

**BEFORE THE PANEL APPOINTED ON BEHALF OF
CENTRAL OTAGO DISTRICT COUNCIL**

Under	The Resource Management Act 1991 (the Act)
In the Matter	of an Application for a Land Use Consent to construct a dwelling, shed and vehicle access in the Rural Resource Area and Outstanding Natural Landscape (RM250353)
Between	ANDREW WALSH DUNCAN AND JESSE CHALMERS Applicant
And	CENTRAL OTAGO DISTRICT COUNCIL Local Authority

BRIEF OF EVIDENCE OF CRAIG ALAN BARR (PLANNING)

DATED 27 JULY 2026



GALLAWAY COOK ALLAN LAWYERS
Bridget Irving/Hannah Perkin
bridget.irving@gallowaycookallan.co.nz

PO Box 143
Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564

BRIEF OF EVIDENCE OF CRAIG BARR

Introduction

1. My full name is Craig Alan Barr.
2. I have been instructed by Andrew Chalmers and Jesse Duncan (**Applicants**) to provide evidence in respect of RM250353, a land use resource consent application for a dwelling, shed and access at 528D Kawaru Gorge Road (**Application**).
3. I prepared the assessment of effects on the environment (**AEE**) lodged with the Application in December 2025, and a response to a request for further information dated 5 June 2026. I have visited the site and am familiar with the area.
4. The Application was publicly notified at the request of the Applicant. Two submissions were received, being a submission in support from Mr Ian Gare, and a submission from Fire and Emergency New Zealand (FENZ) associated with management of wildfire. Information associated with communication with Mr Mark Mawhineey of FENZ formed part of the Applicant's response to the request for further information. An outcome of this communication with FENZ is that a fire management plan and landscaping conditions are proposed, which I discuss below.
5. A third submission was received from Heritage New Zealand Pouhere Taonga which was neutral and sought an accidental discovery protocol be followed in the event during works an archaeological site is identified. This is supported and can be included as a condition of consent.
6. On 21 July 2026 the CODC released an Officer Report prepared under section 42A of the Resource Management Act 1991 (RMA) containing

an analysis of the Application and a recommendation in response to the Application (Officer's Report), prepared as a brief of evidence by Ms Emma Spalding. The Officer's Report is accompanied by the following review/advice:

- (a) Landscape review by Ms Sue McManaway of Boffa Miskell; and.
- (b) Engineering comments from Mr Dominic Haanen of the Council.

Qualifications and Experience

- 7. I hold the qualifications of Master of Planning and a Bachelor of Science from the University of Otago, and I have been a full member of the New Zealand Planning Institute since 2014.
- 8. I have been employed in planning and development roles since 2006 for both local authorities as well as in private practice. I am a Director of Waveform Environmental Planning Limited, and I am an accredited Hearings Commissioner with Chairs endorsement. I am based in the Central Otago area and am very familiar with local and regional planning in the Central Otago, Queenstown Lakes, Clutha districts and the Otago region. I have presented evidence on a wide range of planning matters including rural and urban resource issues including landscape, productive land, urban development and infrastructure issues on resource consents, district plan and regional policy statement reviews and plan changes at both Council level hearings and the Environment Court.
- 9. I have read and agree to comply with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023). I confirm that the opinions that I express in this evidence are on matters within my expertise.

Scope of evidence

10. My evidence will address:
 - (a) An overview of the Proposal and related controls/proposed conditions of consent.
 - (b) A summary of the consents required.
 - (c) The effects on the environment.
 - (d) An assessment in terms of section 104 of the RMA 1991, including:
 - (i) Compensatory measures.
 - (ii) The relevant provisions of the Operative Central Otago District Plan (ODP).
 - (iii) Regional Policy Statement 2021.
 - (iv) National Direction by way of National Policy Statements and Part 2 of the RMA.
 - (e) Plan integrity issues and potential precedents issues
 - (f) Recommended conditions of resource consent, based on the Officers' Report pre-circulated conditions.
11. A response to those parts of the Officer's Report that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the Officer Report.
12. I also refer to and rely on the landscape evidence of Mr Steven Skelton, and the Applicants' statement by Mr Duncan.

The Proposal

13. The proposal is set out in detail in the AEE, accurately summarised is the Officers Report which has been pre-circulated, and Mr Skelton's landscape evidence for the Applicant.
14. As a brief summary, the Application is for a single storey dwelling, accessory shed and access formation to be established on a 202ha property that is located entirely within the Rural Resource Area and Outstanding Natural Landscape annotation on the District Plan Maps.
15. Earthworks to form the access track, dwelling platform and service trenching are estimated at approximately 405m³ of cut and 221m³ of fill.
16. A low-earth mound is proposed over an area to the southeast of the shed, with the planting of Mountain Beech Trees, while an existing topographical feature located to the east of the dwelling, referred to in the AEE as the enclosing rim will be augmented by indigenous grey shrubland plants.
17. A residential curtilage area of 2000m² is proposed around the buildings to provide certainty of the location of where domestic elements such as gardens and play equipment would be located.
18. In addition to the direct mitigation and landscape management aspects, the Applicants have volunteered to establish a broader landscape management regime over the property comprising the felling of existing wilding pines on a seven-year cycle. Pest control of possums, rabbits, mustelids and feral cats. Additional planting is also proposed throughout the property to achieve at least 5000 indigenous plants over a decade.

19. Having considered the Officers Report and the landscape assessment advice from Ms McManaway and engineering advice from Mr Haanen no changes to the Application are proposed.

Consents Required

20. The reasons for consent are set out in section 3.2 of the AEE, and in the Officer's Report, and are summarised as follows:
- (a) A restricted discretionary activity consent for residential activity in the Rural Resource Area;
 - (b) A discretionary activity for buildings, tracks and excavating material in excess of 20m³ and/or disturbing any land 50m² in area or greater in a 5 year period within an Outstanding Natural Landscape.
21. As a discretionary activity, the consent authority's discretion is not restricted any relevant matter can be considered. I note that the Officers' Report has recommended that the application be declined because the author considers the adverse effects on the landscape are more than minor. There are no matters in dispute in relation to types of consents required or the activity status of the Application.

Effects on the Environment

22. Section 4.3 of the AEE assesses the effects of the application on the environment. Landscape effects are the central issue of the assessment in the AEE, and this remains the case with respect to the Application, having received the S42A report and review from Ms McManaway.

Volunteered Conditions

23. Section 4.2 of the AEE identifies volunteered conditions relating to avoiding, remedying or mitigating landscape adverse effects including building controls, external lighting and use of residential curtilage areas, land enhancement practices described above and in Mr Skelton's landscape evidence. Additional conditions relating to fire fighting and landscaping of a proposed mound adjacent to the shed are included in the response to further information dated 5 June 2026.
24. The Officers Report includes a suite of conditions, which have for the most part adopted the AEE's conditions. At the end of this evidence I have discussed the conditions recommended in the Officers Report and recommend several amendments.

Landscape Effects

25. I refer to both Mr Skelton's assessment appended to the AEE (Patch Landscape Assessment), his evidence and Ms McManaway's review. My assessment of both of these are that the key issue in contention are in relation to the degree of visual effects, rather than any disagreement on the extent of visibility. Ms McManaway concludes that the adverse visual effects are low-moderate (compared to Mr Skelton's finding of very low) and that the effects on landscape character are moderate to moderate - high (compared to Mr Skelton's assessment that the landscape character effects are moderate).
26. On the basis of Ms McManaway's peer review concluding that the adverse effects on landscape will be moderate-high, the Officer's Report has concluded that the proposal will have more than minor adverse effects and should be declined¹. I understand that this recommendation is directly associated with Ms McManaway advising a moderate-high landscape effects rating correlating to a more than minor adverse effect². For reasons I explain below, I consider that the

¹ S42A Report at page 21.

² S42A Report at pages 6 and 7.

Officer's Report has taken a conclusionary approach to the assessment of the District Plan's provisions relating to landscape.

27. I consider that when considering advice on landscape matters, and making a finding on the appropriateness of that activity, the direction contained in the District Plan provides more nuanced guidance for informing planning decisions than correlating a landscape effect rating into whether it is minor or more than minor. Significant Resource Management Issue 'Outstanding Natural Landscapes and Outstanding Natural Features'³ of the District Plan states:

...In determining what is inappropriate subdivision, use and development in these landscapes it must be recognised that these landscapes are often utilised by people and communities to provide for their social, economic and cultural wellbeing.

28. This Significant Resource Management Issue cross references Rural Resource Area Issue 4.2.1, and this Issue statement states the exact same text quoted above, and refers to Objectives 4.3.1 'Needs of the District's People and Communities' and Objective 4.3.2 which manages ONLs, and which Policies 4.4.3 and 4.4.10 sit under. Those issue statements directly inform the approach to what is appropriate or inappropriate when considering the effects of the activity and interpreting the District Plan's objectives and policies.
29. My reason for emphasising these provisions here, is because the District Plan provides important guidance as to how to determine what is appropriate and inappropriate development in the District's ONL areas, and on the Application Site. I also note that the Officers Report has recommended the Application be declined on the basis that the adverse effects are more than minor. I consider the proper references as to the quantum of adverse effects are the appropriateness of the activity. The Application needs to be considered in terms of section

³ ODP Section 2.3.1(1)

104(a) of the RMA 1991, which requires the consent authority to have '*regard to the actual and potential effects on the environment of allowing the activity*'. The Application is not a non-complying activity, and section 104D of the RMA 1991 does not apply, which requires the effects of the activity to be not more than minor, or, not contrary to the relevant objectives and policies of the District Plan. Similarly, section 95 of the RMA 1991 is not relevant, which requires for the purposes of determining whether an application needs to be notified, requires an assessment of whether the adverse effects on the environment are likely to be more than minor.

30. I also note that while *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines* (NZILA, 2022) provides guidance in terms of correlating the 7-point scale for rating landscape effects with RMA effects, that guidance is limited to assisting with whether to notify an application in terms of section 95 of the RMA 1991, or under the gateway tests in section 104D⁴. For these reasons, I do not agree with the Officer's Report which correlates Ms McManaway's assessment to mean that the activity has more than minor adverse effects on landscape, and therefore, inappropriate.

31. Further to this, the Officer's Report relies on and quotes a passage from Ms McManaway's peer review which states that:

the principal difference between the two landscape assessments and the peer review is not the predicted level of visibility, which is generally accepted to be limited, but the weight attributed to the significance of introducing built form and residential activity into a highly sensitive ONL backdrop. While the proposal is likely to be difficult to see from many public viewpoints, any visibility that does occur, introduces elements not generally anticipated within this part of the Pisa Range⁵.

⁴ *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines* (NZILA, 2022) at [6.38 and 6.39].

⁵ Officers Report at Page 7.

32. I consider that the Officers Report and Landscape peer review are founded upon a misdirected understanding of what may be anticipated on the Site. As noted above, the District Plan's Significant Resource Management Issue and Rural Resource Issue 4.2 make it clear that in determining what is appropriate use and development in these landscapes it must be recognised that these landscapes are often utilised by people and communities to provide for their social and economic wellbeing.
33. The assertion made in Ms McManaway's peer review supported by the Officer's Report that residential activity is not generally anticipated is not found in the District Plan or any other statutory document. On the contrary, I consider the District Plan clearly anticipates residential activity as part of people and communities providing for their wellbeing, subject to appropriate management of the adverse effects of those activities.
34. For context, the District Plan requires the same type of restricted discretionary activity resource consent for residential activity in the Rural Resource Area, both within and outside of the ONL's, and that all buildings (including farm buildings) require a discretionary activity resource consent in the ONL⁶. Therefore, the District Plan does not take a predetermined view that residential activity and buildings are not anticipated in ONLs, but that the discretionary activity status provides an added layer of management through unrestricted discretion to assess the adverse effects of activities. If a distinction could be drawn where buildings are not anticipated by the District Plan's framework, it is that District Plan Rule 4.7.5(vi) requires a non-complying activity for buildings within an Outstanding Natural Feature, which are mapped as separate areas on the District Plan maps, or in various areas where there is a building restriction area identified on a Structure Plan in a schedule to the District Plan.

⁶ Rule 4.7.6(L) states 'no activity shall have the effect of (a) erecting any structure or building...within any area identified as an ONL.

35. In this context, the activity is proposed within a 202ha property held in its own title and is located entirely within the ONL. The Application is a case in point that the appropriateness of the activity and its consistency with the intentions of the District Plan are to be informed by the plan provisions, and these anticipate residential activity within ONLs, subject to the appropriate management of adverse effects.
36. I also refer to passages cited by the Landscape experts and the Officers Report⁷ that the Subject Site is located within an area of 'extreme sensitivity', as recorded in the 2008 landscape mapping assessment which identified the boundaries of the ONL. While that document is understood to have formed the basis upon which the District's ONL and ONF areas were identified and boundaries mapped on the District Plan maps, the 2008 landscape study is not a statutory document and, while Section 2.3.1 of the District Plan refers to a 2008 landscape study, that study has not been incorporated by reference into the District Plan. The 2008 landscape study has been implemented through a separate plan change process and the outcome of that are the landscape related provisions of the current District Plan, the 2008 landscape study is not a statutory document of itself.
37. For these reasons I consider that the primary reference point for consideration of the Application is the District Plan, and that caution should be applied toward giving weight to statements made in the 2008 landscape document.
38. For these reasons, having considered the Officers Report, Mr Skelton's and Ms McManaway's evidence, the adverse effects of the activity on landscape values are appropriate.

Access

⁷ S42A Report at page 6, footnote.

39. Access will be from an existing formed ROW which is used as an access track. The access is not of a standard of a typical right of way, noting that the use has been for farming access. The access is shared for approximately half of its length with another residential activity, being that authorised by RC230728 which was a subdivision.
40. Recommended conditions 25 and 26 require the access to be upgraded, including that sections of the access exceeding 12.5% are sealed. Sealing the access is not supported by the Applicant.
41. The Officer's Report refers to a consent for a subdivision on an adjoining site (RC230728) which also created residential activity, and explains that the conditions on this subdivision do not require sealing of steeper sections because the consent was granted on the basis the house would be used for limited occupancy. Having reviewed the decision for that application it is apparent that the Applicant in that case did not favour sealing the steep sections either.
42. It is also noted that this proposal is not a subdivision. It does not lead to additional properties being reliant on the access that would justify additional upgrades. As Mr Duncan explains in his evidence the track is used regularly by them already and the proposal will not lead to much change in this regard.
43. Maintenance of the access will remain with the relevant landowners and use of the access can only occur with their consent. This is not a public right of way.
44. For these reasons, the recommended modified conditions I set out below are more appropriate, consistent and fair with regard to the use of the access to the Application Site. I also refer to Mr Duncans' statement of evidence where he discusses the access and explains that in his view and experience a full gravel surface is safer in ice and snow conditions than sealed sections.

Other Effects

45. Effects associated with other aspects of the Application relating to water, on-site wastewater management, reverse sensitivity and natural hazards are not in contention.
46. I refer to the Officers Report where they support the fire hazard management plan and note the record of communication between the Applicant and Fire and Emergency New Zealand. I do not consider the installation of sprinklers to be necessary or proportionate to the nature and scale of the activity. There are many properties throughout the District which are located a relatively remote distance from Fire Stations. While I agree that internal sprinklers are a sound idea, this should be a matter to be decided by the Applicant to install at their discretion, rather than imposed as a condition of consent.
47. The Officers Report recommends a survey and management plan for herpetofauna, I consider this requirement to be well out of proportion to the potential effects. The Officers Report identifies the Schist outcrop as being the habitat of concern, no works are proposed in this area and therefore no habitat displacement needs to be addressed. The overall disturbance at the site is insignificant. In my view the landscape management plan will likely enhance lizard habitat within the schist outcrop by planting around it. I do not consider a herpetofauna survey to be necessary or appropriate.

Cumulative Effects

48. The Officers Report considers that cumulative adverse effects have the potential to be more than minor in that if the consent is granted, a tipping point will be reached and the landscape will not be able to accommodate change⁸. In distinguishing between the Application and

⁸ S42A Report at page 14.

other residential activity in the environment, the Officers Report also refers to the consent dwelling in RC230278 as a back country hut.

49. A copy of the decision on resource consent RC 230278 and the approved plans are in Attachment 9 of the AEE. It is simply noted that application was also for a subdivision to establish a small section to accommodate the proposed 'hut', which is still of a reasonable size with dimensions of 13.5m x 12m. It is also located in a more prominent location, that does not possess the same enclosing topography. In those circumstances limiting permanent accommodation may have been an appropriate response. That does not establish a precedent for this proposal.
50. Further, this position taken in the Officer's Report appears to be contrary to the advice of Ms McManaway and Mr Skelton. I also reiterate that the Application Site is 202ha in area, the large site and the current configuration of neighbouring properties sizes and shapes as explained in the AEE in relation to precedent issues, limits the potential for a proliferation of further residential activity. I do not agree with the Officers Report that a tipping point would be reached and exceeded if the consent were granted.
51. The question of whether future applications would 'exceed' a tipping point is something that needs to be assessed at that time. It is not relevant to this activity.

Positive Effects or Compensation

52. Section 104(1)(ab) of the RMA states that the consent authority must, subject to Part 2, have regard to:

any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset

or compensate for any adverse effects on the environment that will or may result from allowing the activity

53. The occupation of the Site presents an opportunity for a 202ha property to be managed in a more proactive way with regard to improving biodiversity across the Site through landscape management and biodiversity enhancement methods, managing wilding trees and animal pests. These include the planting of a minimum of 5000 indigenous shrubs or trees over a 10 year period, wilding plant and pest animal control measures (additional to the plants proposed for mitigation planting around the house and shed). The Landscape assessment concludes that these measures will contribute to enhanced natural character values.
54. This element of the proposal provides compensatory measures that mitigate any perception that the naturalness of the Site is diminished by the proposed residential activity. I disagree with the Officer's Report where it states that the Landscape Management Plan is not compensation. I consider this matter is relevant in some respects to Ms McManaway's peer review conclusions which I understand that while the proposed buildings will be difficult to see from all views except a portion of unformed road, the effects of the activity on the high degree of naturalness of the environment are at issue.
55. I consider that the Applicant's Landscape Management Plan through wilding pine and pest management, and the planting of a minimum of 5000 plants over a ten year period will contribute to compensating against any perception that the naturalness of the environment has been diminished by the buildings. Over time those buildings will be set within a property with enhanced natural values. In my opinion securing the ongoing management and control of wilding pines is a significant 'win' for landscape character as discussed by Mr Skelton.

Operative District Plan

56. As I have discussed above as part of the approach to determining the appropriateness of the landscape effects of the activity, there are two identified Significant Resource Management Issues in relation to landscapes is. These are:

Significant Issue - Outstanding Natural Landscapes and Outstanding Natural Features.

The District contains a number of outstanding natural landscapes and outstanding natural features that require identification and protection from inappropriate subdivision, use and development. In determining what is inappropriate subdivision, use and development in these landscapes it must be recognised that these landscapes are often utilised by people and communities to provide for their social, economic and cultural wellbeing.

And

Significant Issue - Central Otago's Unique and Distinctive Landscape

The Central Otago District contains many unique and distinctive landscapes. While those landscapes are constantly evolving through natural processes, farming and other land use activities the semi-arid, rocky nature of the landscape means it can be vulnerable to visual effects of new structures (including telecommunication masts, wind farms, transmission line pylons, and other large structures), cultivation of tussock grasslands, large scale earthworks, new roads, residential built development on elevated land, establishing woodlots, production forestry or shelter belts on elevated land and wilding tree spread. Subdivision is often the precursor of land use activities such as those listed above. The District's built heritage, particularly in the form of cottages and ruins, and remnants of the early goldmining era, has also made a significant contribution to the landscape values of Central Otago

57. Collectively, these two issues statements require the protection of ONL's from inappropriate development but also recognise that these landscapes are often utilised by people and communities to provide for their social, economic and cultural wellbeing. The Applicant seeks this consent to establish a home for their family within the 202ha site so they can live and work there to support their wellbeing.
58. The investment and permanent occupation of the Site will also provide a means to implement the Landscape Management Plan activities as a

positive effect and compensatory measure which are distinguishable from landscape mitigation activities associated with the activity.

59. The above significant resource management issue statements of the District Plan inform the approach to, and interpretation of the relevant objectives and policies:

Objective 4.3.2 – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area

To protect the Districts outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow Landscape Management Area (including landforms) from the adverse effects of inappropriate subdivision, use and development.

60. From an effects perspective, the proposed activity is not considered inappropriate use and development, for the following reasons:

- (a) The open space, natural and rural character values will be protected, due to the location of the development within a part of the Site which has capacity to absorb development;
- (b) The low visibility from all views except an unformed road located adjacent to the site will protect the ONL from adverse effects. Effects on the unformed road are not inappropriate;
- (c) Any visibility of the buildings and presence of domestication will be further mitigated by the proposed mitigation planting and landscape controls including identified curtilage area;
- (d) The occupation of the site and landscape management and biodiversity enhancement measures through the Landscape Management Plan proposed by the Applicant will enhance landscape values over time.

- (e) The Landscape architects agree that effects on the Pisa ONL will be low or very low.
61. In the context of the District Plans' landscape related provisions, the activity is appropriate because despite being located entirely within the ONL, the visibility of the proposed development is low, and the use of the Site for a single residential activity will provide for the wellbeing of the Applicant's to reside on their property, as guided by the Significant Resource Management Issue relating to the management of ONL areas within the District.
62. The activity will achieve this objective:
- Objective 4.3.3 – Landscape and Amenity Values**
- To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.*
63. Objective 4.3.3 focuses specifically on two aspects (unlike Objective 4.2.2 which is broader):
- (a) To maintain and where practicable enhance rural amenity values, and
- (b) To maintain the open natural character of the hills and ranges.
64. Having considered both experts landscape advice where these discuss the visibility of the activity, visual effects and overall landscape effects (to which I understand 'rural amenity' is a shorthand term for 'landscape values that contribute to amenity values'⁹), I consider the proposal will maintain (if not enhance over time as a result of the mitigation planting and the Landscape Management Plan) rural amenity values.

⁹ Te Tangi a te Manu (2022) at [5.58].

65. In forming this view, I prefer the evidence of Mr Skelton because I consider that Ms McManaway's peer review has been coloured by the assumption that residential activity is not anticipated in the ONL, despite there being no statutory basis for this.
66. I also consider that the because of the siting of the residential activity on the site, the open character of the ONL hills and ranges the Site is located upon will be maintained. This is supported by both landscape experts accepting that the visibility of the development is limited.
67. The activity will achieve this objective.
68. The following policies are relevant to the preceding objectives:

Policy 4.4.1 – Outstanding Natural Landscapes and Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area

To recognise the District's outstanding natural landscapes and outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area which:

- a) Are unique to the district, region or New Zealand; or*
- b) Are representative of a particular landform or land cover occurring in the Central Otago District or of the collective characteristics and features which give the District it's particular character; or*
- c) Represent areas of cultural or historic significance in the district, region or New Zealand; or*
- d) Contain visually or scientifically outstanding geological features; or*
- e) Have characteristics of cultural, historical and spiritual value that are significant to Kāi Tahu ki Otago;*
- f) Have high natural character values and high landscape quality that can be distinguished from the general landscapes of the Central Otago District*
- g) and provide protection for them from inappropriate subdivision, use and development.*

Explanation

Section 6(b) of the Act requires Council to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance. There are activities that have the potential to compromise the values of these areas. In these

circumstances resource consents will be required to enable a thorough environmental impact assessment to take place. This assessment must include recognition of the fact that people and communities often utilise these areas to provide for their social, economic and cultural wellbeing. Landscapes and natural features considered to be outstanding in the Central Otago District are identified in Sections 2.3.1 and 2.3.2 and are identified on the planning maps. Land in the Upper Manorburn/Lake Onslow Management Area is also identified on the planning maps.

69. The activity, and its design and mitigation features have had regard to this policy, and the activity is consistent with it. In accordance with the explanatory statement, the assessment has included recognition for the Applicant to provide for their wellbeing by residing on the property through careful selection of the Development Site that means that the activity will not compromise the values of the area.
70. I note that the Officers Report has not acknowledged the text that an assessment of Policy 4.4.1 must include recognition of the fact that people and communities often utilise these areas to provide for their social, economic and cultural wellbeing. Mr Duncan's evidence discusses how establishing the house and shed will support the wellbeing of his family.
71. The activity is consistent with Policy 4.4.1.

Policy 4.4.2 – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- a) *The design and location of structures and works, particularly in respect of skylines, ridgelines, prominent places and natural features;*
- b) *Development which is compatible with the surrounding environment including the amenity values of adjoining properties;*
- c) *The ability to adequately dispose of effluent on site,*
- d) *Controlling the generation of noise in back country areas*
- e) *The location of tree planting, particularly in respect of landscape values, natural features and ecological values;*
- f) *Controlling the spread of wilding trees.*

- g) *Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.*
- h) *Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form¹⁰.*

- 72. In terms of Policy 4.4.2, the relevant test is whether activities 'avoid, remedy or mitigate adverse effects' on the matters identified in each policy. With regard to limb (a) the location, and mitigation elements of the buildings will avoid inappropriate adverse effects and mitigate residual effects such that the values are appropriately managed.
- 73. The activity is consistent with Limb (b) because despite the sensitivity of the Site and environment being within an ONL, the Development Site and location of development has capacity to absorb development and it is compatible with the surrounding environment.
- 74. Tree planting will comprise indigenous species and the grey shrubland proposed with the mitigation planting is consistent with landscape character.
- 75. While limb (c) is not related to landscape, the activity can adequately dispose of effluent, as identified in the Geotago Assessment. Likewise, the activity will not generate excessive noise within a backcountry area.
- 76. Matter (e) requires consideration of the location of tree planting, particularly in respect of landscape values, natural features and ecological values. The activity will not introduce any linear or the appearance of new vegetation elements into the landscape. The mitigation planting comprises indigenous species and will blend into the environment, particularly from the public viewing distances to the east and south east of the site. There are no shelterbelts or other forms

¹⁰ This part of the policy does not apply to this application.

of planting, such as woodlot planting proposed. The ongoing Landscape Management Plan will prevent wilding species establishing within the property and eroding its values over time.

77. Policy 4.4.2(f) provides direction to control the spread of wilding trees. The Site contains some emergent wilding conifers, with heights ranging from seedling to 4 metres, and occasionally larger trees. These trees have seeded from wilding conifer sources north and west of the Site.
78. The Applicants have committed to wilding conifer management over the site on an ongoing basis, as detailed in the proposed landscape and biodiversity conditions in section 4 above. The activity is consistent with limb (f).
79. Policy matter (g) is Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces. This aspect of the policy is of particular relevance to the activity. The scale of the activity and its location is considered to be sympathetic to the landscape and amenity values of the hillside the entire site is located within. The open natural character and amenity values of the Site, and wider ONL will be maintained. This has been achieved through careful site selection. The visual effects assessments and conclusions support this.
80. The activity is consistent with Policy 4.4.2.

Policy 4.4.10 – Rural Subdivision and Development

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- a) *The open space, landscape, and natural character amenity values of the rural environment;*
- b) *The natural character and values of the District's wetlands, lakes, rivers and their margins;*
- c) *The amenity values of neighbouring properties;*
- d) *The heritage and cultural values of the District.*

81. This policy is understood to apply to subdivision and resultant land use, and this activity is not a subdivision. If this is not considered the case, then the above first 4 limbs are relevant and are a duplication of the matters addressed in Policy 4.4.2.
82. The activity is considered to be consistent with this policy as I have already discussed.
83. By way of summary, the activity is consistent with the landscape related objectives and policies of the District Plan.

Regional Policy Statement

84. The Applicant's response to a request for further information¹¹ included an assessment of the activity against the 2019 Operative RPS, and the 2021 Proposed RPS. I note that the Otago Regional Council have recently resolved to make the 2021 Proposed RPS operative, as noted in the Officer's Report. Therefore, the 2019 RPS is no longer relevant. Despite the 2021 RPS becoming operative, no provisions have changed from my assessment in the 5 June response.
85. As noted in that response, The RPS contains very high level policies that set the scene for more detailed provisions through District Plans. I do not consider the RPS to provide any further detailed guidance that that already afforded by the ODP as I have assessed above.
86. That said, the key issue is landscape and the relevant landscape policy of the RPS 2021 is

NFL-O1 – Outstanding natural features and landscapes

The areas and values of Otago's outstanding natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in the protection of them from inappropriate subdivision, use and development.

¹¹ RM250353 Andrew Duncan and Jesse Chalmers Response to a Request for Further Information, dated 5 June 2026.

NFL-P2 – Protection of outstanding natural features and landscapes

Protect outstanding natural features and landscapes from inappropriate subdivision, use and development by:

- (1) maintaining the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding,
- (2) avoiding, remedying or mitigating other adverse effects; and
- (3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13 and EIT-INT-P9.

87. Policy NFL-P2 is nuanced in that the policy requires ONL's to be protected from inappropriate development by *...maintaining the values that contribute to the natural feature or landscape being outstanding, even if those values themselves are not outstanding.*
88. In this case, the values at issue do contribute to the feature being outstanding, being the naturalness and open rural character of the site are readily discernible as contributing to the outstanding values of the Site. The values that make the Site outstanding will be maintained because of the low visibility of development coupled with the Landscape Management Plan initiatives.
89. The activity is consistent with this policy.
90. I agree with the Officer's Report which identifies that the activity is consistent with Policies NFL-P4 Restoration and ECO-P2 owing to the Landscape Management Plan, and I agree that activity will be consistent with these policies.
91. RPS 2021 objectives and policies relating to the use of rural land are in Objective LF-LS-013 being the Land and Freshwater Topic, section of the RPS and the Land and Soil Section, which is:

LF-LS-O13 – Development in rural areas Use and development in Otago's rural areas occurs in a way that:

- (1) provides for the ongoing use of rural areas for primary production and rural industry,
- (2) does not compromise the long term viability of primary production and rural communities, and
- (3) enables the use and development of native reserves and Māori land.

92. The activity will not diminish the ability for the site to be used for primary production.

93. Policy LF-LS-P18 is 'reduce the impact of pests, including wilding conifers. The majority of the policies relate to managing the effects of planting of wilding conifers and are not applicable to the activity. However, the final part of the policy limb (5) is 'supporting initiatives to control or eliminate pests and limit or prevent their further spread'. The activity supports this part of the policy through the Landscape Management Plan which includes control of wilding conifers.

94. Policy LF-LS-P25 – Rural areas,

- (1) maintains rural areas as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic well-being within rural communities and the wider region,

...

95. To the degree this policy is helpful to the proposal, owing to the intentions of the RPS 2021 as a policy document affecting the entire region, the proposal is consistent with this policy direction.

96. I consider the proposal to be consistent with RPS 2021.

National Policy Statements

97. I do not consider the activity to engage any National Policy Statements.

Other Matters – Precedent Effects

98. Section 5.6 of the AEE discusses the potential for this Application to set a precedent in terms of the proliferation of further residential activity. That assessment identified the potential for applications for residential activity on adjoining properties, and found that the neighbouring properties to the west and south already contain dwellings (or approved building platforms), to the east, contain open space land associated with the Rural Resource Area 5 or approved building platforms, with the remaining neighbouring property to the north not containing a dwelling but located on a 288ha property.
99. Therefore, there is considered a very low potential for this Application to set an expectation (or precedent) that the environment would be opened up to future applications of a similar nature.
100. The Officers' Report also discuss integrity of the District Plan and precedent. That discussion discusses that objectives and policies need to be applied through their tenor, and the author states¹²:

As I have discussed, it is my opinion that the tenor of the Rural Resource Area Zone provisions is to prevent adverse effects from inappropriate development within the ONL. The Boffa Miskell landscape review has concluded that the proposal will have more than minor adverse effects on landscape values, and therefore I consider the proposed development is inappropriate and should be avoided, in accordance with Objective 4.3.2 and Policy 4.4.1.

101. While I agree that the direction of the District Plan is to protect the ONL's from the adverse effects of inappropriate development. I take a different view from the Officers Report as to the approach to take in

¹² Section 42A report at page 20.

understanding what appropriate is, in that the direction of the District Plan, as guided by the Significant Resource Management Issues and explanatory statements supporting the objectives and policies, are that when applying the District Plan's objectives and policies, it must be must be recognised that these landscapes are often utilised by people and communities to provide for their social, economic and cultural wellbeing. The application is for a discretionary activity. Based on by assessment the proposal has appropriately responded to the policy direction through its careful site selection, building design and Landscape Management proposal that will support the landscape values of the property over time.

102. I also note that the Ms McManaway's peer review did not make any finding that the adverse effects of the activity are significant.
103. In summary, I do not consider there to be any precedent effects arising from granting consent to the activity. Nor do I consider that the proposal challenges the integrity of the Plan.

Integrity of the District Plan

104. The matter of the integrity of the District Plan being compromised could occur where an activity with inappropriate adverse effects, or an activity that is substantially contrary to the provisions of the District Plan is granted consent.
105. In this case, the granting of consent will not create any issues associated with the integrity of the District Plan. This is because the preceding assessment and supporting information has identified that the development will not be inappropriate development within the ONL, and the activity accords with the intentions of the District Plan.
106. In my view the proposal supports the integrity of the Plan by requiring applications such as this to take a careful and considered approach to

buildings within ONL's. This application by no means suggests that buildings in the ONL can be located wherever, without regard to their visual and landscape effects.

Part 2 of the RMA

107. Section 5 of the RMA defines the sustainable use and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

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

108. In achieving, section 6 requires that the following matters of national importance are recognised and provided for:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

109. The proposal engages section 6 matters in relation to the protection of ONLs from inappropriate use and development. The District Plan provides the relevant framework to determine what is inappropriate, or

appropriate use and development of ONLs in the context of the Central Otago District.

110. The above assessment concludes that the activity will protect the ONL from inappropriate use and development.

111. Other matters under section 7 that particular regard shall be had include:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*

112. The concepts of amenity and the quality of the environment have also been given effect to, in the context of the Central Otago District Plan. The activity will result in the efficient use of land and resources, through the appropriate use of the site. The activity achieves Part 2 of the RMA 1991.

Conditions

113. Appendix 1 contains the Applicants revised recommended conditions, which I support, in marked up text with the Officers Report version forming the base text. I offer the following explanation of the recommended amendments to the conditions.

- (a) Condition 4 requires an engineering acceptance, the activity is not a subdivision and is not clear why an engineering acceptance process is required associated with the construction of a dwelling and associated landscaping. Works to the access do not require detailed design. I recommend this condition is removed.
- (b) Condition 6 relates to creating or granting easements. The activity is a land use and not a subdivision. I recommend this condition is removed.

- (c) Condition 12 is contradictory in that it refers to the curtilage area but then precludes domestic activities from being undertaken within it. This is contrary to the intentions of identifying curtilage area. I recommend that the condition be modified to the form in the AEE, being:
- All domestic equipment and structures shall be contained within the Curtilage Area identified on the Patch Landscape Plan approved as part of this consent.
 - There shall be no outdoor storage of equipment including boats, caravans, tractors, lawnmowers beyond the hardstand area located between the dwelling and shed.
- (d) Condition 14 requires all windows to have curtains, blinds or tinted windows to reduce glare, the AEE proposed west facing windows only are subject to this condition. The eastern part of the building is enclosed by the Verandah roof which contributes more effectively to mitigating this effect. It is considered the requirement for this condition is not necessary.
- (e) Condition 19 relates to the proposed low mound adjacent to the shed and planting and that the top of the mound shall achieve a height of 680 masl and shall have sufficient area atop the mound for at least three Mountain Beech Trees placed in a staggered naturalised manner. The words 'the mound' at the end of the condition are understood to be a typo, and I recommend these words be deleted.
- (f) Condition 20 relates to water, and I refer to the Applicant's response to a request for further information which provided a water scheme and water quality treatment design from Waterforce.

- (i) Limb b of the condition requires a standard water connection to be installed, which includes a meter or restrictor. I do not consider a meter or restrictor to be necessary. The water supply is not controlled by the Council and I recommend this condition is deleted.

- (ii) Limb e requires '*that sufficient potable water storage must be installed to protect against periods of low availability of water from the Scrubby Creek irrigation race. Quantity of potable water storage to be assessed and agreed at time of Engineering Acceptance*'. The AEE identifies that domestic water supply will be stored in a 30,000l tank with another 30,000l tank for firefighting supply. In addition The Applicant also proposes to store rainwater from roofed areas in two 20,000l above ground water tanks. When rainfall is low, these two tanks can be recharged with surplus water from the irrigation supply and used for irrigation for landscape plantings near the dwelling. Therefore, setting aside the 45,000 required for a firefighting reserve, the tank configuration will provide 55,000l available for domestic use and irrigation. It is not understood why the quantity of water needs to be deferred and agreed by the Council at some future point. I recommend that this condition is deleted and that the condition refer to water supply being stored in a dedicated 30,000l tank.

- (g) Condition 21 requires an 11,000l firefighting reserve to be made available to the dwelling for use for internal sprinklers. For the reasons discussed above, this condition requiring internal sprinklers is opposed and I recommend it be deleted.

- (h) Conditions 25 to 29 relates to access. As discussed above, the requirement to seal sections exceeding 12.5% is in condition 26

(h) to be sealed are not supported and I recommend this condition be deleted.

Conclusion

114. Thank you for the opportunity to present my evidence.

Dated: 24 July 2026

A handwritten signature in blue ink, appearing to read 'Craig Barr', with a stylized flourish at the end.

Craig Alan Barr