

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

IN THE MATTER OF the Resource Management Act 1991

And

IN THE MATTER OF appeals under clause 14 of the first schedule to the Act

BETWEEN

FEDERATED FARMERS OF NEW ZEALAND
(INCORPORATED) MACKENZIE BRANCH
ENV-CHC-2009-000193

MOUNT GERALD STATION LIMITED
ENV-CHC-2009-000181

MACKENZIE PROPERTIES LIMITED
ENV-CHC-2009-000-183

MERIDIAN ENERGY LIMITED & GENESIS LIMITED
ENV-CHC-2009-000184

THE WOLDS STATION LIMITED
ENV-CHC-2009-000187

FOUNTAIN BLUE LIMITED & OTHERS
ENV-CHC-2009-000190

R, R AND S PRESTON & RHOBOROUGH DOWNS
LIMITED
ENV-CHC-2009-000191

HALDON STATION
ENV-CHC-2009-000192

Appellants

AND

MACKENZIE DISTRICT COUNCIL
Respondent

STATEMENT OF EVIDENCE OF VIVIENNE MARY SMITH
On behalf of DIRECTOR-GENERAL OF CONSERVATION
DATED 9 September 2016

Department of Conservation
Private Bag 4715, Christchurch 8011

Solicitor: Susan Newell
Tel: 03 371 3783;
email: snewell@doc.govt.nz

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1. INTRODUCTION

- 1.1 My name is Vivienne Mary Smith (Ms). I am the Principal of Lake Ohau Consulting, a consultancy specialising in environmental policy and planning. I established the consultancy in June 2016.
- 1.2 I hold a Bachelor of Science from the University of Canterbury and a Masters of Regional and Resource Planning (with Credit) from the University of Otago. I have more than 28 years' experience in resource management planning and policy development in central government, local government and private consultancy positions.
- 1.3 Prior to establishing Lake Ohau Consulting, I lead the planning work programme (excluding the planning for the Christchurch central city) at the Canterbury Earthquake Recovery Authority ("**CERA**") as the Manager Planning and Senior Advisor, Recovery Strategy, Planning and Policy. I was employed by the Ministry for the Environment for nine years prior to being seconded to CERA in May 2011.
- 1.4 At CERA I managed and was actively involved in the Crown case for the Christchurch Replacement District Plan; was a member of the multi-agency team that prepared the draft Land Use Recovery Plan and jointly lead the preparation of the Recovery Strategy for Greater Christchurch.
- 1.5 At the Ministry for the Environment I worked on a wide range of resource management projects including of relevance to this hearing, providing planning advice to the Waitaki Catchment Water Allocation Board established to prepare the Waitaki Catchment Water Allocation Regional Plan; leading the Ministry's work with the Department of Conservation on the Statement of National Priorities for Biodiversity (2007); providing policy advice on amendments to the Resource Management Act 1991 ("**RMA**"), particularly in relation to proposals of national significance and developing RMA best practice advice.
- 1.6 I worked for the Department of Conservation for seven years in planning roles, including managing the West Coast Conservancy Planning Team.
- 1.7 My local government and consultancy work experience has involved working with the four West Coast councils to establish a process to implement section 6(c) of the RMA in district plans and a variety of policy

planning and consenting processes under the RMA and conservation legislation.

1.8 I have been engaged by the Department of Conservation to present planning evidence for the Director-General of Conservation ("**Director-General**") in relation to the section 293 RMA version of Plan Change 13 ("**PC13 (s293v)**") to the Mackenzie District Plan ("**the Plan**").

1.9 My experience in relation to PC13 (s293v) to the Plan has been formed through the various positions I have held. I am familiar with the Mackenzie Basin through my previous work on the Waitaki Catchment Water Allocation Regional Plan and having owned a house in the Lake Ohau Alpine Village (in Waitaki District) for 11 years and by living and working from the Village since April 2016.

2. CODE OF CONDUCT

2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the Court.

2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

2.3 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. SCOPE

3.1 I have been asked to provide planning evidence in relation to PC13 (s293v) to the Plan, being the revised version prepared and notified by Mackenzie District Council ("**the Council**") in accordance with the Court's direction under section 293 of the RMA.

3.2 My evidence covers the following matters:

- (a) Overview of the Director-General's submission
- (b) The consideration of the ecological components in the provisions that provide for the protection of the outstanding natural landscape of the Mackenzie Basin

- (c) Objective 3B
- (d) Policies supporting Objective 3, including those supported or supported in part in the Director-General's submission
- (e) Policies and rules for the management of wilding tree spread
- (f) Rules for activities with effects on the outstanding natural landscape of the Mackenzie Basin, including those supported or supported in part in the Director-General's submission
- (g) Other matters including definitions and cross-referencing

3.3 In preparing my evidence I have read and considered:

- (a) the relief sought by the Director-General as set out in the Notice of Director-General of Conservation's wish to become a party to proceedings dated 1 July 2016;
- (b) the "section 293 package" prepared by Mackenzie District Council as described in Ms Harte's Evidence in Chief at paragraph 11, in particular:
 - (i) the section 293 report
 - (ii) the post consultation version of PC13 (s293v)
 - (iii) section 32 evaluation report for PC13 (s293v);
- (c) The Canterbury Regional Policy Statement ("CRPS");
- (d) The Waitaki Catchment Water Allocation Regional Plan;
- (e) The Land and Water Regional Plan;
- (f) The Mackenzie District Plan;
- (g) the evidence of witnesses for Mackenzie District Council, particularly the planning evidence by Ms Harte; and
- (h) submissions and the evidence of witnesses for other parties to these proceedings, particularly the planning evidence by Mr Vivian.

3.4 I have referred to or relied on:

- (a) The Statement of evidence by Dean Nelson, on behalf of the Director-General of Conservation
- (b) The Statement of evidence by Nicolas Head, on behalf of the Director-General of Conservation
- (c) The Statement of evidence by Keith Briden, on behalf of the Director-General of Conservation

3.5 In accordance with the code of conduct for expert witnesses, I have included in my evidence comments on provisions that I consider need

clarification or improvement to their wording but which are not within the Director-General's submission.

- 3.6 I accept that some of those provisions have been determined already and are included in PC13 (s293v) as shaded sections to provide context. My comments on them are included in this evidence for completeness, and are intended to assist with understanding of how a robust set of provisions could be prepared in relation to the outstanding natural landscape of the Mackenzie Basin. I have also responded to suggested changes that Mr Vivian has made in his evidence.
- 3.7 I am aware that the Mackenzie District Council has initiated a review of the operative district plan¹ and is intending to notify a proposed plan in early 2017. I have also been made aware by the Council's Policy Planner, Mr Hakkaart, that the Council is undertaking only a partial review of the operative district plan and does not intend to review the provisions in the plan relating to the Mackenzie Basin². I understand, however, that provisions relating to indigenous vegetation and SONS are part of the review. Given the intentions of the Council in relation to the plan review, in my opinion it is essential to ensure that PC13 is a complete package of provisions for the protection and enhancement of the outstanding natural landscape that can stand-alone from the other parts of the plan.
- 3.8 To assist the Court with understanding my discussion of how a complete package of provisions would operate – and in case the Court is minded to make any consequential changes necessary when it determines the outcome of these proceedings - I have included in my evidence marked up versions of new provisions showing the changes to PC13 (s293v) that are suggested in my evidence.

4. EXECUTIVE SUMMARY

- 4.1 The Director-General's submission seeks a number small changes to the PC13 (s239v) provisions. These changes are sought to ensure that the ecological aspects of the outstanding natural landscape are recognised and provided for in a more comprehensive manner.

¹ The Department of Conservation was notified on 13 May 2016 of the review pursuant to clause 3(1) of the First Schedule RMA, in relation to consultation with the Minister of Conservation.

² Conversation with Mr Hakkaart on 7 September 2016.

- 4.2 I have assessed the proposed provisions and in my opinion changes could be made to many of them to reduce duplication, clearly state the intention, particularly in policies, and to fill gaps in the classification of activities in the rules.
- 4.3 The lack of opportunity to undertake ecological assessments when activities within the outstanding natural landscape are proposed is also in my opinion, something that could be improved in the provisions.
- 4.4 In my opinion, some of the policies still reflect the previous “visual vulnerability” approach that has been superseded with a “landscape sensitivity” approach. This change in approach is appropriate in my opinion but it could be better reflected in a number of provisions in PC13 (s293v).
- 4.5 I have suggested a number of amendments to provisions relating to pastoral intensification that in my opinion could better address the adverse effects of these activities on the outstanding natural landscape.
- 4.6 Tree planting activities that result in planting of wilding trees is, in my opinion only dealt with to a small degree in the revised provisions. My evidence suggests ways that this could be improved.

5. OVERVIEW OF THE DIRECTOR-GENERAL’S SUBMISSION

- 5.1 The Director-General’s submission (“**submission**”) largely supports the revised PC13 (S293v) provisions that address the recognition and protection of the Mackenzie Basin as an outstanding natural landscape.
- 5.2 The submission seeks amendments to the wording of a number provisions to:
- (a) recognise the ecological components of the outstanding natural landscape;
 - (b) ensure consistency of language and subsequent interpretation of provisions by decision-makers; and
 - (c) provide a more comprehensive and updated list of exotic tree species with wilding potential.
- 5.3 The submission seeks amendment to the description of “High Visual Vulnerability” in Policy 3B1. I note that the Council is proposing to delete this definition from Policy 3B1 although Ms Harte and Mr Densem have both recommended in their Evidence in Chief³ that reference to the Visual

³ P. Harte Evidence in Chief paragraph 139 and G. Densem Evidence in Chief paragraph 68

Vulnerability categories and mapping be contained in the explanation to Policy 3B1. I will address this suggested amendment below.

- 5.4 The submission also sought some cross-referencing of the new Objectives and Policies included in PC13 (s293v) in the explanation and reasons below Objective 6. I consider this to be a matter that could be addressed when the plan is reviewed.

6. ECOLOGICAL COMPONENTS OF THE OUTSTANDING NATURAL LANDSCAPE OF THE MACKENZIE BASIN

- 6.1 The evidence of the expert witnesses appearing for the Director-General sets out the ecological significance of the Mackenzie Basin and the work of the Department of Conservation to protect and enhance the wide range of ecological values including plants, birds, insects, lizards, fish and their habitats.

- 6.2 As set out in Mr Head's evidence, the ecological values of the Mackenzie Basin are significant. Many species are under threat either directly in terms of where they are found (such as plants) or through the loss of the specific and wider habitat that they require to support themselves and their offspring, such as bird species.

- 6.3 Mr Nelson's evidence describes the Department of Conservation's work programme and the outcomes sought. While there are significant areas of public conservation land within the Mackenzie Basin that are managed by the Department, the indigenous species do not just occur on this land. Habitats for indigenous species are found throughout the Basin, including those used permanently or seasonally by birds, fish, lizards and insects.

- 6.4 The Department of Conservation also provides and manages visitor centres, huts, tracks and other facilities for visitors to the Mackenzie Basin.

- 6.5 The Department's work includes a significant programme of work to remove and control both plant and animal pests. The work to control wilding trees is explained in Mr Briden's evidence, including working with the other central, regional and local government agencies and with landowners.

- 6.6 Mr Briden considers that there are two important actions required in relation to wilding tree management. The first is to remove the existing wilding trees and the second is to prohibit the planting of tree species that result in

wilding spread⁴. The district plan can and does assist in both these actions. I consider this further in relation to the wilding tree provisions in my evidence below.

Landscape sensitivity and ecological considerations

- 6.7 I consider the Council's change from "visual vulnerability" mapping to landscape sensitivity is appropriate, as it provides for a wider consideration of a range of characteristics that determine if a change to the landscape can be accommodated and if so, how the effects of changes can be managed. This approach also gives effect to the CRPS 12.3.4 that lists assessment matters that "*will be applied by district councils when identifying and assessing outstanding natural landscapes and features*".
- 6.8 Policy 12.3.4 in the CRPS includes the consideration of "natural science values" as well as other values and matters. This is a wider consideration of matters than an approach just based on "visual vulnerability".
- 6.9 In my opinion this change in how landscapes are assessed in relation to their capacity to accommodate change has not fully been reflected in the policies that follow from Policy 3B1. I consider that there is still a "tone" of the previously proposed "visual vulnerability" contained in the policies, for example Policies 3B7 and 3B12.
- 6.10 When a broader concept such as "landscape sensitivity" is used, it is essential that plan users know what it means, how it is assessed and by whom, and what decision-makers will need to consider when making decisions. I have suggested that these issues could be addressed by an amendment to policy 3B1. See section 9 of my evidence below where I discuss Policy 3B1.
- 6.11 As stated in Mr Densem's⁵ and with some qualifications, Mr Harding's⁶ evidence, the landscape sensitivity approach in PC13 (s293v) better reflects a wider range of component characteristics of this landscape including ecological components not captured in visual vulnerability. I agree with their opinions.

⁴ Paragraph 34 of Keith Briden's evidence

⁵ Paragraph 66 Mr Densem's evidence

⁶ Paragraphs 84 to 90 Mr Harding's evidence

- 6.12 The mapping of Sites of Natural Significance (SONS), Scenic Viewing Areas (SVA), Scenic Grasslands Areas (SGA)⁷, Lakeside Protection Areas (LPA) and land above 900m all seek to identify a range of values and recognises the overlap between landscape and ecological protection, i.e. section 6(b) and section 6(c) of the RMA. These overlays cover a very small areas within the Mackenzie Basin. It is also acknowledged in the ecological evidence⁸ that the current significant indigenous vegetation and habitat (section 6(c) of the RMA) Objectives, Policies and Rules, are not comprehensive, are based on information not intended for this purpose, have not been reviewed by the Council as intended and are therefore out-of-date. Consequently many significant areas are not identified as SONS.
- 6.13 The plan does not therefore include a comprehensive schedule of landscape and ecological values of the Mackenzie Basin. Instead, landscape and its component ecological values will need to be assessed on a site by site basis until a comprehensive schedule of landscape and ecological values is compiled and the plan reviewed to incorporate them.
- 6.14 When a new district plan is in place it should comprehensively provide for the sustainable management of the Mackenzie Basin Outstanding Natural Landscape with both landscape and ecological components appropriately considered. In the meantime there are recognised significant pressures on the natural resources of the Mackenzie Basin such as the Outstanding Natural Landscape that requires management right now.
- 6.15 The impetus for PC13 has been the changes to agricultural activities brought about by access to water for irrigation and tenure review. While the plan lacks a comprehensive schedule of landscape and ecological values, including ecological assessment as part of the landscape sensitivity methodology is a practical means of achieving sustainable management.
- 6.16 It would be helpful if the site by site analysis of the ecological components of landscape sensitivity where undertaken in a consistent manner. While the review of the plan is undertaken, the most practical way to achieve a consistent approach is to use the criteria in Rural Policy 1B to identify additional sites of natural significance where adverse effects of changes in use or development should be avoided.

⁷ I have used the term "Scenic Grasslands Areas" in my evidence because the sites are defined on maps as a particular area.

⁸ Paragraph 22 and discussion in paragraphs 22 to 32 Mr Harding's evidence, paragraph 11.2 Mr Head's evidence

Tussock grasslands and indigenous vegetation

- 6.17 Tussock grasslands are included in the list of characteristics and/or values in Objective 3B as well as being a significant component of the “openness and vastness” and “undeveloped lakesides and SH 8 roadside within the Basin”. Objective 3A also seeks to protect...”natural processes and elements which contribute to the District’s overall character and amenity”.
- 6.18 Thus it is acknowledged in these Objectives that vegetation and landscape are inextricably linked. The component elements of tussock grasslands, which are discussed in Mr Head’s evidence, need to be factored in when considering the outstanding nature of the Mackenzie Basin and when applying the landscape sensitivity methodology.
- 6.19 What constitutes a “tussock grassland” is not defined in PC13 or the plan⁹. Indigenous vegetation is defined in the plan but as Mr Head states in his evidence¹⁰ there are issues with the suitability of this definition in relation to the tussock grasslands in the Mackenzie Basin. I consider that Mr Head’s suggested definition of “tussock grasslands” will help to clarify the intent and application of provisions by decision-makers.
- 6.20 Mr Head’s proposed definition of “tussock grasslands”¹¹ is:
- “Areas generally supporting native tussock grasses but typically comprising a mosaic of vegetation types that could include considerable areas of bare/stony ground, mixed exotic/native herbfield, native shrubs, and exotic species such as browntop and hawkweed.”*
- 6.21 In my opinion it is important to define “tussock grasslands” from an ecological perspective not just from a landscape perspective in order to sustainably management this component of the outstanding natural landscape. The need to better understand and consider ecological aspects of the landscape is acknowledged by the Court in its directions under section 293 RMA.
- 6.22 From my reading of papers, up until this stage of these proceedings the landscape reports prepared for the Council, commentary in the Court’s interim decisions and in landscape expert evidence for PC13 largely

⁹ The operative district plan includes a number of descriptions of “tussock grasslands” in section 12 about Vegetation Clearance. This includes: tall tussock and canopy; shrublands; short tussock grasslands and indigenous cushion and mat vegetation and associated communities within the Mackenzie Basin.

¹⁰ Paragraphs 10.5 of Mr Head’s evidence

¹¹ Paragraph 18.11 of Mr Head’s evidence

concentrated on how the tussock grassland contribute to the “look and feel” of the outstanding natural landscape from a visual perspective rather than the importance of the ecological values and processes in the tussock grasslands. For example there are expressions used such as the “tawny colour”, the “golden-brown” vegetation/landscape and “brown grasslands”.

- 6.23 Mr Harding and Mr Head have both discussed that indigenous ecosystems will change naturally over time or when activities that have modified and suppressed the natural ecological processes, are stopped¹².
- 6.24 Natural changes to indigenous vegetation cover in the Mackenzie Basin is likely to be a slow process¹³ and the changing vegetation continues to be a true expression of the ecosystems of the landform within the Basin. These natural ecological processes are also important for other biodiversity values that the Department of Conservation’s restoration and enhancement work programmes support such as kaki/black stilt. The wilding tree removal is also undertaken to help retain the natural ecosystems and their processes.
- 6.25 I suggest that the reference to “tussock grasslands” throughout the PC13 (s293v) be changed to “tussock grassland and other indigenous vegetation” unless the context demands otherwise and except in Objective 3B(1) where “tussock grassland and associated indigenous vegetation” is preferred. My reasons for this are set out above and I rely on Mr Head’s evidence on this matter.

7. OBJECTIVES, POLICIES AND EXPLANATIONS AND REASONS

- 7.1 I have read and considered all the provisions of PC13 (s293v) in preparing this evidence. In my opinion, there is a mixed quality of provisions¹⁴ in terms of:
- (a) objectives clearly stating the outcome sought;
 - (b) policies clearly stating the course of action to achieve or implement the objective;
 - (c) rules being clearly expressed, with a cascading approach to classes of activities, and

¹² For example the discussion about the study of regeneration in the Tekapo Scientific Reserve.

¹³ Paragraph 17.1 of Mr Head’s evidence

¹⁴ Assessment based on the Quality Planning website guidance note on “Writing provisions for Plans” provides information about “Writing issues, objectives and policies “ and “Writing effective and enforceable rules”. Accessed from <http://www.qualityplanning.org.nz/index.php/plan-steps/writing-plans/writing-issues-objectives-and-policies> and <http://qualityplanning.org.nz/index.php/plan-steps/writing-plans/writing-effective-and-enforceable-rules>

(d) the need for an “explanations and reasons’ section being considered and if needed, being concise and not containing further “policy” direction.

7.2 I can understand how this situation has occurred to a certain degree, because of the many iterations of the provisions being written by different parties over a significant period of time.

7.3 Clearly expressed provisions that uses concise language and consistent terms and which avoid duplication are desirable so that plan users and decision-makers can understand and apply the provisions correctly without uncertainty about the meaning.

7.4 In this plan where a number of activities are classified as non-complying, this becomes particularly important if the section104D RMA tests are to be consistently applied.

7.5 As stated above my evidence, I have included comments on provisions where I consider them to be deficient or uncertain.

7.6 I have not made any suggested changes to the “Explanation and Reasons” sections. My view is that there is generally no need for “explanations and reasons” if the provisions have been well drafted with clear and concise language¹⁵. There are examples in PC13 (s293v) where the policy intent is contained in the “explanations and reasons” section and not in the actual policy. I have made comments and suggestions in these situations in my evidence below.

8. OBJECTIVE 3B

8.1 Objective 3B sets out the outcomes that are sought in relation to activities being undertaken in the Mackenzie Basin’s outstanding natural landscape.

8.2 In my opinion the intent of Objective 3B is appropriate to achieve the purposes of the RMA.

8.3 Mr Vivian in paragraphs 6.2 and 6.7 of his evidence has suggested some amendments to improve the wording. I agree with Mr Vivian’s suggested amendments to the Objective 3B set out in paragraphs 6.2, 6.5, and 6.6 of

¹⁵ Section 75 of the RMA does not require “explanations and reasons” to be included in a district plan.

his evidence. These suggested amendments make the meaning of objective clearer and removes duplication.

- 8.4 Relevantly to the Director-General's submission, I note that Objective 3B1 refers to "tussock grasslands". The Director-General's submission proposed amendments to the plan which recognise that tussock grasslands incorporate indigenous vegetation and ecosystems. Mr Head discusses this point in his evidence.
- 8.5 In my opinion, amending Objective 3B(1)(b) to read "tussock grassland and associated indigenous vegetation" better reflects the ecological characteristic and/or value that is inextricably linked to the outstanding natural landscape.
- 8.6 What constitutes a "tussock grassland" will be a key part of how the PC13 provisions are applied, implemented and decisions made. As I discuss above, the need to include ecological considerations not just landscape "visual" considerations in a landscape sensitivity assessment provides a more comprehensive approach but it needs certainty through definitions to work.

Objective 3B(2)

- 8.7 As discussed above, I acknowledge that Objective 3B(2) is identified with shading as a provision that has already been determined, and I acknowledge that the Director-General's submission did not address that provision. However, Mr Vivian has suggested changes to Objective 3B(2), to which I wish to respond.
- 8.8 In my opinion, Objective 3B(2) and Policy 3B8 both contain the outcomes sought in relation to the Waitaki Power Scheme. Objective 3B(2) contains detail about how the existing components of the Waitaki Power Scheme are to be provided for in the outstanding natural landscape of the Mackenzie Basin. In my opinion Objective 3B(2) is worded more in the nature of a policy than an objective.
- 8.9 Policy 3B8 states in general terms the outcomes sought for the Waitaki Power Scheme having particular regard to provisions in the National Policy Statement for Renewable Electricity Generation 2011. I consider this wording is more in the nature of an objective than a policy.

- 8.10 Some redrafting of both Objective 3B(2) and Policy 3B8 would provide increased certainty and clarity.
- 8.11 In Objective 3B(2)(a) Mr Vivian suggests an amendment to the reference to “objective (1)” to be “Rural Objective 1”¹⁶. I consider Mr Vivian’s proposal to be incorrect because the context means that “objective (1)” is “Rural Objective 3B(1)”. The reference to management of exotic tree species aligns with the policies supporting Rural Objective 3B(1): it does not fit with policies supporting Rural Objective 1. I agree with Mr Vivian’s other suggestion to replace reference to “objective (1)” to “Objective 3B(1)”. I consider the word “above” is then unnecessary and should be deleted.
- 8.12 In conclusion, I consider Objective 3B(2) could be better written as:

“(2) To enable the continued operation and development of ~~maintain and develop structures and works for~~ the Waitaki Power Scheme’s renewable energy generation and transmission infrastructure and operations:

- (a) within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011; ~~within the existing footprints of the Tekapo-Pukaki and Ohau Canal Corridor, the Tekapo, Pukaki and Ohau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lakes Tekapo, Pukaki, Ruataniwha and Ohau and subject only (in respect of landscape values) to the objectives, policies and methods of implementation within Chapter 15 (Utilities) except for management of exotic tree species in respect of which all of~~ +Rural Objective 3B(1) and all implementing policies and methods in this section apply;
- (b) elsewhere within the Mackenzie Basin subzone so as to achieve Objective 3B(1) ~~above.~~”

- 8.13 I also consider that Policy 3B8 could be better written as:

Policy 3B8 – Renewable Energy Utilities

~~To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011 while, as far as practicable, avoiding, remedying or~~

¹⁶ Paragraph 6.7 of Mr Vivian’s evidence

~~mitigating significant adverse effects on the outstanding natural landscape and features of the Mackenzie Basin.~~

To provide for maintenance of existing and new renewable energy generation and transmission infrastructure and operations for the Waitaki Power Scheme:

- (a) within the existing footprints of the Tekapo-Pukaki and Ohau Canal Corridor, the Tekapo, Pukaki and Ohau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lakes Tekapo, Pukaki, Ruataniwha and Ohau; and
- (b) subject only (in respect of landscape values) to the objectives, policies and methods of implementation within Chapter 15 (Utilities) except for management of exotic tree species in respect of which all of Objective 3B(1) and all implementing policies and methods in this section apply.

Objective 3B(3)

- 8.14 The Director-General's submission supported Objective 3B(3) as being appropriate to achieve the purpose of the RMA. I have made comment on parts of Objective 3B(3) where they are uncertain and responded to Mr Vivian's suggested changes to Objective 3B(2).
- 8.15 I agree with Mr Vivian that in the first sentence of Objective 3B(3)¹⁷. "Objective 3B(1)" should be used and not "Objective 1".

Pastoral intensification and existing water permits

- 8.16 Objective 3B(3)(b) uses language that in my opinion is unclear and does not clearly state the outcome sought in relation to pastoral intensification. Most of the same wording is then repeated in Policy 3B13(3) and rule 15A.1.2(b).
- 8.17 Objective 3B(3)(b) proposes to introduce an exception to the management of pastoral intensification for certain areas with existing water permits. Ms Harte provides little assessment of the reasons and justification for this in her evidence¹⁸. There is no indication of how many water permits have been granted with conditions, nor what the relevant conditions are or whether those conditions are consistent with the approach to the protection

¹⁷ Paragraph 6.4 of Mr Vivian's evidence

¹⁸ Paragraphs 69 to 74 and 96 to 98 are relevant

and enhancement of the outstanding natural landscape being proposed in the district plan.

- 8.18 I have carefully considered the provisions relating to this exemption. After reading all the references to the proposed approach in the provisions, the section 32 Report, Council's PC13 (s293v) report and Patricia Harte's evidence, I am unclear what is intended. In the explanation to Policy 3B13 it is recorded that "*it is unreasonable to require additional consents*" and "*It is also understood that landscape considerations have been taken into account in granting these consents*¹⁹."
- 8.19 Yet the section 32 report²⁰ and the council's report on PC13 (s293v)²¹ both state that consideration of landscape effects have not been taken into account in all cases when water take and use consents have been granted. The section 32 report on page 7 states "*Further, Council proposes that in order to come within this exemption from pastoral intensification control, the impact of the irrigated pasture on the outstanding natural landscape must have been taken into account during the regional consenting process.*" [my emphasis added]
- 8.20 In the section 32 Report section 4.1 on page 7 the justification for this approach is "a matter of fairness" and "unreasonableness for landowners". On page 8 of the section 32 report it concludes that this approach is more appropriate in meeting the purposes of the RMA.....because the "*rule provides for some pastoral intensification where water has already been allocated and irrigation has been limited to areas where there will be less impact on landscape values.*" [my emphasis added]. The conclusion is that economic wellbeing for people and communities is an important consideration in this matter.
- 8.21 And yet the rule (R15A.1.2) provides for all these consents to be permitted activities.
- 8.22 I acknowledge that the rule could be read to indicate that where the effects on the outstanding natural landscape have not been "addressed" through the regional consenting process, the activity becomes discretionary in accordance with Rule 15A.2.1. I think this interpretation of the rule is unlikely to be correct as there is no indication in the Policy 3B13 of how an

¹⁹ Explanation to Policy 3B13 page 19 of Attachment A

²⁰ section 4.1 on page 7 of the section 32 Report

²¹ in paragraph 8.6 of the report dated 27 May 2016

assessment of whether the regional council consent process was appropriate for landscape protection and enhancement would be made.

- 8.23 The final Mackenzie District Plan provisions for landscape will be different from those considered in the regional council water permit consenting process. In my opinion either removing this exemption or providing for some management of the effects of water use on the outstanding natural landscape through conditions is appropriate. On balance, because of existing irrigation activities I consider a controlled activity- classification could be appropriate for irrigation activities.
- 8.24 The standards for the controlled activity could be that it is within a specific area where resource consents for irrigation activities have been approved by the Canterbury Regional Council before 14 November 2015.
- 8.25 The matters over which control is reserved could include landscape and visual effects including the sensitivity of the landscape, impact on natural character and environmental values, the location of irrigators, set-backs from the roads State Highway 8, Haldon Road, Godley Peaks Road or Lilybank Road and restoration of tussock grasslands in the setbacks and removal of wilding tree species.
- 8.26 Adding to the uncertainty about the meaning and effect of Objective 3B(3)(b) is the use of the words “addresses” and “irrigation consent”. I understand the intention but both terms are imprecise. An “irrigation consent” is an imprecise term because a water permit may be granted for the take, use, damming or diverting of water for irrigation purposes and activities in accordance with the relevant regional plans.
- 8.27 The definition of “addresses” in the Oxford Dictionary is “*Think about and begin to deal with (an issue or problem)*”. By contrast, resource consent applications are granted after considering the relevant information and evidence and reaching a decision. I consider the use of “addresses” is inappropriate in the objective, policy and rule relating to irrigation activities provided for by a resource consent.

Relationship with other objectives

- 8.28 Mr Vivian suggests that it is unnecessary to make Objective 3B(3) subject to rural objectives 1, 2 and 4 “as they must all be read in conjunction with

one another in any case²². I disagree with that suggestion. “Subject to” means “conditionally upon²³” indicating a different test to the objectives being read in conjunction with each other as equal in status.

Managing pastoral intensification

8.29 Objective 3B(3)(b) does not state what outcome is sought by enabling pastoral intensification in two particular places in contrast to “managing” it elsewhere. The nodal or cluster development within the Mackenzie Basin is recognised as a characteristic of the landscape. I agree with Ms Harte’s assessment that the nodes are often already modified environments²⁴. Enabling pastoral intensification within these “nodes” is consistent with both these factors. For decision-makers using the plan provisions, it is important to clearly state what outcome is sought in the Objective.

8.30 I consider that Rural Objective 3B(3)(b) can be improved as follows (incorporating Mr Vivian’s suggested amendments as single strike through and underlining and my suggested amendments as double strike through and underlining):

- “(3) Subject to Objective 3B(1) above and to rural objectives 1, 2 and 4:
- (a) to enable pastoral farming;
 - (b) to enable pastoral intensification, and rural residential subdivision, cluster housing and farm buildings around existing homesteads within Farm Base Areas (where they are outside hazard areas) consistent with the nodal pattern of development in the Mackenzie basin;
 - (c) to enable pastoral intensification in specific areas where water permits for irrigation activities have been approved before 14 November 2015;
 - (d) to manage pastoral intensification outside areas specified in Objective 3B(3)(b) and (c) including cultivation and/or direct drilling and high intensity (irrigated) farming, in Farm Base Areas and in areas for which irrigation consent was granted prior to 14 November 2015 and the effects on the outstanding natural landscape have been addressed through the regional consenting process; and elsewhere, to manage pastoral intensification;
 - (e) to enable rural residential subdivision, cluster housing and farm buildings within Farm Base Areas.

²² Paragraph 6.4 of Mr Vivian’s evidence

²³ Concise Oxford Dictionary

²⁴ Paragraph 97 Ms Harte’s evidence in chief

8.31 In conclusion, I consider that Objective 3B would be clearer and provide greater certainty if it were rewritten as follows (new wording underlined):

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

- (1) Subject to Objective 3B(2)(a), to protect and enhance the outstanding natural landscape of the Mackenzie Basin Subzone including, in particular, the following characteristics and/or values:
 - (a) the openness and vastness of the landscape;
 - (b) the tussock grasslands and associated indigenous vegetation;
 - (c) the lack of houses and other structures;
 - (d) residential development limited to small areas in clusters;
 - (e) the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin;
 - (f) undeveloped lakesides and State Highway 8 roadside.
- (2) To enable the continued operation and development of the Waitaki Power Scheme’s renewable energy generation and transmission infrastructure and operations:
 - (a) within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011;
 - (b) elsewhere within the Mackenzie Basin subzone so as to achieve Objective 3B(1).
- (3) Subject to Objective 3B(1) and to rural Objectives 1, 2 and 4:
 - (a) to enable pastoral farming;
 - (b) to enable pastoral intensification, and rural residential subdivision, cluster housing and farm buildings around existing homesteads within Farm Base Areas (where they are outside hazard areas), consistent with the nodal pattern of development in the Mackenzie Basin;
 - (c) to enable pastoral intensification in specific areas where water permits for irrigation activities have been approved before 14 November 2015;
 - (d) to manage pastoral intensification outside areas specified in Objective 3B(3)(b) and (c).

9. POLICIES SUPPORTING OBJECTIVE 3B

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

- 9.1 The Director-General's submission supported Policy 3B1 subject to some amendments to the description of "high visual vulnerability characteristics".
- 9.2 Policy 3B1 has been redrafted to remove reference to "visual vulnerability" and add the concept of "landscape sensitivity". I have expressed my support for this change and reasons for this support in my evidence above. The relief sought in the Director-General's submission is no longer required as a result of this change in approach.
- 9.3 The version of PC13 notified on 14 November 2015 included maps that identified areas of high, medium and low "visual vulnerability" within the Mackenzie Basin. The characteristics of these three types of areas were described in the "Explanation and Reasons" to Policy 3B1 and contained in Appendix V (Areas of Landscape Management). This approach gave little useful statutory policy guidance to decision-makers as the material was not contained in the actual policy.
- 9.4 The revised PC13 (s293v) repeats this unhelpful approach by placing the description of "landscape sensitivity" and how it can be assessed in the "Explanation and Reasons" section again.
- 9.5 I agree with Mr Vivian's and Mr Espie's assessment²⁵ that it is not helpful to include reference to the visual vulnerability report that Ms Harte suggests be added to the explanation of policy 3B1.

Landscape sensitivity methodologies and components

- 9.6 I agree with most of Mr Vivian's and Mr Espie's suggested wording about landscape sensitivity methodologies and components²⁶ but it is unhelpful in my opinion if this is just added to the explanation and reasons following Policy 3B1.
- 9.7 In my opinion the plan ought to state clearly how landscape sensitivity is to be assessed. To achieve this, the policy should include a new subsection about the methodology, who undertakes it and components to be

²⁵ Paragraph 6.12 of Mr Vivian's evidence

²⁶ Paragraphs 6.11 and 6.12 of Mr Vivian's evidence.

considered in a landscape sensitivity assessment. This will then have legal effect and be part of a decision-makers considerations for future plan changes and resource consent applications.

- 9.8 The addition to Policy 3B1 of a clear statement that ecological aspects of landscape sensitivity are an important part of assessing landscape sensitivity is sought in the Director-General's submission. This also helps to move the provisions from the previous visual-vulnerability approach to the wider landscape-sensitivity approach.
- 9.9 I consider that the methodology to be used to assess landscape sensitivity does not need to be stated in the policy because it is likely there are different methodologies that can be used successfully for this assessment. Methodologies can also evolve and improve overtime so naming or incorporating a particular methodology in a document by reference into the district plan could result in the district plan requiring the application of an out-of-date methodology.
- 9.10 I consider the wording of a new subsection of Policy 3B1 could be (with my proposed changes to the suggested text from Mr Vivian's evidence being double underlined):

(2) As part of an assessment of the suitability of an area for a change in use or for development to require an assessment of:

(a) Landscape sensitivity, undertaken in accordance with a recognised methodology and by appropriately qualified and experienced practitioners, to determine the ability of areas to absorb change. A landscape sensitivity assessment will include consideration of: visual sensitivity (incorporating general visual exposure of an area, number and types of viewers and potential to mitigate visual effects of proposed changes) and landscape character sensitivity (incorporating natural factors patterns including such as geomorphology, hydrology, ecology, vegetation cover patterns and processes, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).

Assessing the ecological component of the outstanding natural landscape

- 9.11 As discussed above Mr Harding and Mr Head agree that the identification of SONS in the plan is deficient and that there are many other areas in the Mackenzie Basin that would qualify as SONS. These areas are significant in terms of the landscape character of the Basin, consistent with Objective 3B. Mr Harding undertook a desktop assessment of the ecological values in the area to the south and east of State Highway 8 and found “a significant presence of threatened and at risk indigenous vegetation species”²⁷.
- 9.12 The Council recognised this assessment and has adopted a more restricted approach to pastoral intensification because of it. What the Council has not provided for is a clear mechanism for assessment of indigenous biodiversity when land use change or development is proposed. It is alluded to in Rural Objectives 1 and 4 and in Policies 1C and 4B but it is not clearly directed.
- 9.13 An addition to Policy 3B1 could address this deficiency in the plan, while the operative plan is being reviewed. The assessment criteria contained in the operative district plan in Rural Policy 1B are, in my opinion out-of-date in terms of best practice and potentially confusing. The assessment criteria contained in Chapter 9 and Appendix 3 (Criteria for determining significant indigenous vegetation and significant habitat of indigenous biodiversity) of the CRPS are more up-to-date and represent best practice in this matter. I suggest the CRPS criteria are used for any assessment while the plan is being reviewed.
- 9.14 I suggest that an additional point could be added to Policy 3B1 as follows:
- (2) As part of an assessment of the suitability of an area for a change in use or for development to require an assessment of:
- (a) as above in paragraph 9.10 of my evidence above
- (b) tussock grasslands and other indigenous vegetation using the criteria in Appendix 3 to the Canterbury Regional Policy Statement in order to identify additional sites of natural significance where adverse effects from use and development should be avoided.

Policies that identify and map sensitive landscape areas

²⁷ Final paragraph on page 6 of the Section 32 Report dated 27 May 2016.

- 9.15 PC13 (s293v) contains a number of overlays - SONS, LPA, SVA, SGA and land above 900m - that assist in the protection of particular aspects of the outstanding natural landscape. The purpose of these overlays (and where descriptions and maps of them are to be found) is unclear or not specifically included in the policies. These are important overlays in relation to protection of the outstanding natural landscape of the Mackenzie Basin and will be key considerations when applications for resource consents are considered.
- 9.16 Being located in one of these overlays “generally²⁸” results in a resource consent application becoming non-complying. The section 104D tests of “no more than minor effects” or “not contrary to objectives and policies” means decision-makers will apply these policies in decision-making on consents for non-complying activities in the overlay areas.
- 9.17 I can suggest two practical approaches to addressing the gaps in the policies relating to the overlay areas. The first approach could be to add an omnibus policy point to Policy 3B1 that sets out a description of the suite of overlays that have been identified and mapped to assist with the protection of the outstanding natural landscape.
- 9.18 The second approach would be to have individual policies about each overlay that include how it assists in the protection and enhancement of the outstanding natural landscape and where a map of it can be found. A combination of both approaches could also be used.
- 9.19 My evidence is structured around comments on individual policies so I have included suggested new standalone policies for overlay areas not already referenced in a policy and amendments to existing policies. This provides for an easier consideration of my evidence by the Court and other parties.
- 9.20 If an omnibus policy is adopted it could be as follows:

Policy 3B1(3)

(3) 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:

²⁸ See the Table 2 of rules in Attachment VS2 to my evidence

- a) Lakeside Protection Areas, in schedule XX and shown on planning map YY,
- b) Scenic Viewing Areas, in schedule XX and shown on planning map YY,
- c) Scenic Grasslands, in schedule XX and shown on planning map YY,
- d) Sites of Natural Significance, in schedule XX and shown on planning map YY, and
- e) land above 900m in altitude, in schedule XX and shown on planning map YY.

9.21 I don't have a preference for which approach is better but consider that in particular the purpose of these overlay areas needs to be better described in policies for them to be effective in achieving the Objectives.

9.22 The importance to tourism of the overlay areas such as LPA, SVA and SGA and the outstanding natural landscape of the Mackenzie Basin as a whole, is alluded to in PC13 (s293v), but it is not specifically stated in a policy. The Court has recognised the importance of tourism to the district economy in assessing the benefits and costs of PC13²⁹. Mr Fairgray's evidence contains information about the role of tourism in the Mackenzie District's economy, including stating at paragraph 4.18 "*In my view that indicates a steady structural shift in the Mackenzie District economy, with agricultural activity declining in importance and tourism becoming the largest contributor to the economy.*"³⁰

9.23 I suggest an amendment to Policy 3B1 as follows:

(4) To recognise the importance to tourism of the areas a) to e) identified in Policy 3B1(3) and of the outstanding natural landscape as a whole.

9.24 In conclusion I consider Policy 3B1 could be redrafted as:

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

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

²⁹ [2011] NZEnvC 387 paragraph [247]

³⁰ See also paragraphs 4.9 to 4.18 of Mr Farigray's evidence

- (a) Many areas where development beyond pastoral activities is either generally inappropriate or should be avoided;
 - (b) Some areas with greater capacity to absorb different or more intensive use and development, including areas of lesser landscape sensitivity ~~visual vulnerability~~ and identified Farm Base Areas.
- (2) As part of an assessment of the suitability of an area for a change in use or for development to require an assessment of:
- (a) Landscape sensitivity, undertaken in accordance with a recognised methodology and by appropriately qualified and experienced practitioners, to determine the ability of areas to absorb change. A landscape sensitivity assessment will include consideration of: visual sensitivity (incorporating general visual exposure of an area, number and types of viewers and potential to mitigate visual effects of proposed changes) and landscape character sensitivity (incorporating natural factors including geomorphology, hydrology, ecology, vegetation cover, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).
 - (b) Tussock grasslands and other indigenous vegetation using the criteria in Rural Policy 1B in order to identify additional sites of natural significance where adverse effects from use and development should be avoided.
- (3) 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, in schedule XX and shown on planning map YY,
 - b) Scenic Viewing Areas, in schedule XX and shown on planning map YY,
 - c) Scenic Grassland Areas, in schedule XX and shown on planning map YY,
 - d) Sites of Natural Significance, in schedule XX and shown on planning map YY, and
 - e) land above 900m in altitude, in schedule XX and shown on planning map YY.

(4) To recognise the importance to tourism of the areas a) to e) identified in Policy 3B1(3) and of the outstanding natural landscape as a whole.

9.25 The intent of proposed additions to this policy (2)(a) and (b) would also need to be contained in rules where resource consents will be required for new activities. I have addressed this in section 11 of my evidence below.

Policies 3B2, 3B3, and 3B4

- 9.26 The Director-General has supported policies 3B2 and 3B3, and partially supported policy 3B4. These policies are concerned with buildings and subdivision within Farm Base Areas and outside Farm Base Areas. Policy 3B2 contains provisions about buildings within and outside Farm Base Areas while Policy 3B3 which is headed “Development in Farm Base Areas” does not include provisions about farm buildings in Farm Base Areas.
- 9.27 Policy 3B2(3) concerns establishing new residential or rural residential zones, when Policy 3B4 is headed “Potential residential, rural residential and visitor accommodation activity zones and environmental enhancement”. The structure and content of these policies is confusing.
- 9.28 Policies 3B3 and 3B4 contain a list of substantially the same matters (a) to (h) that are to be applied when development is proposed in order to “maintain or enhance the outstanding natural landscape and other natural values of the Mackenzie Basin” in Policy 3B3 or “incorporate enhancement of landscape and ecological values, including wilding pine control” in Policy 3B4. These lists of matters could be combined into one policy or as I have suggested below, be listed once in Policy 3B3 and the list referred to in Policy 3B4.
- 9.29 To further complicate the lists of matters for consideration, the “Explanation and Reasons” section for Policy 3B2 contains a different list of matters (a) to (g) that are “adverse effects which are of concern within the Mackenzie Basin...”. This list of matters has no legal effect because it is located outside the policy itself. I have suggested how these considerations could be included in the Policy in paragraph 9.25 below.
- 9.30 Paragraphs 6.1 to 6.3 on page 9 of the “Section 293 Report” date 27 May 2016 provides a clear explanation of the intent of these policies.
- 9.31 In my opinion the policies as drafted do not match the intent as set out in the Section 293 report because the wording is complicated and unclear. I have considered Mr Vivian’s suggested changes to these policies as well and below propose amendments to make the intent of the policies clearer.

Policy 3B2 – Subdivision and Building Development

- 9.32 The intent of Policy 3B2 is for “farm base areas to be the primary location for all buildings³¹”. Yet this intent is spread between Policy 3B2(1) which states “*managing residential and rural residential subdivision and housing development within defined Farm Base Areas (refer Policy 3B3)*” and Policy 3B2(2) that enables farm buildings in Farm Base Areas subject to specified considerations.
- 9.33 The policy could better reflect the intent stated in the section 293 report by being redrafted as “(1) *ensuring Farm Base Areas are the primary location for all farm and non-farm building subdivision and development*”.
- 9.34 In my opinion it is unclear how Farm Base Areas have been identified in relation to ecological values. Mr Harding has only undertaken a desktop assessment using aerial photos. As Mr Harding and Mr Head state in their evidence, the identification of SONS within the Mackenzie Basin is not comprehensive. The classification of activities within Farm Base Areas, including pastoral intensification being a permitted activity means that there will be little opportunity to assess ecological values before these activities commence. In my opinion, the Farm Base Areas could be defined after an ecological assessment is undertaken within the proposed area. This approach would better provide for the sustainable management of the natural resources within these areas.
- 9.35 I agree with most of Mr Vivian’s suggested changes to Policy 3B2 for the reasons he sets out in paragraphs 6.15 to 6.20 of his evidence. While I do not agree with all his suggested changes to points (3) and (4) within the policy, Mr Vivian’s rewording of point (3)(a) and (3)(b) to specifically include the landscape overlay areas of LPA, SVA, SGA and land above 900m is helpful to make the Policy intent clear
- 9.36 This proposal by Mr Vivian does overlap to a large extent with Policy 3B7 and Policy 3B6 that seek to avoid buildings or their adverse impacts in SVA, SGA and LPA. There is however no specific policy relating to building on land above 900m in altitude (only Rural Policy 3A1 in relation to limiting earthworks on this land) so it is useful to include this land in this policy. I consider that the SONS should also be included in this policy.

³¹ Paragraph 6.1 of section 293 report dated 27 May 2016.

- 9.37 The rules classify buildings outside Farm Base Areas in LPA, SVA, SGA and land above 900m as non-complying activities. Farm buildings outside Farm Base Areas and within SONS are also non-complying activities but non-Farm Buildings within SONS are discretionary activities as the activity is not classified in the rules. I therefore consider that to be consistent with the rules, the policy should be “avoid” not “strongly discourage”.
- 9.38 Mr Vivian does not support the policy intent in point (4) and has suggested that this be amended to (4) “*Carefully managing all other Farm and Non-Farm Buildings*”. In my opinion the original wording is preferable and I consider a stronger policy position is indicated in the explanation to the policy, that states “*Individual farm buildings outside the farm base areas are generally inappropriate. It is recognised however that at times it is necessary to locate farm buildings outside these areas. These buildings will require resource consent with different considerations taken into account depending on the landscape sensitivity of the area within the Basin.*”
- 9.39 Reflecting the policy position that is outlined in the “explanations and reasons” section is in my view consistent with the outcomes sought in Objective 3B. I suggest that point (4) in the Policy could be redrafted to read:
- (3) Assessing the landscape sensitivity of farm building proposals outside of Farm Base areas in accordance with Policy 3B1(2)³², including considering the proposed location, and external appearance, size, separation and avoidance of sensitive environments and acknowledging that these farm buildings are generally inappropriate.
- 9.40 In addition I consider that to better link the policy to Objective 3B(3) and to allow the list of adverse effects from the “Explanation and Reasons” section under the Policy to be reflected in the Policy, the first sentence of the Policy could be reworded as:
- “To ensure adverse effects, including cumulative effects, on the environment, and in particular the characteristics and/or values listed in Objective 3B(1)(a) to (f), of sporadic development and subdivision are avoided or mitigated by:”

³² A new suggested policy in paragraph 9.24 of my evidence

9.41 In conclusion Policy 3B2 could be redrafted as:

“Policy 3B2 – Subdivision and Building Development

To ensure adverse effects, including cumulative effects, on the environment and in particular the characteristics and/or values listed in Objective 3B(1)(a) to (f), of sporadic development and subdivision are avoided or mitigated by:

- (1) Ensuring Farm Base Areas are the primary location for all farm and non-farm building subdivision and development;
- (2) Enabling Farm Buildings to locate within Farm Base Areas subject to bulk and location standards and protection of environmental values; ~~and elsewhere managing them in respect of location and external appearance, size, separation and avoidance of sensitive environments;~~
- (3) Assessing the landscape sensitivity of farm building proposals outside of Farm Base areas in accordance with Policy 3B1(2)³³, including considering the proposed location, and external appearance, size, separation and avoidance of sensitive environments and acknowledging that these farm buildings are generally inappropriate.
- ~~(3) Ensuring new residential or rural residential zones in areas of lesser landscape sensitivity in order to achieve Objectives 1, 2, 4, 7, 8 and 11 of the Rural chapter and satisfy Policy 3B4 below;~~
- (3) Avoiding: ~~Strongly discouraging~~
 - (a) Any Farm and Non-Farm Buildings ~~elsewhere in the Mackenzie Basin outside Farm Base Areas.~~ from locating within any Lakeside Protection Areas, Scenic Viewing Areas, Scenic Grasslands Areas, Sites of Natural Significance or on land above 900m in altitude;
 - (b) Any Non-Farm Buildings in the Mackenzie Basin outside Farm Base Areas;
 - (c) Small lot subdivision (i.e. less than 200 hectares) outside of Farm Base Areas or which boundaries affect any Lakeside Protection Areas, Scenic Viewing Areas and Scenic Grasslands Areas.”

Policy 3B3 – Development in Farm Base Areas

³³ A new suggested policy in paragraph 9.24 of my evidence

- 9.42 I consider that Policy 3B3 would be better titled as “Non-farm buildings and subdivision in Farm Base Areas” as that is what it is concerned with. Farm buildings are provided for in Policy 3B2. Point (1) of the policy could then also be made clearer by rewording as “(1) Within Farm Base Areas subdivision and development of non-farm buildings (~~other than farm buildings~~)...”
- 9.43 I consider the qualifier phrase “where possible” in the first sentence of the policy to be unnecessary. Objective 3B and Policy 3B4 does not contain this qualifier in relation to protecting the outstanding natural landscape from the adverse effects of activities.
- 9.44 I agree with Mr Vivian’s suggested changes to the policy in paragraphs 6.25 to 6.31 of his evidence for the reasons he has stated. The suggested changes improve the wording and make the intent of the policy clearer. I agree with Mr Vivian’s reasons for the deletion of point (d) as it relates to the relationship between one Farm Base Area with another Farm Base Area. My suggested change to Policy 3B2 set out in paragraph 9.25 of my evidence above addresses this.
- 9.45 I do not agree with Mr Vivian’s and Mr Espie’s assessment of point (a) in the Policy and prefer the Councils assessment of the need for it.
- 9.46 In paragraph 3.20 of his evidence, Mr Espie argues for removing point (a) from Policy 3B3(1) on the basis that development in Farm Base Areas “can be visible but should be appropriate in appearance”. Mr Espie states that points (b) to (h) achieve the outcomes sought by point (a). I consider that point (a) is helpful in the policy as it states how the protection and enhancement of the characteristics and/values in Objective 3B(1) will be achieved.
- 9.47 In conclusion, Policy 3B3 could be redrafted as:
- “Policy 3B3 – Non-farm buildings and subdivision in Farm Base Areas**
~~Development in Farm Base Areas~~
- (1) Within Farm Base Areas subdivision and development of non-farm buildings (~~other than farm buildings~~) shall maintain or enhance the outstanding natural landscape and other natural values of the Mackenzie Basin ~~where possible~~ by:
- (a) Confining development to areas where it is screened by topography or vegetation or otherwise visually inconspicuous,

particularly from public viewpoints and from views of Lakes Tekapo, Pukaki and Benmore provided that there may be exceptions for development of existing farm bases at Braemar, Tasman Downs and for farm bases at the stations along Haldon Road;

- (b) ~~Integrating~~ Ensuring built form and earthworks ~~so that it nestles within the~~ is integrated with natural landform and vegetation;
- (c) Enabling the planting of only local native species and/or non-wilding exotic species to reduce prominence of buildings;
- (d) ~~and management of~~ Managing any wilding tree spread;
- ~~(e) Maintaining a sense of isolation from other development~~
- (e) Ensuring built development, earthworks and access ~~having~~ have a low-key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing;
- (f) Ensuring built development ~~Mitigating~~ mitigates any the adverse effects of light spill on the night sky;
- (g) Ensuring development avoids ~~Avoiding~~ adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance;
- (h) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater, services and access.”

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

9.48 This policy sets out how future non-farming activities are to be considered within the Mackenzie Basin. I support the policy as appropriate to achieve the objectives for the reasons set out in Ms Harte’s evidence at paragraphs 133 and 134. Mr Vivian proposes a reframing of the intent of the policy and significant redrafting. While some of Mr Vivian’s proposed amendments improve the clarity of the policy, I do not support the change in intent to a focus on just “large-scale” activities. There is no clear support in either Mr Espie’s or Mr Vivian’s evidence for this proposed change.

9.49 I consider that the text of point (2) should be amended to be consistent with Policy 3B3 in relation to the management of wilding tree spread as sought in the Director General’s submission. The phrase “wilding pine control” used in point (2) is unclear and confining to just “pine” species. As Mr

Briden has discussed in his evidence³⁴, there are other non-pine wilding tree species that need to be controlled.

- 9.50 I support the retention of the points (3)(a) to (h) in the Policy, although for clarity and consistency they could be amended as proposed in Policy 3B3. In my opinion it is important to retain point (3)(d) in this policy as it is relevant to the relationship between potential new zones for the types of activities covered in this policy. To reduce repetition of the matters, I consider that this Policy could refer to the matters in Policy 3B3.
- 9.51 I support Mr Vivian's proposal that Policy 3B2(3) be moved to this Policy to improve the wording of the Policies.
- 9.52 In conclusion, I consider that Policy 3B4 would be clearer and provide greater certainty if it were rewritten as follows (new wording underlined):

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

- (1) To mitigate the effects of past subdivision on landscape and visual amenity values in the Mackenzie Basin by identifying, where appropriate, alternative specialist zoning options such as Rural-residential where there are demonstrable advantages for the environment;
- (2) To consider and encourage appropriate residential and rural residential activities in areas of lesser landscape sensitivity within the Mackenzie Basin by identifying where appropriate, alternative specialist zoning options which incorporate enhancement of landscape and ecological values, including the management of wilding tree spread pine control;
- (3) Any development within such zones shall maintain or enhance the outstanding natural landscape and other natural values of the Mackenzie Basin by being in accordance with the matters (a) to (h) in Policy 3B3 as well as matter (i) Maintaining a sense of isolation from other development.
- (4) To ensure proposed zones achieve Rural Objectives 1, 2, 4, 7, 8 and 11.

³⁴ Paragraph NN of Mr Briden's evidence

Policy 3B5 – Landscape aspects of subdivision

- 9.53 Policy 3B5 relates to the effect of subdivision on landscape and I support it as written for the reasons set out in the Section 32 Report.

Policy 3B6 - Lakeside Protection Areas

- 9.54 Policy 3B6 sets out the purpose of the Lakeside Protection Areas (LPA) and how they are to be managed. I acknowledge that Policy 3B6 is identified with shading as a provision that has already been determined, and I acknowledge that the Director-General's submission did not address that provision. However, to be consistent with my evidence above about the identification and description of the overlay areas, I include this section in my evidence.
- 9.55 I consider some amendments could make the Policy clearer. Point (a) sets out in very general terms what is to be achieved by identifying LPA. I consider that the intent of the Policy would be clearer if the text of the Explanation and Reasons sections below the Policy that contains more information about the purpose of the LPA, is put into the Policy.
- 9.56 In conclusion, I consider that Policy 3B6 would be clearer and provide greater certainty if it were rewritten as follows (new wording underlined):

Policy 3B6 – Lakeside Protection Areas

To recognise the special importance of the Mackenzie Basin's lakes, their margins and their settings in achieving Objective 3B, including the landscape sensitivity in both the local landscape character and naturalness, and the wider and more expansive landscape, by:

- (a) Identifying in Schedule XX and mapping Lakeside Protection Areas;
- (b) Subject to (c) ~~to~~ avoiding adverse ~~impacts~~ effects 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~~ Avoiding, remedying or mitigating the adverse ~~impacts~~ effects 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.”

Policy 3B7 - Views from State Highways and Tourist Roads

- 9.57 The Director-General's submission supports Policy 3B7 subject to some amendments to clarify the intent of the policy in relation to indigenous vegetation. In my opinion the policy intent is appropriate to achieve the objectives. However, some clarification of wording and description of what constitutes a scenic grassland area is in my opinion needed.
- 9.58 Policy 3B7 contains a number of ways that views from State Highways and Tourist Roads are to be protected. The policy includes restrictions in both SVA and SGA. The “explanation and reasons” section under the policy explains why the areas have been identified and what the areas consist of. This repeats the information contained in the explanation and reasons for Policy 3A2. In my opinion, part of the policy intent in relation to both of these areas is contained in the “explanations and reasons” and not in the policy.
- 9.59 I consider that the policy could be clearer if it was split into a new policy that describes the purpose of the SGA and states that these areas are identified in a schedule and mapped. I have also suggested in my evidence below that Policy 3A2 be amended to the same structure I propose for Policy 3B7 so SVA would not need to be described in a revised Policy 3B7.
- 9.60 A separate policy could then be focussed on how the views from and within the SVA and SGA will be protected – based on the existing Policy 3B7.

Proposed new policy for Scenic Grassland Areas

- 9.61 Scenic Grasslands Areas (SGA) are described as having a visual component as areas close to the roads and in immediate views from the roads. They are also recognised for other values including the ecological components of the areas, such as tussock grassland and contributing to indigenous biodiversity³⁵.
- 9.62 In my opinion the visual and ecological components of SGA are not clearly identified in Policy 3B7 so that, for example, decision-makers for example do not have a clear statement about all the significant components of the

³⁵ See “Explanation and Reasons” section under Policy 3B7 on page 17 of PC13 (s293v).

areas when deciding on applications for non-complying activities in these areas.

9.63 The Director-General's submission suggests that replacing "tussock grassland" with "indigenous vegetation" would assist in achieving a clear understanding of the range of biodiversity values in the SGA.

9.64 In my opinion there are other ways to achieve the relief sought in the Director-General's submission, including adding a policy that describes the characteristics of scenic grasslands areas. A new policy could be worded as follows:

New Policy 3B7(A) – Scenic Grassland Areas

To recognise the sensitivity of land adjacent to and within the foreground of views from State Highways and the tourist roads where the land is characterised by a dry grassland cover comprising tussock grassland ecosystems and other indigenous vegetation, by:

(a) Identifying in Schedule UU and mapping Scenic Grasslands Areas.

Policy 3A2 - Scenic Viewing Areas

9.65 Rural policy 3A2 Scenic Viewing Areas completes the individual policies that describe, identify and map overlay areas for the protection of the outstanding natural landscape of the Mackenzie Basin. I have include comment on this policy, acknowledging that it is a "shaded provision" in PC13 (s293v) that has been decided.

9.66 I have explained my assessment of these overlay areas and how they are expressed in policies for the other overlay areas in my evidence above.

9.67 The wording in the current policy defines what is sought by identifying these areas – "*to identify and map areas that enable views of the landscape to be obtained within and from these areas*". Then say what is sought "*by limiting structures and tall vegetation*"

9.68 The second paragraph of the "Explanation and Reasons" section for Policy 3A2 states that these areas have been identified because of the landscapes contained in these areas, the views obtained from these areas, and because of the high degree to which these areas are visited for the

purpose of experiencing the Mackenzie Basin and high country landscapes. I consider this description of the characteristics and reasons why these areas have been identified and activities restricted within them, is helpful to decision-makers and is in accordance with Objectives 3A and 3B.

- 9.69 In my view the policy could be rewritten to be consistent with policies for other overlay areas as follows:

Policy 3A2 – Scenic Viewing Areas

To protect areas that provide an experience of the Mackenzie Basin and the high country landscapes through the views of these landscapes that are obtained within and from these areas, by:

(a) Identifying in Schedule WW and mapping Scenic Viewing Areas;

(b) Limiting structures and tall vegetation in Scenic Viewing Areas.

Amendments to Policy 3B7 - Views from State Highways and Tourist Roads

- 9.70 As described above, in my opinion a description of SGA and SVA could be contained in two separate policies. This could then allow Policy 3B7 to be simplified as that it focusses on the adverse effects of activities to be avoid or mitigated in these areas.
- 9.71 I agree with Mr Vivian’s suggested definition³⁶ of “tourist roads” as a way to make the provisions clearer.
- 9.72 Using the word “minimise” in Policy 3B7(d) is in my opinion inconsistent with Policy 3B13 that seeks to “avoid” pastoral intensification in the overlay areas and adjacent to and within the foreground of views from State Highways and the tourist roads.” The irrigation of pasture is an activity within the definition of “pastoral intensification”.
- 9.73 All the other pastoral intensification activities, apart from irrigation, should be listed in the Policy. I have found no justification how the effects of “top dressing” and “direct drilling” pastoral activities differ from “cultivation, clearance and oversowing” activities. Sub-divisional fencing in added to be

³⁶ Paragraphs 6.54 and 6.55 of Mr Vivian’s evidence

consistent with my suggested change to the definition of “pastoral intensification” in section 12 of my evidence.

- 9.74 Policy 3B7 could in my opinion be redrafted to not change its intent but to make it clearer for decision-making by applying the provisions in decision-making processes under the Plan. I suggest Policy 3B7 could be redrafted as follows:

Policy 3B7 – Views from State Highways and Tourist Roads

To protect the views of the outstanding natural landscape of the Mackenzie Basin including the characteristics and/or values of Scenic Grassland Areas and Scenic Viewing Areas and other areas adjacent to roads, by:

- (a) In Scenic Grasslands and Scenic Viewing Areas avoiding;
- (i) ~~To avoid~~ all buildings, irrigators and exotic trees ~~in the Scenic Grasslands and the Scenic Viewing Areas;~~
 - (ii) ~~To avoid~~ sub-divisional fencing, clearance, cultivation topdressing, oversowing or direct drilling of ~~Scenic Viewing Areas and Scenic Grasslands~~, including of tussock grassland ecosystems and other indigenous vegetation, adjacent to and within the foreground of views from State Highways and the tourist roads, except in relation to removal of wilding tree species and other plant pests (was mostly point (c) in Policy 3B7)
- (b) In all areas adjacent to roads:
- (iii) ~~To~~ require buildings to be set back from roads, particularly State Highways,
 - (iv) ~~and to~~ manage the sensitive location of irrigators to avoid or limit screening of views of the outstanding natural landscape of the Mackenzie Basin;
 - (v) ~~(d) S~~ subject to Policy 3B13, to avoid ~~minimise~~ the adverse visual effects of irrigation of pasture adjacent to the State Highways or tourist roads.

Policy 3B8 - Renewable Energy

- 9.75 I have discussed suggested changes to this policy in paragraphs 8.7 to 8.13 above.

Policies 3B9, 3B10, 3B11

9.76 I have no comments to make on these policies.

Policy 3B12 - Pastoral Farming

9.77 The Director-General's submission supported in part Policy 3B12. The relief sought is a recognition that reference to only "tussock grasslands" in the policy may result in unintended interpretation and/or implementation issues because there are other indigenous vegetation and ecosystem types that are significant and that contribute to the landscape values of the Mackenzie Basin.

9.78 My evidence, primarily in paragraphs 6.17 to 6.25 discusses the reasons why a wider phrase to describe the indigenous vegetation cover of the Mackenzie Basin is necessary. I rely on Mr Head's evidence in this regard.

9.79 In paragraph 6.22 of my evidence I discuss the issue of only considering the value of tussock grasslands to the outstanding natural landscape from a visual perspective. The approach in PC13 (s293v) has been changed to a much wider perspective of landscape sensitivity, including ecological characteristics and/or values. In my opinion, this change in approach, has not been reflected in Policy 3B12.

9.80 As written, I interpret the Policy as seeking to use pastoral farming to maintain tussock grasslands. As set out in Mr Head's and Mr Harding's ecological evidence tussock grasslands in the Mackenzie Basin are significant ecosystems with their own natural processes.

9.81 In my opinion it is important to recognise pastoral farming as an activity in the Mackenzie Basin in its own right, and to enable it and to recognise its contribution to the outstanding natural landscape as recognised in Objective 3B(3)(a). I have suggested some additional words in the policy to describe the nature of pastoral farming as described in the "Explanation and Reasons" section under Policy 3B12 and in relation to the definition proposed for "pastoral intensification".

9.82 In my opinion, Policy 3B12 could be redrafted as follows to reflect this:

Policy 3B12 – Pastoral Farming

Subject to Rural Objectives and to Policy 3B7, to enable ~~T~~traditional pastoral farming of low intensity on large landholdings, and recognise that it

~~contributes to the landscape character of the Mackenzie Basin. is encouraged so as to maintain tussock grasslands subject to achievement of the other Rural objectives and to Policy 3B7.~~

Policy 3B13 - Pastoral Intensification

- 9.83 The Director-General's submission supported in part Policy 3B13. The submission sought the same relief for the same reasons as for Policy 3B12, being the addition of "other indigenous vegetation" after "tussock grasslands". My evidence has suggested the addition of a definition of "tussock grasslands" to assist in the interpretation and implementation of the provisions. As previously discussed in my evidence and relying on Mr Head's evidence, including "ecosystems and other indigenous vegetation" after "tussock grasslands" is a better way to describe the indigenous vegetation cover in the Mackenzie Basin.
- 9.84 In my opinion Policy 3B13 could be reformatted to make it clear and easier to implement. The way the policy achieves the objective is currently stated in point (1) of Policy 3B13, while the course of action to implement this is set out in points (2) to (5). I have suggested below how the policy could be redrafted and renumbered.
- 9.85 Point (2) of the Policy does not include LPA. The rules make pastoral intensification activities in LPA non-complying activities. Policy 3B6 – Lakeside Protection Areas seeks "to avoid adverse impacts of...use... on the landscape values and character of the Mackenzie Basin lakes and their margins." To ensure consistency between Policies 3B6 and 3B13, I suggest that LPA be added to SONS, SVA and SGA in point (2).
- 9.86 The reference to "tussock grasslands" in point (2) of the Policy needs to be widened to "tussock grassland ecosystems and other indigenous vegetation for the reasons set out above in paragraphs 6.17 to 6.25 of my evidence.
- 9.87 In paragraphs 8.16 to 8.27 of my evidence I discuss the proposed Objective 3B(3)(b) that provides for pastoral intensification in areas subject to regional council water permits for irrigation activities granted before 14 November 2015. To be consistent with my conclusions about these areas, I suggest that point (3) of the Policy be split into two separate points. The first point remains unchanged "To enable pastoral intensification in Farm Base Areas"

9.88 The second point could relate to the areas with water permits for irrigation and to be consistent with my suggested “controlled activity” status for pastoral intensification in these areas, refer to the matters over which control could be reserved, in a general sense, with the detail of the matters in the relevant controlled activity rule. I suggest this new point in the Policy could read:

(c) Enabling pastoral intensification in specific areas where water permits for irrigation activities have been approved before 14 November 2015 subject to any conditions necessary to avoid, remedy or mitigate adverse effects on the characteristics and/or values in Objective 3B(1)(a) to (f).

9.89 Point (4) of the Policy could in my opinion be improved by being more explicit about the way that the suitability of an area for pastoral intensification will be determined through a resource consent application. I have suggested in my evidence that a new section is added to Policy 3B1 to state that a landscape sensitivity assessment, including an ecological assessment is required as part of a resource consent application for activities within the Outstanding Natural Landscape.

9.90 I suggest that Point (4) could be redrafted as:

(4) In areas not identified in (a), (b) or (c) of this Policy and subject to Policy 3B1(2)(a) and (b), managing e pastoral intensification ~~To elsewhere~~ in order to retain the valued characteristics of the Mackenzie Basin Subzone;

9.91 In conclusion, I consider that Policy 3B13 would be clearer and provide greater certainty if it were rewritten as follows (new wording underlined):

Policy 3B13 – Pastoral Intensification

(1)—To ensure areas in the Mackenzie Basin which are proposed for pastoral intensification maintain the outstanding natural landscape of the Mackenzie Basin and meet all the other relevant objectives and policies for the Mackenzie Basin Subzone (including Rural Objectives 1, 2 and 4 and implementing policies), by;

(2)—(a) ~~To a~~ Avoiding pastoral intensification in Sites of Natural Significance, Scenic Viewing Areas, Landscape Protection Areas, and Scenic Grasslands Areas and ~~(including~~ in tussock grasslands ~~(ecosystems and other indigenous vegetation~~

adjacent to and within the foreground of views from State Highways and the tourist roads;

- ~~(3)~~—(b) ~~To e~~ Enabling e pastoral intensification in Farm Base Areas, ~~and~~
- (c) Enabling pastoral intensification in specific areas where water permits for irrigation activities have been approved before 14 November 2015 subject to any conditions necessary to avoid, remedy or mitigate adverse effects on the characteristics and/or values in Objective 3B(1)(a) to (f). ~~of land for which irrigation consent was granted prior to 14 November 2015 and the effects on the outstanding natural landscape have been addressed through the regional consenting process;~~
- ~~(4)~~—(c) In areas not identified in (a), (b) or (c) of this Policy and subject to Policy 3B1(2)(a) and (b). managing e pastoral intensification ~~To~~ elsewhere in order to retain the valued characteristics of the Mackenzie Basin Subzone;
- ~~(5)~~—(d) ~~To t~~ Taking e into account any agreement between the Mackenzie Country Trust and landowners which secures protection of landscape and biodiversity values as compensation for intensification of production.

10. POLICIES AND RULES FOR THE MANAGEMENT OF WILDING TREE SPREAD

- 10.1 As set out in Mr Briden's evidence, the Department of Conservation, other Crown Departments and other agencies have extensive and costly work programmes to control the spread of wilding trees in the Mackenzie Basin. The significance of wilding tree species, particularly their effect on the outstanding natural landscape is recognised within PC13 (s293v).
- 10.2 The Director- General's submission generally supports the provisions that manage wilding tree spread, subject to a more consistent use of words in provisions and the addition of more species of wilding trees to be prohibited to be planted in Farm Base Areas.
- 10.3 As stated above, Mr Briden identifies that action needs to be taken to remove the existing wilding trees, particularly seed source trees but also small trees before they become seed sources. He also considers that this action should be supported by prohibiting the planting of wilding tree

species, so as to avoid new sources of seed from wilding trees being established³⁷.

Policies

- 10.4 Rural Policy 3A4 and Policy 3B14 both seek to control the location of tree planting and to manage wilding trees and their spread. Policy 3B7 seeks to avoid exotic trees in SVA and SGA (repeated to an extent for SVA in Rural Policy 3A2). I consider that the intent of these policies is an appropriate response to the significant adverse effects of wilding trees on the sustainable management of the Mackenzie Basin.
- 10.5 The policies support the two pronged approach that Mr Briden considers is necessary to assist in addressing this issue.
- 10.6 The trigger for addressing an existing environmental issue can be when a change in land use occurs. For example contaminated land remediation is triggered when land use changes on sites identified as containing or likely to contain contaminants in the soil. Policy 3B14 takes this approach for some land use changes but not all. At present only “housing and development” are specified in point (b) of the policy. It is also only implemented through rules relating to just amenity planting.
- 10.7 I consider that Policy 3B14 could be more explicit that restrictions on planting of wilding tree species and the removal of wildings is triggered when there is a resource consent required for a change in the land use and development within the Mackenzie Basin’s outstanding natural landscape. These changes in land use could include development for residential, rural residential, visitor accommodation, forestry, farming, pastoral intensification, dairying and factory farming purposes.
- 10.8 In conclusion, I propose that Policy 3B14 could be redrafted as:

Policy 3B14 – Wilding Trees

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

- (a) at the time of subdivision;

³⁷ Paragraph 34 of Mr Briden’s evidence

(b) when a resource consent is required for a change in land use including development for residential, rural residential, visitor accommodation, forestry, farming, pastoral intensification, dairying and factory farming purposes.

(c) when new zones are proposed.

Rules

- 10.9 The forestry provisions in section 6 of the plan are amended by PC13 (s293v) only in relation to adding reference to SVA and SGA to the rules. It appears that the rest of section 6 of the plan is considered to be out of scope and this leaves major gaps in the management of the adverse effects of wilding trees on the outstanding natural landscape.
- 10.10 I have prepared Table 1 that sets out the plan's current provisions in relation to the planting of wilding tree species and the removal of wilding spread, as Attachment VS2 to my evidence.
- 10.11 The table highlights that the most restrictive provisions relate to amenity plantings, with no explicit restrictions on forestry planting in terms of the species of tree to be planted.
- 10.12 In order to understand the rules I have prepared Table 2 "Classification of activities in the Mackenzie Basin Outstanding Natural Landscape in PC13 (s293v)" as Attachment VS2 to my evidence.
- 10.13 Table 2 highlights that there is a disconnect between the Policies in PC13 (s293v) and the forestry rules. As highlighted in the table (diagonal shading in the Tree Planting column), the Policies for SVA, SGA and LPA seek to avoid planting of exotic trees or avoid adverse impacts of uses. The rules in section 6 of the plan make tree planting in these areas discretionary by rule 6.4.2. By failing to recognise LPAs in section 6 of the plan, tree planting in a LPA is a restricted discretionary activity. I consider that the classification of "tree planting" activities as discretionary or restricted discretionary is not in accordance with the policy intent for the areas identified in the landscape overlays.
- 10.14 In my opinion "tree planting" should be non-complying activities in SVA, SGA and LPA because of the characteristics and/or values that are sought to be protected and enhanced in these areas.

10.15 The only control on planting wilding tree species in PC13 (s293v) relates to amenity plantings in Farm Base Areas. This is supported, but it is a very small response to a very large issue. Given the significance of the issue to the protection of the outstanding natural landscape, I consider that a rule prohibiting the planting of wilding tree species in the Mackenzie Basin could be included in section 6. This would implement Policy 3B14.

10.16 I suggest the following changes to rules to make them consistent with the objectives and policies:

(a) Amend rule “6.1 Permitted Activities – Tree Planting” as follows:

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 standards listed for each Permitted Activity, other than that provided for as a prohibited activity in Rule 6.6.1.

(b) Add Lakeside Protection Areas to Standard 6.1.8.c to rule 6.1.8

(c) Add Lakeside Protection Areas and Scenic Grassland Areas to Standard 6.2.5.c to rule 6.2.4 (shelter belts in the Mackenzie Basin)

(d) Amend Standards 6.1.8.e and 6.2.5. e to read:

Wilding Tree Management

There shall be no planting of the tree species listed in 6.6.1 Prohibited Activity ~~Pinus contorta, Pinus sylvestris (Scots Pine), Pinus uncinata (Dwarf Mountain Pine) or Pinus mugo (Mountain Pine).~~

It shall be the responsibility of forest owners, occupiers, lessees and licensees or other persons responsible for the forestry to eliminate tree spread and growth of wilding trees emanating from that forest on all land within 500 metres of the planted forest edge.

(e) Amend Rule 6.3.1 to read:

Forestry within the Mackenzie Basin (Appendix E) other than that provided for as a Permitted Activity, Discretionary Activity (refer 6.4.1 and 6.4.2), ~~or~~ Non-complying Activity (refer 6.5.1 and 6.5.2) or Prohibited Activity (refer 6.6.1).

(f) Delete rule 6.4.2 and insert new rule 6.5.3 Non-complying activities:

6.5.3 Tree planting in Scenic Viewing Areas identified on the Planning Maps and scheduled in Appendix J, and in Scenic Grassland Areas and Lakeside Protection Areas identified on the Planning Maps.

(g) Add a new rule “prohibited activities” as follows

6.6. Prohibited Activities - Tree planting³⁸ and erosion control planting

6.6.1 It is a prohibited activity for which no resource consent will be granted to plant the following species of trees in the Mackenzie Basin:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pseudotsuga menziesii* (Douglas Fir)
- *Pinus mugo/uncinata* (mountain pine)
- *Pinus pinaster* (Maritime pine)
- *Pinus ponderosa* (Ponderosa pine)
- *Betula pendula* (Silver Birch)
- *Ilex aquifolium* (Holly)
- *Acer pseudoplatanus* (Sycamore)
- *Sorbus aucuparia* (Rowan)
- *Prunus avium* (sweet cherry)
- *All species of the Genus Larix and all hybrids* (Commercial and ornamental species of Larch)
- *Pinus banksiana* (Jack pine)

10.17 There would also need to be consequential change to delete Rule 3.5.1 as it would no longer be necessary.

10.18 If the Court considers that this suite of changes to section 6 of the plan is out of scope for PC13, then in my opinion, the list of prohibited tree species above should be added to rule 3.5.1 so that amenity tree planting of these species is prohibited. In this situation the review of the plan by the council would need to consider the issue of prohibiting a more comprehensive and up-to-date list of wilding tree species in all other purposes (such as shelter belts and forestry) and locations in the Mackenzie Basin.

³⁸ Operative Plan definition includes forestry, amenity tree planting and shelter belts but not erosion control planting

11. RULES FOR ACTIVITIES WITH EFFECTS ON THE OUTSTANDING NATURAL LANDSCAPE OF THE MACKENZIE BASIN

- 11.1 The Director-General's submission supported a number of rules relating to buildings, earthworks and tracking, mining and pastoral intensification. In assessing the rules in relation to the Director-General's submission I identified a number of inconsistencies with the policies, activities not classified and other gaps. As I have stated elsewhere in my evidence, as an expert witness and for completeness, I have include comment on these matters of clarification or improvement to the rules in my evidence which are not within the Director-General's submission. I have also responded to changes that Mr Vivian has made in his evidence.
- 11.2 In my opinion rules should clearly reflect a cascade of activities through the classes of activities. My assessment is that there are gaps in the rules that were clearly not intended when assessed against the policies.
- 11.3 I have set out in Table 2 (Attachment VS2) to my evidence) the relevant policy direction and then how different activities have been classified within the relevant overlay areas identified in PC13 (s293v) and elsewhere in the district plan.
- 11.4 I have identified in a number of situations that an activity is not classified in the plan. In such circumstances section 87B(1)(b) of the RMA applies (or the "catch-all" rule - that is not numbered - at the top of page 7-48 of the operative District Plan applies) and these activities are discretionary activities.

Building activities in Farm Base Areas and overlay areas

- 11.5 I have not been able to find a definitive statement that the Farm Base Areas do not include any of the overlay areas (i.e SONS, SVS, SGA, LPA and land above 900m). Mr Harding's evidence indicates that the intention was that there would be no overlap between Farm Base Areas and overlay areas, because he recommends that the boundary of some Farm Base Areas that include SONS be adjusted to avoid the SONS³⁹.
- 11.6 However, some rules have standards relating to these overlay areas that indicate that Farm Base Areas may include these sites. For example Rule 3.2.1 permitting farm buildings within Farm Base Areas has a standard that

³⁹ Paragraphs 54 to 57 Mike Harding's evidence

states that “Rule 3.1.1.e shall apply”. That standard is that no buildings are to be erected on SONS, SVA and any land above 900m in altitude. The activities that do not comply with this standard 3.1.1.e are not further classified in the rules, so farm buildings are a discretionary activity within any SONS, SVA, SGA, LPA and land above 900m in altitude that are within Farm Base Areas. I consider that this is in conflict with the policies for these overlay areas that seek to “avoid all buildings” (Policy 3B7(a)) or “avoid adverse effects of buildings” (Policy 3B6).

- 11.7 Farm buildings within Farm Base Areas and Non-farm buildings outside of Farm Base Areas within Sites of Natural Significance are not classified and are therefore discretionary activities. This is not consistent with the policy intent of Policy 3B2(2) and (4). Farm Buildings outside Farm Base Areas with SONS are non-complying activities by rule 3.4.4.
- 11.8 Non-Farm buildings in Farm Base Areas within the overlay areas are classified as controlled activities, except in LPA where they are classified as discretionary activities. Policies for SVA, SGA and LPA are to “avoid” all buildings. For SONS and land above 900m altitude the policy intent is to avoid adverse effects (Policy 3B3(g)). In my opinion there are inconsistencies between the policies and the classification of activities in the rules.
- 11.9 I consider that there are different approaches that could be used to resolve this issue. One solution could be to specify that the overlay areas (SVA, LPA, SGA and SONS) are not within Farm Base Areas in the definition of Farm Base Areas. Although I note that the ecological evidence concludes that SONS are likely to be located in Farm Base Areas because a comprehensive assessment⁴⁰ to identify SONS in these Areas has not been undertaken. I have discussed how Farm Base Areas are defined in my evidence above in relation to Policy 3B2.
- 11.10 An alternative approach could be to classify building activities in Farm Base Areas to be consistent with the policy intent of “avoid” for the overlay areas. I suggest this approach is used.
- 11.11 I agree with Mr Vivian’s suggested amendment in paragraphs 7.12 and 8.6 of his evidence, to add to the matters subject to Council’s control in Rule

⁴⁰ Paragraph 22 and discussion in paragraphs 22 to 32 Mr Harding’s evidence

3.2.2 “landscape sensitivity of the proposed site” for the reasons in Mr Vivian’s evidence.

11.12 Mr Vivian in paragraphs 7.7, 7.8 ad 8.8 of his evidence points out that Rules 3.3.5(b) and 3.3.6 are actually for restricted discretionary activities, not discretionary activities as the heading implies. I agree with this assessment and Mr Vivian’s suggested changes to the rules in paragraphs 7.8 and 8.8 of his evidence. I have suggested other changes to these rules below in relation to land above 900m altitude.

11.13 I do not agree with Mr Vivian’s suggestion in paragraphs 8.11 to 8.14 that Non-Farm Buildings outside Farm Base Areas and not in overlay areas should be discretionary activities. I agree with the proposal by the Council in this regard for the reasons given.

Size of buildings

11.14 In Policy 3B2 the intent is to enable farm buildings in Farm Base Areas subject to amongst other standards, their “bulk”. The rule 3.1.2 permitting Farm Base Buildings in Farm Base Areas does not contain a size standard, only a height standard.

11.15 In contrast, Non-farm buildings in Farm Base Areas are subject to a size standard of 550m² (in standard 3.2.2 xi) as controlled activities (and are classified as discretionary activities if this standard is not met – rule 3.3.6).

11.16 The size of other farming activity building such as those for factory farming is largely determined by standards around how many hens and pigs can be farmed on a property. There is no such restriction on livestock such as cows or sheep in relation to building sizes.

11.17 In my opinion, the effects of a large farm building and a large non-farm building in Farm Base Areas would be the same. I note that in standard 3.1.2.h occupied buildings includes wintering barns, herd homes and dairy sheds. The Five Rivers Limited take and use of water resource consent⁴¹ for the Ohau Downs Station in the Waitaki District refers to areas for Farm Base buildings and activities. Within these areas, the buildings are of the following sizes:

(a) 2240m² maternity shed

⁴¹ Environment Court Decision - Five Rivers Limited (ENV-2011-CHC-136) v Canterbury Regional Council (decision dated 22 September 2014)

- (b) 9800m² of herd and milking sheds
- 11.18 For comparison purposes, in the proposed district plan for the Queenstown Lakes District⁴² farm building sizes are proposed to be:
- (a) Permitted Activity Standard 21.5.18.4 - If located within the Outstanding Natural Landscapes (ONL) is less than 4 metres in height and the ground floor area is not greater than 100m²;
 - (b) Permitted Activity Standard 21.5.18.6 - If located within the Rural Landscapes (RLC), is less than 5m in height and the ground floor area is not greater than 300m²;
- 11.19 Ms Harte states in her evidence at paragraph 97: *“In my opinion, I would expect that most landowners would prefer to have intensive farming operations, such as dairying, further away from their homestead and workers accommodation and so are unlikely to take advantage of the permitted activity status of pastoral intensification in Farm Base Areas.”*
- 11.20 In the proposed scheme of the policies and rules, development in Farm Base Areas is enabled and development outside Farm Base Areas managed or strongly discouraged. I do not agree with Ms Harte’s assessment because in my opinion a change of character in Farm Base Areas will likely occur over time as the provisions encourage a concentration of buildings for farming and non-farming activities in Farm Base Areas.
- 11.21 I conclude that a standard specifying a maximum building size for farm buildings in Farm Base Areas is desirable. The size limit could be the same as for non-farm buildings of 550m². If a large shed as part of a dairy farm operation is proposed, the decision-maker would then be able to consider its suitability and location in the Farm Base Area that is within the outstanding natural landscape. In my opinion, this approach is more consistent with the intent of Objective 3B and Policy 3B2.

Suggested changes to building rules

- 11.22 I propose the following changes to rules to implement the suggested approach to buildings as set out above:

⁴² QLDC proposed district plan (August 2015) – page 21-17

Farm Building Rules

- (a) Amend Rule 3.1.2 as follows: Any farm building and extension to a farm building within a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone which complies with all the following standards, other than that provided for as a restricted discretionary activity in Rule 3.5.5 (b) or non-complying activity in Rule 3.4.4:
- (b) Amend standard 3.1.2.f as follows:
- ~~3.1.2.f Sites of Natural Significance, Scenic Viewing and High Altitude Areas Rule 3.1.1.e shall apply~~
No building shall be erected on any land above 900m in altitude, other than mustering huts less than 50m² in gross floor area.
- (c) Amend rule 3.3.5 (b) by adding the following standard:
- 3.1.2.f Buildings in High Altitude Areas
- And as follows: shall be a Restricted Discretionary Activity and except in relation to farm buildings at high altitudes, with discretion restricted to the consent authority shall restrict the exercise of its discretion to these matters of non-compliance.
- (d) ii In considering any application such Discretionary Activity arising from non-compliance with Standard 3.1.2.f, the consent authority shall:
- (a) Restrict the exercise of its discretion to grant or decline consent to the assessment matters set out in 16.2.k: Farm Buildings;
- (b) Restrict the exercise of its discretion to place conditions on a consent to the assessment matters referred to in clause ii (a). above and to the external appearance and location of buildings within the landscape.
- (e) Amend rules 3.4.4 and 3.4.5 by adding “inside or” before “outside” in each rule, i.e. “Farm Buildings and extension to farm buildings inside or outside a Farm Base Area.....” and “Non-farm buildings and extensions of these buildings within the Mackenzie Basin Subzone inside or outside defined Farm Base Areas.....”

- (f) Amend rule 3.4.5 by adding “Sites of Natural Significance” to the list of overlay areas so the list is consistent with the bullet point list in rule 3.4.4.

Non-Farm Buildings

- (g) Amend rule 3.2.2 as follows: 3.2.2 Non-farm buildings or extensions to non-farm buildings within defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which comply with the following standards and terms shall be a Controlled Activity, other than that provided for as a discretionary activity in Rule 3.3.6 or non-complying activity in Rule 3.4.5:

And remove standard vii. Lakeside Protection Areas – Rule 3.3.1.h shall apply from Rule 3.2.2.

- (h) Amend Rule 3.3.6 as follows: 3.3.6 Restricted Discretionary Activities
(1) Any Building or Non-Farm Building which does not meet the Standards and Terms for Controlled Activities Buildings.

Add point (2) Any non-farm building erected on any land above 900m in altitude.

Amend point i as follows: In considering any such application Discretionary Activity, except as provided for in ii below and in relation to (2) above, non-farm buildings at high altitudes, the consent authority shall restrict the exercise of its discretion to those matters of noncompliance and to the matters of control listed for the Controlled Activity.

Add iii after renumber as point ii the text about non-compliance with standard 3.1.2h

iii In considering any application such Discretionary Activity the consent authority shall:

(a) Restrict the exercise of its discretion to grant or decline consent to the assessment matters set out in 16.2.I: Non-Farming Activities and Buildings;

(b) Restrict the exercise of its discretion to place conditions on a consent to the assessment matters referred to in clause iii (a). above

and to the external appearance and location of buildings within the landscape.

Size of Buildings

- (i) Amend Rule 3.1.2 by adding a new standard as follows:

3.1.2.X Maximum gross floor area of any single building shall be 550m²;

- (j) Amend Rule 3.3.5 (b) by adding the following standard:

3.1.2.X Maximum gross floor area

Rules for irrigators

11.23 Rule 15.1.1.a provides for irrigators located at least 250m from State Highway 8 and the Tourist Roads as permitted activities. This is in conflict with Rule 15A.3.2 that provides for irrigation within 1km of State Highway 8 and the Tourist Roads to be a non-complying activity. Locating irrigators within 250m of these roads but not being able to use them for irrigation without obtaining a resource consent is in my view not consistent with the policy intent in P3B13.

11.24 I suggest that the following amendment be made:

Rule 15.1.1.a ii - In all other areas of the Mackenzie Basin Subzone large irrigators (including centre pivot or linear move irrigation systems) shall be setback at least 1km ~~250m~~ from State Highway 8, the Haldon Road, Godley Peaks Road and Lilybank Road.

Pastoral Intensification Rules

11.25 In paragraphs 8.16 to 8.27 of my evidence I have discussed how land subject to resource consents for irrigation that were granted before the 14 November 2015 should be treated. I suggest that a new Controlled Activity Rule be included for these areas instead of this activity being a Permitted Activity by Rule 15A.1.2. My reasons for this suggested change are set out in the paragraphs reference above.

11.26 I suggest the following amendment be made:

Delete Rule 15A.1.2 (b) and substitute a new Controlled Activity Rule as follows:

15A.1A Controlled Activities

15A.1A.1 Pastoral Intensification (refer definitions) within the Mackenzie Basin Subzone which is:

(a) within an area for which a water permit to take and use water for the purpose of irrigation has been granted by the Canterbury Regional Council prior to 14 November 2015 and the consent has not lapsed. ~~and effects on the outstanding natural landscape have been addressed through the regional consenting process.~~

Matters subject to Council's control:

- (i) Landscape and visual effects including the sensitivity of the landscape
- (ii) Effects on natural character and environmental values
- (iii) The location of irrigators
- (iv) Setbacks from State Highway 8 and the Tourist Roads
- (v) The restoration of already modified tussock grasslands and other indigenous vegetation in sensitive areas including setbacks from roads
- (vi) Removal of wilding trees.

11.27 My suggested changes to Policy 3B1 could result in additional Sites of Natural Significance to those listed in Appendix 1 of the Operative District Plan. It would be consistent to classify pastoral intensification activities within these additional SONS, as non-complying activities.

11.28 Also to ensure consistency with the way "tussock grasslands" are referred to in the plan as suggested above in my evidence, amendment to rule 15A.3.2 is suggested as follows:

11.29 15A.3.2 Pastoral Intensification (refer definitions) in the Mackenzie Basin Subzone within a Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I, or an additional Site of Natural Significance identified in accordance with Policy 3B1(2), Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps or in Appendix V (Areas of Landscape Management) or

tussock grasslands and other indigenous vegetation within 1km of State Highway 8, Haldon Road, Godley Peaks Road or Lilybank Road.

Tree Planting Rules

- 11.30 I have assessed the Tree Planting rules in section 6 of the plan in relation to planting of wilding tree species in my evidence above.
- 11.31 I note from Table 2 in Attachment VS2 to my evidence that the activity classifications for tree planting in the SVA and SGA are discretionary activities when Policy 3B7(a) seeks to avoid exotic trees in these areas. There is no rule in relation to tree planting in LPA so the activity is discretionary. Policy 3B6 seeks to avoid adverse impacts of buildings, structures and uses in LPA. In my opinion there is an inconsistency between the Policy and rules.
- 11.32 Tree planting in areas outside the Farm Base Areas, including within the tussock grassland 1km strips along State Highway 8 and the Tourist Roads are generally permitted activities.
- 11.33 To deal with these inconsistencies in the rules in section 6 of the plan, in my opinion could require amends to most of the rules to classify tree planting in the SVA, SGA, LPA and within the tussock grassland and other indigenous vegetation within 1km of State Highway 8 and the Tourist Roads as non-complying activities in rule 6.5 and consequential amendments to other rules to remove reference to these areas.
- 11.34 Changing the classification of tree planting in areas in the Mackenzie Basin outside of Farm Base Areas to restricted discretionary or discretionary would enable consideration of the effects of tree planting on the characteristics and/or values of the Mackenzie Basin outstanding natural landscape be assessed by decision-makers.

Mining Rules

- 11.35 The rules for mining activities in section 10 of the plan, classify mining within tussock grasslands within 1km of State Highway 8 and the Tourist Roads as a permitted activity. In my opinion this is inconsistent with the Policies and other rules relating to this area. These are referenced in Table 2 in Attachment VS2 to my evidence.

11.36 Mining is a discretionary activity in the other overlay areas such as SVA and SGA. However mining activities in LPA is not classified and are therefore discretionary activities even though Policy 3B6 seeks to avoid adverse effects of uses in LPA.

11.37 In my opinion making the classification of mining activities consistent across the overlay areas of SONS, SVA, SGA, LPA, land above 900m altitude and tussock grasslands within 1km of State Highway 8 and the Tourist Roads would better reflect the Policy intent and achieve the Objectives for the Mackenzie Basin Outstanding Natural Landscape.

11.38 I suggest the following amendments:

10.3 Discretionary Activities - Mining

10.3.1 Mineral Exploration which does not comply with the following standards for Controlled Activity Mineral Exploration:

10.2.1.a Sites of Natural Significance

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

10.2.1A Any Mineral Exploration within Landscape Protection Areas shown on the Planning Maps and within tussock grasslands and other indigenous vegetation within 1km of State Highway 8 or the Tourist Roads

10.3.2 Any mining activity not provided for as a Controlled or Permitted Activity, including Mining within Landscape Protection Areas shown on the Planning Maps and within tussock grasslands and other indigenous vegetation within 1km of State Highway 8 or the Tourist Roads

Integrating Assessment Matters 16.2.k and 16.2.l

11.39 In the PC13 (s293v) I can find no link between assessment matters 16.2.k and 16.2.l. I have suggested above how these assessment matters could be used in the rules relating to building on land above 900m altitude.

Landscape Sensitivity Assessment for activities requiring a resource consent

11.40 I have suggested that Policy 3B1 be amended to include a requirement for the suitability of an areas for a change in use or for development be assessed in terms of landscape sensitivity and an ecological assessment.

This assessment would be undertaken as part of preparing a resource consent application. In order to be specific about this suggested requirement, in my opinion a rule that states that these assessments must be undertaken is necessary.

11.41 It is difficult to see how this rule fits within the existing structure of the plan, but I suggest it could sit at the start of the “Status of Activities” section of the plan under the rule that classified activities as discretionary unless otherwise classified in the plan.

11.42 I suggest the rule (standard) could be:

Standard applying to all activities that require a resource consent in the Mackenzie Basin Subzone:

An assessment of landscape sensitivity and tussock grasslands and other indigenous vegetation shall be undertaken in accordance with the requirements of Policy 3B1(2) and included in the resource consent application.

12. OTHER MATTERS INCLUDING DEFINITIONS AND CROSS-REFERENCING.

12.1 The Director-General’s submission supported the definition of “Pastoral Intensification” and I agree with this. I do however consider that the amendment suggested by Mr Vivian for the reasons in his evidence⁴³ improve the definition. As stated in my evidence above, and relying on Mr Head’s evidence, I also consider that sub-divisional fencing should be added to the definition.

12.2 The suggested definition could be:

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

12.4 I support Mr Vivian’s suggested additional definitions of “Farm Base Areas”, “Farm Building” and “Non-Farm Building” for the reasons in his evidence⁴⁴.

⁴³ Paragraph 5.11 Mr Vivian’s evidence

⁴⁴ Paragraphs 4.5 to 4.8 Mr Vivian’s evidence

Although as stated above, I suggest the Farm Base Areas could be defined in their extent and mapped after an ecological assessment.

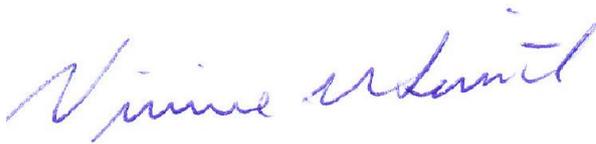
12.5 I have proposed a new definition of tussock grassland in paragraph 6.20.

13. CONCLUSION

13.1 I have included in my evidence a comprehensive assessment of the proposed provisions relating to the protection and enhancement of the Mackenzie Basin outstanding natural landscape.

13.2 Consistent with the Director-General's submission, I have supported the intent of many provisions in PC13 (s293v). I have suggested a number of amendments to improve and clarify the provisions. Particularly where policy intent was located in the "explanation and reasons" section under the Policy.

13.3 In my opinion the amended provisions in my evidence better meet the purpose of the RMA.



Vivienne Mary Smith

9 September 2016

Attachment VS1 - Table 1 Wilding tree species in the Mackenzie District Plan and those suggested for PC13 (s293v)

Attachment VS2 - Table 2 Classification of activities in the Mackenzie Basin Outstanding Natural Landscape – PC13 (s293v)