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**Submission Form (Form 5)
Submission on
Proposed Waitaki District Plan**

Form 5: Submissions on a Publicly Notified Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 9 May 2025 via:

Email: planreview@waitaki.govt.nz (subject line: Proposed District Plan Submission)
Post: Planning Unit, Waitaki District Council, Private Bag 50058, Ōamaru, 9444
In person: Waitaki District Council Headquarters, 20 Thames Street, Ōamaru; or
Waihemo Service Centre, 54 Tiverton Street (SH 85), Palmerston

If you would prefer to complete your submission online, please visit www.waitaki.govt.nz/proposed-district-plan

All sections of this form need to be completed for your submission to be accepted. Your submission will be checked for completeness, and you may be contacted to fill in any missing information.

Full Name: Maree Horo (Ohau Company Trust) **Phone:** 03 477 7312

Organisation*: Shelton Downs Station

* the organisation that this submission is made on behalf of

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Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

- I could not gain an advantage in trade competition through this submission; or
- I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- I am directly affected by an effect of the subject matter of the submission
- I am not directly affected by an effect of the subject matter of the submission

Signature: _____ **Date:** _____

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note: all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

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I **do not** wish to be heard in support of my submission; or
I **do** wish to be heard in support of my submission; and if so,
I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

To: Waitaki District Council

Submitter Details

Name Ohau Company Trust (Shelton Downs Station)

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Submission on the proposed Waitaki District Plan

Introduction

- 1.1 This submission is lodged on behalf of Maree Horo as sole trustee of the Ohau Company Trust (**OCT**). The OCT owns Shelton Downs Station.
- 1.2 OCT could not gain an advantage in trade competition through this submission.
- 1.3 The specific provisions of the proposal that this submission relates to are set out in the body of this submission, but include:
 - (a) General Rural Zone Chapter,
 - (b) Natural Environmental Values Chapter,
 - (c) ONL Values appendix, and
 - (d) Subdivisions Chapter.

Submission

- 2.1 OCT oppose the proposed District Plan (**PDP**) on the basis that subdivision and development rules applying Shelton Downs Station (**Shelton Downs**) are too restrictive and not necessary to achieve the purpose of the Resource Management Act 1991 in respect of Shelton Downs.
- 2.2 Shelton Downs is approximately 2,800ha and runs sheep and beef. It is located on the southwest shore of Lake Ōhau. Shelton Downs has been zoned General Rural Zone (**GRZ**) in the PDP. Shelton Downs has a number of overlays, the extent of these are shown in the Appendix B of this submission. The overlays are:
- (a) Outstanding Natural Landscape (ONL-03, ONL-01, ONL-04),
 - (b) Outstanding Natural Feature (ONF-13),
 - (c) Rural Scenic Landscape (RSL01),
 - (d) Liquefaction Assessment Overlay, and
 - (e) Canterbury Flood Assessment Overlay.

The overlays affect the activities that can be undertaken on Shelton Downs. As Shelton Downs is within the General Rural Zone, which is enabling of farming and primary production activities, majority of the existing rural activities can be undertaken. However, the ONL overlay over most of the Station means that any kind of earthworks, subdivision, development or change in use on the land has unreasonable restrictions.

- 2.5 Earthworks within ONLs or ONFs are a permitted activity if the works are for the purpose of repairing/maintaining an existing and lawfully established farm track, yards, fences, ponds, walking and cycling tracks.¹ The performance standards also require that the width and length are the same as what existed prior, and all bare land is resown. If compliance with this cannot be met, the activity status would be discretionary. For Shelton Downs, this would

¹ NFL-R4.

mean any new farm track or expansion to yards or fences that requires earthworks would require consent. That is an unreasonable restriction on a working farm.

- 2.6 The Peninsula Block (**Block**) is legally described as Section 3 Block VII Campbell SD and is record of title OT10C/1492. The Block has an area of 277.9382ha. The Block has views of Lake Ōhau and the surrounding mountains. The OCT wishes to retire the Block from farming and protect and enhance the natural values that are present. In order to do that, an alternative land use must be found that enables an economic land use to continue. Subdivision of a site located fully or partially within an Outstanding Natural Feature or Landscape Overlay is a discretionary status.² Under the PDP rules, the proposed development would exceed the 100ha minimum site size for subdivision within ONL's and be a non-complying activity. The Proposed Plan does not provide an appropriate framework for development to occur in return for protecting important natural values.
- 2.1 The Outstanding Natural Landscape overlay entirely covers Shelton Downs. Shelton Downs is within the Lake Ōhau and Hopkins Valley ONL³ and the Ōhau Moraines ONL⁴. Part of the southern area of Shelton Downs is within the Henburn – Quailburn ONL.⁵
- 2.2 Within Outstanding Natural Landscapes, the minimum lot size is 100ha, whereas in the Rural General Zone the standard outside an ONL is 20 Ha. Any proposals that breach the minimum lot size is a non-complying activity. This is the PDP's method to avoid inappropriate subdivision. There is no obvious connection between the minimum lot size and protecting the relevant ONL values. A more nuanced approach is required.
- 2.3 The Canterbury Flood Assessment Overlay is placed entirely over Shelton Downs. Environment Canterbury's Flood Model map does not identify a flood risk in the Lake Ōhau area. There is no reason for a Canterbury Flood Assessment Overlay to be placed on the Site. The OCT seeks the overlays removal.
- 2.4 The relief sought is in two parts:

² SUB-R10.

³ ONL-01.

⁴ ONL-03.

⁵ ONL-04.

- (a) A site specific package of provisions that apply to the Block (Shelton Downs Precinct) that responds to the specific values and land use opportunities that exist on that 277 Ha.
- (b) Amendments to provisions that apply in the Rural General Zone and ONL generally, and to the identification of ONL landscape units that apply to Shelton Downs.
- (c) The OCT seeks removal of the Canterbury Flood Assessment Overlay from Shelton Downs.

Proposed Shelton Downs Precinct

- 3.1 The 277Ha Block that is the proposed Precinct has the Alps to Ocean (A2O) trail around and through it. Parts of the A2O are on private land without any legal authority. Increasing public use of the A2O and public encroachment onto the Block is making farming the Block problematic. The presence of people and dogs on the Block is a risk to stock. Public pressure to destock the Block creates conflict and frequent misinformed complaint to Environment Canterbury and Waitaki District Council concerning normal farming practice. A better solution is required to resolve the conflict while protecting ONL values and providing for a reasonable use of the land.
- 3.2 The OCT seeks that the proposed subdivision, development and residential use of the property is provided for in the PDP as a Precinct. The subdivision and development of the Block can be completed in a way that is consistent with s 6 of the RMA and the Canterbury Regional Policy Statement.
- 3.3 The Block warrants a bespoke precinct approach as the compatibility of residential development with ONL values for the southern Lake Ōhau area have already been considered by the Court in *Ōhau Protection Society Incorporated v Waitaki District Council (Lake Ōhau Case)*.⁶ The subject site in the decision is adjacent to the Peninsula Block, see Map A attached, and part of the same ONL as identified by the Environment Court. In that decision, the Environment Court considered the land use consent sought to retire the land

⁶ [2018] NZEnvC 243.

and erect a dwelling and implement shed on the 20ha block. The activity status of the consent was a discretionary activity.

- 3.4 The Environment Court determined the correct landscape unit to assess residential development on the site. The Court considered how the proposal protected the values of this particular ONL and held that the landscape would properly absorb the land use change. The precinct proposed has been designed around the Environment Court's findings to enable development that protects and even enhances the ONL values contained within the site.
- 3.5 The discretionary status of the proposal allowed a carefully considered development to be properly assessed. Nothing useful would have been achieved by non-complying status as is proposed in the Proposed District Plan.

Landscape unit

- 4.1 The landscape architects in the *Lake Ōhau* Case discussed the correct landscape unit to assess the Site against. The Court held a confined landscape unit is not appropriate for this site.⁷ The Court considered that the landscape architect failed to address the key question, which was whether the proposal was on a Site within a part of the ONL with capacity to absorb change.⁸ The Court's findings in the *Lake Ōhau* Case were that this part of the ONL did have capacity to absorb change. That finding is at odds with the values and threats assessment in Schedule 8, ONL-03 Ohau Moraines where it says "This is a rare unmolested landscape and should be kept rigorously free of human developments." That statement is factually incorrect. There is no acknowledgement that human development has influenced the landscape and can protect and enhance the relevant values.
- 4.2 The Court concluded that the appropriate unit to include the following parts or areas of the ONLs shown on the WDP plan maps⁹:

⁷ At [110].

⁸ At [110].

⁹ At [100].

- (a) Lake Ōhau, including to the west beyond the village and to the south and south-east and the lakeward faces of Ben Ōhau;
- (b) the basin moraine area of land between Lake Ōhau and the Barrier Range, including the hillocky moraine of and in the vicinity of the Site, but also land along the lake shore towards Lake Ōhau village, Shelton Downs and the Lake Ōhau Lodge and east of Lake Ōhau towards the intersection with SH8; and
- (c) that part of Barrier Range that frames that basin moraine area, including the Ōhau Snow Fields and its access road.

4.3 The Court held that the existing dwellings and built structures cannot be ignored within the landscape unit. The Court's findings of the landscape unit for the Site would be the same for the adjacent Peninsula block. The Court found that the correct landscape unit for the Site was not exclusive to the highly intact and legible glacial landforms, its historic open extensive pastoral character. It also included the Lake Ōhau shoreline, the Shelton Downs NW land, Ben Ōhau mountains and flanks of Ōhau Range.

4.4 OCT's submission is that the Precinct should be evaluated against the same landscape unit and values as determined by the Environment Court. The landscape unit for which activities within the Shelton Downs Precinct should be measured against has been defined in P1 of the proposed provisions attached below.

ONL Values

4.5 The Canterbury Regional Policy Statement 2021 recognises Lake Ōhau as being within the Mackenzie Basin ONL. The key ONL values are Natural science, legibility, aesthetic, transient, Tāngata Whenua, shared and recognised and historic.¹⁰ The views of Lake Ōhau are not differentiated from the ONL assessment. The PDP identifies the Natural Science Values, Aesthetic Values and Cultural Values, and within these values are subsets of values.

- 4.6 Objective 12.2.1 says outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development. The Canterbury RPS addresses development in ONLs. and says in the principal reasons and explanation for this objective:

It is important to acknowledge that landscape-related management methods are not intended to be prohibitive with respect to all land use change. As part of sustainable management, land-use, and thereby landscape change, may occur. The focus should be on what is appropriate development in relation to the values that make a landscape outstanding. As such, there will be instances where certain types or scales of development, are inappropriate.

- 4.7 Policy 12.3.2 of the CRPS says:

12.3.2 Management methods for outstanding natural features and landscapes

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

- 4.8 This policy allows land use change that includes subdivision and development within ONL's if there are management methods that achieve protection of the ONL. The most appropriate method to manage the ONL values of the area is through bespoke precinct provisions which provide a set of rules that will protect ONL values while allowing for land use change. Maintenance of the status quo land use is inconsistent with the CRPS.

Methods to protect Natural Science values

- 5.1 The Natural Science value of ONL-01 and ONL-03 are both ranked as very high. This is due to the unaltered lake, surrounding mountains, indigenous vegetation and the moraine landforms. In the *Lake Ōhau* Case, the site was considered ecologically significant due to it

supporting shrubland which is representative of the original vegetation on a landform/ecosystem which is naturally uncommon and vulnerable.¹¹

- 5.2 The Court held that a small extent of disturbance, various transplanting, new plantings and other mitigation measures would not materially impact on the functioning and connectivity of the wider landform/ecosystem.¹² Retiring the land from pasture is an effective measure to enhance the natural science values by allowing the ecosystem to flourish.
- 5.3 The words “This is a rare unmolested landscape and should be kept rigorously free of human developments” should be deleted from ONL 03 Ohau Moraines as that sentence is emotive, inaccurate, and inconsistent with the Environment Court’s decision.

Methods to protect Aesthetic values

- 6.1 The Court held that the key aesthetic values for the Site are typically experienced by members of the public that use the Alps 2 Ocean (**A2O**) Trail and boating on Lake Ōhau. The Court identified the key viewpoints for the site in [66]:

¹¹ At [25].

¹² At [25].

72. The viewpoints I considered most relevant and of key importance to the proposal were those from the public A2O cycleway / Te Araroa trail, which range from between 310 m to approximately 1 km from the dwelling. Although views from the lake and the bay are equally important they are generally less accessible than the trail except by boat and in any event I considered that visual effects could be effectively extrapolated from the viewpoints along the trail.
73. The dwelling will be at least 30 vertical metres above and 310 m away from the closest point of the A2O trail. Viewpoints and views will be limited to very short trail sections of approximately 294 m and 458 m when approaching the site from either direction. From these trail sections the dwelling will be seen for a short duration at distances ranging between 918 m – 624 m when travelling westwards and between 966 m – 508 m when travelling eastwards. Visibility of the dwelling is also possible from parts of the lake surface in proximity to the site and will be similar to those obtained from viewpoints along the trail.
74. Views of built structures breaching the skyline will inevitably draw attention and can contribute to adverse visual effects.
75. The dwelling will be 5.45 m in height above existing ground level bringing the dwelling up to 570.2 masl. The survey plan prepared by Survey Waitaki indicates the high points behind the dwelling site between 576.7 – 583.9 masl. This provides a land backdrop of some 6.0 – 13.7 m to the dwelling.
76. Skyline breaches often occur where viewpoints are below a building such as experienced from the A2O trail. So despite the land backdrop to the dwelling the angle of view in some locations will result in a skyline breach over relatively short lengths of the trail.
77. However, the breach will be minimal and by that I mean that only part of the roof will intrude. The roof will not be obvious to the casual trail user because it will appear to be part of the rocky top³¹ shapes currently seen on the skyline, in contrast to being obvious if it were seen protruding above a smooth grassed landform. Overall, the skyline breach will be negligible.
78. The proposed dwelling may be visible from close public viewpoints along the A2O / Te Araroa trail (at distances of up to 966 m and 918 m) *if* the viewer is actively searching for it and not engaged in active recreation. Overall effects on visual amenity from the trail will be slight.

If the proposal would not materially detract from the enjoyment of the ONL from the public parts of the A2O or by boat, then the ONL Aesthetic values are maintained and protected. The Court did not consider that momentary distraction from the view was inconsistent with protecting the relevant ONL values.¹³

¹³ At [67].

- 6.2 Parts of the A2O and Lake Ōhau Road have been constructed within OCT's land. Views of development within the Block experienced from within OCT's land are not relevant public ONL values. The Precinct provisions have excluded those parts of the A2O and Lake Ōhau Road that are located on OCT's land from compliance with standards.
- 6.3 The Precinct provisions are designed to protect the public ONL values that are present on the Block. The ONL values for the Block have been tested in Court. The provisions allowing subdivision and development within the ONL are consistent with the Court's findings.

Outcome sought

- 7.1 OCT seek the following the Waitaki District Council incorporate the **attached** amendments into the proposed District Plan, or other alternative or consequential amendments to the proposed District Plan that may be required to give effect to the relief sought.
- 7.2 Deletion of the 3 ONL landscape units that apply to Shelton Downs and replacement with the ONL landscape unit and associated ONL values determined by the Environment Court in the *Lake Ohau* case as set out in the Precinct relief GRUZ-PREC3-P1 below.
- 7.3 OCT wishes to be heard in support of his submission.
- 7.4 If others make a similar submission, OCT will not present a joint case with them at a hearing.

Dated 15 May 2025



Phil Page/Hannah Perkin

Shelton Downs Precinct

Introduction

The Shelton Downs Precinct sits within the General Rural Zone. The Precinct area is close to the Lake Ōhau Village and borders the south west shore of Lake Ōhau. The area is within ONL-01 (Lake Ōhau and Hopkins Valley ONL) and ONL-03 (Ōhau Moraines ONL). The Precinct Area contains significant natural science, aesthetic, and cultural values that should be protected whilst allowing for carefully designed and located residential use.

The primary function of the Shelton Downs Precinct is to provide for a carefully designed rural residential development that provides permanent protection for the identified ONL values in return for the cessation of farming activities on that land. The controls in this precinct are to ensure the development does not adversely affect the values on the ONLs it is within.

Objectives

GRUZ-PREC3-01	Purpose of the Shelton Downs Precinct
To enable residential development and subdivision of the area defined in the Shelton Downs Precinct and provide for activities to achieve this, while protecting the ONL values present in the area and enabling the cessation of farming activities.	

Policies

GRUZ-PREC3-P1	Landscape unit
The landscape unit for which the Precinct should be assessed is: <ol style="list-style-type: none">1. Lake Ōhau, including to the west beyond the village and to the south and south-east and the lakeward faces of Ben Ōhau;2. The basin moraine area of land between Lake Ōhau and the Barrier Range, including the hillocky moraine of and in the vicinity of the Site, but also land along the lake shore towards Lake Ōhau village, Shelton Downs and the Lake Ōhau Lodge and east of Lake Ōhau towards the intersection with SH8, and3. The part of Barrier Range that frames the basin moraine area, including the Ōhau Snow Fields and its access road.	

GRUZ-PREC3-P2	Subdivision in the Shelton Downs Precinct	
<p>Provide for subdivision in the Shelton Downs Precinct where the design, size and shape of allotments:</p> <ol style="list-style-type: none"> 1. Protects the relevant ONL values contained in ONL-01 and ONL-03 in SCHED8, with respect to the landscape unit; and 2. Provides for appropriate subdivision, development and use of the land within the ONL. 3. Includes permanent legal protection for significant ecological values and the cessation of farming activities. 		
GRUZ-PREC3-P3	Development in the Shelton Downs Precinct	
<p>Provide for development in the Shelton Downs Precinct by:</p> <ol style="list-style-type: none"> 1. Protects the relevant ONL values contained in ONL-01 and ONL-03 in SCHED8, with respect to the landscape unit, 2. Providing for subdivision, development and use of the land within the ONL that protects the relevant ONL values, 3. Ensure that buildings and structures are located where they are either not visible or at most reasonably difficult to see from parts of the A2O Trail and Lake Ōhau Road located on public land. 4. Avoids, remedies, or mitigates adverse effects on significant ecological values. 5. Requiring the cessation of farming activities in return for development. 		

Rules

The General Rural Zone rules apply to any activity within the Shelton Downs Precinct (such as farming activities) until an activity on a site is managed by the Shelton Downs Precinct provisions.

GRUZ-PREC3-R1	Subdivision that creates any vacant allotment(s) within the Shelton Downs Precinct	
Shelton Downs Precinct Area	Activity status: Restricted Discretionary Where: RDIS-1	Activity status when compliance is not achieved: Discretionary

	<p>All of the standards within SUB-R4 and the following are complied with where relevant:</p> <ol style="list-style-type: none"> 1. PREC3-SUB-S1 Ecological values 2. PREC-SUB-S2 Building platform <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. Retiring the resultant lots from grazing; and 2. Protecting significant ecological values 3. Requiring planting of indigenous vegetation to replace exotic vegetation; and 4. Location of the building platform in relation to visibility from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u>. 	
<p>GRUZ-PREC3-R2</p>	<p>Building and structures (excluding fences) on or within the Ōhau Peninsula Precinct Area</p>	
<p>Shelton Downs Precinct Area</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The building or structure is not visible from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u>; and</p> <p>PER-2</p> <p>The building or structure complies with NFL-S1 Standards for colours of buildings and structures in landscapes; and</p> <p>PER-3</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1</p> <p>Compliance is not achieved with PER-1, PER-2, and/or PER-3</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Consideration of the ONLs ability to absorb the changes, by assessing the proposal within the landscape unit, and 2. Whether the proposal maintains or enhances values of ONL-01 and ONL-03; and 3. Assessing the proposal's landscape sensitivity, landscape vulnerability, landscape capacity and landscape resilience; and

	<p>The height of the building or structure has a land backdrop does not breach the skyline when viewed from any public place.</p> <p>Provide for development in the Shelton Downs Precinct by:</p> <ol style="list-style-type: none"> 1. Providing for appropriate subdivision, development and use of the land within the ONL, 2. Encouraging buildings and structures to be within areas where visibility from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u> are limited or of short duration from a long distance, 3. Ensuring the ONL values are protected by designing the proposal. 	<ol style="list-style-type: none"> 4. Location of the building or structure in relation to the <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u>; and 5. The extent to which the proposal will detract from the naturalness, clarity of lake Ōhau, dry grassland character, visual coherence and openness of landscape, or block important views from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u>; and 6. The scale, form, design and finish (materials and colours) proposed and mitigation measures, such as appropriate indigenous planting. This shall include consideration of any adverse effects of reflectivity, glare; and 7. Where the height of the building or structure does breach the skyline from <u>publicly owned parts of the A2O Trail</u> viewpoints, ensure the roof is designed blend in with the rocky tor shapes currently on the skyline.
GRUZ-PREC3-R3	Earthworks on or within the Ōhau Peninsula Precinct Area	
Ōhau Peninsula Precinct Area	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>Earthworks undertaken for the purpose of a building platform, and</p> <p>PER-2</p> <p>Disturbed topsoil stored on site. Disturbed topsoil is not stockpiled and is used to rehabilitate site, and</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1</p> <p>Compliance is not achieved with PER-1, PER-2, PER-3, PER-4, and/or PER-5</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Consideration of landscape sensitivity, landscape vulnerability, landscape capacity and landscape resilience; and

	<p>PER-3</p> <p>The earthworks are not visible from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u>, and</p> <p>PER-4</p> <p>All bare land is re-sown, replanted or finished to fit with the previous condition of the land and its surrounds, and</p> <p>PER-5</p> <p>Earthworks do not disturb an area more than 1,000m² per site.</p>	<ol style="list-style-type: none"> 2. Location of the earthworks; and 3. Whether the proposal mitigates any detraction from enjoyment of the ONL from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u>; and 4. Whether the landscape unit can absorb the proposed earthworks; and 5. Any mitigation or rehabilitation measures, such as indigenous planting.
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Standards

GRUZ-PREC3-S1	Ecological enhancement
<ol style="list-style-type: none"> 1. Any new allotment must prepare and comply with an ecological enhancement plan that requires the protection of any significant ecological values that may be present on the allotment. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The protection of the values identified in ONL-01 and ONL-03 in SCHED8, 2. Existing native flora and fauna are maintained or enhanced. 3. Compensation for any values that may be adversely affected by development, such as the creation of roads or building platforms.
GRUZ-PREC3-S2	Landscape
<ol style="list-style-type: none"> 1. Any new allotment must prepare a landscape assessment that demonstrates the building platforms do not adversely affect Aesthetic values of the Site and comply with landscape mitigation that protects any significant ecological values that may be present on the allotment. 	<ol style="list-style-type: none"> 2. The location, design and appearance of the building. 3. Whether the landscape unit can absorb the proposed changes, 4. Whether proposed buildings are within areas where visibility from <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u> are limited or of short duration from a long distance,

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|--|---|
| | 5. Buildings and structures that breach the skyline only breach it for a short length of <u>publicly owned parts of the A2O Trail and the Lake Ōhau Road reserve</u> have a roof designed to blend in with the rocky tor shapes currently on the skyline. |
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Relief sought in relation to the General Rural Zone is shown as tracked changes:

General Rural Zone

Standards

GRUZ-S8	Hours of operation
<p>1. Any activity (other than a residential activity, <u>farming activity</u> or visitor accommodation activity) must not operate outside the following hours:</p> <ol style="list-style-type: none"> a. a maximum total of 50 hours per week; and b. 7:00am to 7:00pm Monday to Saturday; and c. 9:00am to 3:00pm Sunday and public holidays; <p>except where:</p> <ol style="list-style-type: none"> a. the entire activity is located within a building; and b. there are no visitors, customers, or deliveries to the activity outside the above hours. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the location and operation of the activity, including the effects of noise, lighting and from the generation of traffic; and 2. any adverse effects on the amenity values of properties on any adjoining residential sites.

Natural Environment Values

Ecosystems and Indigenous Biodiversity

Rules

PERMITTED ACTIVITIES

ECO-R1	Indigenous vegetation clearance outside of a Significant Natural Area listed in SCHED6 — Significant Natural Areas		Reason:
All zones	Activity status: Permitted	Activity status when compliance is not achieved:	
	<p>Where: PER-1 The indigenous vegetation clearance:</p> <ol style="list-style-type: none"> 1. is for the repair and maintenance of existing and lawfully established: <ol style="list-style-type: none"> a. farm tracks; b. yards; c. water supply and irrigation systems; d. fences; e. dams/ponds; f. walking and cycling tracks; g. driveways and access, h. stormwater infrastructure, sediment detention ponds, culverts and stormwater drains; i. flood and erosion protection undertaken by the Regional or District Council; and 2. occurs within 2m of the areas listed in PER- 1; or <p>PER-2 The indigenous vegetation clearance complies with the following standards;</p> <ol style="list-style-type: none"> 1. ECO-S1 Indigenous vegetation clearance in highly sensitive ecological environments that are not currently identified as Significant Natural Areas; 2. ECO-S2 Indigenous vegetation clearance in sensitive ecological environments that 	<p>Where: RDIS-1 Compliance is not achieved with PER-1, PER-2, PER-3, PER-4, PER-5, PER-6, PER-7 and/or PER- 8</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the effects on: <ol style="list-style-type: none"> a. indigenous biodiversity values; b. the hydrological function of the catchment; c. natural character; d. ecological corridors and linkages; and e. cultural values associated with indigenous biodiversity; and 2. whether significant indigenous vegetation or 	<p>The NPSIB does not require consent to clear indigenous vegetation for the purpose of maintaining improved pasture</p>

	<p>are not currently identified as Significant Natural Areas;</p> <p>3. ECO-S3 Indigenous vegetation clearance in threatened land environments;</p> <p>4. ECO-S4 Indigenous vegetation clearance areas dominated by snow tussock; and</p> <p>5. ECO-S5 General indigenous vegetation clearance; or</p> <p>PER-3 The indigenous vegetation clearance relates to any unscheduled urban tree within an urban environment allotment or the domestic curtilage of a residential unit; or</p> <p>PER-4 The indigenous vegetation clearance relates to planted or regenerating indigenous vegetation less than 15 years old, where the vegetation was previously lawfully cleared as a permitted activity or with an appropriate resource consent; or</p> <p>PER-5 The indigenous vegetation clearance relates to planted indigenous vegetation managed specifically for the purpose of a forestry activity, harvesting and subsequent replanting; or</p> <p>PER-6 The indigenous vegetation clearance is part of amenity planting or planted shelterbelt less than 30m wide; or</p> <p>PER-7: The indigenous vegetation clearance is clearance undertaken for mahika kai activities by mana whenua; or</p> <p>PER-8 The indigenous vegetation clearance is protected by a rule in a regional plan, and resource consent has been granted for the clearance under that rule. or</p> <p><u>PER-9</u> <u>The indigenous vegetation clearance is for the maintenance of improved pasture if the requirements in cl 3.17 of the NPSIB are met.</u></p> <p><i>Note: For commercial forestry, except as provided for in Rule ECO-R4 and ECO-R5, the Resource Management (National Environmental Standards for Commercial Forestry) Regulations set out rules for vegetation clearance and earthworks as part of commercial forestry as described in the regulations.</i></p>	<p>significant indigenous faunal habitats are present; and</p> <p>3. the extent to which the vegetation removal is necessary, taking into account the need for, or purpose of, the proposed activity; and</p> <p>4. the minimisation of effects through the consideration of alternative locations for the activity where effects are significant; and</p> <p>5. proposals for remediation and mitigation of adverse effects; and</p> <p>6. proposals for biodiversity offsets or compensation for residual adverse effects under the biodiversity effects management hierarchy or ECO-P13; and</p> <p>7. the risk of the increase in weed and pest species, and proposed management of pests; and</p> <p>8. benefits resulting from the proposed activity, including: <ul style="list-style-type: none"> a. the extent to which the activity may protect, maintain or enhance indigenous biodiversity values; and b. the extent that the proposal provides for the maintenance of improved pasture; </p> <p>9. effects on kaitiakitaka and the values of indigenous vegetation, taoka species and habitats, and biodiversity to mana whenua.</p> <p><u>Note: Section 88 Information Requirements for Applications:</u></p> <p><i>Pursuant to s88 of the RMA, any application made under this provision must provide, in addition to the standard information requirements, an Ecological Assessment, provided by a suitably qualified ecologist, that is commensurate with the scale and significance of the proposal, and meets the requirements of APP8 - ECO Chapter Information Requirements for Resource Consents.</i></p>	
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Standards

ECO-S1	Indigenous vegetation clearance in highly sensitive ecological environments that are not currently identified as Significant Natural Areas	Reasons
	<p>There shall be no indigenous vegetation clearance in the following locations:</p> <ol style="list-style-type: none"> 1. ephemeral wetlands; or 2. dune systems; or 3. calcareous boulder fields; or 4. cliffs; or 5. scarps; or 6. coastal turfs; or 7. skink habitat/management areas identified on the planning maps. 	<p>Calcareous boulder fields too broad of a category. High Country Stations like Shelton Downs often have exposed potentially calvaraeous boulder fields within the existing farmland. The exception to the NPSIB allowing maintenance of improved pasture should prevail. Locations of interest to the Council should be identified on maps so the impact of the standard can be understood.</p>
ECO-S2	Indigenous vegetation clearance in sensitive ecological environments that are not currently identified as Significant Natural Areas	Reason
	<p>Indigenous vegetation clearance must not exceed 50m² on a site in any continuous period of 5 years, <u>unless provided for elsewhere in a District or Regional Plan</u>, in the following locations:</p> <ol style="list-style-type: none"> 1. on land that has not been lawfully cultivated or irrigated on plains, terraces, moraines and valley floors, including short tussock grassland, cushionfields or shrublands; or 2. indigenous forest or regenerating forest greater than 3 metres high; or 3. shrubland containing emergent indigenous trees greater than 3 metres high; or 4. matagouri (<i>Discaria toumatou</i>) shrubland that has a canopy of at least 1.5 metres high; or 5. diverse indigenous shrubland, where 'diverse' means three or more species of indigenous shrub or vine; or 6. indigenous vegetation containing any one of: matai (<i>Prumnopitys taxifolia</i>), kahikatea (<i>Dacrycarpus dacrydioides</i>), weeping mapou (<i>Myrsine divaricata</i>), <i>Melicope simplex</i>, <i>Hebe rakaiaensis</i>, <i>Corokia cotoneaster</i>, mountain ribbonwood (<i>Hoheria glabrata</i>), bog pine (<i>Halocarpus bidwillii</i>), celery pine (<i>Phyllocladus alpinus</i>), Hall's tōtara (<i>Podocarpus laetus</i>), kōwhai (<i>Sophora microphylla</i>), kānuka (<i>Kunzea spp.</i>), <i>Hebe cupressoides</i>, native brooms (<i>Carmichaelia spp.</i>), fierce lancewood (<i>Pseudopanax ferrox</i>), <i>Coprosma virescens</i>, <i>Coprosma crassifolia</i>, <i>Pimelea aridula</i>, snow totara (<i>Podocarpus nivalus</i>), southern rata (<i>Metrosideros umbellata</i>), <i>Coprosma intertexta</i>, or any species of Olearia; prostrate kowhai (<i>Sophora prostrata</i>); or 7. copper tussock (<i>Chionochloa rubra subsp. cuprea</i>) grasslands; or 8. subalpine shrubland or mixed shrub and tussock above 900m metres asl; or 9. rocky habitats including rock outcrops and associated talus and boulderfield habitats. 	<p>Ensure maintenance of improved pasture allowed and for vegetation clearance within the Shelton Downs Precinct to enable retirement from grazing and long-term ecological protection.</p>

Natural Features and Landscapes

NFL-P4	Avoiding inappropriate activities on or within Outstanding Natural Features or Landscapes	Reason
	<p>Only provide for subdivision, use and development where it:</p> <ol style="list-style-type: none"> 1. protects the values identified in SCHED7 — Outstanding Natural Features and SCHED8 — Outstanding Natural Landscapes that make the natural feature or landscape outstanding; and 2. avoids, remedies or mitigates adverse effects on other Outstanding Natural Features and Landscapes values, including avoiding any significant loss of indigenous vegetation. 2.3. <u>Ensure existing activities are able to continue, while avoiding, remedying or mitigating adverse effects on Outstanding Natural Features and Outstanding Natural Landscapes.</u> 3.4. <u>Enables development that will result in landscape and ecological protection to be achieved in the Shelton Downs Precinct.</u> 	<p>Acknowledgement of existing activities.</p>

NFL-PX	<u>Allowing existing activities to continue</u>	Reason
<p>Allow for existing activities already lawfully established in Outstanding Natural Features or Landscapes to continue where it:</p> <p>1. <u>Avoids, remedies or mitigates adverse effects on the values identified in SCHED 7 – Outstanding Natural Features and SCHED8 – Outstanding Natural Landscapes that make the natural feature or landscape outstanding</u></p>		<p>Provide a policy that enables existing activities to continue. Provides certainty of protection for farming activities.</p>

NFL-P6	Landscape’s ability to absorb change	Reason
<p>When determining a landscape’s ability to absorb change, have regard to the <u>need to accommodate land use change to achieve sustainable management activities effect on the ONL values within the landscape unit and the</u> level of:</p> <ol style="list-style-type: none"> 1. landscape resilience; 2. landscape capacity; 2.3. landscape vulnerability; and <p>landscape sensitivity.</p>		<p>Allows a factual assessment of an activity and avoids site specific landscape assessments (where the effect on ONL will always be significant) and better reflects the CRPS.</p>

NFL-P11	Enhancement and restoration of Outstanding Natural Features and Landscapes, Significant Natural Features and Rural Scenic Landscapes	Reason
<p>Support the enhancement and restoration of Waitaki’s Outstanding Natural Features and Landscapes, Significant Natural Features and Rural Scenic Landscapes where their values have been lost or degraded by:</p> <ol style="list-style-type: none"> 1. enabling activities that maintain the integrity of, restore, or enhance Outstanding Natural Features and Landscapes values and amenity values of Significant Natural Features and Rural Scenic Landscapes; and 2. encouraging owners, community groups and others to take action to restore and/or enhance the values of Outstanding Natural Features and Landscapes and amenity values of Significant Natural Features and Rural Scenic Landscapes. 3. <u>Enabling activities that remedy, mitigate adverse effects on Outstanding Natural Features and Landscapes values</u> 		<p>Enabling activities that mitigate or remedy adverse effects on ONLs</p>

Rules

PERMITTED ACTIVITIES

NFL-R4	Earthworks on or within Outstanding Natural Features or Landscapes or Significant Natural Features	
All zones <u>except the Shelton Downs Precinct</u>	<p>Activity status: Permitted</p> <p>Where: PER-1 Earthworks undertaken for the repair, <u>and</u> maintenance, <u>or replacement</u> of existing and lawfully established:</p> <ol style="list-style-type: none"> 1. farm tracks; 2. yards; 3. water supply and irrigation systems; 4. fences; 5. dams/ponds; 6. walking and cycling tracks; 7. driveways and access; 8. stormwater infrastructure, sediment detention ponds, culverts and stormwater drains; and <p>PER-2</p>	<p>For Significant Natural Features: Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-1, PER-2, PER-3 and/or PER-4</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. consideration of landscape sensitivity, landscape vulnerability, landscape capacity and landscape resilience; and 2. location of the earthworks; and 3. the extent to which the proposal will detract from the values, naturalness, dry grassland character, visual coherence and openness of the feature; and 4. whether the proposal recognises the context

	<p>The width and length are the same and the materials used are the same or similar as that which existed prior to the repair and maintenance being required; and</p> <p>PER-3 All bare land is re-sown, replanted or finished to fit with the previous condition of the land and its surrounds within 6 months of the earthworks being undertaken; or</p> <p>PER-4 Earthworks undertaken for conservation activities that do not exceed 25m² in area over any 3-year period and comply with all of the following standards where relevant:</p> <ol style="list-style-type: none"> 1. EW-S2 Maximum cut depth and fill height; 2. EW-S3 Earthworks on sloping sites; and 3. EW-S4 Earthworks within 20 metres of a waterbody. 	<p>and values of historic and cultural significance and the relationship, culture and traditions of Kāi Tahu; and</p> <ol style="list-style-type: none"> 5. any mitigation measures, such as appropriate indigenous planting; and 6. the extent to which indigenous vegetation is impacted; and 7. whether the proposal supports the continuation of primary production in a Rural Zone; and 8. for new access tracks, whether the track supports conservation activities, primary production, recreation activities, regionally significant network infrastructure, or rural tourism activities and the ability to integrate with the landscape, follow natural contours and mitigate any adverse effects; and 9. the matters of discretion listed in any of the standards EW-S2, EW-S3 and/or EW-S4; and 10. any functional need or operational needs for its location; and 11. where there is the potential for significant adverse effects to arise, consideration of alternative routes, construction methodology or locations for the activity. <p>For Outstanding Natural Features and Landscapes:</p> <p>Activity status when compliance is not achieved: Discretionary</p> <p>Where: DIS-1 Compliance is not achieved with PER-1, PER-2, PER-3 and/or PER-4</p>
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Standards

NFL-S1	Standards for colours of buildings and structures in landscapes
<p>Buildings and structures shall comply with the following standards:</p> <ol style="list-style-type: none"> 1. the use of unpainted natural timber or stone as exterior building materials. Such materials are not subject to clause 2 below; or 2. exterior building materials and finishes which, when graded using the British Standard BS5252:1976 Framework for Colour Co-ordination for Building Purposes, meet the following standards: <ol style="list-style-type: none"> a. where the materials are not used for a roof cladding, they are of a colour which has a reflectivity value of no more than: <ol style="list-style-type: none"> i. 60 per cent for greyness groups A or B. ii. 40 per cent for greyness group C; b. where the materials are used for a roof cladding, they are of a colour which has a reflectivity value of no more than 40 per cent for greyness groups A, B or C; 3. clause 2 does not apply to windows, window frames, bargeboards, stormwater guttering, downpipes or doors. These items may be of any colour. 	

Subdivision

SUB-O2	Subdivision design	Reason
	<p>Subdivision occurs in a sequenced and coherent manner and is designed so that it:</p> <ol style="list-style-type: none"> 1. reflects and responds to: <ol style="list-style-type: none"> a. the physical characteristics and constraints of the site; and b. considerations for passive solar gain for dwellings in the subdivision; and c. the character and amenity values of the surrounding area; and 2. is accessible and is connected to and integrated with existing communities and the transport network; and 3. consolidates urban development; and 4. promotes good quality urban design; and 5. maintains rural character in rural areas; and 	<p>Objective should anticipate subdivision in an ONL.</p>

<p>5.6. <u>Protects or enhances Outstanding Natural Features and Landscapes values;</u> <u>and</u> 6.7. <u>avoids the sprawl of existing settlements or creation of new settlements; and</u> 7.8. <u>has an efficient, safe and accessible layout; and</u> 8.9. <u>provides for the health and well-being of communities; and</u> 9.10. <u>provides accessible, usable and well-designed open space areas; and</u> 10.11. <u>maintains or enhances the productive capacity of highly productive land.</u></p>	
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Policies

SUB-P9	Esplanade reserves and esplanade strips	Reason
	Require the creation of esplanade reserves or esplanade strips when subdividing land adjoining the coast and other qualifying waterbodies over 3m in width for public access and esplanade strips, except where the subdivision is for a boundary adjustment or is for a network utility, <u>or where public access already exists.</u>	Should not have to provide public access where it is already enabled

SUB-P10	Esplanade reserves and esplanade strips — other waterbodies
	<p>Consider the following matters when determining whether to require the creation of an esplanade reserve or esplanade strip for subdivision of land adjoining any other waterbody over 3m in width:</p> <ol style="list-style-type: none"> 1. the level of contribution to enable public access, recreational use or the protection of conservation or takata whenua values; and 2. the appropriate mechanism to achieve 1.

SUB-P11	Reductions or waivers of esplanade reserves and esplanade strips
	<p>Only allow for exemption from the provision of an esplanade strip, a reduction or waiver in the width, or provision of any required esplanade reserve or esplanade strip, where it can be demonstrated, if relevant, that:</p> <ol style="list-style-type: none"> 1. safe public access and recreational use is already possible and can be maintained for the future; and 2. an esplanade strip would better provide for public and customary access, recreation, hazard management, stormwater management and ecological values; and 3. the ecological values and landscape features of the land adjoining the coast or other waterbody will not be adversely affected; and 4. any scheduled Historic Heritage Items in SCHED2 — Historic Heritage Items, or scheduled wāhi tūpuna in SCHED5 — Sites and Areas of Significance to Māori will not be adversely affected; and 5. the reduced width of the esplanade reserve or esplanade strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change; and 6. a full width esplanade reserve or esplanade strip is not required to maintain the natural character and amenity values of the Coastal Environment; and 7. a reduced width in certain locations is offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of public and customary access, recreation, hazard management, stormwater management and ecological values.


SUB-P12	Subdivision Design	Reason
	<p>Ensure that subdivision is designed and located to:</p> <ol style="list-style-type: none"> 1. maximise accessibility and connectivity with the surrounding community through walkways, cycleways and an interconnected transport network, <u>unless sufficient access is already provided;</u> and 2. reflect and respond to physical site characteristics, constraints and opportunities; and 3. minimise earthworks and land disturbance by designing building platforms that integrate into the natural landform; and 4. achieve hydraulic neutrality in urban zones; and 5. align streets and design open spaces to focus on significant views or landmarks; and 6. create allotment sizes and shapes that support a range of housing types and sizes and appropriate business activities; and 7. when within any scheduled wāhi tūpuna in SCHED5 — Sites and Areas of Significance to Māori for any greenfield subdivision, incorporate mātauraka Māori principles and provide opportunities to maintain or strengthen the relationship of takata whenua with their ancestral lands, water, sites, wāhi tapu, wāhi tūpuna and other taoka, where these have been identified through engagement with takata whenua and the subdivision has the potential to compromise takata whenua values and interests; and 7.8. <u>When within any scheduled Outstanding Natural Landscapes SCHED 8 ensure the subdivision does not significantly adversely affect the values of that Outstanding Natural Landscape</u> 8.9. <u>minimise future conflicts with roading and infrastructure, including as a result of the planting of new vegetation; and</u> 9.10. <u>maximise sunlight access, outlook and amenity, including opportunities for future</u> 	<p>If sufficient public access already provided, then subdivision does not need to be designed to provide further public access.</p> <p>Subdivision should be an anticipated activity within ONLs</p>

<p>buildings to maximise solar gain, reduce energy and water consumption, and use renewable energy; and</p> <p>40.11. provide public open spaces that are within walkable distance (400-800m) from residential allotments; and</p> <p>44.12. provide sufficient separation from zone boundaries and transport networks to minimise the potential for any reverse sensitivity effects and/or conflict with existing and permitted activities on adjoining sites.</p> <p>42.13. be consistent with any relevant design guidelines which promote good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005); and</p> <p>43.14. incorporate principles of Crime Prevention Through Environmental Design to achieve safe environments.</p>	
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SUB-P16	Subdivision in the Rural Zones	Reason
	<p>Provide for subdivision in the Rural Zones where the design, size and shape of allotments:</p> <ol style="list-style-type: none"> 1. is consistent with and complement the role, function and anticipated scale, type and form of use and development for the relevant zone; 2. maintain prominent ridgelines, natural features and landforms, and areas of indigenous vegetation; <u>where possible</u> 3. avoids buildings and access points being located in prominent locations, as viewed from public places; <u>or mitigates the visual effects of buildings and access points in prominent locations</u> 4. incorporates physical site characteristics, constraints and opportunities into the design; 5. minimise earthworks and land disturbance by locating and designing building platforms to integrate into the natural landform; 6. maintain rural character and amenity; and 7. incorporates sufficient separation from zone boundaries and transport networks minimise the potential for any reverse sensitivity effects and/or conflict with existing and permitted activities on adjoining sites; 8. protects the productivity of the land for primary production activities in the General Rural Zone by limiting fragmentation of land through avoiding new sites being created that are less than 20 hectares unless: <ol style="list-style-type: none"> a. associated with a utility and any balance lot associated with the development of a utility; or b. the subdivision occurs on a Māori Reserve 	<p>Consistent with NPSUD, amenity values develop and change over time.</p>

Rules

SUB-R4	Subdivision that creates any vacant allotment(s)	
General Rural Zone	Activity status: Controlled	Activity status when compliance is not achieved: Restricted Discretionary
	<p>Where: CON-1 All of the following standards are complied with where relevant:</p> <ol style="list-style-type: none"> 1. SUB-S1 Minimum allotment sizes and dimensions; 2. SUB-S2 Subdivision in the Otago Flood Assessment Overlay and Waitaki River Floodplain Assessment Overlay; 3. SUB-S3 Subdivision in the Canterbury Flood Assessment Overlay; 4. SUB-S5 Access; 5. SUB-S6 Water supply; 6. SUB-S7 Wastewater disposal; 7. SUB-S8 Stormwater management; 8. SUB-S9 Electricity and telecommunications; 9. SUB-S10 Esplanade reserves and esplanade strips; and 	<p>Where: RDIS-1 Compliance is not achieved with CON-1(2)</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion listed in SUB-S2. <p>Where: RDIS-2 Compliance is not achieved with CON-1(3) and the new allotment(s) are located within the Canterbury Flood Assessment Overlay, but are not located in a High Hazard Area, as determined in a flood assessment prepared in accordance with NH-S1.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion listed in SUB-S3.

	<p>CON-2  The allotments are not classified as highly productive land.</p> <p><i>Note: This rule applies in addition to any other applicable Subdivision Rules.</i></p>	<p>Activity status when compliance is not achieved: Discretionary</p> <p>Where: DIS-1 Compliance is not achieved with CON-1(4)-(9)</p> <p><u>DIS-2</u> Compliance is not achieved with CON-1(1)</p>
	<p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. the design and layout of allotments; and 2. the provision and design of legal and physical access to and from the allotments, including roads and pedestrian and cycle ways; and 3. consent notices; and 4. easements; and 5. the location of the building platform; and 6. the bulk, location and colour of future buildings and structures; and 7. the provision of infrastructure and services for drinking water and firefighting supply, wastewater and stormwater, telecommunications and energy and its protection through legal mechanisms; and 8. the provision of esplanade reserves or esplanade strips and the relevant objectives and policies in the Public Access chapter; and 9. natural hazard and geotechnical constraints. 	<p>Activity status when compliance is not achieved: Non-Complying</p> <p>Where: NC-1 Compliance is not achieved with CON-1(1)</p> <p>Where: NC-2 Compliance is not achieved with CON-2</p> <p>Where: NC-3 Compliance is not achieved with RDIS-2</p>

SUB-R6 Subdivision in the Liquefaction Assessment Overlay			
All zones	Activity status: Controlled	Activity status when compliance is not achieved: Not Applicable	Reason
	<p><i>Note: This rule applies in addition to any other applicable Subdivision Rules.</i></p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. site specific geotechnical conditions and recommendations from a suitably qualified geotechnical engineer; and 2. location, size and design of the subdivision, roads, access, services; and 2.3. <u>location of buildings platforms</u> 3.4. <u>any</u> recommendations and solutions for foundations for future buildings from a suitably qualified geotechnical engineer; and 4.5. <u>remediation and ground treatment.</u> <p><i>Note: Section 88 Information Requirements for Applications:</i></p> <p><i>Pursuant to s88 of the RMA, any application for activities made under these provisions must provide, in addition to the standard information requirements, a geotechnical report that demonstrates the appropriateness of the site for the proposed development.</i></p>		<p>Enable control over building platforms to be not within overlay, where possible</p>

DISCRETIONARY ACTIVITIES

SUB-R10	Subdivision of a site located fully or partially within an Outstanding Natural Feature or Landscape Overlay	
All zones	Activity status: Discretionary <i>Note: This rule applies in addition to any other applicable Subdivision Rules.</i>	Activity status when compliance is not achieved: Not Applicable

Standards

SUB-S1	Minimum allotment sizes and dimensions	
Zone	Minimum lot size	Minimum dimensions
a. General Residential Zone	300m ² net site area	15m x 15m
b. Medium Density Residential Zone	200m ² net site area	None
c. Settlement Zone	400m ² net site area where the site is reticulated. 3000m ² net site area where the site is not reticulated.	15m x 15m
d. Rural Lifestyle Zone	3000m ² net site area where the site is reticulated, provided the average lot size is not less than 1 hectares; or 5000m ² net site area where the site is not reticulated, providing the average lot size is not less than 1 hectare. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.	N/A
e. General Rural Zone	20 ha net site area	N/A
f. Rural Scenic Landscape and Significant Natural Features	<u>2040</u> ha net site area	N/A
g. Outstanding Natural Features or Landscapes	400 <u>20</u> ha net site area	N/A
h. Industrial	N/A	N/A
i. Local Centre Zone, Mixed Use Zone, Town Centre Zone, Large Format Retail Zone	N/A	N/A
j. Open Space Zone	N/A	N/A
k. Sport and Active Recreation Zone	N/A	N/A
l. Special Purpose Zone — Macraes Mining	20 ha net site area	
<u>Shelton Downs Precinct</u>	<u>15ha net site area</u>	

SUB-S10	Esplanade reserves and esplanade strips		Reason
All zones	<p>1. Where a subdivision of land creates an allotment (including any balance allotment) that is less than 4ha in area and which adjoins the bank(s) of a waterbody over 3m in width, that allotment must set aside an esplanade reserve or esplanade strip with a minimum width of 20 metres, <u>unless there is existing public access</u>.</p> <p>2. where a subdivision of land creates an allotment (including any balance allotment) that is less than 4ha in area and which adjoins Mean High Water Springs, that allotment must set aside an esplanade reserve or esplanade strip with a minimum width of 20 metres.</p>	Matters of discretion are restricted to: Not Applicable	If there is existing public access, then there is no need to provide further public access.

ONL Values

10.1 The submitters says that the following landscape units should be deleted and the ONL landscape extent and values should be consistent with the Environment Court's findings in the *Lake Ohau* case as set out in GRUZ-PREC3-P1 above. However, if the units are to be retained in the proposed District Plan, then the following changes should be made.

ONL-01 LAKE ŌHAU & HOPKINS VALLEY				Reason
DESCRIPTION	<p><i>This large ONL contains Lake Ōhau and its western surrounds, the Ōhau and Barrier Ranges to the west, the delta and flats of the Hopkins River above Lake Ōhau, and the long alpine valleys of the Hopkins and Huxley Rivers, which terminate on the Main Divide at the Richardson Glacier and Mt Hopkins, 4kms south of the Mt Cook National Park boundary. The vast majority of the area is within the Ruataniwha Conservation Park but traditional high country grazing continues at Lake Ōhau and Huxley Gorge Stations. The boundary with Mackenzie District follows the east shoreline of Lake Ōhau, and thence the course of the Hopkins River to its source. The Dobson Valley and true left bank of the Hopkins are not within Waitaki District. <u>The ONL has a cluster of development and residential use in the Lake Ōhau Village and Shelton Downs. Residential development forms part of the ONL character.</u></i></p>			<p>The amendments have been made to acknowledge the existing development and residential use of the ONL. The ONL is not completely untouched and acknowledgement of the Lake Ōhau Village and surrounds ensures any further development remains contained.</p>
Identified Values	Description of Values	Assessment	Comment: Threats to Values	Reason
Natural Science	<p>Natural Science: The area is highly natural, including the unaltered lake, surrounding mountains and the entire Hopkins Valley. This refers to the landforms, water bodies, soils, groundwater processes, rivers and vegetation. Small areas of pastoral improvement exist around the Lake Ōhau and Huxley Gorge Station home paddocks and wider areas of forested former pasture in the Lake Middleton to Ōhau Lodge area. There is particularly attractive native vegetation around the lake shore, notably kowhai and active native scrub regeneration north of Freehold Creek.</p> <p>Legibility: The formative processes of mountain uplift, glaciation, moraine barrier and impounded lake, plus alpine river valley processes in the Hopkins and side valleys are clearly discernible and unaltered.</p>	Very High	<p>The pristine and highly natural landscape is particularly valuable and sensitive to further development. ONL values would be threatened by:</p> <ul style="list-style-type: none"> Farm expansion or intensification; Road upgrades or extensions that increase numbers or degree of penetration of recreation into the valleys; Overuse of lake for boating, houseboats and noisy jet skis; Overt development of slipways, jetties or shoreline; Spread of residential or rural residential developments beyond area of <u>Rural Scenic Landscape Lake Ōhau Village and its surrounds, unless located to avoid prominent locations in public views.</u>; Exotic afforestation, wildings 	<p>Pristine is inaccurate. Not all residential development is inherently inconsistent with ONL values.</p>

Aesthetic	<p>Memorability: The lake and alpine valley/mountain setting is highly memorable.</p> <p>Naturalness: Except for the Ōhau Village surrounds, the entire ONL area appears highly natural. There is existing residential use in the Lake Ōhau Village/Shelton Downs area that</p> <p>Unfortunate and very visible earthworks scarring remains from multiple attempts to establish the Ōhau Skifield Road; Vividness: The clarity of atmosphere and containment of lake, rivers, valleys and mountains are highly interesting, beautiful and complete. The skies and night time star-scape also. Although largely unseen, the upper reaches of the Hopkins, with its glaciers and permanent snow-pack, also are spectacular. The silence engenders vivid feelings of remoteness;</p> <p>Coherence: Very high unity of landforms, vegetation and (minimal) development, with little discord;</p> <p>Transience: Highly variable and interesting skies, light patterns and skylines with variable weather patterns (north west rain, fog, clear). Seasonal interest from mountain snow on mountains. Variable lake surface with calm, ruffled or stormy, morning and afternoon reflections, cloudy gloom.</p>	Very High	As above. Also: Noise (e.g. helicopters, boating) will diminish the peaceful atmosphere; Further scarring from roads, utilities, platforms, quarries and earthworks that will diminish the sense of naturalness in the landforms from public-the-relevant viewpoints. Reinstatement should be of high standards;	Protecting private values is not the function of ONLs.
Cultural	<p>Shared & Recognised: Little disagreement as to the recreation assets and beauty of Lake Ōhau, its alpine setting and Ōhau Skifield.</p> <p>Historic: Heritage homestead at Lake Ōhau Station, and high country ethos in these highest runs of the Mackenzie/Waitaki Basin western fringes.</p> <p>Mana Whenua: Ōhou (Lake Ōhau) and Te Awa Aruhe (Hopkins River) are of great significance to mana whenua. Ōhou is important in the traditions of the famous explorer and tupuna Rākaihautū, who dug the lakes of Te Waipounamu. The area is important as a nohoaka, kāika mahika kai, renowned for its quality of resources and pure waters. The entire area is ancestral land to Kāi Tahu whānui and, as such, all landscape is significant, given that whakapapa, whenua and wai are all intertwined in te ao Māori. Kāi Tahu whakapapa connections to whenua and wai generate a kaitiaki duty to uphold the mauri of all</p>	Very High		
		High		

important landscape areas		
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Overall Assessment: VERY HIGH

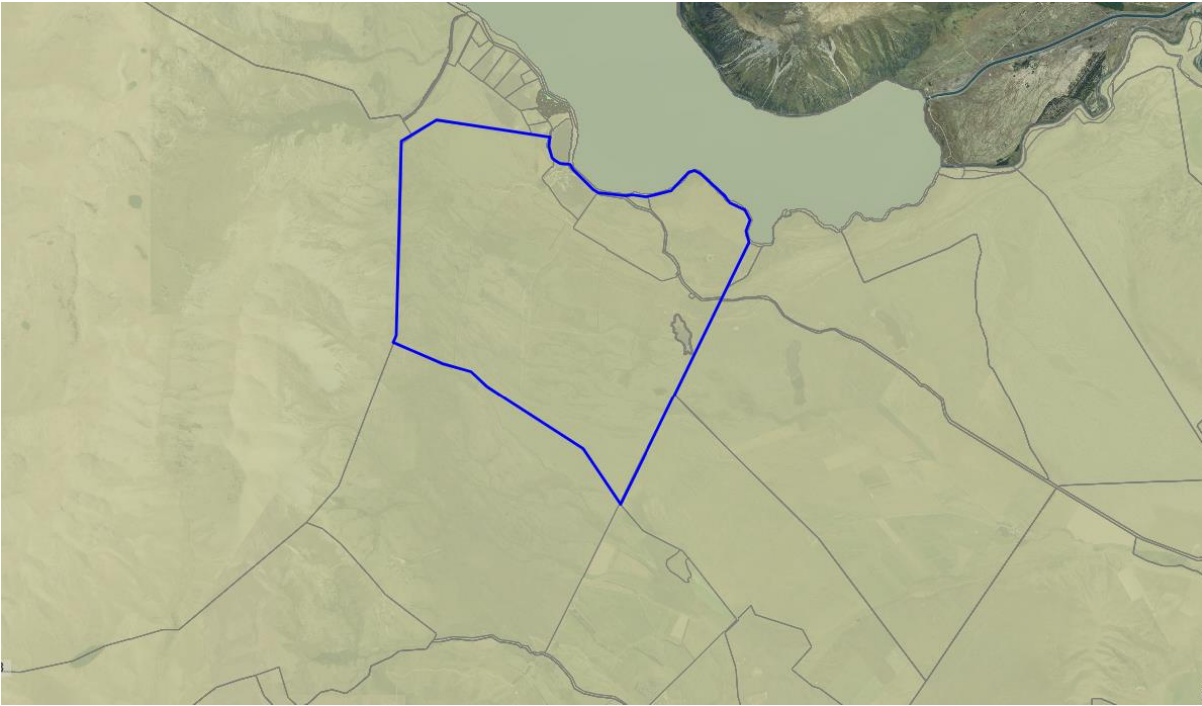
The Lake Ōhau and Hopkins ONL is confirmed, from its 'Very High' Natural Science, Legibility, Memorability, Naturalness, Vividness, Coherence, Transience and Shared & Recognised values.

ONL-03 ŌHAU MORAINES				
Identified Values	Description of Values	Assessment	Comment: Threats to Values	Reasons
DESCRIPTION	An area of rare, distinctive and hummocky terminal moraines and outwash alluvium, mostly under continuous undeveloped grasslands along the south side of lake Ōhau. Apart from There are developed farmlands at Shelton Downs in the west, and Table Hill in the north-east. The land is continuously open and parts are agriculturally little developed. The south-west margin is within the Ahuriri Conservation Area, and an extensive area of Ōhau Downs Station, north and south of Lake Ōhau Road has also recently been purchased by to Crown as reserve.			
Natural Science	<p>Natural Science: Moraine landforms are rare and intact, with unmodified soils and water regimes, ephemeral seasonal tarns and except for scrub near Lake Ōhau, continuous open grassland. Wilding issues along Ōhau River.</p> <p>Legibility: The glacial depositional hummocky landforms are obvious and distinctive, particularly so in the continuously open and undeveloped state.</p>	Very High	<p>The ONL values would be threatened by: Farm or grassland development (spread, intensification, cultivation);</p> <p>Farm or legal subdivision, fencing, farm or other tracks; Further intensification of farms</p> <p>Trees, afforestation, shelterbelts: Changes of land use;</p> <p>Buildings, structures, utilities;</p> <p>Earthworks, tracks, trails, roads, platforms, quarries, or alteration of the natural landforms that have not been designed to protect the ONL Values existing at their sites. This is a rare unmolested landscape and should be kept rigorously free of human developments.</p>	<p>The farmland has lawfully existed for years. Acknowledgement of this as part of the ONL needs to be included. If activities can be completed in a manner that does not affect the ONL values, then they should be allowed.</p> <p>The language of the threats statement is emotive, inaccurate, and inconsistent with the findings of the Environment Court</p>
Aesthetic	<p>Memorability: Strong impressions of the vast and characterful hummocky grassland views remain in the memory, particularly south-west to the Quail Burn, west to the Ōhau Rangel and north to the peak Te Rua Taniwha/Ben Ōhau. Additionally, impressive views north over Lake Ōhau to the distant Naumann Range/Hopkins Valley, from near the lake.</p> <p>Naturalness: The area includes improved pasture and grazing as well as entire area appears highly natural areas, as well as and 'pure' except for wilding threat in north-east and north-west, and localised scarring by the Lake Ōhau Track near the lake outlet.</p> <p>Vividness: The undulating grassland landscape with occasional tarns is interesting and distinctive, enhanced by the vast scale and mountain and lake views. Lake Ōhau outlet</p>	Very High	As above	

	<p>weir/vortex interesting but not a natural feature.</p> <p>Coherence: The continuous grassland vegetation allows clear interpretation of the underlying moraine and fluvio-glacial outwash landforms.</p> <p>Transience: An exhilarating, changeable scene of distant weather, skies and cloud, wind, sunlight, starlight, and seasonal snow, dry or flush vegetation, wet or dry tarns. A bracing landscape.</p>			
Cultural	<p>Historic: European-era high country farming ethos continues, with old station names, traditional grassland landscape, 'old world' character of lake Ōhau Road, and drama of Lake Ōhau as northern end of Lake provides a traditional and - little visible building - development in the ed-lakeside part of the landscape. All other Mackenzie/Waitaki lakes are changed by modern developments.</p> <p>Traces of the 'Spade Line', demarcating the former Otago-Canterbury boundary, exist near Lake Ōhau Road.</p> <p>Shared & Recognised: Popular area for mountain, lakeside and active (mountain bike) recreation, A2O cycle trail, and holiday-making, based on the natural landscape, exhilarating atmosphere and lake and mountain views. Probably less consensus as to natural values among some farm interests.</p>	Very High	As above	Farming character is part of the cultural value. Lakeside development exists, but generally not prominent.
	<p>Mana Whenua: Ōhou (Lake Ōhau) is of great significance to mana whenua and is important in the traditions of the famous explorer and tupuna Rākaihautū, who dug the lakes of Te Waipounamu. The moraines represent the power of Rākaihautū and his kō (digging implement) Tūwhakarōria. The area is important as a nohoaka, kāika mahika kai, renowned for its quality of resources and pure waters. The entire area is ancestral land to Kāi Tahu whānui and, as such, all landscape is significant, given that whakapapa, whenua and wai are all intertwined in te ao Māori. Kāi Tahu whakapapa connections to whenua and wai generate a kaitiaki duty to uphold the mauri of all important landscape areas.</p>			
<p>Overall Assessment: VERY HIGH</p> <p>The ONL values of this extended area are confirmed, with a rare 'full house' of 'Very High' values.</p>				

Appendix B

General Rural zone



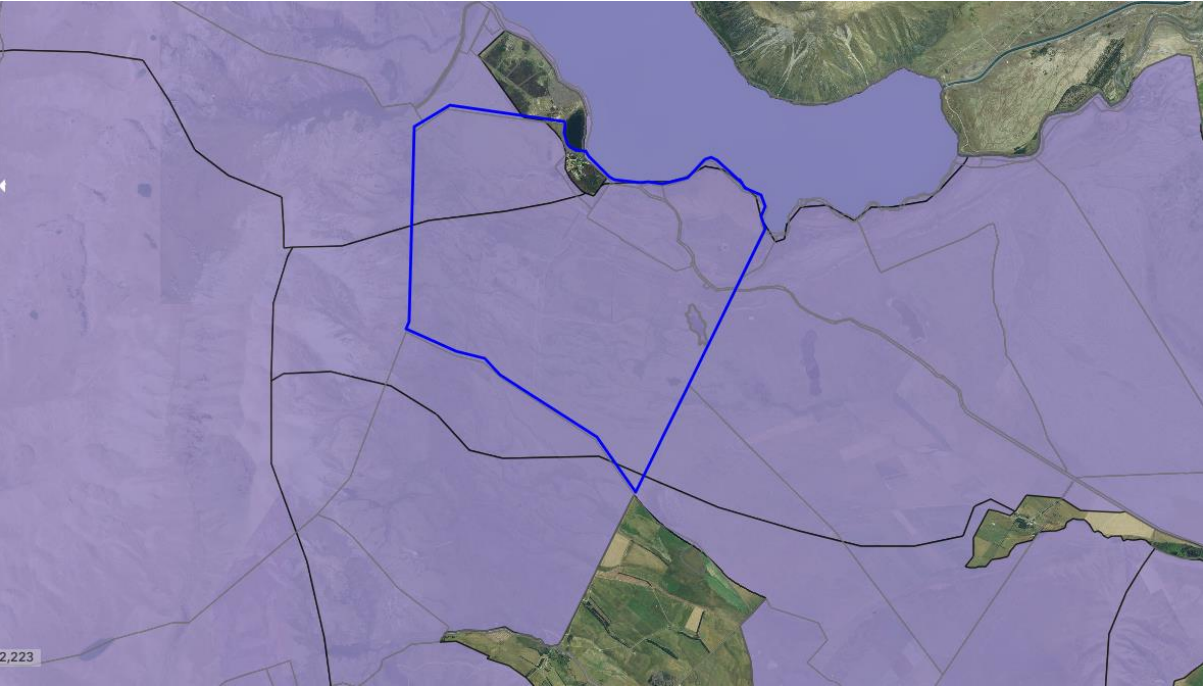
Natural hazards - Liquefaction Assessment Overlay



Natural hazards - Canterbury Flood Assessment Overlay



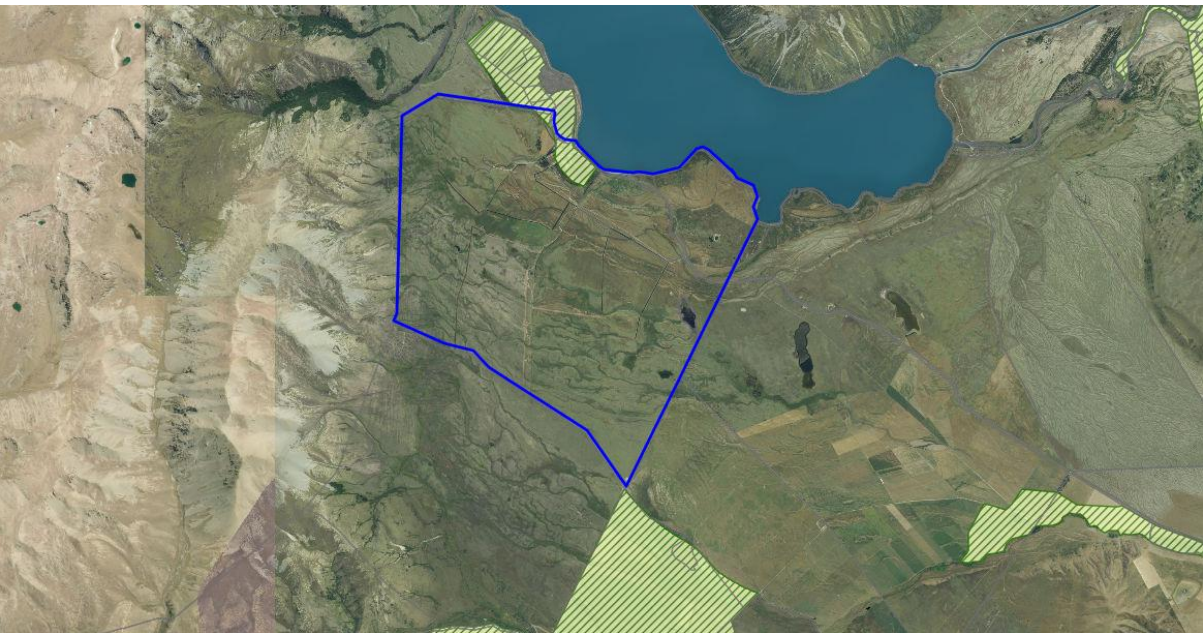
Natural Environment Values - Outstanding Natural Landscapes



Natural Environment Values - Outstanding Natural Features



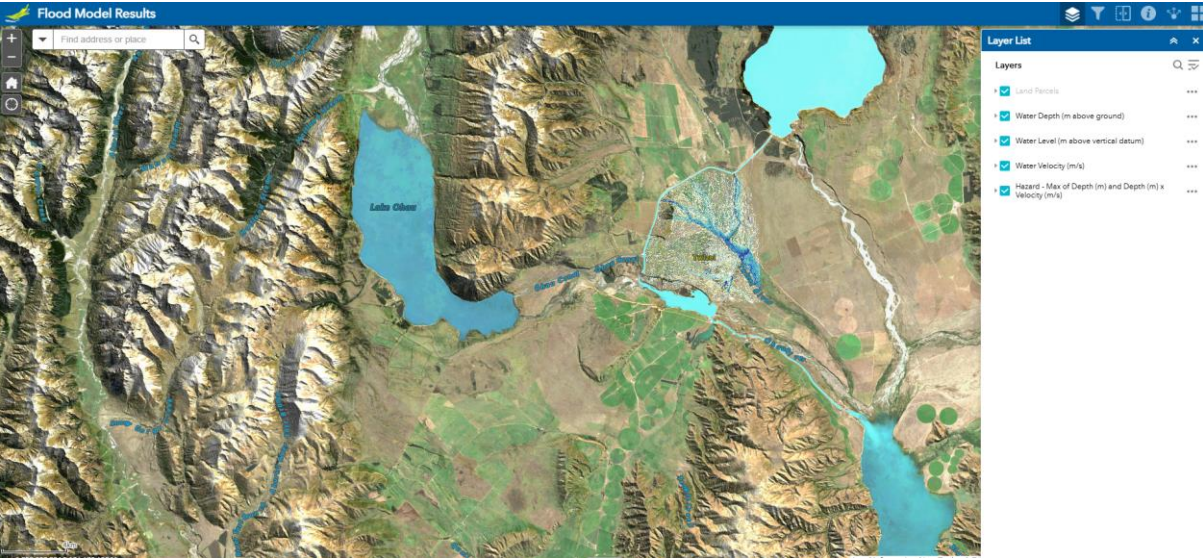
Natural Environment Values - Rural Scenic Landscape



One Network Road Classification



Environment Canterbury Flood Map



Shelton Downs Precinct Map



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