

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further Submissions on the Proposed
Gore District Plan.

Statement of supplementary planning evidence of Joanne Skuse on behalf of Gore District Council for Hearing Stream 4

Date: 16 August 2024

Introduction:

1. My full name is Joanne Skuse. My Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this statement of evidence to provide a response to expert evidence and statements presented in relation to Hearing Stream 4 – Residential Zones. This includes the evidence of:

KiwiRail Holdings Limited (s132)

- Michelle Grinlinton-Hancock

NZTA (s112)

- Helen Dempster

Andrea McMillan & Tony Harpur (s134)

- Brett James Giddens

Clark Fortune McDonald & Associates (s99) (FS22)

- Ben Wilson

Southland Developers LTD (s98)

- Nick Geddes

Charlton Rise Limited (s100)

- Christine McMillan

Recommendations Overview

4. The Section 42A report provides an overview of issues raised in submissions and the changes recommended relating to Hearing Stream 4. I do not propose to repeat those here but instead focus on responding to submitters evidence where agreement has not been reached or there are outstanding issues.
5. All recommended amendments to the chapters are shown in **Appendix 2**.

Detailed Responses to Evidence

KiwiRail Holdings Ltd (s132)

6. I have reviewed the evidence provided by Ms Grinlinton-Hancock in relation to the KiwiRail submissions.
7. KiwiRail accept my position and recommendation on the following provisions
 - a) LLRZ-P2 (s132.108)
 - b) GRZ-O4 (s132.115)
 - c) GRZ-P7 (s132.116)
 - d) MRZ-O5 (s132.121)
 - e) MRZ-P11 (s132.122)
8. In relation to KiwiRail submission points seeking provision for a 5m setback for buildings from the rail corridor, KiwiRail opposes the reduced setback standard recommended in the Section 42A report. KiwiRail seeks the setback standards set out in the supplementary evidence of Louise Taylor dated 5 July 2024. The submitter proposes a stepped approach requiring all buildings and structures to be setback based on their height:
 - Less than 3m high - 2.5 metres
 - Between 3m to 9.5m high – 4 metres
 - Above 9.5m high – 5 metres
9. My rationale for the setback recommended in the GRZ is contained within the Section 42A report at paragraphs 164 to 174. I do not intend to repeat that response here. I remain of the view that a stepped setback as recommended in the Section 42A report is appropriate for the GRZ.

NZTA (s112)

10. NZTA have provided a statement confirming acceptance of changes recommended in the Section 42A report as they relate to NZTA submission points. Where the Section 42A report has not changed a provision in response to a NZTA submission point, Ms Dempster notes NZTA accept the reasoning of the Section 42A report in these instances.
11. There are no outstanding points of disagreement.

Andrea McMillan & Tony Harpur (s134)

12. Andrea McMillan & Tony Harpur submitted on the water supply buffer zone proposed in East Gore. Mr Giddens has provided planning evidence for the submitter. We are in agreement on the following points (albeit our reasoning may differ)
 - a) That the buffer zone and corresponding Rule GRZ-R14 be deleted.

- b) The proposed amendments to Objective GRZ-O3.
 - c) Clarification that GRZ-P8 applies to land with reserve status under the Reserves Act 1977 and therefore not the East Gore Water Supply Treatment Facility.
- 13. Mr Giddens has interpreted a statement in my Section 42A report in relation to mapping of designations incorrectly. It was not my intention to suggest the designation will 'be mapped' and therefore the notified boundaries may change. My intention was to highlight that designations in the plan have been mapped, through this process, and therefore will be more visible for due diligence purposes.
 - 14. In relation to GRZ-P9, the submitter seeks for the policy to be amended to relate to the development or upgrade of the National Grid only, rather than critical infrastructure. This is to avoid the unintended consequences of protecting unlawfully established and operating activities.
 - 15. I disagree with the proposed amendment and maintain my recommendation within the Section 42A report for two reasons.
 - 16. Firstly, the definition of critical infrastructure does not delve into the establishment of the activity. As such, I do not consider the question of whether something is lawfully established is directly relevant to whether the plant is critical infrastructure or not. The definition of 'critical infrastructure' will be considered by the Panel in Hearing Stream 7 and a more in-depth discussion may be appropriate at that time, with the additional value of the context provided by the Infrastructure chapter.
 - 17. Secondly, the potential implications of the proposed change to the policy are much wider than just excluding the water supply treatment plan. The proposed policy wording narrows the application to only cover the National Grid and results in the omission of all other critical infrastructure.

Clark Fortune McDonald & Associates (s99) (FS22)

- 18. Evidence has been received from Mr Wilson on behalf of the submitter. Only points of disagreement are discussed below.
- 19. The submitter highlights a typographical error in standard GRZ-S1. This has been corrected in **Appendix 2**.
- 20. The submitter and I disagree on my recommendation not to include an exemption for garages and carports in the front yard setback, within GRZ-S6 (S99.029 & FS22.070) and MRZ-S5 (s99.030).
- 21. The submitter considers not enabling this option for landowners may create a hard and consistent edge heron in a street which has to date established with a more organic edge which would appear inconsistent and out of character. The submitter considered the proposed objectives and policies do not directly engage with "street character" or otherwise indicate a

type of street character which is more desirable than another nor does it direct that a hard building edge is necessary. The submitter considers continuing with the ODP exemption for carports located within the front yard setback better achieves GRZ-P2 and UFD-O7 as it enables the most efficient use of land and remains compatible with the local context / character that has established in the existing environment.

22. I consider the objectives and policies seek to achieve amenity for residents which can be enhanced through streetscape. The matters of discretion further direct assessment to consider effects on the character and amenity of the streetscape. The policy direction discusses compatibility with the surrounding environment noting the anticipation for redevelopment of older housing stock. As a result, I consider the District Plan review is an opportunity to positively influence development in the future, upholding best practice urban design principles. I note that non-compliance with the rule would result in a restricted discretionary consent pathway with matters of discretion. The standard does not prohibit carports and garages in the front yard but requires a considerate approach with a view of enhancing residential character and amenity.
23. I recommend no changes to GRZ-S6 and MRZ-S5.
24. The submitter has raised concerns with the non-complying activity status for SUB-R7 (DEV2-Gore West) and SUB-S1. The submitter recommends a sliding scale approach similar to that proposed for GRZ-S1.
25. SUB-R7 relates to subdivision in Gore West Development Area. The Development Area will be a greenfield development and therefore can be designed to achieve the density and minimum lot sizes for the relevant residential zones as outlined in the plan.
26. Similarly, much of the land zoned Large Lot Residential has been upzoned from Rural. As such, new subdivision developments will likely be greenfield rather than infill. I therefore do not consider it is necessary to enable minor non-compliances where these can likely be overcome through design.
27. In relation to SUB-S1, given my recommendation in the Section 42A report, to enable a sliding density scale for the General Residential Zone, I consider the minimum lot size should align with this. As such, I consider SUB-S1 should be amended as follows:

SUB-S1	Minimum Lot Size	
All Areas	1. No lots to be created by subdivision, including balance lots, shall have a net site area less than the minimum specified: a) General Residential – 400m² b) Medium Density Residential – 300m² c) Large Lot Residential – 2000m² d) Large Lot Residential Precinct 12 – 8000m² e) Settlement – 2000m² f) Rural Lifestyle (excluding Gore West Development Area) – 1ha	<u>Activity status where compliance is not achieved with SUB-S1(1)(a):</u> <u>Discretionary</u> <u>Where:</u> 2. <u>No lots to be created by subdivision, including balance lots, shall have a net site area less than 350m²</u>

	g) Rural Lifestyle Gore West Development Area - 2000m² provided the average lot size over the whole Rural Lifestyle Gore West Development Area is not less than 1 hectare h) General Rural – 8ha Except that: (i) This rule does not apply to the Medium Density Zone or General Residential Zone where allotments each contain an existing residential unit. (ii) There is no minimum density for zones not listed above, however site size for all subdivisions is a considered under Rules SUB-R5, SUB-R6 and SUB-R7.	<u>Activity status where compliance is not achieved with SUB-S1(2): Non-Complying</u> <u>Activity status where compliance is not achieved with SUB-S1(1)(b) – (h): Non-Complying</u>
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Southland Developers Ltd (s98)

28. Evidence has been received from Mr Geddes on behalf of the submitter. There are no outstanding points of disagreement.

Charlton Rise Limited (s100)

29. Ms McMillan has provided evidence on behalf of the submitter. Ms McMillan is supportive of the proposed amendments recommended in the Section 42A Report.
30. Ms McMillan has proposed additional amendment to the Gore West Development Area (DEV2) in response to the concerns raised by ES. The amendments reinforce that development is restricted in Hazard Area 1 and Hazard Area 2 until further investigations have been completed. The further investigations must determine either there is no risk from historic mining activity or that any identified risk can be managed to mitigate risk from the historic mining activity to people or property. Additional permitted conditions are proposed within DEV2-R2 to only permit development where there is no risk from historic mining hazards or the risk has been mitigated.
31. I consider the proposed amendments strengthen the management of the mining hazard and provide clear direction within the rule framework to ensure that landowners and developers understand the potential constraints on development within the Hazard 1 and 2 areas.

S32AA assessment

32. The proposed amendments will enable the Council to effectively administer the PDP in a clear and consistent manner.
33. The recommended changes are consistent with the purpose of the Act in that they manage use and development of the land resource in a way that enables people and communities to provide for their social, economic, and cultural well-being.

34. The recommended amendments are consistent with strategic direction objectives, including UFD-O2, UFD-O3 and UFD-O7 that seek sufficient land is available to meet the short, medium, and long-term housing demand for the District; a variety of housing types and sizes to meet the community's diverse social and economic housing needs and ensuring urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play in. This in turn achieve UFD-O1 as the district develops in a cohesive, compact and structured way that provides for social and cultural vitality, productivity and economic growth and manages adverse effects between incompatible activities and zones.
35. The benefits of the proposed amendments are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.
36. The proposed amendments are considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.