

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.

Hearing Panel Minute 39 – Response of Mishka Banhidi on behalf of Gore District Council

Date: 14 March 2025

Introduction:

1. My full name is Mishka Banhidi. My Hearing Stream 9 Natural Features and Landscapes 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 report to provide a response to the request by the Hearing Panel Minute 39 (17 February 2025) which directed the following:

(1) The need to address a gap in the plan in relation to locally distinctive and valued natural features and landscapes to give effect to the RPS, either through the current process or by way of a Variation to the Plan;

(2) The scope to identify locally distinctive and valued natural features and landscapes, as raised in submissions, and manage them through provisions (similar to the potential introduction of the Natural Character chapter in response to submissions);

(3) Options to identify natural features and landscapes that are locally distinctive and valued, as raised in submissions, both with and without mapping;

(4) The extent to which the General Rural Zone provisions currently manage effects on the landscape of the strike ridges east of Matura River; and

(5) Subject to an assessment under s32AA, the suitability of the indicative provisions, attached as Appendix 1, to manage locally distinctive and valued natural features and landscapes, as raised in submissions.

In addition, Minute 39¹ raises a potential concern that a gap has been created around the management of landscape values and threats to those values in relation to the main stem of the Matura River as a consequence of the 42A recommendation. The panel also queries if the descriptor in the notified Appendix 5 constitutes identification in accordance with the National Plan Standards and the SRPS.

¹ Minute 39 of the Hearings Panel Natural Features and Landscape Chapter - paragraph 1.11-1.14

4. The purpose of this report is to evaluate the directions above and where relevant provide an assessment as required under Section 32AA of the Resource Management Act 1991 (RMA) and to keep all potentially interested submitters informed as to the rationale and process involved in any amendments to the chapter(s).
5. This report is supported by the supplementary evidence of Mr Mike Moore (Landscape Architecture) included as Appendix 2. It is understood that a Memorandum of Counsel will follow Monday 17 March 2025.

Recommendation:

Background.

6. The matter of Visual Amenity Landscapes (VALs) or locally distinctive and valued natural features and landscapes, was raised as Issue 2 of the S32A – Natural Features and Landscapes and addressed within the s32a Assessment². At the time it was recommended that a change towards inclusion of amenity landscape protection was not appropriate given direction of national RMA reform away from amenity protection, the absence of any conclusively identified amenity landscapes, and no prior history of amenity landscape protection within the district.
7. This matter was also discussed at length throughout the workshop with a selection of elected members prior to the notification of the PDP. The possibility of inclusion of VALs was raised after Mr Moore’s Landscape assessment identified a number of potential VALs, specifically:
 - a. Inland Catlins Strike Ridges
 - b. Landslip Hill
 - c. Mt Wendon Hill Country.

The Mataura River was identified as a RMA Section 6(a) feature.

8. The identification of landscapes and features within the district is outlined within Mr Moore’s evidence³ and has followed a process consistent with the Southland RPS.

² Section 32 Evaluation – Natural Features and Landscapes pages 4 and 14.

³ Response to Minute 39 of the Hearings Panel, Proposed Gore District Plan 28 February 2025

9. Through further investigations into these areas, which in part relied on inclusion within the Geopreservation Inventory⁴ as a contributor towards the possible inclusion as VALs, or locally distinctive and valued natural features and landscapes, through a review of the Geopreservation Best Practice guide⁵ and ongoing discussions with Mike Moore, it was determined that further expert input from a geologist/ geo-heritage specialist would be required.
10. Mr Barrell from GNS science was considered to be a suitably qualified person for this task and was therefore contacted for a possible assessment. Mr Barrell provided a fee estimate and timeframe for undertaking an assessment and indicated from an initial desk top assessment that *if* these areas were deemed appropriate for protection, it may be a smaller portion than identified within Mr Moore's preliminary assessment. Due to the timing of Mr Barrells availability, the councillors were advised that this work could not be completed prior to the notification of the district plan. Through this workshop process the workshop members were presented with two options moving forward. It is noted that the options below only relate to Landslip Hill as the elected members did not consider the other options necessitated further scrutiny as locally distinctive and valued.
 - a. Option 1: Undertake the work. This will enable Council to make a highly informed decision about whether Landslip Hill requires further landscape protection. If this assessment finds that the feature should be protected, then a District Plan Variation would be required, noting the Proposed District Plan will already be notified for submission by the time the further evidence is received.
 - b. Option 2: Do not undertake the work. This means there is not the evidential basis to support further landscape protection of Landslip Hill, and the feature would not be subject to any landscape protection other than the wider District Plan provisions and the Rural Zoning, which protect Rural Character and provide for various rural uses of the land.
11. The elected members chose option 2, considering that the existing provisions of the plan, including specific reference to the ECO chapter would likely be sufficient.

The need to address a gap in the plan in relation to locally distinctive and valued natural features and landscapes to give effect to the RPS, either through the current process or by way of a Variation to the Plan;

⁴ [envlSion Maps](#)

⁵ [Publications and Webstore » Geoscience Society of New Zealand](#)

Recommendation:

12. As outlined within the SRPS⁶ locally distinctive and valued natural features and landscapes require identification and management so that subdivision use and development is consistent with their values. Tools such as landscape studies and assessments support the identification process.
13. Identification: As outlined within Mr Moore's preliminary landscape assessment⁷ and reiterated within his response to this minute⁸ there are a number of features which may qualify for identification as locally distinctive and valued natural features and landscapes, however further assessment and refined mapping would be required. As well as input from a geomorphologist.
14. Locally distinctive and valued: In my view, for a feature to qualify as 'locally distinctive and valued' these need to be identified as significant and valuable to the community. As outlined above, the management of landscape was workshopped with elected members of the community, who determined not to proceed with further investigations, therefore indicating that they are not locally distinctive or valued enough for the community to warrant additional investigation and management. Aside from submissions on the plan (addressed further below), this is the best indication we have of whether these features and locally valued by the community.
15. Management: Any management of these features would need to respond to identified threats and values and demonstrate a gap in management. Within Mr Moore's preliminary landscape assessment, which informed the s32a, high level landscape values were identified, however the threats to these values have not, and would require further assessment in order to develop fit for purpose resource management.
16. In my opinion, in order to include locally distinctive and valued natural features and landscapes within the PDP, further comprehensive assessment and community consultation is required. Putting aside any scope issues, locally distinctive and valued natural features and landscapes should not be included within the PDP unless the following can be determined:

⁶ Southland Regional Policy Statement LNF.2 Identification and management of locally distinctive and valued natural features and landscapes.

⁷ Gore District Plan Review – Natural Features and Landscapes. Preliminary Assessment 17 February 2023

⁸ Response to Minute 39 of the Hearings Panel, Proposed Gore District Plan 28 February 2025

- a. Features and landscapes in question can be clearly identified with refined mapping and in-depth expert input from both a landscape architect and a geomorphologist;
 - b. The features have been identified as locally distinctive and valued by the community, through community consultation, informed by the above. This should include targeted consultation with landowners.
 - c. Identified threats to identified landscape values have been identified that warrant management above and beyond that already managed through the PDP.
 - d. Comprehensive assessment planning provisions developed and consulted on that manage (c) above.
17. It is my view that the above cannot happen within the limitations of the current process and would require a variation to the plan.

The scope to identify locally distinctive and valued natural features and landscapes, as raised in submissions, and manage them through provisions (similar to the potential introduction of the Natural Character chapter in response to submissions);

18. The panel has identified a number of submissions seeking to ensure the management of a number of natural features and landscapes that are not considered by the Council's landscape expert, Mike Moore, to qualify as "outstanding".
19. The submissions are summarised as follows:

Robina Johnson S.140

20. Ms Johnson highlights the slopes on the eastern side of Mataura River are equally dominant to the Hokonui Hills and have "incredible character, cultural value, highly visibly for a mass population". Ms Johnson seeks this geological landscape is added to the plan to protect the ranges as they also have the strike ridges of the southern syncline fault-line making quarrying accessible. Ms Johnson does not include maps in the submission but does go some way to describe the area sought to be protected.
21. This submission is requesting an ONL/ONF protection is afforded to the strike ridges in line with the Hokonui Hill classification.
22. Mr Moore addressed this submission within paragraphs 56-59 of his evidence which informed the s42a Assessment and determined that this area, assumed to be the Catlins Strike Ridges discussed previously, did not warrant inclusion as an ONF/L.
23. There is potentially scope to add in provisions only in relation to the Catlins Strike Ridges, however it is noted that this submission was requesting protection as an ONF/L, rather than as locally distinctive and valued natural features and landscape, and as outlined above no mapping was provided through this submission and as such we have assumed this is in relation to the Catlins Strike Ridges.

Southland District Council S.146 (SDC)

24. SDC consider geological sites of national or higher importance, may need ONFL level protections. They seek the integration of geoheritage sites into the Natural Features and Landscapes section. The submitter describes a strip of land between the Hokonui Hills ONFL and Southland District that they consider a Visual Amenity Landscape (VAL) or equivalent, and another area further south that adjoins Southland District. The submitter has not provided any mapping to support their submission. Whilst the submitter notes the integration of geoheritage sites, it is not specific.
25. The submitter has not provided any further information or evidence through hearing process. No landscape plan change has been progressed at SDC to date.

Hokonui Runanga S.139

26. This submission from Hokonui Rūnanga Inc requested an amendment to NFL-P1 to consider mana whenua values associated with ONFLs. This submission was accepted through the s42a process. As will be discussed below, it is considered there is sufficient protection for the stem of the Maitai River, through other aspects of the plan.
27. Overall, it is my view that there may be scope to consider additional landscape protection of the eastern slopes of the Maitai River, otherwise referred to as the Catlins Strike Ridges, based on Ms Robina's submission. However, the further work as detailed above would still need to be undertaken and would likely exceed the timing of the current process, noting decisions on the PDP are due by August 2025.
28. I do not believe there is sufficient scope to consider any other landscapes as candidates for inclusion as locally distinctive and valued natural features and landscapes. While the SDC submission does raise VALs and geoheritage within their submission this is very broad, and I believe raises natural justice issues should this be the basis for further regulation.

Options to identify natural features and landscapes that are locally distinctive and valued, as raised in submissions, both with and without mapping;

29. As outlined above, in my view only the Catlins Strike Ridges have the potential to be within scope, within this process. The mapping we have for this feature is confined to that displayed within Mr Moore's evidence⁹

⁹ Gore District Plan Review – Natural Features and Landscapes. Preliminary Assessment 17 February 2023



FIGURE 1: CATLINS STRIKE RIDGES MAPPING

30. As shown above, this mapping is indicative only and would require refinement to be utilised in a meaningful way. Mr Moore states within his response¹⁰ that “identification must entail mapping for appropriate protection / management of their values to occur”.
31. Additionally, provisions would need to be developed to respond to any identified threats to protect the values of this area, which would need to be comprehensively developed and consulted on. As outlined above, I do not believe there is sufficient time within the current process to undertake this work, nor do I consider there is scope to consider areas other than the Catlins Strike Ridges within the confines of the current process.

The extent to which the General Rural Zone provisions currently manage effects on the landscape of the strike ridges east of Maitava River; and

¹⁰ Response to Minute 39 of the Hearings Panel, Proposed Gore District Plan 28 February 2025

32. In respect of objectives and policies within the GRUZ, the following are identified as relevant.
33. Objective GRUZ-O2 outlines that the character and qualities of the General Rural zone comprise high levels of rural amenity including natural values.
34. The following policies are recommended¹¹ in relation to commercial forestry and woodlots.
- GRUZ-P3 Recognise the benefits of forestry and *woodlots* for carbon sequestering. for economic activity and the natural environment by enabling the following:
- a) plantation forestry in accordance with the NES-CF,
 - b) small scale woodlots.
- GRUZ-P4 Manage potential adverse effects of afforestation and woodlot activities in the district by:
1. Requiring sufficient fire risk protection, including firefighting water supply and fire; and
 2. the layout and scale of the activity is compatible with the character and qualities of the zone; and
 3. Only allowing exotic continuous-cover forestry where:
 - a) it is part of a diversified farming operation; and
 - b) the activity contributes to improved indigenous biodiversity values and freshwater management outcomes.
- GRUZ-P16 Manage potential adverse effects of afforestation and woodlot activities in the district by:
- a. Requiring sufficient fire risk protection, including firefighting water supply and fire; and
 - b. the layout and scale of the activity is compatible with the character and qualities of the zone; and
 - c. Only allowing exotic continuous-cover forestry where:
 - i. it is part of a diversified farming operation; and
 - ii. the activity contributes to improved indigenous biodiversity values and freshwater management outcomes.[HS4 RoR]

¹¹ Recommended in response to Minute 16 from the Panel.

35. GRUZ-P13 requires appropriate setbacks to waterways to maintain and enhance amenity values and natural character.
36. In relation to activities managed in the GRUZ, the provisions permit primary production subject to standards relating to building coverage; building size; setbacks from roads boundaries, rivers and streams; and building height.
37. Mining and quarrying activities must be setback from streams and rivers, similar to buildings and structures. Larger scale mining and quarrying activities require consent as a restricted discretionary activity. Whilst the matters of discretion discuss rural character and amenity values on neighbouring properties and the surrounding environment, I do not consider this is a sufficiently clear to cover landscape effects.
38. In relation to commercial forestry, exotic continuous-cover forestry, commonly known as carbon forestry, is recommended to be a discretionary activity, therefore landscape effects can be taken into account. Plantation forestry is proposed to be managed in accordance with the NES-CF and therefore the plan does not contain controls to protect these landscapes from this.
39. Lot sizes and density of residential dwellings is also managed with a view of limiting buildings in the zone. This goes some way to preserve open space and limit visual effects on the landscape.
40. Removal of Indigenous Biodiversity is further addressed within the ECO chapter.
41. Overall, the GRUZ provisions protect landscape values by limiting rural lifestyle (development sprawl) with larger lots sizes and limiting the construction of dwellings through density. Building sizes, are further managed through standards relating to height, setbacks and coverage.

Subject to an assessment under s32AA, the suitability of the indicative provisions, attached as Appendix 1, to manage locally distinctive and valued natural features and landscapes, as raised in submissions.

42. It is noted that it is not my recommendation to provide for further landscape regulation through this current process. However, if the panel are of a mind to proceed further, below are some broad comments on the indicative provisions within Appendix A.
43. The drafting of Appendix A is a departure from the structure of the PDP, with 'All activities permitted provided...' comply with multiple aspects that span different district wide or zone specific chapters. This is a similar approach utilised within the ODP. We have now moved away from this style of drafting, preferring to identify specific activities. This is more directive for plan users, especially when consent is required.
44. The proposed provisions lack sufficient evidence and analysis to demonstrate that they are fit for purpose, specifically they are not currently backed by supporting evidence that demonstrates a clearly defined spatial extent of the proposed features, identified values and threats. Additionally, this would introduce further regulation of areas of the district not previously circulated and may pose natural justice issues.

45. The proposed rule that enables an existing lawfully established activity to occur where scale is not increased could result in plan interpretation and implementation issues. For instance, if a lawfully established farm proposed to build a shed or increase stocking, does that then increase the scale and require resource consent? As with the proposed planting restrictions (shelterbelts) this could result in more onerous consenting requirements than the NFL chapter.
46. The proposed rule is largely covered by other aspects within the plan:
- The Earthworks chapter provides for setbacks from the Mataura river
 - The GRUZ provisions manages quarries and mining activities within 20m of the Mataura River.
 - The Stream setback rule for buildings and structures applies to the Mataura river.
 - Fencing is managed through the stream setback rules.
 - Management of cultural values is provided for throughout the district through the Mana Whenua and SASM chapters.
47. As discussed, a process needs to be followed in order to land on meaningful provisions which can achieve the appropriate outcome.
48. Overall, it is my recommendation that further landscape regulation is not progressed through this current process.
49. The Panel may however deem it appropriate to signal to council that a variation to the plan is undertaken.

Outstanding Matters from the HS9: Amendments to NFL-P3

50. During the process of the hearing an issue with the proposed NFL-P3 was raised that the policy as worded may have resulted in an overreach of all infrastructure having regard the operational needs or functional needs of an activity, rather than just critical infrastructure. More context on the use of operational need and functional need is discussed within the response to Minute 27.¹²
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51. The below is the proposed amendment to NFL-P3 based on the above, noting the blue amendments demarcate the additional changes.

- NFL-P3 Avoid the placement of ~~critical~~ infrastructure within identified Outstanding Natural Features and Landscapes, unless, and in regards to critical infrastructure, having regard to the operational needs or functional needs of the activity
1. There is no reasonable alternative ~~due to the operational or functional need~~ for the location; and
 2. Adverse effects on landscape values can be avoided or appropriately mitigated-, or
 3. Notwithstanding NFL-P1 clauses (1), (3) and (4), for the National Grid,
 - a. Enables the reasonable operational, maintenance and minor upgrade requirements of established National Grid assets;
 - b. Seeks to avoid adverse effects of the development of the National Grid on landscape values, including by having regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection

52. This proposed change can also be found within **Appendix 1** of this assessment.

Signed:



Mishka Banhidi
Consultant Planner

14 March 2025

Appendix 1: Recommended draft Natural Features and Landscapes Chapter (NFL)

Appendix 2: Supplementary evidence in response to Minute 39 - Mike Moore.