

BEFORE THE HEARING PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Gore District Plan

BETWEEN

GORE DISTRICT COUNCIL

Local authority

AND

**SOUTHLAND FEDERATED FARMERS OF
NEW ZEALAND INC**

Submitter number 126

Further submitter number 17

**GORE PROPOSED DISTRICT PLAN – HEARING 9 ‘NATURAL FEATURES
AND LANDSCAPES, AND NATURAL CHARACTER’**

**WRITTEN STATEMENT OF KATE SANNAZZARO ON BEHALF OF
SOUTHLAND FEDERATED FARMERS OF NEW ZEALAND
(INCORPORATED)**

21 FEBRUARY 2025



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INTRODUCTION

1. Whether the Council has scope create an entire new Natural Character Chapter (**NATC**) is addressed through our legal submission.
2. Regardless, it is my opinion the development of an entire new chapter through submissions, where the proposed content has wider effect than the plan provisions as notified and members of the public are not provided the opportunity to submit on the new provisions, is not good planning practise.
3. It is my preference that the Council use the current plan structure and provisions for natural character, and if they feel strongly that natural character requires a greater focus in the Proposed District Plan (**PDP**), that they give full consideration to the perceived problem they are addressing, and undertake further engagement, consultation and development, and notify a variation to the PDP.
4. The alternative relief I seek is that Council makes changes to address my concerns with the new proposed NATC. My evidence provides commentary and recommendations on how the individual provisions might be amended to better reflect the provisions within the PDP as notified and provide improved clarity to plan users. Unfortunately, in their supplementary evidence¹, the Council's Reporting Officer writer has dismissed all my concerns and suggestions.

CONCERN WITH PROPOSED CHAPTER DEVELOPMENT

5. The Council's Reporting Officer has stated *"In essence the proposed NATC policies are the same as the notified NFL policies, with the exception that direction not relevant to natural character has been removed, which has narrowed the scope of the policies"*².
6. In my opinion a literal cut-and-paste of the policies for outstanding natural features and landscapes, with minor adjustments to refer to natural

¹ Statement of supplementary planning evidence of Mishka Banhidi on behalf of Gore District Council for Hearing Stream 9 – Natural Features and Landscapes, 10 February 2025

² Section 32AA Report of Mishka Banhidi on behalf of Gore District Council, 29 November 2024, paragraph 19

character, that is then applied to every waterbody and margin within the district, is poor planning practice.

7. This method of plan development does not provide me any confidence that:
 - (a) the root cause of the perceived planning issue is understood.
 - (b) careful consideration of options to address the problem has occurred.
 - (c) the proposed policies provide the necessary framework that reflects the approach to natural character as presented in other provisions within the notified PDP.
 - (d) the proposed NATC provides any meaningful value or additional benefit to the PDP.
 - (e) there has been any engagement with the regional council and its role in river and water management.
8. In my opinion, the proposed drafting could be substantially improved to provide accuracy, clarity, simplicity and certainty to plan users.

HOW NATURAL CHARACTER IS INCORPORATED IN THE NOTIFIED PDP

9. To assist the Hearings Panel in considering the full extent of natural character provision in the notified PDP, I have included each provision in a table provided as **Appendix 1**. I have also included the relief sought by submitters relating to natural character.
10. In summary, express provision for natural character the notified PDP:
 - (a) identifies that natural character is addressed in provisions relating to stream setbacks included within the zones.
 - (b) recognises the natural character of three areas:
 - (i) the modified natural character of Te Au Nui Pihapiha Kanakana / Mataura Falls ONF, where restoration and enhancement is encouraged.

- (ii) the Hokonui / Waterfall Range ONL area, and in particular the prominent skylines and hillslopes³.
- (iii) the highly modified “Mataura River High Natural Character Feature”, which included in “Appendix 5 – Landscape Values ONL” and not otherwise mentioned or operationalised in the PDP.
- (c) restricts public access to waterbodies, where natural character would be adversely affected.
- (d) manages activities on the surface of water, to maintain or enhance natural character.
- (e) encourages subdivision (including stormwater management, transport corridors and open spaces), earthworks and development in the Natural Open Space Zone that will maintain natural character.
- (f) establishes setbacks for earthworks, and for buildings and structures.

DRAFTING POLICY THAT REFLECTS THE NOTIFIED PDP APPROACH

11. Given the matters listed above, I have reflected on what an appropriate policy in the PDP might look like. To assist the Hearing Panel in their deliberations, I have provided suggested drafting of a policy to replace all of the policies recommended by the Council’s Reporting Officer, in **Appendix 2**.
12. Federated Farmers is not opposed to inclusion of a stand-alone NATC, provided the provisions within it are well-considered and robust and it has been subject to consultative process. It is my opinion the Council Reporting Officer’s cut-and-paste approach is inappropriate and fails to objectively consider the evidence of Federated Farmers.

³ I note the use of ‘natural character’ here is incompatible with section 6(a) of the RMA, which is limited to the natural character of the coast, waterbodies and their margins, and not land in general.

Appendix 1: Notified PDP provisions regarding natural character and requested relief relating to natural character

All notified PDP provisions regarding natural character		Decisions requested on natural character
ONF / ONL natural character		
NFL overview	The Natural Features and Landscapes chapter contains provisions in response to section 6(b) of the RMA, which requires that outstanding natural features and landscapes be protected from inappropriate subdivision, use and development. In relation to Natural Character, section 6a of the RMA, this is addressed within the provisions relating to stream setbacks included within the zones. Part of the protection of these areas requires the identification and management of these areas as a matter of national importance.	SDC: made a general statement on the ability to have an NATC chapter under the NPS, but did not request specific relief.
NFL-P2	Provide for and encourage the restoration and/or enhancement of the natural character of the Te Au Nui Pihapiha Kanakana Mataura Falls where: - Restoration and/or enhancement will achieve long-term improvement in natural character, landscape and associated Ngāi Tahu cultural values; and/or - Riparian margins provide a buffer from activities that may adversely affect the natural character values of the river; and/or	SDC: <i>This policy should be placed in the Natural Character chapter, and have a specific objective for restoration and/or enhancement to fully support the policy.</i> Alliance Group further submission opposed addition of a new objective.
NFL new		SDC: <i>Provisions related to this Mataura River area within the Gore District should be addressed in a Natural Character section.</i>
Appendix 5	Hokonui / Waterfall Range ONL <u>Values to be protected</u> - The natural character* of the area generally and in particular, of the visually prominent skylines and hillslopes. - Qualities that contribute to Ngāi Tahu cultural associations, including the naturalness of the hill profiles, the natural character of waterways, and the ability to practice mahinga kai	SDC: <i>Provisions related to this Mataura River area within the Gore District should be addressed in a Natural Character section.</i> NZTA Waka Kotahi: <i>reassess for accuracy and amend the appendix 5 text to accurately identify and name the specific outstanding natural features and landscapes within the Gore District, and make any necessary and consequential changes to the NFL map and provisions in the NFL chapter.</i>

All notified PDP provisions regarding natural character		Decisions requested on natural character
	* [Note this is an inconsistent use of the term, given RMA natural character is limited to the coast, waterbodies and their margins] Mata-Ura / Mataura River High Natural Character Feature (HNCF) <u>Description</u> The natural character of the river margins are now generally highly modified by farming, and the presence of stop banks, exotic trees, scrub and grass species. Whilst natural character attributes are modified, they are still present, and the river has been designated an 'important bird area' by Birdlife International because it supports breeding colonies of endangered tarāpuka/Black Billed Gulls. The river is a memorable natural feature for its scale and power, but memorability is reduced by its modified natural character. Perceptual natural character remains due to the flowing water and river landforms but has been significantly modified by agricultural land use on the floodplain. <u>Values to be protected</u> Remaining natural characteristics including natural riverbed, floodplain and terrace landforms, and any remaining indigenous vegetation and areas of wetland Te Au Nui Pihapiha Kanakana / Mataura Falls ONF <u>Values to be protected</u> Remaining natural characteristics associated with rocky banks and outcrops and powerful river flow. <u>Potential threats to landscape values</u> Built development and / or exotic plantings on the adjacent banks that further modifies the natural character of the area.	Alliance Group: <i>clarification about the purpose of the Mata-Ura / Mataura River HNCF within Appendix 5, so that Alliance can consider any implications of this.</i>
Public access to water bodies must not affect natural character		
PA-O3	Public access does not result in adverse effects on natural character , indigenous biodiversity, historic heritage, cultural, landscape values or health and safety	

All notified PDP provisions regarding natural character		Decisions requested on natural character
PA-P5	Restrict public access in areas that would result in adverse effects on natural character , indigenous biodiversity, historic heritage, cultural, landscape values or health and safety	
Subdivision design, earthworks and development in the Natural Open Space Zone to maintain natural character		
SUB-P10	Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.	
EW-P5	Manage earthworks that are of a nature, scale or in a location where there may be adverse effects to ensure that: 2. the natural character of rivers and their margins are preserved and water quality, stream health, the intrinsic values of ecosystems, Ngāi Tahu cultural values, and public access are maintained or enhanced;	
NOSZ-O1	Natural character , biodiversity and amenity values and Ngāi Tahu cultural values are retained. Undeveloped open areas and expanses of land containing minimal buildings are the predominant characteristic of the Natural Open Space Zone.	
NOSZ-R6 / R7	Visitor accommodation activity / Rural commercial recreation activity Restricted discretionary – matters of discretion 1. The effects on natural character and amenity, ecological landscape, Ngāi Tahu cultural values, historic heritage, or other cultural values of the surrounding environment	
Activities on the surface of water must maintain or enhance natural character		
ASW		SDC: Some of the provisions in this section dealing with natural character and waterbody margins may be better placed in a NATC - Natural Character chapter or supported in such a chapter

All notified PDP provisions regarding natural character		Decisions requested on natural character
ASW-P4	Manage the effects of activities undertaken on the surface of water to maintain or enhance: 1. the natural character , landscape values and amenity of the waterbody and its margins.	SDC: Consider placing ASW-P4(1) in a NATC – Natural Character chapter or supported in such a chapter
ASW-P2	Prioritise the health and safety of those undertaking non-commercial and non-motorised recreational and cultural activities within waterbodies and their margins.	SDC: Consider placing ASW-P2 in a NATC – Natural Character chapter or supported in such a chapter
ASW-P5	Limit commercial surface water activities to those that are compatible with: 1. the values of that waterbody, including: (a) the natural values and amenity of the waterbody and its margins.	SDC: Consider placing ASW-P5(1)(a) in a NATC – Natural Character chapter or supported in such a chapter
Earthworks, buildings and structures must meet waterbody setbacks		
NFL overview	In relation to Natural Character, section 6a of the RMA, this is addressed within the provisions relating to stream setbacks included within the zones.	
GRUZ-P12	Require activities and development to maintain rural character, rural amenity and the underlying Ngāi Tahu relationships with the natural environment by: 2. requiring appropriate setbacks to waterways to maintain and enhance amenity values and natural character .	
RLZ-P5	Enable buildings and structures for permitted activities that maintain the character and qualities of the Rural Lifestyle zone, by requiring: 4. appropriate setbacks to waterways to maintain and enhance amenity values, ecological values, Ngāi Tahu cultural values, and natural character .	
NCZ-P3	Provide for built development in the neighbourhood centre that: 3. has appropriate setbacks to waterways to maintain and enhance their amenity and Ngāi Tahu cultural values and natural character .	
LCZ-P3	Provide opportunities for enhanced public access to the Maitara River through the provision of esplanade reserves at the time of subdivision, and have appropriate	

All notified PDP provisions regarding natural character		Decisions requested on natural character
	setbacks to waterways to maintain and enhance their amenity, environmental, and Ngāi Tahu cultural values and natural character .	
MUZ-P4	Require activities and development to maintain a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by: 4. requiring appropriate setbacks to waterways to maintain and enhance amenity, Ngāi Tahu cultural values and natural character .	
TCZ-P3	Provide for built development in the town centre that: 5. have appropriate setbacks to waterways to maintain and enhance their amenity and Ngāi Tahu cultural values and natural character .	
LIZ-P4	Require activities and development to maintain a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by: 3. requiring appropriate setbacks to waterways to maintain and enhance amenity and Ngāi Tahu cultural values and natural character .	
GIZ-P4	Require a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by: 3. requiring appropriate setbacks to waterways to maintain and enhance amenity, respect Ngāi Tahu cultural values and natural character .	
SARZ-P4	Retain an open space character within the site by managing the level of development and activities, so that they are generally compatible with the amenity of the surrounding area, having regard to: 3. appropriate setbacks to waterways to maintain and enhance their water quality, amenity values and natural character .	
INFR-S5 EW-S3 LLRZ-S7 GRZ-S7 MRZ-S6	Minimum setbacks from rivers and streams / Setbacks from rivers and streams Setback to rivers and streams Restricted discretionary – matters of discretion 4. The natural character of the riparian margin and the effects of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian	

All notified PDP provisions regarding natural character		Decisions requested on natural character
GRUZ-S7 RLZ-S7 NCZ-S5 LCZ-S6 MUZ-S5 TCZ-S6 LIZ-S5 GIZ-S5 NOSZ-S4 SARZ-S5 AIRPZ-S4 MPZ-S5* CCZ-S2 FDZ-S5	areas. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Mataura River. <i>*Note for MPZ-S5 there is no reference to NFL Appendix 5</i>	

Appendix 2: Suggested replacement NATC policy to reflect content of notified PDP provisions

NATC-P1

Recognise the natural character values of surface water bodies and their margins described in Appendix 6 – Natural Character Values of Rivers and Streams - NATC-APP, and preserve and protect those values from inappropriate subdivision, use and development by:

1. enabling opportunities to restore and rehabilitate the natural character of the Te Au Nui Pihapiha Kanakana / Mataura Falls ONF*; and
2. prioritising the maintenance or enhancement of those values at a scale proportional to the adverse effects of the subdivision, use or development; and
3. enabling critical infrastructure to be located within surface water bodies** and their margins where there is an *operational need* or a *functional need*;
4. restricting public access to waterbodies, where natural character would be adversely affected; and
5. maintain or enhance natural character by:
 - (a) managing commercial motorised activities on the surface of water;
 - (b) encouraging subdivision design that is well-integrated with the form and function of affected surface water bodies; and
 - (c) requiring setbacks for earthworks, buildings and structures.

*This should be limited to the Falls ONL only, as per the notified PDP, however, as it is an enabling policy there may not be opposition to it being applied more widely, e.g., replacing “Te Au Nui Pihapiha Kanakana / Mataura Falls ONF” with “surface water bodies and their margins”.

** Drafting mirrors that of the Council’s Reporting Officer for amended proposed policy NATC-P3, however, infrastructure ‘in, on, under or over’ the bed of a surface waterbody is a regional council function. This may need amending to read ‘the margins of surface water bodies’.