

Gore Proposed District Plan

Hearing Stream 3 – Rural Chapters

Section 42A of the Resource Management Act 1991

Section 42A Report – Rural Zones

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Attachment 2: Transport Evidence from Mr Mark Gregory

Attachment 3: Gore District Plan Review Planning for Growth, authored by The Property Group, dated June 2022

Attachment 4: Gore District Plan Review Economic and Population Growth Analysis, authored by The Property Group, October 2021

Attachment 5: Gore District Plan Review – Proposed Hokonui Hills Rural Lifestyle Zone. Recommended Landscape Protection Provisions, authored by Mike Moore, dated 21 March 2023

Interpretation

Table 1: Abbreviations

Resource Management Act 1991	RMA or 'the Act'
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Table 2: Submitters' and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Rural Contractors NZ Incorporated	RCNZ
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers

Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths

Table 3: List of Submitters and Further Submitters Numbers

S3	Stoney Creek Station Limited
S17	Resolution Developments Limited
S18	Reaby Downs Farm Ltd
S19	Karen Temple
S20	Sarah and Peter Barclay
S24	Helen McIntosh
S26	Michael Crymble
S28	Ravensdown Limited
S36	Clayton Rowland
S39	Bernadette Howard
S40	Silver Fern Farms
S42	Kowhai Trust
S50	Jacklyn (Jackie) Johnston
S51	Nick Crisp
S59	Adrienne Crispin
S60	Ronald Crispin
S63	New Zealand Helicopter Association
S68	John Baynes
S69	Ian-Davidson Watts
S74	Hamish Weir
S77	New Zealand Heavy Haulage Association
S84	John Sheddan
S85	Environment Southland
S87	Ballance Agri-Nutrients
S92	Nadine Fletcher
S96	Anna Kauai
S99	Clark Fortune McDonald & Associates
S100	Charlton Rise Limited
S101	Transpower New Zealand Limited
S103	McNabb Management Ltd
S104	McLeod-Wantwood Trust/Wantwood Station
S105	Farm Manager - Wantwood Station
S109	Department of Conservation
S110	Royal Forest and Bird Society of NZ Inc
S111	Aggregate and Quarry Association
S112	NZ Transport Agency Waka Kotahi
S113	Trudy Bokser
S115	Kevin Robertson
S116	Nathan Bokser
S117	Greg Bokser

S118	AW+ JA Johnston Family Trust
S121	Alliance Group Limited
S122	Fulton Hogan
S124	Fire and Emergency NZ
S125	Ministry of Education
S126	Southland Federated Farmers of New Zealand
S127	Peters Farm LtdKaren Peters
S128	Greenbriar Ltd.
S129	Waikaka Gold Mines Limited
S130	Mercury NZ Limited
S132	KiwiRail Holdings Ltd
S133	David Pullar
S135	Straterra Inc
S136	Jenny Campbell
S138	Port Blakely Limited
S139	Hokonui Rūnanga Inc
S140	Robina Johnston
S143	Rural Ratepayers Group
S145	Rural Contractors NZ Incorporated (RCNZ)
S146	Southland District Council
S148	Alistair & Bernadette Hunt
S152	Nigel Cowburn
S156	New Zealand Agricultural Aviation Association
FS4	New Zealand Agricultural Aviation Association
FS5	Hamish Weir
FS10	Port Blakely Limited
FS11	Heritage New Zealand Pouhere Taonga
FS14	NZ Transport Agency Waka Kotahi
FS16	Fire and Emergency New Zealand
FS17	Federated Farmers
FS18	New Zealand Helicopter Association
FS22	Clark Fortune McDonald and Associates
FS24	Contact Energy Ltd
FS25	Stoney Creek Station Ltd
FS29	Silver Fern Farms Limited
FS31	Department of Conservation

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes three Rural Zone chapters:
 - General Rural Zone (GRUZ)
 - Rural Lifestyle Zone (RLZ)
 - Settlement Zone (SETZ)
2. The GRUZ contains objectives, policies, rules and standards to provide for and protect rural activities and the rural resource. The GRUZ is the largest zone in the district and is characterised by pastoral land, open space, planting and limited built form. This zone supports a range of activities that rely on land resources and as such, the zones objectives, policies and rules provide a framework for managing effects on the life supporting capacity of soils, as well as cultural, landscape, and rural character and amenity values.
3. The RLZ contains objectives, policies, rules and standards to provide for rural lifestyle living opportunities while preventing ad hoc or sporadic subdivision and activities that compromise productive working zones. The RLZ facilitates rural lifestyle living whilst maintaining overall rural character and primary production activities necessary to manage larger land holdings.
4. The SETZ contains objectives, policies, rules and standards to provide for the sustainable management of townships located within rural environments. There are three townships provided for in the SETZ. These include:
 - Mandeville
 - Waikaka
 - Pukerau
5. In the GRUZ there were 1047 submission points and 163 further submission points. The submissions largely covered matters relating to:
 - Density and minimum lot size.
 - Mining and quarrying.
 - Rural industry standards and Rural contractor Depots.
 - Reverse sensitivity.
 - Recognition of the GRUZ as appropriate for renewable energy and infrastructure.
 - Changes to definitions.

- Various amendments to built form.
 - Requirements for servicing standards and firefighting provision.
 - Restricting development in all areas that are subject to natural hazards.
 - A 5m setback from the rail corridor.
 - Permitting relocated buildings.
6. In the RLZ there were 152 submission points and 35 further submission points. The submissions largely covered matters relating to:
- The 1 ha lot size for the RLZ.
 - Rural amenity.
 - Reverse sensitivity.
 - Amendments to the Hokonui Lifestyle Precinct.
 - Built form standards.
 - Zoning requests.
 - Requirements for servicing standards and firefighting provision.
 - Restricting development in all areas subject to natural hazards.
 - 5m setback from the rail corridor.
 - Permitting relocated buildings.
7. In the SETZ there were 60 submission points and 20 further submission points. The submissions largely covered matters relating to:
- Restricting development in all areas subject to natural hazards.
 - Density.
 - Built form standards.
 - Requirements for servicing standards and firefighting provision.
 - 5m setback from the rail corridor.
 - Permitting relocated buildings.
8. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further

submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

9. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:

- Mapping changes to acknowledge inundation risk in East Gore, Waikaka and Mataura;
- A new Precinct to provide for the New Vale Mine in the GRUZ;
- Reduced setback from the State Highway in the GRUZ;
- Increased scale of permitted rural industry activities in the GRUZ;
- Increased building coverage in the RLZ;
- Revised definitions to improve clarity and align with national direction;
- Revised wording of objectives and policies to improve useability of the plan; and
- A restricted discretionary activity (RDA) consenting pathway for additional minor units in the GRUZ.

2. Introduction

2.1 Author and qualifications

10. My name is Joanne Skuse. I am employed as a Senior Planner at The Property Group. I am the author of this report.
11. I hold the qualifications of a Bachelor of Law (LLB) from the University of Exeter, United Kingdom. I am an associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations for continued professional development.
12. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans.
13. I have seven years of resource consent management experience working in local government and private consultancy. Prior to joining The Property Group, I was a Resource Consents Planner at Queenstown Lakes District Council.
14. My experience includes the preparation and processing of applications for resource consents as well as the preparation of submissions to District Plans across Aotearoa.

2.2 Code of Conduct

15. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed

the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.

16. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan(PDP) hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

17. This report considers the submissions and further submissions that were received by the Council in relation to the Rural chapters of the PDP. In addition, the provisions in the following chapters relating to the management of Rural zones and mapping are also addressed:

- Part 1:
 - i. How The Plan Works
 - ii. Interpretation – Definitions
- Part 2: District Wide Chapters
 - i. Noise
 - ii. Subdivision
- Planning maps
- Appendix 3

18. The assessment of submissions will generally follow this format:

- Submission information;
- Analysis of submissions;
- Recommendation and any amendments; and
- Where an amendment is recommended a section 32AA assessment is provided.

19. Recommendations are made to either retain provisions without amendment, delete, add to or amend. The amended provisions are shown by way of ~~strikeout~~ and underlining in red. Appendix A of this report contains a copy of the Rural chapters, and the relevant sections of: How the plan works, Interpretation, Noise and Appendix 3 with all recommended amendments shown by way of ~~strikeout~~ and underlining in red.

20. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct

any minor errors. Where this has been relied upon for minor correction it is noted in the body of this report.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 – Matters to be considered by territorial authorities; and
 - Section 75 – Content of District Plans.
22. As set out in the Section 32 Evaluation Report for the Rural zones, there are several higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Report: Introduction, General Provisions and Strategic Direction also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
23. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report. However, where a higher order document is considered particularly relevant to the assessment of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

4.2 National Planning Instruments and other Relevant Plans and Policies

National Policy Statement on Indigenous Biodiversity

24. The National Policy Statement Indigenous Biodiversity identifies a national methodology for identifying Significant Natural Areas (SNA's) and requires their protection and the management of subdivision, use and development within SNA's. Provision is made for nationally significant infrastructure, mineral and aggregate extraction, new dwellings on existing lots, and Māori customary activities. Commercial forestry activities are also required to be managed and existing activities such as pastoral farming are provided for.

National Policy Statement for Highly Productive Land

25. The National Policy Statement for Highly Productive Land (NPSHPL) requires Councils to recognise and provide for the value and long-term benefits of using highly productive land for primary production by avoiding uncoordinated urban expansion and Rural Lifestyle areas on highly productive land that has not been subject to a strategic planning or cost benefit process. Highly productive land includes a land parcel with Land Use Capability 1,2, and 3 soils. The regional council must notify maps of Highly Productive Land (HPL) by 2025, and then the District Plan needs to incorporate these maps without going through the first schedule process within

six months. Changes to district plan provisions are then required within two years and will have to go through the first schedule process. New provisions will cover the following matters:

- Avoiding subdivision on HPL (3.8)
 - Protecting HPL from inappropriate use and development (3.9)
 - Continuation of existing activities (3.11)
 - Supporting appropriate productive use of HPL (3.12)
 - Managing reverse sensitivity and cumulative effects (3.13)
26. In the meantime, HPL is land that is general rural and LUC, 1, 2 and 3 but not land identified for urban development in a council adopted growth plan or strategy (3.5(7)). Councils can allow urban rezoning of HPL only if it is necessary to provide development capacity to meet expected demand, where it is the only reasonably practicable option, and where the benefits outweigh the costs (3.6(4)). Rezoning of HPL for Rural Lifestyle is to be avoided except where analysis is undertaken considering matters such as permanent or long-term constraints of the land, productive capacity loss, land fragmentation, reverse sensitivity effects, benefits of development vs costs of loss of HPL.
27. Land-based primary production is defined in the NPS-HPL as “production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.” This definition is deliberately narrower than the National Planning Standards definition of ‘primary production’ as there are some activities covered by the primary production definition that do not need to locate on HPL in the same way as agricultural or horticultural activities do. As such, the intent of the NPS-HPL is not to protect HPL for mining and quarrying activities.
28. However, there is a pathway for mineral and aggregate extraction on HPL under Clause 3.9(2)(j) where these meet certain tests (operational and functional need to be on HPL or provide significant public benefits). Small-scale farm quarries could also potentially have a pathway on HPL as ‘supporting activities’.

National Policy Statement for Renewable Electricity Generation 2011:

29. The National Policy Statement for Renewable Electricity Generation (NPSREG) recognises the national significance of renewable electricity generation and provides for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. Policies reinforce the benefits of renewable electricity generation activities, the practical constraints and implications of achieving targets, reverse sensitivity effects; the need to incorporate provisions for renewable electricity generation activities into resource management plans; and the need to enable future generation opportunities.

National Policy Statement on Electricity Transmission 2008

30. The National Policy Statement on Electricity Transmission 2008 (NPSET) seeks to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance, and upgrade of the existing transmission network and the establishment of new

transmission resources to meet the needs of present and future generations, while managing adverse effects on, and of, the network. There are a number of policies that seek recognition of the national benefits of transmission, management of environmental effects of transmission and the adverse effects on third parties, identification of the network on planning maps, and the facilitation of long-term planning for the network.

National Environmental Standards for Commercial Forestry 2023

31. The National Environmental Standards for Commercial Forestry are regulations made under the Resource Management Act (RMA) 1991 and came into force on 3 November 2023. Previously, the National Environmental Standards for Plantation Forestry (NES-PF) only managed forests planted for harvest. Since the NES-PF was introduced in 2018, there has been an increase in carbon forests, which weren't managed by the NES-PF. This follows a rise in the carbon price and subsequent farm conversions to forestry.
32. The regulations provide a set of nationally consistent rules for commercial forests that cover 8 broad activities, from planting through to harvesting. This includes plantation forests and exotic continuous cover forests. The NES-CF is implemented by regional councils and district councils.
33. The NES-CF regulations cover 8 core commercial forestry activities that have environmental effects which need to be managed:
 - afforestation (planting new forest)
 - pruning and thinning to waste (selective felling of trees where the felled trees remain on site)
 - earthworks
 - river crossings
 - forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)
 - harvesting
 - mechanical land preparation
 - replanting.
34. The NES-CF applies to any forest of at least one hectare that has been planted for commercial purposes. This includes plantation forests and exotic continuous cover forests. These are defined in the regulations.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

35. The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. Requirements include to manage freshwater in a way that 'gives effect' to Te Mana o te Wai, to avoid further loss or degradation of wetlands and streams, improve degraded water bodies, in stream habitats and fish passage, and maintain or improve all water bodies using defined bottom lines with annual monitoring and reporting requirements. The implementation of the NPS FM is primarily a regional council function, however territorial authorities must adopt an integrated approach to freshwater management in that the whole environment is connected.

National Environmental Standard for Freshwater 2020

36. The National Environmental Standards for Freshwater set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The standards have rules in relation to natural inland wetlands, reclamation of rivers, fish passage, fertiliser use, discharges in relation to farm conversions and agricultural intensification, and requirements for farm practices in relation to winter grazing, feedlots and stockholding areas. Setback requirements to all waterbodies for farming activities include 50m for feedlots and stockholding areas, and 5m for stock for winter grazing activities.

The Resource Management (Freshwater and Other Matters) Amendment Bill (no legal effect)

37. The Resource Management (Freshwater and Other Matters) Amendment Bill was introduced in May 2024 and among other things seeks to:
- Exclude the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting.
 - Repeal the stock exclusion regulations in relation to sloped land.
 - Repeal NES-F restrictions around winter grazing.
 - Align the provisions for coal mining with other mineral extraction activities across the NPS-IB, NPS-FM and NES-F.
 - Suspend and extend timeframes under the NPS-IB, in particular for the identification of Significant Natural Areas (SNAs) and include them in district plans.
 - Amend the process for preparing and amending national direction documents.
38. The Bill does not have legal effect, but proposed changes would remove the 5m setback for winter grazing livestock, but would not remove the general 3m setback for stock exclusion.

Southland Regional Policy Statement (RPS)

39. The Southland Regional Policy Statement 2017 (RPS) sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Section 75(3) of the RMA requires the PDP is required to give effect to the RPS.
40. The RPS contains a chapter on rural land and soils – Chapter 5: Rural Land/Soils. Chapter 5 concludes that to achieve sustainable use of rural land resources, rural-residential subdivision must be undertaken in a way that achieves efficient use of soil and land resources. This means avoiding negative outcomes such as the loss of high value soils from productive use, inefficient use of transport networks, reverse sensitivity effects, or lack of available land following 'ring fencing' of urban areas by small landholdings. The Southland RPS Chapter 5 also notes mineral extraction activities take place in the region. These activities need to occur in appropriate locations in the rural environment and may have adverse effects on road networks, and water flows and quality. The RPS also notes that rural land use can affect indigenous biodiversity and ecosystems.

41. The RPS objectives further require that risks from natural hazard effects to people, communities, their businesses, property, and infrastructure are understood and avoided, remedied, or mitigated. This will result in communities becoming more resilient. Policies seek a precautionary approach towards managing the effects of climate change and sea level rise, and any associated changes in the scale and frequency of natural hazards, to ensure potential adverse effects are avoided or mitigated.
42. In managing natural hazards, the following are set as implementation priorities:
- avoid exposure to areas at significant risk from natural hazards where practicable by adopting a precautionary approach;
 - mitigate the effects of natural hazards by managing land use in areas known to be susceptible to the effects of natural hazards;
 - undertake physical works needed to reduce the potential for the natural hazard to affect people and infrastructure.
43. Policies also seek that new subdivision, development, and placement of critical infrastructure in areas at significant risk from natural hazards are avoided, unless:
- there is no reasonable alternative, in which case critical infrastructure must be designed to maintain, as far as practicable, its integrity and function during natural hazard events; or
 - avoidance is impossible or impractical and adverse effects are mitigated to an acceptable level; or
 - subdivision is solely for the purpose of boundary adjustments.
44. The RPS also indicates that Southland is likely to be exposed to an increased magnitude of natural hazards such as flooding and droughts due to the impacts of climate change.

4.3 Section 32AA evaluation

45. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*

- (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or
- (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

- 46. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 6, as required by s32AA(1)(d)(ii).
- 47. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

Meetings, pre-hearing conferences, clause 8AA meetings or expert witness conferencing

- 48. My colleague Matt Heale and I met with the representatives of Greenbriar Limited at their request to discuss the submission lodged and relief sought.

Points reallocated to other hearing streams

- 49. Submission points related to the following topics, initially allocated to the General Rural Zone Hearing Stream have been reallocated to a later hearing stream as follows:

Table 4	
Submitter and Topic	Hearing Stream
Stoney Creek et al – Request for a new Hokonui Hills Special Precinct	Hearing Stream 9 Natural Hazards and Natural Environment Values
McNabb Management Ltd – Request for extensive re-zoning and relocation of Māori Purpose Zone and additional Rural Industry Precinct	Hearing Stream 4 Māori Purpose and Industrial Zones
Submissions relating to Agricultural Aviation and noise	Hearing Stream 6

	General District Wide Matters and Subdivision
Transpower New Zealand Limited - Request for changes to Note 1	Hearing Stream 7 Energy, Infrastructure and Earthworks

Errors and Omissions

50. The following submission points were partially omitted from the summary of submissions. These include:

- Southland Federated Farmers of New Zealand have provided a submission on the Proposed District Plan. Rural Ratepayers Group, Kevin Robertson, Alistair & Bernadette Hunt, Ronald Crispin and John Baynes have submitted in support of Southland Federated Farmers of New Zealand and duplicated the submission.

In relation to GRUZ-R6 permitting conservation activities, it was recorded that Alistair & Bernadette Hunt (s148.201) supported the activity rule. Given that Alistair & Bernadette Hunt's submission is a duplicate of Southland Federated Farmers of New Zealand, then all the submitters listed above should have been recorded as supporting this rule. However, the summary of submissions has not recorded these additional submission points.

4.5 Response to Panel Minutes

51. On 5 and 6 June 2024 the hearing was held to consider submissions and further submissions to Part 1 – Introduction and General Provisions of the Proposed District Plan (excluding Mana Whenua) and the Urban Form and Development chapter, which forms the Strategic Direction provisions of Part 2 – District-Wide Matters.
52. Following the hearing the Panel issued Minute 9, dated 13 June 2024, requiring Matt Heale, Planning Consultant, and Shelley Chadwick, Counsel for the Gore District Council, to respond to matters outlined in the minute.
53. The following points raised in the minute are relevant to Hearing Stream 3 and the rural chapters, therefore I have included detail here.
54. Commissioner Bartlett highlights a typographical error in the definition of 'Equestrian Facilities' and also enquired if there is a reason horse racing is not included. 'Equestrian Facilities' have been included in the plan to acknowledge the likelihood of riding stables, stud farms and horse training centres locating in the zone. The activities are not included in primary production definition. As it is important to protect the GRUZ for primary productive use, small-scale equestrian facilities are enabled through GRUZ-R14 and RLZ-R9. The scale is managed by the number of persons using the facility. Horse Racing can be a large-scale event and not anticipated to be covered by the definition.

55. Commissioner Bartlett enquired whether ephemeral streams need to be included in the definition of stream to give effect to or be consistent with higher order documents. The definition of stream is discussed in section 6.5.1 below and an amendment is recommended following assessment of conditions. I do however note that an ephemeral stream is considered to be included in the definition of stream as it includes both a continually or intermittently flowing natural or modified body of fresh water.
56. Commissioner Bartlett enquired whether a definition of “land based primary production” is required. This is likely due to the application of the NPS-HPL. As detailed above the ‘land-based primary production’ is defined in the NPS-HPL as “production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land”. This definition is deliberately narrower than the National Planning Standards definition of ‘primary production’ and does not include mining or quarrying activities. In response to this the GRUZ includes a primary production rule specifically excluding mining and quarrying, and then additional rules for these specific activities with requirements restricting the activity on highly productive land.

5. Background

57. The Section 42A Introduction, General Provisions and Strategic Direction Report, prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.
58. There is one relevant Section 32 Evaluation report¹ relating to the three rural zones.
59. The Section 32 Evaluation Report assesses and considers the relevant higher order planning documents and any strategic plans which provide direction and guidance for the preparation and content of these chapters. Where relevant these documents are considered in more detail in the assessment of submission points.
60. As detailed in the Section 32 report, the Rural Zones give effect to effect to the National Planning Standards and relevant higher order documents such as the NPS-HPL.

¹ Gore District Council Section 32 Report – Rural Zones [Section 32 Reports | Let’s Talk Gore District \(goredc.govt.nz\)](#)

61. The three Rural Zone provisions and zoning locations also give effect to the relevant Urban Form and Development Objectives, in particular UFD-O1, UFD-O2, UFD-O3, UFD-O10 and UFD-O11.

5.1 Technical Reports

Gore District Plan Review – Economic and Population Growth Analysis October 2021 (Attachment 4)

62. The Gore District Plan Review and Population Growth Analysis report reviews the Ready for Tomorrow – Gore District Spatial Plan as well as market research. The report provides an analysis of the contribution the Gore district makes to Southland’s regional economy with a breakdown on areas of employment, and the agricultural, manufacturing and retail & hospitality sectors as the primary economic contributors.
63. The document outlines the population of the district, including specifics on the population and number of houses in the three settlement areas. It provides an assessment of the future demand for various housing types, by utilising census data, available industry information and Statistics NZ growth projections. The report determined a demand for rural lifestyle living opportunities, down to 1 hectare in size.

Gore District Plan Review – Planning for growth June 2022 (Attachment 3)

64. The Gore District Plan Review Planning for Growth analysis concluded that to support the continued growth in the agriculture sector, the General Rural Zone should allow for the continued operation of primary production activities. Further, activities such as rural industry, along with the potential for new technologies should be accommodated in the zone to support the agricultural sector. This will safeguard highly productive soils in line with National Policy direction. Agriculture and rural industry needs may change over time, as new technology and practices evolve and grow. To provide for viable primary production and a range of rural industry and productive uses, the district plan would need to be cognisant of future changes. The study also concluded that other rural based industries which have shown growth over the last 10 years, and are anticipated to continue to grow, include forestry, energy generation and mining related activities. Gore’s rural character and natural resources means it is well placed to support innovations in the clean energy sector, such as wind farms and solar energy.

Gore District Council Proposed Plan Change Rural Lifestyle and Settlement Zones - Flooding Assessment, authored by Tonkin & Taylor, June 2024 (Attachment 1)

65. In light of the submission from Environment Southland (ES), the Council have engaged Tonkin and Taylor to provide additional expert evidence relating to the notified rural ‘upzoned’ areas of the district that are subject to possible flooding, specifically areas potentially at ‘Significant

Risk² of flooding within the Rural Lifestyle and Settlement zone areas of the PDP. This assessment identifies areas of the district that meet the definition of significant risk, however, also applies additional considerations such as velocity to consider whether adverse effects from inundation can be mitigated, or if areas of land are unsuitable for the proposed zoning. It is important to note that the mapping generated by Tonkin and Taylor does not factor in any stop bank protection.

Transport Expert Evidence – Mr Mark Gregory -Transportation Planner (Attachment 2)

66. Mr Greogry has prepared a statement of evidence on behalf of the Gore District Council in respect of technical related matters arising from the submissions and further submissions on the Proposed Gore District Plan. Specifically, the statement of evidence relates to the matters of Submissions s42.001 and s42.002, seeking rezone of land at 205 Reaby road Gore, from Rural to Rural Lifestyle Zone and Submission s99.003 seeking to extend the Rural Lifestyle Zone to the SH94 corridor.

Proposed Hokonui Hills Rural Lifestyle Zone. Recommended Landscape Protection Provisions, 2023 (Attachment 5)

67. Public feedback on the *draft* plan sought that an area off Reaby Road close to the Hokonui Hill be zoned Rural Lifestyle. Due to the potential landscape sensitivities, Mike Moore was commissioned to prepare this landscape assessment to advise on the suitability of that zoning. The conclusions were that the area can be upzoned, but subject to extra provisions that would protect the landscape character of the site, and landscape values of the adjacent Hokonui Hills ONL area. As a result, this land has been zoned Rural Lifestyle, with the Hokonui Hills Rural Lifestyle Precinct over it.

² Southland Regional Policy Statement 2017, Policy NH.5: Avoid areas of significant risk from natural hazards. Avoid new subdivision, development and placement of critical infrastructure in areas at significant risk from natural hazards, unless: (a) there is no reasonable alternative, in which case critical infrastructure must be designed to maintain, as far as practicable, its integrity and function during natural hazard events; or (b) avoidance is impossible or impractical and adverse effects are mitigated to an acceptable level; or (c) subdivision is solely for the purpose of boundary adjustments.

6. Consideration of submissions

6.1 Structure of the report

68. Submissions on the Rural zones have raised a number of issues which have been grouped as follows:
- Definitions
 - Common submissions across the rural zones
 - Mappings across the rural zones
 - New Special Purpose Zone and Precincts Request across the rural zones
 - Submissions specific to General Rural Zone
 - General Submissions
 - Provisions
 - Submissions specific to Rural Lifestyle Zone
 - General Submissions
 - Hokonui Lifestyle Precinct
 - Provisions
 - Submission specific to Settlement Zone
 - General Submissions
 - Provisions
69. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified or grouped by Issue where the submission crosses multiple provisions but has a similar intent and relief sought. I have considered substantive commentary on primary submissions and further submissions as part of my consideration.
70. Due to the number of submission points, this evaluation is generic only in parts and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
71. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapters with recommended amendments in response to submissions as **Appendix A**.

72. This report only addresses submissions on definitions and mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Report: Introduction, General Provisions and Strategic Direction Report.

6.2 Overview of submissions

73. The submission period ran from 31 August to 26 October and then was extended to 27 November by Council resolution. Council received 130 submissions containing 5542 submission points.
74. Some submissions were received after the 27 November 5:00pm deadline, however these submissions were accepted and are not considered late as they were received up until midnight 27 November 2023.
75. A total of 1287 submission points were received on the Rural Zone Chapters; 1047 submission points for the General Rural zone, 152 for the Rural Lifestyle zone and 60 for the Settlement Zone. A list of submitters on the Rural Zones is provided at the start of the report. The issues raised by submitters are summarised below.
76. Definitions are addressed at Section 6.4 of this report. A number of submissions had common themes across all three rural zones and are addressed in section 6.5 of this report, along with definitions. Mapping and zoning requests are addressed at section 6.6 of this report. Specific submissions are included in the following relevant sections.
77. In the GRUZ there were 1047 submissions and 163 further submissions. The submissions largely covered matters relating to:
- Density and minimum lot size. There was support for the 8ha in order to preserve productive land. Many submission however sought a revised density and minimum lot size of 2 hectares.
 - Mining and quarrying, in relation to their acknowledgment as a primary production activity under the NPS-HPL, greater permitted thresholds are sought and amendments to policies.
 - Rural industry and how the current permitted standards are unworkable. More permissive building sizes are sought as well as setbacks. A new rule specifically for Rural contractor Depots is requested.
 - Reverse sensitivity and its application to primary production and infrastructure.
 - Recognition of the GRUZ as appropriate for renewable energy and infrastructure.
 - Definitions in relation to aligning with higher order documents, improving clarity and enabling farming operations.
 - Various amendments to built form standards including setback from the State Highway.

- Requirements for servicing standards and firefighting provision.
- Restricting development in all areas subject to hazard mapping.
- KiwiRail seek a 5m setback from the rail corridor.
- NZHHA seek that relocated buildings are permitted across the GRUZ

78. In the RLZ there were 152 submissions and 35 further submissions. The submissions largely covered matters relating to:

- The 1 ha lot size for the RLZ.
- Rural amenity.
- Reverse sensitivity for existing primary production activities.
- Amendments to the Hokonui Lifestyle Precinct.
- Amendment to built form standards particularly building coverage.
- Zoning requests.
- Requirements for servicing standards and firefighting provision.
- Restricting development in all areas subject to natural hazards.
- KiwiRail seek a 5m setback from the rail corridor.
- NZHA seek that relocated buildings are permitted across the RLZ.

79. In the SETZ there were 60 submissions and 20 further submissions. The submissions largely covered matters relating to:

- Restricting development in all areas subject to natural hazards.
- Density for sites already smaller than 2000m².
- Built form standards.
- Requirements for servicing standards and firefighting provision.
- KiwiRail seek a 5m setback from the rail corridor.
- NZHA seek that relocated buildings are permitted across the SETZ.

6.3 Format for consideration of submissions

80. For each identified issue or provision, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA assessment.
81. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.4 General submissions – Definitions

6.4.1 Matters raised by submitters

Agricultural, horticultural and pastoral activities

82. Stoney Creek Station Limited (s3.082), McLeod-Wantwood Trust/Wantwood Station (s104.018), Farm Manager - Wantwood Station (s105.018), Peters Farm Ltd Karen Peters (s127.018)(s127.118), Trudy Bokser (s113.082), Nathan Bokser (s116.082), AW+ JA Johnston Family Trust (s118.082), Reaby Downs Farm Ltd (s18.084), Karen Temple (s19.084), Sarah and Peter Barclay (s20.084), Helen McIntosh (s24.084), John Baynes (s68.086), Greg Bokser (s117.082) seek the definition of 'agricultural, horticultural and pastoral activities' is amended as follows:
- Means the use of land and / or buildings which are used for producing livestock, crops and other agricultural produce that is reliant on the soil resource of the land and includes storage of equipment and machinery associated with the activity but excludes any processing, quarrying (except for farm quarries) or direct sales.*
83. Federated Farmers (FS17.094) has submitted in support of this amendment as it helps to clarify the definition.

84. Southland Federated Farmers of New Zealand (s126.006), Rural Ratepayers Group (s143.018), Kevin Robertson (s115.007), Alistair & Bernadette Hunt (s148.019), Ronald Crispin (s60.009), John Baynes (s68.127) seek the title of the activity 'agricultural, horticultural and pastoral activities' is amended as follows, and any consequential amendments are made across the plan:

~~Agricultural, horticultural and pastoral activities~~ Rural production activities

The submitters consider that while the definition is an accurate description of the activities associated with farming it is noted that the term 'rural production activities' is used in many places throughout the Plan. This is confusing and there should be consistency and clarity in the usage of terms. SFF seeks that the description in the definition for agricultural, pastoral, horticultural activities is retained but renamed 'rural production activities' and the term rural production activities used consistently throughout the plan.

Assessment

85. 'Agricultural, horticultural and pastoral activities' are permitted within the GRUZ, RLZ and FDZ, as the definition sits under the Primary Production definition in the nesting tables, which is permitted in the zones. Agricultural, horticultural and pastoral activities are permitted in the Mandeville Aviation and Rail Precinct (within SETZ) and the Eversfield Precinct (within Large Lot Residential Zone), but primary production activities are not as this enables a wider range of activities not suitable for the zones. The purpose of the definition and its use is to enable smaller scale agricultural activities within zones that are not strictly working rural areas i.e. the Settlement zone and Large Lot Residential areas. The activity is to acknowledge that there may be larger landholdings within these zones that require agricultural, horticultural and pastoral activities to assist in their maintenance.
86. Given agricultural, horticultural and pastoral activities are permitted within the Mandeville Aviation and Rail Precinct and Large Lot Residential Zone Eversfield Precinct with this specific activity rule, (and not by proxy of inclusion of primary production), farm quarries are not anticipated. Whilst landholdings may be larger, the zones typically allow for a much greater extent of sensitive activities and therefore I do not consider it appropriate to permit farm quarries. In the GRUZ farm quarries are permitted (subject to rule requirements) by GRUZ-R3. Within the RLZ farm quarries are not permitted as quarrying is included in the list of primary production activities restricted in the zone. This is due to the potential for nuisance effects. The RLZ has been established to recognise areas of land which have been fragmented by 2ha subdivision and therefore are no longer representative of larger farm holdings, most likely to benefit from a farm quarry.
87. In relation to the phrase, 'rural production activities', it is present in the overview of the GRUZ zone. I consider the phrase is being used interchangeably with 'primary production activities' given the purpose of the zone.
88. I recommend the Overview and Purpose is updated to replace the word 'Rural' with 'primary' as shown in **Appendix A**. I consider this will improve the clarity of the plan.
89. I recommend no changes to the definition of 'Agricultural, horticultural and pastoral activities'.

Cultivation

90. Stoney Creek Station Limited (s3.084), Peters Farm Ltd Karen Peters (s127.120), Trudy Bokser (s113.084), Nathan Bokser (s116.084), AW+ JA Johnston Family Trust (s118.084), Reaby Downs Farm Ltd (s18.086), Karen Temple (s19.086), Sarah and Peter Barclay (s20.086), Helen McIntosh (s24.086), John Baynes (s68.088), Greg Bokser (s117.084), Southland Federated Farmers of New

Zealand (s126.014), Rural Ratepayers Group (s143.026), Kevin Robertson (s115.015), Alistair & Bernadette Hunt (s148.027), Ronald Crispin (s60.017), John Baynes (s68.135) support the definition of 'cultivation' and seek it is retained as drafted.

Assessment

91. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Fences

92. Southland Federated Farmers of New Zealand (s126.021), Rural Ratepayers Group (s143.033), Kevin Robertson (s115.022), Alistair & Bernadette Hunt (s148.034), Ronald Crispin (s60.024), John Baynes (s68.142) and David Pullar (s133.001) seek a new definition for farm fences as the submitters state there are inconsistencies throughout the plan whereby the proposed definition of fences attempts to cater to multiple purposes. Having a separate definition for a farm fence would allow clear separation of rules/standards applicable. We recommend the Council simplifies its approach to fencing in this respect. The submitters consider there is limited narrative on fencing in any of the s 32 reports. The proposed 'farm fences' definition is as follows:

Farm Fences: Means any fence erected for the purposes of any primary production activity.

93. Alistair & Bernadette Hunt (s148.001) seek a separate definition for farm fences and seek to ensure farm fences are excluded from the rules requiring setback from waterways. The Rules regarding fences are either limiting or enabling which makes the definition flawed. The Regional Council has a raft of rules regarding agricultural setbacks so there is a risk of duplication or confusion by including this in the District Plan.
94. Southland Federated Farmers of New Zealand (s126.020), Rural Ratepayers Group (s143.032), Kevin Robertson (s115.021), Alistair & Bernadette Hunt (s148.033), Ronald Crispin (s60.023), John Baynes (s68.141), seek the definition of 'fences' is updated to specifically exclude a 'farm fence'.
95. Stoney Creek Station Limited (s3.089), Peters Farm Ltd Karen Peters (s127.125), Trudy Bokser (s113.089), Nathan Bokser (s116.089), AW+ JA Johnston Family Trust (s118.089), Reaby Downs Farm Ltd (s18.091), Karen Temple (s19.091), Sarah and Peter Barclay (s20.091), Helen McIntosh (s24.091), John Baynes (s68.093), Greg Bokser (s117.089), seek the definition is amended to remove the exemption for 'post and wire fence' as post and wire fences are specifically referenced in rules, as follows:

Means any structure, intended to be a permanent division, screen or barrier, but shall not include ~~a post and wire fence~~ or a temporary fence such as an electric fence or construction hoarding.

96. Farm Manager - Wantwood Station (s105.014), Peters Farm Ltd Karen Peters (s127.014) seek clarity on whether 'post and wire fences' are included in the definition as there are rules which the submitter considers clearly extend to farm post and wire fences.

Assessment

97. I have reviewed the submissions in relation to fences and the corresponding rules within the plan. There are specific provisions which relate to the fencing in the ECO chapter (ECO-R1), NFL

chapter (NFL-R5, NFL-R6), EW chapter (EW-R1), TEMP Chapter (TEMP-R2) and most area specific chapters³ in relation to setbacks from boundaries.

98. I acknowledge the current definition as drafted leads to illogical outcomes as it includes exemptions which are in some cases also included in the requirements of the rules. As such, I recommend the definition is updated to remove all listed exemptions. Any allowances or exceptions for certain types of fences should be provided for within specific rules or standards. This is because the restrictions are specific to the type of effect to be managed which may be location specific.
99. For example, in the NFL chapter, the RMA requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development (Section 6(b)) and, as part of that, visual effects must be managed. Fencing is permitted in the NFL chapter provided it is a post and wire fence. With the amendment to the definition, the uncertainty surrounding the definition and the rule is removed. I consider it is important to note, in response to the Stoney Creek submission that a waratah fence is considered a post and wire fence. Similarly, rabbit proofing fence utilising wire mesh, is considered to be a post and wire fence.
100. Across the plan there is a requirement for setbacks from streams and rivers. The setback is in relation to any building or structure, and a structure would capture a fence. Submitters have highlighted that fences for stock exclusion or to protect riparian plantings can have positive environmental benefits. The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. Requirements include to manage freshwater in a way that 'gives effect' to Te Mana o te Wai, to avoid further loss or degradation of wetlands and streams, improve degraded water bodies, in stream habitats and fish passage, and maintain or improve all water bodies using defined bottom lines with annual monitoring and reporting requirements. The implementation of the NPS-FM is primarily a regional council function, however territorial authorities must adopt an integrated approach to freshwater management in that the whole environment is connected.
101. The allowance of fences, as noted above, can have benefits to protect stream health and water quality and it is desirable for efficiency and effectiveness that the district plan allows for methods to achieve compliance with the national and regional regulations. Fences can also be

³ LLRZ, General residential zone – GRZ, Medium density residential zone, Light industrial zone – LIZ, General industrial zone – GIZ, Natural open space zones – NOSZ, Sport and active recreation zone – SARZ, Māori purpose zone – MPZ, Field days zone – FDZ

used to protect other environmental values, such as the natural character of the riparian margin, indigenous vegetation and fauna.

102. Tonkin & Taylor Ltd (T+T) have provided expert evidence⁴ in relation to fences and flood risk **(Attachment 1)**. Fences within stream and river channels can collect debris and potentially increase flood levels and exacerbate scouring effects. They can cause damage to structures if not positioned and designed appropriately. Fences across stream and river channels or across or along stopbanks should be avoided. Within a floodplain more generally though, providing fences that are a permeable post and wire construction is acceptable, from a flood risk management perspective.
103. For the reasons outlined above it is considered post and wire fencing can be enabled within the stream setback standards however, given the natural hazard risk of debris flow in a flood event, the fencing must be limited to post and wire and explicitly exclude mesh type fencing. Mesh type fencing will capture debris which can create damming and exacerbate the flood hazard. Amendments to GRUZ-S7, RLZ-S7 and SETZ-S7 in this regard will be detailed in **Appendix A**.
104. Including an additional definition for 'farm fences' is not considered necessary. Primary production activities are wide ranging and so the definition could extend to a multitude of fence types. The amended definition improves the effectiveness and efficiency of the plan enabling the workability of the provisions and is as follows:

Means any structure, intended to be a permanent division, screen or barrier, ~~but shall not include a post and wire fence or a temporary fence such as an electric fence or construction hoarding.~~

Feedlot

105. Southland Federated Farmers of New Zealand (s126.019), Rural Ratepayers Group (s143.031), Kevin Robertson (s115.020), Alistair & Bernadette Hunt (s148.032), Ronald Crispin (s60.022), John Baynes (s68.140) oppose the definition of feedlot and seek it is deleted on the basis that it does not appear in the plan as an activity.

Assessment

106. I have reviewed the PDP in full and can confirm 'feedlot' is not referenced in any provision. Feedlot does however fall within the definition of primary production. Feedlots can pose an environmental risk to freshwater if they are not managed. I have reviewed the Proposed

⁴ Gore District Council Proposed Plan Change Rural Lifestyle and Settlement Zones - Flooding Assessment, authored by Tonkin & Taylor, dated 11 June 2024

Southland Water and Land Plan⁵ and consider there are provisions within this plan to provide and manage feedlots. On this basis I see no reason to double up on the regulation. I support the submissions and recommend the definition is deleted.

Farm Infrastructure

107. Stoney Creek Station Limited (s3.107), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.107), Nathan Bokser (s116.107), AW+ JA Johnston Family Trust (s118.107), Reaby Downs Farm Ltd (s18.109), Karen Temple (s19.109), Sarah and Peter Barclay (s20.109), Helen McIntosh (s24.109), John Baynes (s68.111), Greg Bokser (s117.107), seek a new definition for farm infrastructure:

Means those structures (excluding buildings) reasonably necessary to enable primary production activities relating to irrigation, the provision of stock water, the storage and distribution of animal feed, stock yards and ramps, but excludes fences, farm tracks, feedlots and silage pits.

This is to align with the amendments sought to ECO-R1, GRUZ-R1 and GRUZ-S5.

108. Federated Farmers (FS17.103) have further submitted in support of this amendment however note that they seek a new definition for 'farm fences' therefore propose 'fences' is updated to 'farm fences' under the new definition for farm infrastructure.

Assessment

109. A new term 'Farm Infrastructure' is proposed to support the submitters amendments sought to GRUZ-R1 and GRUZ-S5.

Farm infrastructure: Means those structures (excluding buildings) reasonably necessary to enable primary production activities relating to irrigation, the provision of stock water, the storage and distribution of animal feed, stock yards and ramps, but excludes fences, farm tracks, feedlots and silage pits.

The submitters seek the following amendments to, GRUZ-R1 and GRUZ-S5:

Table 5	
GRUZ-R1	Primary Production (including Intensive Indoor Primary Production) Activity Status: Permitted Where: 1. Any new or extended building, <u>or</u> structure (<u>excluding fences and farm infrastructure</u>) and activity complies with General Rural Zone standards GRUZ-

⁵ [Proposed Southland Water and Land Plan - Environment Southland \(es.govt.nz\)](https://www.es.govt.nz/proposed-southland-water-and-land-plan-environment-southland)

	S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8. <u>No other GRUZ standards apply.</u> 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>Plantation</u> Forestry in an ONL, ONF or SNA, which is subject to District Plan rules NFL-R8 and ECO-R1
GRUZ-S5	Setback to Road Boundaries Any building or structure is setback from any road boundary the minimum distances as follows: 1. Residential buildings are setback: (a) ~~100m~~ 50m from the boundary of an Interregional Connector road (state highway); (b) 40m from the boundary of a Rural Connector road; ... 5. All other buildings and structures, except fences and farm infrastructure [Refer proposed definition], are setback 15m. Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: ...8. The functional or operational need for the building to be located within the road setback

110. The definition of a structure is wide ranging and means ‘any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft’. As it is required to be fixed to ground, I consider much of the ‘Farm Infrastructure’ defined in the proposed definition would not be captured. This includes, irrigation infrastructure (particularly Irrigation Pivots), water troughs, meal and hay feeders and temporary stock yards and ramps. I consider more permanent infrastructure which are likely fixed to the ground (and therefore captured by the definition of structure), for example grain silos, are required to be managed by the setback provisions of the GRUZ. These structures may negatively impact the character and amenity of the GRUZ.
111. I recognise the need to assist primary production activities and so encourage the submitters to provide examples of situations where the current provisions create unworkable outcomes in relation to what they perceive as ‘farm infrastructure’. It may be that there is merit in defining ‘farm infrastructure’ and exempting it from setback standards in the GRUZ however further information is required to demonstrate the current provisions are not suitable, based on the fact structures need to be fixed to the ground. I do note that the request to exclude ‘farm infrastructure’ from the primary production rule (FRUZ-R1) may result in the activity defaulting to a non-complying consent pathway, which would be undesirable.
112. On this basis I recommend the submission is rejected.

Farm Quarry

113. Southland Federated Farmers of New Zealand (s126.017), Rural Ratepayers Group (s143.029), Kevin Robertson (s115.018), Alistair & Bernadette Hunt (s148.030), Ronald Crispin (s60.020), John Baynes (s68.138) support the definition in part however seek the definition is amended as follows:

Means a location or area intermittently used in association with agricultural activities for the permanent removal and extraction of aggregates (clay, silt, rock or sand) for non-commercial use ~~within the same site where it is extracted~~. It includes the area of aggregate resource and surrounding land associated with the operation of a farm quarry and which is used for farm quarrying activities. It does not include earthworks or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the farm quarry.

114. The submitters consider it is not practical to require that a farm quarry can only serve farm activities that occur on the same site. The term site is defined in the National Planning Standards and the Plan as meaning as single record of title. Many farms will have a number of titles and it is not practical that a farm quarry use is limited to only the title on which it exists, rather than the full property or operation. Most farm quarries would serve rural production activities across the farm.
115. Stoney Creek Station Limited (s3.087), Peters Farm Ltd Karen Peters (s127.123), Trudy Bokser (s113.087), Nathan Bokser (s116.087), AW+ JA Johnston Family Trust (s118.087), Reaby Downs Farm Ltd (s18.089), Karen Temple (s19.089), Sarah and Peter Barclay (s20.089), Helen McIntosh (s24.089), John Baynes (s68.091), Greg Bokser (s117.087), support the definition as notified.

Assessment

116. I acknowledge the support for the definition as notified by Stoney Creek Ltd et al.
117. I understand the submissions requesting an amendment are to account for the fact that farms can span across multiple record of titles. The definition as written restricts the farm quarry to the same 'site'. The definition of 'site' under the PS is limited to land held in a single record of title. Given the size of some farms and farming operations it is likely they are made up of multiple titles, or that lease arrangements exist spanning multiple titles in potentially different ownership.
118. Enabling farm quarries to span potential multiple 'sites' may result in rock being transported via road to other areas of the farm operation. Whilst this may increase vehicle movements on the road, and therefore effects in relation to amenity, noise or dust from unsealed roads, I consider the movement of heavy vehicles is expected with any primary production operation. Further, GRUZ-R3 limits the size the farm quarry and the definition itself specifically excludes any commercial element to the activity. I consider therefore that the potential increase in effects would be low. In relation to the amendment requested, it is still important that the farm quarry is limited to use within the same farm operation.
119. I consider the definition should be amended as follows:

Farm Quarry: Means a location or area intermittently used in association with agricultural activities for the permanent removal and extraction of aggregates (clay, silt, rock or sand) for

non-commercial use within the same farming operation site where it is extracted. It includes the area of aggregate resource and surrounding land associated with the operation of a farm quarry and which is used for farm quarrying activities. It does not include earthworks or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the farm quarry.

Fresh Water

120. Southland Federated Farmers of New Zealand (s126.022), Rural Ratepayers Group (s143.034), Kevin Robertson (s115.023), Alistair & Bernadette Hunt (s148.035), Ronald Crispin (s60.025), John Baynes (s68.143), seek that the definition is updated to follow the RMA definition verbatim, and so update the definition of wording to

Freshwater or Fresh Water Has the same meaning as per the Resource Management Act – means all water except coastal water and geothermal water.

Assessment

121. I agree with the submitters that the definition of 'fresh water' should replicate the RMA definition exactly.

Highly productive land

122. Aggregate and Quarry Association (s111.003) and Straterra Inc (s135.002) oppose the definition of 'highly productive land' as it is not within the National Planning Standards, and as it excludes land containing quarrying materials.
123. Southland Federated Farmers of New Zealand (s126.024), Rural Ratepayers Group (s143.036), Kevin Robertson (s115.025), Alistair & Bernadette Hunt (s148.037), Ronald Crispin (s60.027), and John Baynes (s68.145) support the definition as the submitter considers it aligns with the National Policy Statement for Highly Productive Land.
124. Stoney Creek Station Limited (s3.091), Peters Farm Ltd Karen Peters (s127.127), Trudy Bokser (s113.091), Nathan Bokser (s116.091), AW+ JA Johnston Family Trust (s118.091), Reaby Downs Farm Ltd (s18.093), Karen Temple (s19.093), Sarah and Peter Barclay (s20.093), Helen McIntosh (s24.093), John Baynes (s68.095), and Greg Bokser (s117.091) support the definition in part but seek it is amended as there is some confusion around the clauses of the NPS-HPL. The submitters seek the following amendment:

Has the same meaning as the National Policy Statement for Highly Productive Land

Means land that has been mapped in accordance with clause 3.4 of the National Policy Statement for Highly Productive Land and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) of the National Policy Statement for Highly Productive Land for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

125. Federated Farmers Ltd have further submitted in support of Stoney Creek Station Limited.

Assessment

126. I acknowledge the support for the definition by Southland Federated Farmers et al.
127. I acknowledge the clarity provided by the amendments proposed by Stoney Creek Ltd et al. The insertion of the additional wording does not change the meaning of the term but improves the

readability of the definition. Southland Federated Farmers has further supported this amendment.

128. I acknowledge the concerns held by Aggregate and Quarry Association and Straterra Inc, however, the PS allows additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List of the PS. The PS further direct that if a definition is from legislation or national direction the definition must include the title and version of the source document. I consider the definition as drafted is in accordance with the requirements of the PS. It is further guided by a higher order document which the Council is required to implement and give effect to.
129. I recommend the definition is updated to include the addition wording requested by Stoney Creek Ltd et al.

Intensive indoor primary production

130. Southland Federated Farmers of New Zealand (s126.027), Rural Ratepayers Group (s143.039), Kevin Robertson (s115.028), Alistair & Bernadette Hunt (s148.040), Ronald Crispin (s60.030), John Baynes (s68.148) support the definition of 'intensive indoor primary production' as drafted.

Assessment

131. Southland Federated Farmers of New Zealand has requested the inclusion of this definition as they have submitted on RLZ-R5 which enables primary production in the RLZ but restricts 'winter grazing'. The submitter considers this should be 'intensive winter grazing' and in support seeks a definition is incorporated within the plan. Further assessment on RLZ-R5 will be included below however, I agree with the submitter and therefore recommend a definition for 'intensive winter grazing' is included in the plan.

Intensive winter grazing

132. Southland Federated Farmers of New Zealand (s126.028), Rural Ratepayers Group (s143.033), Kevin Robertson (s115.029), Alistair & Bernadette Hunt (s148.041), Ronald Crispin (s60.031), John Baynes (s68.149) seek a new definition for 'Intensive winter grazing' which aligns with the Proposed Southland Land and Water Plan, as follows:

Intensive winter grazing: Grazing of stock between May and September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops.

Assessment

133. Southland Federated Farmers of New Zealand has requested the inclusion of this definition as they have submitted on RLZ-R5 which enables primary production in the RLZ but restricts 'winter grazing'. The submitter considers this should be 'intensive winter grazing' and in support seeks a definition is incorporated within the plan. Further assessment on RLZ-R5 will be included below however, I agree with the submitter and therefore recommend a definition for 'intensive winter grazing' is included in the plan.

LUC 1, 2 or 3

134. Stoney Creek Station Limited (s3.096), Peters Farm Ltd Karen Peters (s127.132), Trudy Bokser (s113.096), Nathan Bokser (s116.096), AW+ JA Johnston Family Trust (s118.096), Reaby Downs Farm Ltd (s18.098), Karen Temple (s19.098), Sarah and Peter Barclay (s20.098), Helen McIntosh (s24.098), John Baynes (s68.100), Greg Bokser (s117.096), are supportive for the alignment of wording used in higher order documents.

Assessment

135. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Mining

136. Greenbriar Ltd. (s128.003) support the definition as drafted.

Assessment

137. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Plantation Forestry

138. Royal Forest and Bird Society of NZ Inc (s110.007) and Port Blakely Limited (s138.012) seek the definition is amended to align with the National Environmental Standards for Commercial Forestry. The National Environmental Standards for Commercial Forestry (NES-CF) replaced the National Environmental Standards for Plantation Forestry (NES-PF) when it came into force on the 3 November 2023 and is the relevant national standard.
139. Southland Federated Farmers of New Zealand (s126.037), Rural Ratepayers Group (s143.049), Kevin Robertson (s115.038), Alistair & Bernadette Hunt (s148.050), Ronald Crispin (s60.040), John Baynes (s68.158) support the definition and seek it is retained as notified.

Assessment

140. I agree it is correct to align with the most up to date higher order documents.
141. The National Environmental Standards for Commercial Forestry (NES-CF) replaced the National Environmental Standards for Plantation Forestry (NES-PF) in November 2023. It includes the following definition for 'commercial forestry':

'Commercial forest or commercial forestry means exotic continuous-cover forestry or plantation forestry.'

142. The NES-CF then includes a definition of 'means exotic continuous-cover forestry' and 'plantation forestry' which mirrors the NES-PF and PDP definition of plantation forestry. I recommend, to avoid any confusion, a new definition for 'commercial forestry' is included in the plan as per the NES-CF. I consider the definition for 'plantation forestry' should remain to aid with plan useability, however the higher order document reference should be updated to NES-CF and a new definition for 'exotic continuous-cover forestry' is also included.

Exotic continuous-cover Forest

means a forest that is deliberately established for commercial purposes, being—

- at least 1 ha of continuous forest cover of exotic forest species that has been planted and— – will not be harvested or replanted; or – is intended to be low intensity harvested or replanted; and
- includes all associated forestry infrastructure; but
- does not include—

- a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m: or
- forest species in urban areas; or
- nurseries and seed orchards; or
- trees grown for fruit or nuts; or
- long-term ecological restoration planting of indigenous forest species; or
- willows and poplars space-planted for soil conservation purposes.

143. I note that there may be reference in the PDP to Plantation Forestry and as such these should be amended to align with the NES-CF⁶ and reference 'commercial forestry'.

Primary Production

144. Aggregate and Quarry Association (s111.002), Straterra Inc (s135.001), Greenbriar Ltd (s128.004), Stoney Creek Station Limited (s3.099), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.099), Nathan Bokser (s116.099), AW+ JA Johnston Family Trust (s118.099), Reaby Downs Farm Ltd (s18.101), Karen Temple (s19.101), Sarah and Peter Barclay (s20.101), Helen McIntosh (s24.101), John Baynes (s68.103), Greg Bokser (s117.099), Southland Federated Farmers of New Zealand (s126.038), Rural Ratepayers Group (s143.050), Kevin Robertson (s115.039), Alistair & Bernadette Hunt (s148.051), Ronald Crispin (s60.041), John Baynes (s68.159) support the definition as it aligns with the PS.

Assessment

145. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Quarry

146. Southland Federated Farmers of New Zealand (s126.039), Rural Ratepayers Group (s143.051), Kevin Robertson (s115.040), Alistair & Bernadette Hunt (s148.052), Ronald Crispin (s60.042), John Baynes (s68.160) support the definition in part but request that the includes an exemption for 'farm quarries'.

⁶ Consequential amendments include: NFL-P1, NFL-R2, NFL-R8, GRUZ-R1, FDZ-R1 and Note 2 of Noise Chapter

Assessment

147. Southland Federated Farmer et al seek the definitions of 'Quarry' and 'Quarrying Activities' is amended to explicitly exclude 'farm quarries'. As the definitions are both aligned with the National Planning Standards they cannot be changed. I note though that the rules in the GRUZ chapter are explicit in their application to 'farm quarries'.

Quarrying activities

148. Southland Federated Farmers of New Zealand (s126.182), Rural Ratepayers Group (s143.194), Kevin Robertson (s115.183), Alistair & Bernadette Hunt (s148.195 and s148.199), Ronald Crispin (s60.185), John Baynes (s68.303) support the definition in part but request that the includes an exemption for 'farm quarries'.

Assessment

149. Southland Federated Farmer et al seek the definitions of 'Quarry' and 'Quarrying Activities' is amended to explicitly exclude 'farm quarries'. As the definitions are both aligned with the National Planning Standards they cannot be changed. I note though that the rules in the GRUZ chapter are explicit in their application to 'farm quarries'.

Rural commercial recreation activity

150. Stoney Creek Station Limited (s3.101), Peters Farm Ltd Karen Peters (s127.137), Trudy Bokser (s113.101), Nathan Bokser (s116.101), AW+ JA Johnston Family Trust (s118.101), Reaby Downs Farm Ltd (s18.103), Karen Temple (s19.103), Sarah and Peter Barclay (s20.103), Helen McIntosh (s24.103), John Baynes (s68.105), Greg Bokser (s117.101) support the definition of 'rural commercial recreation activity' and seek it is retained as notified.

Assessment

151. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Rural environment

152. Stoney Creek Station Limited (s3.102), Peters Farm Ltd Karen Peters (s127.138), Trudy Bokser (s113.102), Nathan Bokser (s116.102), AW+ JA Johnston Family Trust (s118.102), Reaby Downs Farm Ltd (s18.104), Karen Temple (s19.104), Sarah and Peter Barclay (s20.104), Helen McIntosh (s24.104), John Baynes (s68.106), Greg Bokser (s117.102), seek to retain the definition of rural environment as notified.

Assessment

153. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Rural Industry

154. Silver Fern Farms (s40.012) oppose the definition of 'rural industry'. The submitter notes the National Planning Standards does not define the term 'rural environment' however the PDP does define it and further restricts it to land within the General Rural Zone, Rural Lifestyle Zone, Settlement Zone and Natural Open Space Zone. Therefore, whilst the National Planning

Standards contemplate 'rural industry' in any zone, this proposed definition confines the activity to just the four zones that are specified as comprising the 'rural environment'. The submitter therefore considers the definition does not align with the National Planning Standards.

155. Greenbriar Ltd (s128.006) support the definition of 'rural industry' as notified.
156. Stoney Creek Station Limited (s3.103), Peters Farm Ltd Karen Peters (s127.139), Trudy Bokser (s113.103), Nathan Bokser (s116.103), AW+ JA Johnston Family Trust (s118.103), Reaby Downs Farm Ltd (s18.105), Karen Temple (s19.105), Sarah and Peter Barclay (s20.105), Helen McIntosh (s24.105), John Baynes (s68.107), and Greg Bokser (s117.103) support the definition of 'rural industry' as notified.
157. Southland Federated Farmers of New Zealand (s126.044), Rural Ratepayers Group (s143.056), Kevin Robertson (s115.045), Alistair & Bernadette Hunt (s148.057), Ronald Crispin (s60.047), John Baynes (s68.165) support the definition of 'rural industry' as notified.
158. Silver Fern Farms Limited (FS29.013) (FS29.015) (FS29.016) (FS29.017) (FS29.018) (FS29.019) (FS29.020) (FS29.021) (FS29.022) (FS29.023) (FS29.024) (FS29.025) (FS29.026) (FS29.027) (FS29.028) and (FS29.029) has further submitted in opposition to the submitters supporting the definition is retained as drafted. Silver Ferns Farms does not consider the definition as notified aligns with the National Planning Standards as it introduces additional limitations.

Assessment

159. I acknowledge the submission from Silver Fern Farms and consider the submitter raises an interesting point. Whilst the definition suggests a rural industry could be undertaken in any zone, it does make reference to 'rural environment' and therefore in my opinion would exclude any urban environment. The description of General Rural Zone and the Rural Production zone in National Planning standards also refer to rural industry, suggesting it is anticipated in these zones.
160. I am unsure what the submitter is seeking to achieve but potentially the assurance a rural Industry can be undertaken in an Industrial zone. If this is the case, a rural industry activity would just be an industrial activity even if it is an activity which relies on primary production/processing - this is because the definition of industrial activity (also from the planning standards) is broad enough to encompass a rural industry.
161. I therefore recommend no changes to the definition as notified, acknowledging the support received from other submitters. I do not consider the definition is inconsistent with the National Planning Standards definitions list.

Rural contractor depot

162. Rural Contractors NZ Incorporated (RCNZ) (s145.001) seek a new definition for 'Rural contractor depot' as follows:

The land and buildings used for the purposes of storing or maintaining machinery, equipment and associated goods and supplies associated with a rural contracting business that directly supports, services or is dependent on primary production.

163. Southland Federated Farmers of New Zealand have further submitted on this point in support.

Assessment

164. The submitter seeks a new definition for 'rural contractor depot' as follows, in support of their request for a new activity rule detailed below:

Rural contractor depot

The land and buildings used for the purposes of storing or maintaining machinery, equipment and associated goods and supplies associated with a rural contracting business that directly supports, services or is dependent on primary production.

Table 6	
GRUZ-R 4a	<u>Rural Contractor Depot Activity status: Permitted</u>
<u>All areas</u>	<u>Where:</u> <u>1. Any new building, structure and activity complies with standards GRUZ-S2, GRUZ-S7 and GRUZ-S8.</u> <u>2. The rural contractor depot (including associated vehicle access, parking and manoeuvring areas) is set back at least 50m from any side or rear boundary.</u> <u>3. The rural contractor depot (including associated parking and manoeuvring areas) is set back at least 10m from any road boundary.</u> <u>4. The activity has no customers coming to site;</u> <u>5. There are a maximum of 12 staff working on site at any time.</u> <u>6. Any building must not exceed 3000m².</u> <u>Activity status where compliance is not achieved with: GRUZ-R4A(1) to GRUZ-R4A(6): Restricted Discretionary</u> <u>Matters of discretion:</u> <u>1. Location and scale of the activity.</u> <u>2. The effects on rural character and amenity values of the surrounding environment.</u> <u>3. Any potential reverse sensitivity effects and/or conflict with existing activities, and the ability to mitigate these effects.</u> <u>4. Services.</u> <u>5. Safety and suitability of access and effects on the transport network from additional traffic generation.</u> <u>6. The matters of discretion of any infringed standard.</u>

165. The submitter has requested changes to activity rules GRUZ-R4 (Rural Industry activity) and GRUZ-R8 (Light Industrial Activity) to specifically exclude 'rural contractor depots' as they will be captured in the additional rule proposed.
166. I consider the definition for 'rural industry' readily encompasses 'rural contractor depots'.
167. A 'rural contractor depot' falls into the definition of 'rural industry' which means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. I do not consider there is enough reasoning or information in the submission to support a new activity definition and subsequent rule. Section 6.8.27 assesses the submission points relating to the activity rules which contains recommendations to ensure 'rural contractor depots' are provided for in the provisions. On this basis, I recommend the submission and further submission is rejected.

Rural produce retail activity

168. Stoney Creek Station Limited (s3.104), Peters Farm Ltd Karen Peters (s127.140), Trudy Bokser (s113.104), Nathan Bokser (s116.104), AW+ JA Johnston Family Trust (s118.104), Reaby Downs Farm Ltd (s18.106), Karen Temple (s19.106), Sarah and Peter Barclay (s20.106), Helen McIntosh (s24.106), John Baynes (s68.108), Greg Bokser (s117.104) support the definition as drafted.

Assessment

169. Submissions in support of definitions as drafted, without opposition or amendments requested by other submission points are acknowledged and accepted with no drafting changes.

Stream

170. Fulton Hogan (s122.001) oppose the definition of stream in part and seek:

- a) Alter the definition so that it is clear that a 'stream' is the same thing as a 'river' under the RMA and NBEA; and
- b) Alter the definition so it is clear whether a modified stream is included within the definition or not.

Stream: Means a continually or intermittently flowing natural or modified body of fresh water and includes headwaters and smaller tributaries to rivers or other streams. Streams are included in the definition of 'River' under the Resource Management Act 1991.

171. Although this term is used in colloquial language, a stream is a sub-set of 'river' under the Resource Management Act (RMA) and Natural and Built Environment Act (NBEA) definitions. Creating a separate definition creates confusion. Using the term 'natural' makes it unclear whether this definition includes modified waterbodies or not.

Assessment

172. The definition of "river" is from the RMA and is required by the National Planning Standards 2019 to be included in the District Plan. I agree with Fulton Hogan (s122.001) that the definition of river includes streams. The river definition is sufficiently broad to not only include streams, but also smaller tributaries and even some gullies. However, when referring to a river it may be unclear to plan users that this includes smaller watercourses, and an additional term and definition was therefore introduced. The definition of stream is based on the definition of river and seeks to recognise that a stream is essentially a small river. Fulton Hogan seeks that the definition of stream should be amended to clarify the relationship between the river and stream definitions and I agree with their submission and recommend that the suggested wording is accepted.

Supporting activity

173. Stoney Creek Station Limited (s3.108), Peters Farm Ltd Karen Peters (s127.144), Trudy Bokser (s113.108), Nathan Bokser (s116.108), AW+ JA Johnston Family Trust (s118.108), Reaby Downs Farm Ltd (s18.110), Karen Temple (s19.110), Sarah and Peter Barclay (s20.110), Helen McIntosh (s24.110), John Baynes (s68.112), Greg Bokser (s117.118), seek a new definition for 'supporting activity' as follows:

Has the same meaning as per the National Policy Statement for Highly Productive Land and means: in relation to highly productive land, those activities reasonably necessary to support

land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing).

The submitters seek the inclusion of this definition to align with the amendments sought to GRUZ-R3 and GRUZ-S3.

Assessment

174. The submitters seek the inclusion of a new definition to align with the amendments sought to the matters of discretion for GRUZ-R3 and GRUZ-S3.

Table 7	
GRUZ- R3 All areas Excluding ONLs.	Quarrying Activities Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Location and scale of the activity... <u>...12. The need for the activity to support primary production.</u>
GRUZ-S3	Building size 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 <u>and whether it is for a supporting activity.</u> 5. The reason for the additional building size. 6. Noise and odour from housing animals

175. I acknowledge the extensive coverage of LUC 1, 2 and 3 across the Gore district. I consider farm quarries can be a supporting activity for farm operations and therefore I support its inclusion as a matter of discretion. It is therefore appropriate to include a definition for 'supporting activity' and aligning with the NPS-HPL is logical.
176. Similarly, where the matters of discretion for exceeding building size reference highly productive soils the submitters seek a specific reference for acknowledging supporting activities. Whilst I consider the matter of discretion as drafted would direct a decision maker to the NPS-HPL, and with that the exemptions it provides for, I consider the addition to the matter of discretion is supportable. Therefore, the inclusion of the definition is also recommended.

Woodlot

177. Southland Federated Farmers of New Zealand (s126.053), Rural Ratepayers Group (s143.065), Kevin Robertson (s115.054), Alistair & Bernadette Hunt (s148.066), Ronald Crispin (s60.056), John Baynes (s68.174) seek to amend the definition of woodlot to exclude shelterbelts and trees planted for conservation purposes.

Means a stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry, shelter belts and trees planted for conservation purposes.

Assessment

178. The submitters seek that the definition excludes plantation forestry as well as 'shelter belts and trees planted for conservation purposes'. Plantation forestry is defined in the plan in accordance with the National Environmental Standards for Commercial Forestry therefore, I agree it can be specifically excluded from this definition. Similarly, I agree shelter belts are not utilised for the same purpose as a woodlot. Planting for conservation purposes would be captured by the 'conservation activity' definition and therefore can be explicitly excluded from this definition to improve clarity in the plan.
179. As will be discussed below, submissions have been received requesting more restrictive management of woodlots. I agree to a degree with the submissions but consider scale is a factor. I have subsequently recommended woodlots up one hectare are permitted. I consider as the NES-CF now enables Council's to manage afforestation activities⁷, then exotic continuous-cover forest can be managed through the provision for woodlots, considering the definition already includes 'a carbon sink'.
180. I recommend the definition is amended as follows:

Means a stand of trees for the purposes of firewood, the creation of other wood products, ~~a carbon sink~~ ~~exotic continuous-cover forest~~, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry, shelter belts and trees planted for conservation purposes.

Recommendations for all definitions

181. Based on the above assessment I recommend the following definitions remain as notified:
- agricultural, horticultural and pastoral activities,
 - cultivation

⁷ Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023: Regulation 6 amended (Plan rules may be more stringent than these regulations)

- rural produce retail activity
- Intensive indoor primary production
- LUC 1, 2 or 3
- Mining
- Primary Production
- Quarry
- Rural commercial recreation activity
- Rural Environment
- Rural Industry

182. Based on the above assessment, I recommend the following requested new definitions are rejected:

- Farm fences
- Farm infrastructure
- Rural Contractor Depot

183. I recommended the following definition is deleted as shown in **Appendix A**:

- Feedlot

184. I recommend the following definitions are updated as follows and shown in **Appendix A**:

- Freshwater or Fresh Water
Has the same meaning as per the Resource Management Act – means all water except coastal water and geothermal water.
- Fences
Means any structure, intended to be a permanent division, screen or barrier, ~~but shall not include a post and wire fence or a temporary fence such as an electric fence or construction hoarding.~~
- Farm Quarry
Means a location or area intermittently used in association with agricultural activities for the permanent removal and extraction of aggregates (clay, silt, rock or sand) for non-commercial use within the same farming operation site where it is extracted. It includes the area of aggregate resource and surrounding land associated with the operation of a farm quarry and which is used for farm quarrying activities. It does not include earthworks or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the farm quarry

- Highly productive land

Has the same meaning as the National Policy Statement for Highly Productive Land Means land that has been mapped in accordance with clause 3.4 of the National Policy Statement for Highly Productive Land and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) of the National Policy Statement for Highly Productive Land for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

- Plantation forestry

Has the same meaning as per the National Environmental Standards for Plantation Commercial Forestry

Means a forest deliberately established for commercial purposes, being—

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
 - (ii) forest species in urban areas; or
 - (iii) nurseries and seed orchards; or
 - (iv) trees grown for fruit or nuts; or
 - (v) long-term ecological restoration planting of forest species; or
 - (vi) willows and poplars space planted for soil conservation purposes.

- Stream

Means a continually or intermittently flowing natural or modified body of fresh water and includes headwaters and smaller tributaries to rivers or other streams. Streams are included in the definition of "River" under the Resource Management Act 1991.

- Woodlot

Means a stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink exotic continuous-cover forest, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry, shelter belts and trees planted for conservation purposes.

185. I recommend the following additional definitions are included in the PDP:

- Exotic continuous-cover Forest

means a forest that is deliberately established for commercial purposes, being—

- at least 1 ha of continuous forest cover of exotic forest species that has been planted and— – will not be harvested or replanted; or – is intended to be low intensity harvested or replanted; and
- includes all associated forestry infrastructure; but

- does not include—
 - a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m: or
 - forest species in urban areas; or
 - nurseries and seed orchards; or
 - trees grown for fruit or nuts; or
 - long-term ecological restoration planting of indigenous forest species; or
 - willows and poplars space-planted for soil conservation purposes.
- Supporting activity
Has the same meaning as per the National Policy Statement for Highly Productive Land and means: in relation to highly productive land, those activities reasonably necessary to support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing).
- Commercial forest or commercial forestry
Has the same meaning as per the National Environmental Standards for Commercial Forestry: Commercial forest or commercial forestry means exotic continuous-cover forestry or plantation forestry.
- Intensive winter grazing
Grazing of stock between May and September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops.

186. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

187. The following evaluates the recommendation to add, amend and delete the definition included in the recommendation section above, under section 32AA of the RMA.

Effectiveness and efficiency

The proposed amendments will improve the effectiveness and efficiency of the plan. Where there was ambiguity or potential for illogical outcomes when applying definitions to rules, this has been addressed. Definitions have been updated to more clearly align with higher order documents or changed to reference updated higher order documents. Definitions that do not appear in the plan have been removed. The proposed amendments will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the amendments include the removal of ambiguity and illogical outcomes, for example in relation to the definition of fences, which could lead to unnecessary consents. The proposed changes intend to be clear on what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for unnecessary resource consents to be required if the proposed amendments are not made. There may also be confusion from references to now outdated higher order documents.

Conclusion as to the most appropriate option

The proposed amendments are considered to be a more appropriate way to achieve the purpose of the Act and alignment with national direction than the notified version of the PDP.

6.5 Common Submissions for the General Rural Zone, Rural Lifestyle Zone and Settlement Zone

6.5.1 Matters raised by submitters – Additional Notes and Provisions

188. The following submitters have provided common submissions across the three Rural Zones as follows:

Table 8	
Submitter	Submission
Transpower S101	Transpower does not support Note 1 on the basis that the Note is not sufficiently clear in terms of the rules that might apply to critical infrastructure generally, and the National Grid specifically. The submitter seeks the Note is amended to explicitly state the Infrastructure chapter takes precedence over the Rural Zone chapters.
GRUZ: s101.084 RLZ: s101.087	
Department of Conservation (DOC) S109	DOC recommends that for clarity, a Note is added in the overview that matters relating to ONLs, SNAs and the general environment are within the Natural Environment Value chapters of the Plan.
GRUZ: s109.113 RLZ: s109.125	
Fire and Emergency NZ (FENZ) S124	- Add a new standard relating to servicing of activities with water (potable and firefighting) and wastewater. - Add the new servicing standard to all rules which permit buildings - Additional submissions limited to certain zones are considered, assessed and responded to elsewhere in this report.
GRUZ: s124.103, s124.104, s124.105, s124.106, s124.107, s124.108, s124.109, s124.110, s124.111, s124.116; RLZ:	

whether or not the Infrastructure chapter has precedence over a zone-specific chapter depends on the recommendations of the provisions of that chapter, following review of submissions. As such, I recommend the submission point is rejected, but note that there may be consequential amendments to the Rural Zone chapters following the Infrastructure hearing stream 7.

DOC

190. DOC (within submission s109.113 and s109.125) seek that an additional note is added to the Rural Zone Chapter that reminds plan users that matters relating to ONLs, SNAs and the general environment are within the Natural Environment Value chapters of the Plan. While this would provide additional clarity for plan users, for consistency this approach would need to be utilised across all zones for all district wide matters. As Part 1 of the PDP sets out the way in which the plan works this approach is considered unnecessarily repetitive and is rejected.

FENZ

191. In relation to the FENZ submission regarding reticulation, reticulated services are unavailable within the bulk of the Rural Zones which means that onsite services are required. The Building Code requires buildings to have safe and adequate water supplies and disposal of foul water, and within the Rural Zones this is likely to be achieved through onsite wastewater disposal and provision of potable water via non-reticulated means. Given there is no option to connect to reticulated services, the inclusion of a servicing standard in the GRUZ and the RLZ is not considered necessary.
192. It is acknowledged that providing a standard for firefighting supply is a conscientious response to development, and there is currently no firefighting standard in the PDP. Moreover, the building code requirements are limited in this aspect. There is a firefighting provision within the Subdivision and Land Development Bylaw 2019 (Amendment No 1, 2021) which references part of the Code of Practice, which focuses mainly on dwellings in the rural area. The bylaw provision can either continue to be relied on, noting monitoring and enforcement issues have generally been identified with the bylaw, or a standard could be incorporated into the PDP as an alternative to the FENZ submission.
193. I consider, including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice as proposed by the submitter raises concerns in relation to the useability of the plan and the determining of compliance by Council officers due to the complexity and technical nature of the Code of Practice. It is therefore not considered to be efficient or effective for Plan users and decision makers to include a standard or rule in the PDP which requires compliance with detailed external document, such as SNZ PAS 4509:2008.
194. The submitter may consider providing a standard which includes the key components of SNZ PAS 4509:2008 which could be a more effective means of managing firefighting water supply through the PDP than simply referring to the Code of Practice. Any additional evidence provided by the submitter to justify inclusion of a new standard for firefighting water should be supported by a Section 32AA evaluation.
195. Based on the above I consider the submissions relating to additional servicing standards and their reference in all activities rules should be rejected.

NZHHA

196. In response to the NZHHA submission, the PDP Temporary Activities Chapter contains the following rule in relation to Relocated Buildings. The ‘temporary’ factor being the relocation of a building to a site before it is fully re-instated. This rule is not subject to any submissions.

TEMP-R8	Relocated Buildings	
All zones	Activity Status: Permitted Where: - Any relocated <i>building</i> complies with the relevant standards for <i>buildings</i> in the relevant zone; and - A <i>building</i> pre-inspection report shall accompany the application for a <i>building</i> consent for the destination <i>site</i>. That report is to identify all reinstatement works that are to be completed to the exterior of the <i>building</i>. The report shall include a certification by the property owner that the reinstatement works shall be completed within the specified 12 month period; and - The <i>building</i> shall be located on permanent foundations approved by <i>building</i> consent, within 2 months of the <i>building</i> being moved to the <i>site</i>; and - All other reinstatement work required by the <i>building</i> inspection report and the <i>building</i> consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the <i>building</i> being delivered to the <i>site</i>. Without limiting (3) (above) reinstatement work is to include connections to all <i>infrastructure</i> services and closing in and ventilation of the foundations.	Activity status where compliance is not achieved: Restricted Discretionary. Matters of discretion: - The matters of discretion of any breached standard for <i>buildings</i> in the relevant zone. - External appearance and <i>amenity values</i>. - The timeframe for completion and reasons for delay. - Health and safety. - Any bond or other condition required to ensure completion of any <i>restoration work</i>.

197. The above rule permits relocated buildings across the district, where they meet the rule requirements.
198. The rule requirements include compliance with zoning standards relating to buildings, ensuring semblance of character and amenity from bulk and location of built form. The standard further requires a pre-inspection report to be submitted with any building consent application ensuring an appropriate level of scrutiny is undertaken by Council. The NZHHA submission to include a new activity for relocated building in each zone is essentially a duplication of the Temporary Activities rule. However, including the additional wording of “relocated” in each existing activity rule which permits buildings will improve the clarity and useability of the PDP. For the reasons given above it is recommended that each relevant zone rule across the GRUZ, RLZ and SETZ is amended to provide for relocated, as well as new, buildings as a permitted activity subject to compliance with the rule requirements. The specific wording for each rule is provided within **Appendix A**.
199. In relation to the NZTA further submission (FS14.051), just as with any new building for a sensitive activity in proximity to the state highway, standards detailed in the Noise chapter will also apply to relocatable buildings. If effective acoustic insulation cannot be installed, consent will be required pursuant to the performance standard in the Noise chapter. As such the further submission is rejected on the basis the submitters concerns are accommodated in the Noise chapter.

KiwiRail

200. The submitter considers a 5m setback standard from the railway corridor would enable maintenance of buildings to be undertaken safely, without the risk of machinery, equipment or materials protruding into the rail corridor. Further, to ensure that people can use and maintain their land and buildings safely without needing access to the railway corridor, minimizing the risks of physical interference with railway operations and avoiding health and safety hazards for residents. In response to KiwiRail submission to include a new standard, for the avoidance of doubt, I consider that references to the 'rail corridor' are references to the KiwiRail Holdings Ltd railway purposes designation.
201. Based on the information contained in the submission, I do not consider there is enough evidence to support a 5m setback from the railway corridor.
202. In relation to the safety concerns raised by the submission, it may be that some form of setback is necessary to alleviate this, or that KiwiRail needs to extend their area of designation. However, I consider KiwiRail are best placed to provide further information on such safety measures and to provide an accompanying Section 32AA assessment. At this time the evidence provided in the submission does not warrant recommending an amendment to the PDP.
203. In terms of enabling maintenance of buildings to be undertaken without the risk of machinery, equipment or materials protruding into the rail corridor, I question how this would be different to the amount of space required to maintain any building adjacent to any other private property boundary. Unless legally enabled, no building owner or occupier can rely on access to adjacent private property to maintain their building and would need to seek permission from the adjacent landowner to extend maintenance activities over the property boundary. I consider that the same would apply in relation to the rail corridor, and believe it does via a Permit to Enter process. I therefore do not consider it appropriate to provide for a 5 metre setback from the rail corridor in the manner requested by KiwiRail, as I do not consider there is sufficient information contained in the submission to demonstrate it is an appropriate outcome.
204. Based on the above it is recommended that submission s132 be rejected.

Recommendation

205. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.
206. For the reasons given above, it is recommended that Transpower (s101) submissions relating to Note 1 amendments be rejected, although consequential changes to the Rural Zone chapters may occur following the Infrastructure Hearing in Stream 7.
207. DOC (s109), FENZ (s124) and KiwiRail (s132) common submissions among the three rural zones are rejected as described above.
208. For the reasons given above it is recommended that each relevant zone rule across the GRUZ, RLZ and SETZ is amended to provide for relocated, as well as new, buildings as a permitted

activity subject to compliance with the rule requirements. The specific wording for each rule is provided within **Appendix A**, however, the wording would generally be (new text underlined and in red):

Any new or relocated building or structure complies with.....

Section 32AA Evaluation

209. The following evaluates the recommendation to amend the zone rules to reference 'relocated' as well as 'new' buildings under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner as it will be clear to a plan user viewing the specific zone chapters that relocatable buildings are permitted subject to the zone standards.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs. Enabling the use of relocated buildings for activities will avoid any unintended resource consents as a result of activities utilising relocated rather than new buildings.

Risk of acting or not acting

There is the potential for confusion or inconsistency over the status of relocated buildings if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.5.2 Matters raised by submitters – Environment Southland

210. ES opposes in part the General Rural Zone, the Rural Lifestyle zone and the Settlement zone and seeks to prevent any new zone changes from the current District Plan which have the potential to intensify land use change and development within a flood inundation area. The submitter considers that intensifying development in flood prone (or hazard) areas will put communities at risk.
211. The submitters seeks amendments to each zone chapter to add new policies relating to natural hazard risk which direct a precautionary approach to development in areas prone to natural hazard risk. They seek rule requirements regarding minimum floor levels in areas vulnerable to flood risk as well as managing development within secondary flow paths.
212. The submitter considers that new buildings or activities should only be established where they will be designed and built to minimise impacts associated with natural hazards, including flood

inundation. In order to achieve this, the submitter seeks that no buildings or activities shall be permitted in areas within an identified natural hazard. Development would require a resource consent. The submitter also seeks that consideration should also be given to effectively providing for finished floor levels and secondary flow paths by preventing buildings structures and earthworks which could impede or redirect secondary flow paths.

Table 9	
Zone and Rules	Submission
General Rural Zone GRUZ-R4, GRUZ-R5, GRUZ-R6, GRUZ-R7, GRUZ-R8, GRUZ-R9, GRUZ-R10, GRUZ-R11, GRUZ-R12, GRUZ-R13, GRUZ-R14, GRUZ-S1, GRUZ-S3	s85.051, s85.154, s85.155, s85.156, s85.157, s85.158, s85.159 s85.160, s85.161 s85.162, s85.163, s85.164, s85.165, s85.166, s85.167
Rural Lifestyle Zone RLZ-R2, RLZ- R3, RLZ-R4 and RLZ-R8, RLZ-S7	s85.052, s85.007, s85.003, s85.004, s85.005, s85.171, s85.006, s85.170, s85.002, s85.168
Settlement Zone SETZ-R1, SETZ-R2, SETZ-R3, SETZ-R4, SETZ-R5, SETZ-R6, SETZ-R7, SETZ-R9, SETZ-R10, SETZ-PREC8-R9, SETZ-PREC8-R10, SETZ-S7	s85.186, s85.185, s85.175, s85.184, s85.176, s85.178, s85.177, s85.179, s85.180, s85.181, s85.183, s85.187, s85.053

Assessment

188. I do not consider additional policies in the Rural Zone relating to natural hazard risks are necessary in response to this ES submission point. The Natural Hazard Chapter contains objectives and policies which provide outcomes and direction for managing natural hazard risks. Furthermore, the Natural Hazard Chapter rule framework provides a consent pathway for new buildings and/or activities in areas subject to flood inundation.
189. In my opinion it is unnecessary to repeat the requirements of the Natural Hazard Chapter within the Rural Zone Chapters as this is inconsistent with the manner in which the National Planning Standard directs Plans to be presented and drafted. I note that the Zone provisions should be considered in conjunction with all other Chapters of the PDP which would include the Natural Hazard Chapter and there is a note to that effect within the Zone Chapters (Note 1).
190. I consider it more appropriate that the outcomes sought by ES are managed through the Natural Hazard Chapter and can be dealt with through that future hearing stream.
191. In response to the ES submission to include a performance standard for new buildings or activities regarding minimum floor levels, I consider that this matter is appropriately addressed

within the Natural Hazard Chapter. The Natural Hazard Chapter includes a rule (NH-R2) applying to any buildings used for sensitive activities (which are defined in the PDP⁸ – see below).

NH-R2	Buildings used for sensitive activities within areas subject to actual or potential inundation	
All Zones	Activity status: Permitted Where: - Any new <i>building</i> or <i>building</i> addition must have a minimum floor level above the 0.5% AEP design flood level, unless otherwise directed by the Southland Regional Council planning department. Except that: - This rule does not apply to areas in the mapped Stopbank Protection Area. <i>Note: Regional Council recommendations take precedence over NH-R2.</i>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: - Suitable methods to mitigate the hazard risk. - The <i>functional need</i> and/or <i>operational need</i> to be located the <i>building</i> or <i>structure</i> in this location. - Nature and extent of hazard risk to people, Ngāi Tahu cultural values and property.

A sensitive activity “means any: (a) health care centre or hospital. (b) educational facility, including school, early childhood facility, play centre. (c) residential activity, including retirement village and supported residential accommodation. (d) visitor accommodation. (e) places of worship. (f) marae or Papatipu Rūnanga complex. (g) Graveyard or urupā.”

192. In response to ES submissions that land use zone change and development intensification within flood inundation areas should be avoided by retaining the Operative District Plan zoning, the intent of the submission is acknowledged. I appreciate that ES seek to manage any significant risk to communities from natural hazards consistent with Section 6 of the RMA. However, it should be noted that under the ODP, the Rural Zone caters for general rural, rural lifestyle and settlement uses. To satisfy the requirements of the National Planning Standards and the nature of changes in the District, it has been necessary to split the Rural Zone into three separate zones with different sized lots. These encourage different types and density of use within the rural environment, consistent with the expectations of the National Planning Standards. The proposed Settlement zones and majority of the Rural Lifestyle Zone areas are predominately in areas already containing development, for example in Mandeville, Pukerau and Waikaka. The zoning reflects the existing pattern of development.
193. I note ES have not suggested changes that reflect the different level of risk to a site. Instead they seek a blanket approach of requiring any development subject to any flood inundation risk to require a resource consent. This would include most of the existing development area of Gore, Maitā, Mandeville and Pukerau. I do not consider this is an effective or efficient way to

⁸ Proposed Gore District Plan, Part 1 – Introduction & General Provisions: Interpretation

manage hazards and would result in significant cost to anyone intending on undertaking new development and amendments to existing development.

194. The PDP was prepared in consultation with ES and the proposed zoning provided to ES for feedback and consideration. Changes were made following the draft plan consultation with ES, this included reducing the proposed Rural Lifestyle zone in Mandeville.
195. In light of the submission from ES, the Council have engaged Tonkin and Taylor to provide additional expert evidence⁹ relating to the notified 'upzoned' areas of the district that are subject to possible flooding, specifically areas potentially at 'Significant Risk'¹⁰ of flooding within the 'Rural Lifestyle' and 'Settlement' zone areas of the PDP. This assessment identifies areas of the district that meet this definition, however, also applies additional considerations such as velocity to consider whether adverse effects from inundation can be mitigated, or if areas of land are unsuitable for the proposed zoning. It is important to note that the mapping generated by Tonkin and Taylor does not factor in any stop bank protection.
196. I have summarised the findings below and made recommendations to amend the zoning in certain areas.

Rural Zone

197. The proposed General Rural zoning increases the minimum lot size from the ODP rural zone from 2ha to 8ha. This effectively grants the relief sought by ES in terms of the GRUZ as it does not provide for intensified land use change and development within flood inundation areas. The proposed intensity of development for the proposed GRUZ is reduced when compared to the operative zone, to better reflect productive rural zoning, rather than the combined rural, rural lifestyle and settlement zone the ODP currently offers. The Natural Hazards chapter is therefore fit to manage the natural hazard risks within the GRUZ.

Rural Lifestyle and Settlement Zones

198. RPS Policy NH.4 requires the exposure to areas of significant risk be avoided where practicable and mitigation of effects of natural hazards, undertaking physical works where necessary.

⁹ Gore District Council Proposed Plan Change Rural Lifestyle and Settlement Zones - Flooding Assessment, authored by Tonkin & Taylor, dated 11 June 2024

¹⁰ Southland Regional Policy Statement 2017, Policy NH.5

199. RPS Policy NH.5 requires the avoidance of new subdivision development and placement of critical infrastructure in areas at significant natural risk from natural hazards unless... avoidance is impossible, impracticable and adverse effects are mitigated to an acceptable level.
200. Based on this it is considered areas that are found to meet the criteria of “significant risk” as outlined within the Tonkin and Taylor assessment, does not necessarily mean an automatic restriction on intensification. Where avoidance of development is not practical, or effects can be mitigated, further consideration is appropriate. I therefore consider that although the PDP proposes rural lifestyle zoning which may intensify land use given the density requirement is 1 hectare per residential unit as opposed to 2 hectares in the ODP rural zone, this is not inconsistent with the RPS, as development achieving a density of one residential unit per hectare already exists, or mitigation methods may be utilised to mitigate the risk via the Natural Hazards provisions. Currently 30% of lots in the rural zone are less than the required 2 ha, 20% of which are between 1 ha and 8,000sqm¹¹. The proposed RLZ zone areas have captured where clusters of these lots under 2 ha have occurred.
201. The SETZ aligns with the National Planning Standards and ground truths existing development patterns. While zoned Rural under the ODP, the physical development patterns and precedent set by those patterns are more reflective of settlements. While the proposed zoning would theoretically allow for more intensive development that wouldn't be permitted within the ODP zoning, the precedent set by existing development means that the level of development enabled by the proposed development is in effect already provided, albeit through the resource consent process.
202. Further to this the NH Chapter provides for sensitive activities within areas subject to actual or inundations to have a minimum floor level above a 0.5% AEP design flood level. Where this cannot be achieved resource consent is required.
203. The Tonkin and Taylor report contains an outline of the proposed Rural Lifestyle and Settlement zoning and details whether potential mitigation could be possible to support development in these areas. This is detailed in Table 2 within the Tonkin and Taylor report. The mapping provided through this report is based Tonkin and Taylor internal mapping systems and is a product of flood depth and velocity as outlined within Table 1: AEMI hazard categories and Appendix A of the T&T report.¹² In summary the hazard classification runs from H1 to H6 with
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¹¹ Gore District Plan Review Planning for Growth, authored by The Property Group, dated June 2022, page 44

¹² Gore District Council Proposed Plan Change Rural Lifestyle and Settlement Zones - Flooding Assessment, authored by Tonkin & Taylor, dated 11 June 2024

corresponding colours. It is important to note that this mapping does not factor in any exiting stock bank protection.

Australian Emergency Management Institute Guideline 2014 – Risk categories.

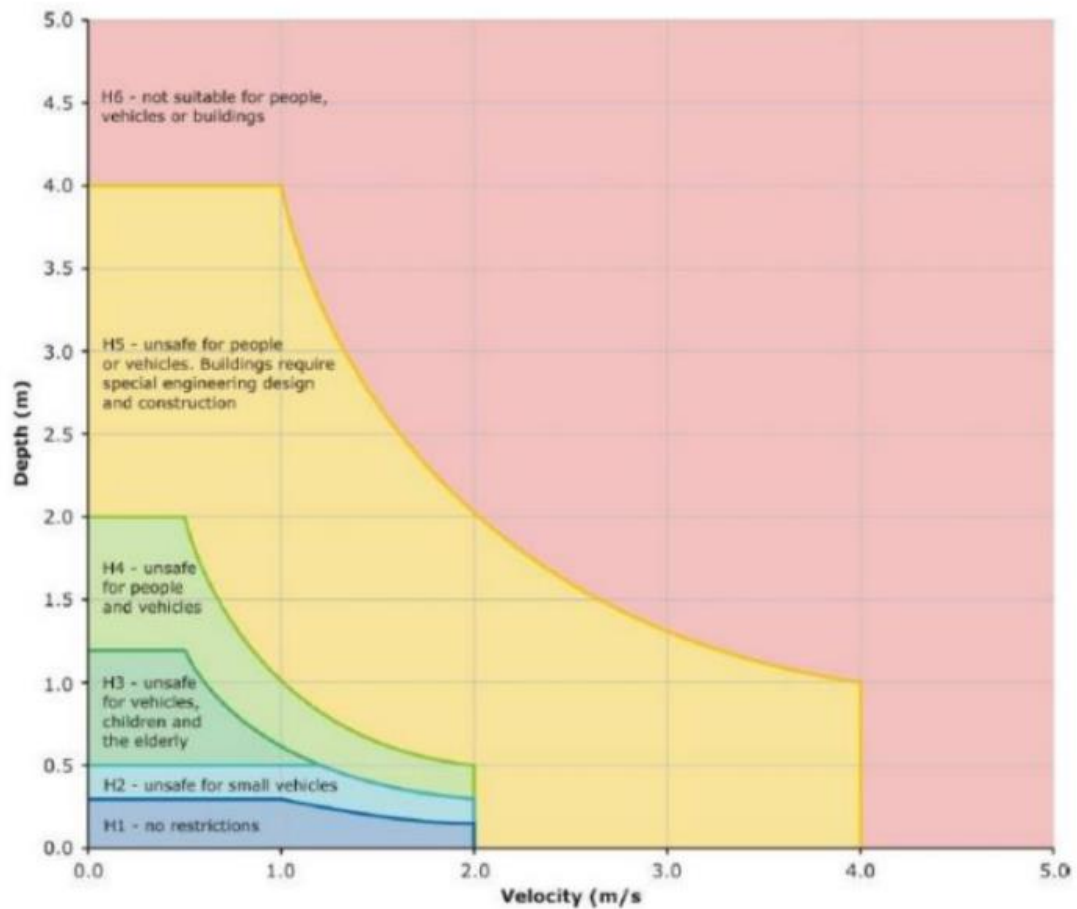


Figure 1: Australian Emergency Management Institute Guideline 2014 – Risk categories

204. In Waikaka, raising building floor and / or ground levels may be feasible options and should be provided for in the Natural Hazards chapter. Tonkin and Taylor do however recommend that the proposed Rural Lifestyle Zone north of Galway St is adjusted to avoid the stream channel and higher hazard areas. See Figure 2. Based on the expert advice I recommend this area is amended to be GRUZ. See proposed mapping in **Appendix C**.

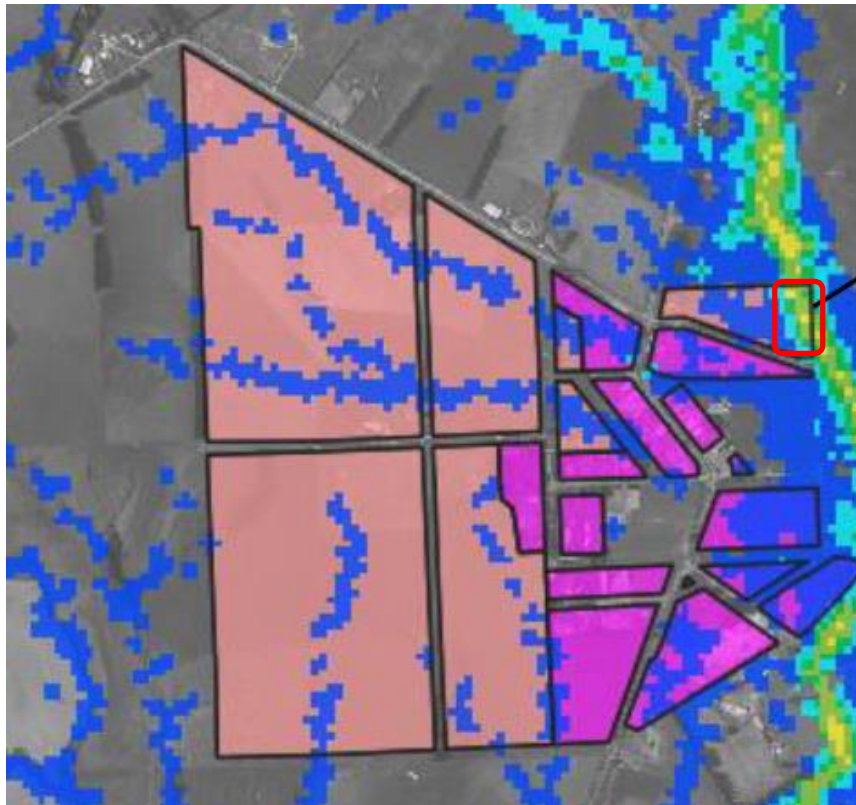


Figure 2: Proposed area in Waikaka to be zoned General Rural outlined in red

205. In Mandeville, within the proposed Rural Lifestyle and Settlement Zones of lower hazard (broadly the central area coloured light blue and dark blue in Figure 3) raising building floor or ground levels could be feasible. In areas around the periphery of the Rural Lifestyle and Settlement Zones (in higher risk areas shown in yellow and red colour in Figure 3 below), raising ground levels may only be feasible. As above, I consider the Natural Hazards chapter is the suitable place to manage the risk rather than down zoning these areas to General Rural. I note that where settlement zoning is proposed, this is reflective of the existing land use and therefore in line with RPS Policy NH.4 it is not practicable for the area of significant risk be avoided.

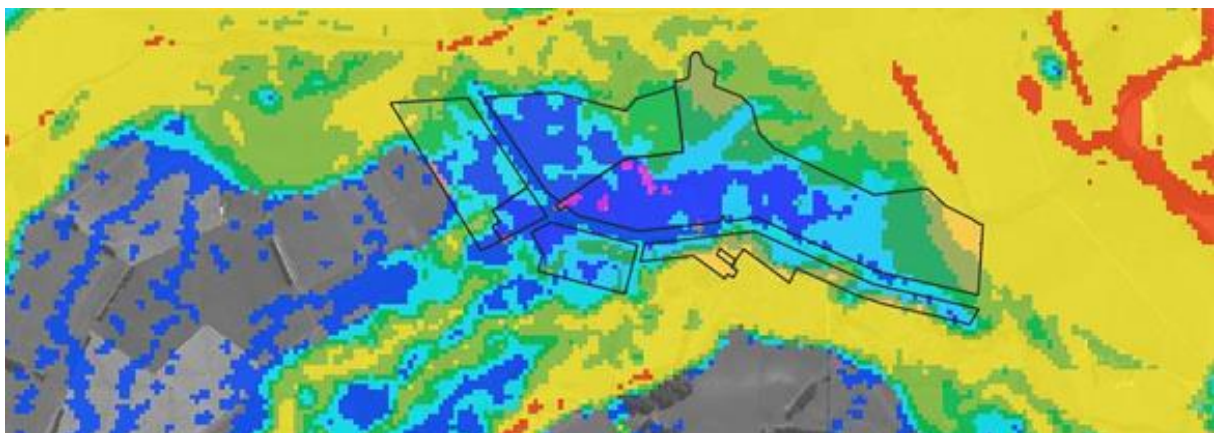


Figure 3: Mandeville Indicative 1% AEP flood hazard

206. In Pukerau, raising building floor levels and/or ground levels could be feasible within areas outside the channel and adjacent floodplain (shown in blue and green colour in Figure 4 below).

Tonkin and Taylor have recommended that the proposed Settlement Zone extents crossing the stream channel and adjacent floodplain are adjusted to avoid the channel and to allow a corridor for future flood mitigation. However, this area already contains existing development and so in line with RPS Policy NH.4 it is not practicable for the area of significant risk be avoided. I do however recommend that the Natural Hazards chapter include provisions for management of development in this area. This will be assessed through a later hearing stream (HS9).

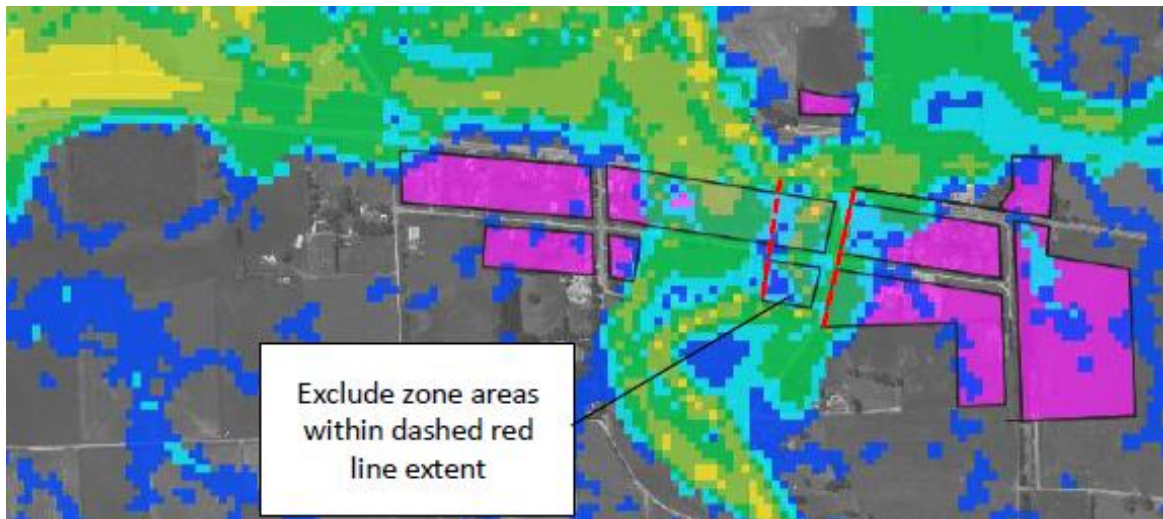


Figure 4: Pukerau areas proposed by Tonkin and Taylor to be zoned General Rural

207. In Matura (Figure 5 below), Rural Lifestyle zoning is proposed to the north of the Township. I note the report does not take into account the existing protection afforded by the stopbanks. Nonetheless, Tonkin and Taylor conclude the only likely feasible flood mitigation in this area will be stopbank protection. Currently, the level of service of the stopbanks is unknown, however I understand that ES are currently undertaking flood modelling of the stopbanks to assess this.
208. Raising the existing stopbanks is likely the only feasible mitigation measure for the northern proposed rural lifestyle zone which relies on the Regional Council implementing such a measure sometime in the future. Given the uncertainty in the timing of this, Tonkin and Taylor recommend that new development in this area is avoided.
207. There is limited existing rural lifestyle development in this proposed RLZ and given the proposed zoning will increase rural lifestyle development potential I recommend the zoning is amended to General Rural, as requested by the ES submission. I note thought that ancillary farm buildings are suitable within flood risk areas provided they do not exacerbate the flood risk. See proposed mapping in **Appendix C**.

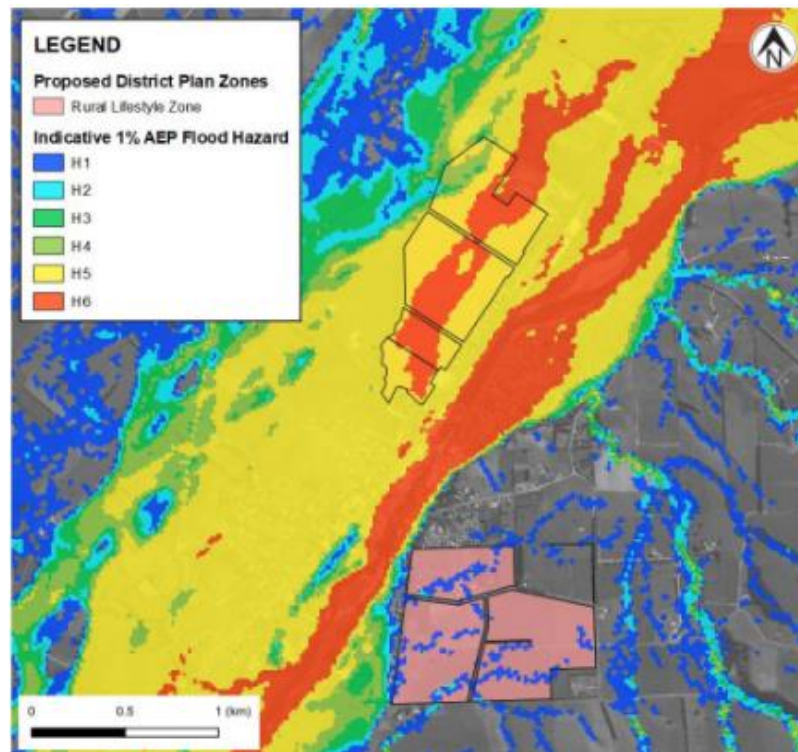


Figure 5: Matura Indicative 1% AEP flood hazard

208. In Gore, raising building floor and/or ground levels or stopbanks could be feasible in low to mid hazard areas adjacent to Charlton Stream south west of the Gore township. Raising ground levels could be feasible in mid-range hazard areas adjacent to Matura River floodplain between Racecourse Road and Charlton Road south west of the Gore township. I therefore make no recommendations to amend the Rural Lifestyle zoning in these areas. In east Gore Tonkin and Taylor recommend adjusting proposed Rural Lifestyle Zone extents to avoid higher hazard areas, including the southwest & southeast corners of the proposed Rural Lifestyle Zones (shown in yellow in Figure 6). I note the Rural Lifestyle area to the southeast includes land subject to the McNabb Management Ltd submission. I therefore defer any zoning recommendations to Hearing Stream 4. Based on the expert advice I recommend the area to the southwest is amended to be GRUZ. See proposed mapping in **Appendix C**.

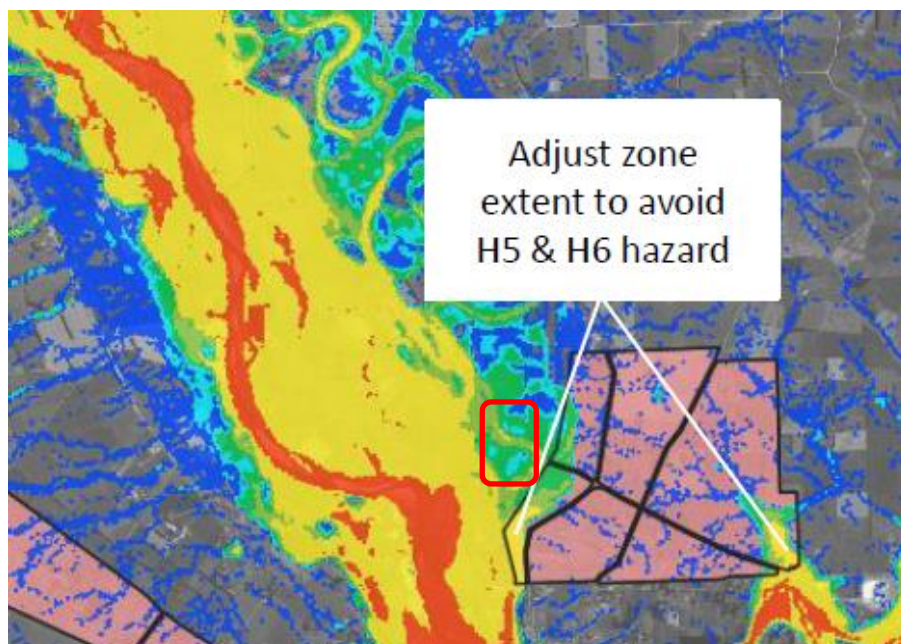


Figure 6: Proposed area in East Gore to be zoned General Rural outlined in red

209. For the above reasons I disagree with ES that the ODP zoning should be retained in all areas. Whilst consideration of flood hazard risk is required to ensure consistency with Section 6(h) of the RMA, as noted above the PDP zoning reflects existing development patterns and aligns with the National Planning Standards.
212. The broader issues around flood hazard management will be dealt with in more detail through the Natural Hazards Chapter, as directed by the National Planning Standards 2019, and will provide district wide direction for development which will be considered at a future hearing. It should be noted that there are objectives, policies and rules in the Natural Hazards chapter in relation to flood risk, including in relation to minimum floor levels within areas subject to actual or potential inundation. Risks associated with natural hazards can therefore be managed through the Natural Hazard Chapter provisions. I also note that to date ES have not provided a s32AA assessment or any technical evidence to support their submission.

Recommendation

210. For the reasons above it is recommended that the submissions from ES detailed in Table 9 above are generally rejected.
211. Based on the expert advice I recommend zoning changes are proposed in Waikaka, Mātaura and East Gore. See proposed mapping in Appendix C
212. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

213. The following evaluates the recommendation to amend the PDP mapping of the Rural Lifestyle zone under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Areas identified by Tonkin and Taylor, where flood mitigation measure other than stop banks, cannot be implemented have been proposed to be amended to GRUZ, where it is practicable to do so. The purpose of the GRUZ and objectives seek to provide for primary production and supporting rural industry activities. As such, less sensitive activities are anticipated within the zone. GRUZ-O2 provides for 'a very low degree of built form', and the location of non-primary production activities are managed.

Objective NH-O1, NH-O2 and NH-O3 of the Natural Hazards Chapter set out a risk-based approach, with natural hazard risk to be recognised, managed avoided or mitigated. In addition, Policies NH4 and NH5 require the avoidance of exposure to natural hazards unless avoidance is impossible, impracticable and adverse effects can be mitigated to an acceptable level. The recommended amendments to the proposed zoning is a more effective and efficient way of achieving these objectives and corresponding policies.

Costs and benefits

The benefits of the proposal are that the risk to persons and property from flood inundation are reduced in line with the requirements of the RPS and direction set out by the Natural Hazards Chapter. There will be likely costs in relation to consenting for development within flood inundation areas that cannot comply with the requirements of the Natural Hazards chapter. However, these costs have been carefully considered in relation to providing for the potential for development in areas that can feasibly support that development from a Natural Hazards perspective.

Risk of acting or not acting

There is the potential for increased risk to persons and property from flood inundation if the proposed amendment is not made. The RPS Policy NH.4 requires the exposure to areas of significant risk be avoided where practicable and mitigation of effects of natural hazards, undertaking physical works where necessary. RPS Policy NH.5 requires the avoidance of new subdivision development and placement of critical infrastructure in areas at significant natural risk from natural hazards unless... avoidance is impossible, impracticable and adverse effects are mitigated to an acceptable level. In addition, the objectives within the Natural Hazards chapter match the requirements of the RPS by setting out a risk-based approach, with natural hazard risk to be recognised, managed avoided or mitigated.

Based on this and considering the recommendations within the Tonkin and Taylor assessment, the recommended amendments are considered to provide for development, while managing the risks of natural hazards by placing this development within areas of low risk or where risk can be mitigated.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act, in particular Section 6(h), and the RPS than the notified version of the PDP or the ES proposal.

6.5.3 Matters raised by submitters – Setback from SNAs

213. Royal Forest and Bird Society of NZ (s110.049) seek a new standard with the GRUZ and RLZ to require a 10 metre setback from the closest boundary of any Significant Natural Area for all buildings and structures. The submitter considers there is no requirement in the plan for setbacks of buildings/structures from SNAs. The addition of this standard would ensure that buildings/structures are not established within an SNA in the GRUZ and RLZ.
214. Hamish Weir has further submitted in opposition to Forest and Bird's additional standard request (FS5.170, FS5.166).
215. Federated Farmers has further submitted in opposition to Forest and Bird's additional standard request (FS17.090, FS17.091, FS17.087). Federated Farmers considers (FS17.087), the submitters proposed new standard would require fences to be 10m from the SNA or require consent, which is unreasonable. Fencing SNAs provides many positive benefits for protecting the SNA.

216. Stoney Creek Station Ltd has further submitted in opposition to Forest and Bird's additional standard request (FS25.135) stating that activities affecting SNAs have been addressed in the ECO chapter.

Assessment

217. Regarding the Royal Forest and Bird Society of NZ submissions, currently there are two SNAs identified in the Operative District Plan (ODP). It is proposed to map additional SNAs as a PDP variation (see ECO-P1) which may include areas within Proposed Rural Zones.
218. If development is proposed on a site, in proximity to an SNA (located on the same site), it is very likely the ECO Chapter will be reviewed for compliance. Any requirement for setbacks from SNAs should be located within the ECO Chapter as I consider the management of indigenous vegetation is a District Wide matter. The PDP ECO Chapter has appropriate provisions to protect Significant Natural Areas from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework.
219. It may be argued that SNAs could be located on neighbouring sites and therefore the ECO Chapter would not reasonably be reviewed by a plan user, and therefore the standard should sit in this Chapter. In this regard I think it would be unreasonable for Plan users to be required to obtain an ecological assessment identifying an SNA that may potentially lie on a neighbouring site, in order to confirm compliance with the proposed standard. I do not consider this to be efficient or effective for Plan users or decision makers. Regardless, any building or structure must adhere to the proposed setbacks within the rural zone which is proportionate to the building and or activity scale, therefore any SNA on neighbouring sites would be afforded some protection on this basis.

Recommendation

220. I recommend the submissions detailed above from Forest & Bird are rejected on the above basis, however it may be that following the Ecosystems and Indigenous Biodiversity Chapter hearing, consequential relief may apply to the Rural Chapters.
221. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5.4 Matters raised by submitters – Rural lot size and density

222. Alistair & Bernadette Hunt (S148.006) support the increased 8ha limit for rural subdivision under GRUZ-S1 due to concern at the increasing prevalence of small lifestyle blocks within farmland.
223. Southland Federated Farmers of New Zealand (s126.161), Kevin Robertson (s115.162), Rural Ratepayers Group (s143.173), Alistair & Bernadette Hunt (s147.174), Ronald Crispin (s60.164), John Baynes (s68.282) support GRUZ-S1 in part, subject to amendments to increase the maximum density of minor residential units per site to three and remove the requirement that the necessity of the minor residential units be to support primary production.

224. Kevin Robertson (s115.121), Rural Ratepayers Group (s143.132), Alistair & Bernadette Hunt (s148.133), Ronald Crispin (s60.123), John Baynes (s68.241) support increasing the minimum lot size in the GRUZ to 8ha in the interests of protecting highly productive land and ensuring that the district maintains suitably sized working farms.
225. Adrienne Crispin (s59.001), Ronald Crispin (s60.001) seeks a reduction of the minimum lot size for rural properties, noting that small lots are better economically than having larger economic properties split up into larger uneconomic blocks, creating hobby farms which do not contribute to the GDP. These submitters also note a desire to be able to subdivide off a small portion of their land to be able to retire on in the future. These submissions are supported by further submissions from Hamish Weir (FS5.69) and Clark Fortune McDonald & Associates (FS22.001, FS22.002).
226. Stoney Creek Station Limited (S3.075), Trudy Bokser (s113.075), Nathan Bokser (s116.075), AW & JA Johnston Family Trust (s118.075), Peters Farm Ltd Karen Peters (s127.111), Reaby Downs Farm Ltd (s18.077), Karen Temple (s19.077), Sarah and Peter Barclay (s20.077), Helen McIntosh (s24.077), John Baynes (s68.079), Greg Bokser (s117.075) oppose GRUZ-S1 and seek the standard be amended to specify that the limit to one residential unit per 40 hectares does not include minor residential units.
227. Stoney Creek Station Limited (s3.033), McLeod-Wantwood Trust/Wantwood Station (s104.028), Hamish Weir (s74.019), Farm Manager – Wantwood Station (S105.028), Peters Farm Ltd Karen Peters (S127.028, S127.069), Trudy Bokser (s113.033), Nathan Bokser (s116.033), Greg Bokser (s117.033), AW & JA Johnston Family Trust (s118.033), Reaby Downs Farm Ltd (s18.035), Karen Temple (s19.035), Sarah and Peter Barclay (s20.035), Helen McIntosh (s24.035), and John Baynes (s68.037) request the minimum lot size remains at 2ha as the proposed 8ha lot size does not allow for the efficient use of land and is too small to farm economically but would be a significant loss of productive land if farmers subdivide discrete areas of larger parcels. These submissions are supported by further submissions from Hamish Weir (FS5.112), Clark Fortune McDonald & Associates (FS22.025, FS22.026, FS22.027, FS22.029, FS22.030, FS22.031, FS22.032, FS22.033, FS22.034, FS22.035, FS22.036, FS22.037, FS22.038, FS22.039, FS22.040), Stoney Creek Station Ltd (FS25.115, FS25.116) and opposed by Southland Federated Farmers (FS17.058).
228. Clark Fortune McDonald & Associates (S99.034) seek that GRUZ-S1 be amended to provide a limit of one minor residential unit per residential unit. Alternatively, the submitter seeks the addition of a provision that requires a discretionary or restricted discretionary activity for any site that has more than one minor residential unit. Clark Fortune McDonald & Associates (s99.015) also request that the current 2ha minimum lot size be retained, as well as seeking the inclusion of a minimum average area for subdivision with a smaller absolute minimum area and the provision for smaller areas for when redundant dwellings are being subdivided from larger rural properties. The submitter notes that the 8ha minimum area lacks flexibility for smaller allotments based on specific needs and conditions, resulting in substantial loss of productive land. Hamish Weir (FS5.113) and Stoney Creek Station Ltd (FS25.117) support this submission point.
229. Farm Manager – Wantwood Station (s105.025), Peters Farm Ltd Karen Peters (s127.025), McLeod-Wantwood Trust/Wantwood Station (s104.025) oppose GRUZ-S1 and seek an amendment to allow for one residential unit per 2 hectares as rural landowners are otherwise

unable to develop their land with the 40ha requirement. Clark Fortune McDonald & Associates (FS22.065) further submitted in support of the submissions requesting the retention of the one residential unit per 2ha limit, noting that it has proven practical since 2006 and the evidence does not justify the proposed change.

230. Clayton Rowland (s36.001) requests that the minimum lot size remain at 2ha as this is more beneficial to the general public and would give the younger population a better chance of starting with a section. This submission is supported by further submissions from Hamish Weir (FS5.111), Clark Fortune McDonald & Associates (FS22.024) and Stoney Creek Station Ltd (FS25.114).
231. Jacklyn (Jackie) Johnston (s50.003) opposes SUB-S1 and requests a minimum lot size of 0.101ha as some people may not have the ability or desire to manage 8ha sections. Enabling subdivision of smaller sections would accommodate those desiring a rural lifestyle without the burden of excess land. Stoney Creek Station Ltd (FS25.118) supports this submission in part, agreeing that a smaller lot size than 8ha would be beneficial.

Assessment

232. Submissions in support of rural lot size under SUB-S1(1)(e), (f), (g) and (h) and the density of residential units on those lots under GRUZ-S1, RLZ-S1 and SETZ-S1 are noted.
233. Under the ODP, the Rural Zone caters for general rural, rural lifestyle and settlement uses. To satisfy the requirements of the National Planning Standards and the nature of changes in the District, it has been necessary to split the Rural Zone into three separate zones with different sized lots. These encourage different types and density of use within the rural environment, consistent with the expectations of the National Planning Standards.
234. As detailed in the Section 32 Evaluation – Part 3: Area Specific Matters – Rural Zone¹³, there is demand for rural lifestyle opportunities for sites down to 1ha in size, which is not provided for by the ODP. It is a balance for the PDP to provide for rural lifestyle living opportunities, while protecting rural land from the ad hoc and potential proliferation of rural lifestyle sections through the rural area.
235. With regards to the 8ha GRUZ subdivision threshold under SUB-S1, research undertaken in the drafting of the PDP has identified that 80% of parcels supporting dairy farmland and 70% of sheep and beef lots are greater than 8ha in size. Rural lots below 8ha are more commonly used

¹³ Section 4.0 of the Section 32 Evaluation – Part 3: Area Specific Matters – Rural Zone

for hobby farms as anticipated in the Rural Lifestyle Zone¹⁴. It is highlighted that the 8ha is a minimum and it is anticipated that most productive farms will require significantly more land than 8ha and the lower minimum lot size provides greater flexibility for a range of existing and future rural production opportunities.

236. Standard GRUZ-S1 introduces a land use lot size, requiring no more than one residential unit per 40ha, with one minor residential unit also permitted per site. The purpose of this standard is to ensure that while the 8ha lot size provided under SUB-S1 provides flexibility for rural production opportunities, the density of residential use in the zone is consistent with the objectives and policies of the GRUZ and its relationship to the RLZ and SETZ. Standard GRUZ-S1 has been drafted to allow for flexibility in the residential use of a site, and it would be expected it could include a principal residential unit on a farm and an additional minor residential unit for worker's accommodation, home stay or use by extended family.
237. With regards to the RLZ subdivision threshold under SUB-S1, the lot size has been reduced to 1ha in the RLZ. This is in response to market research undertaken in the drafting of the PDP which confirmed there is a demand for 1ha lots which is not provided for under the ODP. The 1ha lot size is of a sufficient size to cater for rural lifestyle use, and not compromise rural production located in the GRUZ. The RLZ is generally located around urban areas and settlements, closer to existing amenities and services, and on established rural roads¹⁵.
238. With regard to the SETZ subdivision threshold under SUB-S1, the 2,000m² lot size is the same as what is provided for in the Large Lot Residential Zone. However, in the SETZ, the minimum lot size is such as to ensure that on site servicing can be achieved. The lot size also provides for a rural-settlement character and density of development, as opposed to a more dense urban character. Across the settlement zones the lot size is generally variable.
239. I do not support the submissions in opposition of, or seeking amendment to, the rural lot size under SUB-S1(1)(e), (f), (g) and (h). There is much contention on what the minimum lot size should be in the rural environment, but I have not seen evidence that establishes any reason as to why the 8ha is not appropriate.
240. With regards to the submissions in opposition to, or seeking amendment to, the density of residential units on lots under GRUZ-S1, RLZ-S1 and SETZ-S1, I similarly do not agree. I note there is a consenting pathway available as a RDA should the number of residential units per site exceed one under GRUZ-S1, but still achieve a density of one residential unit per 8 hectares.

¹⁴ Gore District Plan Review – Planning for Growth, June 2022, page 44

¹⁵ Gore District Plan Review Planning for Growth, authored by The Property Group, dated June 2022, Page 44

241. With respect to the submissions noting that there should be an allowance for greater than one minor residential unit per lot under GRUZ-S1, I do not agree as this would provide for a greater density of residential development than is sought under the GRUZ objectives and policies. However, I do agree with the submissions that recommend that GRUZ-S1 should have a RDA consenting pathway available where the number of minor residential units exceeds one, but an overall density of one minor unit per 8ha is achieved.

Recommendation

242. I recommend, for the reasons given above, that GURZ-S1 is amended to provide a RDA consenting pathway where the number of minor residential units exceeds one where an overall density of one minor unit per 8ha is achieved. Recommended changes to GRUZ- S1 are as follows:

Activity Status where compliance is not achieved:

Restricted Discretionary

Where:

4. There is a minimum density of 8ha per residential unit, or

5. There is a minimum density of 8ha per minor unit. (...)

Activity status where compliance is not achieved with GRUZ-S1(4) and (5):

Non-complying

243. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

244. The following evaluates the recommendation to amend GRUZ-S1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Aligning the consenting pathways for additional residential units and minor residential units is a logical amendment given a minor unit should generate lesser effects. Managing the extent of residential units and minor residential units is crucial to ensuring primary production is not compromised as directed by GRUZ-P8. This gives effect to GRUZ-O5 and GRUZ-O1 and therefore UFD-O10 and UFD-O11. All of which seek to ensure primary production and rural industry activities are able to operate efficiently and effectively, and that the purpose of the GRUZ is not compromised by non-rural activities (GRUZ-O4).

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. Additional minor units can support primary production as they can be utilised as workers accommodation. There are potential costs resulting from a loss of productive land for residential development, however the 8 hectare density is considered to provide sufficient protection.

Risk of acting or not acting

There is the potential for a non-complying (NC) activity consent being required for an additional minor unit whereas an additional residential unit would require a RDA activity. This appears illogical given a minor unit is smaller and ancillary to a residential unit.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve Objective GRUZ-O2, GRUZ-O3 and GRUZ-O5 of the PDP than the notified version of the PDP as outlined above.

6.5.5 Matters raised by submitters – Agricultural aviation

245. The following submitters have provided submissions relating to agricultural aviation in both the General Rural Zone and the Rural Lifestyle zone.

Table 10	
Submitter(s)	Submission
NZAAA (s156.001)	Opposes the whole plan in part, as the s32 report does not provide rationale or justification for the approach taken to the setback rules for agricultural aviation. Hamish Weir (FS5.1) lodged a further submission in support of this submission and NZHA (FS18.1) a further submission in partial support.
Alistair & Bernadette Hunt (s148.011) (s148.012)	Oppose the GRUZ in general and do not support the new rules restricting agricultural aviation. Agricultural aviation is essential to the primary sector and cannot be inhibited by the time delays or uncertainty associated with a consenting regime. These submissions are supported by a further submission from NZAAA (FS4.22). Oppose RLZ in general and do not support the new rules restricting agricultural aviation. Agricultural aviation is essential to the primary sector and cannot be inhibited by the time delays or uncertainty associated with a consenting regime.
DOC (s109.116)	Supports GRUZ-P7 as it enables aviation activities to support conservation activities subject to noise effect management.
Kevin Robertson (s115.152), (s115.175) Ronald Crispin (s60.154), (s60.177)	Supports in part GRUZ-P7, supporting the enablement of agricultural aviation activities and acknowledgement of potential reverse sensitivity effects, but requests amendments to remove the requirement to manage noise effects by controlling the location of airstrips and scale of

Table 10	
Submitter(s)	Submission
John Baynes (s68.272, s68.063, s68.076, s68.295, s68.084) Greg Bokser (s117.059, s117.072, s117.080), Southland Federated Farmers of New Zealand (s126.151), (s126.174) Rural Ratepayers Group (s143.163), (s143.186) Alistair & Bernadette Hunt (s148.164), (s148.187) Stoney Creek Station Limited (s3.059, s3.072, s3.080) Trudy Bokser (s113.059, s113.072, s113.080) Nathan Bokser (s116.059, s116.072, s116.080) AW & JA Johnston Family Trust (s118.059, s118.072, s118.080) Peters Farm Ltd Karen Peters (s127.095, s127.108, s127.116) Reaby Downs Farm Ltd (s18.061, s18.074, s18.082) Karen Temple (s19.061, s19.074, s19.082) Sarah and Peter Barclay (s20.061, s20.074, s20.082) Helen McIntosh (s24.061, s24.074, s24.082) NZHAAA (s156.106) NZHA (s63.020) Balance Agri-Nutrients (s87.011) Ravensdown Ltd. (s28.017)	their use. NZAAA (FS4.34, FS4.37, FS4.38) supports these submissions, noting noise effects are managed in the noise chapter and is more consistent with an ‘enabling’ policy. Supports GRUZ-R16 as proposed. NZAAA (FS4.46, FS4.48 to FS4.57) supports the primary submission in part, subject to the deletion of reference to GRUZ-S9 within the rule. Stoney Creek et al oppose GRUZ-S9 and seek the 500m setback applies to sensitive activities only and the horizontal distance of 250m is deleted. NZHAA and NZHA have further submitted in opposition to this submission (fs4.60, fs4.62, fs4.63, fs4.64, fs4.65, fs4.66, fs4.67, fs4.68, fs4.69, fs4.70, fs4.71, fs18.33). NZAAA, NZHA, Ravensdown, and Balance Agri-Nutrients have further submitted against this point as they seek the entirety of GRUZ-S9 is deleted. NZHAA and NZHA (fs4.58, fs18.18, fs4.59, fs4.61) support these submissions Southland Federated Farmers et al seek that RLZ-R6 is retained subject to the amendments sought to RLZ-S8. I note though the submitter has not included a submission relating to RLZ-S8.
New Zealand Helicopter Association (s63.017, s63.019, s63.021, s63.023) Ravensdown Limited (s28.014, s28.016, s28.018, s28.019) NZAAA (s156.013, s156.015, s156.017, s156.018) Balance Agri-Nutrients (s87.010, s87.012)	Requests amendments to GRUZ-P7 and GRUZ-R16 to remove the requirement to manage noise effects by controlling the location of airstrips and scale of their use, but in addition seeks the inclusion of a reference to ‘helicopter landing areas’, in addition to the enablement of agricultural aviation activities and ‘rural airstrips’. These submissions are supported by further submissions from NZAAA (FS4.33, FS4.35, FS4.36) and New Zealand Helicopter Association (FS18.21). Request amendments to GRUZ-R16 to remove the need for setbacks under GRUZ-S9, noting that any setbacks do not

Table 10	
Submitter(s)	Submission
	enable the provision of services to support primary production. Submitters also seek an amendment to the activity status under GRUZ-R16 to a Restricted Discretionary Activity, with the inclusion of matters of discretion for any mitigation of noise proposed in accordance with best practicable options and hours of operation. NZAAA (FS4.44, FS4.45, FS4.47) and New Zealand Helicopter Association (FS18.19) also lodged further submissions in support these submissions. Requests RLZ-R6(1) is deleted, and RLZ-R6(2) is amended in accordance with the submitters request made in relation to NOISE-R8. NZAAA (FS4.72, FS4.73, FS4.74) have lodged further submissions in support of the other submitters requesting the same or similar relief. New Zealand Helicopter Association (fs18.17) have also further submitted in support. The submitters oppose RLZ-S8 and seek that it is removed. Any setbacks as proposed do not enable the provision of services to support primary production and are not justified by the s32 Report. NZAAA (fs4.75) (fs4.76) and NZHA (fs18.16) support these submissions.

Assessment

259. The submissions identified above relate to the general provision for agricultural aviation within the PDP, which will be addressed as part of the consideration of the management of noise in the district in Hearing Stream 6. If new or amended objectives, policies, rules or standards are added through Hearing Stream 6 consequential amendments to the relevant zone chapters will be considered as part of that assessment.
260. For submissions that raise matters that are specific to the nature of agricultural aviation in the GRUZ and RLZ, such as the inclusion of reference to helicopter landing areas in addition to rural landing strips, these matters are assessed in respect of the specific GRUZ policies, rules and standards later in this report.

Recommendation

261. I recommend, for the reasons given above, that decisions on agricultural aviation be deferred and considered as part of Hearing Stream 6 (Noise) to allow for a plan wide consideration of the management of noise in the District.
262. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5.6 Matters raised by submitters – River and stream order and setbacks

263. A number of submitters oppose or oppose in part the GRUZ-S7 Setbacks from streams and rivers standard, with the support of one further submitter, as detailed in the table 11 below, and have sought exclusions within the standard for farm or stock exclusion fences, and that these setbacks, and the PDP Appendix 3 River and stream order, should align with higher order planning documents.

Table 11		
Submitters	GRUZ-S7 Setbacks from streams and rivers	Appendix 3 - River and stream order
McLeod-Wantwood Trust/Wantwood Station	S104.026	S104.032
Farm Manager - Wantwood Station	S105.026	S105.032
Peters Farm Ltd, Karen Peters	S127.026 S127.115	S127.032
Stoney Creek Station Limited	S3.079	
Reaby Downs Farm Ltd	S18.081	
Karen Temple	S19.081	
Sarah and Peter Barclay	S20.081	
Helen McIntosh	S24.081	
Ronald Crispin	S60.167	
John Baynes	S68.083 S68.285	
Trudy Bokser	S113.079	
Kevin Robertson	S115.165	
Nathan Bokser	S116.079	
Greg Bokser	S117.079	
AW+ JA Johnston Family Trust	S118.079	
Southland Federated Farmers of New Zealand	S126.164	
Alistair & Bernadette Hunt	S148.177	
Hamish Weir	FS5.165 support S3.079	

264. Southland District Council (SDC - S146.085 and S146.109) support the RLZ-S7 stream setback standard and supports Appendix 3 River and stream order. SDC considers that the setbacks being tied to stream order is a useful idea, and that the matters of discretion for RLZ-S7 are fitting and should reduce impacts downstream.

265. The Department of Conservation (DoC) (S190.122) supports the GRUZ-S7 setback from stream and rivers but recommends that a setback also applies to wetlands, and that the assessment matters are amended, as shown below, to align with higher order document including NPS-IB and NPS-FM. DoC also seeks that a diagram is inserted that demonstrates where the river and wetland setback is measured from.

3. The nature of existing riparian vegetation and ~~the effects~~ opportunities for enhancement and restoration of proposed planting or modification on for indigenous biodiversity and /or habitats.

(...)

X. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures.

Y. methods proposed to monitor or inspect the works undertaken

z. the timing of works to minimise adverse effects on threatened or at risk indigenous species.

x. management of potential adverse effects through a Council Authorised Biodiversity Management Plan.

Assessment

266. The setback standard for rivers and streams is shown in full below, it applies to buildings and structures across all zones, and for earthworks.

GRUZ-S7	Setbacks from stream and river	
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). Refer to Appendix 3 for river and stream orders	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: - Whether there is a <i>functional need</i> for the <i>building or structure</i> to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility. - The effects on water quality and the stability and health of the stream bed and banks, including erosion and <i>sedimentation control measures</i>. - The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous <i>biodiversity</i> and /or habitats. - 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. - Impacts on Ngāi Tahu cultural values, including those listed in MW.2.3. - The effects on public and customary access to the stream or river. - 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 sites.

267. A number of submitters oppose or oppose in part the GRUZ-S7 setbacks from streams and rivers standard. Exclusions are sought within the standard for farm or stock exclusion fences, and that these setbacks should align with higher order planning documents. Some of the submitters have

also highlighted that fences for stock exclusion or to protect riparian plantings can have positive environmental benefits.

268. The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. Requirements include to manage freshwater in a way that 'gives effect' to Te Mana o te Wai, to avoid further loss or degradation of wetlands and streams, improve degraded water bodies, in stream habitats and fish passage, and maintain or improve all water bodies using defined bottom lines with annual monitoring and reporting requirements. The implementation of the NPS FM is primarily a regional council function, however territorial authorities must adopt an integrated approach to freshwater management in that the whole environment is connected.
269. The Freshwater NPS is one of four pieces of national direction for managing New Zealand's freshwater, as listed below:
- National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - National Environmental Standards for Freshwater (NES-F)
 - Stock exclusion regulations
 - Water measurement and reporting regulations.
270. These standards and regulations were developed as part of the Essential Freshwater reforms in 2020, and monitoring and enforcement of the standards and regulations are undertaken by the regional council, Environment Southland. An overview of the national direction documents with relevance to land use and development setbacks to rivers is provided below.
271. The NES-F sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The standards have rules in relation to natural inland wetlands, reclamation of rivers, fish passage, fertiliser use, discharges in relation to farm conversions and agricultural intensification, and requirements for farm practices in relation to winter grazing, feedlots and stockholding areas. Setback requirements to all waterbodies for farming activities include 50m for feedlots and stockholding areas, and 5m for stock for winter grazing activities.
272. The Stock Exclusion Regulations set out requirements to exclude stock from the beds of lakes, rivers and wetlands, and stock must not be on land closer than three metres to the bed of a lake or river more than one metre wide.
273. The Resource Management (Freshwater and Other Matters) Amendment Bill was introduced in May 2024 and among other things seeks to:
- Exclude the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting.
 - Repeal the stock exclusion regulations in relation to sloped land.
 - Repeal NES-F restrictions around winter grazing.

- Align the provisions for coal mining with other mineral extraction activities across the NPS-IB, NPS-FM and NES-F.
 - Suspend and extend timeframes under the NPS-IB, in particular for the identification of Significant Natural Areas (SNAs) and include them in district plans.
 - Amend the process for preparing and amending national direction documents.
274. The Bill does not have legal effect, but proposed changes would remove the 5m setback for winter grazing livestock, but would not remove the general 3m setback for stock exclusion.
275. The Environment Southland Proposed Southland Water and Land Plan (operative May 2024) requires separation from waterways for a range of farming activities, including intensive winter grazing, pasture-based wintering and cultivation. The required separations range from 5m up to 20m depending on the slope degree and the significance or sensitivity of the waterway. Stock exclusion from the beds of all water bodies are also required.
276. The regional council rules apply in addition to the national standards and regulations and neither require permanent fencing to be erected to achieve compliance with setbacks, however it is likely to be a common method used in practice, in particular for stock exclusion. Although these setbacks are monitored and enforced by the regional council, it is desirable for efficiency and effectiveness that the district plan allows for methods to achieve compliance with the regulations.
277. The PDP stream setback standard has been adopted as an integrated method across all zones to manage the effects of growth and development in accordance with the NPS-FM direction. The stream setback standard applies to all buildings and structures and utilises a classification system based on river or stream order rather than the width of the waterway, slope degree or significance. However, as a fence is considered a structure under the definitions it is possible that a fence erected to comply with the national or regional regulations may be captured under the district plan stream setback standard.
278. Although I agree with the submitters in table 11 that there are positive environmental benefits of excluding stock from waterways and that the district plan standards should align with higher order documents, the setbacks and stock exclusions under the national and regional rules generally only relate to freshwater management, and the considerations for the stream setback standards in the PDP are broader than just stream health and water quality. The reasons for the

stream setbacks are set out in detail in the Section 32 Report Rivers and their Margins¹⁶, and are to manage the effects of land use and development on the values and features associated with waterbodies and their margins, including:

- Stream health and water quality;
- Riparian vegetation, indigenous biodiversity and/or habitats;
- The natural character of the riparian margin and landscape values;
- Ngāi Tahu cultural values;
- Public and customary access; and
- Flood risk management.

279. I recommend no changes to Appendix 3 – River and Stream order in this regard.

280. The allowance of fences, as noted above, can have benefits to protect stream health and water quality and it is desirable for efficiency and effectiveness that the district plan allows for methods to achieve compliance with the national and regional regulations. Fences can also be used to protect other environmental values, such as the natural character of the riparian margin, indigenous vegetation and fauna. I note, fences could restrict public access to waterbodies, however this would only be an issue if a fence was blocking access to a public reserve or access strip rather than being erected within a private property. Tonkin & Taylor Ltd (T+T) have provided expert evidence in relation to flood risk (Attachment 1), and have advised that fences within stream and river channels can collect debris, which could potentially increase flood levels by exacerbating scouring effects and damage to structures. Fences across stream and river channels or across or along stopbanks should be avoided. Within a floodplain more generally though, providing fences are a permeable post and wire construction, this is acceptable from a flood risk management perspective.

281. Overall, I consider that there is a low risk in allowing for fences within the river setbacks, provided that these fences are limited to post and wire construction consistent with expert advice, and that the benefits outweigh the potential cost.

282. As noted, (DoC) (S190.122) supports the setback from stream and rivers but recommends that a setback also applies to wetlands, and that the assessment matters are amended to align with higher order document including NPS-IB and NPS-FM. The Department of Conservation also seeks that a diagram is inserted which demonstrates where the river and wetland setback is measured from.

283. The DOC submission is seeking that the stream setback standard should also include wetlands to align with the NPS-FM. An overview of the NPS-FM and national direction relevant documents

¹⁶ Proposed District Plan - Section 32 Report - Rivers and their margins [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://www.goredc.govt.nz/section-32-reports/)

is provided above. However, the NES-F has specific rules relating to land use and development around natural inland wetlands (NES-F, Part 3, Subpart 1 Natural inland wetlands) that does not have a river or stream equivalent. These natural inland wetland rules relate to a range of activities including:

- wetland maintenance and restoration,
- scientific research,
- urban development,
- arable and horticultural land use,
- quarrying and mineral extraction activities,
- landfill and cleanfill areas,
- natural hazard work and construction and maintenance of specified infrastructure and wetland utility structures, which for example include boardwalks, bird watching hides, signs and monitoring devices.

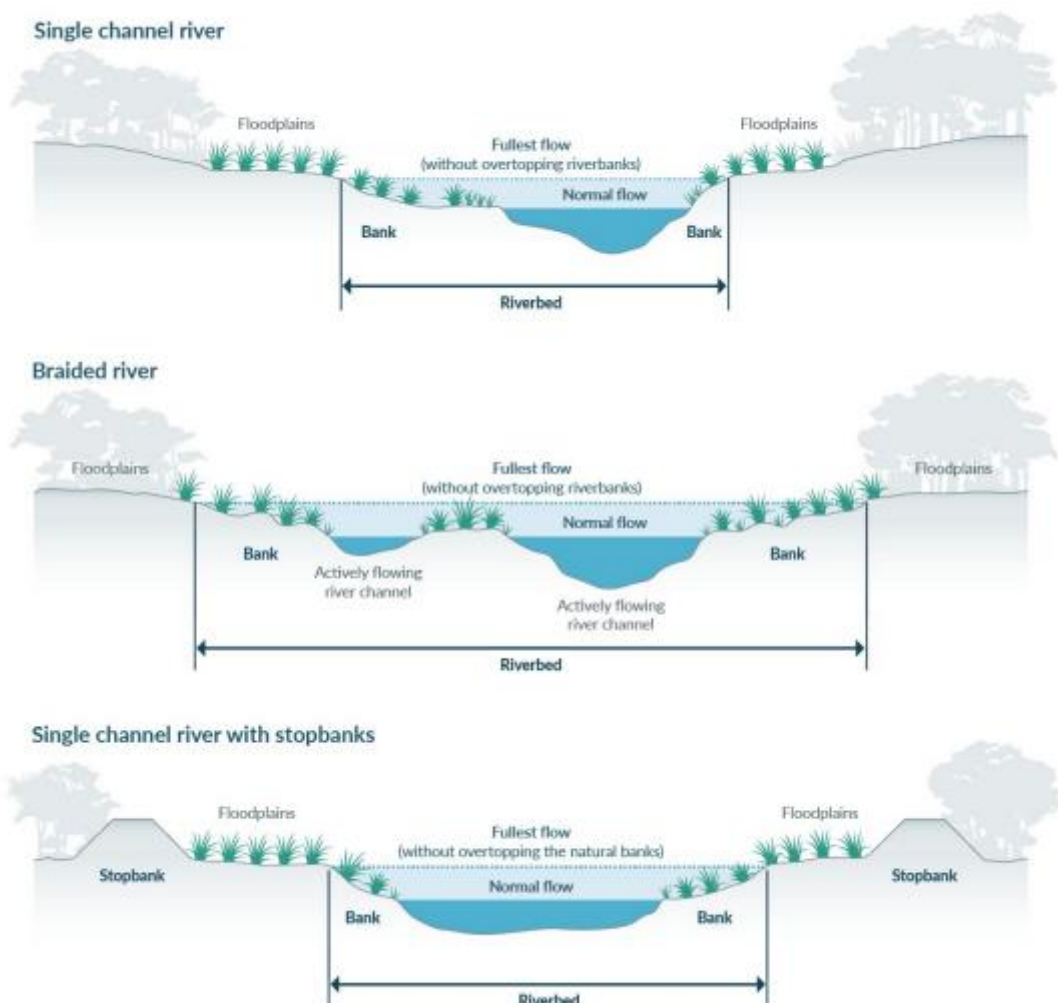
284. Setback requirements include 10m for vegetation clearance, earthworks or land disturbance, and 100m for taking, use, damming, or diversion of water and discharges. General conditions also apply to activities, and these include, among other things, the protection of historic heritage sites and Sites of Significance to Māori.
285. Due to the comprehensive nature of the NES-F rules, in relation to natural inland wetlands, it is possible that activities, works and development managed under the NES-F would also be captured under the district plan if wetlands were included in the stream setback. This potential duplication is not considered efficient or effective and I therefore do not agree with this part of the DOC submission.
286. The National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPSIB requires the creation of a regional biodiversity strategy and the identification and protection of Significant Natural Areas. This is to be achieved by working with communities, key stakeholders, landowners, and mana whenua. Moreover, the NPSIB requires an integrated approach in the management of indigenous biodiversity and that local authorities must consider the social, economic, and cultural wellbeing of people and communities, promote the resilience of indigenous biodiversity to climate change, and adopt a precautionary approach.
287. I agree with the DOC submission point to expand on the matters of discretion for indigenous biodiversity to align with the NPS-IB. I agree that the changes including matters of discretion proposed provide additional guidance for plan users in relation to management of effects, and a Council Authorised Biodiversity Management Plan is a defined term within the PDP that seeks to give effect to the NPSIB.
288. However, I consider that these considerations should be incorporated into Clause 3 that directly relate to indigenous biodiversity, rather than as additional stand-alone matters. In doing so though, the changes sought to clause 3 would restrict consideration of planting or modification to opportunities for enhancement and restoration, rather than the effects, which can be both positive or negative. Thus, I do not agree with the change as it narrows the scope of consideration.

289. I accept that opportunities for enhancement and restoration is a relevant consideration. Moreover, biodiversity is defined, as per the RMA, to mean “the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.” The definition of biodiversity encompasses both vegetation and fauna and it is therefore not necessary to refer to indigenous fauna, as it would be covered within indigenous biodiversity.
290. I therefore recommend that the submission is accepted in part with amendments, and Matter of Discretion 3 is changed as follows:
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.
291. This may also need to be considered as a consequential change for consistency, as an identical stream setback standard applies across all zones.
292. As detailed above the Resource Management (Freshwater and Other Matters) Amendment Bill proposes some changes that may affect the NPS-IB, NPS-FM and NES-F, although the Bill does not yet have any legal effect. The proposed changes are not to repeal the natural inland wetland rules within the NES-F, however would potentially affect rules and policy direction around extraction of coal and mineral extraction activities in relation to wetlands. In relation to the NPS-IB the changes also affect mineral extraction and coal mining activities, and extend the timeframe for local authorities to identify and protect Significant Natural Areas in their district plan until 2030.
293. In relation to the DoC submission point to include a diagram to clarify where the setback is measured from, I agree that a diagram would be helpful for plan users to determine compliance with the rules. The bed of a river as defined by the RMA s2(1) as ‘the space of land which the waters of the river cover at its fullest flow without overtopping its banks’. The PDP setback standard provides direction to measure the setback from the top of the closest bank. The Ministry of Environment have recently published guidelines outlining recommended methods to delineate source water risk management areas¹⁷ in relation to the NES-FW, and there is within this publication a diagram that provides examples of the extent of a riverbed and banks, as shown below. As the ‘river’ and ‘bed’ definitions are set by the RMA and are required in that

¹⁷ Ministry for the Environment, Delineating source water risk management areas, September 2023 , Figure 4: Examples of riverbed, p.19 [Delineating-source-water-risk-mgmt-areas.pdf \(environment.govt.nz\)](https://www.environment.govt.nz/dli/documents/136522/delineating-source-water-risk-mgmt-areas.pdf)

specific format by the National Planning Standards 2019, it is not recommended to amend these to include the diagram. However, the diagram could instead be included in Appendix 3 which is already referenced in the standard and relates to river and stream order.

Different types of riverbeds



294. Southland District Council (S146.085) (S146.109) support the RLZ-S7 stream setback standard and supports Appendix 3 River and stream order, and considers that the setbacks being tied to stream order is a useful idea, and that the matters of discretion for RLZ-S7 are fitting and should reduce impacts downstream.
295. I accept Southland District Council support, and no changes are recommended to RLZ-S7 except to provide guidance on the extent of a riverbed and location of banks for setback measurements consistent with Department of Conservation submission (S190.122).

Recommendation

296. I recommend GRUZ-S7, RLZ-S7 and SETZ-S7 River and stream setback standard is amended as follows:

Setbacks to rivers and streams (rural zones) All Activities 1. Any <i>building</i> or <i>structure</i> is set back from the top of the closest bank of any <i>stream</i> or <i>river</i> 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) (c) 5m for low order rivers or streams (order 1 and 2). <u>Except that fences of post and wire construction are permitted within the setback where these are:</u> (i) <u>not constructed with wire mesh;</u> (ii) <u>not located within the stream or riverbed;</u> (iii) <u>not constructed across the stream or river channel; or</u> (iv) <u>not constructed across or along a stopbank.</u> Refer to Appendix 3 for river and stream orders <u>and guidance on riverbed extents and the location of banks for measuring setbacks.</u>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Whether there is a <i>functional need</i> for the <i>building</i> or <i>structure</i> 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 <i>sedimentation control measures</i>. 3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous <i>biodiversity</i> and ~~for~~ <u>habitats proposed mitigation measures, including:</u> (a) <u>opportunities for enhancement and restoration;</u> (b) <u>methods proposed to monitor or inspect the works undertaken;</u> (c) <u>the timing of works to minimise adverse effects on threatened or at risk indigenous species; and</u> (d) <u>management of potential adverse effects through a Council Authorised Biodiversity Management Plan.</u> 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 Maitai 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 <i>stream</i> or <i>river</i>. 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>.
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297. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

Table 12: Section s32AA evaluation	
Amended GRUZ-S7 stream setback standard and Appendix 3	Notified GRUZ-S7 stream setback standard and Appendix 3
Effectiveness and efficiency	
• The fence exclusion provides for methods to achieve compliance with national and regional rules around stock exclusion and provides greater alignment with GRUZ-O1, GRUZ-P1, GRUZ-P4 and GRUZ-P12. • The setback standard with the fence exclusion allows for a more nuanced approach to setbacks lessening the associated cost to individuals in applying for resource consent for works and development close to waterbodies, but still achieves broad protection with environmental, social, economic and cultural benefits that outweigh the costs of the restrictions. • The greater direction around matter of discretion for indigenous biodiversity provides greater alignment with the NPS-IB, ECO-O1, ECO-P3, ECO-P6 and GRUZ-P4 and. • Providing more guidance around where to measure stream setbacks from will enables the Council to more effectively administer its District Plan. • Overall, the amendments provide greater alignment with: - national and regional direction documents, including the NPS-FM, stock exclusion regulation and NPS-IB	• The setback standard is a relatively simple method that achieves broad protection with environmental, social, economic and cultural benefits. • May capture fences erected as a method to comply with national and regional rules.

- strategic direction, including UFD-O1, UFD-O10 - District wide objectives and policies, including ECO-O1, ECO-P3, ECO-P6 • General Rural Zone objectives and policies, including GRUZ-O1, GRUZ-P1, GRUZ-P4 and GRUZ-P12.	
Costs/Benefits	
• Fences can be used to protect environmental values, as well as allowing landowners to fully utilise land. All other works and development within stream setbacks, except fences, are still being managed with associated environmental benefits. • Economic and opportunity benefit to individual property owners. • Potential exacerbated flood risk with debris getting caught in fences, but risk can be managed, subject to design and location conditions. • Visual landscape impact is considered relatively low, subject to design. • Could restrict access to waterways, but only an issue for access to public land. • The riverbed extent and bank diagram provides additional guidance to plan users around where to measure setbacks from. • Expanding on matters of discretion in relation to indigenous biodiversity provides more guidance for plan users which should reduce overall costs while benefiting specific biodiversity values.	• The setback requirement may encourage fences to be located further away from the stream or river with associated greater environmental benefits, but consent requirements would capture fences erected to achieve stock exclusion rules to fully utilise land with an economic cost to the individual landowner.
Risk of acting or not acting	
• There is a low risk in allowing for fences within the river setbacks, provided that these fences are limited to post and wire construction consistent with expert advice, and that the benefits outweigh the potential cost.	

- Providing greater guidance on biodiversity matters of discretion will reduce the risk of a broad range of matters being considered.
- Providing greater clarity around where to measure stream setbacks from will reduce the risk of uncertainty for plan users and administrators.

Conclusion as to the most appropriate option

The proposed amendments are considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP because it:

- provides greater alignment with national and regional direction documents,
- provides greater alignment with the objectives and policies of the plan,
- Improves clarity and guidance for plan users in relation to measuring setbacks,
- ensure development and works along river margins that could impact on stream values are managed, whilst avoiding unnecessary duplication with Regional Council functions and plan requirements, and
- enables the Council to more effectively administer its District Plan.

6.5.7 Matters raised by submitters - Forestry

298. Southland District Council (s146.081) note that NES-CF allows Councils to implement regulations concerning afforestation within their District. The principal activity for the General Rural Zone is primary production and therefore having provisions concerning afforestation within this zone would be appropriate. The submitter notes that at the minimum, Note 2 may need to be revised to reflect the change in legislation and the ability for Gore District Council to regulate commercial forestry.
299. Southland District Council (s146.082) also seek in relation to the RLZ in general, that the PDP is updated to align with the amendments to the National Environmental Standard for Commercial Forestry (NES-CF) as part of the provisions. To facilitate rural lifestyle activities in addition to rural activities, then commercial activities and primary industries (including commercial Forestry) may be inappropriate for this zone.
300. Rural Ratepayers Group (s143.002) seek greater setbacks for forests from property boundaries and a requirement for dust suppression by water tanks when logging trucks are travelling on gravel roads and traffic is heavy.
301. Port Blakely Limited (s138.009, s138.010) have submissions on the whole PDP seeking that the PDP be amended to incorporate the NES-CF rules and regulations, either by reference or through the use of the same rules and regulations.

Assessment

302. I agree in part with the submission from SDC on the relationship of the GRUZ to the NES-CF.

303. The NES for Commercial Forestry applies to a range of forestry and ancillary activities, including earthworks, river crossings, quarrying, vegetation clearance and discharges and disturbances, including in relation indigenous species. The objectives of the NES are to maintain or improve the environmental outcomes associated with commercial forestry activities nationally and increase certainty and efficiency in the management of plantation forestry activities. The NES-CF prevails over district plan rules in relation to commercial forestry to achieve a nationally consistent approach to the management of commercial forestry activities. Afforestation is the only forestry activity where rules in a district plan can be more lenient than the NES-CF. The inclusion of additional rules to manage afforestation is considered below within the assessment of GRUZ-R5.
304. As noted in section 6.4.1 above, I have recommended a new definition for 'commercial forestry' is included in the plan as per the NES-CF to avoid any confusion. I consider the definition for 'plantation forestry' should remain to aid with plan useability as well as a new definition for 'exotic continuous-cover forest', however the higher order document reference should be updated to NES-CF. Related to this, I agree with SDC that Note 2 in the GRUZ should be amended to remove reference to the National Environmental Standard for Plantation Forestry, and replace it with reference to the NES-CF. Similarly, I recommend minor amendments to the wording of Note 2 to assist with plan useability in respect of the relationship between the PDP and the NES-CF.
305. References in the PDP to Plantation Forestry in rules and policies are recommended to be amended to align with the NES-CF¹⁸ and reference 'commercial forestry'.
306. For the above reasons, I also do not agree with the submission points from Port Blakely Limited. The NES-CF manages commercial forestry activities irrespective of the rule framework in the PDP. The PDP references the NES-CF as another relevant regulation that plan users must consider in any activity undertaken in the District, however I do not agree that there is a need to incorporate the NES-CF in its entirety in the PDP.
307. I do not agree with the submission from Rural Ratepayers Group in relation to the effects of forestry and the suggested amendments. Commercial forestry is a primary production activity under the PDP and is permitted in the GRUZ except where the NES-CF or GRUZ-R5 applies. With respect to the effects of dust from logging trucks, I note that this would be a similar effect to the dust generated by any trucks that frequent rural areas, such as milk tankers. Arguably, the dust

¹⁸ Consequential amendments include: NFL-P1, NFL-R2, NFL-R8, GRUZ-R1, FDZ-R1 and Note 2 of Noise Chapter

generated by a logging truck is of a limited duration as it would commonly occur when a forest is harvested, whereas other trucks would be generating dust year-round. The GRUZ provisions further include a 30m setback for residential units adjoining an unsealed road to assist in reducing adverse effects from dust. To this end, I note that the submitter has not provided any evidence to demonstrate that the effect of dust from logging trucks, particularly in comparison with other trucks that are commonly used in the GRUZ.

308. With regard to the submitter's request that setbacks be imposed on sites containing commercial forestry uses, I note that the submitter considers the setbacks are necessary to mitigate effects of shading, tree roots travelling beyond the forestry site's boundaries and risk from trees falling on property fences. I note that these are effects that can be expected from other rural activities, such as the planting of shelter belts. The submitter has not provided any evidence to indicate that the level of effect is beyond that of similar uses in the rural environment.

Recommendation

309. I recommend, for the reasons given above, that Note 2 of the GRUZ chapter is amended as follows:

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.

...

310. I consider as a consequential amendment, Note 2 in the RLZ and SETZ Chapter are updated to ensure consistency across the plan.
311. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

312. The following evaluates the recommendation to amend the Note 2 of the GRUZ chapter under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed changes ensure that terms which are defined in the Interpretation section of the plan are used to avoid uncertainty. I consider that the recommended amendment better outlines the relationship of the PDP to the NES-CF, which will guide decision making when considering a resource consent application under s104.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for uncertainty and ambiguity if the proposed amendment is not made as the purpose of the zone which helps provides context for the provisions

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.6 Mapping for the Rural Zones

6.6.1 Matters raised by submitters

316. Submitter Bernadette Howard (s39.001) supported the rezoning of 171A Wentworth Street to Rural Lifestyle. I acknowledge and concur with this support.

Recommendation

317. I recommend no changes.

318. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.2 Matters raised by submitters

319. Submitters McLeod-Wantwood Trust/Wantwood Station (s104.011) (s104.034), Farm Manager-Wantwood Station (s105.011) (s105.034) and Peters Farm Ltd (s127.011) (s127.034) seek the planning maps are amended to select more suitable land for rural lifestyle zoning, excluding areas subject to inundation. A portion of the submitters farm has been rezoned as Rural Lifestyle given its locality to the Mandeville township. This area is susceptible to inundation on the Council mapping. The submitter considers there is suitable land in the proximity that would be better suited for rural lifestyle. However, the submitters state it is unable to be subdivided under GRUZ-S1 standard, as it would have to be 40 hectares.

Assessment

320. GRUZ-S1 does not require a 40-hectare minimum lot size in order to subdivide. The PDP minimum lot size under SUB-S1 for the GRUZ is 8 hectares. GRUZ-S1 enables 1 residential unit per site (whatever the size) and for sites larger than 40 hectares, 1 residential unit per 40 hectares. One minor residential unit is further permitted on each site.
321. The submitters have not provided a map to identify the area of rural lifestyle across their property however on review of Council's GIS I believe the Rural Lifestyle zoning they refer to is shown in Figure 7 below.

322. Based on the expert advice, there is potential to mitigate the flood risk in this area with floor levels or raising the ground level. However, if the submitter does not support the Rural Lifestyle zoning on their property then I recommend it is rezoned to General Rural. The Gore District Plan Review Economic and Population Growth Analysis does not identify the Settlements as growth areas, focusing instead on the centres of Gore and Mataura. Nonetheless, some rural lifestyle land is proposed for each Settlement to provide for varying housing types in line with UFD-O12.
323. The submitter has not identified land it considers more suitable for rural lifestyle zoning in the Mandeville area.

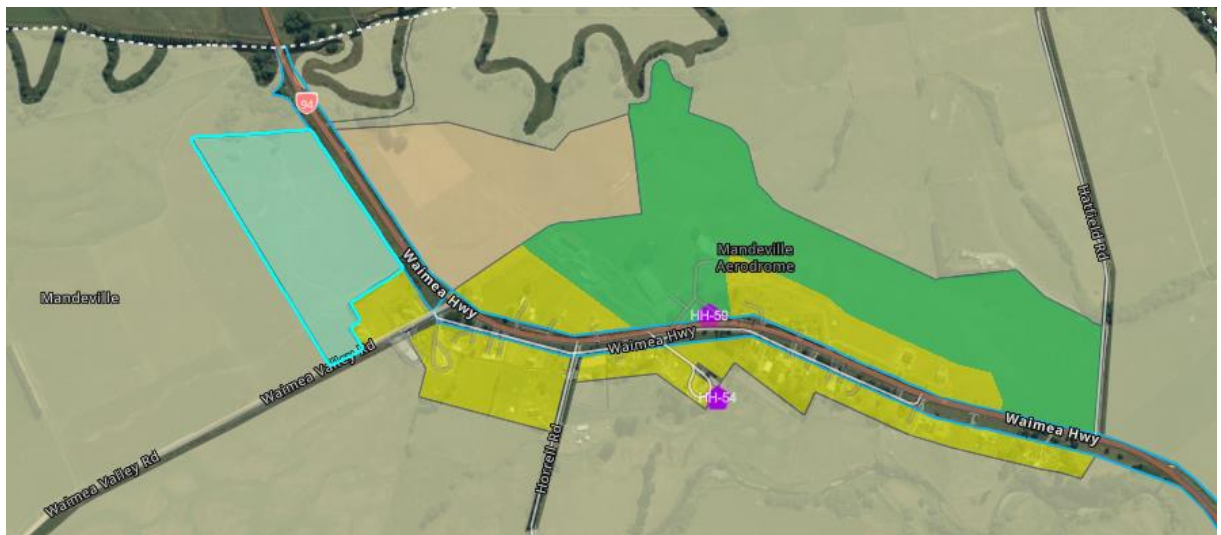


Figure 7: Rural Lifestyle land shaded light blue

Recommendation

324. I recommend, for the reasons given above, that the area in Figure 7 is rezoned to General Rural, see mapping extent in Appendix C.
325. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

326. The following evaluates the recommendation to amend the Rural Lifestyle zoning under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amended zoning remains consistent with objective UFD-O12 as RLZ is provided adjacent to the Mandeville Settlement area. The benefits of the proposal are that the land will be retained for primary production use. The recommendation further aligns with the request of the landowner. There are potential costs in that less land will be available for Rural Lifestyle development, however there remains RLZ zoning to the north of the state highway.

The proposed amendment is considered to be a more appropriate way to achieve purpose of the Act than the notified version of the PDP.

6.6.3 Matters raised by submitters

327. Submitter Clayton Rowland (s36.002) seeks that 33 Herron Road is re-zoned from General Rural to Rural Lifestyle. The submitter considers that the proximity of the site to the Waikaka township offers housing and business opportunities in the long term.

328. The site is highlighted in Figure 8 below:



Figure 8: 33 Herron Road shaded light blue, Propose District Plan zoning show in inset, site highlighted with red marker

Assessment

329. The site identified by the submitters is currently GRUZ. It is approximately 2 hectares in size. If it were to be zoned RLZ it could potentially yield one additional dwelling. I consider given the site would be surround by GRUZ, re-zoning it to RLZ could create reverse sensitivity effects. The site would be a zoning anomaly as it is removed from the Township. I do not consider the re-zoning would increase housing opportunities to a great degree, given the small site. I do however highlight that the PDP GRUZ does broaden business opportunities for industries that support the rural sector.

Recommendation

330. I recommend, for the reasons given above, that the submission is rejected.

331. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.4 Matters raised by submitters

332. Submitter Kowhai Trust (s42.001) (s42.002) seeks the land parcel at 205 Reaby Road is re-zoned from GRZ to RLZ. The submitter considers the site aligns with the RLZ as the site is not at risk to any natural hazards being well above the flood plain of the Mataura River and tributaries. There are no historical, cultural or ecological features on site. It is further suitable for onsite waste and stormwater disposal. Roading infrastructure has capacity to support additional traffic and recently a shared use pedestrian/ cycle way has been extended to the front of the site. Adjacent to the site's western boundary and north across Reaby Road RLZ has been proposed with which the site integrates well. There is an existing shelterbelt and Campion Road mitigating potential reverse sensitivity noise, light and spray drift affects. The site is well elevated above this land, providing similar mitigation as a shelterbelt or road. The Districts 'Rural Living Slogan' is emphasised by the subdivision, given the proximity to urban amenities and low-density residential use.
333. NZTA (fs14.056) seek the zoning change is disallowed. NZTA consider that there is not enough information about the implications of the proposed re-zoning on the state highway network, in particular State highway 94. NZTA consider an Integrated Transport Assessment needs to be completed to identify the traffic effects of the proposed re-zoning, and when the local road intersections with State highway 94 would need to be upgraded and the design and location of any new intersections. NZTA seek provisions are included in the Plan to manage the intersection upgrades.

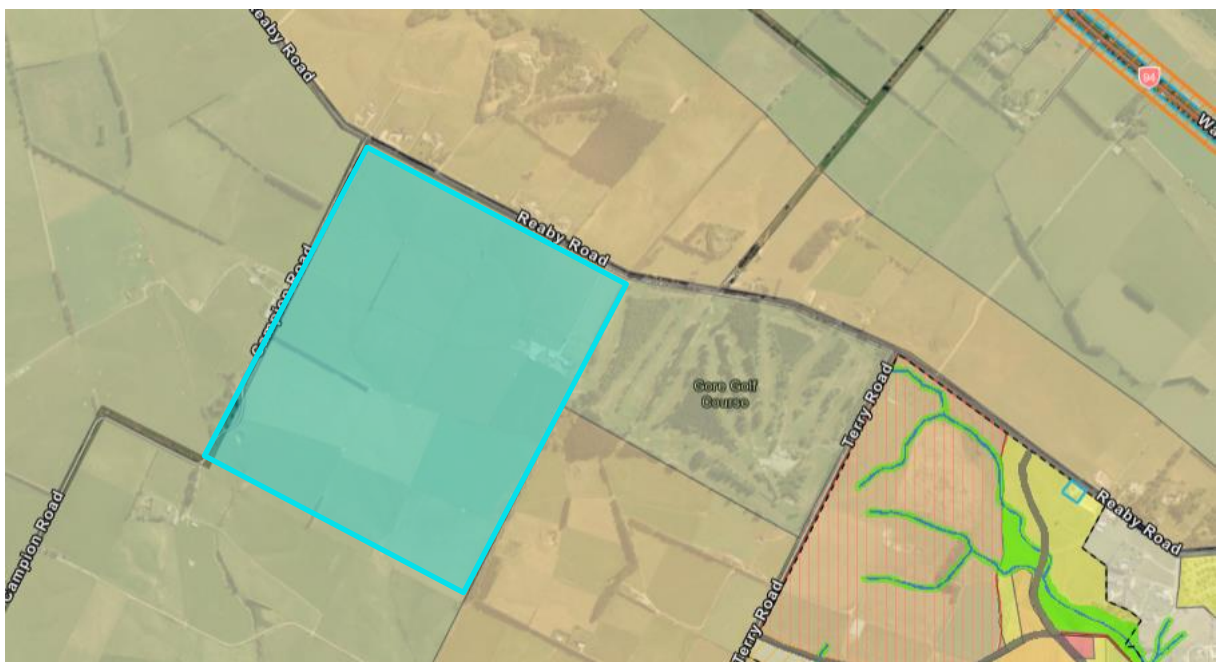


Figure 9: 205 Reaby Road shaded blue

Assessment

334. The site is located within 2km of the Gore township. Locationally, I consider it is suitable for RLZ due to its proximity to the Township and would frame proposed rural lifestyle land surrounding the golf course.

335. Whilst a subdivision has been issued for the site, which in my opinion will fragment that land such that it is no longer a productive resource, the subdivision has not been implemented. I therefore encourage the submitter to provide evidence addressing the NPS-HPL.
336. I have sought expert input from Mr Mark Gregory of WSP. Mr Gregory's evidence notes the proposed rezoning could result in an additional yield of approximately 38 lots, in addition to a baseline of 38 consented lots which are permitted to construct a dwelling on each. A rural household in New Zealand generates approximately 10 vehicle movements per day,¹⁹ hence the proposed rezoning results in 380 vehicle per movements per day, or the peak hour equivalent of between 40 and 50 vehicles per hour (vph). The impact of rezoning would increase demands on Reaby Road and have potential effects on SH94.
337. I consider NZTA's further submission requesting an Integrated Transport Assessment (ITA) is reasonable. I agree with Mr Gregory that the submitter should provide further assessment and information, towards identifying necessary network upgrades. This should also consider matters relating to generated active travel demands and speed limits on the frontage road.
338. At this time, I therefore cannot support the upzoning to RLZ, but would reconsider on receipt of further expert evidence from submitter.

Recommendation

339. I recommend, for the reasons given above, that the submission is rejected.
340. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.5 Matters raised by submitters

341. Submitter John Sheddan (s84.001) opposes in part the inclusion of properties along Racecourse Road in the RLZ. The submitter seeks a residential zoning as the properties are residential in nature and not in keeping with the RLZ. The proposed zoning does not provide protection or benefit to current land use.

¹⁹ NZ research paper 453



Figure 10: Racecourse Road, highlighted fluorescent blue, and surrounding zoning including General Industrial, Light Industrial and Māori Purpose Special Zone

Assessment

342. The submitter has not provided specifics on the proposed properties they seek to be zoned residential. The submitter has further not provided details on which residential zone they consider is appropriate for the sites. For example, General Residential where the anticipated lot size is 400m² or, Large Lot Residential, where the anticipated lot size is 2000m².
343. Feedback was received from this submitter on the draft plan, seeking a Settlement zoning for Racecourse Road. The section 32 report²⁰ for the rural zones detailed the area was not a settlement by nature due to its proximity to Gores urban area.
344. The area surrounding Racecourse Road was zoned Rural under the ODP. I consider the proposed RLZ better reflects the existing development pattern and land uses. To re-zone the area to residential (both General Residential and/or Large Lot Residential) would result in a significant increase in density. I have concerns with the potential effects on the Gore-Mataura Highway and the potential reverse sensitivity effects of locating dense urban development next to an

²⁰ [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://goredc.govt.nz/section-32-reports/)

industrial zone. Furthermore, the submitter has not provided any technical information or s32AA assessment to support their proposal. I therefore recommend the submission is rejected.

Recommendation

345. I recommend, for the reasons given above, no changes to the zoning surrounding Racecourse Road.
346. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.6 Matters raised by submitters

347. Submitter CFMA (s99.001) request a review and rationalisation of zone boundaries around the RLZ and Large Lot Residential (LLR) zones is undertaken to align zone boundaries with cadastral boundaries. Currently the RLZ cuts an arbitrary line through the middle of properties and is not aligned with the existing cadastral arrangement. Split zoning results in large portions of properties being surrounded by existing rural lifestyle land uses but further lifestyle land uses not being enabled. This results in the inefficient use of land.
348. CFMA (s99.003) also request the RLZ surrounding the Whiterig area is aligned with cadastral boundaries. Whilst the submitter acknowledges the boundary has been changed to exclude some flood-prone land from this lifestyle zone, it has been re-aligned to a position where it cuts across allotments.

Assessment

349. In relation to submission point s99.001, the submitter has not provided a specific location of the area they are referring to. There can be multiple reasons for properties having a split zoning. It may be that the zone boundary aligns with an overlay, such as inundation or highly productive land, or topographically it is logical for the zone boundary to dissect a site. It is therefore not always appropriate to change zoning just to align with cadastral boundaries. Without further information I cannot recommend any changes to the mapping based on this submission point.
350. In relation to submission point s99.003 the RLZ zoning in east Gore surrounding Whiterig aligns with the Environment Southland flood inundation mapping area. As discussed above, further expert input on the potential for flooding in this area and the severity has been sought. The Tonkin and Taylor report highlights a strip of the southwest area of the RLZ and a small portion in the southeast area should not be upzoned for rural lifestyle use. Upon reliance on the expert advice, I recommend this area is rezoned to GRUZ and therefore reject this submission point.

Recommendation

351. I recommend, for the reasons given above, that RLZ zoning in east Gore is reduced, based on expert advice. See mapping changes in **Appendix C**.
352. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.7 Matters raised by submitters

353. Submitter Anna Kauai (s96.002) requests reassessment of the zoning along Main Street (North) Maitara, to be zoned as Rural Lifestyle Zone. There are 2 separate zones that run across 4 lifestyle properties, with different rules in the zones. If a shed was built in this area, it would be subject to 2 sets of zone rules, which creates confusion.
354. CFMA (FS22.061) have further submitted in support of this submission point, stating zone boundaries should generally be rationalised to coincide with cadastral boundaries or clear physical features.

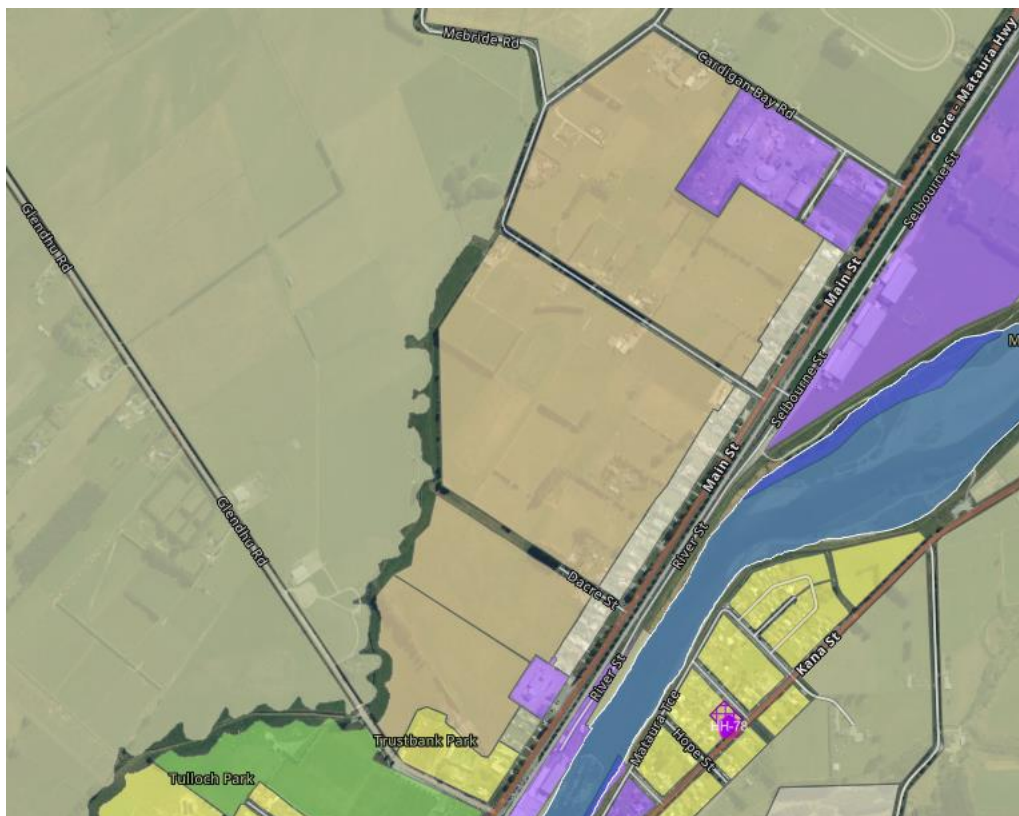


Figure 11: Area containing submitters site, notified Large Lot Residential Zone adjoining State Highway (light beige), notified Rural Lifestyle zone (beige)

Assessment

355. As shown in the notified zoning map above, there is a strip of Large Lot Residential zoning adjacent to State Highway in Maitara to recognise the existing residential development. The proposed zoning is to provide these property owners with workable rules for development on their sites. I acknowledge that some of these sites extend further west and therefore the rear area of some sites was zoned rural lifestyle (in the notified PDP), creating a split zoning situation. Given the recommendation above, this area is recommended to now be GRUZ.
356. It is incorrect that both zone standards apply if development proposed is contained within one zone. If the sites are rezoned Rural Lifestyle (or GRUZ in line with the above recommendation) then more stringent setbacks, building coverage and building size limits apply. Thus, likely resulting in a resource consent being required for future development. As such, I do not consider

is appropriate to zone the site Rural Lifestyle, as this will reduce flexibility for the existing residential development on the sites.

357. Overall, the split zoning is to acknowledge there is existing development which is not representative of the rural lifestyle overview and purpose, objectives and policies.

Recommendation

358. I recommend, for the reasons given above, that the submission is rejected.
359. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.8 Matters raised by submitters

360. Submitter Nadine Fletcher (s92.001) seeks to amend the boundary line between LLRZ and RLZ at 120 Wentworth Street. The submitter considers the natural division between these zones should be the ridgeline on our Northern boundary, rather than the Southern boundary. RLZ-S1 stipulates one residential unit per hectare, given the existence of a smaller block (1143m² at 118 Wentworth St) within this zone, it seems more fitting for this land to fall within the Large Lot Residential Zone. This adjustment would facilitate a smoother transition from the Large Lot Residential Zone to the Rural Lifestyle Zone on the other side of the ridgeline.
361. Hamish Weir (FS5.192) has further submitted in support of this submission.



Figure 12: Submitters submission map, proposed rezoning area shaded green, submitters property shaded blue

Assessment

362. The land subject to the submission is zoned RLZ. The area borders the General Residential Zone (GRZ). The submitter is seeking the area is rezoned to Large Lot Residential zone (LLRZ). The LLRZ provides for lower density living than the GRZ. It provides an opportunity for people to enjoy a spacious living environment while being close to an urban centre. The Large Lot Residential Zone is typically located on the fringe of urban areas and provides a transition to the surrounding rural area.

363. The land subject to the submission comprises four sites varying from the smallest at 1145m² to the largest at 6.4 hectares. The larger block to the west contains variable topography including a steep hillside (refer figure 13 below).



Figure 13:Whiterig Road, northern outlook

364. The level of development of the residential land in east Gore varies as a consequence of the topography and the extent of reticulated services. See Figure 14 below. I consider that whilst there appears to be ample unrealised yield, this might not be developed to the full potential the zoning enables, given the topography and servicing constraints. As such I consider the character of the area can be likened to the aspiration of the Large Lot Residential zone.

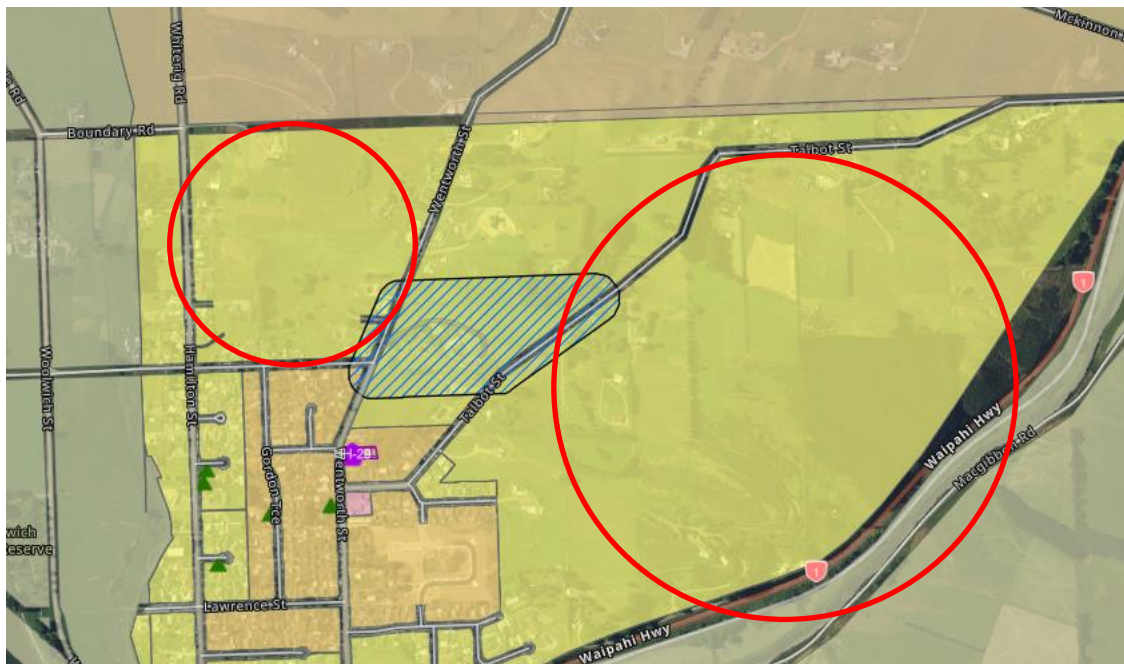


Figure 14: East Gore, General Residential Zone shown in yellow, undeveloped land circles red

365. Whilst the Large Lot Residential zone enables a minimum lot size of 2000m² any development would be required to be designed taking into account constraints which may result in a larger lot sizes. Overall, I consider the land subject to the submission is part of a transition to the surrounding rural area. I consider the larger site to the west is less suitable for denser residential development given the topography and therefore recommend it is retained the Rural Lifestyle zoning. I do consider the submitters site and the two properties to the east which are smaller

and subject to existing denser development can be rezoned Large Lot Residential. The site is free from flooding risk and does not adjoin a state highway. Further given the proposed land area, the uplift in development will not be significant and so I do not consider further expert advice is necessary in this regard.

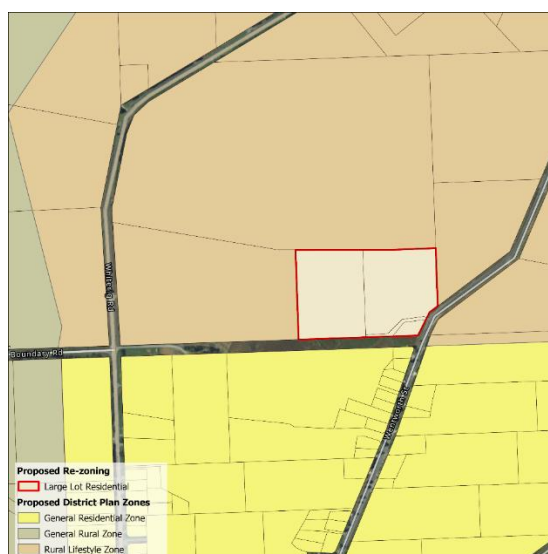


Figure 15: Proposed zoning,

Recommendation

366. I recommend, for the reasons given above, that the submission is accepted in part. The proposed re-zoning is provided in Appendix C.
367. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

368. The following evaluates the recommendation to amend the Rural Lifestyle map under section 32AA of the RMA.
369. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The re-zoning will continue to assist with the transition to the rural environment in east Gore and achieve a variety of housing types as required by UFD-O3. The benefits of the proposal include the submitters ability to provide for the economic wellbeing. As discussed, given the potential topographical constraints in east Gore rezoning additional land for residential development will aid in providing for growth and achieving UFD-O2. The lots are able to be self sufficient in relation to servicing and therefore will not result in any costs to council.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.6.9 Matters raised by submitters

370. Submitter Alliance Group Limited (s121.001) seek to amend the RLZ zoning over the Alliance water treatment plant to General Industrial Zone.

371. Alliance's water treatment plant is an established industrial activity servicing Alliance's meat processing activity identified within the Rural Lifestyle Zone of the Proposed Plan. The submitter considers the activity does not align with the description of the Rural Lifestyle Zones set out within National Planning Standards, which describes the zone as 'areas used predominantly for a residential lifestyle within a rural environment'. Additionally, this activity does not align with the overview and purpose of the Rural Lifestyle Zone of the Proposed Plan, which states that 'industrial activities are not provided for or anticipated in the zone...'. The s32 report does not provide reasoning as to why this area specifically was re-zoned to Rural Lifestyle Zone. Alliance is of the view that the established water treatment plant has been inappropriately zoned and does not meet the criteria for the Rural Lifestyle Zone. This will result in inappropriate restrictions on potential upgrade and maintenance works associated with the water treatment plant. The Proposed Plan states that the purpose of the General Industrial Zone 'is to provide zones where industrial activities and compatible activities are enabled and managed'. It is Alliance's view that the water treatment plant more appropriately aligns with the General Industrial Zone, along with the remainder of Alliance's sites. Alliance therefore request that the Rural Lifestyle Zone maps are amended to exclude Alliance's water treatment plant, and it is rezoned to General Industrial Zone.



Figure 16: Submitters site shaded blue containing the water treatment plant in the southern area

Assessment

372. The submitter has requested the water treatment plant is zoned Industrial to align with the existing land use on the site. I consider it is important to assess and review this zoning request simultaneously with the Industrial Zoning Hearing in Hearing Stream 4. I therefore defer the recommendation on this zone to Hearing Stream 4.

Recommendation

373. I recommend the zoning recommendation is deferred to hearing stream 4.

374. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.10 Matters raised by submitters

375. Submitter CFMA (s99.046) seek to extend the PDP Rural Lifestyle zone from Reaby Road north to SH94, and west to Kingdon Rd. On the land between Reaby Rd, Kingdon Rd and SH94 northwest of Gore, the PDP Rural Lifestyle zone cuts a somewhat arbitrary line through the middle of properties and is not aligned with the existing cadastral arrangement. Extend the PDP Rural Lifestyle zone from Reaby Road north to SH94, and west to Kingdon Rd. These roads would then provide a logical physical boundary to the PDP Rural Lifestyle zone, instead of an arbitrary line cutting through the middle of titles.
376. NZTA (fs14.055) considers that there is not enough information about the implications of the proposed re-zoning on the state highway network, in particular State highway 94. NZTA consider that an Integrated Transport Assessment needs to be completed to identify the traffic effects of the proposed re-zoning, and when the local road intersections with State highway 94 would need to be upgraded and the design and location of any new intersections. NZTA would want provisions included in the Plan to manage the intersection upgrades.



Figure 17: Land subject sot submission seeking rural lifestyle zoning shaded blue.

Assessment

377. I do not consider there is enough information to support the re-zoning of this land. The current rural lifestyle boundary aligns with the High-Class Soils mapping and avoids Land Use Capability Class 2.
378. Furthermore, extending the zoning to the State Highway may have implications in relation to reverse sensitivity relating to this critical infrastructure and potential safety implications in relation to access.
379. I recommend the submission is rejected on this basis.

Recommendation

380. I recommend, for the reasons given above, that no changes are made to the rural lifestyle mapping in this regard.
381. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.11 Matters raised by submitters

382. Nick Crisp (s51.001) seeks that Robertson Street to Terry Road be rezoned to residential or large residential instead of rural lifestyle zone.



Figure 18: Terry Road Highlighted blue, Robertson Street further east, highlighted blue

Assessment

383. The submitter has not provided specifics on the proposed properties they seek to be zoned residential.
384. I acknowledge that the area has experienced ad hoc development in recent years. It is also peripheral to the Gore urban edge. The lot sizes on the whole are still relatively large and I consider the proposed Rural Lifestyle zone reflects the existing development pattern and land uses. There may be merit in re-zoning sites that are adjoining the urban edge and are already smaller than 1 hectare however I do not have enough information to support the rezoning of the entirety of the land from Robertson Street to Terry Road.

Recommendation

385. I recommend, for the reasons given above, that the submission is rejected.
386. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7 Request for New Special Purpose Zones and/or Precincts for the Rural Zones

6.7.1 Matters raised by submitters - Hokonui Hills Special Precinct

387. Stoney Creek Station Limited (s3.046), Peters Farm Ltd Karen Peters (s127.082), Trudy Bokser (s113.046), Nathan Bokser (s116.046), AW+ JA Johnston Family Trust (s118.046), Reaby Downs Farm Ltd (s18.048), Karen Temple (s19.048), Sarah and Peter Barclay (s20.048), Helen McIntosh (s24.048), John Baynes (s68.050), and Greg Bokser (s117.046) seek a new precinct is included in the GRUZ chapter called 'Hokonui Hills Special Precinct'.
388. Stoney Creek et al seeks specific zoning (via a precinct overlay) for activities within the Hokonui Hills area to recognise the presence of farming activities and protection for the values of the area. They seek specific objectives, policies and rules and consider activities within the Hokonui Hills Special Precinct should be exempt from the GRUZ rules.
389. Federated Farmers Ltd (sFS17.088) have further submitted in support of the Stoney Creek Station Ltd submission.
390. Department of Conservation (fs31.020) and Heritage New Zealand Pouhere Taonga (fs11.039) have further submitted in opposition to the submission by Stoney Creek.

Assessment

391. The land subject to the precinct is outlined in Figure 19 below and lies within the Hokonui Hills ONL overlay.

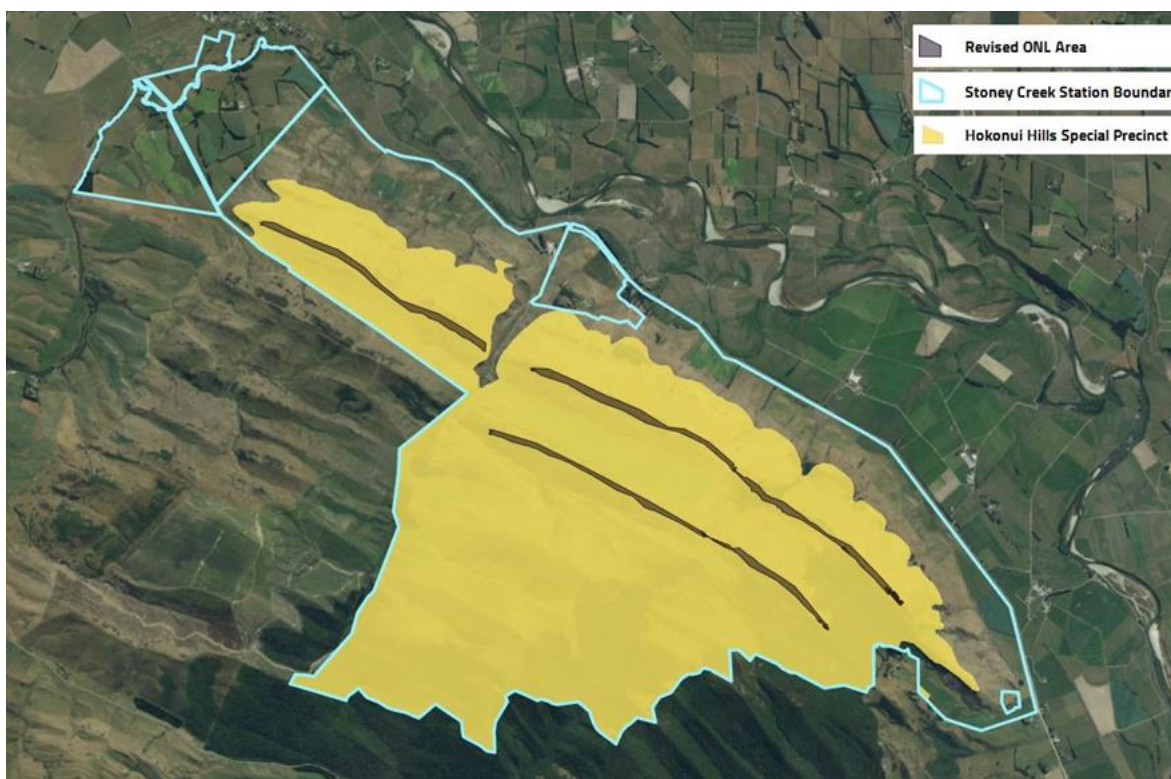


Figure 19: Proposed Hokonui Hills Special Precinct extent shaded yellow.

392. I understand the additional restrictions of the Natural Features and Landscape (NFL) chapter and the Ecosystems and Indigenous Biodiversity (ECO) chapter are of the most concern. Given the hearing stream for this chapter is yet to occur, and the necessity or make-up of a precinct

will depend heavily on the outcome of the provisions of the NFL and ECO chapter, I consider the submission points should be deferred to the NFL and ECO hearing stream 9. I acknowledge that this may result in consequential amendments to the GRUZ chapter.

Recommendation

393. I recommend for the reasons listed above that the submission points are deferred to the NFL and ECO hearing stream 9. Recommendations are shown in Appendix B.

6.7.2 Matters raised by submitters - McNabb Rural Industry Precinct

394. McNabb Management Ltd (s103.008) (s103.009) (s103.010) (s103.005) (s103.014) (s103.029) seek changes to the planning maps in relation to approximately 99.44ha of land legally described as Pt Sec 17 Blk 1 Waikaka SD, Lot 1 DP 1293 and Lot 2 DP 598010, held in valuation number 29360/344 and located at 10 McKinnon Road, McNabb.
395. The submitter seeks a new Rural Industrial Precinct called 'PREC14 – McNabb Rural Industry Precinct'. They further seek a new Māori Special Purpose Zone and a deferred Light Industrial Zoning over 10 hectares of the proposed GRUZ-PREC14 adjoining Waipawa Highway/SH 1.



Figure 20: Proposed zoning relief requested.

396. NZTA (FS14.029) (FS14.030) (FS14.031) (FS14.027) have further submitted requesting the relief be declined. While the proposed McNabb Rural Industry Precinct would be accessed directly from a local road, that local road connects to State Highway 1 a short distance away. The proposed amendments and additional provisions sought by the submitter to enable the creation of the McNabb Rural Industry Precinct, which includes an area of deferred Light Industrial Zoning, do not give the New Zealand Transport Agency (NZTA) sufficient certainty about the expected traffic generation that will arise as this precinct is developed, and what

upgrades to the local road intersection with State highway 1 might be required. NZTA consider that an Integrated Transport Assessment needs to be completed to identify the traffic effects of the proposed precinct, and when the highway intersection would need to be upgraded.

Assessment

397. The submission requests multiple re-zonings, including requests for the Māori Purpose Special Zone to be moved, and deferred Industrial zoning. Hearing Stream 4a will review the Māori Purpose and Industrial Zones together. I consider it is most efficient and effective for the submission from McNabb Management Ltd and further submission from NZTA, to be deferred to Hearing Stream 4. The submitter further needs to provide technical information in support of their request and a s32AA assessment. I acknowledge that this may result in consequential amendments to the GRUZ and RLZ chapter, however given the area in question is held currently within the same ownership and farm operation, if changes are made as a consequence of the later hearing stream it will be site specific.

Recommendation

398. I recommend for the reasons listed above that the submission points are deferred to the Industrial hearing stream 4a. Recommendations are shown in Appendix B.

6.7.3 Matters raised by submitters - New Vale Special Purpose Zone

399. Greenbriar Ltd (Greenbriar) (s128.060) (s128.061) (s128.062) (s128.063) (s128.064) (s128.065) (s128.066) (s128.067) (s128.068) (s128.069) (s128.070) seek a new Special Purpose Zone called 'New Vale Special Purpose Zone'.
400. The purpose of the New Vale Special Purpose Zone is to enable the sustainable management, operation and development of the New Vale Mine. The submitter seeks a new activity rule for a "New Vale Mining Activity" which means the use of land and buildings for - the extraction, processing (including crushing, screening, blending), transport, storage, stockpiling and sale of coal and superdirt - recycling of byproducts from processing (including clay, silk, rock, sand, soil), - earthworks associated with the scraping and deposition of overburden material, including the return of coal ash to ground, - rehabilitation of mining areas including landscaping, - cleanfilling, - administration offices, workshops and associated car parking areas.
401. Objectives are sought relating to the ongoing efficient operation of New Vale mine which supports the economic sustainability and productivity of the Gore District and wider Southland Region. Minimising effects to the extent practicable, undertaking activities in accordance with industry best practice and ensuring site rehabilitation to retain primary production capacity for future generations following mining. Policies are proposed to give effect to the objectives.
402. Rules are proposed as follows:

<u>NVSZ-R1 New Vale Mining Activity</u> <u>Activity Status – permitted</u> <u>Where:</u>	<u>Activity status where compliance is not achieved with Standards 1-4 – controlled.</u> 1. <u>The timing and duration of the activity</u> 2. <u>Sediment and erosion management</u>
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1. <u>The New Vale Mining Activity activity has a total area of extraction open at any one time that does not exceed 2,500m²; and</u> 2. <u>The activity is set back:</u> a. <u>500 metres from a sensitive activity or a zone boundary except the General Industrial Zone.</u> b. <u>100m from any side or rear boundary</u> c. <u>50m from any road boundary; and</u> 3. <u>The area is progressively stabilised, filled or recontoured; and</u> 4. <u>Any new building or structure complies with General Rural Zone standards GRUZ-S2-S8 and Earthworks Standards EW-S3, S5 and S7.</u> 5. <u>Extraction of Coal occurs within the Mining Area identified on the Planning Maps.</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</u> 5. <u>Staging and progressing rehabilitation works</u> 6. <u>Retention of any Highly Productive soils for use following rehabilitation</u> 7. <u>Impacts on Ngai Tahu cultural values, including those listed in MR2.3.</u> 8. <u>Matters of discretion of any infringed standard.</u> 9. <u>Effects on indigenous biodiversity</u> 10. <u>Environmental Management Plan to managed effects if the activities within the site</u> <u>Activity Status where compliance is not achieved with Standard 5 – discretionary</u>
<u>NVSZ-R3 Primary production (excluding prospecting for and mining minerals)</u> <u>Activity Status: Permitted Where:</u> <u>1. Any new building or structure complies with General Rural Zone standards GRUZ-S2-S8</u>	<u>Activity status where compliance is not achieved:</u> <u>Restricted Discretionary</u> <u>Matters of discretion: 1. The matters of discretion of any infringed standard</u>
<u>NVSZ-R4 Conservation Activity</u> <u>Activity status: Permitted Where:</u> <u>1. The activity is the establishment of a new, or expansion of an existing conservation activity.</u>	<u>Activity status where compliance is not achieved:</u> <u>N/A</u>
<u>All other activities Activity status:</u> <u>Discretionary</u> <u>1. Any activities, including associated buildings, not otherwise provided for in the list of rules.</u>	
<u>NOISE-S1 – 2.</u> <u>Consequential addition of New Vale Special Purpose Zone to NOISE-S1 – 2</u>	

403. The current mining activity operates under resource consents from both Gore District Council and Environmental Southland regional Council²¹. The existing land use consent area is 178ha. The existing mining operation consists of:
- An 80ha open pit mine;
 - Two overburden mounds (ELFs), one ELF has an area of 38ha and the other, 8.5ha. Once the material in the ELF is graded, the ELF is sown with pasture grass and farmed.
 - Settling ponds, administration buildings, workshops, plant and service area.
 - Rehabilitation areas
404. The mine is open cast which does not require blasting as coal and overburden can be extracted with hydraulic excavators. The mining process requires topsoil and overburden to be removed when it is over coal. The topsoil and subsoils that are removed are stockpiled for future use or they are spread on rehabilitation areas. The overburden depths range from 20m to 70m. The remaining overburden material, which usually comprises of sandstone, mudstone, sand and waste coal, is reused as back fill in previously mined areas. The back fill is then compacted and levelled to the final contour, which reflects pre-mining landforms.
405. Once the coal is extracted it is processed at a plant onsite. The light truck weighbridge and administration areas are 150m northeast of the processing plant and is where the coal is loaded and then transported offsite.
406. New Vale Mine supplies coal to a number of large agricultural sector processing facilities which is of particular importance for Gore District and the wider Southland Region. The submitter notes there is a move away from relying on coal as they make changes in order to meet the demands of their customers and the demands of the Governments emissions reduction frameworks. As a result, planning is underway in relation to the end of life for the New Vale mine. The exact timing of this will be dictated by the Government policy decisions and the pace at which New Vale's customers move away from coal as a source of fuel. The submitter states based on current knowledge this is anticipated to be around 2043. Regardless, the coal resource within the existing mine footprint is going to be exhausted and Greenbriar wishes to expand slightly into an adjacent area where Coal resources exist.
407. Greenbriar have commenced various ecological enhancement projects within the wider mine site. These works include:
- Pest control
 - Freshwater habitat enhancement
 - Riparian fencing and planting
-

²¹ Gore District Council: LU 2006 / 13, LU 2009 / 06; Environment Southland ES 20222206-01, ES 20222206-02, ES 20222206-03, ES 201709, ES 20158148-01-V1, ES 20158148-03 and 04, ES 20191218.

- Naive plantings as part of a habitat corridor between the Hokonui Hills and Hedgehope Stream
 - Restoration and creation of wetlands
408. The submitter states the changes requested will provide greater guidance and clarity when assessing applications for extension of the New Vale Mine and some further policy guidance for decision-making in relation to consents. If the Special Zone is not accepted Greenbriar seek to have the provisions outlined in the Special Zone Table included as provisions in the General Rural Zone as alternative relief, and/or the development of a New Vale Precinct within the Rural Zone.



Figure 21: Site Plan provided by Submitter; red boundary depicts proposed zone boundary.

Assessment

409. The National Planning Standards directs an additional special purpose zone can only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all the following criteria:
- are significant to the district, region or country
 - are impractical to be managed through another zone
 - are impractical to be managed through a combination of spatial layers.
410. I consider the existing land use activities at the New Vale Mine are significant to the district and region. The mine supplies coal to a number of large agricultural sector processing facilities which is of particular importance for Gore District and the wider Southland Region. However, I do consider that the activities can be managed within the GRUZ. Mining is a primary production activity, and the inclusion of rules for rural industry can accommodate the coal processing. A spatial layer can further be utilised as a tool provide for place-based provisions and refine aspects of the GRUZ policy approach as it relates to New Vale.
411. The proposed mining activity is legally established and operates under resource consents obtained from both Gore District Council and Environment Southland. The Operative District Plan zoning for the site included an area of industrial zone which covered the mines processing area, as shown below.



Figure 22: Operative District Plan industrial zoning over the New Vale mine site

412. I consider given the scale of the activity, its projections to operate for at least the next 15 years, plans for expansion and focus on remediation for the end of mine life process, a precinct will be suitable.

413. The submitter has subsequently applied for a resource consent²² and provided technical input in relation to the economics of the mine, landscape effects and ecology.
414. This will enable targeted objectives and policies for the area to reflect the existing situation, the management of potentially expansion and assurance of adequate remediation. I consider having reviewed the submitters proposed provisions, that it is agreed further resource consent will be required for any substantial expansion of the mine. As such, I see merit in having specific objectives and policies for the New Vale Mine area to provide clarity and a framework for assessing applications in the short to medium term and provide a degree of certainty regarding the availability of coal from New Vale to support the decision making of organisations and individuals reliant on it prior to their transition to alternative renewable sources of energy. The provisions will ensure effects are suitably managed and mitigated, and the area is returned to a productive state for the future.
415. In relation to the NPS-HPL, Clause 3.9(1) requires territorial authorities to avoid the inappropriate use or development of highly productive land that is not land-based production. Clause 3.9(2) defines what activities are considered to be 'appropriate' under this NPS. Clause 3.9(2) states that the following uses are considered to be 'appropriate':
- (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:
416. 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.
417. When reviewing the submitters definition of 'New Vale Mining Activity':

Means the use of land and buildings for:

- the extraction, processing (including crushing, screening, blending), transport, storage, stockpiling and sale of coal and superdirt
- recycling of byproducts from processing (including clay, silk, rock, sand, soil),
- earthworks associated with the scraping and deposition of overburden material, including the return of coal ash to ground,
- rehabilitation of mining areas including landscaping,
- cleanfilling,

²² Council reference LU 24023

- administration offices, workshops and associated car parking areas.

418. I consider the activities proposed fall within definitions already included in the plan. The definition of 'mining' would cover the extraction and associated activities such as administration offices, transport, storage, stockpiling, earthworks and rehabilitation. The definition of 'rural industry' further enables an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. As mining is considered primary production, I consider the processing (including crushing, screening, blending), transport, storage, stockpiling and sale of coal and superdirt would be considered a rural industry activity. As such, I do not consider a new definition is necessary. Alternatively, the existing activity rules in the GRUZ can be amended in order to provide more suitably for the scale of the existing activity.
419. When reviewing the submitters other proposed rules proposed in the special purpose zone, primary production activities (excluding prospecting for and mining minerals) and conservation activities are permitted in the GRUZ and so the precinct can easily align with this.

Recommendation

420. I recommend, for the reasons given above, that a 'New Vale Precinct' is included in the GRUZ. The extent of the New Val Precinct is provided in **Appendix C**.
421. The following will be included in the GRUZ chapter:

Overview and Purpose....

A New Vale Precinct (PREC14) applies to the 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 precinct is to enable the sustainable management, operation and development of the New Vale Mine. 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 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.

GRUZ-PREC14-O1 The ongoing efficient operation of New Vale mine supports the economic sustainability and productivity of the Gore District and wider Southland Region.

GRUZ-PREC14-O2 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.

<u>GRUZ-PREC14-O3 The New Vale mine site is rehabilitated so that primary production capacity is retained for future generations and ecology values enhanced where possible.</u>	
<u>GRUZ-PREC14-P1 Provide for mining activities within the New Vale Zone, recognising New Vale Mine as a strategically important activity that supports the dominant land use activities within the Gore District and wider Southland Region.</u>	
<u>GRUZ-PREC14-P2 Mining and rural industry activities within the New Vale precinct are undertaken in a way that:</u> <u>1. Maintains the rural character and rural amenity surrounding the Zone;</u> <u>2. Focuses on remediation and retention of the productive potential of the land following the mining activity being undertaken;</u> <u>3. Identifies and undertakes opportunities to enhance ecological and freshwater values</u> <u>4. Responds to the underlying Ngai Tahu relationships within the natural environment.</u>	
GRUZ-R2 Prospecting for and Mining Minerals Activity status: Permitted Where: - The prospecting or <i>mining</i> activity has a total area of extraction open at any one time that does not exceed 2,500m²; and - The activity is not located on <i>Highly Productive Land</i>; and - The activity is set back: 500 metres from a <i>sensitive activity</i> or a zone <i>boundary</i> except with the General Industrial Zone. 100m from any side or rear <i>boundary</i> 50m from any <i>road boundary</i>; and - The area is progressively stabilised, filled or recontoured; and - Any new <i>building</i> or <i>structure</i> and activity complies with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4,	<u>Activity status where compliance is not achieved in PREC14:</u> <u>Restricted Discretionary</u> <u>1. The timing and duration of the activity</u> <u>2. Sediment and erosion management and ground stability</u> <u>3. Effects on rural character and amenity values of neighbouring properties</u> <u>4. Safety and suitability of access and effects on the <i>transportation</i> network from additional traffic generation</u> <u>5. Servicing</u> <u>6. Staging and progressing rehabilitation works</u> <u>7. Retention of any Highly Productive soils for use following rehabilitation</u> <u>8. Impacts on Ngai Tahu cultural values, including those listed in MR2.3.</u> <u>9. Matters of discretion of any infringed standard.</u>

GRUZ-S5, GRUZ-S6, GRUZ-S7 and GRUZ-S8, and Earthworks standards EW-S3, EW-S5 and EW-S7.	10. <u>Effects on ecology values, including indigenous biodiversity and the potential for compensation or offsetting</u> 11. <u>The use of Environmental Management Plans to manage effects</u>
<u>PREC14 only:</u> <u>GRUZ-R4 Rural Industry</u> <u>Activity status: Permitted</u> <u>Where:</u> 10. <u>Any new building, structure and activity complies with standards GRUZ-S2, GRUZ-S3, GRUZ-S7 and GRUZ-S8.</u> 11. <u>There are no customers coming to site on any day.</u> 12. <u>The activity is set back 100m from the precinct boundary</u>	<u>Activity status where compliance is not achieved with:</u> <u>GRUZ-R4(10) - GRUZ-R4(12): Restricted Discretionary</u> <u>Matters of discretion:</u> <u>1. Location and scale of the activity.</u> <u>2. The effects on rural character and amenity values of the surrounding environment.</u> <u>3. Any potential reverse sensitivity effects and/or conflict with existing activities, and the ability to mitigate these effects.</u> <u>4. Safety and suitability of access and effects on the transport network from additional traffic generation.</u> <u>5. The matters of discretion of any infringed standard.</u>

422. Consequential amendments have been made to the noise chapter to align the New Vale Precinct with the noise requirements of the Rural Industry Precinct. See Appendix A. Additional consequential changes will also be needed to the “Relationship between Spatial Layers” section of the PDP (Page 27) to add a new Precinct 14 description.

423. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

424. The following evaluates the recommendation to amend the GRUZ chapter to include the New Vale Precinct under section 32AA of the RMA.

Table 13: Section s32AA evaluation		
Effectiveness	and	A precinct within the GRUZ is the most effective and efficient way to provide for the existing activities at New Vale, and potential for expansion. It better reflects the unique characteristics and constraints of the site and

	enables additional activities to be undertaken with more certainty and less costs whilst remaining zoned as rural and retaining the overall objectives and policies for GRUZ, GRUZ-O1 and GRUZ-O5 by recognising the existing primary production activity.
Costs/Benefits	• The benefits of the proposal are that the existing activity is recognised and the proposed objective and policies better suited to ensure environmental effects of this particular area are managed and the purpose of the RMA is achieved. • Further benefits include the increased protection for the primary production activity from reverse sensitivity which, in turn, will help protect the viability of primary production. • There is a potential cost to the proposal, given the Precinct is more enabling for mining activities. Nonetheless, resource consent is still required for any expansion of the mine and the matters of discretion prescriptive in terms of managing effects.
Risk of acting or not acting	There is enough information to understand the need for the proposal, the history of the site, constraints of development in the area and the likely potential effects generated. This makes it possible to determine whether these potential effects of the proposed precinct can be appropriately avoided, remedied or mitigated to assess the risk of acting. Not acting may risk the inefficient operation of the mine.
Conclusion as to the most appropriate option	The proposed precinct is an efficient and effective way of managing the development of what is a unique site in the GRUZ. The precinct will preserve the underlying zoning and associated objectives and policies whilst allowing a degree of mining activity that is greater than would otherwise be appropriate in GRUZ, but appropriate for the receiving environment. This development will however be of a nature that is consistent with the purpose of GRUZ. Protecting the existing mining activity in the same manner as primary production protects the wider rural economy and recognises the interdependence of these activities.

6.8 Submissions Specific to the General Rural Zone

General submissions for the General Rural Zone

6.8.1 Matters raised by submitters – Renewable energy

425. Mercury NZ Limited (s130.043) seek an additional objective be included to give effect to the NPS-REG. Contact Energy Ltd (fs24.059) support this submission. They seek an objective as follows:

Renewable Electricity Generation Activities and Transmission: Enable the operation, use, development and upgrading of renewable electricity generation activities and transmission within the rural environment.

Assessment

426. The submission above relates to the general provision for renewable energy within the PDP, which will be addressed as part of the consideration of the management of infrastructure and energy in the district in Hearing Stream 7. If new or amended objectives, policies, rules or standards are added through Hearing Stream 7 consequential amendments to the relevant zone chapters will be considered as part of that assessment.
427. I note that the submitter has lodged additional specific submission points in relation to the provision for renewable energy in the PDP, as well as for the recognition of reverse sensitivity effects on the ability to undertake renewable energy activities. These matters are assessed in respect of the specific GRUZ policies, rules and standards they relate to later in this report.

Recommendation

428. I recommend, for the reasons given above, that decisions on the addition of a renewable energy objective in the GRUZ be deferred and considered as part of Hearing Stream 7 (Infrastructure and Energy) to allow for a plan wide consideration of the management of and provision for renewable energy in the District.

6.8.2 Matters raised by submitters – Relationship of rules and standards

429. Submissions from Stoney Creek et al (s3.063), Peters Farm Ltd Karen Peters (S127.099), Trudy Bokser (s113.063), Nathan Bokser (s116.063), Greg Bokser (s117.063), AW & JA Johnston Family Trust (s118.063), Reaby Downs Farm Ltd (s18.065), Karen Temple (s19.065), Sarah and Peter Barclay (s20.065), Helen McIntosh (s24.065), John Baynes (s68.067) are opposed in general to the structure of the GRUZ chapter, and request the following amendments:
- a. Amend table headings from 'Standards' to 'Standards for Permitted Activities';
 - b. Insert a guidance note clarifying whether standards are applicable to all activities or only those listed within the relevant rule;

- c. Clarify the relationship between rules and standards and whether standards are to be treated as standalone rules.

Assessment

- 430. I note that the format and guidance provided in the GRUZ is consistent with all other chapters in the PDP. The 'How the Plan Works' chapter, which was the subject of HS1, outlines the relationship between rules and standards and the role of standards in determining the activity status of an activity.
- 431. With regard to the request to relabel the table headings from 'Standards' to 'Standards for Permitted Activities', I note that the Standards are not only used for the consideration of permitted activities. Standards are also relevant for the determination of the activity status of activities that automatically trigger the need for resource consent as a Controlled or Restricted Discretionary Activity, such as under rules GRUZ-R4 and GRUZ-R7. Therefore, relabelling table headings to 'Standards for Permitted Activities' would be incorrect.
- 432. On the basis of the above assessment, I do not agree with the submissions in opposition to the proposed relationship between rules and standards in the GRUZ.

Recommendation

- 433. I recommend, for the reasons given above, that no changes to the formatting of rules or standards in the GRUZ are made.
- 434. It is recommended that submissions are rejected as shown in **Appendix B**.

6.8.3 Matters raised by submitters – Wastewater management

- 435. ES (s85.153) state that the PDP should encourage compliance with AS/NZS 1547:2012 On-site Domestic Wastewater Management, unless GDC is relying on the building consent process for this. Hamish Weir has lodged a further submission (FS5.160) in opposition to the ES submission, noting that standards change and should not be specifically referenced in the PDP.

Assessment

- 436. I do not agree with the ES submission requiring the PDP to encourage compliance with AS/NZS 1547:2012 On-site Domestic Wastewater Management. The Building Code requires disposal of foul water and in the GRUZ this is likely through onsite wastewater disposal. Further, at the

time of subdivision, the provision of wastewater treatment and disposal is a matter of discretion assessed through the resource process²³.

437. I concur with Mr Weir that external standards may be subject to future changes.

Recommendation

438. It is recommended that ES's submissions is rejected and Mr. Weir's further submission is accepted as shown in **Appendix B**.

6.8.4 Matters raised by submitters – Additional Objective and Policies

439. CFMA (s99.031) seek a provision within the objectives and policies of the GRUZ that acknowledges that people do live in the rural zone. There is no acknowledgement of people living in the rural zone as a valid activity / use of land and these provisions implicate that it is an undesirable activity to be mitigated.

440. Hamish Weir (FS5.167) has submitted in support of this point.

Assessment

441. I do not agree with the submitter of further submitter that the plan does not provide for residential activities in the GRUZ. The GRUZ includes objectives which enable non-primary production activities which support primary production. Residential activities would fall into this category (GRUZ-O3). Further policy GRUZ-P7 is an enabling policy for residential. GRUZ-R7 and GRUZ-S1 are provisions which permit residential activity.

Recommendation

442. **It is recommended that submissions and further submissions are rejected as shown in Appendix B and no changes are made.**

²³ SUB-R5

Overview and Purpose and Provisions

6.8.5 Matters raised by submitters - Overview and Purpose

443. Aggregate and Quarry Association (s111.004), Greenbriar Ltd. (s128.034), and Straterra Inc (s135.003) support the Overview and Purpose of the General Rural Zone chapter.
444. McNabb Management Ltd (s103.004) support the overview and purpose in part but seek the reference to the sentence 'fragmentation of the rural resource' is clarified and that reverse sensitivity effects are recognised as an impact on highly productive soil. The submitter requests specific mention of enabling rural industrial activities within the Rural Industry Precincts. The submitter further considers the final paragraph referencing incompatible activities is deleted. Ravensdown Limited (s28.009) further supported by New Zealand Agricultural Aviation (fs4.23) further seek an explicit recognition of the need to avoid potential reverse sensitivity effects.
445. Department of Conservation (s109.113) support the overview and purpose in part but seek an addition is added to the overview to advise plan users that provisions relating to ONLs, SNAs and the natural environment are in the Natural Environment Values section of the Plan.
446. Southland Federated Farmers of New Zealand (s126.140), Rural Ratepayers Group (s143.152), Kevin Robertson (s115.141), Alistair & Bernadette Hunt (s148.153), Ronald Crispin (s60.143), and John Baynes (s68.261) support the overview and purpose in part but seek reference to 'culture' as well as 'economic and social well-being' is included. The submitter considers there is an opportunity as part of this process to celebrate the district's rural heritage and the history of our early pioneering farmers.
447. Waikaka Gold Mines Limited (s129.001) request 'rural production activities' is replaced with 'primary production activities'.
448. NZAAA (s156.008) support in part the Overview and Purpose but consider there should be explicit recognition of the need to avoid potential reverse sensitivity effects by amending paragraph 4:
- Rural lifestyle, settlement and urban expansion is not promoted in the General Rural zone to avoid uncoordinated development and fragmentation of the rural resource and avoid potential reverse sensitivity effects.
449. Federated Farmers (FS5.160) supports the submission from NZAAA (s156.008) as they agree that it is important to provide for reverse sensitivity.

Assessment

442. In relation to the submission by McNabb Management Ltd (s103.004), I consider there is merit in rewording the reference to 'fragmentation of the rural resource' to reiterate the risk rural lifestyle, settlements and urban expansion poses to high class soils. I agree with the submitter that it is fragmentation of the *land* and so consider this can be clarified with the following amendment:

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 resource and reverse sensitivity effects, all of which can negatively~~ - ~~Fragmentation of the rural resource will~~ impact high class soils and rural productivity.

443. I consider recognising the adverse effects of reverse sensitivity on rural productivity align with the NPS-HPL and so agree with Ravensdown Limited (s28.009), New Zealand Agricultural Aviation Association (s156.008) and New Zealand Agricultural Aviation (fs4.23) that it should be included here.
444. As mentioned previously McNabb Management Ltd request for a Rural Industry Precinct will be discussed through the Industrial hearing stream. If the submission is supported, identification of the precinct will be included in the Overview and Purpose section of the GRUZ chapter. I recommended the submission is accepted in part.
445. In relation to the submission by Department of Conservation (s109.113), I consider given Note 1 of the chapter advises plan users that the plan should be read as a whole, it is sufficiently clear. The provisions in the District Wider chapter are applicable in the same way and are not specifically noted. I recommend the submission is rejected.
446. In relation to Southland Federated Farmers of New Zealand (s126.140) et al, I agree the inclusion of 'cultural' in terms of well-being is a more appropriate way to achieve the purpose of the Act. I recommended the submission is accepted.
447. In relation to Waikaka Gold Mines Limited (s129.001) as discussed in the definition section above, the term 'rural production activities' is not defined in the PDP and therefore the term primary production activities, is more appropriate which is defined in the PDP. I recommended the submission is accepted.

Recommendation

448. I recommend, for the reasons given above, that the Overview and Purpose of the GRUZ chapter is amended as follows:

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~~ well-being of the District.

...

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.

449. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

450. The following evaluates the recommendation to amend the Overview and Purpose of the GRUZ chapter under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed changes ensure that terms which are defined in the Interpretation section of the plan are used to avoid uncertainty. I consider that the recommended amendment better outlines what the purpose of the Zone is, which will guide decision making when considering a resource consent application under s104. This then links with GRUZ-O1 which recognises the importance of primary production and rural industry to the social, economic and cultural well-being of the district, and GRUZ-O4 which ensures the purpose and character of the zone is not compromised by non-rural activities, which can give rise to reverse sensitivity effects.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for uncertainty and ambiguity if the proposed amendment is not made as the purpose of the zone which helps provide context for the provisions

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.8.6 Matters raised by submitters – GRUZ-O1

451. Multiple submitters have submitted or further submitted (NZAAA (s156.009) (fs4.24) (fs4.25) (fs4.27), New Zealand Helicopter Association (s63.016) (fs18.22), Ballance Agri-Nutrients (s87.006), Ravensdown Limited (s28.010), and Stoney Creek Station Ltd (fs25.131)) as supporting GRUZ-O1 in part, but seek recognition for activities that are ancillary to primary production so that activities such as agricultural aviation are provided for. It is important to both 'recognise and provide for' activities.
452. Greenbriar Ltd. (s128.035) support GRUZ-O1 as notified.
453. Rural Contractors NZ Incorporated (RCNZ)(s145.004) support the recognition of rural industry and seek no amendments.
454. Stoney Creek Station Limited (s3.048), Peters Farm Ltd Karen Peters (s127.084), Trudy Bokser (s113.048), Nathan Bokser (s116.048), AW+ JA Johnston Family Trust (s118.048), Reaby Downs Farm Ltd (s18.050), Karen Temple (s19.050), Sarah and Peter Barclay (s20.050), Helen McIntosh (s24.050), John Baynes (s68.052), and Greg Bokser (s117.048) support the inclusion of an

objective recognising the importance of primary production to the District and seek no amendments.

455. Southland Federated Farmers of New Zealand (s126.141), Rural Ratepayers Group (s143.153), Kevin Robertson (s115.142), Alistair & Bernadette Hunt (s148.154), Ronald Crispin (s60.144), and John Baynes (s68.262) support the objective in part but seek that the objective 'enables' primary production. The submitter considers it is important to both 'recognise and provide for' activities. Cultural well-being is an important part of farmers' well-being as detailed in the comments on the overview. They seek the objective is amended as follows:

Amend GRUZ-O1: Enable, recognise and provide for the importance of primary production, ancillary activities and rural industry to the social, and economic and cultural well-being of the District.

456. NZAAA (fs4.26) and Stoney Creek Station Ltd (fs25.130) have further submitted in support of Southland Federated Farmers of New Zealand et al submission.

Assessment

457. The submissions in support of the objective are recognised.
458. In relation to the submissions seeking recognition of ancillary activities I consider GRUZ-O3 suitably provides for ancillary activities that support primary production. I do not consider a change to GRUZ-O1 is necessary in this respect. I consider the proposed amendment requesting to 'Enable, recognise and provide' reads like a policy rather than an objective. Objectives should clearly state what is aimed for and provide targets that policies seek to achieve. I recommend the submission point is rejected.
459. In relation to Southland Federated Farmers of New Zealand et al, I consider the proposed amendment is better suited to a policy rather than an objective to be achieved. I do however consider, in line with the changes made to the Overview and Purpose of the zone, that 'cultural well-being' can be inserted into the objective to recognise the district's rural heritage.

Recommendation

460. I recommend, for the reasons given above, that GRUZ-O1 is amended as follows:

GRUZ-O1 Recognise the importance of *primary production* and *rural industry* to the social, ~~and~~ economic and cultural well-being of the District.

461. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

462. The following evaluates the recommendation to amend GRUZ-O1 under section 32AA of the RMA.
463. In my opinion, for the reasons provided in my evaluation, the amendment to GRUZ-O1 is more appropriate in achieving the purpose of the RMA than the notified objective as the purpose of the RMA includes cultural well-being. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. There are no apparent costs with the proposal. The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.8.7 Matters raised by submitters – GRUZ-O2

464. Greenbriar Ltd (s128.036) support GRUZ-O2 as drafted.

465. NZAAA (s156.010) support GRUZ-O2 in part but seek the following amendment:

GRUZ-O2 The character and qualities of the General Rural zone comprise:

1. a variety of *primary production* activities; 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.~~ 4. Smells, noise, dust from primary production activities

466. DOC (s109.114) consider the objective describes a present condition rather than stating an objective. They seek the objective is amended to 'The character and qualities of the General Rural zone continue to comprise'.

467. Fulton Hogan (s122.015) seek point (4) of the objective is deleted and replaced with wording to recognise primary production in rural areas can produce noise, odour, dust and traffic consistent with a rural working environment, that may be noticeable to residents and visitors in rural areas.

468. Southland Federated Farmers of New Zealand (s126.142), Rural Ratepayers Group (s143.154), Kevin Robertson (s115.143), Alistair & Bernadette Hunt (s148.155), Ronald Crispin (s60.145), John Baynes (s68.263), Ballance Agri-Nutrients (s87.007) and Ravensdown Limited (s28.011) similarly seek that point (4) is amended to recognise the impacts on primary production activities such as smells, noise and dust. NZAAA (fs4.28) (fs4.29) further support the submission by Balance Agri-Nutrients, Ravensdown Limited and Southland Federated Farmers of New Zealand.

469. Waikaka Gold Mines Limited (s129.002) seek to amend point (4) of the objective to recognise that areas of high rural amenity are associated with outstanding natural landscapes and significant natural areas. The notified wording implies high levels of rural amenity in all locations. This is inconsistent with text in the zone overview which recognises the working character of the rural environment where rural activities generate noise, odour and traffic.

470. KiwiRail (s132.136) supports GRUZ-O2 in ensuring there is a very low degree of built form well setback from properties and roads but seeks to include rail. This is in support of the request for an additional rail corridor setback standard.

471. Stoney Creek Station Limited (s3.049), Peters Farm Ltd Karen Peters (s127.085), Trudy Bokser (s113.049), Nathan Bokser (s116.049), AW+ JA Johnston Family Trust (s118.049), Reaby Downs Farm Ltd (s18.051), Karen Temple (s19.051), Sarah and Peter Barclay (s20.051), Helen McIntosh (s24.051), John Baynes (s68.053), and Greg Bokser (s117.049) seek GRUZ-O2 is amended to state 'a low degree of built form' as opposed to 'a very low degree of built form'. The submitters consider that a 'very low degree' of built form does not reflect the nature of the zone. Federated Farmers (fs17.072) further support the submission by Stoney Creek Station Limited.

472. Forest and Bird (s110.047) seek additional wording in the definition to recognise ecology/biodiversity as character/qualities. Federated Farmers (fs17.073) and Stoney Creek Station Ltd (fs25.132) oppose this submission.

473. Mercury NZ Limited (s130.042) oppose GRUZ-O2. The submitter seeks recognition of structures and effects associated with rural activities, and other activities provided for within the rural environment, such as renewable electricity generation, quarries, and mining. Contact Energy Ltd (fs24.053) support the submission, adding that it is unclear whether the GRUZ chapter applies to renewable electricity generation activities in addition to the Energy chapter, and this provides greater certainty.

Assessment

474. I agree with NZAAA (s156.010) that primary production activities generate effects in relation to smells, noise, dust which contribute to the character and rural amenity of the zone. I consider the clarity of the objective would be improved by describing the typical characteristics of primary production activities. I consider they should be included in point (1) rather than instead of point (4). A similar submission has been put forward by Fulton Hogan. I consider the proposed amendment below align with both submission points.
475. I address clause (4) taking into account the submission from Waikaka Gold Mines Ltd (s129.002), the Fulton Hogan submission and Southland Federated Farmers of New Zealand et al. I agree that clause (4) is not sufficiently clear. I also acknowledge that there is potential for the objective to contradict itself by outlining the characteristics of the zone are derived from primary production activities but then requiring a high level of rural amenity between sites. I consider the expectation of amenity must be clear in order to manage reverse sensitivity effects. The contribution of noise, odours, dust and heavy traffic movements would in my opinion result in lower amenity. Nonetheless, wide open space, pasture and low levels of built form and development in of itself creates a higher level of amenity. Clauses (2) and (3) of the objective do acknowledge the expectation of open space and low level built form for the zone and therefore can be relied upon to recognise the contributing factors to rural amenity aspects of the GRUZ, along with the recommended changes to clause (4) detailed below in relation to natural values. The submissions are therefore accepted in part, with changes to clause (1) as detailed below and in Appendix A.
476. In relation to Waikaka Gold Mines Ltd (s129.002), I agree with the submitter that the description in the zone overview appropriately acknowledges the spectrum of activities which occur in the rural zone and with that a varying degree of amenity. GRUZ-O1 recognises the importance of primary production and rural industry which can lower amenity. The change requested by the submitter recognises that the GRUZ does contain areas with high levels of rural amenity in specific locations and these are subject to overlays such as outstanding natural landscapes and significant natural areas. As such, I support the submission and recommend it is accepted in relation to clause (4).
477. In relation to DOC (s109.114), I agree an objective should state what is to be achieved. GRUZ-O2 is correct in describing the character and qualities of the GRUZ however it needs to state what the intention for the area is. I consider utilising the additional wording as recommended by the submitter is a positive addition to the objective.
478. In relation to KiwiRail, as discussed above, the 5m setback is not supported. Furthermore, the setbacks required in the GRUZ exceed 5m. As such I do not consider an addition to the objective in necessary.
479. In relation to Stoney Creek et al and the level of built form, I consider when the built form is compared relatively to the extent of the zone and the need for large areas of land free from

buildings in order to enable primary production, the degree of built form is very low. I recommend no changes to the objective in this regard.

480. In relation to Forest and Bird, I consider the proposed amendment to clause (4) recognises the existence of the natural environment and the amenity afforded by this, which includes outstanding landscapes and significant natural areas, and their contribution to the character/qualities of the zone. I agree with the submitter that including reference to the natural environment enables GRUZ-P4 to give effect to the objective. The inclusion of 'natural values' in the objectives ensures that not only amenity from ONLs and SNLs is recognised in the rural area but also from indigenous biodiversity generally, including stream corridors.
481. In relation to Mercury NZ Limited, I consider GRUZ-O3 adequately acknowledges non-primary production activities which rely on a rural location. This would capture renewable energy activities. Quarries and mining are primary production activities and therefore provided for in GRUZ-O2. I recommend the submission is rejected for these reasons.

Recommendation

482. I recommend, for the reasons given above, that GRUZ-O2 is amended as follows:

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.

483. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

484. The following evaluates the recommendation to amend GRUZ-O2 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The objective outlines the character and qualities anticipated in the GRUZ and sets a direction that this is to be maintained. The objective acknowledges that primary production generates effects that arguably lower amenity, but that this is to be expected in the zone. High levels of rural amenity are present in the zone though given the natural values of stream corridors, outstanding natural landscapes and significant natural areas which are recognised through other provisions in the plan. The amended objective gives effect to UFD-O11 by protecting highly productive land, and natural and physical resources located in the rural areas. The objective is considered to align with the purpose of the RMA providing for the social, economic and cultural well-being of the district, matters of importance: section 6(b) and 6(c) of the RMA and section 7(c) and 7(f) of the RMA.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. The proposed changes remove ambiguity around rural amenity and acknowledge clearly that primary production is the key activity in the zone and with that potential nuisance effects. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for ambiguity to arise if the objective is not clear on the expectation of amenity for the zone. The proposed change identifies that nuisance effects are associated with primary production and as such are apparent in the zone. I consider this aids in managing reverse sensitivity effects.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP because it recognises natural values (section 6(b) and 6(c)), maintenance and enhancement of amenity values (s 7(c)), maintenance and enhancement of the quality of the environment (s 7(f)) and provides for the social, economic and cultural well-being of the district.

6.8.8 Matters raised by submitters – GRUZ-O3

485. Greenbriar Ltd. (s128.037), RCNZ (s145.005), Southland Federated Farmers of New Zealand (s126.143), Rural Ratepayers Group (s143.155), Kevin Robertson (s115.144), Alistair & Bernadette Hunt (s148.156), Ronald Crispin (s60.146), John Baynes (s68.264), Stoney Creek Station Limited (s3.050), Peters Farm Ltd Karen Peters (s127.086), Trudy Bokser (s113.050), Nathan Bokser (s116.050), AW+ JA Johnston Family Trust (s118.050), Reaby Downs Farm Ltd (s18.052), Karen Temple (s19.052), Sarah and Peter Barclay (s20.052), Helen McIntosh (s24.052), John Baynes (s68.054), and Greg Bokser (s117.050) support the objective as notified.

486. NZAAA (s156.011) and Ravensdown Limited (s28.012) (further supported by NZAAA (fs4.31)) support the objective in part but seek it is amended as follows:

GRUZ-O3 Provide for Non-primary production activities that support primary production or rely on a rural location or have a functional or operational need to locate in the General Rural Zone are provided for. ~~While managing the nature, scale and location of activities.~~

487. Ballance Agri-Nutrients (s87.008) support the objective in part but seek the word 'location' is removed from the objective. The objective should not include for managing the location of activities if this is to be via a blanket setback rule that may impact activities that support primary production in the district.

Assessment

488. Support for the objective is acknowledged.

489. In relation to the NZAAA and Ravensdown Limited submission I consider the reference to a reliance on a rural location suitably achieves the intent of the submission. I recommend the submission are rejected.
490. In relation to the Ballance Agri-Nutrients submission the reference 'nature, scale and location' aligns with the standards proposed for the chapter. The standards are included to give effect to the rules, policies and overall objectives. Therefore, its inclusion should remain. I recommend the submission is rejected.

Recommendation

491. I recommend, for the reasons given above, that GRUZ-O3 remains as notified.
492. It is recommended that the submissions are rejected as shown in **Appendix B**.

6.8.9 Matters raised by submitters – GRUZ-O4

493. Greenbriar Ltd. (s128.038), Southland Federated Farmers of New Zealand (s126.144), Rural Ratepayers Group (s143.156), Kevin Robertson (s115.145), Alistair & Bernadette Hunt (s148.157), Ronald Crispin (s60.147), John Baynes (s68.265), Stoney Creek Station Limited (s3.051), Peters Farm Ltd Karen Peters (s127.087), Trudy Bokser (s113.051), Nathan Bokser (s116.051), AW+ JA Johnston Family Trust (s118.051), Reaby Downs Farm Ltd (s18.053), Karen Temple (s19.053), Sarah and Peter Barclay (s20.053), Helen McIntosh (s24.053), John Baynes (s68.055), and Greg Bokser (s117.051) support the objective as notified. The submitters consider the objective preserves the purpose and character of the GRUZ.

Assessment

494. Support for the objective is acknowledged. No changes are proposed.

Recommendation

495. I recommend no change to the notified objective.
496. It is recommended that the submissions are accepted as shown in Appendix B.

6.8.10 Matters raised by submitters – GRUZ-O5

497. Aggregate and Quarry Association (s111.005), Fulton Hogan (s122.016), and Straterra Inc (s135.004) support the objective as notified. It is a recognition of the need to protect highly productive land including potential quarrying land.
498. Greenbriar Ltd. (s128.039) support the objective as it recognises the value and long-term benefits of using HPL and protecting it for future generations.
499. Southland Federated Farmers of New Zealand (s126.145), Rural Ratepayers Group (s143.157 and 143.007), Kevin Robertson (s115.146), Alistair & Bernadette Hunt (s148.0158), Ronald Crispin (s60.148), and John Baynes (s68.266) support the objective in part but seek it is amended to acknowledge the importance of highly productive land for primary production for both

current and future generations. The protection of highly productive land is crucial for ensuring economic well-being. The purpose of the Resource Management Act 1991 refers to well-being of 'future generations' (s 5), however the Local Government Act 2002 discusses 'current and future well-being' and enabling the promotion of the four well-being's of communities 'in the present and for the future' (s 10). The submitters seek the following wording amendment:

GRUZ-O5 The value and long-term benefits of using highly productive land for primary production is recognised and the availability of highly productive land for primary production for current and future generations is protected.

500. Stoney Creek Station Limited (s3.101), Peters Farm Ltd Karen Peters (s127.088), Trudy Bokser (s113.052), Nathan Bokser (s116.052), AW+ JA Johnston Family Trust (s118.052), Reaby Downs Farm Ltd (s18.054), Karen Temple (s19.054), Sarah and Peter Barclay (s20.054), Helen McIntosh (s24.054), John Baynes (s68.056), and Greg Bokser (s117.052) are supportive of GRUZ-O5, but considers that it is expanded to cover all rural land and not just highly productive land. Federated Farmers (fs17.074) have further submitted in support. The submitters seek the following wording amendment:

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.

Assessment

501. Support for GRUZ-O5 is acknowledged.
502. In relation to the Southland Federated Farmers of New Zealand et al submissions, section 10 of the Local Government Act 2002 is discussing the purpose of Local Government. The purpose of the RMA is to promote the sustainable management of natural and physical resources. GRUZ-O5 is focused on the management of a natural and physical resource. Sustainable management is further concerned with a future outlook. I therefore consider the objective as written is appropriate in achieving the purpose of the RMA and recommend no changes in this regard.
503. In relation to Stoney Creek Station Limited et al, I agree that although the NPS-HPL has brought a heavy focus on LUC 1, 2 and 3 soil, the rural land resource in general is of value and benefit to future generations. I consider the amendment as suggested recognises both highly productive land and rural land for primary production purposes and improves the coverage of the objective across the zone.

Recommendation

504. I recommend, for the reasons given above, that GRUZ-O5 is amended as follows:

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.

505. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

506. The following evaluates the recommendation to amend GRUZ-O5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The objective gives effect to UDF-O10 and UFD-O11 (ensuring primary production and rural industry activities can operate effectively and efficiently) and the purpose of the Act, by protecting rural land for primary production activities which provide for the economic well-being of the district.

Costs and benefits

The benefits of the proposal are that the objective provides wider coverage across the zone. It applies to both highly productive and productive land, both of which are vital to primary production. This in turn provides for the economic and social well-being of the district. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for lessening the value of rural land if it not LUC 1, 2, or 3 by not acknowledging it as a value and benefit to the zone.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP by protecting rural land for primary production activities which provide for the economic well-being of the district.

6.8.11 Matters raised by submitters – GRUZ-P1

507. Fulton Hogan (s122.017), Greenbriar Ltd (s128.040), Southland Federated Farmers of New Zealand (s126.146), Rural Ratepayers Group (s143.158), Kevin Robertson (s115.147), Alistair & Bernadette Hunt (s148.159), Ronald Crispin (s60.0149), John Baynes (s68.267), Stoney Creek Station Limited (s3.053), Peters Farm Ltd Karen Peters (s127.089), Trudy Bokser (s113.053), Nathan Bokser (s116.053), AW+ JA Johnston Family Trust (s118.053), Reaby Downs Farm Ltd (s18.055), Karen Temple (s19.055), Sarah and Peter Barclay (s20.055), Helen McIntosh (s24.055), John Baynes (s68.057), and Greg Bokser (s117.053) support the policy as notified for the following reasons: it is important for the district's social, cultural and economic well-being that primary production activities are enabled and supported; the use of the term 'primary production', as per the National Planning Standards, which provides for a variety of productive activities is supported; and the policy enables primary production which includes mining.

Assessment

508. Support for GRUZ-P1 is acknowledged and no changes are proposed.

Recommendation

509. I recommend, no changes to the notified policy.

510. It is recommended that the submissions are accepted as shown in **Appendix B**.

6.8.12 Matters raised by submitters – GRUZ-P2

511. RCNZ (s145.007), Southland Federated Farmers of New Zealand (s126.147), Rural Ratepayers Group (s143.159), Kevin Robertson (s115.148), Alistair & Bernadette Hunt (s148.160), Ronald Crispin (s60.150), John Baynes (s68.268), Stoney Creek Station Limited (s3.054), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.054), Nathan Bokser (s116.054), AW+ JA Johnston Family Trust (s118.054), Reaby Downs Farm Ltd (s18.056), Karen Temple (s19.056), Sarah and Peter Barclay (s20.056), Helen McIntosh (s24.056), John Baynes (s68.268), and Greg Bokser (s117.054) support the policy as notified as it supports the recognition of importance of enabling rural industry in the rural zone.

512. Hokonui Rūnanga Inc (s139.068) support GRUZ-P2 in part but seek the following amendment to specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed:

GRUZ-P2 Enable rural industry activities whilst preserving 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 the nature, scale and location of such activities.

513. NZAAA (s156.012) (fs4.32) and Ravensdown Limited (s28.013) support GRUZ-P2 in part but seek the following amendment:

GURZ-P2 Enable rural industry activities whilst ~~preserving~~ retaining rural character, ~~rural amenity~~ and underlying Ngai Tahu relationships with the natural environment and productive capacity of the rural zone by ~~limiting~~ managing the nature, scale and location of such activities.

514. The submitter considers rural character is a subset of amenity, so it is not necessary to include both in the policy. Rural character should be maintained, not preserved, as it is not a section 6 matter. The policy should seek to manage the nature, scale and location of such activities, rather than a presumption of limitation.

Assessment

515. Support for the policy is acknowledged.

516. In relation to the Hokonui Rūnanga Inc submission, I consider it appropriate to adopt policy approaches mana whenua deem best suited for managing impacts on their cultural values and kaitiaki responsibilities. Whilst there is a risk that the relief sought may weaken the PDP's ability to incorporate mana whenua rights and interests in decision-making, as they are best placed to

weigh this risk against their preferred method of upholding their kaitiaki responsibilities, I recommend the submission is accepted, subject to further consideration of Hokonui Rūnanga.

517. In relation to NZAAA, I do not necessarily agree that rural character is a subset of rural amenity and consider effects on both are an important consideration. I have reviewed section 6 and section 7 of the RMA and agree alternative wording better achieves the RMA purpose. I consider 'maintaining' as opposed to 'preserving' is suitable as the topic of discussion is amenity values and the quality of the environment as opposed to matters of national importance. Nonetheless, where possible, amenity values and the quality of the environment should be enhanced. I agree the nature, scale and location of such activities should be managed and the standards of the chapter seek to achieve this, as such the change proposed in terms of 'limiting' is accepted.

Recommendation

518. I recommend, for the reasons given above, that GRUZ-P2 is amended as follows:

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.

519. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

520. The following evaluates the recommendation to amend GRUZ-P2 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner aligning with the PDP Objectives and consequently the purpose of the RMA.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. Whilst the scope of mana whenua values is potentially narrowed, it is now specific. There are no apparent costs with the proposal.

Risk of acting or not acting

The policy as amended is considered to improve its intent.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.8.13 Matters raised by submitters – GRUZ-P3

521. Stoney Creek Station Limited (s3.055), Rural Ratepayers Group (s143.008), Peters Farm Ltd Karen Peters (s127.091), Trudy Bokser (s113.055), Nathan Bokser (s116.055), AW+ JA Johnston Family Trust (s118.055), Reaby Downs Farm Ltd (s18.057), Karen Temple (s19.057), Sarah and Peter Barclay (s20.057), Helen McIntosh (s24.057), John Baynes (s68.059), and Greg Bokser (s117.055) support GRUZ-P3 as notified.

Assessment

522. Support for the policy is acknowledged. No changes are recommended.

Recommendation

523. No changes are recommended.
524. It is recommended that the submissions are accepted as shown in **Appendix B**.

6.8.14 Matters raised by submitters – GRUZ-P4

525. Southland Federated Farmers of New Zealand (s126.148), Rural Ratepayers Group (s143.160), Kevin Robertson (s115.149), Alistair & Bernadette Hunt (s148.161), Ronald Crispin (s60.151), John Baynes (s68.269), Stoney Creek Station Limited (s3.056), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.056), Nathan Bokser (s116.056), AW+ JA Johnston Family Trust (s118.056), Reaby Downs Farm Ltd (s18.058), Karen Temple (s19.058), Sarah and Peter Barclay (s20.058), Helen McIntosh (s24.109), John Baynes (s68.060), Greg Bokser (s117.056) and DOC (s110.144) support the policy as notified.
526. Forest and Bird (s110.048) support the policy in part but seek the following amendment to protect what remains, as well as the potential for an increase/enhancement. It is also important to specify that this is indigenous biodiversity and not exotic biodiversity.

GRUZ-P4	Recognise the benefits of conservation, pest management, ~~increasing~~ <u>protection and enhancement of indigenous</u> biodiversity, riparian planting, and fencing erosion prone areas.
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527. Stoney Creek Station Ltd (fs25.133) oppose the submission point by Forest and Bird.

Assessment

528. I acknowledge the support for the policy.
529. In relation to Forest and Bird, the PDP must give effect to higher order documents specifically the NPS-IB. Whilst the ECO chapter specifically manages indigenous biodiversity, indigenous biodiversity is likely to be situated within the GRUZ. I consider the following amendment gives

effect to the NPS-IB, specifically Policy 8²⁴ in recognising the benefits of managing and enhancing indigenous biodiversity.

GRUZ-P4 Recognise the benefits of conservation, pest management, ~~increasing the~~ management and enhancement of indigenous biodiversity, riparian planting, and fencing erosion prone areas.

Recommendation

530. I recommend, for the reasons given above, that GRUZ-P4 is amended as follows:

GRUZ-P4 Recognise the benefits of conservation, pest management, ~~increasing the~~ management and enhancement of indigenous biodiversity, riparian planting, and fencing erosion prone areas.

531. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

532. The following evaluates the recommendation to amend GRUZ-P4 under section 32AA of the RMA.

533. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendment better aligns with higher order documents. There are no apparent costs with the proposal given the requirement to maintain and enhance indigenous biodiversity is provided for in the ECO chapter.

534. The proposed amendment is considered to be a more appropriate way to achieve the Objective GRUZ-O2 (as amended) than the notified version of the PDP.

6.8.15 Matters raised by submitters – GRUZ-P5

535. Aggregate and Quarry Association (s111.006), Straterra Inc (s135.005) Southland Federated Farmers of New Zealand (s126.149), Rural Ratepayers Group (s143.161), Kevin Robertson (s115.150), Alistair & Bernadette Hunt (s148.162), Ronald Crispin (s60.152), John Baynes (s68.270), Stoney Creek Station Limited (s3.057), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.057), Nathan Bokser (s116.057), AW+ JA Johnston Family Trust (s118.057), Reaby

²⁴ [National Policy Statement for Indigenous Biodiversity.pdf \(environment.govt.nz\)](#)

Downs Farm Ltd (s18.059), Karen Temple (s19.059), Sarah and Peter Barclay (s20.059), Helen McIntosh (s24.059), John Baynes (s68.111), and Greg Bokser (s117.057) supports the policy as notified.

536. Greenbriar Ltd (s128.041) support the policy in part but seek the reference to 'small scale' is removed. The submitter considered the policy should be agnostic to the scale of the mine because implementation of it and Policy GRUZ-P6 can take a different approach based on scale. i.e. permitted for small scale (through standards as proposed) and then consent pathway beyond that. It is unclear, why enabling small scale is only outcome, which is unlikely to achieve the outcome sought by the policy which is to recognize the benefits of mining generally. Fulton Hogan (s122.018) seek similar relief in relation to removing 'small-scale' but further seek additional wording to ensure effects of larger mines and quarries are avoided, managed or mitigated.
537. Heritage New Zealand Pouhere Taonga (HNZPT fs11.049) have further submitted in opposition of Fulton Hogans submission point. HNZPT acknowledges that the dominant land use within the district is agriculture and that the District Plan needs to enable sustainable primary production within appropriate zones. The previously stated activities will involve earthworks and land disturbance during establishment, maintenance, and use, which may affect identified and unknown archaeological sites. Earthworks or ground disturbance to areas that have been previously undisturbed, or go below the topsoil have the potential to uncover archaeology. Activities within these areas should have sufficient triggers in the District Plan to create awareness of the plan users' potential obligation under the archaeological provisions of the HNZPTA. For activities involving significant volumes of earthworks, such as quarries, mines, commercial forestry, and renewable electricity generation activities, or areas that have been largely undisturbed, such as significant natural landscapes or features, the effects on archaeology require assessment and a permitted activity status is not appropriate.
538. Waikaka Gold Mines Limited (s129.003) seek the policy is amended to provide for mines which are not small-scale. The submitter considers the proposed amendment addresses a policy gap in respect of non-small-scale quarries and mines and appropriately provides for these with suitable effects management. GRUZ-P6 does address the effects management of quarries and mines more generally, the recognition of the benefits of quarrying and mining activities on the local economy is specified in GRUZ-P5. The policy framework reads (as notified) that recognition of benefits only applies to small scale operations, however, larger scale operations would logically have larger scale benefits, and these should also be recognised.

Assessment

539. Support for the policy is acknowledged.
540. I consider 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 so I recommend the reference to 'small-scale' remains in GRUZ-P5. I agree with Waikaka Gold Mines Limited that GRUZ-P6 does not acknowledge the benefits of quarrying and mining activities on the local economy as GRUZ-P5 does and recommend the wording of GRUZ-P6 is revisited. This will be detailed below in the assessment of GRUZ-P6.

541. In relation to HNZPT, GRUZ-R2 and GRUZ-R3 require larger scale mines and quarries to obtain resource consent. Additional management provisions are included in the plan through the archaeology alert layer and the Earthworks chapter, specifically EW-S7 which outlines Accidental Discovery Protocol.

Recommendation

542. I recommend, for the reasons given above, that the policy remains as per the notified PDP.
543. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.16 Matters raised by submitters – GRUZ-P6

544. Southland Federated Farmers of New Zealand (s126.150), Rural Ratepayers Group (s143.162), Kevin Robertson (s115.151), Alistair & Bernadette Hunt (s148.163), Ronald Crispin (s60.153), John Baynes (s68.271), Stoney Creek Station Limited (s3.058), Peters Farm Ltd Karen Peters (s127.094), Trudy Bokser (s113.058), Nathan Bokser (s116.058), AW+ JA Johnston Family Trust (s118.058), Reaby Downs Farm Ltd (s18.060), Karen Temple (s19.060), Sarah and Peter Barclay (s20.060), Helen McIntosh (s24.060), John Baynes (s68.062), Greg Bokser (s117.058), DOC (s109.115), Straterra Inc (s135.006) and Aggregate and Quarry Association (s111.007) support GRUZ-P6 as notified.
545. Greenbriar Ltd. (s128.055) support the intention to manage effects, the drafting includes an incomplete use of the effects management tools. It is unclear why, 'remedy' and 'compensate' have not been included. Particularly given their inclusion in effects management hierarchies in higher order documents.
546. Hokonui Rūnanga Inc (s139.069) support GRUZ-P6 in part but seek the policy is amended as follows to improve the clarity:

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. to:~~
i. In the first instance avoid adverse effects on the environment; and
ii. Where it is not possible to avoid adverse effects from quarrying or mining, require these effects to be mitigated or offset.

547. Waikaka Gold Mines Limited (s129.004) seek an amendment to the policy, to replace 'avoid' with 'restrict' to allow for an activity to be restricted through controls on conditions of consent, location, scale or methodology that may suitably manage the effects of the activity. The term 'remedied' is added into the policy as it may potentially provide an appropriate method for managing effects of an activity.

GRUZ-P6 Manage the environmental and cultural effects of quarrying and mining and ~~avoid~~ restrict quarrying and mining activities that result in adverse cultural or environmental effects that cannot be avoided, remedied, mitigated or offset

Assessment

548. Support for the policy is acknowledged.
549. I consider the wording proposed by the Hokonui Rūnanga Inc improves the clarity and readability of the policy, thus improving the effectiveness of the plan. I do however consider that proposed wording narrows the scope of the policy by removing the ability to consider cultural effects.
550. large scale operations can benefit the local and also regional economy and support industry and so this should be recognised in the policy.
551. Greenbriar Ltd raise a valid point in terms of the effects management tools and I consider the inclusion of remediation and compensation an improvement to the policy.
552. As discussed above, in relation to the Waikaka Gold Mines Limited submission, I agree that large scale operations benefit the local and also regional economy and support industry. This should be recognised in the policy structure applicable to activities requiring resource consent. I consider the proposed changes below achieve this whilst also ensuring that adverse on the environment are remedied, mitigated, offset or compensated for.
553. Whilst the policy has been re-worded I consider the original intent still remains.

Recommendation

554. I recommend, for the reasons given above, that GRUZ-P6 is amended as follows:

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 adverse environmental and cultural effects; and
- ii. Where it is not possible to avoid adverse effects from quarrying or mining, require these effects to be remedied, mitigated, offset or compensated for.

555. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

556. The following evaluates the recommendation to amend GRUZ-P6 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. I consider that the recommended amendment better aligns with the purpose of the Zone which recognises the primary production activities anticipated. This will guide decision making when considering a resource consent application under s104. The recommended amendment also better aligns with GRUZ-O1.

Costs and benefits

The benefits of the amended policy include improved readability for the plan and a clear consenting pathway for larger scale mining and quarrying activities. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for uncertainty if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is more efficient and effective than the notified provisions in achieving the objectives of the GRUZ.

6.8.17 Matters raised by submitters – GRUZ-P7

557. NZAAA (s156.013) (fs4.33-38), Ravensdown Limited (s28.014), Southland Federated Farmers of New Zealand (s126.151), Rural Ratepayers Group (s143.163), Kevin Robertson (s115.029), Alistair & Bernadette Hunt (s148.164), Ronald Crispin (s60.154), John Baynes (s68.272) and Stoney Creek Station Limited (s3.059), Peters Farm Ltd Karen Peters (s127.095), Trudy Bokser (s113.059), Nathan Bokser (s116.059), AW+ JA Johnston Family Trust (s118.059), Reaby Downs Farm Ltd (s18.061), Karen Temple (s19.061), Sarah and Peter Barclay (s20.061), Helen McIntosh (s24.061), John Baynes (s68.063), and Greg Bokser (s117.059) supports the policy but seeks that the second part of the policy is deleted as noise effects are managed in the noise chapter and is more consistent with an 'enabling' policy. NZAAA and New Zealand Helicopter Association (s63.017) (fs18.21) also seek helicopter landing areas are included in policy.
558. DOC (s109.116) support the policy as notified to enable aviation activities to support conservation activities subject to noise effect management.

Assessment

559. Activity rule GRUZ-R16 and standard GRUZ-S9 refers to both rural airstrip and helicopter landing areas. As such, to improve the effectiveness and efficiency of the plan I consider the submissions requesting the phrase 'helicopter landing areas' is included in the policy are accepted.
560. In relation to removing reference to managing noise effects through location and scale, I disagree with the submitters. The provisions GRUZ-R16 and GRUZ-S9 specifically require setbacks from notional boundaries and noise sensitive activities. Therefore, it is appropriate for the policy to provide guidance on why the rule requirements are included.

561. I note though that general provision for agricultural aviation within the PDP, will be addressed as part of the consideration of the management of noise in the district in Hearing Stream 6. If new or amended objectives, policies, rules or standards are added through Hearing Stream 6 consequential amendments to the relevant zone chapters will be considered as part of that assessment.

Recommendation

562. I recommend, for the reasons given above, that GRUZ-P7 is amended as follows:

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.

563. It is recommended that submissions and further submissions are accepted in part or rejected and deferred to HS6 as shown in **Appendix B**.

Section 32AA Evaluation

564. The following evaluates the recommendation to amend GRUZ-P7 under section 32AA of the RMA.
565. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendment will improve the applicability of the policy to the relevant rules and standards in the chapter. There is the potential for uncertainty surrounding the relevant policies for helicopter landing areas if the proposed amendment is not made. The proposed amendment is considered to be a more appropriate way to achieve objectives GRUZ-O1, GRUZ-O2 and GRUZ-O5 which in turn give effect to UFD-O10, than the notified version of the PDP.

6.8.18 Matters raised by submitters – GRUZ-P8

566. Alliance Group Limited (s121.081) support the policy as notified as the policy appropriately manages residential activities and gives appropriate recognition to avoid or mitigate reverse sensitivity effects.
567. FENZ (s124.100) support GRUZ-P8 insofar that residential activities shall be suitably serviced, particularly in relation to firefighting water supply.
568. Stoney Creek Station Limited (s3.060), Peters Farm Ltd Karen Peters (s127.096), Trudy Bokser (s113.060), Nathan Bokser (s116.060), AW+ JA Johnston Family Trust (s118.060), Reaby Downs Farm Ltd (s18.062), Karen Temple (s19.062), Sarah and Peter Barclay (s20.062), Helen McIntosh (s24.062), John Baynes (s68.064), and Greg Bokser (s117.060) support the policy as notified as it of recognises that residential activity is required in the rural zone to support primary production.
569. Southland Federated Farmers of New Zealand (s126.152), Rural Ratepayers Group (s143.164), Kevin Robertson (s115.153), Alistair & Bernadette Hunt (s148.165), Ronald Crispin (s60.155),

and John Baynes (s68.273) seek the policy is updated as stated below or alternatively include a new policy, also detailed below:

GRUZ-P8: Enable residential activity where it:

1. does not compromise ~~rural~~ primary production;
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~~
- ~~5. reverse sensitivity effects on and of adjacent land uses are appropriately avoided or mitigated.~~

New Policy: Reverse sensitivity effects on and of adjacent land uses are appropriately avoided or mitigated.

570. The submitters highlight 'Rural production' as a term is not defined therefore it is recommended that 'primary production' is used for clarity. For farmers, it is important that some residential activity be permitted in the GRUZ for housing purposes (i.e., multiple dwellings provided for staff accommodation). However, it is crucial that primary production is still enabled and not compromised by development. Number 5 of this policy does not make sense as it is currently written and needs to be rephrased or removed, and a new policy created.

571. KiwiRail seek that clause (5) of the policy is rephrased as follows:

5. ensure reverse sensitivity effects on and of adjacent land uses are appropriately avoided or mitigated to protect the function and operation of the railway corridor.

572. Mercury NZ Limited (s130.064) further supported by Contact Energy Ltd (FS24.054) oppose GRUZ-P8 and seek additional wording is added to constrain residential units where they constrain the ability to utilise renewable energy resources. Sensitive activities developed in proximity to renewable energy resources, such as wind resource could constrain future use and development.

Assessment

573. Support for the policy is acknowledged.

574. I agree with the submitters in relation to 'rural production' being an undefined term in the plan. I consider amending the policy to reference 'primary production' will improve the clarity of the plan.

575. The intent of the policy is to ensure residential activity is enabled as a supporting activity for primary production but at a scale that does not compromise primary production, particularly in relation to reverse sensitivity effects.

576. I agree clause (5) of the policy is not sufficiently clear and as such consider it is re-phrased as follows:

5. appropriately avoids, remedies or mitigates ~~reverse sensitivity effects on~~

577. I therefore consider no new policy as requested by Southland Federated Farmers et al is necessary.

578. In relation to KiwiRail, the intent of what is sought is acknowledged and it is recognised that activities should not adversely affect the safe and efficient operation of critical infrastructure, including the rail network. However, I note that within the Transport Chapter there are a number of policies which relate to the management of activities to ensure they do not adversely affect the safe and efficient use of the transport network (TRANS-P8, TRANS-P9 and TRANS-P10). The policy intent of GRUZ-P8, with the amendment recommended above protects activities from reverse sensitivity effects arising from increased residential development. The requested relief from KiwiRail would narrow the reach of the policy to just protect the rail corridor.

579. Whilst I agree with KiwiRail that activities should not adversely affect the efficiency of the rail network I consider the proposed amendment to GRUZ-P8 achieves this.

580. In relation to Mercury NZ Limited and Contact Energy Ltd I consider with the amendment recommended above, renewable energy resources, such as wind resource, will be protected.

Recommendation

581. I recommend, for the reasons given above, that GRUZ-P8 I amended as follows:

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

582. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

583. The following evaluates the recommendation to amend GRUZ-P8 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Ensuring that primary production activities are protected from potential reverse sensitivity effects from residential activities ensures the viability of the rural economy (both

primary production and the activities that support them need to co-exist and operate effectively). The amendments are consistent with the NPS-HPL which requires that primary production is protected from reverse sensitivity effects. Moreover, it helps to enable GRUZ-O1 and GRUZ-O4 which seeks to locate development in a way that enables primary production and avoid or mitigate conflict between incompatible activities.

Costs and benefits

There may be some additional costs for residential activities in terms of there being a stronger imperative to avoid reverse sensitivity effects on a wider primary production activity. As there are permitted standards for residential activity, costs are likely to be limited unless residential activity is sought above and beyond those standards. The benefits are clarity in protection for primary production activities from reverse sensitivity which, in turn, will help protect the viability of primary production.

Risk of acting or not acting

The risk of not acting is uncertainty in the plan.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.8.19 Matters raised by submitters – GRUZ-P9

584. NZTA (s112.143) support GRUZ-P9 in part but seek an amendment to clause 5 to clarify that the access(es) to the site may require upgrading to accommodate the new or increase in scale of these identified activities. The policy also notes that non-rural activities (i.e. potential noise sensitive activities) must demonstrate that there are measures in place to internalise effects and avoid conflict and potential reverse sensitivity effects on activities anticipated in the zone, including ancillary residential activity. However, we recommend for clarity purposes an amendment to clause 9 to include the relationship between sensitive activities and the State highway network. The amendment proposed are as follows:

... 5. there is adequate infrastructure available to service the activity, including on-site servicing where reticulated services are not available and any new or existing access(es) onto roads that require upgrading....

... 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 and between sensitive activities and the State highway network.

585. Greenbriar Ltd. (s128.056) is neutral on the policy but seeks clarification on what 'non-rural' activities include.
586. Southland Federated Farmers of New Zealand (s126.153), Rural Ratepayers Group (s143.165), Kevin Robertson (s115.154), Alistair & Bernadette Hunt (s148.166), Ronald Crispin (s60.156), John Baynes (s68.274), and Stoney Creek Station Limited (s3.112), Peters Farm Ltd Karen

Peters (s127.148), Trudy Bokser (s113.112), Nathan Bokser (s116.112), AW+ JA Johnston Family Trust (s118.112), Reaby Downs Farm Ltd (s18.114), Karen Temple (s19.114), Sarah and Peter Barclay (s20.114), Helen McIntosh (s24.114), John Baynes (s68.116), and Greg Bokser (s117.112) support the policy as notified as it provides for non-rural activities in the rural sector where these activities are related to, support or are compatible with rural activities.

587. KiwiRail (s132.138) supports the intention of GRUZ-P9 but seeks an amendment to clarify that this policy relates to potential reverse sensitivity effects and adequate infrastructure for the rail network. The amendment proposed are as follows:

..... 5. there is ~~adequate~~ appropriate infrastructure available to service the activity (including the rail network), including on site servicing where reticulated services are not available

..... 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, and appropriately avoided or mitigated reverse sensitivity effects to protect the function and operation of the rail corridor.

Assessment

588. Support for the policy is acknowledged.
589. In terms of clarifying 'non-rural' activities, the policy is referring to activities other than primary production and rural industry, for example, education facilities.
590. In relation to the submission from NZTA, I consider clause (4) of the policy specifically addresses suitable access to a site and would therefore require, if necessary, the upgrading of accessways. I consider reverse sensitivity in relation to sensitive activities and the state highway network is managed through the noise chapter and the transport chapter. The reference to reverse sensitivity in GUZ-P9 is in order to protect primary production activities anticipated within the zone.
591. In relation to KiwiRail, the policy as written seeks to provide for 'small scale' non-rural activities as such I do not envisage the activities are likely to be reliant upon the rail network. If, however, the submitter has examples to suggest otherwise I would be happy to re-visit the policy wording. Similarly, as with the NZTA, the reference to reverse sensitivity in GUZ-P9 is in order to protect primary production activities anticipated within the zone.

Recommendation

592. I recommend, for the reasons given above, that GRUZ-P9 remains unchanged.
593. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.20 Matters raised by submitters – GRUZ-P10

594. KiwiRail seek an amendment to GRUZ-P10 to clarify that this policy also relates to potential effects on rail.

595. Aggregate and Quarry Association (s111.008) support GRUZ-P10 on the basis quarrying is an considered an appropriate use of highly productive land. Greenbriar Ltd (s128.057), Southland Federated Farmers (s126.154), Kevin Robertson (s115.155), Rural Ratepayers Group (s143.166), Alistair & Bernadette Hunt (s148.167), Ronald Crispin (s60.157), and John Baynes (s68.275) also support GRUZ-P10 as it protects highly productive land from irreversible loss.
596. Fulton Hogan (s122.019) opposes GRUZ-P10 and seeks amendments to fully reflect the exceptions provided by clause 3.9 of the NPS-HPL which provides for aggregate extraction activities provided the tests set out in the policy are met.
597. Waikaka Gold Mines Limited (s129.005) seek the addition of a clause to GRUZ-P10 to recognise that temporary activities may be undertaken on highly productive land where there is no irreversible loss of productive capacity, as is consistent with the NPS-HPL.
598. Stoney Creek Station Limited (s3.061), Trudy Bokser (s113.061), Nathan Bokser (s116.061), AW & JA Johnston Family Trust (s118.061), Peters Farm Ltd Karen Peters (s127.097), Reaby Downs Farm Ltd (s18.063), Karen Temple (s19.063), Sarah and Peter Barclay (s20.063), Helen McIntosh (s24.063), John Baynes (s68.065), and Greg Bokser (s117.061) support the implementation of the NPS-HPL but consider the current wording of GRUZ-P10 is inconsistent with the NPS-HPL. Southland Federated Farmers lodged a further submission (FS17.075) in support of the Stoney Creek Station Limited primary submission (s3.061).

Assessment

599. In relation to KiwiRail, I disagree that the policy intent extends to reverse sensitivity effects on the rail network. Given the GRUZ zoning and anticipation of primary production the intent of the policy is to focus on protecting highly productive land.
600. With respect to the submission from Aggregate and Quarry Association, it is noted that the policy protects highly productive land from inappropriate use and development, and GRUZ-R3 which flows on from the policy establishes the level deemed appropriate, but does not permit all quarrying.
601. The submissions from Southland Federated Farmers in support of GRUZ-P10 are noted.
602. The submissions from Fulton Hogan and Waikaka Gold Mines Limited, seek amendments to the policy to be consistent with the exceptions provided under clause 3.9 of the NPS-HPL. I note that the ways that highly productive land may be protected that are listed under GRUZ-P10 is not an exhaustive list, and the use of 'including by' indicates that there may be other ways. Further, there is nothing in the policy that indicates that the use of highly productive land for mining or aggregate extraction may be 'inappropriate'. The policy and rules that flow from the policy put in place a consenting pathway for these activities to be assessed. This is consistent with clause 3.9 of the NPS-HPL.
603. In respect of the submissions from Stoney Creek et al, for similar reasons to those provided above, it is not considered necessary for Policy GRUZ-P10 to repeat the wording of the objectives and policies of the NPS-HPL. The wording of the policy is such that the list of ways that the

protection of highly productive land from inappropriate subdivision, use and development may be achieved is not exhaustive and may include the additional ways identified in the NPS-HPL.

Recommendation

604. I recommend, for the reasons given above, that GRUZ-P10 remains unchanged.
605. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.21 Matters raised by submitters – GRUZ-P11

606. Transpower (s101.082) support GRUZ-P11 as notified, on the basis that the Policy provides an exception from 'avoidance' for activities that have an operational or function need for locating in the General Rural Zone.
607. NZTA (s112.144) support GRUZ-P11 as notified, on the basis that it seeks to avoid activities that are incompatible with the zone unless there is an operational or functional need to locate there. NZTA supports this policy on the basis that the use and development of land not foreseen within the zone can place additional unplanned demands on existing infrastructure including State Highways.
608. Greenbriar Ltd. (s128.058) are neutral on the policy but request clarification on what 'incompatible' means.
609. RCNZ (s145.008) support the policy as it provides for activities that have an operational or functional need to locate in the general Rural Zone (such as rural contractor depots).
610. FENZ (124.102) support the policy as it provides for activities such as emergency service facilities when there is an operational or functional need for them to be located in the General Rural Zone.
611. Southland Federated Farmers of New Zealand (s126.155), Rural Ratepayers Group (s143.167), Kevin Robertson (s115.156), Alistair & Bernadette Hunt (s148.168), Ronald Crispin (s60.158), and John Baynes (s68.276) support the policy as it ensures activities incompatible with the GRUZ are avoided, unless a clear need exists.
612. Stoney Creek Station Limited (s3.062), Peters Farm Ltd Karen Peters (s127.098), Trudy Bokser (s113.062), Nathan Bokser (s116.062), AW+ JA Johnston Family Trust (s118.062), Reaby Downs Farm Ltd (s18.064), Karen Temple (s19.064), Sarah and Peter Barclay (s20.064), Helen McIntosh (s24.064), John Baynes (s68.066), and Greg Bokser (s117.062) support the policy as notified.

Assessment

613. Support for the policy is acknowledged and no changes are recommended.
614. In relation to the meaning of the word 'incompatible', when read as a whole the policy states the activities which are incompatible with the character, qualities and purpose of the GRUZ should be avoided. Objective GRUZ-O2 clearly outlines the character and qualities. The overview

and purpose of the zone is further sufficiently clear. To be incompatible is to be in conflict with the overview and purpose of the zone as well as GRUZ-O2.

Recommendation

615. No changes to GRUZ-P11 are recommended.
616. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.22 Matters raised by submitters – GRUZ-P12

617. DOC (s109.117) support the policy to maintain the underlying Ngāi Tahu relationships with the natural environment by requiring appropriate setbacks to waterways.
618. Mercury NZ Limited (s130.044) oppose the policy. The submitter considers the rural environment involves working structures that require enablement, and noise from wind farms can impact amenity. Ensuring specific provision for working structures associated with rurally located activities, including renewable energy activities, is critical for maintaining and enhancing the amenity and natural character of the rural environment. The submitter seeks the following amendment:
- GRUZ-P12 ~~Manage~~ 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.
619. Contact Energy Ltd (fs24.055) have further submitted in support of the submission point by Mercury NZ Ltd. Contact support the relief sought as it appropriately recognises and provides for the development of renewable electricity generation activities in the rural environment and these should be enabled.

Assessment

620. Support for the policy is acknowledged.
621. I consider the intent of the policy is to manage the bulk and location of buildings and structures in support of the standards for height and setbacks from streams and boundaries. Whilst I acknowledge the relief sought by the submitters, I consider GRUZ-P13 provides policy support for infrastructure activities along with the Infrastructure and Energy chapters, specifically INFR-O3, INFR-P6, ENRG-O4 and ENRG-P8.

Recommendation

622. No change is recommended.

623. It is recommended that Mercury's submission and Contact Energy's further submissions are rejected and DOC's submission accepted as shown in **Appendix B**.

6.8.23 Matters raised by submitters – GRUZ-P13

624. DOC (s109.118) support the policy to identify the best location for regionally significant infrastructure except where there is ONL, ONF, SNA or Site of significance to Māori. This gives effect to the Southland RPS (INF.2).
625. Hokonui Rūnanga Inc (s139.070) oppose the policy as there are no specific 'sites of cultural significance' identified in the plan. S6(b) of the RMA requires ONFs and ONLs to be protected from inappropriate subdivision, use or development, not all subdivision, use or development. The submitter seeks the following amendment:

GRUZ-P13 ~~Recognise 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.~~ Provide for Regionally Significant Infrastructure in the General Rural Zone, 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 site is wāhi tapu or the activity has a significant effect on cultural values that cannot be avoided or mitigated to an appropriate level.

626. Transpower (s101.083) support the policy in part as it recognises that the General Rural Zone is often an appropriate location for regionally significant infrastructure. However, Transpower notes that 'critical infrastructure' is a more common (and defined) term in the Proposed District Plan. Transpower considers that 'critical infrastructure' may be the more appropriate term to use in the Policy. Transpower also notes that the Policy 'recognises' but does not go on to say how. Transpower seeks a further amendment to make it clear that critical infrastructure is provided for in the General Rural Zone. Such an amendment is important in order to ensure this Policy applies to infrastructure, as opposed to the 'non-rural activities' provisions in Policy GRUZ-P9. In addition, given that the provisions of the PDP are to be read as a whole, Transpower considers that reference to various overlays, or protected areas, is not necessary because the specific protections for those areas are set out elsewhere in the Proposed District Plan. The submitter seeks the following amendment:

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

627. Contact Energy Ltd (fs24.056) have further submitted in support of the Transpower submission point.

628. Mercury NZ Limited (s130.045) oppose the policy as the they consider the wording is not clear, effects on other values need to be assessed. Natural hazards risk relates to land use, critical infrastructure needs to be resilient to risk of outages, ensuring it can function during emergency conditions to support functions of lifeline utilities. The submitter seeks the following amendment:

GRUZ-P13 Recognise that Regionally Significant Infrastructure has a functional need to be ~~might be best located in the General Rural Zone and effects on other significant values must be managed, including except where there is an~~ Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, ~~Natural Hazard risk~~ or Site of Significance to Māori.

629. Contact Energy Ltd (fs24.057) have further submitted in support of the Mercury NZ Limited submission point.

Assessment

630. Support from DOC for the policy is acknowledged.

631. In relation to the submission by Hokonui Rūnanga Inc, the submitter is correct that there are no specific 'sites of cultural significance' identified in the plan. I further agree that Section 6(b) of the RMA requires ONFs and ONLs to be protected from inappropriate subdivision, use or development, rather than all subdivision, use or development. References to 'wāhi tapu' are inappropriate as there are no wāhi tapu listed in the Plan. If this changes, then the inclusion of this term would be supported. On this basis I consider the submission should be accepted in part with proposed amendments to clause 3.

632. In relation to Transpower, the definition of 'critical infrastructure' is as follows:

"those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to:

- *strategic land transport network and arterial roads;*
- *rail corridor;*
- *telecommunication facilities;*
- *national, regional and local renewable electricity generation activities of any scale;*
- *the electricity transmission network (the National Grid);*
- *sewage collection, treatment and disposal networks;*
- *community land drainage infrastructure;*
- *community potable water systems;*
- *established community-scale irrigation and stock water infrastructure;*
- *transport hubs and bulk fuel supply infrastructure including terminals and pipelines."*

633. I consider this encompasses Regionally Significant Infrastructure but also has a wider reach. I support the inclusion of critical infrastructure in the policy but consider it should be qualified with the inclusion of 'functional and operational need'. This is because not all infrastructure has a functional or operational need to locate in the GRUZ.
634. In relation to Mercury, I agree there may be a functional need for infrastructure to be located in the GRUZ. I consider the Energy and Infrastructure chapters provides further supporting policies, specifically INFR-O3, INFR-P6, ENRG-O4 and ENRG-P8.

Recommendation

635. I recommend, for the reasons given above, that GRUZ-P13 is amended as follows:

GRUZ-P13 Recognise ~~that critical infrastructure 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.

636. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

637. The following evaluates the recommendation to amend GRUZ-P13 under section 32AA of the RMA.
638. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amended policy better aligns with Part 2 of the RMA. The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act in relation to matters of national importance, than the notified version of the PDP. I consider amendment further aligns with the Energy and Infrastructure chapters, specifically INFR-O3, INFR-P6, ENRG-O4 and ENRG-P8.

6.8.24 Matters raised by submitters – GRUZ-PREC13

639. Resolution Developments Limited (s17.004) support in part the proposal to create Rural Industry Precinct 13. The Submitter supports the proposed Objectives, Policies, Spatial Mapping Location

of the Precinct and all relevant Rules/Standards with exception of submission relating to the proposed standards.

- 640. RCNZ (s145.006) support GRUZ-PREC13-O1 which enables larger scale rural industry.
- 641. Resolution Developments Limited (s17.003) are generally supportive of the proposed Precinct zoning over their land parcel subject to the matters raised under GRUZ-S2 and GRUZ-S4.
- 642. NZTA (s112.145) support GRUZ-PREC13-P1 as it is directive about avoiding access from State Highway 1 for large scale rural industry activities. This will ensure vehicles associated with this activity will access the site from the local road network and the safe, efficient and effective operation of SH1 is not impeded.

Assessment

- 643. Support from Resolution Developments Limited is acknowledged. Specific submission points on the standards will be addressed in the relevant sections below.
- 644. Support for the precinct is acknowledged. Submission points relating to GRUZ-S2 and GRUZ-S4 by Resolution Developments Limited will be discussed below.

Recommendation

- 645. No changes recommended.
- 646. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.25 Matters raised by submitters – GRUZ-R1

- 647. Aggregate and Quarry Association (s111.009) and Straterra Inc (s135.007) support the rule as notified as it applies to primary production. However, quarrying and mining are explicitly provided for in GRUZ-R3.
- 648. McLeod-Wantwood Trust/Wantwood Station (s104.027), Farm Manager - Wantwood Station (s105.027), Stoney Creek Station Limited (s3.064), Peters Farm Ltd Karen Peters (s127.027), Trudy Bokser (s113.064), Nathan Bokser (s116.064), AW+ JA Johnston Family Trust (s118.064), Reaby Downs Farm Ltd (s18.066), Karen Temple (s19.066), Sarah and Peter Barclay (s20.066), Helen McIntosh (s24.066), John Baynes (s68.068), and Greg Bokser (s117.064) seek clarity in the rule requirements surrounding what activities they are referring to and what buildings and structures. They seek 'farm fences' and 'farm buildings and structures' and 'farm infrastructure' are excluded.
- 649. Federated Farmers (fs17.076) support the submission of Stoney Creek Station Limited (s3.064) in part but seek alignment with their own submission requesting a separate definition for farm fences.
- 650. DOC (s109.119) oppose GRUZ-R1 as there should be restrictions for sites that propose primary production in areas where there are SNAs, outstanding natural landscapes and outstanding

natural features. This is in line with the RMA, NPS-IB and NPS-FM. Federated Farmers (fs17.077) have further submitted opposing the submission by DOC as the exclusion of various areas from GRUZ-R1 as permitted activity status for primary production activities is important to enable day-to-day farming operations.

Assessment

651. Support for the rule as notified is acknowledged.
652. As discussed in the definition section above, a new definition for ‘farm fence’ and ‘farm infrastructure’ is not supported. McLeod-Wantwood Trust/Wantwood Station have not provided or requested a definition for farm buildings. The rule permits primary production activities, and also the buildings and structures required in order to undertake or associated with a primary production activity, provided they comply with the standards listed. The PDP GRUZ does not contain a separate rule for buildings activities. Instead where an activity is permitted, the buildings associated with that activity are permitted – provided they comply with the standards detailed in the rule. I do not consider any amendments are required to clarify this.
653. In relation to the submission by DOC, rules within the ECO chapter and NFL chapter will manage primary production in areas where there are SNAs, outstanding natural landscapes and outstanding natural features.

Recommendation

654. I recommend, for the reasons given above, that GRUZ-R1 remains as notified.
655. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.26 Matters raised by submitters – GRUZ-R2 and GRUZ-R3

GRUZ-R2

656. Jenny Campbell (s136.004) seeks the plan is amended such that no new mines can establish and no previous mines can be re- opened. CFMA (FS22.051) have further submitted against this submission point as any new mine should be assessed on its merits.
657. Greenbriar Ltd. (s128.059) support GRUZ-R2 a notified. The Ministry of Education (s125.057), (s125.058) support GRUZ-R2 and GRUZ-R3, acknowledging that sensitive activities are protected from any mining effects.
658. Straterra Inc (s135.008) support GRUZ-R2 except where it relates to highly productive land as the highly productive land definition in the plan does not currently include land containing minerals. They seek the rule is amended to either remove the sentence ‘The activity is not located on Highly Productive Land, or alternatively, the definition of highly productive land should be amended to incorporate land containing minerals.
659. Waikaka Gold Mines Limited (s129.006) seek additional permitted activity standards including that the activity is not located on a land parcel greater than 20 hectares that is Highly Productive

Land; and a setback of 10m from any waterbody, except an aquifer. The submitter also seeks a restricted discretionary activity status in alignment with the activity status for quarrying and rural industry in GRUZ-R3 and GRUZ-R4.

Assessment

660. In relation to the submission from Jenny Campbell, mining activity is included in the definition for primary production which is provided for in the GRUZ zone. I note there are consenting requirements with objectives and policies directing that effects from mining are managed. I reject the submission on this basis.
661. In relation to GRUZ-R2, I acknowledge the support from Greenbriar Ltd. (s128.059) and the Ministry of Education (s125.057). In relation to GRUZ-R3, I acknowledge the support from Ministry of Education (s125.058).
662. In relation to the submission from Straterra, I note that my assessment in section 6.4.1 above details the reasons for the definition of 'highly productive land' not including reference to land containing minerals. Further, the wording of GRUZ-R2 does not exclude the ability for highly productive land containing minerals to be mined but instead puts in a consenting pathway for this to be undertaken with consideration of the highly productive nature of the land on which it is being undertaken. This is consistent with clause 3.9 of the NPS-HPL.
663. In response to the Waikaka Gold Mines Limited (s129.006) submission to seek that the activity is not located on a land parcel greater than 20 hectares that is Highly Productive Land I note that there is no evidence presented by the submitter to indicate that below 20 hectares is the size of which a parcel of land ceases to have productive capacity. I note that the NPS-HPL defines productive capacity as including an assessment of physical characteristics, legal constraints and the size and shape of existing and proposed land parcels. Similarly, in response to the submitter's proposed setback of 10m from any waterbody, except an aquifer there is no evidence presented by the submitter to indicate that this is necessary. I note that the submitter also seeks an restricted discretionary activity status in alignment with the activity status for quarrying and rural industry in GRUZ-R3 and GRUZ-R4. In response I note that the potential effects of mining will vary considerably depending on the scale, location and nature of the mining operation and I do not consider it reasonable to limit matters of discretion through a restricted discretionary activity status.
664. I therefore recommend no changes to GRUZ-R2.

GRUZ-R3

665. Aggregate and Quarry Association (s111.010) oppose GRUZ-R3 in part in relation to permitted rule requirements requiring that the activity cannot be located on highly productive land. They seek this requirement is removed.
666. Fulton Hogan (s122.020) oppose GRUZ-R3. The submitter requests that variable setbacks are put in place that reflect the relative risk from the activities occurring, and that these setbacks are focussed on protecting sensitive activities as follows:

GRUZ-R3 Quarrying Activities

Activity status: Permitted

Where:

1. The quarrying activity is in relation to a Farm Quarry where: (...)
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) Any excavation for extraction is set back at least 200 500 metres from a sensitive activity;

(b) The boundary of any aggregate processing area is at least 500 metres from a sensitive activity;

(c) Any blasting activity is located at least 500 metres from a sensitive activity; or or a zone boundary except with the General Industrial Zone (b) 100m from any side or rear boundary (c) 50m from any road

3. The quarrying activity is a continuation of a lawfully established activity; and

4. The activity is not located on Highly Productive Land; and (...)

667. Fulton Hogan also request that larger open areas are provided for at any one time. This provides for more options for remediation of areas, while still mitigating effects. For example, if an area is to be rehabilitated as a wetland or other ecological area, more than 2,500 m may be open while the area is shaped and planted. Quarrying occurs on relatively large sites and consists of many components, some of which have greater potential to give rise to adverse effects than others. For example, the creation of screening bunds is part of the quarry and quarrying activity but actually reduces effects. Bunds are included in quarrying activities and therefore requiring these be set back from roads and site boundaries will significantly restrict land for quarrying, without necessarily resulting in lower effects. Applying setbacks to any area where quarrying activities occur (as opposed to just those activities that may have effects) has the potential to unnecessarily restrict the sites available for quarrying.

668. Southland Federated Farmers of New Zealand (s126.156) Rural Ratepayers Group (s143.168), Kevin Robertson (s115.157), Alistair & Bernadette Hunt (s148.169), Ronald Crispin (s60.159), and John Baynes (s68.277) oppose GRUZ-R3 in part as they consider a farm quarry amounts to 'Supporting activities' under 3.9(2)(a) of the NPS-HPL, the submitter seeks quarrying activities for an existing farm quarry should be permitted. The submitter requests performance standard (3) is updated as follows:

3. The activity is not located on Highly Productive Land unless existing use rights apply;

669. Stoney Creek Station Limited (s3.065), Peters Farm Ltd Karen Peters (s127.101), Trudy Bokser (s113.065), Nathan Bokser (s116.065), AW+ JA Johnston Family Trust (s118.065), Reaby Downs Farm Ltd (s18.067), Karen Temple (s19.067), Sarah and Peter Barclay (s20.067), Helen McIntosh (s24.067), John Baynes (s68.069), and Greg Bokser (s117.065) seek changes to highlight that farm quarries are considered to be a supporting activity under the NPS-HPL and therefore should not be restricted on Highly Productive Land. They further seek an additional matter of discretion requiring assessment of the need for the activity to support primary production.

670. Federated Farmers (fs17.078) have further submitted in support of the Stoney Creek Station Ltd submission point.

671. DOC (s109.120) oppose GRUZ-R3 and seeks a discretionary activity status. Where compliance is not achieved it should be considered as a discretionary activity. This is to ensure that consideration of adverse effects on ecological values including indigenous vegetation and habitats of indigenous fauna in line with the RMA, NPS-IB and NPS-FM.
672. Federated Farmers (fs17.078) have further submitted in opposition to DOCs submission point, the further submitter considers the matters of discretion provide an appropriate tool for considering consent applications. Further, GRUZ-R3 does not apply to SNAs, ONLs or ONFs so there is limited justification to further restrict.

Assessment

673. In relation to the submission from Aggregate and Quarry Association, I note that my assessment in section 6.4.1 above details the reasons for the definition of 'highly productive land' not including reference to land containing minerals. Further, the wording of GRUZ-R3 does not exclude the ability for highly productive land to be quarried but instead puts in a consenting pathway for this to be undertaken with consideration of the highly productive nature of the land on which it is being undertaken. This is consistent with clause 3.9 of the NPS-HPL. The submission is rejected.
674. In relation to GRUZ-R3 and the submission from Fulton Hogan, I acknowledge the submitters reasoning for variable setbacks to account for other activities that form part of a quarrying activity which may locate closer to boundaries than the notified rule permits. I do not consider the submitter has provided convincing evidence or information to justify reducing the setback for excavation for extraction activities from 500m to 200m from sensitive activities. Similarly, I consider ancillary activities such as stockpiling, vehicle parking and/or office buildings should still be setback some distance from boundaries in order to preserve open space and manage potential nuisance effects on neighbouring properties. I note previously under the ODP, all mining and quarrying activities required consent as a discretionary activity. The submitter has not provided an alternative for the area open for extraction at any one time and as such I make no changes in this regard. I do not consider the submitters inclusion of requiring an activity is a continuation of a lawfully established activity as this would preclude new activities which meet the permitted rule requirements from occurring. I further note that GRUZ-R3 provides a consenting pathway as a restricted discretionary activity where the rule requirements are not achieved, along with a supporting policy GRUZ-P5 and GRUZ-P6. I recommend the submission is accepted in part and amendments are recommended to the setbacks proposed.
675. In relation to GRUZ-R3 and Southland Federated Farmers et al, I note that farm quarries are permitted by the performance standard (1) regardless of whether they are located on highly productive land. Nonetheless, I acknowledge clause 3.11 of the NPS-HPL which directs territorial authorities to include objectives, policies, and rules in their district plans to enable the maintenance, operation, or upgrade of any existing activities on highly productive land; and ensure that any loss of highly productive land from those activities is minimised. This includes an activity protected or allowed by section 10 (existing use rights) of the RMA.
676. In relation to GRUZ-R3 and Stoney Creek et al, I do not consider the entire relief sought improves the effectiveness or efficiency of the rule. I note that farm quarries are permitted by the clause (1) regardless of whether they are located on highly productive land. I do however consider the

proposed matter of discretion aligns with the NPS-HPL when applied to farm quarries and so recommend its inclusion.

677. In relation to the submission from DOC, I have reviewed the proposed matters of discretion under GRUZ-R3. All earthworks, activities, buildings and structures are required to be setback from streams and rivers (GRUZ-S7 and EW-S3). Non-compliance with these standards requires resource consent and the matters of discretion include effects on water quality, the nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous *biodiversity* and /or habitats and 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. The ECO chapter contains rules managing the clearance of indigenous vegetation (ECO-R1), non-compliance requires a resource consent as a discretionary activity and as such the decision maker has discretion to assess ecological values including indigenous vegetation and habitats of indigenous fauna in line with the RMA and NPS-IB. I consider an application for a quarrying activity exceeding the permitted rule requirements under GRUZ-R3 would be required to demonstrate the activity is sufficiently setback from rivers and streams and is in accordance with the ECO chapter rules. Nonetheless, a matter of discretion is appropriate to align with GRUZ-P6 and GRUZ-O2. This will assist in providing the relevant scope of discretion to appropriately assess ecological values, indigenous vegetation and habitats of indigenous fauna in line with the RMA and NPS-IB and NPS-FW.

Recommendation

678. I recommend no changes to GRUZ-R2.

679. I recommend, for the reasons given above, that GRUZ-R3 is amended as follows:

Activity status: Permitted Where:	Activity status where compliance is not achieved:
1. The <i>quarrying activity</i> is in relation to a <i>Farm Quarry</i> 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 <i>sensitive activity</i>; or 2. The <i>quarrying activity</i> has a total area of extraction open at any one time that does not exceed 2,500 m² and ~~is set back~~: (a) <u>excavation for extraction activity, any aggregate processing area, and any blasting activity is setback</u>: i. 500 metres from a <i>sensitive activity</i> or a <i>zone boundary</i> except with the General Industrial Zone ii. 100m from any side or rear <i>boundary</i>	Restricted Discretionary Matters of discretion: 1. Location and scale of the activity. 2. The timing and duration of the activity. 3. Sediment and erosion <i>effects</i> and management. 4. <i>Effects</i> on ground stability. 5. The effects on rural character and <i>amenity values</i> of the surrounding environment. 6. Any potential <i>reverse sensitivity effects</i> and/or conflict with existing activities, and the ability to mitigate these effects. 7. Services.

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 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.	8. Safety and suitability of <i>access</i> and <i>effects</i> on the <i>transport network</i> from additional traffic generation. 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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680. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

681. The following evaluates the recommendation to amend GRUZ-R3 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed changes provide clarity in relation to types of quarrying activities which are considered to generate significant adverse effects on sensitive activities. The inclusion of the exemption for lawfully established activities in relation to highly productive land gives effect to this higher order document, just as the additional matter of discretion does. This approach is consistent with relevant objectives including GRUZ-O1 and GRUZ-O5.

Costs and benefits

The benefits of the proposal are that activities ancillary to quarrying can occur closer to boundaries which may provide for a more efficient use of land. There are potential costs with reducing the setback of the entire activity however this is outweighed by the purpose of the zone which is to enable primary production activities.

Risk of acting or not acting

There is the potential for quarry activities to be unnecessarily restricted if the amendment are not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve GRUZ-02 and GRUZ-05, than the notified version of the PDP.

6.8.27 Matters raised by submitters – GRUZ-R4, GRUZ-R5, GRUZ-R6, GRUZ-R7, GRUZ-R8

GRUZ-R4 & GRUZ-R8

682. RCNZ (s145.010), (s145.011) seek an amendment to GRUZ-R4 – Rural Industry and GRUZ-R8 – Light Industrial Activity to explicitly exclude rural contractor depots. The submitter has requested a new definition for a rural contractor depot and a corresponding rule in the GRUZ. The proposed rule is detailed below in Table 15. The submitter has sought additional changes to GRUZ-R4 to remove standards relating to setbacks and building size, amend the building setback to relate to buildings only, delete the standard relating to the activity area such that no limit applies and enable buildings up to 3000m².
683. Federated Farmers (fs145.010), (fs17.082) have further submitted in support of RCNZ (s145.010) to ensure GRUZ-R4 is not unreasonably restrictive for rural contractor depots.

Table 14	
GRUZ-R 4a	<u>Rural Contractor Depot Activity status: Permitted</u>
<u>All areas</u>	<u>Where:</u> <u>1. Any new building, structure and activity complies with standards GRUZ-S2, GRUZ-S7 and GRUZ-S8.</u> <u>2. The rural contractor depot (including associated vehicle access, parking and manoeuvring areas) is set back at least 50m from any side or rear boundary.</u> <u>3. The rural contractor depot (including associated parking and manoeuvring areas) is set back at least 10m from any road boundary.</u> <u>4. The activity has no customers coming to site;</u> <u>5. There are a maximum of 12 staff working on site at any time.</u> <u>6. Any building must not exceed 3000m².</u> <u>Activity status where compliance is not achieved with: GRUZ-R4A(1) to GRUZ-R4A(6): Restricted Discretionary</u> <u>Matters of discretion:</u> <u>1. Location and scale of the activity.</u> <u>2. The effects on rural character and amenity values of the surrounding environment.</u> <u>3. Any potential reverse sensitivity effects and/or conflict with existing activities, and the ability to mitigate these effects.</u> <u>4. Services.</u> <u>5. Safety and suitability of access and effects on the transport network from additional traffic generation.</u> <u>6. The matters of discretion of any infringed standard.</u>

Assessment

684. In relation to GRUZ-R4 – Rural Industry, the submitter proposes definition for a rural contractor depot as follows:

Rural Contractor Depot: The land and buildings used for the purposes of storing or maintaining machinery, equipment and associated goods and supplies associated with a rural contracting business that directly supports, services or is dependent on primary production.

685. A 'rural contractor depot' falls into the definition of 'rural industry' which means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. I do not consider there is enough reasoning or information in the submission to support a new activity definition and subsequent rule.
686. I have undertaken site visits of existing rural industry activities, including rural contractor depots and yards, in the district, in order to fully understand the use of the sites. The submitter has requested the additional rule for rural contractor depots enables a 50m setback from any side or rear boundary, a 10m road setback, 12 staff working on site at any time and buildings up to 3000m². I consider amendments can be made to GRUZ-R4 which will enable rural contractor depots of a certain scale, aligning to a degree with the relief sought by the submitters.
687. I consider enabling customers to visit the site is appropriate. This affords more flexibility for rural industries, including rural contractor depots than the submitter requested, and would account for customers visiting the site to review machinery or buy products such as gravel. The limit of 20 is to ensure the scale of the activity is managed, such that vehicle movements are limited, and the site is not overly commercial in nature. I agree with the submitter that a 50m setback from side and rear boundaries is acceptable, however, to mitigate visual effects I recommend the activity is screened with either bunding or planting. This will further limit visual effects of any outdoor storage of materials and machinery. The road setback and number of staff requirements align in both rules therefore I recommend no changes. In relation to the area required for the activities and proposed building size, I consider space for the manoeuvring of large machinery and outdoor storage is necessary. Buildings include multi-bay sheds for storage and workshops. I do not consider a 3000m² building size is appropriate. The 3000m² in the plan is limited to primary production activities to account for wintering barns and large-scale storage for farming operations. The Rural Industry Precinct enables larger scale rural industry activities and very large buildings. It is important to manage the scale of rural industry in the GRUZ as directed by GRUZ-O3 in order to achieve GRUZ-O1. On that basis, I consider the area permitted for rural industry activities is increased to 5000m² and the total building coverage of buildings on site for the activity is limited to 1000m².
688. This has increased the scale of GRUZ-R4 a great deal, however I consider this is necessary accommodate the activity, given the characteristics of heavy machinery, tractors and trailers. I further highlight that non-compliance with this rule results in a restricted discretionary activity consent with specific matters of discretion. Activities which exceed these parameters are therefore not discouraged, but require assessment to confirm their suitability in the GRUZ zone.

689. Given the proposed amendments to GRUZ-R4, I do not consider it is necessary to include an additional definition and activity rule for 'rural contractor depots'. Changes to GRUZ-R8 are therefore not necessary.

GRUZ-R5

690. Southland Federated Farmers of New Zealand (s126.157), Rural Ratepayers Group (s143.169), Kevin Robertson (s115.158), Alistair & Bernadette Hunt (s148.170), Ronald Crispin (s60.160), John Baynes (s68.278) and Stoney Creek Station Limited (s3.066), Peters Farm Ltd Karen Peters (s127.102), Trudy Bokser (s113.066), Nathan Bokser (s116.066), AW+ JA Johnston Family Trust (s118.066), Reaby Downs Farm Ltd (s18.068), Karen Temple (s19.068), Sarah and Peter Barclay (s20.068), Helen McIntosh (s24.068), John Baynes (s68.070), and Greg Bokser (s117.066) support GRUZ-R5 – Woodlots as drafted.
691. CFMA (s99.032) oppose GRUZ-R5 – Woodlots and considers it should be a discretionary activity. The objectives and policies seek the protection of high soil values yet the establishment of new exotic forestry on these soils remains a permitted activity. In order to retain those high value soils for food production, new exotic forestry on highly productive land should be a discretionary activity.
692. Port Blakely Limited (fs10.004) have further submitted in opposition of the CFMA submission point regarding GRUZ-R5. The use of highly productive soils is governed by the NPS-HPL. According to the NPS-HPL, land based primary production includes forestry activities.
693. Hamish Weir has further submitted in support of the CFMA submission point regarding GRUZ-R5.

Assessment

694. Support for GRUZ-R5 is acknowledged.
695. I consider CFMA raise an interesting point in relation to exotic forestry and encourage further information in support of their submission to be tabled for discussion at the hearing.
696. I have recommended the definition of woodlot is updated as follows:

Means a stand of trees for the purposes of firewood, the creation of other wood products, ~~a carbon-sink-exotic continuous-cover forest~~, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry, shelter belts and trees planted for conservation purposes.

697. I consider with the amendments to the definition, woodlots now include new exotic forestry. The changes to the NES-CF also now enables Council's to manage afforestation activities²⁵.
698. I recommend GRUZ-R5 is amended to enable woodlots up to 1 hectare. Woodlots exceeding one hectare will require consent as a discretionary activity.
699. This will not apply to plantation forestry, which must exceed one hectare, be planted for commercial purposes and will be harvested or replanted. This is permitted under GRUZ-R1 but remains subject to the NES-CF.
700. If the forestry activity exceeds one hectare, and is deliberately established for commercial purposes for commercial purposes but will not be harvested or replanted; or is intended to be low intensity harvested or replanted, this will fall into the definition of exotic continuous-cover forest and will be managed by the district plan and the NES-CF.
701. I acknowledge the NPS-HPL defines land-based primary production as including production from forestry activities, that is reliant on the soil resource of the land. I consider the Council can manage this particular type of forestry activity, and still align with the NPS-HPL.

GRUZ-R6

702. DOC (s109.121), Ravensdown Limited (s28.015), NZAAA (s156.014) and New Zealand Helicopter Association (s63.018) and Ballance Agri-Nutrients (s87.009) support GRUZ-R6 – Conservation Activities as notified as they support conservation activities as a permitted activity. They consider this includes weed and pest control undertaken by aircraft.
703. Stoney Creek Station Limited (s3.067), Peters Farm Ltd Karen Peters (s127.103), Trudy Bokser (s113.067), Nathan Bokser (s116.067), AW+ JA Johnston Family Trust (s118.067), Reaby Downs Farm Ltd (s18.069), Karen Temple (s19.069), Sarah and Peter Barclay (s20.069), Helen McIntosh (s24.069), John Baynes (s68.071), and Greg Bokser (s117.067) support GRUZ-R6 - Conservation Activities and a permitted activity status for conservation activities.
704. NZAAA (fs4.39) have further submitted in support of New Zealand Helicopter Association, Ravensdown Limited, Ballance Agri-Nutrients and Stoney Creek Station Limited et al.
705. CFMA (s99.033) seek clarification that the rule includes any associated buildings and development and these are to be assessed under GRUZ-R6 - Conservation Activities. Many

²⁵ Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023: Regulation 6 amended (Plan rules may be more stringent than these regulations)

conservation activities require buildings and development. However, it is not made clear that any buildings and/or development would be subject to standards GRUZ-S1-S6 and any non-compliance with those standards would be a restricted discretionary activity.

Assessment

706. Support for GRUZ-R6 is acknowledged. The definition of conservation activity states the ‘use of land or the management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats’. The definition further references fencing. The activity does not extend to buildings. If the submitter can provide further evidence at the hearing of the types of buildings associated with a conservation activity, then the rule can be re-visited.

GRUZ-R7

707. Stoney Creek Station Limited (s3.068), Peters Farm Ltd Karen Peters (s127.104), Trudy Bokser (s113.068), Nathan Bokser (s116.068), AW+ JA Johnston Family Trust (s118.068), Reaby Downs Farm Ltd (s18.070), Karen Temple (s19.070), Sarah and Peter Barclay (s20.070), Helen McIntosh (s24.070), John Baynes (s68.072), and Greg Bokser (s117.068) support in part GRUZ-R7 – Residential Activity but seek minor amendment as follows:

Residential Activity

Activity status: Permitted

Where:

1. For new residential units and new minor residential units, standard GRUZ-S1 Density is met; and
2. Any new building, ~~addition~~, or ~~external-alteration~~ that increases the number of habitable rooms 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).

Activity status where compliance is not achieved with:

GRUZ-R7(1): as per GRUZ-S1 activity status and matters of discretion.

GRUZ-R7(2): Restricted Discretionary

Matters of Discretion:

1. The matters of discretion of any infringed standard.

GRUZ-R7(3): ~~Non-Complying~~ Discretionary

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

708. Federated Farmers (fs17.081) further submitted in support of Stoney Creek Station Limited (s3.068) et al in relation to GRUZ-R7, as they consider the amendments ensures that the application of zone standards is restricted to alterations that increase the habitable area of a building only.
709. Mercury NZ Limited (s130.046) seek additional matters of discretion within GRUZ-R7 to ensure resource consent consider reverse sensitivity effects on existing and authorised activities in the rural environment, and the potential to constrain the ability to utilise renewable energy resources. Contact Energy Ltd (FS24.058) have further submitted in support of this submission point. Mercury NZ Limited (s130.050) also oppose GRUZ-S1 and seek an amendment to include an additional matter of discretion to recognize the ability of the development to constrain the future use of renewable energy resources.

Assessment

710. In relation to the submission points for GRUZ-R7, I do not consider it is necessary to identify the establishment of 'new' residential units in the rule. If multiple residential units are existing on sites less than 40 ha they are protected by existing use rights. Additional residential units proposed on the property will be subject to GRUZ-R7. Clause (2) of the rule enables both new buildings associated with an existing residential activity, for example a garage; or alterations to an existing building used for residential activity. Requiring an increase in habitable rooms would restrict the rules applicability to accessory buildings. I agree with the submissions amendment to correct a drafting error 'GRUZ-R7(3)(2)'. The non-complying activity status for the size of minor units is intentional to discourage the size of the unit increasing to a degree where it is no longer a minor unit.
711. Mercury NZ Ltd and Contact Energy Ltd seek matters of discretion to recognise renewable electricity generating activities. For additional residential units breaching density or additional minor units, either a restricted discretionary consent is required, or non-complying. The matters of discretion for GRUZ-S1, where a density of 1 residential unit per 8 hectares is met, a matter of discretion is included to consider potential reverse sensitivity effects and/or conflict with existing activities. I therefore consider the submitters concerns are addressed by the existing provisions.

Recommendations

712. I recommend, GRUZ-R4 is amended as follows:

Activity status: Permitted
Where:

1. Any new *building, structure* and activity complies with standards ~~GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5~~, GRUZ-S6, GRUZ-S7 and GRUZ-S8.
2. There are no more than 20 customers coming to *site* on any day.
3. The activity is set back ~~100~~50m from any side or rear *boundary* and screened as follows:
Either:
 - (i) planting and/or landscaping to a minimum depth of 2 metres with species that will grow to at least 2m in height; or
 - (ii) 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 ~~15~~000m².
7. The total *building coverage* for the activity shall be no more than 1000m².

713. I recommend GRUZ-R5 is amended as follows:

GRUZ-R5 – Woodlots 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~~ Discretionary
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714. No change is recommended to GRUZ-R6 and GRUZ-R8.

715. I recommend GRUZ-R7 is amended to correct the drafting error as follows: GRUZ-R7~~(3)~~(2)

716. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

717. The following evaluates the recommendation to amend GRUZ-R4 and GRUZ-R7 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP. I consider GRUZ-R4 as drafted would have resulted in unnecessary resource consents for rural industry activities which

support primary production in the zone. Increasing the area the activity can occupy reflects the intended use as its likely the activities will include large vehicle manoeuvring and outdoor storage. In this respect the efficiency of the plan and consistency with objectives GRUZ-O1 and GRUZ-O3 is improved.

Amending GRUZ-R5 acknowledges that the NES-CF enables Councils to manage afforestation activities.

Amending GRUZ-R7 will improve the effectiveness of the plan as ambiguity have been removed.

Costs and benefits

The benefits of the proposal is that less rural industry activities will require consent as the permitted parameters better reflect the operational requirements of the activity. There are potential costs in that an increased area has been enabled for the activity which isn't primary production, however I consider this cost is outweighed as the activity supports primary production. This aligns with GRUZ-O3.

Risk of acting or not acting

There is the potential for consents to be required for every rural industry activity if the standards are not amended. A total activity area of 1000m² is unnecessarily restrictive.

By permitting forestry activities larger than one hectare, that are exotic continuous-cover forest, primary production land may be compromised.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective GRUZ-O3 than the notified version of the PDP.

6.8.28 Matters raised by submitters – GRUZ-R9, GRUZ-R10, GRUZ-R11, GRUZ-R12, GRUZ-13

GRUZ-R9

718. Stoney Creek Station Limited (s3.069), Peters Farm Ltd Karen Peters (s127.105), Trudy Bokser (s113.069), Nathan Bokser (s116.069), AW+ JA Johnston Family Trust (s118.069), Reaby Downs Farm Ltd (s18.071), Karen Temple (s19.071), Sarah and Peter Barclay (s20.071), Helen McIntosh (s24.071), John Baynes (s68.073), and Greg Bokser (s117.069) support GRUZ-R9 as drafted.
719. Southland Federated Farmers of New Zealand (s126.158), Rural Ratepayers Group (s143.170), Kevin Robertson (s115.159), Alistair & Bernadette Hunt (s148.171), Ronald Crispin (s60.161), and John Baynes (s68.279) oppose GRUZ-R9 in part as they do not believe the Council should restrict the staff numbers and hours of operation in the requirements. So long as the business meet Health and Safety and Employment laws, they think this rule is unnecessary. As an example, a vet clinic may be required to operate outside of the hours of 0700 and 1900 due to an animal requiring care. There may be instances where a greater number of staff are required, for example an animal boarding facility during a busy period. These rules are over regulatory.

Assessment

720. In relation to GRUZ-R9, support for the activity rule is acknowledged. The proposed rule requirements identifying appropriate commercial activities, hours of operation, number of staff and built form standards are proposed to manage the scale of the activities. Activities extending beyond this have the potential to generate adverse effects, for example, in relation to noise, traffic generation and lighting. I note the proposed hours of operation do not restrict staff from operating outside of the hours, but rather visitors to the site. Should an activity require more than 12 staff, a resource consent is required so that the potential effects of the scale of the activity can be assessed. It may be inappropriate for the activity, if extensive in scale, to locate on land anticipated for primary production use. This aligns with GRUZ-P9 which enables small scale industrial activity, commercial activity, and other non-rural activities where the activity has a genuine link with the rural land and primary production activities, and gives effect to GRUZ-O3. As such I recommend no changes to GRUZ-R9.

GRUZ-R10

721. MoE (s125.060) support in part GRUZ-R10 as it provides for the establishment and operation of educational facilities. MoE (s125.061) seek that Education facilities are provided for as permitted activities, where there is a potential population to support them. A range of educational facilities should be enabled in the GRUZ as they are essential social infrastructure. The maximum number of people on site places unreasonable restrictions on educational facilities. When compliance is not met, the activity status shall be restricted discretionary as it provides flexibility without unreasonable restrictions for education facilities that may be best placed to serve educational needs in the GRUZ. MoE seek the following amendments to GRUZ-R10.

Education Facilities

Activity Status: Permitted

Where:

~~1. The activity is a rural based education facility centred on agriculture sector training~~

1. Hours of operation are between 0700 and 1900; and

~~2. A maximum of 12 people (staff and students) on site at any one time~~

~~2. Any new 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.~~

2. Any new building, structure and activity complies with zone standards GRUZ-S1 - GRUZ-S6

~~Activity status where compliance not achieved with: GRUZ-R10(1) to GRUZ-R10(3):~~

~~Discretionary GRUZ-R10(4): Restricted Discretionary Matters of discretion: 1. The matters of discretion of any infringed standard.~~

Activity status where compliance not achieved: Restricted Discretionary

Matters of discretion are restricted to:

1. Adverse effects on the rural amenity values of adjoining rural properties and the surrounding area are avoided or mitigated; and

2. The character and quality of the surrounding area is not compromised; and

3. They contribute to the health and wellbeing of people in the surrounding area; and

4. The scale, form and design of any building means the amenity values of the surrounding area are maintained; and

5. Road safety and efficiency is maintained; and

6. The activity has an operational or functional need to locate in the General Rural Zone.

7. The matters of discretion of any infringed standard.

722. Southland Federated Farmers of New Zealand (s126.159), Rural Ratepayers Group (s143.033), Kevin Robertson (s115.029), Alistair & Bernadette Hunt (s148.041), Ronald Crispin (s60.031), and John Baynes (s68.149) oppose GRUZ-R10 in part. The submitter does not believe the Council should restrict the staff numbers and hours of operation in the requirements. So long as the business meet Health and Safety and Employment laws, the submitter considers this rule is unnecessary. An example is education/training for milking cows, would occur outside of the proposed hours of operation in the PDP.

Assessment

723. In relation to GRUZ-R10 and the submission by MoE, I consider that the purpose of GRUZ is to provide for primary production activities and those activities which support primary production. This includes limited light industrial and commercial activities alongside residential activities. The permitted rule requirements requiring a rural based education facility focused on the agricultural sector should remain. A large-scale residential development is not anticipated within the zone. Education facilities such as schools, are typically best located within the community they serve and in a manner which avoids adverse effects on students, such as from odour, excessive noise etc. Furthermore, education facilities have the potential to generate reverse sensitivity effects.
724. I consider it may be inappropriate for an educational facility, if extensive in scale and not connected to the agricultural sector, to locate on land anticipated for primary production use. In the event, MOE propose a school site within the GRUZ the likely outcome would be a Notice of Requirement process to designate a site. On this basis, I recommend no change to GRUZ-R10 and therefore reject MoE submission (s125.061).
725. In relation to GRUZ-R10 and the submission by Southland Federated Farmers et al, I consider the proposed rule requirements identifying appropriate hours of operation, number of staff and built form standards are necessary to manage the scale of the activities. Activities extending beyond this have the potential to generate adverse effects, for example, in relation to noise, traffic generation and lighting. Should an activity exceed the rule requirements a resource consent is required so that the potential effects of the scale of the activity can be assessed. It may be inappropriate for the activity, if extensive in scale, to locate on land anticipated for primary production use. This aligns with GRUZ-P9 which enables small scale industrial activity, commercial activity, and other non-rural activities where the activity has a genuine link with the rural land and primary production activities, and gives effect to GRUZ-O3. On this basis, I recommend the submissions in relation to GRUZ-R10 are rejected.
726. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Within the GRUZ rule GRUZ-R10 references "Education Facility" however, the PDP provides a definition of "Educational Facility" which aligns with the National Planning Standards. To provide consistency in terminology across the PDP and increase Plan useability

and interpretation I consider it appropriate to amend the reference to education facility for GRUZ-R10.

GRUZ-R11

727. Stoney Creek Station Limited (s3.070), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.107), Nathan Bokser (s116.107), AW+ JA Johnston Family Trust (s118.107), Reaby Downs Farm Ltd (s18.109), Karen Temple (s19.109), Sarah and Peter Barclay (s20.109), Helen McIntosh (s24.109), John Baynes (s68.111), and Greg Bokser (s117.101) support GRUZ-R11 as drafted.
728. Southland Federated Farmers of New Zealand (s126.184), Rural Ratepayers Group (s143.033), Kevin Robertson (s115.029), Alistair & Bernadette Hunt (s148.041), Ronald Crispin (s60.031), and John Baynes (s68.149) oppose GRUZ-R11 in part and seek the occupancy is increased to 8 persons instead of 5. The submitter considers 5 persons is overly restrictive as a homestay in a rural environment is unlikely to cause adverse effects. Furthermore, 5 persons is an odd number as it does not allow for multiple couples. Farmstays may offer a homestay as part of their business and this rule must accommodate for this. If a four bedroom house is utilised as a homestay there could be three bedrooms available, sleeping six people. Allowing for eight people would adequately capture a farm stay.

Assessment

729. In relation to GRUZ-R11, support for the rule is acknowledged. The submission from Southland Federated Farmers et al seeks to increase the occupancy level to 8 persons. The submitter proposed that a typical 4 bedroom house may have three bedrooms free to supply a farm stay and therefore two per bedroom amounts to 6 people. The submitter has not provided additional assessment as to why 8 people is acceptable. I consider the limit as drafted of 5 people is reflective of a typical 'car load' of people. The activity is intermittent in nature. I consider given the rural environment, the activity will be the setback from neighbours, ample space onsite for parking is likely and the nature of a homestay requiring a permanent occupier assists with the management of the activity. Taking this into account I recommend the occupancy is increased to 8 persons. In order to avoid any confusion, I recommend 'persons' is amended to 'guests' to clarify that this is in addition to those living permanently on site.

GRUZ-R12

730. Southland Federated Farmers of New Zealand (s126.160), Rural Ratepayers Group (s143.033), Kevin Robertson (s115.029), Alistair & Bernadette Hunt (s148.041), Ronald Crispin (s60.031), and John Baynes (s68.149) oppose GRUZ-R12 in part. The submitter does not believe the Council should restrict the staff numbers and hours of operation in the requirements. So long as the business meet Health and Safety and Employment laws, the submitter considers this rule is unnecessary. A home business may operate at any hour of the day, as is the nature of online businesses with international networks/customers. Furthermore, it is unnecessary to limit the time in which vehicles may be loaded or unloaded for a home business in a rural environment where disturbance is unlikely. This rule is over regulatory.

Assessment

731. In relation to GRUZ-R12, the submission from Southland Federated Farmers et al seeks to remove restriction on operating hours and delivery times. I agree there are instances for where home businesses may extend beyond typical working day hours if the business is online based. I consider the rule requirements restricting people visiting the site for business purposes (e.g.

deliveries or as customer) is necessary. This aligns with GRUZ-P9 which enables small scale commercial activity and gives effect to GRUZ-O3. I recommended the standard relating to operating hours is deleted.

GRUZ-13

732. Stoney Creek Station Limited (s3071), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.107), Nathan Bokser (s116.107), AW+ JA Johnston Family Trust (s118.107), Reaby Downs Farm Ltd (s18.109), Karen Temple (s19.109), Sarah and Peter Barclay (s20.109), Helen McIntosh (s24.109), John Baynes (s68.111), and Greg Bokser (s117.101) support GRUZ-R13 as notified.

Assessment

733. Support for GRUZ-R13 is acknowledged and I recommend no proposed changes.

Recommendation

734. No change is recommended to GRUZ-R9 and GRUZ-R13.
735. I recommend GRUZ-R10 is amended to align the with Planning Standards term 'Educational Facility'. See **Appendix A**.
736. I recommend GRUZ-R11 is amended to enable 8 guests per homestay activity. See **Appendix A**.
737. I recommend GRUZ-R12 is amended to remove reference to the hours of operation of the home business. See **Appendix A**.
738. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

739. The following evaluates the recommendation to amend GRUZ-R10, GRUZ-R11 and GRUZ-R12 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner by aligning terms with the National Planning Standards (GRUZ-R10). Removing the operating hours for home businesses recognises the scope of e-commerce. This will improve the useability of the plan as it will remove uncertainty for home businesses that do trade online which is effectively twenty-four hours. The amendment to GRUZ-R10 aligns with the National Planning standards. The proposed amendment will better align with the objectives requiring management of non-primary production activities, specifically GRUZ-O3 and GRUZ-O5.

Costs and benefits

Enabling the increase of people for the Homestay activity will economically benefit residents in the district who may use farm stays as an additional income stream. Equally the ability to operate home business without a restriction on opening hours will result in an economic benefit. Visitor and deliveries will still be managed such that nuisance effects do not arise. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for increased consent numbers if the changes aren't made as the operating hours for e-commerce businesses which are twenty-hours would require a consent.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve Objective GRUZ-O3 than the notified version of the PDP.

6.8.29 Matters raised by submitters – GRUZ-R16

740. Submissions received in relation to agricultural aviation within the PDP are detailed at section 6.5.5 above.
741. The submissions identified relate to the general provision for agricultural aviation within the PDP, which will be addressed as part of the consideration of the management of noise in the district in Hearing Stream 6. If new or amended objectives, policies, rules or standards are added through Hearing Stream 6 consequential amendments to the relevant zone chapters will be considered as part of that assessment.

Recommendation

742. I recommend, for the reasons given above, that decisions on agricultural aviation specifically GRUZ-R16 be deferred and considered as part of Hearing Stream 6 (Noise) to allow for a plan wide consideration of the management of noise in the District.
743. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.30 Matters raised by submitters – GRUZ-R17, GRUZ-R18, GRUZ-R19, GRUZ-R20

GRUZ-R17, GRUZ-R18, GRUZ-R19

744. Stoney Creek Station Limited (s3.073), Peters Farm Ltd Karen Peters (s127.109), Trudy Bokser (s113.073), Nathan Bokser (s116.073), AW+ JA Johnston Family Trust (s118.073), Reaby Downs Farm Ltd (s18.075), Karen Temple (s19.075), Sarah and Peter Barclay (s20.075), Helen McIntosh (s24.075), John Baynes (s68.077), and Greg Bokser (s117.073) seek clarification on the activity status for GRUZ-R17 - Visitor Accommodation.
745. MoE (s125.062) support GRUZ-R18 – Sensitive Activity and seek it is retained as notified.
746. Mercury NZ Limited (s130.047) (s130.048) oppose GRUZ-R17 and GRUZ-R18. They seek that development within the rural environment is managed and cognisant of reverse sensitivity effects on existing and authorised activities in the rural environment noting their potential to constrain the ability to utilise renewable energy resources.
747. FENZ (s124.111) oppose GRUZ-R19 – Emergency Service Facility and seek that Emergency Service Facilities are provided for in the GRUZ as a permitted activity subject to building rule

requirements. Emergency service facilities are provided for in this Zone as a discretionary activity. New fire stations in the district may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. In this regard it is noted that Fire and Emergency is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. Provisions within the rules of the district plan are therefore the best way to facilitate the development of any new fire stations within the district as urban development progresses. Fire and Emergency consider that emergency service facilities should be provided for as a permitted activity, which will be subject to the rule requirements within.

Assessment

748. In relation to GRUZ-R17, Stoney Creek Station are correct that the activity status should be discretionary. I accept the submission in this regard.
749. Support for GRUZ-R18 is acknowledged.
750. In relation to the submission by Mercury Energy in relation to GRUZ-R17 and GRUZ-R18, the submission does not state that any relief is sought. Given the reasons for their opposition to the rules it could be assumed they seek acknowledgement that sensitive activities can cause reverse sensitivity effects on renewable energy activities. As no relief is put forward I am unsure what changes to the rule could achieve this. The Infrastructure Chapter and Energy Chapter affords protection to infrastructure through objectives ENRG-O4 and INFR-O3 and policy ENRG-P8 and INFR-P6. I therefore propose no changes to GRUZ-R17 and GRUZ-R18 based on the submission by Mercury Energy.
751. In relation to a more permissive provision for Emergency Service Facilities, I acknowledge the importance of emergency services facilities to the health, safety and wellbeing of people and the community. Under the PDP, Emergency Service Facilities are managed in the GRUZ through a discretionary activity status, rather than being permitted. The GRUZ is removed from urban areas but may be a viable location for facilities in terms of access to the wider rural areas. Nonetheless, the nature and scale of all Emergency Services Facilities may not be appropriate in all locations, and in some instances may not be compatible with the character and amenity of the surrounding area. Given the vast area the GRUZ covers, and therefore the potential for various site constraints, I do not consider a restricted discretionary activity status is appropriate. FENZ have not provided or alternatives to demonstrate how the effects of Emergency Services Facilities are proposed to be managed if not managed through a resource consent process, and at this time I consider that the evidence provided in the submission does not warrant an amendment to the notified PDP.

GRUZ-R20

752. Mercury NZ Limited (s130.049) oppose GRUZ-R20 and seek an additional performance standard excluding the provision of critical infrastructure / renewable electricity generation activities from the catch all non-complying activity rule. Alternatively, the submitter seeks a new rule to specifically provide for critical infrastructure and renewable electricity generation activities.

753. Stoney Creek Station Limited (s3.074), Peters Farm Ltd Karen Peters (s127.110, Trudy Bokser (s113.074), Nathan Bokser (s116.074), AW+ JA Johnston Family Trust (s118.074), Reaby Downs Farm Ltd (s18.076), Karen Temple (s19.076), Sarah and Peter Barclay (s20.076), Helen McIntosh (s24.076), John Baynes (s68.078), and Greg Bokser (s117.074) oppose GRUZ-R20 and seek it is amended as follows:

GRUZ-R20 All other activities

Activity Status: ~~Non-complying~~ **Permitted**

1. Any activities, including associated buildings, not otherwise provided for in the list of rules **that comply with all General Rural Zone standards.**

Activity Status where compliance is not achieved: ~~N/A~~ **Discretionary**

754. Federated Farmers (fs17.083) have further submitted in support of the Stoney Creek submission.

Assessment

755. In relation to GRUZ-R20, the zone rules have been constructed to enable (permitted or controlled activity), manage (restricted-discretionary or discretionary activity) or avoid (non-complying or prohibited activities) activities depending on their appropriateness within the GRUZ. The GRUZ objectives and policies have been designed to align with this framework.
756. Where the limits or standards of these activities are not met, resource consent as a restricted discretionary activity is required, rather than as a discretionary activity consent under the Operative District Plan. Development that does not meet bulk and location standards also typically default to restricted discretionary activities. The GRUZ typically enables primary production and rural industry but avoids activities that may result in reverse sensitivity effects on primary production activities (GRUZ-P10) such as large-scale retail activities and rural lifestyle activities that are not supporting primary production (GRUZ-R7). While there may be activities that the PDP has not anticipated that default to non-complying, this is appropriate as they would then be considered against the objectives and policies of the zone in which the activity is proposed, as required by assessment of activities under section 104.
757. This aligns with the approach and reasoning put forward in Hearing Stream 1. The non-complying activity status does not automatically mean resource consent would not be granted and in Port Otago the Court made it clear that avoid does not, in a purist sense, mean total avoidance. It considers that avoidance can be achieved either at the outset or through mitigation, remedying, assessment criteria, conditions and adaptive management that have been applied to reduce the harm, so it is no longer material. It provides clear direction that the section 104(d) "gateway test" should be applied to determine the appropriateness of the activity.
758. Defaulting activities instead to discretionary where policies have a 'manage' approach could be insufficient to provide clear direction to plan users and decision makers and inadequate at ensuring sufficient mitigation is applied. The PDP use of 'enable', 'manage' and 'avoid' in policy direction correlates clearly to the rule framework to provide clear direction and achieve the purpose of the objectives and therefore the purpose of the RMA.

Recommendation

759. I recommend, GRUZ-R17 is amended to correct the drafting error such that the activity status is discretionary as requested by the submitters.
760. I recommend GRUZ-R18 is amended to correct the drafting error such that the reference to GRUZ-R19 is removed. This rule is dealt with in full under GRUZ-R19 and the reference in GRUZ-R18 is a typo. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
761. No changes are recommended to GRUZ-R19 and GRUZ-R20.
762. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.31 Matters raised by submitters – GRUZ-S1 (Density)

763. GRUZ-S1 focuses on the density management of the GRUZ. This has been addressed at paragraphs XXXX above and so will not be repeated here.
764. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.32 Matters raised by submitters – GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6

GRUZ-S2 - Building Coverage

765. FENZ (s124.113) support GRUZ-S2 in part but seek that emergency service facilities are exempt from building coverage standards in all areas (including the Rural Industry Precinct).
766. Resolution Developments Limited (s17.001) opposes GRUZ-S2 as they consider the building coverage proposed for the Rural Industry Precinct (5%) does not account for all rural industry activities. The submitter notes rural industry incorporates services such as PGG Wrightson and Farmlands. The concern is that proposals for these businesses in the Precinct will all trigger the need for Resource Consent requiring neighbour approvals discouraging them from establishing. The intention to establish is indicated by zoning but contradicted by rules. The geotechnical constraints of the site will naturally limit the density of the area as a whole and this increase in coverage should be considered in this light. They seek the following amendment:

The maximum building coverage shall not exceed 5 percent per site where the building is used for a rural industry activity on sites greater than 7,000m². Where sites are equal to or less than 7,000m², building coverage shall not exceed 25 percent of the site.

767. Federated Farmers (fs17.084) has further submitted in support of Resolution Developments Limited.

GRUZ-S3 - Building Size

768. Stoney Creek Station Limited (s3.076), Peters Farm Ltd Karen Peters (s127.143), Trudy Bokser (s113.076), Nathan Bokser (s116.076), AW+ JA Johnston Family Trust (s118.076), Reaby Downs Farm Ltd (s18.078), Karen Temple (s19.078), Sarah and Peter Barclay (s20.078), Helen McIntosh (s24.078), John Baynes (s68.080), and Greg Bokser (s117.076) oppose GRUZ-S3 – Building Size. The matters of discretion do not recognise that supporting activities (as defined by the NPS-HPL) may need to be located on Highly Productive Land. The submitters seeks that consideration of whether a building is for a supporting activity is added to matter of discretion point (4).
769. Federated Farmers (fs17.085) have further submitted in support of the Stoney Creek submission as the amendments align with the new proposed definition for 'supporting activity' as defined by the NPS-HPL.

GRUZ-S4 - side and rear setbacks

770. Resolution Developments Limited (s17.002) opposes GRUZ-S4 in relation to standard (3) and buildings greater than 500 square metres. The submitter requests that in relation to the Rural Industry Precinct the current notified 100m setback is reduced to 10m but also that a 10m wide green buffer strip is added to the plan similar to that shown adjacent to Saleyard Road. This will address setback issues externally and internally for staged development. If the 100m setback were to remain it is likely to be avoided creating a 'waste land' strip of land avoided by development. This would be a lost opportunity. Businesses utilising the Precinct will likely share clientele being sympathetic to each other as opposed to adverse, significantly reducing potential for occurrence of reverse sensitivity.
771. Stoney Creek Station Limited (s3.077), Peters Farm Ltd Karen Peters (s127.113), Trudy Bokser (s113.077), Nathan Bokser (s116.077), AW+ JA Johnston Family Trust (s118.077), Reaby Downs Farm Ltd (s18.079), Karen Temple (s19.179), Sarah and Peter Barclay (s20.079), Helen McIntosh (s24.079), John Baynes (s68.283), and Greg Bokser (s117.077) oppose GRUZ-S4 and seek a reduced setback distance for primary production buildings over 500m². The matters of discretion also do not anticipate two or more adjoining sites (legal parcels) that make up a single farm. The submitters seek a 50m setback and a matter of discretion as follows:

The ownership of the adjoining site and whether it forms part of the same farming operation.

772. Federated Farmers (fs17.086) have further submitted in support of the requested relief by Stoney Creek above.
773. Southland Federated Farmers of New Zealand (s126.162), Rural Ratepayers Group (s143.174), Kevin Robertson (s115.163), Alistair & Bernadette Hunt (s148.175), Ronald Crispin (s60.165), and John Baynes (s68.081) oppose GRUZ-S4 and seek a reduced setback distance for primary production buildings over 500m². The submitters seek a 50m setback. The submitter considers buildings of this size are likely used for primary production and as such a 200m setback is unreasonable.
774. Stoney Creek (fs25.134) have further submitted in support of the requested relief by Federated Farmers above.
775. CFMA (s99.035) oppose GRUZ-S4 in relation to the setback for residential buildings. The 30m setback from side or rear boundary for residential buildings required by GRUZ-S4 has not been

adequately justified, is excessive and impractical for many existing sites, especially compared to the ODP 6m setback. Hamish Weir (fs5.163) is a further submitter in support of the CFMA submission.

Assessment

776. In relation to the requests by FENZ to exclude Emergency Service Facilities from the built form standards, I do not support this relief. The built form standards are proposed to ensure built form on the site retains a specific character in terms of bulk and location. I do not consider it appropriate to allow exemptions for emergency service facilities. Consent is required regardless and as such, should compliance with a built standard not be achieved it can be assessed as a whole with the activity.
777. In relation to Resolution Developments Limited and the Rural Industry Precinct building coverage and setback standards, it is not the intention for the land covered by the Rural Industry Precinct overlay to be subdivided smaller than 8 hectares. The Rural Industry Precinct applies to land south of Matura which has been identified as suitable for larger scale rural industry activities that support, service or are dependent on primary production. However, desktop geotechnical surveys indicate the presence of historic mines in this area which may affect land stability and constrain development opportunities. As such, large sites are likely required in order to enable future activities on land outside the areas identified as potentially unstable whilst integrating ponds and land instability areas for green infrastructure and landscape buffers. Large scale farm retail such as Farmlands are likely to be inappropriate and therefore the built form standards have been chosen to reflect the potential land constraints.
778. In relation to Stoney Creek et al and GRUZ-S3. I consider that including the additional text to acknowledge whether a building is for a supporting activity within the matter of discretion is appropriate. The NPS-HPL does enable supporting activities and directs territorial authorities to include objectives, policies, and rules in their district plans to give effect to clause 3.9 which contains the exemption for supporting activities.
779. In relation to the setback requirements from side and rear boundaries, the notified PDP requires a 200m setback for buildings over 500m². The intent of the rule is to provide a permitted pathway for very large-scale buildings, used for example as wintering barns. It is necessary to setback these buildings from neighbouring boundaries to reduce potential nuisance effects and thus reverse sensitivity. I further consider that buildings of this size have the potential to result in adverse visual effects and reduce the open character of the zone. I consider the submitter has not provided sufficient evidence to justify reducing the setback, or how reducing the setback will achieve GRUZ-O2. Should compliance with the setback not be achieved a consent pathway is provided via a restricted discretionary activity consent. I consider the additional matter of discretion requested in relation to the ownership or use of the adjacent site is adequately covered by the existing matters of discretion. I therefore do not recommend any changes to GRUZ-S4.
780. In relation to CFMA request for the ODP setback rule of 6m to be retained, I disagree with the relief sought. There is the potential for new residential activities in rural areas to pressurise existing rural productive activities to limit their impacts and locating habitable buildings as close as 6m from a boundary can exacerbate this. This may constrain the practicality or viability of

some rural productive activities. The proposed setback is considered to improve amenity, reduced conflict for landowners and the community, and reduce cross boundary and reverse sensitivity effects. I therefore do not recommend any changes to GRUZ-S4.

GRUZ-S5 - road setback

781. FENZ (s124.114) support GRUZ-S5 in part but seek that emergency service facilities are exempt from building setbacks from roads standards in all areas (including the Rural Industry Precinct). Where the setback is greater than 8-10m, this will result in increased civil costs, land parcel size and can create fire separation issue at rear boundaries. The exclusion would support the logistical and operational requirements of FENZ.

782. Stoney Creek Station Limited (s3.078), Peters Farm Ltd Karen Peters (s127.114), Trudy Bokser (s113.078), Nathan Bokser (s116.078), AW+ JA Johnston Family Trust (s118.078), Reaby Downs Farm Ltd (s18.080), Karen Temple (s19.080), Sarah and Peter Barclay (s20.080), Helen McIntosh (s24.080), John Baynes (s68.082), and Greg Bokser (s117.078) oppose GRUZ-S5 and seek that the setback for residential buildings from the boundary of an Interregional Connector road (state highway) is reduced to 50m, farm infrastructure is included in the setback requiring 15m for structures and a matter of discretion is added as follows:

...8. The functional or operational need for the building to be located within the road setback

783. NZTA (fs14.025) have further submitted in opposition to the relief sought by Stoney Creek Station Limited. NZTA is uncertain what the implications would be if the amendment sought to the residential building setback, from 100m to 50m, was accepted by the Council. The matters that this setback is intended to manage includes effects, like reverse sensitivity noise and road safety effects, that NZTA has a particular interest in and has submitted on (via TRANS and NOISE provisions).

784. Southland Federated Farmers of New Zealand (s126.163), Rural Ratepayers Group (s143.175), Kevin Robertson (s115.164), Alistair & Bernadette Hunt (s148.176), Ronald Crispin (s60.166), and John Baynes (s68.284) oppose GRUZ-S5 and seek that the setback for residential buildings from the boundary of an Interregional Connector road (state highway) is reduced to 50m.

GRUZ-S6 - Gravel road setback

785. MoE (s125.059) support GRUZ-S6 as it seeks to protect sensitive activities from any effects associated with gravel roads.

786. CFMA (s99.036) oppose GRUZ-S6. The submitter has not sought specific relief but has included the following reasoning in their submission: *"The 100m setback from a state highway required by GRUZ-S5 has not been adequately justified, is excessive and impractical for many existing sites, especially compared to the current 50m setback"*. This appears to relate to GRUZ-S5 as GRUZ-S6 manages the setback of buildings from gravel roads.

787. Hamish Weir has further submitted in support of the CFMA submission point.

788. NZTA (fs14.026) have further submitted in opposition to the relief sought by CFMA. NZTA is uncertain what the implications would be if the amendment sought to the residential building

setback, from 100m to 50m, was accepted by the Council. The matters that this setback is intended to manage includes effects, like reverse sensitivity noise and road safety effects, that NZTA has a particular interest in and has submitted on (via TRANS and NOISE provisions).

Assessment

789. In relation to the GRUZ-S5 – setback to road boundaries. A new definition for ‘farm infrastructure’ has not been incorporated in the plan and therefore inclusion in this standard is rejected. I consider the matters of discretion adequately cover “the functional need for the building to be included within the setback” by the inclusion of the matter “the reasons for the reduced setback”. The submissions on these points are rejected.
790. In relation to the setback from an interregional connector road, a 50m setback is requested in line with the ODP. The further submitter NZTA, has submitted that the implications are uncertain. The PDP SH noise buffer currently proposed is 90m wide total (including the road corridor). This noise standard relates to acoustic insulation for sensitive activities. The 100m requirement in this regard therefore does appear onerous, if the plan is only requiring acoustic insulation for dwellings within the SH noise buffer. The additional matters of discretion for GRUZ-S5 relate to character and amenity values, outlook, openness and potential shading. I do not consider a setback of 50m would create unacceptable effects in relation to these matters, given that other buildings which are not dwellings are permitted to be only 15m from the road boundary. I further note that a 100m may lead to an inefficient use of land or adverse effects on primary production. Locating buildings closer to the road would in my opinion be preferable in this regard. I do not agree with NZTA that the implications of a 50m setback are uncertain as this is the current ODP standard and have therefore managed the location of dwellings for the life of the ODP. Overall, I recommend the setback is reduced from 100m to 50m.
791. Support from MoE for GRUZ-S6 is acknowledged.
792. As mentioned above it appears from the reasoning provided by CFMA the submission is in relation to GRUZ-S5 and not GRUZ-S6. As the relief sought is to retain the ODP setback of 50m I do not consider there is scope for any changes to GRUZ-S6.

Recommendations

793. I recommend no changes to GRUZ-S2, GRUZ-S4 and GRUZ-S6.
794. I recommend, for the reasons given above, that GRUZ-S3 is amended to include an addition to matter of discretion (4):
- (4) Whether the *building* is located on high class soils and whether it is for a supporting activity.
795. I recommend, for the reasons given above, that GRUZ-S5 is amended so that the setback from dwellings from an Interregional Connector Road is 50m-100m.
796. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

797. The following evaluates the recommendation to amend GRUZ-S3 and GRUZ-S5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendment further aligns with the NPS-HPL and PDP objectives.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives GRUZ-O1, GRUZ-O2 and GRUZ-O5 than the notified version of the PDP.

6.8.33 Matters raised by submitters – GRUZ-S7 and Appendix 3 River and stream order

798. The submissions and further submission relating to GRUZ-S7 and Appendix 3 River and Stream setback have been assessed at section 6.5.6 above.
799. The submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.
800. Proposed changes to the GRUZ chapter are detailed in **Appendix A**.

6.8.34 Matters raised by submitters – GRUZ-S8 (Height)

801. FENZ (s124.115) support GRUZ-S8 in part but seek an exemption for communication towers and poles used for emergency service facilities. Fire stations are typically single storied buildings of approximately 8-9m in height and are usually able to comply with the height standards in a district plan. However, as part of Fire and Emergency fire station operational requirements many stations include a multipurpose tower or pole between 12-15m in height.
802. Southland Federated Farmers of New Zealand (s126.165), Rural Ratepayers Group (s143.177), Kevin Robertson (s115.166), Alistair & Bernadette Hunt (s148.178), Ronald Crispin (s60.168), and John Baynes (s68.286) oppose GRUZ-S8. The submitters do not support the inclusion of GRUZ-S8. They consider whilst it may be useful for urban developments, where houses are clustered together, it is not an appropriate or necessary measure in the rural zone. The submitters seek that the standard is either removed or the height increased to 15m.
803. FENZ (fs16.009), (fs16.010), (fs16.011), (fs16.012), (fs16.013), (fs16.014) have further submitted in support of Southland Federated Farmers of New Zealand et al.

Assessment

804. In response to FENZ submission point seeking a height exemption for communication towners and poles for emergency service facilities. I acknowledge the operational value of towers and poles. However, although FENZ have provided an image of a tower at a facility in Taupo in Appendix B of their submission there is not really any clear indication of what a 'tower' might constitute. A pole would typically be slimline and potentially therefore have limited adverse effects despite an increased height, however, a tower may be a larger structure and it may therefore be appropriate to manage this structure through a resource consent process.
805. The height limit for the Rural Zones as notified is 12m. This height limit was determined in line with the ODP and the anticipated character and built form of the zone based on the range of activities enabled. Without further information about the proposed tower or poles and potential mitigation of adverse effects, I do not consider it is appropriate to simply exempt these structures from the height limit.
806. In relation to Southland Federated Farmers et al, the submitters have not provided sufficient evidence or information to support a 15m height limit. I consider increasing the building height to 15m would be inconsistent with objective GRUZ-O2 in the PDP which seeks to maintain the predominant character of the GRUZ, which has a low density built form. I encourage the submitters to provide examples of the types of buildings exceeding 12m, their use and frequency in occurrence on working farms for consideration at the hearing.

Recommendation

807. I recommend, for the reasons given above, no changes to GRUZ-S8.
808. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.35 Matters raised by submitters – GRUZ-S9 Rural Airstrips & Helicopter Landings

845. Submissions received in relation to agricultural aviation within the PDP are detailed at 6.5.5 above.
846. The submissions identified relate to the general provision for agricultural aviation within the PDP, which will be addressed as part of the consideration of the management of noise in the district in Hearing Stream 6. If new or amended objectives, policies, rules or standards are added through Hearing Stream 6 consequential amendments to the relevant zone chapters will be considered as part of that assessment.

Recommendation

847. I recommend, for the reasons given above, that decisions on agricultural aviation specifically GRUZ-S9 be deferred and considered as part of Hearing Stream 6 (Noise) to allow for a plan wide consideration of the management of noise in the District.

848. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected a/s shown in **Appendix B**.

6.9 Specific Submissions for the Rural Lifestyle Zone

6.9.1 Matters raised by submitters – Overview & Purpose, RLZ-O2, RLZ-O3

849. Southland Federated Farmers of New Zealand (s126.166), Rural Ratepayers Group (s143.178), Kevin Robertson (s115.167), Alistair & Bernadette Hunt (s148.179), Ronald Crispin (s60.169), and John Baynes (s68.287) support in part the overview and purpose of the RLZ but seek the following changes:

“The Rural Lifestyle Zone facilitates the aspirations of those wish to live there, within a setting that retains the overall rural character, while ensuring that ~~sustainable~~ primary production activities are not compromised. The precinct sits within the wider landscape setting of the Hokonui Hills Outstanding Natural Landscape, and the Croydon Bush Scenic Reserve, which also have landscape and biodiversity values.”

850. Charlton Rise Limited (s100.016) support the RLZ – Overview and Purpose, objectives and policies of the Rural Lifestyle Zone.
851. Southland Federated Farmers of New Zealand (s126.167), Rural Ratepayers Group (s143.179), Kevin Robertson (s115.168), Alistair & Bernadette Hunt (s148.180), Ronald Crispin (s60.170), and John Baynes (s68.288) support in part RLZ – O2 but suggest re-wording the objective so the intention is clear.

RLZ-O3

852. Silver Fern Farms (s40.086) opposes and Alliance Group (s121.082) seeks an amendment to RLZ-O3. Both submitters consider that reference should be made to ‘existing’ activities in adjacent zones which can be adversely affected by the encroachment of rural lifestyle zones and activities and these existing activities should be protected alongside ‘anticipated’ activities through the objective. The submitters seek the following amendment:

RLZ-O3 To enable rural lifestyle living opportunities whilst protecting existing and anticipated activities in adjacent zones from reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.

853. Federated Farmers (FS17.089) support the submission of Silver Fern Farms (s121.082) and seek that it is allowed in part to ensure existing activities in adjacent zones are protected.
854. Transpower (s101.085) supports in part RLZ-O3 but considers that the objective does not provide a sufficiently clear outcome and that it is unclear how the objective would relate to the National Grid and give effect to Policies 10 and 11 of the NPS-ET. Transpower seeks amendments to ensure the objective is consistent with other provision sin the PDP and to protect the National Grid. Transpower seeks the following amendment:

To enable rural lifestyle living opportunities whilst protecting other anticipated activities, including critical infrastructure in adjacent zones from adverse effects, including reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.

855. KiwiRail (s132.151) seeks an amendment to RLZ-O3 to clarify that the objective also relates to protecting the function and operation of the rail corridor from potential effects. KiwiRail seeks the following amendment:

To enable rural lifestyle living opportunities whilst protecting the function and operation of the rail corridor and adjacent activities in adjacent zones from reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.

856. Silver Fern Farms (FS29.048) opposes the submission from KiwiRail (s132.151) and seeks that it is disallowed as the amendments sought by KiwiRail are not necessary and would alter the meaning such that the focus of the policy [sic] is on railway effects only.

Assessment

857. Support from Charlton Rise Limited (s100.016) is acknowledged.

858. In response to Southland Federated Farmers et al in relation the overview and purpose, I agree the inclusion of the word 'sustainable' could change the meaning of 'primary production' activities. The rules enabling primary production in the RLZ though slightly different to GRUZ, are not done so in order to achieve 'sustainable' primary production. I therefore agree it should be removed from the overview and purpose. The typographical issues are further recommended to be corrected in accordance with Clause 16.

859. In relation to RLZ-O2 Southland Federated Farmers et al have requested the objective is reworded so that the intention is clear. The current objective reads:

RLZ-O2 The character and qualities of the Rural Lifestyle Zone comprise residential development that integrates with the natural and rural character of the area; providing a generally high level of amenity along with the operation of compatible *primary production* activities, and responding to the underlying Ngāi Tahu relationships with the natural *environment*.

860. It is clear from the rule framework, which limits the types and scale of primary production through Rule RLZ-R5 that those activities which could result in adverse nuisance effects, and therefore lower the amenity of the zone, are restricted. This includes intensive indoor primary production, milking sheds, buildings used to house or feed milk stock, stock effluent holding tanks or treatment or storage ponds, winter grazing, or quarrying and mining activities. Activities such as commercial or industrial (including rural industry) activities have a non-complying activity status signalling they are not anticipated and residential activities have a density limit of one dwelling per 1 hectare which is denser than the General Rural Zone.

861. Further, the rule requirements require setbacks from the boundaries for residential activities and limits on building size, both of which reflect the anticipated outcomes for the rural lifestyle zone in terms of density of development and activities.

862. I consider the following rewording of the objective would improve the clarity of the objective, but not change the original intent, which is supported by the rule framework:

RLZ-O2 The character and qualities of the Rural Lifestyle Zone comprise:

1. residential development that integrates with the natural and rural character of the area;

2. a generally high level of amenity;
3. the operation of compatible *primary production* activities; and
4. responding to the underlying Ngāi Tahu relationships with the natural environment.

863. In relation to RLZ-O3 and in response to Silver Fern Farms (s40.086) and Alliance Group (s121.082) I acknowledge that there will be existing activities in other zones which may also need to be protected from reverse sensitivity effects. Whilst the word ‘anticipated’ would capture all activities which are enabled within that adjoining zone and would therefore include existing activities I acknowledge that in his evidence for Hearing Stream 1 Mr. Heale recommended an amendment to the definition of reverse sensitivity to include ‘lawfully established activities’. Given the definition of ‘reverse sensitivity’ already refers to the types of activities – lawfully established, permitted or approved – which may be compromised, constrained, curtailed etc by another more sensitive activity there could be an argument that the objective simply refers to ‘activity’ therefore delete the word ‘anticipated’. However, I consider the word anticipated does add clarity to the objective and I agree with Silver Fern Farms and Alliance Group that existing activities should also be protected, however, only where those existing activities have been lawfully established. Therefore, I recommend that the following amendment to RLZ-O3 is made which I believe will achieve the outcome sought by Silver Fern Farms and Alliance Group:

To enable rural lifestyle living opportunities whilst protecting existing lawfully established and anticipated activities in adjacent zones from reverse sensitivity effects arising from, and impacting on, rural lifestyle activities.

864. In response to Transpower (s101.085) the objective includes a general reference to ‘activities’ which is broad and all encompassing. The definition of critical infrastructure, whilst also relatively broad includes specific facilities, services or pieces of infrastructure:

“those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to:

- *strategic land transport network and arterial roads;*
- *rail corridor;*
- *telecommunication facilities;*
- *national, regional and local renewable electricity generation activities of any scale;*
- *the electricity transmission network (the National Grid);*
- *sewage collection, treatment and disposal networks;*
- *community land drainage infrastructure;*
- *community potable water systems;*
- *established community-scale irrigation and stock water infrastructure;*
- *transport hubs and bulk fuel supply infrastructure including terminals and pipelines.”*

865. When considering the policy and rule framework within the RLZ there are no specific provisions which relate to managing adverse effects on critical infrastructure as distinct from other activities. For example, whilst there are road boundary setbacks these are to all roads not just

those which are critical or significant for Gore or Southland. There are no specific provisions which require setbacks or other requirements in relation to other critical infrastructure within the RLZ.

866. The Infrastructure Chapter provides rules and standards which manage potential adverse effects on the National Grid Yard, and I note that Objective INFR-O3 requires that infrastructure (which would include critical infrastructure) is protected from adverse effects of subdivision, use and development which is incompatible or may compromise the construction, maintenance, upgrade and use of infrastructure. Therefore, I consider that the outcomes sought by Transpower (s101.085) are already achieved through INFR-O3 and further amendments to reference critical infrastructure within RLZ-O3 are not necessary.
867. However, I acknowledge that some of the amendments sought by Transpower improve the Objective by allowing for a clearer expression of the outcomes sought and provide greater alignment with the framework within the RLZ Chapter.
868. I also consider there is a further amendment which could be made to improve the workability of the Objective as the final words “arising from, and impacting on, rural lifestyle activities” could result in confusion as to whether the objective seeks to manage adverse effects arising from rural lifestyle activities or impacting on rural lifestyle activities. In my opinion the objective should be concerned with one or the other. Given the objective seeks to manage reverse sensitivity effects on activities in adjoining zones it is clear the intent is to manage the effects generated by rural lifestyle activities, which might include primary production activities.
869. This is further made clear by the rule framework which limits the types and scale of primary production through Rule RLZ-R5 which does not permit intensive indoor primary production, milking sheds, buildings used to house or feed milk stock, stock effluent holding tanks or treatment or storage ponds, winter grazing, or quarrying and mining activities. Activities such as commercial or industrial (including rural industry) activities have a non-complying activity status signalling they are not anticipated and residential activities have a density limit of one dwelling per 1 hectare which is greater than the General Rural Zone.
870. Finally, the rule requirements require setbacks from the boundaries for residential activities and limits on building size, both of which reflect the anticipated outcomes for the rural lifestyle zone in terms of density of development and activities.
871. The rules and standards provide the expected outcomes for the zone and ensure that adverse effects on adjoining zones are managed. For example, a residential dwelling setback 10 metres from a boundary (as required by RLZ-S4) would ensure that reverse sensitivity effects on adjoining General Rural Zone allotments are minimised on the basis that activities within the GRUZ could generate spray drift, noise, odour etc. typical of a rural activity. Likewise, RLZ-S4 also requires that buildings that house animals are setback 30 metres from boundaries to minimise potential adverse effects on adjoining zones such as a Residential Zone where there is a higher density of ‘sensitive activities’ and where having such buildings close to the boundary could result in either an adverse effect or reverse sensitivity.
872. Therefore, in response to Transpower (s101.085) I accept the submission in part and recommend the following amendment:

To enable rural lifestyle living opportunities whilst protecting anticipated activities in adjacent zones from adverse effects, including reverse sensitivity effects ~~arising from, and impacting on, rural lifestyle activities.~~

873. In response to KiwiRail (s132.151) I do not agree that the amendment sought is necessary as it has the effect of changing the focus of the objective to elevate protection of the function and operation of the rail corridor. In my opinion this is both unnecessary and inappropriate in an objective. The objectives provide higher level direction of the outcomes sought within the zone, with the policies and rules providing greater detail on the specifics. I do not consider protecting the rail corridor is a matter which needs specific reference within an objective, furthermore, protect indicates a high degree of importance on what is essentially one of many matters to be considered in relation to the management of potential and actual adverse effects.
874. In addition, I acknowledge that KiwiRail have sought an additional provision be included to require buildings are setback 5 metres from the rail corridor, however, this submission point has not been accepted and as such any amendment to the objective would be inappropriate. However, in the event that the setback is accepted I still do not consider it necessary or appropriate for the objective to be amended as sought because as noted above this significantly changes the focus of the objective which should relate to the potential effects from all activities.
875. Therefore, I do not accept the submission from KiwiRail (s132.151) but do accept the further submission from Silver Fern Farms (FS29.048) which opposed the KiwiRail submission.

Recommendation

876. For the reasons given above I recommend the overview and purpose is amended to remove the reference to 'sustainable', and the typographical error is fixed.
876. For the reasons given above I recommend that RLZ-O2 is amended as follows:

RLZ-O2 The character and qualities of the Rural Lifestyle Zone comprise:

1. residential development that integrates with the natural and rural character of the area;
2. a generally high level of amenity;
3. the operation of compatible primary production activities; and
4. responding to the underlying Ngāi Tahu relationships with the natural environment.

877. For the reasons given above I recommend that RLZ-O3 is amended as follows:

To enable rural lifestyle living opportunities whilst protecting existing lawfully established and anticipated activities in adjacent zones from adverse effects, including reverse sensitivity effects ~~arising from, and impacting on, rural lifestyle activities.~~

878. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

879. The following evaluates the recommendation to amend the overview and purpose, RLZ-O2 and RLZ-O3 under section 32AA of the RMA.

Effectiveness and efficiency

The recommended amendment will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendments are efficient to make it clear that the framework within the Chapter relates to appropriate primary production activities, reverse sensitivity effects, and that it is not only future anticipated activities which may be impacted but existing, lawfully established, activities that may be affected. The recommended amendments are therefore more efficient and effective at achieving the purpose of the Act.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for confusion when interpreting the objectives if the proposed amendments are not made. This is because objective 3 does not include reference to 'adverse effects' and only focuses on reverse sensitivity effects which doesn't wholly align with the planning framework within the Chapter.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of RLZ-O2 and RLZ-O3.

6.9.2 Matters raised by submitters – Hokonui Hills Lifestyle Precinct

845. Robina Johnston (s140.004) considers the entire Hokonui Lifestyle Zoned area from the road would have to be mitigated to avoid public view. Reverse sensitivity should be a consideration for Hokonui Lifestyle zone and vegetation buffers are needed. Raises concerns about adequate fencing for stock and that this should be netting.

846. CFMA (FS22.061) has further submitted in opposition of Robina Johnston submission point s140.004, on the basis that it is impractical to introduce that level of regulation for an area that is already predominantly rural lifestyle land use.

847. DOC (s109.123) support in part RLZ-PREC11-O1 but seek the following amendment:

Recognise and protect the landscape **and ecological values** of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills Outstanding Natural Landscape and Croydon Bush Scenic Reserve.

848. Ian Davidson-Watts (s69.001) supports RLZ-PREC11-O1.

849. Southland Federated Farmers of New Zealand (s126.171), Rural Ratepayers Group (s143.183), Kevin Robertson (s115.172), Alistair & Bernadette Hunt (s148.184), Ronald Crispin (s60.174), and John Baynes (s68.292) support in part RLZ-PREC11-P1 but seek a typo is amended as follows:

Limited the nature, scale and design of development within PREC11 (...)

850. DOC (s109.124) support in part RLZ-PREC11-P1 but seek the following changes:

Limited the nature, scale and design of development within PREC11 in order to protect the landscape and ecological values of the Hokonui Hills Rural Lifestyle Precinct and the nearby Hokonui Hills Outstanding Natural Landscape and Croydon Bush Scenic Reserve from inappropriate development.

851. Ian Davidson-Watts (s69.002) oppose RLZ-S3 subclause 5 related to PREC11 and recommends that residential buildings be setback 40m and non-residential buildings be setback 10m.

852. Nigel Cowburn (s152.013) for RLZ-S11 requests a larger planting area than 15m. Clark Fortune McDonald and Associates (fs.22.063) supports this submission. Ian Davidson-Watts (s96.003) opposes RLZ -S11 in part, seeking that the rule define curtilage and garden including non-native species for planting/landscaping within that curtilage. Clark Fortune McDonald and Associates (fs.22.064) supports this submission.

Assessment

853. Regarding Robina Johnstons (s140.004) submission and request for increased visual and reverse sensitivity mitigation within the Hokonui Hills Rural Lifestyle Precinct. It is important to consider the distinction between this area and identity the ONL of the Hokonui Hills. The precinct has not met the criteria to be included within the ONL. The precinct has been developed in order to find a balance between enabling rural lifestyle living, as this has gradually occurred in the area under the ODP, and protecting the landscape values of the neighbouring ONL. The precinct does not provide for urban residential or commercial levels of development, rather rural lifestyle zoning that has been designed to be more sensitive to landscape effects. In terms of specific requests regarding fencing requirements, it is considered that this is not more necessary within the precinct boundaries than any other rural zoned land. I do not consider changes are necessary however would be happy to re-assess if the submitter can provide wording and an accompanying s32AA evaluation.

854. DOC have requested that RLZ-PREC11-O1 and RLZ-PREC11-P1 be amended to include reference to ecological values of the Hokonui Hills Rural Lifestyle Precinct through submission s109.123, s109.124 and a typo (limited) be corrected in RLZ-PREC11-P1

855. The Hokonui Hills Rural Lifestyle Precinct was established to strike a balance between accommodating existing rural lifestyle development and recognizing the potential landscape significance of the nearby Hokonui Hills ONL, rather than to recognise or protect any ecological

values above and beyond any other part of the district. Mr Moore's landscape assessment²⁶ relied upon in the s32 assessment, does mention ecological enhancement, however this focuses on the potential landscape benefits rather than indicating significant ecological values in the area.

856. Currently there are no identified SNAs identified within the Proposed Hokonui Hills Rural Lifestyle Precinct within the ODP, however it is acknowledged that an existing SNA does border portions of the land. It is proposed to map any additional SNAs as a PDP variation (see ECO-P1), to identify and map those areas that meet the criteria within Appendix 4 of the PDP. This process may identify portions of the precinct land as suitable for SNA protection, however it is acknowledged that the majority of this land is pastoral in nature with some localised exceptions towards the northwest.
857. The establishment of this precinct aims to safeguard landscape values rather than ecological, as reflected within RLZ-PREC11-O1 and RLZ-PREC11-P1. The management of indigenous vegetation is a District Wide matter. The PDP ECO Chapter has appropriate provisions to protect indigenous vegetation from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework. Any amendments to the ECO Chapter provisions will be considered as part of a future hearing stream (HS9).
858. A number of submitters have highlighted a typo within RLZ-PREC11-P1 where "Limited" should be amended to "Limit". I agree this is a drafting error and accept the submissions on this point.
859. Regarding Ian Davidson-Watts submission s69.002, that smaller setback requirements may result in a positive landscape effect, as greater flexibility may enable building platforms to be closer to boundaries, whilst being more visually recessive within the landscape. My concern with this approach, is that building platforms may be developed with other considerations in mind, such as costs of earthworks, construction of driveways, stormwater and outlook. The approach as notified, can be implemented if the default setting for buildings within this zone required a resource consent and matters of discretion guide the development from a site specific perspective. It is likely that if this setback was reduced, beyond that of the typical rural lifestyle requirements, that other considerations would outweigh landscape, and while broad brush, a setback does enable a certain level of recession of built form. At this stage this submission point is rejected, however I would be happy to re-assess if the submitter can provide some wording and an accompanying s32AA evaluation.

²⁶ Gore District Plan Review – Proposed Hokonui Hills Rural Lifestyle Zone. Recommended Landscape Protection Provisions, authored by Mike Moore, dated 21 March 2023 (Attachment 5)

860. Regarding the submissions that requested greater planting flexibility within the Precinct, specifically Nigel Cowburn (s152.013) and Ian Davidson-Watts (s96.003) with support from further submitter Clark Fortune McDonald and Associates (fs.22.063). The reasoning for this standard is to limit the domesticity of the precinct area, acknowledging the landscape sensitivity so close to the ONL. While 15m may appear arbitrary, this was considered an appropriate balance between enabling an appropriate level of domesticity and protecting the landscape values of the precinct and the nearby ONL. Ian Davidson-Watts suggestion of defining curtilage and garden may be a possibility however it is less clear how this could still implement the objective of the precinct, whilst not also requiring a defined curtilage area. Based on this, these submission points are rejected, however I am open to exploring more creative solutions that still achieve an appropriate balance between providing for rural lifestyle development and protecting the landscape values of the precinct and the ONL. I would be happy to re-assess if submitters can provide some wording and an accompanying s32AA evaluation.

Recommendation

861. I recommend, for the reasons given above, that submissions (s140.004), (s109.123), (s109.124), (s69.002), (s152.013), (fs.22.063), (s96.003) (fs.22.064) are rejected. Submissions (fs22.061), (s69.001) (s126.171), (s143.183), (s115.172 (s148.184), (s60.174), (s68.292) are accepted.

861. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.3 Matters raised by submitters – RLZ-P3, RLZ-P4, RLZ-P5

862. McNabb Management Ltd. (s103.011) (s103.112) oppose RLZ-P3 and RLZ-P4 and seek that they are deleted and replaced with one policy that reads:

To provide for Rural Lifestyle Zones as primarily low density residential environments but which retain a rural character and associated amenity values; and:

- (i) Enable outdoor primary production activities but avoid intensive primary production, mining, quarrying, or rural industrial activities unless these activities are of a scale and nature that effects on residents can be avoided; and
- (ii) Enable home-based occupations, home-based businesses and other commercial activities provided they are of a scale and nature that effects on residents can be avoided or appropriately mitigated.

863. The submitter considers RLZ-P3 and RLZ-P4 policies are inconsistent, in relation to whether activities and amenity values should align primarily with a rural or residential environment in Rural Lifestyle Zones.

864. Southland Federated Farmers of New Zealand (s126.168), Rural Ratepayers Group (s143.180), Kevin Robertson (s115.169), Alistair & Bernadette Hunt (s148.181), Ronald Crispin (s60.171), and John Baynes (s68.289) support in part RLZ-P3 but seek the following amendment:

Enable primary production activities within the Rural Lifestyle Zone. ~~where they are compatible with the amenity and values of those zones.~~

865. The submitters consider that if activities are not compatible with the amenity and value of the zone then consent will not be granted, therefore it seems unnecessary to state this here. Furthermore, RLZ-P4 provides for 'compatible activities'.

866. Hokonui Rūnanga Inc. (s139.071) support in part RLZ-P5 but seek it is amended to read:

Enable buildings and structures for permitted activities that maintain the character and qualities of the Rural Lifestyle zone, by requiring: (...)

4. appropriate setbacks to waterways to maintain and enhance amenity values, ecological values, ~~Ngāi Tahu cultural values~~ maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai, and natural character.

867. Royal Forest and Bird Society (s110.050) seek amendments to RLZ-P5 as follows. Federated Farmers (fs17.090) oppose this submission.

RLZ-P5 Enable buildings and structures for permitted activities that maintain the character and qualities of the Rural Lifestyle zone, by requiring: (...)

4. appropriate setbacks to waterways and Significant Natural Areas to maintain and enhance amenity values, ecological values, Ngāi Tahu cultural values, and natural character.

Assessment

868. In relation to McNabb Management Ltd, I consider the rule framework is supportive of the policies by identifying activities anticipated in the zone and those which are not, unless further assessment is undertaken. There may be instances where consent is sought for a primary production activity which is not permitted, but effects can be managed such that overall, the activity can be deemed compatible. Similarly, whilst the rules provide a permitted framework for homestay, home business and rural produce retailing, an increase scale of these activities may still align with the character and amenity of the area and therefore be appropriate. I consider the policies are reflective of the fact that whilst some rural lifestyle zone areas are well established, by virtue of the fact the ODP Rural Zone accommodates for both primary production and rural living on 2 hectare lots, the proposed mapping also identifies areas which are currently large farm holdings but are strategically placed for rural lifestyle in the future. The zone in some areas is therefore transitioning to more denser rural living, and the policies are in support of the potential for varying levels of rural character and amenity.

869. I consider the submitter's proposed wording in relation to the management of effects is preferable. I therefore recommend RLZ-P3 is amended as follows:

RLZ-P3 Enable *primary production* activities within the Rural Lifestyle Zone where these activities are of a scale and nature that effects on resident's amenity can be managed, mitigated or avoided. ~~they are compatible with the amenity and values of those zones.~~

870. In relation to Southland Federated Farmers et al, and RLZ-P3, I consider the rule framework is supportive of the policy by identifying activities anticipated in the zone and those which are not, unless further assessment is undertaken. There may be instances where consent is sought for a

primary production activity which is not permitted, but effects can be managed, mitigated or avoided such that overall, the activity can be deemed compatible. This policy provides support for this potential occurrence. I therefore consider the changes recommended above achieve the intent of the submission.

871. In relation to Hokonui Rūnanga Inc., the relief sought potentially narrows the scope decision-makers and mana whenua have for considering Ngāi Tahu cultural values in decision-making under this plan. However, I consider it appropriate to adopt policy approaches mana whenua deem best suited for managing impacts on their cultural values and kaitiaki responsibilities. I support the mana whenua request and recommend the submission is accepted subject to minor amendments to the proposed wording for contextual accuracy around the use of terms 'mahinga kai' and 'ki uta ki tai'.
872. In relation to Forest and Bird, the submitter is seeking an additional standard to be added to the zone standards requiring a setback from SNAs. As previously assessed, this submission point has been rejected as such I do not consider the policy RLZ-P5 should be amended to include reference to a setback from SNAs.

Recommendation

873. I recommend, for the reasons given above, that RLZ-P3 is amended as follows:

RLZ-P3 Enable *primary production* activities within the Rural Lifestyle Zone where these activities are of a scale and nature that effects on residents amenity can be managed, mitigated or avoided. ~~they are compatible with the amenity and values of those zones.~~

874. I recommend, for the reasons given above, that RLZ-P5 is amended as follows:

4. appropriate setbacks to waterways to maintain and enhance amenity values, and ecological values, ~~Ngāi Tahu cultural values~~ maintain access for mahinga kai practices, and reduce effects on mauri, ki uta ki tai systems, and natural character

875. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

876. The following evaluates the recommendation to amend the overview and purpose, RLZ-P3 and RLZ-P5 under section 32AA of the RMA.

Effectiveness and efficiency

The recommended amendment will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendments are efficient to make it clear that the framework within the Chapter relates to appropriate primary production activities, residential activities and other activities within the zone are enabled or managed where appropriate. The recommended amendments are therefore more efficient and effective at achieving the PDP objectives.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for confusion when interpreting the policies if the proposed amendments are not made. This is because, as discussed, the rural lifestyle zone covers existing higher density rural living areas, and areas yet to be developed. The policies require the management of effects to achieve the rural character and amenity identified by the objectives. The policies reflect the planning framework within the Chapter.

Conclusion as to the most appropriate option

The proposed amendments are considered to be a more appropriate way to achieve the objective of the RLZ.

6.9.4 Matters raised by submitters – RLZ-P6, RLZ-P7, RLZ-P8, RLZ-P9

877. Transpower (s101.086), MOE (s125.063), and FENZ (s124.117) support RLZ-P6 and seek it is retained as notified.

878. Southland Federated Farmers of New Zealand (s126.169), Rural Ratepayers Group (s143.181), Kevin Robertson (s115.170), Alistair & Bernadette Hunt (s148.182), Ronald Crispin (s60.172), and John Baynes (s68.290) support in part RLZ-P6 but seek the following changes.

RLZ-P6: ~~Recognise the benefit~~ Enable the location of emergency services facilities and of education facilities, whilst ensuring any such facility is of a location, nature and scale that does not detract from the rural character and amenity values of the Rural Lifestyle area.

879. FENZ (fs16.003), (fs16.004), (fs16.005), (fs16.006), (fs16.007), (fs16.008) further support these submissions from Southland Federated Farmers et al.

880. McNabb Management Ltd. (s103.015) (s103.016) oppose RLZ-P7 and RLZ -P8 and request that they are deleted. In relation to RLZ-P7, "Functional and operational need" has been defined by the Courts very narrowly and is used for activities that are location-specific such as farming, mining and some infrastructure. It is debatable whether any activity has an operational or functional need to locate in a Rural Lifestyle Zone. In relation to RLZ-P8, under s4 of the RMA, the RMA does not apply to land uses on land administered under the Conservation Act 1987 or Acts listed in Sch 1 to that Act, if the activity is provided for within a reserve management plan. A local authority reserve management plan is prepared under the Reserves Act 1977; the Reserves Act 1977 is listed in Sch 1 to the Conservation Act 1987.

881. NZ Transport (s112.146) and FENZ (s124.118) support RLZ-P7 and seek that it is retained as notified.

882. McNabb Management Ltd. (s103.013) oppose RLZ-P9 and seek that they are deleted and replaced with one policy that reads:

To provide for Rural Lifestyle Zones as primarily low density residential environments but which retain a rural character and associated amenity values; and:

- (i) Enable outdoor primary production activities but avoid intensive primary production, mining, quarrying, or rural industrial activities unless these activities are of a scale and nature that effects on residents can be avoided; and
- (ii) Enable home-based occupations, home-based businesses and other commercial activities provided they are of a scale and nature that effects on residents can be avoided or appropriately mitigated.

883. Southland Federated Farmers of New Zealand (s126.170), Rural Ratepayers Group (s143.182), Kevin Robertson (s115.171), Alistair & Bernadette Hunt (s148.183), Ronald Crispin (s60.173), and John Baynes (s68.291) support in part RLZ-P9 but seek the following change as the word 'generally' does not add value to the policy. Farms located in the RLZ must be enabled to continue normal farming operations:

RLZ-P9 Recognise that some Rural Lifestyle Zoned sites are working farms, and activities such as primary production and agriculture aviation activities are ~~generally~~ appropriate.

884. SDC (s146.084) support in part RLZ-P9 but seek more restrictive rules on commercial forestry and any primary production activity to facilitate rural lifestyle activities. If these zones are meant to facilitate rural lifestyle activities in addition to rural activities, then commercial activities and primary industries (including commercial Forestry) may be inappropriate for this zone.

Assessment

885. Emergency service facilities and education activities are provided for in the zone as discretionary activities. This is to recognise that the effects of such activities are required to be managed. I consider the second part of the policy demonstrates that the activities can locate within the zone provided 'any such facility is of a location, nature and scale that does not detract from the rural character and amenity values of the Rural Lifestyle area'. Therefore, the policy not only provides a consenting pathway, but goes further to direct decision makers to consider the positive effects, the 'benefits', of the activities. I recommend no changes to RLZ-P6.
886. With regard to the submission from McNabb Management Ltd, I accept that the reference to 'operational and functional need' to locate in the RLZ in RLZ-P7 is incorrect. As noted by the submitter, this reference is more appropriate for location-specific activities, and in the rural environment, this would be more common in the GRUZ for activities such as growing crops or undertaking certain types of farming which are dependent on the underlying soil or site location. This is not anticipated in the RLZ, where the purpose of the zone is to provide for rural lifestyle living opportunities. However, while I accept that the reference to 'operational and functional need' should be removed, I do consider it necessary to have a policy that directs avoidance of activities that seek to locate in the RLZ that may be incompatible with the purpose of the zone.

This is consistent with the approach taken in the SETZ. I therefore recommend RLZ-P7 be amended as follows to align with RLZ-O4:

RLZ-P7 Avoid activities ~~in the Rural Lifestyle Zone that do not have an operational need or functional need to locate there that are incompatible with the character, qualities and purpose of the Rural Lifestyle Zone.~~

887. Support for RLZ-P7 from NZTA and FENZ is acknowledged, however, as discussed above the reference to ‘operational and functional need’ is more appropriate for location-specific activities which are unlikely to only need to locate in the RLZ. The proposed amendment better aligns with the policy and objective framework enabling, managing or avoiding certain activities within the RLZ zone.

888. With regard to the McNabb Management Ltd submission to delete RLZ-P8, it is noted that RLZ-P8 seeks to ‘enable’ the use of reserve land in line with a Reserve Management Plan (RMP). Section 4 of the RMA applies to “work or activity of the Crown”.

889. An exception is provided to the Crown under s4(3) of the RMA in relation to reserve land. This is not an unfettered exception. It only applies if the work or activity undertaken by the Crown, is consistent with the Reserve Management Plan for that land and does not have a significant adverse effect beyond the boundary of the land. It does not apply to individuals or non-crown entities that may wish to undertake an activity on reserve land in accordance with the relevant management plan, and in that circumstance the District Plan would continue to apply. The inclusion of relevant policies and rules in the RLZ (and GRUZ) chapters assist with usability of the Plan and understanding the interrelationship with reserve management plans.

890. In addition, I note s74(2)(b)(i) of the RMA provides that when preparing a or changing a district plan, a territorial authority shall have regard to management plans and strategies prepared under other Acts to the extent that their content has a bearing on the resource management issues of the district.

891. This issue has also been dealt with in the section 42A report for the Natural Open Space Zone Chapter as follows:

Note 2 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.

892. RLZ-R10 permits activities within the RLZ that are undertaken in accordance with an RMP which gives effect to RLZ-P8. I recommend the Note, as recommend in the section 42A report for the Natural Open Space Zone Chapter is added to all Area Specific Zones. No changes are recommended to RLZ-P8.

893. In relation to RLZ-P9 I agree the word ‘generally’ is problematic in that it is vague. The objectives highlight that the operation of compatible *primary production* activities is anticipated in the RLZ zone and that whilst rural living opportunities are enabled, there is protection for existing lawfully established and anticipated activities, including reverse sensitivity effects. I consider

RLZ-P3 enables primary production activities within the Rural Lifestyle Zone where these activities are of a scale and nature that effects on residents amenity can be managed, mitigated or avoided. As such, I consider RLZ-P3 encapsulates RLZ-P9, which can be deleted to improve the efficiency and effective of the plan. Whilst there was support for the policy as written I consider the same support can be found in policy RLZ-P3 and objective RLZ-O2.

Recommendation

894. I recommend, for the reasons given above, that RLZ-P7 is amended as follows:

RLZ-P7 Avoid activities ~~in the Rural Lifestyle Zone that do not have an operational need or functional need to locate there that are incompatible with the character, qualities and purpose of the Rural Lifestyle Zone.~~

895. I recommend, for the reasons given above, that RLZ-P9 is deleted.

896. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

897. The following evaluates the recommendation to amend RLZ-P7 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The phrasing in RLZ-P7 was not appropriate for the RLZ as there are unlikely to be activities specific only to this zone.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal. The proposed amendment aligns with the rule framework of the zone and better achieve the Objectives than the notified version of the PDP.

6.9.5 Matters raised by submitters – RLZ-R1, RLZ-R2, RLZ-R3, RLZ-R4

898. DOC (s109.126) support RLZ-R1 – Conservation Activity and seek it is retained as notified.

899. DOC (s109.127) support in part RLZ-R2 – Residential Activity but seek the following amendment:

Matters of Control (...) 2. The siting, design and finish of the proposed buildings and the extent to which it avoids or mitigates adverse effects on the landscape and ecological values of PREC11

900. Southland Federated Farmers of New Zealand (s126.172), Rural Ratepayers Group (s143.184), Kevin Robertson (s115.173), Alistair & Bernadette Hunt (s148.185), Ronald Crispin (s60.175), and John Baynes (s68.293) support in part RLZ-R3 – Homestay but seek that the maximum occupancy be increased from 5 to 8 persons.

901. McNabb Management Ltd (s103.018) oppose in part RLZ-R3 - Homestay and seek the following amendment to increase occupancy and provide clarity. The rule as currently written limits the number of people who may occupy the dwelling to 5. It is assumed this is meant to mean 5

guests per night. However, 5 is inconsistent with RLZ-R4 for visitor accommodation. The submitter seeks the number of guests is increased to 6.

902. McNabb Management (s103.019) oppose in part RLZ-R4 – Visitor Accommodation and seek that subclause 3 restricting occupancy to 90 nights in any 12 months period be deleted or that RLZ-R3 and RLZ-R4 are combined to provide for 1 rule allowing visitor accommodation for up to 6 guests in a residential unit.

Assessment

903. Support from DOC for RLZ-R1 is acknowledged.
904. DOC have requested that RLZ-R2, as it relates to the Hokonui Hills Rural Lifestyle Precinct, is amended to reference ecological values within the matters of control.
905. As discussed above the Hokonui Hills Rural Lifestyle Precinct was established to strike a balance between accommodating existing rural lifestyle development and recognising the potential landscape significance of the nearby Hokonui Hills ONL, rather than to recognise or protect any ecological values above and beyond any other part of the district. The establishment of this precinct aims to safeguard landscape values rather than ecological, as reflected within RLZ-PREC11-O1 and RLZ-PREC11-P1.
906. Currently there are no identified SNAs identified within the Proposed Hokonui Hills Rural Lifestyle Precinct within the ODP, however it is acknowledged that an existing SNA does border portions of the land. It is proposed to map any additional SNAs as a PDP variation (see ECO-P1), to identify and map those areas that meet the criteria within Appendix 4 of the PDP. This process may identify portions of the precinct land as suitable for SNA protection, and the ECO chapter will provide for appropriate protection. As such I do not recommend any changes and reject the submission.
907. The submission from Southland Federated Farmers et al seeks to increase the occupancy level to 8 persons. The submitter proposed that a typical 4 bedroom house may have three bedrooms free to supply a farm stay and therefore two per bedroom amounts to 6 people. The submitter has not provided additional assessment as to why 8 people is acceptable. Similar to the assessment of the GRUZ, I consider the activity is intermittent in nature. I consider given the more rural environment, the activity will be the setback from neighbours, ample space onsite for parking is likely and the nature of a homestay requiring a permanent occupier assists with the management of the activity. Taking this into account I recommend the occupancy is increased to 8 persons. In order to avoid any confusion, as alluded to by McNabb Management Ltd. I recommend 'persons' is amended to 'guests' to clarify that this is in addition to those living permanently on site.
908. In relation to McNabb Management Ltd and combining RLZ-R3 and RLZ-R4. Homestay is a type of visitor accommodation as it sits under visitor accommodation in the nesting tables but is a more specific activity which is provided for in the RLZ. The two activities are different in that visitor accommodation enables an entire house to be let on 'Book a Bach' for example, whereas a homestay requires there to be someone living on site, and so captures Bed and Breakfasts and Farmstays. The definition are as follows:

Visitor Accommodation: means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

Homestay: means the use of a residential unit including a minor residential unit by paying guests at the same time that either the residential unit or minor residential unit is occupied by residents for use as a residential activity. Includes bed & breakfasts.

909. The rule requirements for RLZ-R4 are sufficiently clear. The activity rule enables a residential unit to be let to a group of up to 6 guests. The activity can operate for 90 nights over a 12 month period. Each night there is a paying guest accounts for one of the 90 nights. I do not consider changes are necessary however would be happy to re-assess if the submitter can provide wording and an accompanying s32AA evaluation.

Recommendation

910. I recommend, for the reasons given above, that RLZ-R3 is amended to increase the occupancy for a Homestay to 8 guests.
911. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

912. The following evaluates the recommendation to amend RLZ-R3 under section 32AA of the RMA.
913. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner by removing ambiguity in relation to 'occupancy' and 'guests'. Enabling the increase of people for the Homestay activity will economically benefit residents in the district who may use farm stays as an additional income stream. The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.9.6 Matters raised by submitters- RLZ-R5, RLZ-R6

914. Southland Federated Farmers of New Zealand (s126.173), Rural Ratepayers Group (s143.185), Kevin Robertson (s115.174), Alistair & Bernadette Hunt (s148.186), Ronald Crispin (s60.176), and John Baynes (s68.294) support in part RLZ-R5 – Primary Production but seek the following amendments:

Primary Production Activity status: Permitted Where: (...) (e) treatment or storage ponds, or (f) intensive winter grazing, or (g) quarry or quarrying activities, or (...)

Matters of discretion:

1. The matters of discretion of any infringed standard
2. Existing use rights

915. The submitter agrees with the exclusion list as it is important to minimise reverse sensitivity effects, however protecting existing use is also important and therefore the Council should add this as a matter of discretion. 'Winter grazing' as a term is not defined and does not provide for people in the RLZ having a couple of animals such as sheep for grazing. It is recommended that

a definition for 'intensive winter grazing' is included to align with the Southland Land and Water Plan.

916. McNabb Management Ltd. (s103.020) oppose in part RLZ-R5 – Primary Production and seek the following amendments. This rule will mean usual farming activities will require resource consents in the RLZ which does not implement RLZ-P9. It will also affect continued primary production on land zoned Rural Lifestyle but not yet developed, unless s10 of the RMA applies. The submitter seeks Delete clauses (b) to (d) and (f) and amendments as follows:

Amend clause (e) to read, effluent treatment and storage ponds other than the maintenance or upgrade of existing, lawfully established ponds.

Amend (g) to read: Quarrying or quarrying activities, other than quarrying up to 100m³ of shingle per year for the purpose of maintaining tracks or gravelled areas on the same property as the quarrying activity is occurring.

917. Heritage NZ (fs11.047) oppose this submission by McNabb Management Ltd.
918. Submission in relation to RLZ-R6 have been addressed in the Agricultural Aviation section above at section 6.5.5 above.

Assessment

919. I agree with Southland Federated Farmers that 'winter grazing' could apply generally to small scale stock grazing which is not the intent. A new definition is proposed aligning with Proposed Southland Land and Water Plan. I recommend it is referenced in RLZ-R5 as per the submission. I do consider that existing use rights or legally established activities would be relevant to a breach of standards RLZ-S2, RLZ-S3, RLZ-S4, RLZ-S5, RLZ-S6, RLZ-S7 and RLZ-S9, RLZ-S10, RLZ-S11 and RLZ-S12, as such I agree it can be included as a matter of discretion but consider it should reference 'legally established activities'.
920. In relation to McNabb Management Ltd, s10 of the RMA will apply to legally established activities such that these can continue. The proposed amendments discussed above will further enable existing uses to be a consideration should consents be required for extending an activity listed in (a)-(h). Requiring consent for these activities is not necessarily a barrier to their occurrence, however the effects must be considered given the purpose of the zone if to enable rural living opportunities. RLZ-O2 states the character and qualities of the zone comprises a generally high level of amenity, and whilst this is balanced with primary production, these activities must be compatible. In relation to the request to enable quarrying up to 100m³, I consider the effects arising from the activity could adversely effects residents and therefore it is reasonable to require a consent. Larger farming operations that have existing farm quarries can continue to operate under s10 RMA.

862. Heritage New Zealand's further submission is acknowledged.

Recommendation

921. I recommend, for the reasons given above, that RLZ-R5 is amended as follows:

RLZ-R5 Primary Production Activity status: Permitted Where: 1. Any new, or extended <i>buildings, structure</i> and activity complies with Rural Lifestyle Zone standards RLZ-S2, RLZ-S3, RLZ-S4, RLZ-S5, RLZ-S6, RLZ-S7 and RLZ-S9, RLZ-S10, RLZ-S11 and RLZ-S12; and 2. The activity does not involve: a) <i>intensive indoor primary production</i>, or b) milking sheds, or c) <i>buildings</i> used to house or feed milk stock, or d) stock effluent holding tanks, or e) treatment or storage ponds, or f) <i>intensive winter grazing</i>, or g) <i>quarry or quarrying activities</i>, or h) mining.	Activity status where compliance is not achieved with: RLZ-R5(1): Restricted Discretionary Matters of discretion: 1. The matters of discretion of any infringed standard <u>2. Existing legally established activities, buildings and structures</u> RLZ-R5(2): Non-Complying
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922. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

923. The following evaluates the recommendation to amend RLZ-R5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for unnecessary resource consents to be required if winter grazing was not clarified.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.9.7 Matters raised by submitters – RLZ-R7, RLZ-R8, RLZ-R10

924. McNabb Management Ltd. (s103.021) oppose in part RLZ-R7 – Homes Business and seek amendments to subclause 2 to read ‘the activity occupies no more than 60m² of the gross floor area of the buildings on the site.’ The submitter argues the amendment makes the gross floor area threshold consistent with that for a minor residential unit.
925. Balance Agri-Nutrients (s87.013) oppose RLZ-R7 – Home Business and seek that RLZ-S8 – Rural Produce Retail Activities is deleted. Any setbacks as proposed do not enable the provision of services to support primary production.
926. McNabb Management Ltd. (s103.022) oppose in part RLZ-R8 and seek that subclause 2 reads ‘the maximum area used for the display and storage of produce is 60m²’ and subclause 3 reads ‘the activity must be undertaken by a person(s) residing on the site and employ no more than 2 full-time equivalent people who do not reside on the site.’ These thresholds for managing rural produce retail activities in the Rural Lifestyle Zone appear unnecessarily restrictive and inconsistent with those allowed for homebase businesses under RLZ-R7.
927. NZTZ (s112.147) (s112.148) support RLZ-R8 in part but seek that a matter of discretion is included as follows:
8. The extent to which the rural produce retail activity will impact on the safety, efficiency and effectiveness of the transport network. This includes the outcome of any consultation with Waka Kotahi New Zealand Transport Agency.
928. McNabb Management Ltd (s103.017) oppose RLZ-R10 as under s4 of the RMA, the RMA does not apply to land uses on land administered under the Conservation Act 1987 or Acts listed in Sch 1 to that Act, if the activity is provided for within a reserve management plan. A local authority reserve management plan is prepared under the Reserves Act 1977; the Reserves Act 1977 is listed in Sch 1 to the Conservation Act 1987.

Assessment

929. I have considered McNabb Management Ltd. submission in relation to RLZ-R7 – Home Business and see the benefits of aligning the GFA of the minor unit with the GFA for a home business. For this reason and given the activity will be undertaken within the building, I consider the increase in GFA for the activity will not result in unacceptable effects and the activity will remain compatible with the amenity anticipated in the zone. In relation to RLZ-R8, one of the differences between this activity and a home business is that rural produce retail sales can be undertaken outside. As such the parameters in which the activity can operate are reduced in order to manage potential nuisance effects and amenity. The submitter has not provided evidence to support their proposed changes and as such I do not consider any changes to the permitted rule requirements can be made at this time. I note should the permitted rule requirements be exceeded a restricted discretionary consent is required with clear matters of discretion to be applied.
930. In relation to Balance Agri-Nutrients I do not consider it is appropriate to delete either rule. I consider they support primary production. I note potentially the submitters are referring to

GRUZ-S8 not GRUZ-R8, which manages setbacks for air strips. Assessment of these points is deferred to Hearing Stream 6.

931. Support from NZTA for RLZ-R8 is acknowledged. In relation to the request for an addition matter of discretion, I consider “impact on the safety, efficiency and effectiveness of the transport network” is adequately covered by matter of discretion 6 which states “Suitability of access and the safety and efficiency of the road network”. This would include effects on the state highway if the activity required access from the state highway. I therefore recommend no further changes.
932. With regard to the McNabb Management Ltd submission to delete RLZ-R10, it is noted that RLZ-P8 seeks to ‘enable’ the use of reserve land in line with a Reserve Management Plan (RMP). As discussed in the section above, in relation to RLZ-P8, I consider s 4 of the RMA applies to “work or activity of the Crown”. I do not consider it applies to anyone using reserve land in accordance with an RMP. RLZ-R10 permits activities within the RLZ that are undertaken in accordance with an RMP which gives effect to RLZ-P8. No changes are recommended.

Recommendation

933. I recommend, for the reasons given above, that RLZ-R7 is amended to increase the gross floor area of the activity from 50m² to 60m²,
934. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

935. The following evaluates the recommendation to amend RLZ-R7 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that an additional area is available to support those operating a home business. This provides for residents’ economic well-being. Any ambiguity as to whether a home business could be carried out in a 60m² minor unit, if the rule only permitted the activity to occupy 50m² is removed. The increased is considered small scale and so there are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for uncertainty of utilising minor units for home businesses if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the.

6.9.8 Matters raised by submitters – RLZ-R11, RLZ-R12

936. MoE (s125.064) support RLZ-R11 in part but seek a permitted activity status, Educational facilities should be provided for where there is a potential for a population to support them, including in the RLZ. This will support active modes of transport and reduce trip lengths and times. Provides flexibility without unreasonable restrictions for education facilities, that may be placed within RLZ to serve the education needs.
937. FENZ (s124.124) oppose in part RLZ-R12 and seek that emergency service facilities are permitted. Emergency service facilities are provided for in this Zone as a discretionary activity. New fire stations in the district may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. In this regard it is noted that Fire and Emergency is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. Provisions within the rules of the district plan are therefore the best way to facilitate the development of any new fire stations within the district as urban development progresses.

Assessment

938. In relation to RLZ-R11 and the submission by MoE, I consider that the purpose of RLZ is to provide for rural living opportunity and smaller scale primary production activities. A large-scale residential development is not anticipated within the zone. Education facilities such as schools, are typically best located within the community they serve and in a manner which avoids adverse effects on students, such as from odour, excessive noise etc. Furthermore, education facilities have the potential to generate reverse sensitivity effects.
939. I consider it may be inappropriate for an educational facility, if extensive in scale, to locate on land anticipated for rural living. In the event, MOE propose a school site within the RLZ the likely outcome would be a Notice of Requirement process to designate a site. On this basis, I recommend no change to RLZ-R11 and therefore reject the submission.
940. In relation to a more permissive provision for Emergency Service Facilities, I acknowledge the importance of emergency services facilities to the health, safety and wellbeing of people and the community. Under the PDP, Emergency Service Facilities are managed in the RLZ zone through a discretionary activity status, rather than being permitted. The RLZ is somewhat removed from urban areas but may be a viable location for facilities in terms of access to the wider rural areas. However, the nature and scale of all Emergency Services Facilities may not be appropriate in all locations, and in some instances may not be compatible with the character and amenity of the surrounding area. There is potential for various site constraints, and I do not consider a restricted discretionary activity status is appropriate. FENZ have not provided information or alternatives to demonstrate how the effects of Emergency Services Facilities are proposed to be managed if not managed through a resource consent process, and at this time I consider that the evidence provided in the submission does not warrant an amendment to the notified PDP.

Recommendation

941. I recommend, for the reasons given above, no changes to RLZ-R11 and RLZ-R12.
942. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.9 Matters raised by submitters- RLZ-S2, RLZ-S4, RLZ-S5, RLZ-S6, RLZ-S7

943. Charlton Rise Ltd. (s100.017) support RLZ-S2.
944. FENZ (s124.125) (124.126) (124.127) support in part RLZ- S2, RLZ-S4 and RLZ-S6 but seek that emergency services facilities are excluded from these standards for height, setbacks and building coverage. Fire station include multipurpose tower or pole between 12-15m in height. Where the building setback is greater than 8-10m, this will result in increased civil costs, land parcel size and can create fire separation issue at rear boundaries The exclusion would support the logistical and operational requirements of Fire and Emergency. Fire and Emergency note that the minimum building coverage for a volunteer fire station is 250m² and up to 1500m² for a career fire station. Fire and Emergency are concerned that 1000m² building coverage per site would not provide for emergency service facilities should they need to construct a new fire station in the RLZ in future.
945. McNabb Management Ltd. (s103.023) oppose RLZ-S5 and request it is deleted. There is already a maximum building coverage standard so it is unclear why a maximum building size is necessary.
946. McNabb Management Ltd. (s103.024) oppose in part RLZ-S6 and seek amendments so that subclause 1 reads 'The maximum building coverage on any site is ~~1000m²~~ 12% of the total site area'. Maximum building coverage of 1000m² applies no matter the size of the site, which means those with tunnel houses, or farms that have been rezoned may be non-compliant. Using a percentage of the site area rather than an absolute maximum maintains low building density while addressing this issue.
947. Charlton Rise Ltd (s100.018) supports RLZ-S6 as notified.
948. SDC (s146.085) supports RLZ-S7 as notified.
949. Nigel Cowburn (s152.012) requests for RLZ-S9, controls on massing, trims, fenestration and cladding texture, particularly in tray roof/cladding systems, rather than a 30% LRV. LRVs of 30% cause structural effects on building envelope durability. The trend in NZ to low LRV colours also creates a drab appearance across whole regions.

Assessment

950. Support from Charlton Rise Ltd for RLZ-S2 is acknowledged.
951. Support from SDC for RLZ-S7 is acknowledged.

952. In relation to the exemptions sought by FENZ, the height limit in the RLZ is 8 metres, the setback for building from side and rear boundaries is 10 metres, and maximum building coverage is 1000m². These standards are representative of the anticipated character and built form of the zone based on the range of activities enabled, and the potential adverse effects on landowners within the zone and within adjoining zones. Without further information about the proposed tower or poles and potential mitigation of adverse effects for buildings closer to boundaries or larger than 1000m², I do not consider it is appropriate to simply exempt these structures from the height, setback and coverage limits.
953. In relation to the submission by McNabb Management Ltd, a maximum building size is to ensure the character of the zone is not adversely affected or dominated by large buildings. No changes are recommended for this standard. In relation to RLZ-R6 I acknowledge that sites within the RLZ will vary in size and therefore a percentage for building coverage is preferable to enable additional built form on larger sites where it can be absorbed. I consider the Objectives and policies for the zone provide for open space and therefore consider a 10% building coverage is more suitable than 12%.
954. In relation to Nigel Cowburns submission (\$152.012) on the suitability of 30%LVA as a control, it is a little unclear what the submitter is referring to regarding the 'structural effects on building envelope durability'. Regarding the drab appearance, this standard is designed to help mitigate the visual effects from built form on the landscape, the control aims to recess the built form to blend in with the surrounding landscape. On this basis it is recommended that this submission be rejected, however the submitter is welcome to expand, particularly on the structural effects issue.

Recommendation

955. I recommend, for the reasons given above, that RLZ-S6 is amended to enable a building coverage of 10% in all areas except the Hokonui Hills Lifestyle Precinct.
956. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

957. The following evaluates the recommendation to amend RLZ-S6 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that an increase in built form is enabled on larger sites, however effects on open space are continued to be managed by virtue of the larger site. There are potential costs within enabling a percentage built form coverage as it will enable an increased built form within the zone. However, building size standards as well as setback and height limit apply to manage effects on neighbours and generally on rural character and amenity.

Conclusion as to the most appropriate option

The proposed amendment is a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.10 Specific Submissions for the Settlement Zone

6.10.1 Matters raised by submitters on Mandeville Aviation and Rail Precinct (PREC8)

How the Plan Works Chapter

958. KiwiRail (s132.003) supports the inclusion of the Mandeville Aviation and Rail Precinct as it provides for the existing heritage aviation and rail activities and enables new activities providing effects are appropriately managed. KiwiRail seeks that the reference to the Mandeville Aviation and Rail Precinct in Part 1 – Introduction & General Provisions – How the Plan Works Chapter is retained as notified.

Assessment and Recommendation

959. The support from KiwiRail (s132.003) for the reference to the Mandeville Aviation and Rail Precinct in the 'How the Plan Works' Chapter of the PDP is acknowledged and accepted and no changes are recommended.

General Submissions and Overview and Purpose

960. Michael Crymble (s26.001) supports in part the Overview and Purpose as it generally supports the Mandeville Aviation and Rail Precinct as a means of recognising the significance of the activities, however, Mr Crymble considers the airfield is the 'key element' within the Precinct and as such should be protected.
961. SDC (s146.086) support the chapter in its entirety.
962. Heritage New Zealand Pouhere Taonga (s123.025) support the SETZ in relation to the inclusion of the Mandeville Aviation and Rail Precinct. HNZPT is supportive of the implementation of targeted Precincts which provide for the consideration and protection of the wider historic character of each area, beyond the values of a scheduled heritage site. The Precincts, alongside the Historic Heritage provisions, appropriately balance the ongoing commercial and industrial use of each area while retaining the recognised historic heritage values.

Assessment and Recommendation

963. The submission from Michael Crymble (s26.001) is acknowledged, however, it is not clear what amendments are sought by the submission which supports in part the Overview and Purpose. In relation to the Mandeville Aviation and Rail Precinct, whilst I acknowledge the value of the airfield as part of the Precinct the provisions seek to manage and enable all activities within the Precinct as a whole. I consider the wording within the Overview and Purpose, which includes reference to '*aviation activities*' reflects this intention and therefore I do not recommend any amendments and so reject the submission on this basis.
964. The submission from SDC is acknowledged.
965. The submission from Heritage New Zealand Pouhere Taonga is acknowledged.

Additional Provisions

966. Michael Crymble (s26.003) seeks additional provisions to provide for the following list of activities:

- a. A pilot's clubhouse building.
- b. Control tower,
- c. office and operations buildings as the need arises.
- d. Storage building facilities for securing ground equipment and airfield vehicles.
- e. Workshop and maintenance facilities.
- f. Aircraft hangarage.
- g. An aviation retail refuelling facility.
- h. Airfield surface lighting to satisfy all future aviation and railway safety issues.
- i. Overnight accommodation buildings with simple catering facilities for visiting pilots and crew.
- j. Camping facilities in the interim.
- k. Retail shopping for a wide variety of aviation and railway products.
- l. Retail sale of food and beverages during events.
- m. Car parking facilities.
- n. A variety of hardstanding areas to support various aviation and railway activities. Installation of ground navigation aids.
- o. Signs, notice boards, fencing and gates for public safety, to inform and guide our visitors.
- p. The construction of "railway themed" buildings and other railway infrastructure as required.
- q. The possible use of railway rolling stock to meet some of the building infrastructure needs.

967. Mr Crymble considers that providing for these activities will help future proof the airfield and achieve their aims noting that airfield is a primary activity so aviation should lead the way. Mr Crymble considers that the success of the organisations and activities based at Mandeville requires that the airfield infrastructure can evolve to meet their needs.

968. Hamish Weir (FS5.174) supports Michael Crymble's submission (s26.003) and seeks that it is allowed.

969. NZTA (FS14.033) opposes in part Michael Crymble's submission (s26.003) and seeks that it is disallowed. NZTA consider that a number of the activities sought to be included are already provided for under Rules SETZ-PREC8-R1 to STEZ-PREC8-R10. NZTA considers that those activities not already provided for as a permitted activity and which could have 'off site' effects should be considered through a resource consent process.

Assessment

970. In response to Michael Crymble (s26.003) seeking additional activities to be enabled I consider most of the activities Mr Crymble has listed are broadly encompassed by activities already enabled by the PDP within the Precinct:

Table 15	
Activity sought by Michael Crymble	PDP Permitted Activity for Mandeville Aviation and Rail Precinct

A pilot's clubhouse building	Commercial Activity (SETZ-PREC8-R1) or Community Activity (SETZ-PREC8-R2)
Control tower	Aviation Activity (SETZ-PREC8-R4)
Office and operations buildings as the need arises	Commercial Activity (SETZ-PREC8-R1)
Storage building facilities for securing ground equipment and airfield vehicles	Industrial Activity (SETZ-PREC8-R3)
Workshop and maintenance facilities	Industrial Activity (SETZ-PREC8-R3)
Aircraft hangarage	Aviation Activity (SETZ-PREC8-R4)
An aviation retail refuelling facility	Aviation Activity (SETZ-PREC8-R4)
Airfield surface lighting to satisfy all future aviation and railway safety issues	Aviation Activity (SETZ-PREC8-R4)
Overnight accommodation buildings with simple catering facilities for visiting pilots and crew	Visitor Accommodation (SETZ-PREC8-R10)
Camping facilities in the interim	Visitor Accommodation (SETZ-PREC8-R10) where ancillary to a temporary event or for persons arriving and / or departing by aircraft.
Retail shopping for a wide variety of aviation and railway products	Commercial Activity (SETZ-PREC8-R1)
Retail sale of food and beverages during events	Food and Beverage Activity (SETZ-PREC8-R8) and Temporary Events (SETZ-PREC8-R7)
Car parking facilities	Does not require a separate activity as could be ancillary to any permitted activity.
A variety of hardstanding areas to support various aviation and railway activities	
Installation of ground navigation aids	Aviation Activity (SETZ-PREC8-R4)
Signs, notice boards, fencing and gates for public safety, to inform and guide our visitors.	Signs would be enabled subject to provisions within the Sign Chapter
The construction of "railway themed" buildings and other railway infrastructure as required	Vintage Aviation and Transport Activity (SETZ-PREC8-R5) ancillary buildings are enabled subject to bulk and location standards.
The possible use of railway rolling stock to meet some of the building infrastructure needs	Vintage Aviation and Transport Activity (SETZ-PREC8-R5)

971. Therefore, all activities Mr Crymble seeks to have provided for within the Chapter are in fact already enabled by the permitted activities as listed above. I recommend therefore that the submission is rejected on the basis that the list of activities is unnecessarily specific and the activities are already captured by the permitted activities.
972. In response to the further submission from Hamish Weir (FS5.174) and NZTA (FS14.033) as noted above those activities are already enabled and where appropriate are subject to conditions.

Recommendation

973. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

SETZ-PREC8-R7

974. NZTA (s112.14) supports in part Rule SETZ-PREC8-R7 as it places limits on the size, location, duration and hours of operation of an event. However, they note that temporary activities can generate increased traffic which has the potential to adversely affect the State Highway network. NZTA therefore requests that amendments are made to the rule to include a matter of discretion as to outcome of consultation with NZTA where the temporary event gains direct access from the State highway:

5. The extent to which the temporary event will impact on the safety, efficiency and effectiveness of the transport network. This includes the outcome of any consultation with Waka Kotahi New Zealand Transport Agency.

975. Michael Crymble (s26.002) opposes in part SETZ-PREC8-R7 and seeks that there should be no limits on the number of events, however, if there are limits there should be a maximum of 36 events per year with any single event permitted to be active for up to 7 days. Temporary accommodation and food and beverage should also be permitted for the duration of the event. Mr Crymble considers that the number of events would be self-regulating due to the nature and scale of the facilities.
976. NZTA (FS14.032) opposes the submission from Michael Crymble (s26.002) and seeks that it is disallowed. NZTA consider that Temporary events have the potential to impact the safe and efficient functioning of the state highway unless appropriate limitations, including to the number and duration of events and maximum attendees, are imposed to manage effects from the event. NZTA supports limits and the consent pathway in the PDP to manage effects on the road network and seeks that these limits are retained.

Assessment

977. In response to NZTA (s112.14) I note that Matter of Discretion (3) for SETZ-PREC8-R7 is *“the safety and efficiency of the roading network”*. I consider this would allow a decision maker to consider potential adverse effects on the local road network including the State Highway and achieves the same purpose as the wording proposed by NZTA but in a more succinct manner consistent with the drafting style of the PDP.
978. However, I acknowledge that that the matter of discretion as currently drafted does not include reference to “the outcome of any consultation with Waka Kotahi New Zealand Transport Agency”. I do not consider this to be a necessary addition, in the event that the decision maker considers the input of feedback from NZTA as road controlling authority for the State Highway relevant for the assessment of the application then they can seek such feedback. I have a concern that the inclusion of this matter of discretion signals a potential for third party approval and sets an expectation that applicants would need to consult with NZTA for any breach of the rule, however, this is a matter which is better left to the decision maker to assess through the processing of any application.

979. In response to Michael Crymble (s26.002) I do not agree that there should be no limits on temporary activities. Whilst it is important that activities are enabled to support and encourage the use of the Precinct, placing conditions on the scale and scope of activities is necessary to manage potential adverse effects on surrounding landowners and the environment generally.
980. I acknowledge that Mr Crymble has sought, as an alternative, a maximum of 36 events per year with any single event permitted to be active for up to 7 days. However, this would equate to there being potentially more than 1 event per fortnight and with a 7 day duration events may realistically run into each other. This frequency is too great to allow for adverse effects on surrounding landowners and the environment to be appropriately managed. The conditions provided in SETZ-PREC-R7 were arrived at following consultation with the Precinct trustees and whilst I appreciate Mr Crymble was not party to these discussions I consider that the limits provide a reasonable balance between enabling events and ensuring that the amenity values of surrounding landowners are maintained.
981. I do not agree that the number of events would necessarily be self-regulating and therefore controls in the PDP are unnecessary. Such an argument could be put forward against many PDP provisions, however, the RMA requires that territorial authorities give effect to the purpose of the RMA through the establishment and implementation of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land.²⁷ Councils are also required to control any actual or potential effects of the use of land.²⁸ The Council achieves these functions through the District Plan which, as assessed in the Section 32 Evaluation Reports gives effect to the purpose of the Act.²⁹ To achieve the purpose of the Act the PDP provisions balance out the needs of the community to provide for the social, cultural, economic and well-being with the management of potential and actual adverse effects associated with activities that meet those needs. This essentially means that placing controls and some limits on activities allows landowners to undertake certain activities without requiring resource consent with the controls mitigating potential adverse effects on other landowners and the environment.
982. It is worth noting that in relation to SETZ-PREC8-R7 there is an opportunity to for any person to seek resource consent (as a restricted discretionary activity) should they wish to hold an event which does not comply with the rule conditions, including an additional event beyond the 12 provided for annually.
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²⁷ RMA 1991 Section 31(1)(a)

²⁸ RMA 1991 Section 31(1)(b)

²⁹ RMA 1991 Part 2

983. Based on the above assessment I support the further submission from NZTA (FS14.032) and consider that SETZ-PREC8-R7 should remain as notified.

Recommendation

984. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B.

SETZ-PREC8-R9

985. NZTA (s112.150) oppose in part SETZ-PREC8-R9 and seeks that a performance standard applies to conference facilities within the rule. The standards should provide clarification on the frequency of events, hours of operation, number of attendees and the type of building the conference is being undertaken in. This will provide a guidance and understand of the amount of traffic anticipated from any new facilities. NZTA is concerned that transportation effects associated with a conference facility have not been given consideration to and there is the potential for significant traffic effects on the surrounding road network.

Assessment and Recommendation

986. In response to NZTA (s112.150) I note that the Transport Chapter contains a rule (TRANS-R4) which requires a restricted discretionary resource consent for any activity which has more than 250 vehicle movements per day. Movements (which would include vehicle movements) are defined as *“a single journey to or from a particular site that is either an arrival or departure but not both. A return journey equates to two movements.”* This rule would apply to any proposal under SETZ-PREC8-R9 and for larger scale activities is likely to trigger a resource consent requirement. I note that TRANS-R4 excludes temporary activities (temporary events are a subset of temporary activities), therefore, there is a strong rationale for including limits in the PDP for temporary activities in terms of the numbers of events and numbers of people.
987. I note NZTA have submitted on TRANS-R4 and this submission will be considered as part of hearing stream 5 when the Transport Chapter is being considered. However, for the purposes of SETZ-PREC8-R9 I consider that TRANS-R4 as notified would be sufficient to manage any concerns NZTA have over the potential for significant traffic effects on the surrounding road network including the State Highway. Therefore, I recommend that the submission from NZTA (s112.150) is rejected.

6.10.2 Matters raised by submitters- SETZ Policies

988. MOE (s125.065) supports the SETZ-P1 as notified.
989. Hokonui Rūnanga Inc. (s139.072) oppose SETZ-P2 and seek amendments as follows as Clause 2 as currently written is ambiguous.:

SETZ-P2 Require development to be of a height and bulk and have sufficient setbacks and open space to: (...) 2. ~~maintain the underlying relationship Ngāi Tahu hold with the natural environment;~~ maintain greenspace, natural drainage patterns and riparian margins ...

990. KiwiRail Holdings Ltd. (132.159) seek amendments to SETZ-P2 as follows:

SETZ-P2 Require developments to be of a height and bulk and have sufficient setbacks and open space to: (...)

4. maintain sufficient open space to provide for landscaping, and, where needed, on-site water, wastewater and stormwater disposal stormwater management that does not result in increased flooding and erosion risk.

5. Ensures that any Building or structure must not be located within a 5m setback from a boundary with a rail corridor.

991. KiwiRail Holdings Ltd. (132.160) seek amendments to SETZ-P7 as follows:

SETZ-P7 Ensure development does not compromise existing roading, rail and water infrastructure networks.

992. KiwiRail Holdings Ltd. (132.161) seek amendments to SETZ-P8 as follows:

SETZ-P8 Where practicable, incorporates low impact approaches to stormwater management that does not result in increased flooding and erosion risk.

993. ES (s85.174) support is part SETZ-P10 but seek the following amendment:

SETZ-P10 Only allow new activities within the Settlement Zone where the effects of natural hazards can be ~~adequately mitigated~~ avoided where possible so the risk to life and property is low.

994. Clark Fortune McDonald and Associates (fs22.060) oppose this submission by ES as a natural hazard assessment is already required without creating an extra redundant policy. Avoidance is too extreme an approach as hazards are often minor and/or can be mitigated adequately so that risk is not significant.

Assessment

995. In relation to Hokonui Rūnanga Inc., if mana whenua consider this a more preferable way to describe their aspirations under this policy, then the amendment is supported.

996. In relation to the submissions from KiwiRail, I consider the focus of RLZ-P2 is to manage the bulk and location of buildings to achieve open space in the zone. Point 4 of the policy seeks to ensure onsite servicing is provided for. I acknowledge KiwiRail's concerns that improperly sized or maintained onsite servicing systems can result in increased flooding and erosion risk, for example, incorrectly channelised runoff can erode soil, destabilize stream banks, and increase sedimentation downstream. However, I consider a Code of Practice document is a more appropriate means of managing this through the detailed design of systems. As such, I make no amendments in this regard. For the same reasons I make no amendments to RLZ-P8.

997. As discussed previously in this report, the 5m setback is not supported and so the additional setback reference sought to RLZ-P2 is not necessary.

998. In relation to RLZ-P7, I acknowledge that the rail corridor adjoins part of the Pukerau Settlement zone. SETZ-P7 requires that development does not compromise existing roading and water infrastructure. Given the policy affords protection to this infrastructure I agree this can be extended to include the rail network. I recommend the submission is accepted in this regard.
999. In relation to the submission from ES regarding SETZ-P10, I agree with the further submitter CFMA, as it may be possible to mitigate the hazard in certain circumstances. To require avoidance rather than the potential for mitigation is unduly restrictive, particularly without acknowledging that there may be different levels of risk associated with the natural hazards. I acknowledge that a high risk area may warrant an avoidance policy, but the policy applies across all the Settlement zones, where risk may vary. I consider as the Natural Hazards Chapter will also apply to sites, additional policy provisions will also apply.

Recommendation

1000. I recommend, for the reasons given above, that SETZ-P2 and SETZ-P7 are amended as follows:

SETZ-P2 Require development to be of a *height* and bulk and have sufficient *setbacks* and open space to:

1. maintain the open character and spaciousness of the zone; and
2. ~~maintain the underlying relationship Ngāi Tahu hold with the natural environment~~ maintain greenspace, natural drainage patterns and riparian margins; and
3. protect river and stream values from inappropriate development, and
4. maintain sufficient open space to provide for landscaping, and, where needed, on-site water, wastewater and stormwater disposal.

SETZ-P7 Ensure development does not compromise existing roading, rail and water infrastructure networks.

1001. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

1002. The following evaluates the recommendation to amend SETZ-P2 and SETZ-P7 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

Whilst there is limited risk if the amendment is not made, as rail infrastructure would be included in the policy provisions within the Transport chapter, amending the policy as proposed reduces risk of confusion and provides increased clarity for Plan users and decision makers, given that roading and water infrastructure is included in the policy. Similarly amending SETZ-P2 as proposed reduces risk of confusion and provides increased clarity for Plan users.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives the notified version of the PDP.

6.10.3 Matters raised by submitters- SETZ Rules

1003. Clark fortune McDonald and Associates (\$99.038) seek that SETZ-R2 clause 1 is amended to provide for residential activity on existing sites of less than 2000m². Where compliance with density standards is not achieved, the activity status should become discretionary.

1004. MOE (\$125.066) (125.067) support in part SETZ-R6 but seek the following amendments:

Activity status: Permitted

Where: ~~1. The educational facility is within an existing residential unit; and 2. The activity is for home-based child care services and the maximum number of children on the site does not exceed 8; and~~

1. The hours of operation are generally between 7am to 7pm Monday to Sunday.

2. complies with Settlement Zone standards SETZ-S2, SETZ-S3, SETZ-S4, SETZ-S5, SETZ-S6, SETZ-S7, SETZ-S8 and SETZ-S9

Activity status where compliance not achieved: ~~Discretionary~~ **Restricted discretionary**

Matters of discretion are restricted to:

1. the location and design of buildings and any proposed car parking and loading areas and access; and
2. hours of operation; and
3. noise, disturbance and loss of privacy of neighbours; and
4. screening and landscaping; and
5. waste treatment and disposal.

1005. FENZ (\$124.138) support SETZ-R7 and seek that it is retained as notified.

Assessment

1006. In relation to CFMA, the ODP zoning for the proposed settlement zones is Rural. The required density for residential activities in the Rural zone under the ODP is either 2 hectares, or the site must be greater than 2000m² prior to 27 March 2014. The PDP has aligned with this on the basis

that there are no or limited reticulated wastewater services in the Settlement Zones. The proposed zoning and standard does not negatively impact property values for smaller sites as the submitter suggests more than the current ODP. Sites smaller than 2000m² currently would require resource consent for residential activity. I note the submitter has not provided an alternative lot size for the zone. The residential activity rule and density standard ensure that on site servicing can be achieved and that a rural-settlement character is maintained. Densities higher than the standards are not anticipated in the Settlements and therefore the activity status reflect this. I recommend no changes in relation to SETZ-R2 in this regard.

1007. In relation to MoE, I consider that the purpose of the Settlement zone is to provide for a range of compatible activities including residential activities, however, based on the current land area proposed for the Settlement zone it is unlikely that there will be large scale residential development within any of the Townships. I note that both Pukerau and Waikaka already contain a school which are designated under the PDP. In the event that MOE propose a school site within Mandeville the likely outcome would be a Notice of Requirement process to designate a site. I recommend no changes to SETZ-R6.

1008. The submission from FENZ in relation to SETZ-R7 is acknowledged.

Recommendation

1009. I recommend no changes for the reasons given above.

1010. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10.4 Matters raised by submitters- SETZ Standards

1011. CFMA (s99.037) seek that SETZ-S1 - density is amended to provide for residential activity on existing sites of less than 2000m². Where compliance with density standards is not achieved, the activity status should become discretionary. Allowing only one residential unit per 2000m², is impractical and overlooks pre-existing smaller sites in proposed settlement zones. While suitable for new developments, exceptions should accommodate existing sites predating the district plan, ensuring adequate servicing. This rule may negatively impact property values for smaller sites, leaving owners unable to build or sell.

1012. Hamish Weir (FS5.172) further supports this submission from CFMA.

1013. CFMA (s99.039) (s99.040) (S99.041) seek that SETZ-S5, SETZ-S6 and SETZ-S10 are amended to align with the General Residential zone standards. The submitter is concerned the proposed settlement zone rules do not do enough to acknowledge the existing character and density of those settlements or to provide for the continuation of that character, instead trying to impose an ideal that doesn't necessarily reflect the existing character and land use. While practical for new sites, exceptions for pre-existing sites are unnecessary. For existing smaller sites, the proposed setbacks are not practical.

1014. Hamish Weir (FS5.173) further supports CFMA's submissions in relation to SETZ-S5 and SETZ-S6.

1015. FENZ (s124.139) support SETZ-S2 in part but seek an additional requirement that all developments must have an independent water supply for firefighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice'.
1016. FENZ (s124.140) (s124.141) (s124.143) seek that emergency services facilities are excluded from SETZ-S3 and that communication towers and poles for emergency service facilities are exempt from SETZ-S4. FENZ further seek SETZ-S8 is amended to enable a 50% building coverage for emergency service facilities.
1017. FENZ (s124.142) support SETZ-S6 and seek it is retained as notified.

Assessment

1018. In relation to the submission from CFMA and further submissions from Hamish Weir, the proposed density of 2000m² per residential unit has been addressed above. The density proposed aligned with the minimum lot size proposed in the subdivision chapter (SUB-S1). The density provides for a rural-settlement character and density of development, as opposed to a denser urban character. The submitter has not proposed an alternative density or a mechanism for capturing existing sites smaller than 2000m². I reject the submission points on this basis.
1019. Regarding the proposed setbacks in the Settlement zones, in comparison to the ODP Rural zone setbacks (which require 6m from all boundaries, and that dwellings are not closer than 20m from a dwelling on an adjacent property) the proposed setbacks in the Settlement zones have been reduced (side and rear) or remained the same (road). I consider they are more practical than the ODP and therefore do not disadvantage existing smaller sites. The provisions require 4m from side and rear boundaries but include an exemption for accessory buildings to be 2m from the boundary. I consider the proposed setbacks are reflective of the larger lot areas and the rural character surrounding the settlements. The General Residential standards require just a 1m setback from side and rear boundaries which I do not consider appropriate. I recommend no changes to the setback standards.
1020. CFMA have submitted against SETZ-S10 however the reasoning provided appears to relate only to setback standards. Potentially the submitter incorrectly stated SETZ-S10 when SETZ-S11 relates to setbacks in the Mandeville precinct. Regardless, the reasons above stand, and I make no recommendations to change the SETZ standards in relation to setbacks or height in relation to boundary.
1021. In relation to FENZ submission request for firefighting provision to be included in the servicing standard SETZ-S2, I acknowledge that providing a standard for firefighting supply is a conscientious response to development, and there is currently no firefighting standard in the PDP. Moreover, the building code requirements are limited in this aspect. There is however a firefighting provision within the Subdivision and Land Development Bylaw 2019 (Amendment

No 1, 2021)³⁰ which references part of the FENZ Code of Practice. The bylaw provision can continue to be relied on, although monitoring and enforcement issues have generally been identified with the bylaw, or incorporated into the PDP as an alternative to the FENZ submission. However, including the entirety of the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice as proposed by the submitter raises concerns in relation to the useability of the plan and the determining of compliance by Council officers due to the complexity and technical nature of the FENZ Code of Practice. The submitter may consider providing a standard which includes the key components of SNZ PAS 4509:2008 which could be a more effective means of managing firefighting water supply through the PDP than simply referring to the FENZ Code of Practice. Any additional evidence provided by the submitter to justify inclusion of a new standard for firefighting water should be supported by a Section 32AA evaluation. I make no recommended changes at this time.

1022. In relation to the submissions from FENZ seeking various exemptions from the built form standards in the SETZ zone, and increased building coverage, I note Emergency Services Facilities are permitted in the zone (SETZ-R7). As such, I consider it is appropriate for the built form to be managed in order to ensure there is some semblance with the character of the Settlement zone. Whilst I acknowledge the operational value of towers and poles, and although FENZ have provided an image of a tower at a facility in Taupo in Appendix B of their submission there is not really any clear indication of what a 'tower' might constitute. A pole would typically be slimline and potentially therefore have limited adverse effects on adjoining landowners despite an increased height, however, a tower may be a larger structure and it may therefore be appropriate to manage this structure through a resource consent process. Without further information about the proposed tower or poles and potential mitigation of adverse effects, I do not consider it is appropriate to simply exempt these structures from the height limit or the height in relation to boundary requirement. I consider the proposed building coverage in the zone is generally enabling of larger buildings if additional land area is provided to offset a larger building size. Should FENZ wish to construct a large scale emergency service facility a restricted discretionary consent pathway is available if they cannot meet the built form standards.

1023. I acknowledge the support from FENZ for SETZ-S6.

Recommendation

1024. I recommend no changes for the reasons given above.

³⁰ Subdivision and Land Development Bylaw 2019.pdf (goredc.govt.nz)

1025. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10.5 Matters raised by submitters- Whole Plan

1026. General submissions in support of the PDP from Hokonui Rūnanga (s139.093), McNabb Management Ltd (s103.031) and Transpower New Zealand Ltd (s101.103) were received. These submission support the plan but for their requested changes in the specific submissions.

Assessment

1027. I acknowledge the support from the submissions. I support them in part to the extent that I've recommended changes in the preceding report.

7. Consequential and Minor Amendments

1028. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of 'wellbeing' to 'well-being' to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and throughout the PDP amend 'wellbeing' to 'well-being'. This requires some minor amendments to the General Rural Zone Chapter. These amendments are reflected in **Appendix A**.

1029. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.

1030. Within the General Rural Zone policy rule GRUZ-R10 reference 'Education Facilities' , the Rural Lifestyle Zone policy RLZ-P6 reference 'education facilities', RLZ-R11 references 'Education Facility', and the Settlement Zone SETZ-R6 references 'Education Facility' however, the PDP provides a definition of 'Educational Facility' which aligns with the National Planning Standards. To provide consistency in terminology across the PDP and increase Plan useability and interpretation I consider it appropriate to amend the reference to education facility for GRUZ-R10, RLZ-P6, RLZ-R11, and SETZ-R6 (new text in red underlined):

GRUZ-R10	Education <u>al</u> Facility <u>ies</u>
RLZ – P6	Education <u>al</u>
RLZ -R11	Education <u>al</u>
SETZ-R6	Education <u>al</u>

1031. The effect of this alteration is minor and corrects what is essentially an error in the drafting of the PDP as the intent was that education facilities aligned with the definition of educational facility.

1032. I have recommended additions to the Noise Chapter to manage noise in the recommended New Vale Precinct in the GRUZ. The additions to the Chapter are outlined in **Appendix A**.

1033. I have recommended amendments to the 'Setbacks from Stream and River' standards in the GRUZ, RLZ and SETZ. I recommend all the 'Setbacks from Stream and River' setback standards in the area specific zones are updated for consistency, as the same assessment is applicable to all streams and rivers across the district. The additions to the Chapter are outlined in **Appendix A**.

1034. I recommend a Note is added to the area specific zones to acknowledge s4 of the RMA, for consistency, as the same assessment is applicable to all Crown activity, as follows:

Note 2 **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.

1046. The additions to the Chapter are outlined in **Appendix A**.

8. Conclusions

1035. This report has provided an assessment of submissions received on the Rural Chapters and associated definitions and mapping of the PDP.

1036. I consider that the submissions on the Rural Chapters and associated definitions and mapping assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including **Appendix B**.

1037. Overall, I recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:

- The inclusion of a New Vale Precinct in the GRUZ to recognise the existing New Vale Mine.
- Re-wording of Objectives and Policies to improve clarity and align with the overview and purpose of the RLZ and GRUZ. Removing policies which repeat those already contained in the chapter.
- Amended Rule provision for Rural Industry activities affording greater flexibility for activities
- GRUZ-S5 is amended so that the setback from dwellings from an Interregional Connector Road is 50m.
- Amendments to stream setback requirements to enable post and wire fences and add additional matters of discretion
- Minor amendment to definitions to improve clarity and avoid ambiguity

1038. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

Closing Recommendation

1039. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in Appendix B of this report.

Signed:

Name and Title	Signature	Date
Joanne Skuse Consultant Planner		21.06.2024