

**BEFORE THE COMMISSIONERS APPOINTED ON BEHALF OF
GORE DISTRICT COUNCIL**

Under	The Resource Management Act 1991 (the Act)
In the Matter	of the Proposed Gore District Plan General Rural Zone Chapter
Between	GREENBRIAR LIMITED Submitter (S128)
And	GORE DISTRICT COUNCIL Territorial Authority

**BRIEF OF EVIDENCE OF MEGAN JUSTICE REGARDING HEARING
STREAM 3 PROPOSED GORE DISTRICT PLAN**

DATED 8 JULY 2024



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BRIEF OF EVIDENCE OF MEGAN JUSTICE

Introduction

1. My full name is Megan Justice. I hold a Masters degree in Regional and Resource Planning from Otago University, obtained in 1999 and I am a full member of the New Zealand Planning Institute. I am a certified Resource Management Act decision maker. I am a Partner with the firm Taylor Planning which practices as a planning and environmental consultancy throughout New Zealand.
2. I have been engaged in the field of resource and environmental management for 23 years. My experience includes a mix of local authority, Government and consultancy resource management work. In recent years, this experience has retained a particular emphasis on providing consultancy advice with respect to Unitary and District Plans, plan changes, district plan reviews, designations, resource consents and environmental effects assessments for various infrastructure activities. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team.

Code of conduct

3. While this is not a hearing before the Environment Court, I confirm that I have read, and agree to comply with, the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2023). This evidence I am presenting has been prepared in accordance with the Code and is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Summary of Evidence

4. The purpose of this evidence is to discuss Greenbriar Limited's (**Greenbriar**) submission points that relate to the General Rural Zone and the creation of the New Vale Mine special zone. These submission points sought relief for the inclusion of a New Vale Mine Special Purpose Zone (or other spatial based planning mechanism, such as a precinct), and associated provisions to be included within the Proposed Gore District Plan (**proposed District Plan**) to enable the sustainable management, operation and development of the New Vale Mine. The submission points also sought changes to proposed General Rural Zone provisions.
5. The s42A report author has proposed inclusion of a 'New Vale Precinct' in response to Greenbriar's submission. I have reviewed this and support the s42A officer's recommendation to apply a precinct. Overall, the provisions recommended by the s42A officer are appropriate, although I consider several amendments are necessary to ensure the precinct operates efficiently and effectively, and to maintain consistency with General Rural Zone provisions, and implement the objectives and policies in the Strategic Directions Chapter of the Proposed District Plan. These amendments are set out in this evidence, and a full set of marked up General Rural Zone provisions is contained in **Appendix D** to my evidence.
6. By way of summary, in this statement of evidence I will:
 - (a) Provide a brief overview of the site and the New Vale Mine;
 - (b) Demonstrate that the changes proposed are consistent with the National Policy Statement for Highly Productive Land 2022 (NPS-HPL);

- (c) Consider the recommendations of the Section 42A report, in relation to the Greenbriar submission;
 - (d) Discuss the importance of a precinct to allow the continuation and expansion of the existing New Vale Mine while the mine's key customers (predominantly meat and dairy processing plants) transition from coal to renewable sources of energy (estimated to be by 2040); and
 - (e) Provide recommendations for further amendments to the New Vale Precinct and General Rural Zone proposed provisions. Minor drafting changes are considered necessary to ensure clarity, improve the efficiency and effectiveness of the provisions, and ensure the New Vale mine is afforded adequate certainty for the continuation and future expansion of activities.
7. For clarity, where I have included provisions in my evidence illustrating the changes that I consider to be necessary, I have shown my changes to the Section 42A Report's Appendix A version of the General Rural Zone. This version already includes underlining and strikethrough to show the changes to the notified version recommended by the s42A report author. I have shown my changes as double strikethrough and double underlining to distinguish these changes from the s42A report author's changes.

The Site and Existing Mine

Site Description

8. The New Vale Coal mine is located at 640 Miller Road, Waimumu (the site). The land comprising the mine area is legal described as Lot 72, part Lot 73, Lot 74 and part Lot 75 DP 177 Block X Waimumu Hundred and is held in Record of Title SL140/191, SL211/100 and SL211/99. The land owned by Greenbriar is approximately 354ha in area.

9. Approximately 175ha of the site is used for an active coal mining operation. The balance of the land is used as sheep and beef farmland or used for environment improvement works and provides a buffer between the operational mining area and surrounding land. The area surrounding the site is predominantly rural farmland.
10. The site is zoned a mixture of Rural and Industrial under the operative Gore District Plan. The proposed District Plan as notified removed the Industrial zoning over part of the site and replaced it with General Rural zoning over the entire site. The site is classified as LUC-3 under the NPS-HPL.

Site History

11. Coal mining operations have been undertaken in the area for over 120 years. The New Vale Coal Mine was developed in the 1940s. Greenbriar holds existing resource consents which authorise the existing mining operations at the site, including Land Use Consent from the Gore District Council (LU2006/13) as well as associated regional council consents. The mining operations were previously undertaken pursuant to Coal Mining Licenses issued under the Coal Mines Act 1979.
12. Greenbriar are currently seeking resource consent for an expansion to its mining operation at New Vale. This seeks to extend the area where extraction activities can occur, should its customers require coal while transitioning to renewable energy sources. The consent also enables extensive ecological restoration works to occur, which is part of the site rehabilitation works. The resource consent application would enable the mine's current operating life to extend to approximately 2038.

Current Mining Operations

13. The current mining operations comprise an area of approximately 175 ha of the site. Of that, approximately 80 ha is occupied by an open cast mine, with remaining areas used for an on-site crushing and screening plant, settling ponds, truck weighbridge and loading area, administration buildings, workshops, plant and service areas, as well as areas of engineered landforms containing stored overburden. The site also contains areas for stockpiling of topsoil and subsoil.
14. The existing Industrial zoning covers areas of the site utilised by the processing plant, weighbridge and loading areas, while the remainder of the site, where the extraction activities and pastoral farming occur, is zoned Rural.
15. The evidence of Mr John Howes (Health, Safety and Environmental Manager at New Vale Mine for Greenbriar Limited) provides further detail of the mining operations undertaken at the site. Mr Howes notes that no blasting is undertaken at the site, and all excavation is undertaken by hydraulic excavators. Mr Howes also explains that there can be as many as 30 heavy vehicle movements per day transporting the coal from the site, and this is made up of both New Vale owned trucks (approximately two-thirds of vehicle movements), and trucks owned or engaged by customers collecting coal (approximately one-third of vehicle movements). Public sales are limited to speciality products not available through merchants, and only to preapproved customers. This is estimated to be two light vehicle movements per day.
16. Previously mined areas of the site are progressively rehabilitated by replacing stockpiled overburden and topsoil, recontouring and resowing the land and returning it to pasture. The evidence of Mr Howes notes that the rehabilitated land is carefully managed to ensure the soil returns to its full productivity levels within two years of being

returned to pasture. New Vale also undertake ecological enhancement works within the site, including fencing waterways and undertaking enhancement of the Gollum galaxias indigenous habitat, native planting and restoration of historic wetlands within the western portion of the site.

17. The evidence of Mr Howes explains that the mine employs approximately 30 – 40 staff. The mine provides coal to large rural processing facilities (such as dairy factories and meat works) across the lower South Island.

Future of the mine

18. Many of Greenbriar's customers are transitioning away from reliance on coal, and replacement with renewable energy sources. This transition is a long-term process, expected to be complete by 2040. This timeline is reasonably consistent with the Emissions Reduction Plan, under the Climate Change Response Act 2002.¹
19. The existing coal resources within the existing mine footprint are close to being exhausted, and New Vale are seeking to extend the mine extraction area towards the west, within its site. This will allow for further extraction which will ensure coal can be provided to existing customers as they transition to renewable energy sources over the coming years. New Vale does not stockpile coal or export coal.
20. Ultimately, the mine will eventually come to the end of its life, and the site will be fully rehabilitated and returned to pastoral farming.

¹ Action 11.4.1 – Decarbonise Aotearoa industries, Aotearoa New Zealand's first emissions reduction plan at page 218.
<https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

NPS-HPL

21. As noted above, the site is classed as LUC-3 under the NPS-HPL and is therefore considered to be highly productive land.
22. The relevant clause for consideration within the NPS-HPL is Clause 3.9, which seeks to protect highly productive land from inappropriate use and development. Clause 3.9 sets out the activities which are considered inappropriate on highly productive land, and should be avoided, subject to a list of exceptions. The exception in Clause 3.9(2)(j)(iii) is relevant for the New Vale Precinct:

3.9 Protecting highly productive land from inappropriate use and development

- (1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:*
 - (j) it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:*
 - (iii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand.*
23. The mining activity at New Vale is locationally constrained and has a functional and operational need to locate in a particular place (where the coal seams are located). Mining and aggregate extraction is widely accepted and recognised across National Policy Statements, and the

Southland Regional Policy Statement 2017 (Energy Chapter²), as an activity which is locationally constrained and has a functional and operational need to locate in particular places, (including on highly productive land).

24. The evidence of Economist Andrew Schoultz demonstrates that the ongoing operation and expansion of the mine provides a significant national public benefit that could not otherwise be achieved using resources within New Zealand, and therefore meets the test set out in clause 3.9(2)(j)(iii) of the NPS-HPL.
25. Mr Schoultz undertakes an economic impact analysis of the mine's contribution toward economic activity and concludes that the mine provides a significant public benefit that could not otherwise be achieved using resources within New Zealand. His analysis found that the mine provides a \$7.4million boost to local GDP and supports a further 4,980 jobs and up to \$499m in economic activity by providing coal to major meat and dairy processors across the lower South Island. I rely on the opinion of Mr Schoultz, who concludes that the enabling role the mine plays in providing inputs into the food processing sector across three regions constitutes a national benefit.
26. Mr Schoultz also demonstrates that this benefit could not otherwise be achieved using resources within New Zealand. Coal sourced from other parts of New Zealand is not a viable alternative due to supply constraints and transport costs. Mr Schoultz estimates a 148.4% increase in cost per gigajoule (GJ) if customers sourced coal from the West Coast. This cost would result in customers likely resorting to importing coal from Indonesia, as it is the next cheapest source of coal (which still results in a 118% increase in per-GJ energy cost). Switching to imported coal would see the mine's direct economic benefits largely shifted overseas.

² SRPS Issue ENG.3, Policy ENG.5 – Mineral and non-renewable energy resources,

27. Overall, Mr Schoultz's evidence demonstrates that the extension of the coal mine meets the test set out in Section 3.9 of the NPS-HPL. It provides a significant national public benefit, through the generation of employment and economic activity, and plays a key role in providing energy inputs into the food processing sectors across three regions, which Mr Schoultz's is considers is a national benefit. Given the cost of and constraints facing locally operating coal alternatives, Mr Schoultz concludes it is likely these benefits would not otherwise be achieved using resources within New Zealand.

28. The Section 42A report also sets out the relevant NPS-HPL test outlined in Clause 3.9(2)(j) and in relation to the New Vale Precinct, notes the following:

I consider a pathway through the NPS-HPL is therefore available, however this would be required to be interrogated further through the resource consent process.

29. I disagree with the statement above, and consider that the plan review process is the appropriate time to establish that there is a pathway through the NPS-HPL and that the activities enabled by the precinct are appropriate on the highly productive land.

30. One of the key benefits of applying a precinct over the site, is to provide for ongoing certainty that the mine can continue to operate while providing guidance for decision makers when assessing consent applications for any significant expansion of the mine within the precinct boundaries. Another key benefit, from Greenbriar's perspective, would be to establish through this plan review process, that the use of the site for mining is not inappropriate under Clause 3.9 of the NPS-HPL, and therefore removing the requirement to re-assess the provisions of the NPS-HPL each time a consent application is considered. Establishing that the mine as an 'appropriate' activity

under Clause 3.9(2)(j)(iii) of the NPS-HPL is key to the efficiency and effectiveness of the proposed New Vale Precinct over the site.

31. Based on the evidence of Mr Shoultz, it is my opinion that there is a clear pathway through the NPS-HPL for this activity, and it is appropriate to provide for the mining activity within the confined boundaries of the New Vale Precinct, without the need for further assessment of the NPS-HPL under future applications for resource consent.
32. As such, I consider that the provisions should be amended to provide for mining activities within the New Vale Precinct, without an associated standard requiring that they are not on highly productive land. The specific wording I consider to be appropriate for the relevant rule (GRUZ-2) is set out in **Appendix D** and paragraphs 56-57 of my evidence below.

Section 42A Report

New Vale Precinct

33. The s42A report recommends the inclusion of a 'New Vale Precinct' to best manage the mining activities on the site. The overall approach and associated provisions that apply to the precinct are discussed below.
34. The current zoning of the site is part Rural, part Industrial (covering areas of the site used for processing coal). Greenbriar's submission included specific provisions for a New Vale Mine Special Purpose Zone (SPZ) (refer **Appendix E**). If an SPZ were not accepted, Greenbriar sought alternative relief that achieved the same outcome, namely a Mining Precinct within the Rural Zone or by including the proposed SPZ provisions within the General Rural Zone provisions.

35. The s42A report author has recommended the inclusion of a New Vale Precinct. I support the inclusion of this precinct, and consider that it is an efficient and effective way to enable the continuation and minor expansion of the existing coal mine, while ensuring the mine is sustainably managed and rehabilitated following the eventual closure of the mine.
36. A precinct is considered an appropriate solution, as:
- (a) Development of a precinct will provide an efficient use of the site, providing clear guidance for decision makers when assessing future resource consent applications for expansion of the coal mine.
 - (b) As noted above, a key reason the precinct provides an efficient and effective planning tool is that the provisions of the NPS-HPL will be addressed as part of the current plan review process, and will not need to be re-assessed or re-litigated for every future consent application.
 - (c) A New Vale Precinct within the Rural Zone will allow for mining to continue at the site while the mine's key customers progress with transitioning away from coal to renewable energy sources. Once demand for coal has ceased, the mine can be closed, and the site rehabilitated. At this point the precinct overlay would not be utilised and the site be managed by the underlying General Rural Zoning. The precinct allows for this transition within the site to managed efficiently.
37. While the overall approach of the precinct is supported, I consider that there are specific changes to the Precinct map and several of the provisions which would assist with plan usability and consistency. I acknowledge that many of the provisions were taken from Greenbriar's original submission. However, these provisions were drafted for

inclusion within a Special Purpose Zone, and not necessarily to be inserted into the General Rural Zone. Because the provisions have been included within the General Rural Zone, they would now benefit from additional drafting changes to ensure they are appropriate for inclusion in the General Rural Zone. The sections below address the specific changes sought to the provisions recommended in the s42A report.

38. It is also noted that whilst Greenbriar operates the New Vale Mine, the relief sought is also important for other key industries reliant on coal as a source of energy, predominantly large-scale primary sector processing facilities.

Precinct Map

39. The New Vale Precinct map proposed as part of the s42A report has omitted inclusion of the eastern portion of the site New Vale Mine site owned by Greenbriar. It is noted that the map attached with the submission was slightly confusing as it does not include the entire land area that forms part of the Greenbriar site. This map was more focussed on clearly identifying the mine extension area contemplated in the proposed rules.
40. For ease of reference **Appendix A** of my evidence contains the map which illustrates the full extent of the site which Greenbriar seeks to be included in the New Vale Precinct. **Appendix B** contains the proposed map included in the s42A report, and **Appendix C** contains the map included with the original submission.
41. In my view, the map in **Appendix A** is the most appropriate area to be included in the precinct, as it covers the full extent of the existing mine and processing facilities, and the proposed area of expansion, as well as the area where ecological enhancement is proposed to the eastern side of the site.

42. As such, I recommend that the New Vale Precinct is mapped to align with the site area shown in **Appendix A**.

General Rural Zone Overview and Purpose

43. The section 42A author has recommended an additional sub-section within the General Rural Zone Overview and Purpose Section, specifically relating to the New Vale Precinct. I support the inclusion of a sub-section for the New Vale Precinct, as it is consistent with the approach taken for the Rural Industry Precinct. I suggest minor changes to the wording of the introductory text below, noting that legal descriptions and site location information does not need to be provided, as the extent of the precinct is provided in the planning maps.
44. I also consider it appropriate to highlight in the introductory text that the New Vale mine is an existing activity. I also note that the precinct should be referred to as a precinct throughout, not a zone. Therefore, I consider the following amendments are necessary:

New Vale Precinct (PREC14)

A New Vale Precinct (PREC14) applies to the land site legally described as Lot 72, Pt Lot 73, Lot 74 and Pt Lot 75 DP 177 Block X Waimumu Hundred. The site is located approximately 15 kilometres southwest of Gore and 10 kilometres northwest of Mataura. The purpose of the New Vale Precinct (PREC14) is to enable the sustainable management, operation and development of the New Vale Mine, which is an existing activity at this site. New Vale mine provides coal to a number of largescale primary sector processing facilities that will continue to require a reliable source of fuel while they undertake the necessary work to reduce reliance on non-renewable energy sources.

The ~~Zone~~ Precinct objectives, policies and rules provide the framework for the expansion of the mining activity whilst

managing the effects and ensuring that offsite rural amenity values are maintained and enhanced.

This chapter contains objectives, policies, and rules which apply specifically to the New Vale Precinct in addition to the provisions of the underlying General Rural Zone. Where there is any conflict between the provisions the Precinct provisions shall prevail.

Objectives

45. Greenbriar's submission supported several provisions in the General Rural Zone as drafted, including Objectives GRUZ-O1 to GRUZ-O5. Where minor changes are recommended to these provisions by the Section 42A officer, these amendments are supported. Clarifications requested in Greenbriar's original submissions have been addressed.
46. The section 42A author has recommended inclusion of three objectives, as suggested in the Greenbriar submission, which apply to the New Vale Precinct (GRUZ-PREC-O1, O2 and O3). When read as a complete suite of objectives, alongside the proposed General Rural Zone objectives, it is noted that objectives GRUZ-PREC14-O2 and O3 read more like policies, and are not required to be included as Objectives as they are already covered by existing proposed provisions. I consider that these objectives should be deleted.
47. I also consider that Objectives GRUZ-PREC14-O1 - PREC14-O3 are necessary to ensure that environmental effects arising from activities within the precinct are appropriately managed. I consider that the drafting of these objectives could be more streamlined by amalgamating the three objectives into one, as follows:

GRUZ-PREC14-O1

Ongoing efficient operation of New Vale mine supports the economic sustainability and productivity of the Gore District and wider Southland Region, while ensuring:

1. The effects arising from expanded mining within the New Vale Precinct are remedied, mitigated, offset or compensated for, taking into account the locational constraints and the functional and operational needs of the activities.
2. The New Vale mine site is rehabilitated so that primary production capacity is retained for future generations and ecology values enhanced where possible.

Policies

48. Greenbriar's submission supported several policies in the General Rural Zone as drafted, including Policies GRUZ-P1, P9, P10 and P11. Where minor changes are recommended to these provisions by the Section 42A officer, these amendments are supported. Clarifications requested in Greenbriar's original submissions have been addressed.
49. The s42A report recommends that the changes to GRUZ-P5 requested by Greenbriar Ltd be rejected:

GRUZ-P5 Recognize the benefits of quarrying and mining activities on the local economy and supporting associated industries through enabling ~~small-scale~~ quarries and mines.

50. The basis for rejecting this submission is that GRUZ-P5 provides a policy framework for GRUZ-R2 and GRUZ-R3 which enables small-scale mining and quarrying activities. GRUZ-P6 is included to provide policy guidance for large scale mining and quarrying operations, and therefore it was recommended that the reference to 'small-scale' remains in GRUZ-P5. I accept the s42A officer's assessment and support the retention of Policy GRUZ-P5.
51. I note that the changes requested to GRUZ-P6 by Greenbriar have been incorporated into a re-worded policy which is supported. GRUZ-P6 as reworded is clear and includes use of all effects management tools, consistent with higher order documents. However, I also note that under the NPS-IB, for areas outside of SNAs (such as New Vale),

there is no requirement to avoid all adverse effects, rather clause 3.16(1) of the NPS-IB requires the “significant” adverse effects on indigenous biodiversity to be managed by applying the effects management hierarchy. The effects management hierarchy in the NPS-IB requires, as the first step, that “significant” (where outside an SNA) adverse effects are avoided where practicable. Therefore, I consider a further change to this policy would be appropriate, as outlined below:

GRUZ-P6

~~*Manage the environmental and cultural effects of quarrying and mining and avoid quarrying and mining activities that result in adverse cultural or environmental effects that cannot be avoided, mitigated or offset.*~~

Recognise the benefits of quarrying and mining activities for the local and regional economy and supporting associated industries whilst managing the activities to:

i. In the first instance avoid significant adverse environmental and cultural effects ~~on the environment~~; and

ii. Where it is not possible to avoid significant adverse effects ~~from quarrying or mining~~, require these effects to be remedied, mitigated, offset or compensated for.

52. For completeness, I would also recommend that a provision is included in the ECO Chapter which specifically manages effects within SNAs. I therefore support the changes to GRUZ-P6 recommended by the s42A officer, with the addition of the changes outlined above.
53. The section 42A author has recommended inclusion of two policies which are specific to the New Vale Precinct. I consider that the first of

these (GRUZ-PREC14-P1) is a repeat of GRUZ-PREC14-O1 and can therefore be deleted.

54. I support the second policy (GRUZ-PREC14-P2), with minor wording changes suggested below:

GRUZ-PREC14-P2

Provide for Mining and rural industry activities within the New Vale precinct where are undertaken in a way that:

1. Maintains the rural character and rural amenity surrounding the ~~Zone~~ Precinct;
2. ~~Focuses on~~ Provides for remediation and retention of the productive potential of the land following the mining activity being undertaken;
3. Identifies and ~~undertakes~~ opportunities to enhance ecological and freshwater values
4. Responds to the underlying Ngai Tahu relationships within the natural environment.

Rule GRUZ-R2

55. As outlined previously in my evidence, the mining activity within the New Vale Precinct is considered to meet the exception in Clause 3.9(2)(j)(iii) of the NPS-HPL, and is not an inappropriate activity that must be avoided on Highly Productive Land within the precinct. As such, I consider that this issue should not need to be re-assessed each time a consent is sought within the precinct. I therefore set out proposed amendments to Rule GRUZ-R2 below, which will enable the activity to be undertaken within the precinct without re-visiting the hurdles in the NPS-HPL.

56. GRUZ-R2 provides for Mining Activities as permitted activities where they meet the listed standards. I consider Standard 3 should be amended as follows:

3. *The activity is not located on Highly Productive Land unless it is located within PREC14 New Vale Precinct; and*

57. The amendments to GRUZ-R2 will enable the expansion of the mine within the precinct, without the need for the NPS-HPL exception to be re-assessed again when consents are applied for in future. Importantly, where larger scale expansion activities are undertaken, the matter of discretion number (Clause 7) relating to highly productive land will allow for a consideration of whether the highly productive soils are to be retained on site and used in future site rehabilitation activities. I also note that the evidence of Mr John Howes confirms that the stockpiles of soil are able to return to full productivity levels within approximately two years of site rehabilitation activities.

Rule GRUZ-R4

58. The Section 42A officer recommends changes to GRUZ-R4 Rural Industry to include a specific activity status clause applying in the New Vale Precinct. The rule notes that Rural Industry is a permitted activity where it complies with three listed standards. One of the permitted activity standards (Clause 11) requires that “*there are no customers coming to site on any day*”. It is not clear who qualifies as a ‘customer’ under this clause.
59. As the evidence of Mr John Howes notes, some of the mine’s customers use their own trucks or engage haulage companies to collect coal from the site. These truck movements could be considered ‘customers coming to the site’ to collect coal. The mine also pre-approves customers for public sales of speciality products not available through merchants. All of these activities are part of the normal mine activity and could result in a breach of the recommended rule, as drafted. This would result in triggering a resource consent requirement, which is not an efficient or effective outcome, undermining the purpose of the precinct.
60. Greenbriar seeks that Clause 11 is changed to allow 20 customers to come to the site per day. This would align with Clause 1 of GRZ-R4,

which allows 20 customers per day to visit any rural industry activity within the General Rural Zone. In my view, there is no effects-based reason why a different approach has been taken for the New Vale Precinct, and no justification for a more restrictive regime being applied to customers visiting the New Vale Mine.

61. As such, I recommend the following change to Clause 11:

11. There are no more than 20 customers coming to site on any day.

62. The above change to the rule will align with other rural industry activities, and provide for the continuation of existing customer vehicles visiting the site (estimated to be approximately 12 per day – 10 heavy vehicles and 2 light vehicles).

63. I also note that one of the matters of discretion for breaching this rule relates to reverse sensitivity:

3. Any potential reverse sensitivity effects and/or conflict with existing activities, and the ability to mitigate these effects.

64. This matter of discretion is not considered necessary or appropriate for the New Vale Precinct. The mining activity is not considered to be an activity which would be sensitive to primary production activities on surrounding sites. It is also noted that the proposed precinct is predominantly surrounded by farmland in the same ownership as the mine, which creates a buffer for the mining activities, including the processing of coal, allowing any potential for reverse sensitivity effects arising to be managed.

S32AA

65. The amendments suggested in and supported by my evidence are set out in the body of my evidence, as set out in **Appendix D**. For the most part, the changes I have sought are not substantive, and therefore the s32AA evaluation provided by the s42A report author remains relevant, except as discussed below.
66. The amendment I have sought to policy GRUZ-P6 is, in my view, more appropriate for achieving the national direction in the NPS-IB and the purpose of the Act.
67. The amendment that I have sought to rule GRUZ-R2 seeks to ensure that the tests set out in the NPS-HPL need not be re-considered for any subsequent resource consenting process. The change acknowledges that by creating a specific Precinct for the New Vale Mine, the use of the land for extraction purposes is not inappropriate under this National Policy Statement. I consider that there are efficiencies from the amendment I have sought to this rule as the need to re-visit the appropriateness the land use under the NPS-HPL will not be required.
68. The amendment I have sought to rule GRUZ-R4 - Rural Industry where it applies to PREC14, to allow for no more than 20 customers to the site per day, will ensure that coal can continue to be transported from the site to customers. This amendment will improve the efficiency and effectiveness of the Proposed District Plan. Similarly, the deletion of the matter of discretion (from the same rule) that requires the consideration of reverse sensitivity effects is not required given the mining activity is not considered to be an activity that would be sensitive to primary production activities on surrounding sites. Therefore, I consider that this amendment will improve the efficiency and effectiveness of the Proposed District Plan.

69. Overall, it is my conclusion that the amendments are necessary and the most appropriate (in terms of the requirements of section 32 of the RMA) to:
- (a) achieve consistency with, and give effect to the relevant higher order planning instruments;
 - (b) improve the efficiency, consistency and usability of the Proposed District Plan; and
 - (c) therefore achieve the purpose of the RMA.

Conclusion

70. Overall, the proposed New Vale Precinct is supported by Greenbriar, with the addition of the amendments as set out in this evidence, and contained in **Appendix D**. The New Vale Precinct will enable the sustainable management of the existing mine by recognising the significant role it plays in supporting primary production activities in the lower South Island and providing for the continuation and expansion of the existing mining activities on the site.

Dated 8th July 2024

Megan Justice

APPENDIX A – Proposed New Vale Precinct Boundary (Precinct Boundary in Red)



SITE LANDSCAPE
ARCHITECTS A

Site Layout Plan

New Vale Mine Extension
RC 15.08.23 1:10,000 @ A3
SITE Landscape Architects - www.shala.co.nz - 267_Fig 1_Siting Plan

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APPENDIX B – Section 42A version of the New Vale Precinct Map

New Vale Precinct extent within GRUZ



APPENDIX C – Original Submission (Requested SPZ boundary shown in red, eastern portion cut off)



APPENDIX D – Marked Up Provisions

PROPOSED DISTRICT PLAN PROVISIONS

Appendix A – Recommended Amendments to the General Rural Zone

KEY

Red Underlined – Additions recommended as part of s42A Report

~~Red Strikethrough~~ – Deletions recommended as part of s42A Report

Blue Underlined – Additions requested by Greenbriar Ltd

~~Blue Strikethrough~~ – Deletions requested by Greenbriar Ltd

GENERAL RURAL - GRUZ

Overview and Purpose

The purpose of the General Rural Zone is to provide for and protect ~~rural~~ primary production activities and other activities that rely on the rural resource. The General Rural Zone is the largest zone in the District and this *land* resource underpins the social, economic, and cultural ~~economic and social wellbeing well-being~~ of the District.

The General Rural Zone includes outstanding natural landscapes, *significant natural areas*, and the general *environment* is of significance to Ngāi Tahu. The General Rural Zone is predominantly characterised by its pastoral character, open space, planting and limited built form. The *rural area* is influenced by a range of *primary production* activities, including the initial processing of commodities such as on-site sawmills. The General Rural Zone also lends itself to *rural industry* activities that are associated with *primary production*, such as contractors *yards* required for rural *earthworks*. The character and qualities comprise a working *environment* where rural activities generate *noise*, odour and traffic.

Rural activities in the District are supported by the District's extensive coverage of high class soils, and these high class soils need to be protected from inappropriate *land* use and *subdivision*.

Rural lifestyle, settlements and urban expansion is not promoted in the General Rural Zone to avoid un-coordinated development, ~~and fragmentation of the rural land and reverse sensitivity effects, all of which can negatively resource. Fragmentation of the rural resource will~~ impact high class soils and rural productivity.

PROPOSED DISTRICT PLAN PROVISIONS

The *rural area* supports a range of activities that rely on the *land* resource. This includes *quarrying*, mining and *renewable electricity generating activities*. Small scale industrial and *commercial activities* associated with rural activities, such as *earthworks* contractors *yards* and plant nurseries, also rely on the rural *land* resource. The General Rural Zone objectives, policies and rules provide the framework for managing the *effects* of these non-rural activities as they have the potential to have significant adverse *effects* on *water* quality and the life supporting capacity of soils; as well as cultural, landscape, and rural character and *amenity values*, if not appropriately managed.

Non-rural activities that are incompatible with the *rural environment* and may cause *reverse sensitivity effects*, such as urban development and larger scale *industrial activity*, are discouraged, and are sought to be located in other zones; or where appropriate, the Rural Industry Precinct.

Rural Industry Precinct (PREC13)

A Rural Industry Precinct (PREC13) applies to land south of Mataura which has been identified as suitable for larger scale rural industry activities that support, service or are dependent on primary production. Desktop Geotechnical surveys indicate the presence of historic mines in this area which may affect land stability and constrain development opportunities. However, future activities are encouraged to develop on land outside the areas identified as potentially unstable whilst integrating ponds and land instability areas for green infrastructure and landscape buffers. The permitted larger scale rural industry activities will support the purpose of the General Rural Zone and provide for the economic ~~wellbeing~~ well-being of the District.

This chapter contains objectives, policies, and rules which apply specifically to the Rural Industry Precinct in addition to the provisions of the underlying General Rural Zone. Where there is any conflict between the provisions the Precinct provisions shall prevail.

New Vale Precinct (PREC14)

A New Vale Precinct (PREC14) applies to the land site legally described as Lot 72, Pt Lot 73, Lot 74 and Pt Lot 75 DP 177 Block X Waimumu Hundred. The site is located approximately 15 kilometres southwest of Gore and 10 kilometres northwest of Mataura. The purpose of the New Vale pPrecinct (PREC14) is to enable the sustainable management, operation and development of the New Vale Mine, which is an existing activity at this site. New Vale mine provides coal to a number of largescale primary sector processing facilities that will continue to require a reliable source of fuel while they undertake the necessary work to reduce reliance on non-renewable energy sources.

The ~~Zone~~-Precinct objectives, policies and rules provide the framework for the expansion of the *mining* activity whilst managing the effects and ensuring that offsite rural amenity values are maintained and enhanced.

This chapter contains objectives, policies, and rules which apply specifically to the New Vale Precinct in addition to the provisions of the underlying General Rural Zone. Where there is any conflict between the provisions the Precinct provisions shall prevail.

PROPOSED DISTRICT PLAN PROVISIONS

Objectives

- GRUZ-O1 Recognise the importance of *primary production* and *rural industry* to the social, ~~and~~ economic and cultural wellbeing well-being of the District.
- GRUZ-O2 The character and qualities of the General Rural zone continues to comprise:
1. a variety of *primary production* activities and their attributable noise, odour, dust, and traffic consistent with a rural working environment; and
 2. a very low degree of built form, well setback from other properties and *roads*; and
 3. high levels of open space and open pasture or crops; and
 4. high levels of rural amenity ~~from adjacent sites~~ including natural values.
- GRUZ-O3 Non-*primary production* activities that support *primary production* or rely on a rural location are provided for, while managing the nature, scale and location of such activities.
- GRUZ-O4 The purpose and predominant character of the General Rural Zone is not compromised by non-rural activities.
- GRUZ-O5 The value and long-term benefits of using highly productive rural land for *primary production* is recognised and the availability of *highly productive land* for *primary production* for future generations is protected.
- GRUZ-PREC13-O1 The Rural Industry Precinct enables larger scale rural industry which support, service or depend on primary production and provide for the economic ~~wellbeing well-being~~ of the community.
- ~~GRUZ-PREC14-O1~~ Ongoing efficient operation of New Vale mine supports the economic sustainability and productivity of the Gore District and wider Southland Region, while ensuring:
- ~~GRUZ-PREC14-O2~~ 1. The effects arising from expanded mining within the New Vale Precinct are remedied, mitigated, offset or compensated for, taking into account the locational constraints and the functional and operational needs of the activities.
- ~~GRUZ-PREC14-O3~~ 2. The New Vale mine site is rehabilitated so that primary production capacity is retained for future generations and ecology values are enhanced where possible.

Policies

PROPOSED DISTRICT PLAN PROVISIONS

- GRUZ-P1 Enable existing and future *primary production*.
- GRUZ-P2 Enable *rural industry* activities whilst ~~preserving maintaining, and where possible enhancing,~~ rural character, rural amenity, ~~underlying Ngāi Tahu relationships with the natural environment~~ the mauri of whenua, wai and ecosystems, and productive capacity of the rural zone by ~~limiting managing~~ the nature, scale and location of such activities.
- GRUZ-P3 Recognise the benefits of forestry and *woodlots* for carbon sequestering.
- GRUZ-P4 Recognise the benefits of conservation, pest management, ~~increasing~~ the management and enhancement of indigenous *biodiversity*, riparian planting, and fencing erosion prone areas.
- GRUZ-P5 Recognise the benefits of *quarrying* and mining activities on the local economy and supporting associated industries through enabling small scale quarries and mines.
- GRUZ-P6 ~~Manage the environmental and cultural effects of quarrying and mining and avoid quarrying and mining activities that result in adverse cultural or environmental effects that cannot be avoided, mitigated or offset.~~
Recognise the benefits of *quarrying* and *mining* activities for the local and regional economy and supporting associated industries whilst managing the activities to:
- i. In the first instance avoid significant adverse environmental and cultural effects on the environment; and
 - ii. Where it is not possible to avoid significant adverse effects from quarrying or mining, require these effects to be remedied, mitigated, offset or compensated for.
- GRUZ-P7 Enable *agriculture aviation activities*, ~~and~~ *rural airstrips* and helicopter landing areas to support *primary production* and conservation activities, whilst managing the noise *effects* through controlling the location of airstrips and scale of their use.
- GRUZ-P8 Enable *residential activity* where it:
1. does not compromise ~~rural~~ primary *production*; and
 2. is of a scale and location that does not compromise the rural character from any property or *public place*; and
 3. can be suitably serviced, including provision for telecommunications; and
 4. does not amount to rural lifestyle or urban development; and

PROPOSED DISTRICT PLAN PROVISIONS

5. ~~appropriately avoids, remedies or mitigates~~ *reverse sensitivity effects* ~~on and of adjacent land uses are appropriately avoided or mitigated.~~

- GRUZ-P9 Provide for small scale *industrial activity, commercial activity*, and other non-rural activities, where it can be demonstrated that:
1. the activity has a genuine link with the rural *land* or *water* resource, *primary production* activities, or recreation activities associated with resources located within the General Rural Zone; and
 2. the activity is compatible with the character, *amenity values*, qualities and purpose of the General Rural Zone; and
 3. the *site* design, layout and scale of the activity is compatible with the character and qualities of the zone; and
 4. the activity will not adversely impact the safe and efficient operation of the *road* network, and there is suitable loading, manoeuvring and *access* provided on-site; and
 5. there is adequate *infrastructure* available to service the activity, including on-site servicing where reticulated services are not available; and
 6. areas of *indigenous vegetation* are retained where practicable; and
 7. the activity does not constrain the establishment of activities otherwise anticipated within the General Rural Zone; and
 8. the *effects* of *light spill* are avoided or mitigated; and
 9. there are measures to internalise *effects* and avoid conflict and potential *reverse sensitivity effects* on activities anticipated in the Zone, including *primary production* and ancillary *residential activity*.
- GRUZ-P10 Protect *highly productive land* from irreversible loss from inappropriate *subdivision*, use and development, including by:
1. avoiding *subdivision* and *land* fragmentation below the minimum densities that compromises the use of *highly productive land* for *primary production*;
 2. avoiding uncoordinated urban expansion on *highly productive land* that has not been subject to a strategic planning process; and
 3. avoiding and mitigating *reverse sensitivity effects* from sensitive and incompatible activities within and adjacent to *highly productive land*.
- GRUZ-P11 Avoid activities that are incompatible with the character, qualities and purpose of the General Rural Zone, unless there is an operational or functional need for it to be located in the General Rural zone.
- GRUZ-P12 Require activities and development to maintain rural character, rural amenity and the underlying Ngāi Tahu relationships with the natural *environment* by:
1. ensuring that *buildings* and *structures* are of a scale and *height* which is compatible with the rural character and amenity of the zone; and
 2. requiring appropriate *setbacks* to waterways to maintain and enhance *amenity values* and natural character.

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-P13 Recognise critical infrastructure that ~~Regionally Significant Infrastructure might be best located in the General Rural Zone, except where there is an Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, Natural Hazard risk or Site of Significance to Māori.~~

that has a functional and operational need to locate in the General Rural Zone, by enabling the operation, maintenance and upgrading of critical infrastructure and providing for new critical infrastructure except where:

- i. The activity would be inappropriate in an area of Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area;
- ii. There is an unacceptable natural hazard risk; or
- iii. The activity has significant environmental or cultural effects that cannot be avoided or mitigated to an appropriate level.

GRUZ-P14 Enable the use of *reserve land* where the activity and / or development is consistent with the relevant Reserve Management Plan.

GRUZ-PREC13-P1 Enable the establishment of larger scale rural industry activities within the Rural Industry Precinct where:

1. direct access from the State Highway 1 is avoided; and
2. green infrastructure is adopted for the management of water supply, stormwater management and wastewater treatment and disposal; and
3. activities are designed and located to avoid natural hazards unless the effects are mitigated and areas of potential subsidence may be used for buffers or infrastructure; and
4. landscaping buffers, green corridors and existing features are utilised to mitigate adverse effects on amenity values from larger buildings, parking areas and outside storage areas.

~~GRUZ-PREC14-P1 Provide for mining activities within the New Vale Zone, recognising New Vale Mine as a strategically important activity supports the dominant land use activities within the Gore District and wider Southland Region.~~

GRUZ-PREC14-P2 Provide for ~~M~~mining and rural industry activities within the New Vale precinct where ~~are~~ undertaken in a way that:

1. Maintains the rural character and rural amenity surrounding the ~~Zone~~-Precinct;
2. ~~Focuses on~~ Provides for remediation and retention of the productive potential of the land following the mining activity being undertaken;

PROPOSED DISTRICT PLAN PROVISIONS

3. Identifies and undertakes opportunities to enhance ecological and freshwater values;
4. Responds to the underlying Ngai Tahu relationships within the natural environment.

Notes

Note 1 Provisions in Other Chapters

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.

Note 2 Other legislation

- The provisions of the National Environmental Standard for ~~Plantation Commercial~~ Forestry ~~which~~ apply ~~for to commercial~~ forestry activities and permits ~~both plantation forestry and harvesting commercial forestry~~ except in certain circumstances such as where ~~the~~ District Plan ~~have has~~ more restrictive rules on Forestry on Outstanding Natural Landscapes, Outstanding Natural Features or *Significant Natural Areas*. In those circumstances resource consent will be required from the Gore District Council.
- The provisions of the National Environment Standard for Assessing and Managing *Contaminants* in Soil to Protect Human Health which apply where a HAIL activity has been undertaken on the *land* subject to specified activities and *subdivision*. In certain circumstances resource consent will be required from the Gore District Council. In the first instance reference should be made to the register of HAIL activity *sites* held by the Gore District Council.
- The provisions of regional plans prepared by Environment Southland. This includes the taking, use and *discharge of water*, the *discharge of contaminants to land, water* or air and the erection of *structures* in riverbeds. In certain circumstances resource consent or permits will be required from Environment Southland.

Note 3 Work or activity of the Crown

Section 4(3) of the RMA allows certain Crown activity to contravene a District Plan in relation to any work or activity on land held under the Conservation Act 1987 that is consistent with a conservation management strategy, a conservation management plan or management plan and does not have a significant effect beyond the boundary of that land. Accordingly, this chapter does not apply to Department of Conservation activities that meet section 4(3), but does apply to activities that do not meet section 4(3) of the RMA.

Rules

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-R1 <i>Primary Production (including Intensive Indoor Primary Production)</i>		
All areas	Activity Status: Permitted Where: 1. Any new, <u>relocated</u> or extended <i>building, structure</i> and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8. Except that: (a) This rule does not apply to Quarrying and Mining, as those activities are subjects to Rules GRUZ-R2 and GRUZ-R3. (b) This rule does not apply to <u>Commercial</u> Forestry in an ONL, ONF or SNA, which is subject to District Plan rules NFL-R8 and ECO-R1.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The matters of discretion of any infringed standard
GRUZ-R2 <i>Prospecting for and Mining Minerals</i>		
All areas excluding <i>Historic Heritage sites, Significant Natural Areas, Outstanding Natural Landscapes and Outstanding Natural Features</i>	Activity status: Permitted Where: 1. The prospecting or <i>mining</i> activity has a total area of extraction open at any one time that does not exceed 2,500m ² ; and 2. The activity is not located on <i>Highly Productive Land</i> <u>unless it is located within PREC14 New Vale Precinct</u> ; and 3. The activity is set back: (a) 500 metres from a <i>sensitive activity</i> or a zone <i>boundary</i> except with the General Industrial Zone. (b) 100m from any side or rear <i>boundary</i>	Activity status where compliance is not achieved: Discretionary <u>Activity status where compliance is not achieved in PREC14:</u> <u>Restricted Discretionary</u> 1. <u>The timing and duration of the activity.</u> 2. <u>Sediment and erosion management and ground stability.</u> 3. <u>Effects on rural character and amenity values of neighbouring properties.</u> 4. <u>Safety and suitability of access and effects on the transportation network from additional traffic generation.</u>

PROPOSED DISTRICT PLAN PROVISIONS

- | | |
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| <p>(c) 50m from any <i>road boundary</i>; and</p> <p>4. The area is progressively stabilised, filled or recontoured; and</p> <p>5. Any new <u>or relocated</u> <i>building or structure</i> and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8, and Earthworks standards EW-S3, EW-S5 and EW-S7.</p> | <p>5. <u>Servicing.</u></p> <p>6. <u>Staging and progressing rehabilitation works.</u></p> <p>7. <u>Retention of any Highly Productive soils for use following rehabilitation.</u></p> <p>8. <u>Impacts on Ngai Tahu cultural values, including those listed in MR2.3.</u></p> <p>9. <u>Matters of discretion of any infringed standard.</u></p> <p>10. <u>Effects on ecology values, including indigenous biodiversity and the potential for compensation or offsetting.</u></p> <p>11. <u>The use of Environmental Management Plans to manage effects.</u></p> |
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GRUZ-R3 *Quarrying Activities*

All areas excluding Historic Heritage sites, Significant Natural Areas, Outstanding Natural Landscapes and Outstanding Natural Features

Activity status: Permitted

Where:

1. The *quarrying activity* is in relation to a *Farm Quarry* where:
 - (a) the total area of extraction open at any one time does not exceed 1,500 m²; and
 - (b) the activity is set back 100m from a *sensitive activity*; or
2. The *quarrying activity* has a total area of extraction open at any one time that does not exceed 2,500 m² and ~~is set back~~:
 - (a) excavation for extraction activity, any aggregate processing area, and any blasting activity is setback:
 - (i) 500 metres from a *sensitive activity* or a zone boundary except with the General Industrial Zone
 - (ii) 100m from any side or rear *boundary*

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. Location and scale of the activity.
2. The timing and duration of the activity.
3. Sediment and erosion *effects* and management.
4. *Effects* on ground stability.
5. The effects on rural character and *amenity values* of the surrounding *environment*.
6. Any potential *reverse sensitivity effects* and/or conflict with existing activities, and the ability to mitigate these effects.
7. Services.
8. Safety and suitability of *access* and *effects* on the *transport network* from additional traffic generation.

PROPOSED DISTRICT PLAN PROVISIONS

(iii) 50m from any <i>road boundary</i>; and (b) <u>All other activity associated with the quarry activities is setback 50m from any boundary.</u> 3. The activity is not located on <i>Highly Productive Land</i> <u>unless it is an existing lawfully established activity</u>; and 4. The area is progressively stabilised, filled or recontoured; and 5. Any new <u>or relocated</u> <i>building</i> or <i>structure</i> and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8, and Earthworks standards EW-S3, EW-S5 and EW-S7.	9. Protection of <i>Highly Productive Land</i>. 10. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3. 11. The matters of discretion of any infringed standard. 12. <u>The extent the farm quarry supports primary production.</u> 13. <u>Effects on ecology values, including indigenous biodiversity and the potential for compensation or offsetting</u>
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GRUZ-R4 *Rural Industry*

All areas except PREC13 Rural Industry Precinct and PREC14

Activity status: Permitted

Where:

- Any new or relocated *building, structure* and activity complies with standards ~~GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5~~, GRUZ-S6, GRUZ-S7 and GRUZ-S8.
- There are no more than 20 customers coming to *site* on any day.
- The activity is set back ~~100~~50m from any side or rear *boundary* and screened as follows:

Activity status where compliance is not achieved with:

GRUZ-R4(1) to GRUZ-R4(6): Restricted Discretionary

Matters of discretion:

- Location and scale of the activity.
- The *effects* on rural character and *amenity values* of the surrounding environment.
- Any potential *reverse sensitivity effects* and/or conflict with existing activities, and the ability to mitigate these *effects*.
- Services.

PROPOSED DISTRICT PLAN PROVISIONS

Either:

- planting and/or landscaping to a minimum depth of 1 metres with species that will grow to at least 2m in height; or
- mounding which has a maximum height of 2.5m and a minimum horizontal to vertical ratio of 2:1.

4. Any building or structure ~~The activity~~ is setback 10m from any road boundary.
5. There are a maximum of 12 staff working on-site at any point in time.
6. The activity is over an area no greater than 15000m².
7. The total building coverage for the activity shall be no more than 1000m².

5. Safety and suitability of *access* and *effects* on the *transport network* from additional traffic generation.
6. Protection of *Highly Productive Land*, and prioritisation of protecting land characterised as *LUC 1* and *LUC 2* soils.
7. The matters of discretion of any infringed standard.

**PREC13 Rural
Industry
Precinct**

Activity status: Controlled

Where:

7. There is no direct *access* to or from State Highway 1; and
8. The activity is not a *significant hazardous facility*; and
9. Any new, relocated or extended *buildings* or *structures* complies with General Rural Zone standards GRUZ-S2,

Activity status where compliance is not achieved with:

GRUZ-R4(7): Restricted Discretionary.

Matters of discretion:

1. Matters of Control 1 to 7 for GRUZ-R4 PREC13 Rural Industry Precinct.
2. Proximity to other vehicle *access* crossings.

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.

Matters of control:

1. The location and layout of the activity.
2. The ability to mitigate adverse effects through the use of the sites natural contours, topography and existing landscape features.
3. The ability to mitigate adverse effects through landscaping buffers and setbacks.
4. Servicing of activities including the use of green infrastructure
5. The ability to utilise and / or avoid areas of potential land subsidence.
6. Mitigation of natural hazards
7. The safety and suitability of the *access* and *effects* on the *transport network*.

GRUZ-R4(8): Discretionary

GRUZ-R4(9): Restricted Discretionary

Matters of Discretion:

1. The matters of discretion of any infringed standard.
-

**PREC14 – New
Vale Precinct**

Activity status: Permitted

Where:

10. Any new or relocated building, structure and activity complies with standards GRUZ-S6, GRUZ-S7 and GRUZ-S8.
11. There are no more than 20 customers coming to site on any day.

Activity status where compliance is not achieved with:

GRUZ-R4(10) - GRUZ-R4(12): Restricted Discretionary

Matters of discretion:

1. Location and scale of the activity.

PROPOSED DISTRICT PLAN PROVISIONS

	12. <u>The activity is set back 100m from the precinct boundary</u>	2. <u>The effects on rural character and amenity values of the surrounding environment.</u> 3. <u>Any potential reverse sensitivity effects and/or conflict with existing activities, and the ability to mitigate these effects.</u> 4. <u>Safety and suitability of access and effects on the transport network from additional traffic generation.</u> 5. <u>The matters of discretion of any infringed standard.</u>
GRUZ-R5	Woodlot	
All areas	Activity status: Permitted Where: 1. The activity is the establishment of a new, or expansion of an existing <i>woodlot</i> <u>that does not exceed one hectare.</u>	Activity status where compliance is not achieved: ~~N/A~~ <u>Discretionary</u>
GRUZ-R6	Conservation Activity	
All areas	Activity status: Permitted Where: 1. The activity is the establishment of a new, or expansion of an existing <i>conservation activity</i>.	Activity status where compliance is not achieved: N/A
GRUZ-R7	Residential Activity	
All areas except PREC13 Rural Industry	Activity status: Permitted Where:	Activity status where compliance is not achieved with: GRUZ-R7(1): as per GRUZ-S1 activity status and matters of discretion.

PROPOSED DISTRICT PLAN PROVISIONS

Precinct and PREC14 New Vale Precinct

1. For *residential units* and *minor residential units*, standard GRUZ-S1 Density is met; and
2. Any new or relocated *building*, addition, or external alteration and activity complies with zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6 and GRUZ-S7; and
3. For *minor residential units*, the maximum floor area shall be 80m²; and
4. The *residential unit* is connected to telecommunications services (whether hardwired or wireless).

GRUZ-R7~~(3)~~(2): Restricted Discretionary

Matters of Discretion:

1. The matters of discretion of any infringed standard.

GRUZ-R7(3): Non-Complying

GRUZ-R7(4): Restricted Discretionary

Matters of Discretion:

1. Whether any form of telecommunication is available at the location the proposed *residential unit*.
2. The *functional need* to having a *residential unit* in a location without access to telecommunication and whether there are suitable alternative locations for a *residential unit* on *site*.

PROPOSED DISTRICT PLAN PROVISIONS

PREC13 Rural Industry Precinct	Activity status: Restricted Discretionary Where: - There is no more than one <i>residential unit</i> and one <i>minor residential unit</i> per site; and - Any new <u>or relocated</u> <i>building</i>, addition, or external alteration and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8. Matters of Discretion: - Whether the presence of a residential activity would restrict future opportunities for <i>rural industry</i> activities. - The effects on Rural character and <i>amenity values</i> of the surrounding environment and from adjacent properties. - Any potential <i>reverse sensitivity effects</i> and/or conflict with existing activities, and the ability to mitigate these <i>effects</i>. - Services. - Access and traffic generation. - Impact of development on rural productivity. - Whether development is in high class soils and impacts of the loss on high class soils.	Activity status where compliance is not achieved with: GRUZ-R7(5): Non-Complying

PROPOSED DISTRICT PLAN PROVISIONS

		GRUZ-R7(6): Discretionary
GRUZ-R8	<i>Industrial Activities (Including Light Industrial Activities)</i>	
All areas	Activity status: Permitted Where: 1. The activity is a contractor yard, or the activity involves the manufacturing of primary produce produced on <i>site</i> (excluding activities that are defined as <i>rural industry</i>); and 2. The activity has no customers coming to <i>site</i>; and 3. The activity is set back at least 100m from any side or rear <i>boundary</i>; and 4. The activity is <i>setback</i> at least 50m from any <i>road boundary</i>; and 5. The activity has a maximum of 12 staff that work on-<i>site</i> at any one time; and 6. The activity s no greater than 500m²; and 7. Any new, <u>relocated</u> or extended <i>building, structure</i> and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.	Activity status where compliance is not achieved with: GRUZ-R8(1) to GRUZ-R8(6): Discretionary GRUZ-R8(7): Restricted Discretionary Matters of discretion: The matters of discretion of any infringed standard.

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-R9 <i>Commercial Activities</i>		
All areas except PREC14 New Vale Precinct	Activity status: Permitted Where: - The activity is a: - Vet Clinic, or - plant nursery, or - sale of on-site produce, or <i>Animal Boarding Activity</i>; and - Hours of operation for people visiting the <i>site</i> are between 0700 and 1900; and - A maximum of 12 staff are on-site at any one time; and - Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.	Activity status where compliance is not achieved with: GRUZ-R9(1) to GRUZ-R9(3): Discretionary GRUZ-R9(4): Restricted Discretionary Matters of discretion: The matters of discretion of any infringed standard.
GRUZ-R10 <i>Educational Facility</i> ies		
All areas except PREC13 Rural Industry Precinct and	Activity Status: Permitted Where: The activity is a rural based <i>educational</i> facility centred on agriculture sector training; and	Activity status where compliance is not achieved with: GRUZ-R10(1) to GRUZ-R10(3): Discretionary

PROPOSED DISTRICT PLAN PROVISIONS

PREC14 New Vale Precinct

2. Hours of operation are between 0700 and 1900; and
3. A maximum of 12 people (staff and students) on *site* at any one time; and
4. Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.

GRUZ-R10(4): Restricted Discretionary

Matters of discretion:

1. The matters of discretion of any infringed standard.

GRUZ-R11

Homestay

All areas
except PREC13
Rural Industry
Precinct and
PREC14 New
Vale Precinct

Activity status: Permitted

Where:

1. The activity is undertaken in a *residential unit* (inclusive of *minor residential unit*); and
2. The maximum occupancy does not exceed 5 8 guests ~~persons~~.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. The location, nature and scale of the activities.
2. The management of *noise*, rubbish, recycling and outdoor activities.
3. The keeping of records of *homestay* use and availability of records for council inspection.

GRUZ-R12

Home Business

All areas
except PREC14
New Vale
Precinct

Activity status: Permitted

Where:

1. Must occupy no more than 100m² of the *gross floor area* of the *buildings* on the *site*; and

Activity status where compliance is not achieved:

Discretionary

PROPOSED DISTRICT PLAN PROVISIONS

2. There shall be no more than 12 people on *site* at any time associated with the *home business*; and
- ~~3. Hours of operation are limited to between the hours 0700 and 1900; and~~
4. Unloading or loading of vehicles or the receiving of customers or deliveries only occur between the 0700 and 1900.

GRUZ-R13 *Rural Commercial Recreation Activity*

All areas
except PREC13
Rural Industry
Precinct and
PREC14 New
Vale Precinct

Activity Status: Permitted

Where:

1. The activity is undertaken on *land*, outdoors; and
2. The activity does not involve more than 12 persons in any one group; and
3. Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.

Activity status where compliance is not achieved:

Discretionary

GRUZ-R14 *Equestrian Facilities*

All areas
except and
PREC14 New
Vale Precinct

Activity Status: Permitted

Where:

1. *Buildings* are limited to barns and stables for horses; and

Activity status where compliance is not achieved:

Discretionary

PROPOSED DISTRICT PLAN PROVISIONS

2. The activity does not involve more than 12 persons using the facility at any one time; and
3. Any new, relocated or extended building, structure and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8.

GRUZ-R15 Use of Reserve Land		
All areas	Activity status: Permitted 1. All <i>land</i> use activities in areas administered under the Reserves Act 1977 are permitted where they comply with a Management Plan that has been approved by the Minister under that Act.	Activity status where compliance is not achieved: Discretionary
GRUZ-R16 Agriculture Aviation Activity		
All areas	Activity Status: Permitted Where: 1. The take-off and landings are to and from a <i>rural airstrip</i> or <i>helicopter landing area</i> which complies with General Rural Zone standard GRUZ-S9. 2. The activity complies with NOISE-R8 (Noise from the take-off and landing of <i>aircraft</i> and helicopters used for <i>agricultural aviation</i>).	Activity status where compliance not achieved: Discretionary

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-R17	<i>Visitor Accommodation</i>	<u>Activity status where compliance is not achieved: N/A</u>
<u>All areas except PREC14 New Vale Precinct</u>	<u>Activity status: Discretionary</u>	
GRUZ-R18	<i>Sensitive Activity</i>	
All areas	GRUZ-R18 to GRUZ-R19 Activity status: Discretionary Where: Any sensitive activity located within the Water Supply Treatment Facility Buffer Area.	Activity status where compliance is not achieved: N/A
GRUZ-R19	<i>Emergency Service Facility</i>	
All areas	Activity status: Discretionary	Activity status where compliance is not achieved: N/A
GRUZ-R20	All other activities	
All areas	Activity status: Non-complying Any activities, including associated buildings, not otherwise provided for in the list of rules.	Activity status where compliance is not achieved: N/A

PROPOSED DISTRICT PLAN PROVISIONS

Standards

GRUZ-S1	Density	
All areas except PREC13 Rural Industry Precinct	1. There shall be no more than one <i>residential unit</i> per 40 hectares; and 2. For <i>sites</i> under 40 hectare, no more than one <i>residential unit</i> per <i>site</i>; and 3. There shall be a maximum density of one <i>minor residential unit</i> per site	Activity status where compliance is not achieved: Restricted Discretionary Where: 4. There is a minimum density of 8ha per residential unit, <u>or</u> 5. <u>There is a minimum density of 8ha per minor unit.</u> Matters of discretion: 1. The necessity of the additional <i>residential unit</i> or <i>minor residential unit</i> to support <i>primary production</i>. 2. The effects on rural character and <i>amenity values</i> of the surrounding environment and from adjacent properties. 3. Any potential <i>reverse sensitivity effects</i> and/or conflict with existing activities, and the ability to mitigate these <i>effects</i>. 4. Services. 5. <i>Access</i> and traffic generation. 6. Impact of development on rural productivity. 7. Whether development is on <i>LUC 1, 2 or 3 soils</i> and impacts of the loss of <i>highly productive land</i>. Activity status where compliance is not achieved with GRUZ-S1(4)and (5): Non-Complying

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-S2	Building Coverage	
All areas except PREC13 Rural Industry Precinct	1. The maximum <i>building coverage</i> shall not exceed 1.5 percent per <i>site</i> .	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The adverse <i>effects</i> on the rural character. 2. The adverse <i>effects</i> on <i>amenity values</i> of adjoining <i>sites</i>, including outlook, privacy, shading, dominance and sense of openness. 3. Whether the <i>building</i> is located on high class soils. 4. The reason for the additional <i>building coverage</i>. 5. <i>Noise</i> and odour from housing animals.
PREC13 Rural Industry Precinct	2. The maximum <i>building coverage</i> shall not exceed 5 percent per <i>site</i> where the building is used for a <i>rural industry</i> activity. 3. The maximum <i>building coverage</i> shall not exceed 1.5 percent per <i>site</i> for any other activity.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The adverse <i>effects</i> on the rural character taking account of the purpose of the Rural Industry Precinct. 2. The adverse <i>effects</i> on <i>amenity values</i> of adjoining <i>sites</i>, including outlook, privacy, shading, dominance and sense of openness. 3. Whether the <i>building</i> is located on high class soils <u>whether it is for a supporting activity.</u> 4. The reason for the additional <i>building coverage</i>.

PROPOSED DISTRICT PLAN PROVISIONS

GRUZ-S3	<i>Building Size</i>

PROPOSED DISTRICT PLAN PROVISIONS

All areas

1. Any *building* for *primary production* must not exceed 3000m².
2. Any building for a rural industry activity in the Rural Industry Precinct must not exceed 10,000m².
3. Any *building* for any other activity must not exceed 500m².

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. The adverse *effects* on the rural character.
2. The adverse *effects* on *amenity values* of adjoining *sites*, including outlook, privacy, shading, dominance and sense of openness.
3. The adverse *effects* on Ngāi Tahu cultural values including those listed in MW-2.3.
4. Whether the *building* is located on high class soils and whether it is for a supporting activity.
5. The reason for the additional *building* size.
6. *Noise* and odour from housing animals.

GRUZ-S4

Setback to Side and Rear Boundaries

PROPOSED DISTRICT PLAN PROVISIONS

All areas

Any building is setback from any side or rear boundary the minimum distances as follows:

1. Residential buildings are setback 30m;
2. Dairy sheds and buildings that house animals are setback 50m;
3. Buildings greater than 500 square metres are setback 200m, except for in the Rural Industry Precinct (PREC13) where the setback is 100m;
4. Buildings less than 10 square metres are setback 2m; and/or
5. All other buildings are setback 15m.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. The adverse *effects* on rural character
2. The adverse *effects* on *amenity values* of adjoining *sites*, including outlook, privacy, shading, dominance and sense of openness
3. The extent to which *buildings* are set back on the adjoining *sites* and the use of the intervening space
4. The reasons for the reduced *setback*
5. *Noise* and odour from housing animals
6. *Reverse Sensitivity effects*

GRUZ-S5

Setback to Road Boundaries

PROPOSED DISTRICT PLAN PROVISIONS

All areas	Any building or structure is setback from any road boundary the minimum distances as follows: - Residential buildings are setback: ~~100~~50m from the boundary of an <i>Interregional Connector road</i> (state highway); 40m from the boundary of a <i>Rural Connector road</i>; 30m from the <i>road boundary</i> of an <i>unsealed road</i>; and 10m from the <i>boundary</i> of a <i>sealed road</i>. - Buildings that house animals are setback 30m; - Building for the sale of on-site produce are setback 5m; - Stockyards and loading ramps are not required to be setback; and/or - All other buildings and structures, except fences, are setback 15m.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: - Adverse character and amenity <i>effects</i> of the locality, including views from the <i>road</i> - Adverse character and amenity <i>effects</i> on nearby <i>sites</i>, including outlook, privacy, shading and sense of openness - Compatibility with the surrounding <i>environment</i> - The safety and efficiency of the <i>road</i> network - The extent acoustic insulation manages reverse sensitivity effects - The reasons for the reduced <i>setback</i> - In relation to GRUZ-S5(1)(c) the matter of discretion for standard GRUZ-S6.
GRUZ-S6	<i>Sensitive activities near gravel roads</i>	
All areas	<i>Buildings</i>, other than <i>accessory buildings</i>, used by <i>sensitive activities</i> are located more than 30 metres from a gravel <i>road</i>.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: Action that can be taken to alleviate any <i>dust</i> nuisance that may arise from the proximity to the <i>gravel road</i>, including landscaping
GRUZ-S7	<i>Setbacks from stream and river</i>	

PROPOSED DISTRICT PLAN PROVISIONS

All activities

1. Any building or structure is set back from the top of the closest bank of any stream or river the minimum distance as follows:
 - (a) 20m for high order rivers or streams (order 5 and above);
 - (b) 10m for middle order rivers or streams (order 3 and 4); and
 - (c) 5m for low order rivers or streams (order 1 and 2).

Except that fences of post and wire construction are permitted within the setback where these are:

- (i) not constructed with wire mesh;
- (ii) not located within the stream or riverbed;
- (iii) not constructed across the stream or river channel; or
- (iv) not constructed across or along a stopbank.

Refer to Appendix 3 for river and stream orders and guidance on riverbed extents and the location of banks for measuring setbacks.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. Whether there is a *functional need* for the *building or structure* to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility.
2. The effects on water quality and the stability and health of the stream bed and banks, including erosion and *sedimentation control measures*.
3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous *biodiversity* and ~~/or habitats~~ proposed mitigation measures, including:
 - (a) opportunities for enhancement and restoration;
 - (b) methods proposed to monitor or inspect the works undertaken;
 - (c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and
 - (d) management of potential adverse effects through a *Council Authorised Biodiversity Management Plan*.
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 areas. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Mataura River.
5. Impacts on Ngāi Tahu cultural values, including those listed in MW.2.3.
6. The effects on public and customary access to the stream or river.

PROPOSED DISTRICT PLAN PROVISIONS

		7. The potential for flooding and to create new or exacerbate existing <i>natural hazards</i> , impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other <i>sites</i> .
GRUZ-S8	Height	
All areas except PREC13 Rural Industry Precinct	1. The maximum <i>height</i> of any <i>building</i> or <i>structure</i> shall be 12m above ground level. <i>Note: rule TRANS-R3 also applies to height of Buildings, other structures and trees within airfield approach vectors.</i>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The adverse <i>effects</i> on the <i>amenity values</i> of adjoining <i>sites</i> including privacy, shading, outlook, dominance and sense of openness. 2. The <i>effects</i> on the character and <i>amenity values</i> of the surrounding <i>environment</i> and sense of openness. 3. Impacts on views of The Matura Falls, Hokonui Hills, and/or Tutarau. 4. Whether the <i>structure</i> can be more appropriately located or reduced in <i>height</i> to minimise adverse visual amenity <i>effects</i>. 5. The reason for the increase in <i>height</i>.
PREC13 Rural Industry Precinct	2. The maximum height of any building or structure shall be 15m above ground level. <i>Note: rule TRANS-R3 also applies to height of Buildings, other structures and trees within airfield approach vectors.</i>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The adverse <i>effects</i> on the <i>amenity values</i> of adjoining <i>sites</i> including privacy, shading, outlook and dominance.

PROPOSED DISTRICT PLAN PROVISIONS

		2. The <i>effects</i> on the character and <i>amenity values</i> of the surrounding <i>environment</i> and streetscape. 3. Whether the <i>structure</i> can be more appropriately located to minimise adverse visual amenity <i>effects</i>. 4. The reason for the increase in <i>height</i>.
GRUZ-S9	Rural Airstrips and Helicopter Landing Areas	
<i>Agriculture Aviation Activity</i>	1. Any <i>rural airstrip</i> or <i>helicopter landing area</i> is separated by at least 500m from any <i>notional boundary</i> on a <i>site</i> not being serviced by the use of the <i>rural airstrip</i> or <i>helicopter landing area</i>; and 2. The flight path to the <i>helicopter landing area</i> is not within a horizontal distance of 250m of any <i>notional boundary</i> to a <i>noise sensitive activity</i>.	Activity status where compliance is not achieved: Discretionary