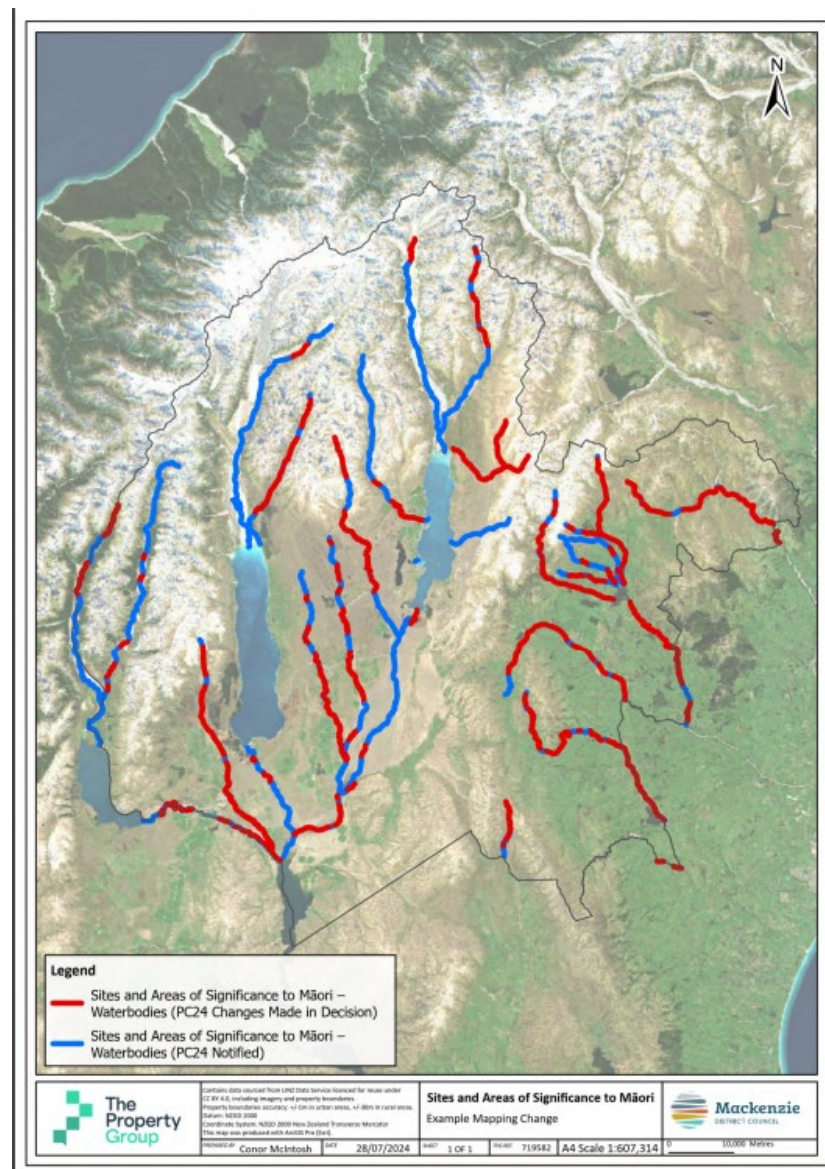


Figure 16 - PC24 District Plan Map overlays identifying Sites of Significance to Māori (Red hatching – PC24 Changes Made in Decision blue hatching – PC24 as notified).

Although the subject site is not within a site or area of significance to Māori, it is adjacent to a SASM15 being Lake Tekapo (Takapo) and SASM23 being the Cass River, as described below:

Unique identifier	Name	Category	Cultural value	Description
...				
SASM15	Lake Takapō/Lake Tekapo	Waterbodies, Statutory Acknowledgement Area	Wāhi taoka Wai taoka Wai tapu Wāhi tūpuna Wāhi tapu	"Tekapo" is a misspelling of Takapō, the name of the lake in the Māori language. Takapō means "to leave in haste at night". Takapō is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rakaihautu" which tells how the principal

				lakes of Te Wai Pounamu were dug by the rangatira Rakaihautu. Takapō was often occupied by Kāi Tahu, and, like most lakes, there are traditions of a taniwha connected with it. Tradition has it that the tohunga Te Maiharoa is the only person to have swum the lake and escaped the taniwha. This story is told to demonstrate that the mana of Te Maiharoa was greater than that of the taniwha of the lake. As a result of this history of occupation, there are a number of urupā associated with the lake. Urupā are the resting places of Kāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories, and defeats of Kāi Tahu tūpuna, and are frequently protected by secret locations. Takapō served as a kāinga mahika kai for South Canterbury Ngāi Tahu. The mauri of Takapō represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Kāi Tahu whānui with the lake. (Source: Schedule 57 of the Ngāi Tahu Claims Settlement Act 1998)
...				
SASM23	Te Awa-a-Takatamira/Cass River	Waterbodies	Wai taoka Wāhi taoka	Te Awa-a-Takatamira/Cass River is an alpine river that rises in the Hall Range and flows in a south-easterly direction into the west side of Takapō/Lake Tekapo. Water plays a unique role in the traditional economy and cultural of Kāi Tahu. Without water no living thing, plant, fish, or animal can survive. Waterbodies such as the Te Awa-a-Takatamira/Cass River represent the blood vessels that supply nourishment to all living things. Waterbodies and the resources they support, determines the siting of kāika, identity and the rhythm of lives. The traditional values and controls regarding water are included in the spiritual and practices (tikaka) of Ngā Rūnaka.
...				

Proposed **Policy SASM-P2 Consultation with Mana Whenua** states:

Ensure consultation with the relevant mana whenua is undertaken where activities have the potential to adversely affect SASM and their values.

Given the subject site is not identified as a SASM, it is concluded the proposal with unlikely affect any SASM or it values. The proposed policy directs that consultation should be undertaken where there is potential for adverse effects. In reaching the conclusion that additional consultation is not required, we note that as part of Tenure Review, the following will be achieved:

- The area adjoining the Cass River/Te Awa-a-Takatamira will be subject to Crown Control as Conservation Area, subject to easement for farm management access.
- The Edge of Lake Tekapo is to be in full Crown ownership and control for the purpose of Recreational Reserve.

Therefore, in the short term the parts of the property that are immediately adjoining the identified SASM's will be held by the Crown rather than by the applicant.

7.5 Positive Effects

7.5.1 Farm Biodiversity Plan (FBP)

As discussed above, the proposed FBP, appended to the application as **Attachment F**, collates the known and likely biodiversity values across the property and the development of a range of measures designed to protect and enhance these values. This includes, among other things, the following:

- retirement of the Mistake Catchment and part of the McCabes Block including a significant fencing programme to achieve this; and
- restoration planting of the wetlands and the pivot irrigator perimeter; and
- establishment of a monitoring programme on the moraine for the threatened ²¹ vegetation communities and species that are present on the dry ridge crests of this landform; and
- weed control (including a significant willow removal programme), rabbit and hare control and pest control that will support the wider conservation effort to support black stilts.

The proposed FBP is an integral part of this proposal and the applicant volunteers that the long-term implementation of the FBP be secured by a condition of consent.

It is concluded that the inclusion of the proposed FBP is a significant positive in terms of the overall proposal, as it relates to biodiversity outcomes. The LVEAR finds the proposed homestead buildings may be discernible, but it will be difficult to recognise, will sit within the improved pasture part of the view and will have very little influence on the vast panoramas that are taken in. The LVEAR finds, in a strict sense, the proposed homestead buildings will

²¹ **Attachment F** – Farm Biodiversity Plan, Appendix A (Moraine) identifies threat classifications of identified species.

be a de-naturalising element of further human modification in these views, but the actual ability to recognise this will mean that any adverse effects are of a very low degree that the in the longer term, the natural patterns (of extensive new areas of native planting) will emerge and strengthen as a result of the FBP and will recognisably increase natural character.

7.5.2 Refurbishment of huts

As discussed above, the applicant also intends to refurbish various huts on the property. In my opinion, the refurbishment of the John Scott Lodge will result in a significant positive effect for the users of that lodge, in particular the Timaru Boys' High, and other users on application and at the discretion of the applicant. Likewise, the refurbishment of Angus, Rankin and Middle Gorge huts (subject to DOC's consent) will be a positive effect as they are used by public, however will be outside the freehold title. The refurbishment of Ribbonwood hut will not constitute a positive effect in terms of this application as there is no benefit to the public in doing so (unless the owner permits this).

Overall, it is concluded that the refurbishment (as described above) of the John Scott Lodge and the Angus, Rankin and Middle Gorge huts (subject to DOC's consent) will have a positive effect on the environment and should be afforded some weight in deciding on this application.

7.5.3 Contribution towards Cass River bridge

As discussed above, the applicant volunteers, as a condition of consent, a contribution of 12.5% towards the actual cost of the Cass River bridge replacement (to a maximum value of \$500,000 inclusive of GST).

Overall, this contribution is considered a significant positive effect on the environment through the provision of greater public accessibility to the Godley Peaks area, and should be afforded considerable weight in deciding on this application. This proffered condition is a relevant consideration under Section 104(1)(ab) of the RMA.

7.6 Conclusion on Effects

This section of the AEE considers whether or not the adverse effects of the activity on the environment will be minor (Section 104D(1)(a)).

The primary effects of the proposal are on landscape and visual amenity values. The LVEAR finds that that adverse effects of the proposed dwelling on the natural character of the relevant area of LPA will be of a moderate degree, reducing to low as the landscaping around the homestead matures. The LVEAR also finds that there will be a low degree of effect on the landscape values of the Mackenzie Basin, reducing to very low.

The positive effects on natural character and landscape values that will stem from the implementation of the FBP over time will accrue to being of a moderate degree.

In an overall consideration, the LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives and concludes that the landscape values of the Mackenzie Basin will be protected, consistent with this objective.

In our opinion, despite the temporary adverse landscape and visual amenity effects being of a moderate degree, overall, the proposal including mitigations (and the implementation of a FBP) will only have a low degree of effect. Such an effect equates to minor or less, passing the first section 104D threshold test.

8. Policy Framework The Mackenzie District Council have progressed review of their District Plan through 'stages'. Decision on Stage 3 have recently been released (subject to some appeals). The District Plan review process is designed to give effect to the National Policy (and Regional Policy) Statements. We therefore consider the District Plan documentation to be robust in their treatment of national policy direction, however for completeness and for the avoidance of doubt, we assess the relevant components of the National and Regional documents below.

8.1 National Policy Statements

Section 104(1)(b)(iii) requires a consent authority to have regard to any relevant provisions of a national policy statement (**NPS**). The following NPSs contain relevant provisions to this application:

- National Policy Statement for Freshwater Management

- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity

Each will be discussed in turn.

8.1.1 National Policy Statement for Freshwater Management

The following Objective and policies are considered relevant to this proposal:

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

...

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

...

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

The proposal addresses this objective and policies through the adoption of the FBP which, among other things, proposes wetland and perimeter restoration planting, weed and pest control.

8.1.2 National Policy Statement for Highly Productive Land

The subject site is within a rural productive zone, therefore is subject to the NPS-HPL if Class 1 to 3 soils exist. As shown in Figure 12 below, the site is classified as having Class 6 and 7 soils, so the NPS-HPL does not apply to this application. For completeness, we assess have assessed the NPS-HPL policy framework below.

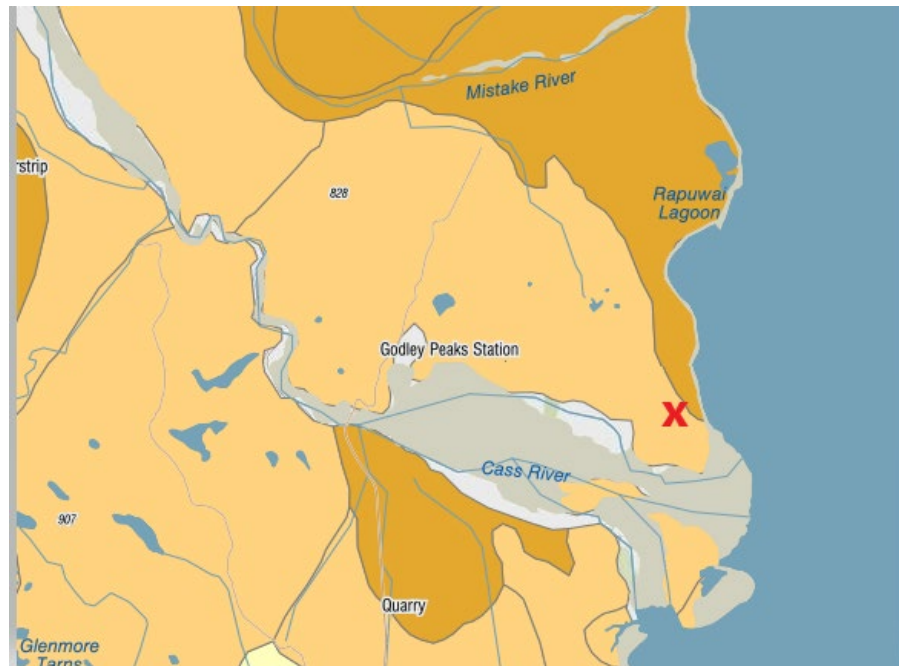


Figure 17 - LUC Map showing Class 6 and 7 soils over the subject site.

The following Objective and policies are considered relevant to this proposal:

2.1 Objective

Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations.

Policies

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

The property is not mapped as having highly productive soils. To that extent the above objective and policies are not relevant. However, parts of the property that are irrigated may qualify as highly productive land (in an agricultural sense). The proposal does not affect such areas and, because it is all in the same ownership, will not lead to reverse sensitivity effects or a loss of productive land value.

8.1.3 National Policy Statement for Indigenous Biodiversity

The following Objective and policies are considered relevant to this proposal:

1.1 Objective

- (1) The objective of this National Policy Statement is:
 - (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
 - (b) to achieve this:
 - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
 - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
 - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
 - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

1.2 Policies

...

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.

Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.

Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach.

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 9: Certain established activities are provided for within and outside SNAs.

Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.

...

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

...

Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.

Policy 17: There is improved information and regular monitoring of indigenous biodiversity.

The proposal addresses this objective and policies through the adoption of the FBP which retires certain sensitive areas from grazing, promoted dryland cushionfield /prostate shrub monitoring, proposes wetland and irrigation perimeter restoration planting, and weed and pest control. The FBP also serves as a critical resource to identify areas of value on Godley Peaks station, and to manage and monitor change overtime (at a cost to the applicant). Of note, large tracts of the Mackenzie Basin are in private ownership and identification of values has only been possible to date through desktop assessment, resource consent processes, volunteered information and Land Tenure Review proposals. The biodiversity database on private property is lean and access is tightly controlled. The FBP is a 'first of its kind' and the applicant is hopeful that its contribution to this proposal may promote other landowners to see the benefit of undertaking a property wide survey to enable sustainable management and development and contribute to the knowledge of biodiversity within the Mackenzie Basin.

8.2 Canterbury Regional Policy Statement

Section 104(1)(b)(v) also requires a consent authority to have regard to any regional policy statement or proposed regional policy statement. The Canterbury RPS (**CRPS**) provides an overview of the resource management issues for the region, including land use, and so regard must be had to those provisions in consideration of this application.

The CRPS was prepared pursuant to the provisions of the RMA. In particular, Sections 59 to 62 of the RMA set out, for regional policy statements: their purpose; requirements for

their preparation and change; matters to be considered by the regional council during the preparation; and their contents.

The purpose of a regional policy statement is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

The CRPS objectives and policies considered most relevant to the application are discussed below.

Objective

5.2.1 Location, Design and Function of Development (Entire Region)

Development is located and designed so that it functions in a way that:

...

2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:
 - a. maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;
 - b. provides sufficient housing choice to meet the region's housing needs;
 - c. encourages sustainable economic development by enabling business activities in appropriate locations;
 - d. minimises energy use and/or improves energy efficiency;
 - e. enables rural activities that support the rural environment including primary production;
 - f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;
 - g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;
 - h. facilitates the establishment of papakāinga and marae; and
 - i. avoids conflicts between incompatible activities.

The proposal enables the applicant, including their future generations, to provide for the social, economic and cultural wellbeing by adopting the FBP (which will in turn enhance the overall quality of the natural environment), providing a high-quality housing resource and by encouraging sustainable economic development (carbon zero plan). The proposal balances the temporary adverse effects on landscape values with significant ecological enhancement being achieved through implementation of the FBP. Overall, the proposal enhances the overall quality of the environment.

Additionally, the proposal enables rural activities (the homestead is to provide residential accommodation to the owner of Godley Peaks station to enable a 'hands-on' approach to implementation of the FBP and future direction of the property under new tenure). It also avoids adverse effects, through design and mitigation, on significant natural and physical resources (i.e. the Mackenzie basin ONL). The proposal does not facilitate the establishment of papakāinga and marae, but does avoid conflicts between incompatible uses by locating the proposed homestead outside identified sites and areas of significance to Māori.

5.3.3 Management of development (Wider Region)

To ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient:

1. through promoting, where appropriate, a diversity of residential, employment and recreational choices, for individuals and communities associated with the substantial development; and
2. where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced.

The proposed homestead is considered a substantial development of high-quality. It is also designed to be robust and resilient to the climate (for example, the absence of spouting for snow loading). Overall, the proposal maintains, through its design and the adoption of the FBP, and enhances the amenity values, quality of the environment, and character of the area consistent with this policy.

5.3.5 Servicing development for potable water, and sewage and stormwater disposal (Wider Region)

Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:

1. avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and
2. requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness.

5.3.6 Sewerage, stormwater and potable water infrastructure (Wider Region)

Within the wider region:

1. Avoid development which constrains the on-going ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used.
2. Enable sewerage, stormwater and potable water infrastructure to be developed and used, provided that, as a result of its location and design:
 - (a) the adverse effects on significant natural and physical resources are avoided, or where this is not practicable, mitigated; and

- (b) other adverse effects on the environment are appropriately controlled.
- 3. Discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1.

Civilised Limited have assessed these issues in their infrastructure report and concluded that it is feasible to provide the necessary development infrastructure to service the proposed development consistent with these policies.

5.3.8 Land use and transport integration (Wider Region)

Integrate land use and transport planning in a way:

- 1. that promotes:
 - a. the use of transport modes which have low adverse effects;
 - b. the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport;
- 2. that avoids or mitigates conflicts with incompatible activities; and
- 3. where the adverse effects from the development, operation and expansion of the transport system:
 - a. on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied or mitigated; and
 - b. are otherwise appropriately controlled.

The proposal includes a financial contribution towards the replacement of the Cass River bridge. Such a contribution integrates land use and transport planning in a way that promotes the safe, efficient and effective use of transport infrastructure consistent with this policy. The upgrades required to construct access the building platform can be integrated into the landscape, in accordance with the Environmental Management Plan and LVEAR recommendations.

5.3.12 Rural production (Wider Region)

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

- 1. avoiding development, and/or fragmentation which:
 - a. forecloses the ability to make appropriate use of that land for primary production; and/or
 - b. results in reverse sensitivity effects that limit or precludes primary production.
- 2. enabling tourism, employment and recreational development in rural areas, provided that it:
 - a. is consistent and compatible with rural character, activities, and an open rural environment;
 - b. has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;
 - c. is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural areas; and

- d. is of a scale that would not compromise the primary focus for accommodating growth in consolidate, well designed and more sustainable development patterns. and;
- 3. ensuring that rural land use intensification does not contributed to significant cumulative adverse effects on water quality and quantity.

The site has been carefully selected so as to not adversely affect land used more intensively for primary production, including that within the FBA.

The proposed FBP will ensure the rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity consistent with sub-policy 3.

5.3.13 Spread of wilding trees (Wider Region)

Avoid, or minimise as far as practicable, the risk of wilding tree spread, through the location of planting, design of planting, species selection and management, once planting has occurred.

The property does not have an issue with wildings, unlike the western side of Lake Pukaki or PC23 Wilding Conifer Overlay Areas. However, as identified in the FBP, it is proposed to remove all crack willow from the property and manage wilding spread via an extensive survey area. All planting proposed is indigenous with no wilding tree spread potential consistent with this policy.

Objective 9.2.1 Halting the decline of Canterbury's ecosystems and indigenous biodiversity

The decline in the quality and quantity of Canterbury's ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.

9.2.2 Restoration or enhancement of ecosystems and indigenous biodiversity

Restoration or enhancement of ecosystem functioning and indigenous biodiversity, in appropriate locations, particularly where it can contribute to Canterbury's distinctive natural character and identity and to the social, cultural, environmental and economic well-being of its people and communities.

The proposal achieves this objective and policy through the adoption of the FBP.

Objective

9.2.3 Protection of significant indigenous vegetation and habitats

Areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values and ecosystem functions protected.

Policies

9.3.1 Protecting significant natural areas

1. Significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats against the following matters:
 - (a) Representativeness
 - (b) Rarity or distinctive features
 - (c) Diversity and pattern
 - (d) Ecological context
2. Areas or habitats are considered to be significant if they meet one or more of the criteria in Appendix 3.
3. Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.

9.3.2 Priorities for protection

To recognise the following national priorities for protection:

1. Indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains.
2. Areas of indigenous vegetation associated with sand dunes and wetlands.
3. Areas of indigenous vegetation located in “originally rare” terrestrial ecosystem types not covered under (1) and (2) above.
4. Habitats of threatened and at risk indigenous species.

9.3.3 Integrated management approach

To adopt an integrated and co-ordinated management approach to halting the decline in Canterbury’s indigenous biodiversity through: Regional Policy Statement / Chapter 9 - Ecosystems and Indigenous Biodiversity Environment Canterbury Page 145

1. working across catchments and across the land/sea boundary where connectivity is an issue for sustaining habitats and ecosystem functioning
2. promoting collaboration between individuals and agencies with biodiversity responsibilities
3. supporting the various statutory and non-statutory approaches adopted to improve biodiversity protection
4. setting best practice guidelines for maintaining indigenous biodiversity values, particularly maintaining conditions suitable for the survival of indigenous species within their habitats, and safeguarding the life-supporting capacity and/or mauri of ecosystems

9.3.4 Promote ecological enhancement and restoration

To promote the enhancement and restoration of Canterbury’s ecosystems and indigenous biodiversity, in appropriate locations, where this will improve the functioning and long term sustainability of these ecosystems.

The proposal achieves this objective and policies through the adoption of the FBP. We note that the land Tenure Review Process secures permanent access to the Micks Lagoon which is recognised as a SONS within the MDP.²²

9.3.5 Wetland protection and enhancement

In relation to wetlands:

1. To assess an ecologically significant wetland against the matters set out in Policy 9.3.1 and the national priorities listed in Policy 9.3.2 For the purposes of this policy, ecologically significant wetlands do not include areas that are

²² Operative MDP, Micks Wetland (SONS.65)

predominantly pasture and dominated by exotic plant species and where they are not significant habits of indigenous fauna.

2. To ensure that the natural, physical, cultural, amenity, recreational and historic heritage values of Canterbury's ecologically significant wetlands are protected.
3. To generally promote the protection, enhancement and restoration of all of Canterbury's remaining wetlands.
4. To encourage the formation of created wetlands that contribute to the restoration of indigenous biodiversity.
5. To protect adjoining areas of indigenous and other vegetation which extend outside an ecologically significant wetland and are necessary for the ecological functioning of the wetland.

The proposal achieves this policy through the adoption of the FBP.

9.3.6 Limitations on the use of biodiversity offsets

The following criteria will apply to the use of biodiversity offsets:

1. the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;
2. the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;
3. where the area to be offset is identified as a national priority for protection under Policy 3.2, the offset must deliver a net gain for biodiversity;
4. there is a strong likelihood that the offsets will be achieved in perpetuity; and
5. where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity conservation.

Not relevant to this proposal. Indigenous biodiversity values are to be protected (where significant) and otherwise maintained via the proposed FBP.

11.2 OBJECTIVES

11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards

New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.

11.3 POLICIES

11.3.1 Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:

1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and
2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and
3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
4. is not likely to exacerbate the effects of the natural hazard; or

5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or

...

Geotago have assessed the proposed site as being not prone to liquefaction, nothing alluvial influencing the site and there being no active faults in the proximity of the building location. As such, the proposal is not seen as being inappropriate with respect to the above objective and policy.

12.2.1 Identification and protection of outstanding natural features and landscapes

Outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development.

12.3.1 Identification of outstanding natural features and landscapes

To identify the outstanding natural features and landscapes for the Canterbury region, while:

1. recognising that the values set out in Appendix 4 indicate the outstanding natural features and landscapes for Canterbury, at a regional scale; and
2. enabling the specific boundaries of outstanding natural features and landscapes, for inclusion in plans, to be determined through detailed assessments which address the assessment matters set out in Policy 12.3.4(1).

12.3.2 Management methods for outstanding natural features and landscapes

To ensure management methods in relation to subdivision, use or development, seek to achieve protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

The LVEAR finds that the entire Mackenzie Basin is identified as an ONL and the description of the Mackenzie Basin and its values is derived from the Canterbury Regional Landscape Study Review, which contains a useful discussion and evaluation of the Mackenzie Basin landscape. Many of the key aspects of this discussion/evaluation are echoed in the provisions of the MDP (we have discussed this below).

16.2 OBJECTIVES

16.2.1 Efficient use of energy

Development is located and designed to enable the efficient use of energy, including:

1. maintaining an urban form that shortens trip distances
2. planning for efficient transport, including freight
3. encouraging energy-efficient urban design principles
4. reduction of energy waste

5. avoiding impacts on the ability to operate energy infrastructure efficiently.

16.3 POLICIES

16.3.1 Efficient use of energy

To promote the efficient end-use of energy.

16.3.2 Small and community scale distributed renewable electricity generation

Encourage and provide for the operation maintenance and development of small and community scale distributed renewable electricity generation provided that:

1. any adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and
2. other adverse effects on the environment are appropriately controlled.

The proposed design promotes the efficient use of energy and the application has outlined the applicants desire to install a small hydroelectric power plant within the Mistake River consistent with this objective and policies. However, this does not form part of this proposal. The applicant volunteers a financial contribution for the upgrading of the broader roading network (Cass River Bridge), promoting more robust and efficient access for transport to the Godley Peaks area.

17.2 OBJECTIVES

17.2.1 Protection from adverse effects of contaminated land

Protection of people and the environment from both on-site and off-site adverse effects of contaminated land.

17.3.1 Identify potentially contaminated land

To seek to identify all land in the region that was historically, or is presently, being used for an activity that has, or could have, resulted in the contamination of that land, and where appropriate, verify the existence and nature of contamination.

e3Scientific have undertaken a PSI consistent with the objective and policy and found that after a detailed review of site history and a site walkover, that it is highly unlikely HAIL activities and/or potential contamination has occurred/is currently occurring at the site.

8.3 Mackenzie District Plan

The relevant objectives and policies within the Mackenzie District Plan (**MDP**) can be found in the following sections:

- Strategic Directions (EPlan)
- Section 7 – Rural Zones (including amendments by PC23 and PC24)
- Section 15 Transportation

- Section 18 Natural Hazards
- Section 19 Ecosystem and Indigenous Biodiversity (PC18)

Each section is discussed in turn. We have noted where objectives and policies remain subject to appeals. The rest of the provisions can be deemed operative, but for completeness we refer to both the wording under the Operative Plan and Decisions version of the applicable Plan Change.

8.3.1 Strategic Directions

ATC-01 Live, Work, Play and Visit

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

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

ATC-02 Rural Areas

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

The proposal is a living option for the station owner which facilitates the implementation of a comprehensive FBP. The proposal also enables the community's social, economic and cultural wellbeing by making a significant investment into the local economy. The proposal ensures the character of the Godley Peaks Station is maintained and enhanced.

ATC-04 Renewable Energy

The local, regional and national benefits of the District's renewable electricity generation and electricity transmission activities and assets are recognised and their development, operation, maintenance and upgrade are provided for and reverse sensitivity effects on those activities and assets are avoided.

The proposed design promotes the efficient use of energy and the application has outlined the applicants desire to install a small hydroelectric power plant within the Mistake River consistent with this objective and policies. However, this does not form part of this proposal.

ATC-06 Incompatible Activities

The location and effects of activities are managed to:

1. minimise conflicts between incompatible activities; and
2. protect important existing activities from reverse sensitivity effects.

No incompatible or reverse sensitivity effects are likely to arise from this proposal consistent with this objective.

MW-01 Mana Whenua Values

The role of [mana whenua](#) is recognised and their historic and contemporary relationship with the [District](#)'s land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.

MW-02 Mana Whenua Involvement

[Mana whenua](#) are able to:

1. be actively involved in decision making that affects their values and interests;
2. exercise their [kaitiakitaka](#) responsibilities; and
3. carry out customary activities in accordance with tikanga.

As discussed in the assessment of effects section, no manawhenua values are likely to be adversely affected by the proposal, consistent with PC24. The location of the proposed homestead is not identified as an SASM.

NE-01 Natural Environment

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

1. [mahika kai](#) resources;
2. night sky darkness;
3. outstanding natural features and landscapes;
4. significant indigenous biodiversity; and
5. water bodies and their margins.

The LVEAR finds that that adverse effects of the proposed dwelling on the natural character of the relevant area of LPA will be of a moderate degree, reducing to low as landscaping around the homestead and lake face native planting matures. There will be a low degree of effect on the landscape values of the Mackenzie Basin, reducing to very low. The positive effects on natural character and landscape values that will stem from the implementation of the FBP over time will accrue to being of a moderate degree. In an overall consideration, the LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives and concludes that the landscape values of the Mackenzie Basin will be protected consistent with this objective.

8.3.2 District Wide Matters

LIGHT-01 Outdoor Lighting

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

1. protecting views of the night sky; and
2. managing light spill to maintain [amenity values](#), health and safety and the safe operation of the [transport network](#).

Light-P1 Managing Outdoor Lighting

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

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

LIGHT-P2 Night Sky Darkness

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

It is imperative to the applicant to strictly manage lighting to avoid light spill. To do this the applicant has volunteered a consent condition to the effect that all external lighting shall be directed away from adjacent sites, roads and the lake, and shall be capped and directed downwards, not turned on between 10pm and 6am and shall be located within the garden area only. Additionally, external lighting shall not be used to accentuate or highlight built form, slopes, trees, or any other landscape feature as viewed from beyond the property.

Additionally, the applicant has volunteered a condition that no lighting shall be installed or operated within the Winter Gardens building.

Overall, the proposal is considered consistent with this objective and policies.

8.3.3 Section 7 - Rural Objectives and Policies (including relevant PC23 changes)

The Rural objectives and policies in Chapter 7 of the MDP are relevant to this application.

It is noted that Rural Objective 1 and associated policies has been deleted by PC18. The PC18 objectives and policies, as decided by Council, are considered separately below.

Rural Objective 2 - Natural Character Of Waterbodies And Their Margins

The preservation of the natural character and functioning of the District's lakes, rivers, and wetlands and their margins, and the promotion of public access along these areas.

Rural Policy 2A - Controlling Adverse Effects

Managing by way of standards, guidelines and good management techniques, the adverse effects of activities such as earthworks, vegetation clearance, tree plantings and buildings that have the potential to threaten the survival of riparian vegetation and habitat, or to have significant adverse effects on public access and recreation, river, lake or wetland ecology, natural character, maintenance of bank stability, or water quality and quantity.

Rural Policy 2B - Riparian Margins

To encourage the protection of natural character and conservation values of riparian areas and adjacent water bodies and the provision of public access along riparian margins.

The proposed homestead is *not* located within a waterbody or their margin.²³ The proposal will therefore not restrict public access to, affect the natural character of, or affect the enjoyment of the waterway margin, to any extent. The proposal seeks to manage riparian areas through the adoption of the FBP. The volunteered financial contribution for the upgrade to the Cass River Bridge will provide the public with greater access to the Godley Peaks area, including the areas to be held by the Crown once tenure review has been completed. The application is consistent with these arrangements and makes positive enhancements to promote public enjoyment of recreational values.

Rural Objective 3A - Landscape Values

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

Amended by PC23 as follows:

NFL-01 Outstanding natural Values and landscape Values

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

Rural Policy 3A1 - Important Landscapes And Natural Features

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

...

Rural Policy 3A3 - Impacts Of Subdivision Use And Development

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

...

Rural Policy 3A5 - In Harmony With The Landscape

²³ Refer paragraphs 19 and 20 of the LVEAR.

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

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

With respect to Objective 3A/NFL-01, the LVEAR finds overall that the adverse effects of the proposal have been well mitigated and are balanced by significant positives and concludes that the landscape values of the Mackenzie Basin will be protected consistent with this objective.

With respect to Policy 3A1, the proposed earthworks do not occur on steeper slopes, high altitude areas or on land containing a geopreservation site consistent with this policy.

With respect to Policy 3A3, the LVEAR finds overall that the adverse effects of the proposal have been well mitigated and are balanced by significant positives and concludes that the landscape values of the Mackenzie Basin will be protected consistent with this policy.

With respect to Policy 3A5, the proposal uses recessive materials which are included within the relevant guidelines consistent with this policy.

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

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

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

...

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

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

This objective has been amended through the PC23 Decision as follows:

NFL-02 Te Manahuna / Mackenzie Basin ONL

1. ~~Subject to 2.(a),~~ To protect and enhance the outstanding natural landscape of Te Manahuna / the Mackenzie Basin ONL ~~subzone~~, in particular the following characteristics and/or values:
 - (a) the openness and vastness of the landscape;
 - (b) the tussock grasslands;
 - (c) the lack of houses and other structures;
 - (d) residential development limited to small areas in clusters;
 - (e) the form of the mountains, hills and moraines, encircling and/or located in, Te Manahuna / the Mackenzie Basin; and
 - (f) undeveloped lakesides and State Highway 8 roadside;.
- ...
 2. Subject to ~~objective 3B(1)~~ NFL-O2.1 above and to the rural objectives ~~1, 2 and 4~~:
 - (a) to enable pastoral farming;
 - (b) to manage pastoral intensification and/or agricultural conversion throughout Te Manahuna / the Mackenzie Basin and to identify areas where they may be enabled (such as Farm Base Areas); and
 - (c) to enable rural residential subdivision, cluster housing and farm buildings within Farm Base Areas around existing homesteads (where they are outside hazard areas).

With respect to 3B1(a)/NFL-O2.1(a), the LVEAR confirms that the vicinity of the proposed buildings is not an open vista. The proposal is therefore unlikely to adversely affect the openness and vastness of the landscape.

With respect to 3B1(b)/NFL-O2.1(b) the LVEAR finds the proposal does not compromise tussock grasslands. In fact, the opposite will occur, through the additional planting of tussocks around the proposed homestead and the retirement of the Mistake Catchment and part of the McCabes Block including a significant fencing programme to achieve this as detailed in the FBP. Existing significant tussock grasslands elsewhere on the station will be monitored and protected in accordance of the FBP.

With respect to 3B1(c)/NFL-O2.1(c), the addition of the proposed homestead on Godley Peaks Station is unlikely to tip the balance in terms of the number of houses and structures within Te Manahuna/the Mackenzie Basin. Godley Peaks Station is remote, at the end of the road, and is several thousand hectares in area. The only dwelling on the station currently is the farm manager's dwelling adjacent to Godley Peaks Road, which accommodates the farm manager and his family. As noted previously, following the current freeholding of the station, Mr Lewis wishes to live on the station, establish an inter-generational family home, and commit to a new management trajectory into the future.

Improving ecological health and implementing the FBP is central to the intended farm management.

With respect to 3B1(d)/NFL-O2.1(d), the proposed homestead has been designed to be a small cluster of built form, within a large landscape. It is sensitively sited within homestead paddocks, is within proximity to the existing FBA and is surrounded by a heavily modified and intensified working farm environment.

With respect to 3B1(e)/NFL-O2.1(e), the proposal does not, in itself, affect the form of the mountains, hills and moraines, encircling and/or located in, Te Manahuna/the Mackenzie Basin. The homestead's location NFL-P8 preserves the larger distant vistas that comprise the ONL.

With respect to 3B1(f)/NFL-O2.1(f), the LVEAR finds that the adverse effects of the proposed dwelling on the natural character of the relevant area of LPA will be of a moderate degree, reducing to low as the forest and tussock planting around the dwelling matures. The LVEAR finds there will be a low degree of effect on the landscape values of the Mackenzie Basin, reducing to very low. The LVEAR also finds that positive effects on natural character and landscape values that will stem from the implementation of the FBP over time will accrue to being of a moderate degree. The LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives. The LVEAR concludes that the landscape values of the Mackenzie Basin will be protected and the adverse effects of the proposal have been well mitigated and are balanced by significant positives.

Policy 3B1 – Recognition of the Mackenzie Basin's Distinctive Characteristics

(1) To recognise that within the Mackenzie Basin's outstanding natural landscape there are:

- (a) Many areas where development beyond pastoral activities is either generally inappropriate or should be avoided;
- (b) Some areas with greater capacity to absorb different or more intensive use and development, including areas of low or medium visual vulnerability and identified Farm Base Areas;
- (c) Areas, places and features of particular significance to Ngāi Tahu.

(2) To identify, describe and map as overlays, specific areas within the Mackenzie Basin that assist in the protection and enhancement of the characteristics and/or values of the outstanding natural landscape contained in Objective 3B(1) being:

- (a) Lakeside Protection Areas, shown on the planning maps

- (b) Scenic Viewing Areas, in Appendix J and shown on the planning maps
- (c) Scenic Grassland Areas, in Appendix J and shown on the planning maps;
- (d) Sites of Natural Significance, in Appendix I and shown on the planning maps, and
- (e) Land above 900m in altitude, shown on the planning maps.
- (3) As part of an assessment of the suitability of an area for a change in use for development:
 - (a) To identify whether the proposed site has high, medium or low ability to absorb development according to Appendix V (Areas of Landscape Management);
 - (b) To require an assessment of landscape character sensitivity (incorporating natural factors including geomorphology, hydrology, ecology, vegetation cover, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).

This policy has been amended through the PC23 Decision as follows (now referred to as NFL-P8):

NFL-P2 – Te Manahuna/Mackenzie Basin ONL

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

Policy 1(a)/NFL-P2.1(a) is relevant to the extent that it is acknowledged many areas where development beyond pastoral activities is either generally inappropriate or should be avoided in the MBSZ (now referred to as Te Manahuna/ Mackenzie Basin ONL). The LVEAR concludes that the landscape values of the Mackenzie Basin will be protected through mitigations proposed including design, external appearance, location and landscape planting. It is concluded from this that the proposal assists in the protection and enhancement of the characteristics and/or values of the outstanding natural landscape consistent with this policy.

Policy 1(b) /NFL-P2.1(b) is relevant to the extent that recognises there are some areas, without precluding high visual vulnerability and land outside FBAs, with greater potential to absorb different or more intensive use and development. The site, for the reasons expressed in this application and the LVEAR, is one of those areas, consistent with this policy. I do not interpret Policy 1(b) /NFL-P8.1(b) to require avoidance of all building outside of the FBA.

Policy 1(c)/NFL-P2.1(c) is not relevant, as the subject site is not as SASM.

With respect to Policy 2(a)/NFL-P2.2(a) is relevant because the proposal is within the outer edge of the LPA (i.e. over 200m from the lake itself). The LVEAR finds that the adverse effects of the proposed dwelling on the natural character of the relevant area of LPA will be of a moderate degree, reducing to low as the landscaping around the homestead and the lake face native planting matures. The LVEAR finds there will be a low degree of effect on the landscape values of the Mackenzie Basin, reducing to very low. The LVEAR also finds that positive effects on natural character and landscape values that will stem from the implementation of the FBP over time will accrue to being of a moderate degree. The LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives. The LVEAR concludes that the landscape values of the Mackenzie Basin will be protected and the adverse effects of the proposal have been well mitigated and are balanced by significant positives. It is concluded from this that the proposal assists in the protection and enhancement of the characteristics and/or values of the outstanding natural landscape consistent with this policy.

With respect to Policy 3(a) and (b)/NFL-P2.3(a) and (b) this has been undertaken as part of the LVEAR.²⁴

Policy 3B2 – Subdivision and Building Development

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

- (1) Managing residential and rural residential subdivision and housing development within defined Farm Base Areas (refer to Policy 3B3);
- (2) Enabling farm buildings within Farm Base Areas and in areas of low visual vulnerability subject to bulk and location standards and elsewhere managing them in respect of location and external appearance, size, separation and avoidance of sensitive environments;
- (3) Strongly discouraging non-farm buildings elsewhere in the Mackenzie Basin outside of Farm Base areas.

This policy has been amended through the PC23 Decision as follows:

NFL-P3 Subdivision and Building Development

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

1. Managing residential and rural residential ~~subdivision~~ and housing development within defined Farm Base Areas (refer to ~~Policy 3B3~~ NFL-P4).
2. Enabling farm buildings within Farm Base Areas and in areas of low visual vulnerability subject to bulk and location standards and elsewhere managing them in respect of location and external appearance, size, separation and avoidance of sensitive environments.
3. Strongly discouraging non-farm buildings elsewhere in Te Manahuna / the Mackenzie Basin outside of Farm Base areas.

Policy 3B2(1) and (2)/NFL-P3(1) and (2) are not relevant to this proposal.

Policy 3B2(3)/NFL-P3(3) “strongly discourages” non-farm buildings elsewhere in the Mackenzie Basin outside of FBAs. It does this by making those activities a non-complying activity. Part 1 of the MDP states that for a non-complying activity, a resource consent is required and may only be granted where the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies, and there are no restrictions on the matters which the Council can consider. Non-complying activities, although strongly discouraged, are not prohibited by the MDP or the RMA. We discuss this assessment, and specific components of the LVEAR, in more detail in this assessment.

²⁴ Appendix F at [100] and Appendix 5.

The LVEAR finds that the adverse effects of the proposed dwelling on the natural character of the relevant area of LPA will be of a moderate degree, reducing to low as the forest and tussock planting around the dwelling matures. The LVEAR finds there will be a low degree of effect on the landscape values of the Mackenzie Basin, reducing to very low. The LVEAR also finds that positive effects on natural character and landscape values that will stem from the implementation of the FBP over time will accrue to being of a moderate degree. The LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives. The LVEAR concludes that the landscape values of the Mackenzie Basin will be protected and the adverse effects of the proposal have been well mitigated and are balanced by significant positives. It is concluded from this that the proposal assists in the protection and enhancement of the characteristics and/or values of the outstanding natural landscape consistent with this policy.

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

(1) To consider and encourage appropriate large scale residential and rural residential activities in areas of low or medium visual vulnerability within the Mackenzie Basin by identifying where appropriate, alternative specialist zoning options which incorporate enhancement of landscape and ecological values, including wilding pine control;

(2) Any development within such zones shall maintain or enhance the outstanding natural landscape and other natural values of the Mackenzie Basin by:

- (a) Integrating built form and earthworks so that it nestles within the landform and vegetation
- (b) Planting local native species and/or non-wilding exotic species and managing wilding tree spread
- (c) Maintaining a sense of isolation from other development
- (d) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
- (f) Mitigating the adverse effects of light spill on the night sky
- (e) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance
- (f) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services

(3) Ensuring new residential or rural residential zones in areas of low or medium visual vulnerability achieve Objectives 1, 2, 4, 7, 8 and 11 of the Rural Chapter

This policy is more about zone formation, as opposed to resource consents. To that extent, it is not relevant to the proposal.

Policy 3B6 – Lakeside Protection Areas

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

This policy has been amended through the PC23 Decision as follows:

NFL-P5 Lakeside Protection Areas

- 1. To recognise the significance of the lakes of Te Manahuna / the Mackenzie Basin, their margins and settings to Kāi Tahu and to recognise the special importance of Te Manahuna / the Mackenzie Basin's lakes, their margins, and their settings in achieving ~~Objective 3B~~ NFLO2.
- 2. Subject to 3, to avoid adverse impacts of buildings, structures and uses on the landscape values and character of Te Manahuna / the Mackenzie Basin lakes and their margins.
- 3. To provide for the upgrading maintenance and enhancement of the existing elements of the Waitaki Power Scheme.
- 4. To avoid, remedy or mitigate the adverse impacts of further buildings and structures required for the Waitaki Power Scheme on the landscape values and character of the Basin's lakes and their margins.

The LVEAR finds that development is not proposed in or on the lake, nor in its margins, but the proposed homestead is within Lake Tekapo's setting (or the landscape around the lake).

With respect to 3B6(a)/NFL-P5.1, as discussed under section 7.3.5 above, as the subject site is not identified as a SASM, it is concluded the proposal is unlikely to affect any SASM or its values. Further, completion of Land Tenure Review will dispose of land immediately adjoining the margins of lake Tekapo to the Crown for the purposes of recreational reserve. Similarly, the margins of the Cass River are to be owned by the Crown for conservations purposes. The proposal preserves and is consistent with these arrangements and avoids further impact on these marginal areas. The first part of the policies 3B6(a)/NFL-P5.1, are therefore met by the proposal.

The second part of the policy, *to recognise the special importance of the Mackenzie Basin's lakes ... and their settings in achieving Objective 3B (now NFL-02)*, is also relevant to the proposal. The LVEAR acknowledges that the identification of the LPAs is a mechanism to assist the protection and enhancement of the Mackenzie Basin's characteristics since lakes

and their settings are of special importance. The LVEAR finds that the adverse effects of the proposed dwelling on the natural character of the relevant area of LPA will be of a moderate degree, reducing to low as the forest and tussock planting around the dwelling matures. The LVEAR finds there will be a low degree of effect on the landscape values of the Mackenzie Basin, reducing to very low. The LVEAR also finds that positive effects on natural character and landscape values that will stem from the implementation of the FBP over time will accrue to being of a moderate degree. The LVEAR finds that the adverse effects of the proposal have been well mitigated and are balanced by significant positives. The LVEAR concludes that the landscape values of the Mackenzie Basin will be protected and the adverse effects of the proposal have been well mitigated and are balanced by significant positives. It is concluded from this that the proposal assists in the protection and enhancement of the characteristics and/or values of the outstanding natural landscape consistent with this policy.

With respect to Policy 3B6(b)/NFL-P5.2, we note it relates to “*lakes and their margins*”, with no reference to their *settings* (as 3B6(a)/NFL-P5.1 does). As stated above, the LVEAR finds that development is not proposed in or on the lake, nor in its margins. We conclude from this, that the avoidance of built form under Policy 3B6(b)/NFL-P5.2 has deliberately been restricted to *lakes and their margins* and not their *settings*. As such, we maintain Policy 3B6(b)/NFL-P5.2 is not relevant to the consideration of the proposal.²⁵

PC23 also objectives and policies that guide the treatment of the margins of lakes and rivers in area of natural character.

Objective NATC-01 – Preservation of Natural Character

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

Objective NATC-02 – Mana Whenua Values

The relationship of mana whenua with wetlands, lakes and rivers is recognised and their cultural traditions, values and interests in relation to these is provided for.

As discussed previously, we have clarified that the proposal satisfied the setbacks required set down within the NATC-SCHED1, therefore we give these objectives and policies within

²⁵ If we are incorrect about this, then we admit that the proposal is likely to struggle to meet Policy 3B6(b)/NFL-P5.2.

the NATC provisions less weight. However, given Lake Tekapo is identified as a Scheduled Waterbody NATC-SCHED1 an assessment is appropriate.

It is also noted that the concept of ‘margins’ is discussed within the PC23 decision where it says:²⁶

Having considered the submissions, we consider that the concept of a riparian margin is generally well understood by both members of the public and planning practitioners. On that basis we accept Mr Boyes’ analysis and recommendation to delete the definition of “Riparian Margin”

PC23 retains an Advisory Note on how to calculate the ‘setback’ from surface waterbodies. Consent is only triggered by NATC-R1 (Building and Structures) if these setbacks are breached. Therefore, my interpretation of NATC objectives and policies must be guided in light of this definition and how it is applied to the rules. By complying with the relevant setback requirements and proposing to implement significant ecological plantings within the lakeshore margins, I consider the proposal to be consistent with these objectives.

NATC-P1 – Recognition of Natural Character Values

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

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

NATC-P2 – Preservation of Natural Character Values

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

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

²⁶ [PC23 Decision \(General Rural Zone, Natural Features and Landscapes, Natural Character\)](#) at page 5

With respect to NATC-P1 the policy has been achieved through the identification of Lake Tekapo and Cass River as Scheduled Surface Waterbodies within NATC-SCHD1. The substantive policy is NATC-P2 which, among other things, requires the develop 'takes into account' the natural character values of the surface waterbodies. The LVEAR considers the natural character values in detail, and finds that there will be a low degree of effect on the landscape values of the Mackenzie, reducing to very low as FBP is implemented over time. Subsection (2) is satisfied by ensuring compliance with the setback requirements from surface waterbodies. Subsection (3) is achieved through the implementation of FBP which will enhance the natural and ecological values, and control pest species. Given the extensive consideration of the natural character values of the Mackenzie Basin, Lake Tekapo and Cass River and measures proposed through the FBP and attractive building design, I consider that the proposal is 'appropriate' for the setting and consistent with subsection (4).

Policy 3B12 – Pastoral Farming

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

This policy has been amended through the PC23 Decision as follows:

NFL-P7 – Pastoral Farming

Traditional pastoral farming is encouraged so as to maintain tussock grasslands, subject to achievement of the other Rural objectives and to ~~Policy 3B7~~ NFL-P6.

The adoption of the FBP is consistent with Policy 3B12/NFL-P7.

Rural Objective 4 - High Country Land

To encourage land use activities which sustain or enhance the soil, water and ecosystem functions and natural values of the high country and which protect the outstanding landscape values of the high country, its indigenous plant cover and those natural processes which contribute to its overall character and amenity.

Rural Policy 4A - Vegetation Cover

Land use activities should be carried out in such a way that a robust and intact vegetation cover is maintained to assist in sustaining the life supporting capacity of the soil.

Rural Policy 4B - Ecosystem Functioning, Natural Character and Open Space Values

Activities should ensure that overall ecosystem functioning, natural character and open space values of the high country are maintained by:

- Retaining, as far as possible, indigenous vegetation and habitat
- Maintaining natural landforms
- Avoiding, remedying, or mitigating adverse effects on landscape and visual amenity.

Rural Policy 4C - Soils and Water

Encourage the use of land management techniques that maintain or enhance the life supporting capacity of soils and water including:

- The careful application of the correct types and quantity of fertiliser
- Stock control procedures to avoid, remedy or mitigate the effects of stock entry to rivers or wetlands
- Limitations on stock numbers where overgrazing may result in land degradation
- Restoration of disturbed land to reduce diffuse source discharge of contaminants to water
- Retaining and enhancing riparian vegetation

The adoption of the FBP is consistent with the above objective and policies.

Rural Objective 6 - Rural Amenity and Environmental Quality

A level of rural amenity which is consistent with the range of activities anticipated in rural areas, but which does not create unacceptably unpleasant living or working conditions for the district's residents or visitors, nor a significant deterioration of the quality of the general rural and physical environment.

...

Rural Policy 6B - Setback of Buildings

To require residential dwellings to be setback from property boundaries to reduce the probability of the residents of these dwellings being exposed to significant adverse effects from an activity on a neighbouring property, and to maintain the visual character of the rural area particularly as viewed from the state highways.

Rural Policy 6D - General Amenity Controls

To encourage and/or control activities to be undertaken in a way which avoids, remedies or mitigates adverse effects on the amenities and physical environment of rural areas

The proposed homestead buildings are set back in excess of 200m from Lake Tekapo and is in excess of several kilometers from the nearest residential activities outside of the property. The proposal is, as such, consistent with this objective and policies.

Rural Objective 7 - Natural Hazards

Minimal loss of life, damage to assets and infrastructure, or disruption to the community of the District, from natural hazards.

Rural Policy 7A - Proximity To Waterways

To control the proximity of buildings to waterways to limit potential loss of life and damage to property.

Geotago have assessed the proposed site as being not prone to liquefaction, nothing alluvial influencing the site and there being no active faults in the proximity of the building location. As such, the proposal is not seen as being inappropriate with respect to the above objective and policy.

Rural Objective 11 - Rural Infrastructure

Rural infrastructure which enables the District and the wider community to maintain their economic and social wellbeing.

Rural Policy 11A – Rural Infrastructure

To recognise the economic and social importance of transportation, electricity generation and transmission, and rural servicing infrastructure and, consistent with other objectives and policies of this Plan, to provide for its upgrading, maintenance and enhancement.

The constraints to replacing the Cass River Bridge have been discussed previously. The applicant has volunteered a condition of consent they will make a substantial contribution towards the actual cost of the bridge upgrade. That contribution will assist the MDC to replace the bridge in the future, to the benefit of the wider community.

The application also outlines the applicants desire (but not forming part of this application) to install a small hydroelectric power plant within the Mistake River consistent with this objective and policies.

8.3.4 Other PC23 Objectives and Policies (not addressed 8.3.3 above)

NATC-O2 Mana Whenua Values

The relationship of mana whenua with wetlands, lakes and rivers is recognised and their cultural traditions, values and interests in relation to these is provided for.

As the subject site is outside of an identified SASM it is considered that the objectives and policies are not particularly relevant to the proposal. It is noted that on completion of Land Tenure Review will dispose of land immediately adjoining the margins of Lake Tekapo to the Crown for the purposes of recreational reserve. Similarly, the margins of the Cass River are to be owned by the Crown for conservations purposes. The proposal preserves and is consistent with these arrangements and avoids further impact on these marginal areas.

NATC-P1 Recognition of Natural character Values

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

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

The proposal does not affect the natural character values of any wetlands, lakes and rivers and their margins. Additionally, the implementation of the FBP will ensure such values are maintained and enhanced.

NATC-P2 Preservation of Natural Character Values

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

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

The proposal does not affect the natural character values of any wetlands, lakes and rivers and their margins and is not considered an inappropriate use of a small part of the station.

NFL-03 Forestry Management Areas

The landscape values of Forestry Management Areas are maintained by managing commercial forestry and woodlots

Not relevant to the proposal.

NFL-P1 Protection of Outstanding Natural features and Landscapes

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

1. avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change;
2. avoiding inappropriate use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features;

3. managing building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation;
4. avoiding buildings and structures that break the skyline;
5. ensuring buildings and structures are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate;
6. recognising and providing protection for identified values in Sites and Areas of Significance to Māori; and
7. recognising the existence of working pastoral farms and their contribution to the outstanding natural features and landscapes of Te Manahuna / the Mackenzie District.

The relevance of this policy, given the more specific NFL-P2 Te Manahuna/Mackenzie Basin ONL policy, is unknown. However, each of the sub-clauses is addressed in turn.

With respect to NFL-P1.1, the proposal is not considered an inappropriate development due to the sites ability to absorb and mitigating factors proposed as detailed in the LVEAR.

With respect to NFL-P1.2, the proposal does not detract from extensive open views, unique landforms and landscape features.

With respect to NFL-P1.3, the proposal manages building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation.

With respect to NFL-P1.4, the LVEAR finds that from Viewpoints H and I, and adjacent locations to the north of these, visibility of proposed built form on a skyline will occur in the short term. The LVEAR finds that the schist stone cladding will reduce potential prominence but considerable glazing (recessed into cladding/roofing) will be visible, as will the gabled forms of the roofline. The LVEAR also finds that landform and lower vegetation will screen the lower part of built form and considerable tree planting will ultimately create a dense green backdrop, such that the building will not appear with a sky backdrop. Accordingly, the proposal is not considered contrary to this policy.

With respect to NFL-P1.5, the proposed buildings have been designed to minimise glare, earthworks and are mitigated by plantings to reduce their visual impact where appropriate.

With respect to NFL-P1.6, the proposal does not affect any SASM.

With respect to NFL-P1.7, the proposal enhances the existence of working pastoral farms and their contribution to the outstanding natural features and landscapes of Te Manahuna/the Mackenzie District.

Overall, the proposal is not considered contrary to NFL-P1.

NFL-P4 Development in Farm Base Areas

1. Within Farm Base Areas in areas of high visual vulnerability ~~subdivision and~~ development (other than farm buildings) shall maintain or enhance the outstanding natural landscape and other natural values of Te Manahuna / the Mackenzie Basin by:

- a. Integrating built form and earthworks so that it nestles within the landform and vegetation.
- b. Planting local native species and/or non-wilding exotic species and managing wilding tree spread.
- c. Maintaining a sense of isolation from other development.
- d. Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing.
- e. Mitigating the adverse effects of light spill on the night sky.
- f. Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance.
- g. Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.

2. ~~Subdivision and d~~Development (other than farm buildings) in Farm Base Areas which are in areas of low or medium visual vulnerability to development shall:

- a. Restrict planting to local native species and/or non-wilding exotic species.
- b. Manage exotic wilding tree spread.
- c. Maintain a sense of isolation from other development.
- d. Mitigate the adverse effects of light spill on the night sky.
- e. Avoid adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance.
- f. Install sustainable systems for water supply, sewage treatment and disposal stormwater services and access.

The proposed homestead is not located within an FBA. Given these two policies refer to “within” and “in” FBAs, they are therefore not considered relevant to the proposal.

NFL-P6 Views from Stage highways and Tourist Roads

1. To avoid all buildings and the adverse effects of irrigators in the Scenic Grasslands and the Scenic Viewing Areas.
2. To require buildings to be set back from roads, particularly state highways, and to manage the sensitive location of irrigators to avoid or limit screening of views of the outstanding natural landscape of Te Manahuna / the Mackenzie Basin.
3. To avoid clearance, pastoral intensification and/or agricultural conversion of Scenic Viewing Areas and Scenic Grasslands.

4. Subject to Policy 3B13 NFL-P8, to otherwise minimise the adverse visual effects of irrigation of pasture adjacent to the state highways or tourist roads.

NFL-P6.2 is the only NFL-P6 policy that is relevant to the application. The proposed homestead is set back several kilometers from the nearest road, consistent with this policy.

NFL-P7 Pastoral Farming

Traditional pastoral farming is encouraged so as to maintain tussock grasslands, subject to achievement of the other Rural objectives and to ~~Policy 3B7~~ NFL-P6.

Not relevant to the proposal.

NFL-P9 Forestry Management Areas

Manage the adverse effects of commercial forestry and woodlots in the Forestry Management Areas Overlay to recognise the significant landscape values.

The proposal neither proposes any forestry or is within a Forestry management Area Overlay.

NFL-P10 ~~Harvest~~ Removal of Closed Canopy Wilding Conifers

1. To enable the ~~mechanical~~ harvest of dense closed canopy wilding forests conifers within the Wilding Conifer Removal Overlay and the subsequent land rehabilitation to achieve a productive use.

2. To recognise the benefits of removing wilding conifers when alternative methods of removal other than harvesting are proposed and where adverse effects can be appropriately managed.

The proposal neither proposes any forestry harvest or is within a Forestry Management Area Overlay. As such, it is not relevant to the proposal.

NFL-P11 Wilding Conifer Spread

To provide for the use of stock grazing to control wilding conifer spread where adverse effects can be appropriately managed in areas known to be susceptible to re-invasion of wilding conifer species the Wilding Control Removal Overlay and the Wilding Conifer Management Overlay.

Not relevant to the proposal.

GRUZ-O1 Zone Purpose

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

The proposed homestead supports primary production by enabling the owner of the station to live on the station, establish an inter-generational family home, and to commit to a new management trajectory into the future consigned with this objective.

GRUZ-O2 Zone Character and Amenity Values

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

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

The proposal maintains rural character by achieving a low building density over the property with a predominance of open space and vegetation cover consistent with GRUZ-O2.1. The proposal, through its location, design and landscaping supports, maintains and enhances the function, form, character and amenity values of the zone overall, consistent with GRUZ-O2.2. The homestead has a functional and operational need to be located within the zone, within this particular property, consistent with GRUZ-O2.3 and 4.

GRUZ-P1 Primary Production and Supporting Activities

Enable a range of primary production and supporting activities to occur in the General Rural Zone, while maintaining the character and amenity of the Zone, by:

1. Managing the adverse effects from intensive primary production to minimise effects on the surrounding area; and
2. Providing for quarrying activities in the rural area to meet local demand and the anticipated amenity of the receiving environment.

GRUZ-P2 Other Activities

Recognise the importance of primary production activities to the economic wellbeing of the district, and prioritise primary production and activities which support primary production, within the General Rural Zone, by:

1. Providing for new economic activity that directly supports, is dependent on, or is ancillary to primary production, or otherwise has a functional or operational need to locate in the General Rural Zone;
2. Enabling recreation and tourism activities based on farming experiences, or conservation activities and/or experiencing the natural environment;
3. Ensuring the land resource of the General Rural Zone is not compromised by activities with no functional need or operational need to locate in the zone.
4. Providing for workers accommodation which exceeds the density requirements, where its location, scale and design maintains the character and amenity values of

the surrounding area without compromising the safety or efficiency of the road corridor.

These policies are not particularly relevant to the proposal, however it is noted the proposal does support primary production within the property, consistent with the intent of Policies GRUZ-P1 and GRUZ-P2.

GRUZ-P3 Reverse Sensitivity

Avoid reverse sensitivity effects ~~of non-farm development and residential activity~~ on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, ~~existing~~ renewable electricity generation activities, regionally significant infrastructure and the Tekapo Military Training Area.

The proposal will not have an adverse effect on any listed activities within or outside of the property, consistent with this policy.

GRUZ-P4 Protecting Highly Productive Land

Maintain the productive capacity of highly productive land, by:

1. Avoiding the irreversible loss of highly productive land from inappropriate subdivision, use or development.
2. Encouraging opportunities that increase that productive capacity of highly productive land.

GRUZ-P5 Existing Activities on Highly Productive Land

1. Enable the maintenance, operation, or upgrade of any lawfully established existing activities on highly productive land; and
2. Ensure that any loss of highly productive land from those activities is minimised.

The proposal does not affect any highly productive land, consistent with these policies.

GRUZ-P6 Residential Density

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

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

The proposal maintains a very low building density of the property consistent with the anticipated character and amenity values of the receiving environment.

GRUZ-P7 Wilding Conifers

Reduce the adverse effects of wilding conifers on the rural land resource, including by:

1. Avoiding the further planting of wilding conifer species; and

2. Promoting land use activities that contain or eradicate wilding conifers in Te Manahuna / the Mackenzie District where adverse effects of those activities can be appropriately managed.

The proposal does not include any further planting of wilding conifer species and through the proposed FBA promotes land use activities that eradicate potential source of spread.

GRUZ-P8 Aircraft Movements, Airfields and Helicopter Landing Areas

Enable aircraft and helicopter movements within the rural area when ancillary to rural production, or for personal, emergency, conservation, military and non-commercial recreational use. Manage the location and scale of airfields and helicopter landing areas to maintain the anticipated character and amenity values of the receiving rural environment.

While no aircraft or helicopters landing areas are proposed, it is noted that the permitted baseline enables such to occur from the homestead should this application be approved. Given the isolation of the homestead, and size of the property, any such aircraft movements are unlikely to adverse effect the anticipated character and amenity values of the receiving rural environment consistent with this policy.

GRUZ-P9 Aircraft Take-Off/Landing Approaches

Manage the location and height of any structure and vegetation in the vicinity of a Special Purpose Airport Zone to ensure the safety of aircraft take-off/ landing approaches and wider public safety.

The proposal does not affect any Special Purpose Airport Zone.

8.3.5 Section 18 – Natural Hazards

Objective 1

Avoid loss of life, and minimise the cost of damage and disruption to the community, or other parts of the environment from natural hazards

...

5 To ensure that buildings are constructed appropriately to mitigate the risks associated with flooding, instability, earthquake and fire hazards.

6 Within any resource consent process, to ensure that any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.

Geotago have assessed the proposed site as being not prone to liquefaction, nothing alluvial influencing the site and there being no active faults in the proximity of the building location. As such, the proposal is not seen as being inappropriate with respect to the above objective and policy.

8.3.6 Section 19 – Ecosystems and Indigenous Biodiversity

Section 19 has been incorporated into the Operative Mackenzie District Plan following public notification of Plan Change 18 (**PC18**) pursuant to Clause 10(5) of Schedule 1 of the Resource Management Act 1991. PC18 as publicly notified on 24 June 2021 is subject to appeal rights pursuant to Clause 14 of Schedule 1 of the RMA.

Objective

Land use and development activities are managed to:

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) maintain and enhance indigenous biodiversity outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- c) recognise and provide for the national significance of the Waitaki Power Scheme and the National Grid when managing effects on indigenous biodiversity arising from the development, operation, maintenance or refurbishment of those utilities while achieving (a) and (b) as far as practicable.

...

6 To enable land use and development at an on-farm level, through a Farm Biodiversity Plan, where comprehensive and expert identification of indigenous biodiversity is undertaken that demonstrates how that use and development will be integrated with:

- a) the long of indigenous biodiversity, where appropriate.

7 To consider a range of mechanisms for secure in-term protection of significant indigenous vegetation and significant habitats of indigenous fauna;

- b) the maintenance of other indigenous biodiversity; and
- c) opportunities for enhancement g protection of significant indigenous vegetation and significant habitats of indigenous fauna, including resource consent conditions, management agreements and covenants.

8 To recognise and provide for activities, including voluntary initiatives, that contribute towards the protection, maintenance or enhancement of indigenous biodiversity.

The proposal includes a FBP where comprehensive and expert identification of indigenous biodiversity has been undertaken to demonstrate how the proposed homestead use and development integrates with the long-term protection of significant biodiversity and the maintenance of other indigenous biodiversity and opportunities for enhancement of biodiversity. The adoption of the FBP is therefore consistent with the approach sought by Policy 6.

With respect to Policies 7 and 8, the applicant has volunteered that the long-term implementation of the FBP be secured by a condition of consent. As such, the proposal is considered consistent with Policies 7 and 8 in achieving the objective.

8.3.7 PC24 (Decisions Version) - Sites and Areas of Significance to Maori

As discussed previously, the subject site is not identified as a SASM, however Lake Takapo and the Cass River are. The relevant objectives and policies include:

Objectives

SASM-01 Rakatirataka

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

SASM-02 Sustaining Relationship with SASM

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

SASM-03 Use and development in SASM

Inappropriate subdivision, use and development within SASM is avoided.

SASM-04 Mahika Kai and Nohoaka Sites

The ability of mana whenua to access, maintain and use mahika kai and nohoaka sites of cultural value is enhanced.

Policies

SASM-P1 Identification of SASM

Enable mana whenua to identify areas of significance and their values.

SASM-P2 – Consultation with Mana Whenua

Ensure consultation with the relevant mana whenua is undertaken where activities have the potential to adversely affect SASM and their values.

SASM-P3 Mahika Kai Activities

Enable mana whenua to undertake mahika kai within SASM in accordance with tikaka and where it can be undertaken safely.

SASM-P4 Access to SASM

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

SASM-P5 Restoration and Enhancement of Mahika Kai

Encourage restoration and enhancement of indigenous vegetation that supports mahika kai.

SASM-P6 Activities within SASM

Manage the adverse effects of activities within SASM so that the values associated with that SASM identified in SASM-SCHED1, SASM-SCHED2, SASM-SCHED3 and SASM-SCHED4 are not compromised, by:

1. Considering the effects of activities located within a SASM on the identified values when resource consent is required under other chapters of this District Plan;
2. Avoiding new cemeteries and crematoria, landfills, wastewater treatment plants, hazardous facilities and mining and quarrying activities within SASM unless they will not adversely affect the values in SASM;

3. Controlling activities including earthworks, irrigation, buildings requiring wastewater discharges, commercial forestry and tourism on, in, or in close proximity to, limestone outcrops, Māori rock art and silent file areas to avoid damage to the integrity of these SASM; and

4. Requiring subdivision to be designed, including the identification of building platforms, so that adverse effects of earthworks and activities facilitated by the subdivision on the values of Māori rock art and silent file areas are avoided.

SASM-P7 Traditional Placename Use

Recognise and encourage the use of traditional place names throughout Te Manahuna / Mackenzie District.

As the subject site is outside of an identified SASM it is considered that the objectives and policies are not particularly relevant to the proposal. With respect to SAS-P4 it is noted that on completion of Land Tenure Review will dispose of land immediately adjoining the margins of Lake Tekapo to the Crown for the purposes of recreational reserve. Similarly, the margins of the Cass River are to be owned by the Crown for conservations purposes. The proposal preserves and is consistent with these arrangements and avoids further impact on these marginal areas. Policy SASM-P4 is therefore met through the land tenure review process.

8.4 Conclusion on Objectives and Policies

The second limb of Section 104D requires consideration of the relevant objectives and policies of the relevant plan (in this case being the MDP) to determine whether the Proposal is "*contrary*" in the sense of "*being opposed to in nature; different or opposite*" or "*repugnant and antagonistic*".

It is understood that an application may be considered to be in conflict with certain policies but that in itself does not make it contrary. It is understood that the accepted practice of the Courts has been that if a proposal is to be stopped at the second gateway it must be contrary to the objectives and policies of the District Plan *as a whole*. It is important that policies are not considered in isolation.

We conclude that the proposal, despite being located within an area of LPA and ONL, is not contrary to the objectives and policies of the MDP as a whole.

In coming to this conclusion, we note a key policy consideration is the relevance of Policy 3B6/NFL-P5 (Lakeside Protections Area). In our opinion, Policy 3B6(a)/NFL-P5.1 is relevant to the proposal as it refers to "*lakes, their margins, and their settings*". However,

Policy 3B6(b)/NFL-P5.2 only relates to “*lakes and their margins*”, with no reference to their *settings*. We conclude from this, that the avoidance of built form under Policy 3B6(b)/NFL-P5.2 has deliberately been restricted to *lakes and their margins* and not their *settings*. As such, we maintain Policy 3B6(b)/NFL-P5.2 is not relevant to the consideration of the proposal.²⁷

Overall, we consider the proposal, including the adoption of the FBP and other positives, lends significant support from the objectives and policies of the NPS’s, CRPS and the MDP (including PC18 and PC23) and is not contrary to the objectives and policies contained within these statutory documents. It therefore, passes through the second limb of Section 104D in addition to the first limb – adverse effects of the activity on the environment will be minor.

9. Notification Assessment

Section 95D of the RMA states:

Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of [section 95A\(8\)\(b\)](#), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

- (a) must disregard any effects on persons who own or occupy—
 - (i) the land in, on, or over which the activity will occur; or
 - (ii) any land adjacent to that land; and
- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and
- (d) must disregard trade competition and the effects of trade competition; and
- (e) must disregard any effect on a person who has given written approval to the relevant application.

9.1 Section 95A Public Notification

Step 1 – Mandatory notification in certain circumstances (s95A(3)):

- (a) The applicant has not requested that the application be publicly notified;
- (b) Public notification is not required under section 95C;

²⁷ If we are incorrect about this, then we admit that the proposal is likely to struggle to meet Policy 3B6(b)/NFL-P5.2 as it is an avoid policy.

- (c) The application does not involve exchange of recreation reserve land.

Step 2 – Public notification precluded in certain circumstances (s95A(5))

- (a) The proposal is not subject to a rule or NES that precludes public notification;
- (b) The application is not a boundary activity.

Step 3 – (s95A(8))

- (a) the application is for a resource consent for 1 or more activities, and none of those activities is subject to a rule or national environmental standard that requires public notification;
- (b) the activity will not have, or is unlikely to have, adverse effects on the environment that are more than minor.

Step 4 – Special circumstances (s95(9))

- (9) There are no special circumstances which warrant the application being publicly notified.

9.2 Section 95B Limited Notification

Step 1 – Certain affected groups and affected persons must be notified (s95B(2))

- 2(a) No customary rights groups are affected by the proposal;
- 2(b) No customary marine title groups are affected by the proposal;
- 3(a) The proposed activity is not adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#);
- 3(b) Not relevant.

Step 2 – Limited notification precluded in certain circumstances (s95B(6))

- (a) The application is not for an activity subject to a rule or a national environmental standard that precludes limited notification;
- (b) the application is not for a controlled activity.

Step 3 – Certain Affected Persons Must be Notified (s95B(7))

- (7) the proposal is not a boundary activity;
- (8) No other persons are affected by the proposal.

Step 4 – Special circumstances (s95B(10))

(10) There are no special circumstances which warrant the application being publicly notified.

In our opinion the application should be processed without public notification or limited notification.

10. Other Matters

The only other matter considered relevant to the proposal is the Mackenzie Agreement (**MA**), a copy of which is appended as **Attachment N**.

It is understood the purpose of the MA to form a long-term, co-operative relationship, working together to implement our shared Vision and Strategy for the Mackenzie Country. This vision includes:

- A land use pattern which includes a mix of irrigated and dryland agriculture, tourism-related development, and land actively managed for biodiversity and landscape purposes, with integration of these wherever practical;
- A balanced and prosperous local community;
- New Zealand's recognition of the Mackenzie Country as an iconic area, accompanied by an enhanced and tangible sense of shared responsibility for restoring and maintaining its natural assets.

With respect to agriculture within the Mackenzie Country, the MA finds that the traditional meat and wool businesses have experienced volatile returns but overall low profitability. This situation limits both the capacity for farm development, and the ability to manage land effectively to protect and restore biodiversity, landscape, soil and water values. This application, in our opinion, achieved exactly that through the implementation of the proposed FBP.

The findings under the heading "*Indigenous Biodiversity, landscape, recreational and other land protection values in the Mackenzie Country*" of the MA are particularly relevant to this application. In particular, the two conservation related objectives as follows:

(A) Ecosystem recovery – the objective on these areas is to achieve restoration of representative examples of the full range of whole ecosystems that were characteristic of past times. This objective is focused on biodiversity including small inter-tussock plant species and non-tussock ecosystems such as grey scrub, wetlands and forest.

(B) Tussock protection – the objective on appropriate areas is to protect, enhance and where possible restore a healthy tussock cover, in order to maintain a distinctive aspect of the Mackenzie's landscape and pastoral heritage; to retain healthy soil and pristine waters; and to preserve options for future generations.

While it is acknowledged that land use intensification is not the subject of this application, it is important to note that some level of farm development in the Mackenzie Basin was supported by many parties (including many rural operators, water user groups and existing irrigators, Federated Farmers, Forest and Bird, Fish and Game, the Environmental Defence Society, Mackenzie Guardians, Tourism entities and the MDC) through the MA. The adoption of the FBP achieves both of these objectives. As such, it is considered the MA, and (A) and (B) above in particular, are relevant in balancing up the landscape effects and biodiversity positives of the proposal.

11. Conclusion

The proposal passes both section 104D threshold tests.

In considering whether to approve the application, the Council is required to have regard to any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans, "subject to Part 2". The Council is also required to have regard to the effects of the proposal on the environment.

The proposed development will achieve the purpose of sustainable management under section 5 of the RMA, including by reference to the other principles in Part 2 of the RMA by enabling the Applicant to provide for their economic and social well-being, while at the same time avoiding any adverse environmental effects. We have reached this conclusion through assessment of National and Regional Policy Framework. We note that the District Plan has recently been reviewed (Stage 3) to ensure consistency with the higher order framework. We do not consider it necessary to refer back to Part 2 of the Act for further guidance.

12. List Of Attachments

Attachment [A]: Record of Title

Attachment [B]: Owners Statement (Warren Lewis)

Attachment [C]: Architectural Statement – Mason and Wales

Attachment [D]: Architectural Plans – Mason and Wales

Attachment [E1]: Report - Baxter Design Group Limited

Attachment [E2]: Landscape Plan and Visual Simulations – Baxter Design Group Limited

Attachment [F]: Farm Biodiversity Plan – e3Scientific

Attachment [G]: Ind Veg Assessment – e3Scientific

Attachment [H]: Geotechnical Assessment – Geotago Limited

Attachment [I]: Landscape and Visual Effects Assessment – Vivian Espie Limited

Attachment [J]: Services Report – Civilised Limited

Attachment [K]: Environmental Management Plan – Enviroscope Limited

Attachment [L]: PSI – e3Scientific

Attachment [M]: Letter from Ms Scott

Attachment [N]: Mackenzie Agreement

Attachment [O]: Carbon Zero Plan – The Agribusiness Group

Attachment [P]: Letter of support from Timaru Boys' High School.

Attachment [Q]: APA from LINZ

Attachment [R]: Earthworks Plan – Milward Finlay Lobb

Attachment [S]: APA from DOC