



IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Hearing of Submissions and
Further Submissions on the
Proposed Gore District Plan

Minute of the Hearings Panel

Natural Character

Minute 18

10 September 2024

MINUTE OF THE HEARINGS PANEL

Purpose of Memo

- 1 The Hearings Panel has reached the view that in addition to including provisions relating to Natural Character throughout the Proposed District Plan (PDP), there should also be a separate chapter providing a strategic overview and link to those provisions.
- 2 The Hearings Panel believes there is scope within the submissions lodged by the Southland District Council¹ for a Natural Character chapter to be included within the Plan.

Context

- 3 Section 6(a) of the Resource Management Act 1991 requires the Council to recognise and provide for “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”.
- 4 The National Planning Standards also require a Natural Character chapter to be included in Part 2 of the plan under Natural Environment Values if these are relevant to the district plan².
- 5 Section 75(3)(c) of the Resource Management Act 1991 requires the Council to give effect to the provisions of the Southland Regional Policy Statement. In that regard, Policy URB.1 states:

Policy URB.1 – Adverse environmental effects

The adverse effects of urban development on the environment should be avoided, remedied or mitigated.

Explanation/Principal Reasons

The infrastructure and built environment that supports and encompasses an urban area, along with the activities carried out within urban areas, can have a number of adverse effects on the environment. These effects include, but are not limited to, reverse sensitivity, air pollution, stormwater pollution, land contamination, reduced amenity values, overloaded infrastructure, social and health effects, loss of biodiversity and loss of natural character. However, urban environments can and should be designed to avoid, remedy or mitigate adverse effects.

- 6 The Southland Regional Policy Statement defines Natural Character as:

Natural character: The qualities of the environment that give it recognisable character. Embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values, and includes modified and managed environments.

Relevant Provisions in the Proposed District Plan

- 7 In considering Southland District Council submission S146.057³ as part of Hearing Stream 1, the Hearings Panel reviewed the provisions relating to Natural Character in the PDP. Attached as Appendix A is a summary of these provisions. As shown by the following table, the manner in which objectives, policies and assessment matters have been provided does not follow a particular pattern.

¹ S146.051, S146.052 and S146.057

² National Planning standards 2019 - 4. District Plan Structure Standard – Clauses 3 and 4

³ Some provisions dealing with natural character and waterbody margins may be better placed in a NATC - Natural Character chapter or supported in such a chapter.

Natural Character Provisions in PDP				
Overview	Objectives	Policies	Rules	Standards
	PA-O3	PA-P5		
	NOSZ-O1		NOSZ-R6 NOSZ-R7	NPSZ-S4
NFL		NFL-P2		
		SUB-P10		
		ASW-P4		
		EW-P5		EW-S4
				LLRZ-S7
				GRZ-S7
				MRZ-S6
		GRUZ-P12		GRUZ-S7
		RLZ-P5		RLZ-S7
				SETZ-S7
		NCZ-P3		NCZ-S5
		LCZ-P3		LCZ-S6
		MUZ-P4		MUZ-S5
		TCZ-P3		TCZ-S6
		LIZ-P4		LIZ-S5
		GIZ-P5		GIZ-S5
		SARZ-P4		SARZ-S5
		AIPZ-P4		
				MPZ-S5
				CCZ-S2
				FDZ-S5
				INFR-S5

- 8 While these provisions relate primarily to stream setback, natural character is also noted as being important as a value to be protected in the Hokonui/Waterfall range Outstanding Natural Landscape.

Position of Hearings Panel

- 9 The Hearings Panel has concluded Natural Character is a relevant issue within the Gore District, and therefore, as mandated by the National Planning Standard, should be provided for within a Natural Character chapter.
- 10 The Hearings Panel considers that the primary objective of the Natural Character chapter is to provide an overview of the approach to and outcomes for natural character within the PDP and an integrated approach to the various provisions. Such an approach does not require a restructuring of the PDP, but rather the inclusion of a new chapter while retaining the existing provisions in their current location. That will at the very least require objectives describing the overall outcomes to be achieved, and potentially policies of both principle and process.
- 11 The Hearings Panel recognises the high order provision of section 6(a) of the RMA and that this would be the focus of a Natural Character chapter. The Panel also considers that natural character is a relevant factor in considering the management of environmental effects in other areas, including those environments that are modified, and it would expect some consideration of this issue in a Natural Character chapter.

Directions of the Hearings Panel

- 12 The Hearings Panel therefore directs the Council's Reporting Officers to prepare a draft Natural Character chapter that reflects the position of the Hearings Panel.
- 13 That draft is to be submitted to the Council's Regulatory Administrator no later than 29 November 2024, and also included in a report to be considered at the hearing considering submissions to the Natural Features and Landscapes chapter, set down to

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commence on 10 February 2025. The report and any evidence submitters may wish to provide shall follow the same timetable as applying to that hearing.

- 14 Any issues or queries regarding this Minute should be directed to the Council's Regulatory Administrator, Lindsey Crazy Wolf, phone (03) 2090330 or email to lcrazywolf@goredc.govt.nz.



Keith Hovell
Chair, District Plan Hearing Panel
Under delegated authority

Appendix A

Summary of Natural Character Provisions in Proposed District Plan

1. INFR-S5 matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River,
2. PA-O3, PA-P5 noting that public access should be restricted in areas that would result in adverse effects on natural character,
3. SUB-P10 where subdivision design maintains natural character of wetlands and waterways
4. ASW-P4 - Manage effects of activities undertaken on the surface of water to maintain or enhance the natural character of waterbodies and their margins
5. EW-P5 – Manage earthworks to ensure the natural character of rivers and their margins are preserved, EW-S3 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
6. LLRZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
7. GRZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
8. MRZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
9. GRUZ – P12 requiring development to maintain rural character and cultural values via setbacks to waterways to maintain and enhance natural character, and GRUZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
10. RLZ – P5 requiring development to maintain rural character and cultural values via setbacks to waterways to maintain and enhance natural character, and RLZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
11. SETZ - S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
12. NCZ-P3 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and NCZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
13. LCZ-P3 provides opportunities for enhanced public access to the Mataura River via esplanade reserves and have setbacks to waterways to maintain natural character, and LCZ-S6 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River

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14. MUZ – P4 requires setbacks to waterways to maintain and enhance natural values and MUZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
15. TCZ-P3 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and TCZ-S6 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
16. LIZ-P4 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and LIZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
17. GIZ-P5 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and GIZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
18. NOSZ – O1 requires that natural character is retained, and NOSZ-R6, NOSZ- R7, and NOSZ-S4 have matters of discretion requiring effects of activities/buildings on natural character to be assessed
19. SARZ-P4 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and SARZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
20. AIRPZ-S4 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
21. MPZ-S4 setbacks from rivers and streams matter of discretion relating to natural character
22. CCZ-S2 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
23. FDZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
24. Appendix 5 – Landscape Values – ONL/APP outlines that natural character is a value to be protected in the Hokonui/Waterfall range ONL and Mataura Falls ONF, while the natural character of the Mataura River is described in the Mataura River High Natural Character feature (HNCF)