

PROPOSED GORE DISTRICT PLAN SECTION 32 REPORT

NATURAL FEATURES AND LANDSCAPES



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List of Abbreviations table

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 for Indigenous Biodiversity 2023	NPS-IB
National Policy Statement on Renewable Energy Generation 2011	NPS-REG
National Environmental Standards	NES
National Environmental Standard for Electricity Transmission Activities 2009	NES-ETA
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standards for Plantation Forestry 2017	NES-PF
National Environmental Standards for Telecommunications Facilities 2016	NES-TF

1. Executive Summary

Section 32 of the Act requires objectives in plan reviews to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness, and risk in achieving the objectives. The analysis set out in this report is to fulfil the obligations of the Council under s32 of the Act.

This section 32 evaluation report relates to the evaluation of options for the management of Outstanding Natural Features and Landscapes (ONFLs) in the Gore District Plan. Objectives, policies, and rules for managing ONFLs are located within Part 2 – District Wide Matters in the Natural Features and Landscapes (NFL) Chapter as required by the National Planning Standards (PS).

The chapter addresses the management of one Outstanding Natural Landscape (Hokonui Hills) and one Outstanding Natural Feature (Mataura Falls), which have been identified through a district-wide assessment and application of best practice. These ONFLs have been identified on planning maps and the objectives, policies and rules of the proposed chapter seek to protect the values of the ONFLs from inappropriate subdivision, use and development. The proposed objective is tested against the purpose of the RMA while other provisions such as policies and rules are then tested against the objective, as per s32(1)(b) of the RMA.

This report identifies the resource management issues relating to NFL and evaluates these against the Operative District Plan (ODP) and the Proposed District Plan (PDP) to ascertain if the objectives are the most appropriate way of achieving the purpose of the Act and the other provisions are the most efficient and effective means of achieving the objectives. The proposed approach recognises the need to establish an appropriate balance between providing for economic, social, and cultural opportunities for the community whilst maintaining and protecting the values of identified ONFLs.

The NFL Chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Act through the following proposed objective, policies, and rules:

- Objective which provides for the protection of the values and characteristics of identified ONFLs.
- Policy that avoids adverse effects on the values and character of identified landscapes and features, whilst acknowledging the importance of farming and maintenance of existing activities for the district.
- Policy that encourages activities that restore and or enhance the natural character of the Mataura Falls.
- Policy that avoids the placement of critical infrastructure within identified ONFLs unless there is no reasonable alternative and effects on landscape values can be avoided or mitigated.
- Policy that directs plan users to consider certain matters such as the extent to which effects can be managed, avoided, or mitigated, the extent the proposal provides for Ngāi Tahu cultural values and the functional or operational need for the activity to be undertaken within an ONFL; and
- Rules that address buildings and structures, tree planting, earthworks, critical infrastructure, tracks, and roads, walking and cycling tracks, fences, indigenous vegetation clearance, mining and quarrying, and plantation forestry.

Key changes from the Operative District Plan include the following:

- A standalone chapter and specific objective and policies for Natural Features and Landscapes to align with the PS.

- New objective to reflect the purpose of the act and to relate to the values of ONFLs.
- New policies to provide for stronger guidance, including clear direction on ONFL management.
- Revised rules to better ensure protection whilst providing flexibility for established activities (rural agriculture, maintenance of infrastructure).
- Clear matters of discretion; and
- Increased protection for the Mataura Falls as an ONF and the Mataura River as a High Natural Character Feature.

2. Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the Council has undertaken to date through its District Plan Review, including consultation and engagement.

2.1 Introduction to the resource management issue(s)

The evaluation of the appropriateness of the Natural Features and Landscapes (District Wide) Chapter is based on the following key issues:

Issue 1: Identification and management of Outstanding Natural Features and Landscapes

There is a need to ensure that the identification and protection of ONFLs in the District Plan are consistent with best practice, national and regional direction, and the findings within the "Gore District Plan Review – Proposed Outstanding and Significant Natural Features and Landscapes" dated 17 February 2023.

The current provisions that manage the Gore Districts identified features and landscapes appear to have effectively managed development within the Hokonui Hills, however there is a gap in current policy concerning the landscape values of the Mataura Falls and River. The Operative District Plan identified the Mataura River as a Significant Landscape Feature, however the regulatory management of this relies on the Regional Council. Landscape values associated with the Mataura River are a District Plan function and moving forward need to be managed at a District Plan level.

Issue 2: The District Plan does not identify and manage visual amenity landscapes.

There is a need to determine whether there is a gap in amenity landscape identification that may need to be addressed through the Gore District Plan Review. Gore currently does not have any identified amenity landscapes. The RMA requires that decision makers have regard to 7(c) "the maintenance and enhancement of amenity values" and 7(f) "the maintenance and enhancement of the quality of the environment".

Other plans identify and protect these areas as "Visual Amenity Landscape" (VAL) or similar. These differ from landscapes protected under Section 6 of the act (ONFLs) in that they may not meet the relevant criteria (RPS Policy LNF.1), and there is no legal requirement that these landscapes will be retained in their current state in perpetuity. Amenity landscapes may change as land use patterns change over time, with the goal of accommodating change whilst maintaining the amenity values.

It is noted that the RMA reform programme is moving away from amenity landscape protection. Given this shift and that the Gore District currently has no identified VAL's any policy change should be cognisant of this direction and carefully consider the outcomes of a possible shift in policy.

Issue 3: The District Plan does not manage Geo-Heritage Features.

It is noted that the Gore District has a number of geo-heritage features mapped within the Geopreservation Inventory. It may be appropriate that these are afforded some level of protection through the District Plan, specifically as an ONF based on scientific values under Section 6b of the RMA. However, as outlined within the Geoscience Society best practice guide for identifying ONFs, inclusion within the Geopreservation Inventory alone is not enough of an evidential basis for identification as an ONF and further assessment from a Geologist would be required to determine inclusion as a section 6b feature under the RMA.

2.2 Purpose of the report

This report sets out the statutory and policy context for natural features and landscapes, the key resource management issues, specific consultation, and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the landscape topic.

3. Statutory and Policy Context

3.1 Resource Management Act

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management means *managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

Section 6

The s6 matters relevant to this topic are:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) the protection of Outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

- e) the protection of protected customary rights:

Section 7

The s7 matters that are relevant to this topic are:

- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:

Section 8

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

3.2 National Policy Statements

The Section 32 - Overview Evaluation Report includes details and a brief assessment of all National Policy Statements (NPS).

The following NPS are relevant to development of the NFL chapter:

- NPS for Electricity Transmission 2008

Policy 8 of the National Policy Statement for Electricity Transmission requires that the transmission system should avoid adverse effects on ONLs and areas of High Natural Character.

- NPS for Renewable Electricity Generation 2011 (NPS-REG)

The NPS-REG requires District Plans to include provisions to provide for the development, operation, maintenance and upgrading of renewable energy generation. The NPS-REG recognises that the needs for renewable energy generation can conflict with the ONFLs. Landscape policy will need to be cognisant of the NPS requirements whilst still prioritising the protection of landscape values.

- NPS for Freshwater Management 2014

Policy 8 of the National Policy Statement for Freshwater Management requires that the significant values of outstanding water bodies are protected. Outstanding water body has been defined as a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values. As the Maitai River is subject to a water conservation order and identified as outstanding, Policy 8 of the NPS-FM applies.

- NPS for Indigenous Biodiversity 2023 (NPS-IB)

Objective 1 of the NPS-IB seeks to maintain indigenous biodiversity across New Zealand to achieve no overall loss in indigenous biodiversity. The NPS-IB is largely given effect to through the biodiversity chapter, however as indigenous biodiversity is a recognised value of the identified ONF/Ls, the NPS-IB is relevant.

3.3 National Environmental Standards

The Section 32 - Overview Evaluation Report includes details and a brief assessment of all National Environmental Standards (NES).

The following NES are relevant to Landscapes:

- NES for Electricity Transmission Activities 2009

The NES-ETA sets out a national management framework for existing electricity transmission lines. The regulations do include limitations on activities within 'natural areas' defined as "*an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna*". Therefore, District Plan Landscape provisions are able to manage electricity transmission infrastructure.

- NES for Telecommunication Facilities 2016

The NES-TF sets out a national management framework for telecommunications infrastructure. Subpart 5 of the NES-TE provides for telecommunications infrastructure to comply with the relevant district plan rules within particular areas including visual amenity landscapes, Outstanding Natural Features or Landscapes and rivers and lakes. Therefore, District Plan Landscape provisions are not constrained by the NES-TF.

- NES for Plantation Forestry 2017

The National Environmental Standards for Plantation Forestry enables local authorities to provide for the recognition and protection of ONFLs from inappropriate use and development in relation to plantation forestry. The NES-PF outlines activity status for forestry within these areas whilst allowing a district plan to apply more stringent rules in order to protect Significant Natural Areas (SNAs) and ONFLs. Therefore, District Plan Landscape provisions are able to manage plantation forestry.

- NES for Freshwater 2020

The Freshwater NES sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Standards are designed to protect wetlands, streams from infilling, fish passage, manage feedlots and stockholding areas, winter grazing practices, restrict agricultural intensification, and limit fertiliser discharges. The NES and associated consenting are managed by regional councils.

3.4 National Planning Standards

The National Planning Standards (PS) 2019 requires a more bespoke approach to planning zones than the current GDP. This includes a clearer centre hierarchy, rural settlement zones, and a wider range of residential, industrial, and rural zones. The NPS also provides the structure and form for the Plan content along with definitions and mapping criteria.

The following aspects of the PS are relevant to the NFL Chapter:

- The unique identifier for Natural Features and Landscapes is NFL
- The National Planning Standards require that this chapter be referred to as "Natural Features and Landscapes Chapter and be included within Part 2 of the District Plan - District Wide Matters – Natural Environmental Values.

- If the following matters are addressed, they must be located in the NFL Chapter:
 - a. identification of features and landscapes that are outstanding, significant, or otherwise valued.
 - b. provisions to protect and manage ONFLs.
 - c. provisions to manage other valued features and landscapes.
- Definitions include:

Amenity values - means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

River - has the same meaning as in section 2 of the RMA, means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

3.5 Regional Policy Statement

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). The PDP is required to give effect to the regional policy statement in accordance with section 75(3) of the RMA.

Relevant provisions include:

Chapter 4: Water, sets out the sustainable management issues affecting the region, namely water quality, water quantity and management of the beds and rivers. In terms of the relevance to the Gore

Chapter 10: Natural Features and Landscapes, sets out the sustainable management issues affecting Southlands landscapes and features. The RPS identifies three key development issues that have the potential to adversely affect Outstanding Natural Features and Landscapes:

1. Increased development of rural/ rural lifestyle properties
2. Extractive activities such as mining and quarrying
3. Electricity generation such as wind farms, dams and transmission lines which have the potential to adversely affect the landscape values of the region.

Increased development of rural and rural lifestyle properties is an issue within the Gore District, however not necessarily within identified ONFLs, extractive activities such as mining and quarrying have been identified as a risk to the values of Gores identified ONFLs, electricity generation structures have not historically been an issue within identified ONFLs, however structures in general have been identified as a risk.

The RPS identifies that the protection of ONFLs is a responsibility shared between all local authorities within the region and outlines the framework for the management of these landscapes and features as follows:

1. Identification of ONFLs and protecting these areas from inappropriate subdivision, use and development; and
2. Identification and management of locally distinctive and valued natural features; and

3. Within the coastal environment, identification of ONFLs, and other Natural Features and Landscapes (noting this is not relevant for the Gore District)

Further to this, the RPS underlines that features and landscapes identified as being of significant cultural importance to tangata whenua are to be managed as either ONFLs or locally distinctive features and landscapes, depending on their values.

A number of the objectives and policies within Chapter 10 have direct relevance to the management of Natural Landscapes within the Gore District, of particular relevance.

Objective LNF.1	Identification and protection of Outstanding Natural Features and Landscapes
Objective LNF.2	Identification and management of locally distinctive and valued Natural Features and Landscapes.
Policy LNF.1	Identification and assessment of Outstanding Natural Features and Landscapes. a. natural science factors. b. aesthetic values. c. expressiveness (legibility), which is how obviously the landscape demonstrates the formative processes which helped to create it. d. transient values, which specifically includes the occasional presence of wildlife or its values at certain times of the day or of the year. e. whether the values are shared and recognised. f. value to tangata whenua. g. historical and heritage association. h. the presence of water including in seas, lakes, rivers, and streams. i. vegetation, particularly native vegetation; and j. wild or scenic values.
Policy LNF.2	Identify, assess, and manage locally distinctive and valued natural features and landscapes.
Policy LNF.3	Identify, assess, and manage natural features and landscapes of cultural significance to tangata whenua.
Policy LNF.4	Protection of Outstanding Natural Features and Landscapes

The RPS requires that Gore District Council will:

Method LNF.6	District plans - Identify and protect ONFLs from inappropriate land use, subdivision, or development.
Method LNF.7	Consultation - Engage tangata whenua, the local community and stakeholders in the identification and protection of ONFLs or managing VALs.

The RPS also outlines a number of methods that local authorities are encouraged to undertake including landscape assessments, identification of VALs, Resource Consent assessment criteria, collaboration with other local authorities, tangata whenua and interested stakeholders.

3.6 Regional Plans

Environment Southland has prepared a number of regional plans, these include:

- Regional Air Plan 2016
- Effluent Land Application Plan 1998
- Regional Water Plan 2010
- Proposed Southland Land and Water Plan

To date most district plans have relied solely on the RPS to provide strategic direction as district plans must give effect to RPS's in accordance with RMA requirements. The provisions of the Southland RPS are summarised within the Section 32 – Overview Evaluation Report, however, the following provisions are particularly relevant to NFL.

Regional Air Plan – Relevant portions of the Regional Air Plan relate to controlling activities with the potential of adversely affecting air quality within proximity to sensitive areas.

Effluent Land Application Plan - Relevant portions of the Effluent Land Application Plan relate to controlling activities with the potential of adversely affecting effluent discharge quality within proximity to sensitive areas such as amenity and cultural landscapes.

Regional Water Plan - Outlines the integrated management of the regions water resources and the part district plans have in the protection and enhancement of the natural, ecological and amenity values of fresh water. This has relevance concerning the Mataura River.

Proposed Southland Land and Water Plan - Environment Southland's proposed Southland Water and Land Plan was made partially operative following a council meeting in January 2021. This plan aims to combine the Regional Land, Water, Air and Effluent Plans together. The plan manages Landscapes as follows:

The values of ONFLs are safeguarded by –

- Managing water quantity (OB 9/9a)
- Manging structures and bed disturbance activities within rivers and lakes (Pol 28)
- Manging the rate of flow, water permits and discharges within the Mataura River. (Water conservation order)

3.7 Iwi Environmental Management Plan(s)

'Te Tangi a Tauira – The Cry of the People' (IMP) the Ngai Tahu Ki Murihiku Natural Resouce and Environmental Management Plan identifies a broad range of relevant matters when considering where and how Gore grows and develops. In particular, there is a desire to:

- Minimise visual impacts on natural and cultural landscapes from development.
- Take a precautionary approach to land use and development within sensitive landscapes "matching land use with land capability".

The IMP identifies a broad range of relevant matters when considering where and how Gore grows and develops. There is a desire to protect the Ngai Tahu Ki Murihiku association with the Murihiku high country and foothills by identifying ngā take (issues) and ngā kaupapa (policies). Several activities such as energy generation, recreation and tourism, subdivision and development have both opportunities and risks from a Ngai Tahu Ki Murihiku perspective.

In relation to Natural Features and Landscapes, the plan identifies risks to mana whenua landscape values, including energy development, mining and exploration, exotic forestry, and vegetation clearance. The plan also includes the need to focus on the values of mana whenua including the need to protect iwi and hapu interests in landscape protection, indigenous flora and fauna, Ngāi

Tahu mahinga kai and/ or taonga species, protection and enhancement of mauri, and the ability to practice mahinga kai.

3.8 Other Legislation and Policy Documents

The following national guidance documents are considered relevant to this topic:

Water Conservation Order

The Water Conservation (Mataura River) Order 1997 identifies the Mataura River (and various tributaries) as protected waters including Outstanding fisheries and angling amenity features. The Water Conservation Order manages rate of flow, water permits, discharge permits and informs both regional and district consenting.

Reserves Acts

The Reserves Act has a complementary relationship to the RMA, as together the acts operate to protect and manage reserves classified under the Reserves Act 1977. While the Reserves Act ultimately determines the use of classified land, the RMA 's purpose and principles must guide all environmental policy and management. Therefore, its intent reflects that of the RMA, and it is implemented through the preparation of reserve management plans (RMP).

The Reserves Act 1977 is administered by the Department of Conservation and local authorities for the purposes of providing for the preservation and management of areas of New Zealand possessing recreation use or potential, whether active or passive, or natural, scenic, scientific, educational, community, or other special features or value. In addition to the preservation of access for the public to and along the seacoast, its bays and inlets, and offshore islands, lakeshores, and riverbanks.

The Reserves Act 1997 applies to all public land that has been either vested or gazetted under the Act and requires management plans for all recreation reserves. Dolamore Park is classified as a Scenic Reserve as per Section 19 (1)(b) Reserves Act and is managed through an RMP.

3.9 Other Local Policies, Strategies, Guidelines and Plans

Spatial plan, Ready for Tomorrow

In January 2020, the Council released a strategic planning document *Ready for Tomorrow – A Spatial Plan for the Gore District* seeking public feedback on potential growth options for the main urban areas in the district. The document outlines the issues the Council considers important, possible future outcomes and opportunities and was the culmination of various Council initiatives in recent years, in particular the 2018 program Ready for Growth which provided impetus locally as a community lead development strategy applying the direction given by the Southland Regional Development Strategy at a District level. Its overall objective is to grow the district population by 1,500 people by 2030. Through extensive community consultation, Ready for Growth has identified a comprehensive overview of the socio-economic conditions required to generate sustainable growth and opportunity across the district and provides an important strategic framework for the future.

Parks, Recreation and Facilities Strategy

The Gore District Parks Recreation and Facilities Strategy vision is to meet the needs of the community through open space and recreation opportunities. The following Objectives have been drafted to achieve the vision:

- High-quality garden parks, trees and horticultural displays that enhance Gore's urban landscape for both resident and visitor experience.

- A range of central, quality sports and recreation facilities that support and encourage participation in active recreation pursuits; and
- A network of parks that provides easy access for play, recreation, and walking/cycle linkages.

Gore has a comparably high overall provision of park land with 221 hectares. This equates to a provision of 17.7 hectares per 1,000 residents. The median in New Zealand is 16.6 hectares. The standard of Gore's parks, trees and gardens is further considered to be of particularly high quality and a feature of the district.

The Strategy for parks and recreation will predominantly focus on maintaining existing services, renewal of assets, and rationalisation of assets where over-supply or redundancy is identified.

Reserves Management Plans

Reserve Management Plan Volume 4: Dolamore Park Scenic Reserve provides a tool that works alongside the Gore District Plan and provides a plan for managing community preferences and decisions consistently with the Reserves Act 1977. Management plans should *"provide for and ensure the use, enjoyment, maintenance, protection and preservation... and,... the development, as appropriate, of the reserve for the purpose for which it is classified"*. The RMP provides objectives and policies for the management of Dolamore Park.

Gore District Trails Feasibility Strategy

This study was undertaken in response to demand from the community for a network of trails for walking, cycling and horse riding. Developing these trails would improve outdoor recreation, health, lifestyle, wellbeing, and tourism opportunities in the district. A network of trails in the district should be developed around the following key principles:

- A small number of quality trails to encourage outdoor activity and walking/cycling transport for locals while adding to the variety of visitor experiences available in the district.
- Improving quality, sustainability, and diversity of mountain bike trails for local use and to attract events and visitors to the region.
- Construction, maintenance, and management of trails will be environmentally sustainable.
- Trails will provide connections for locals and visitors that are accessible, appropriate to their activity levels, and get them to where they want to go.
- Trails will be developed where their potential use is highest.

3.10 Climate Change

The effects of climate change have been added to other matters decision makers should have regard to (RMAs7(i)).

In accordance with 2020 RMA amendments, by 2022 District Plans will not only need to have regard to the effects of climate change (adaptation) but also climate change mitigation and national adaptation and emission reduction plans prepared under the Climate Change Response act 2002. A compact urban form with most activities located around good transport connections and that takes account of the changing nature of natural hazards will help achieve these requirements.

The effects of climate change have been given regard to in respect of the provision and protection of open spaces in the district, specifically the ONFLs, and the Hokonui Hills ONL.

Green space provides substantial environmental benefits. Trees reduce air pollution and water pollution, and they help keep urban environments cooler. Natural spaces are significant assets in the

fight against climate change. They contain large areas of trees and woodlands, which remove carbon dioxide from the atmosphere and store it for generations.

4. Resource Management Issue Analysis

4.1 Background

Section 2.1 of this report identifies three resource management issues which the PDP landscape chapter provisions should address:

- Issue 1: Identification and management of Outstanding Natural Features and Landscapes.
- Issue 2: The District Plan does not identify and manage visual amenity landscapes.
- Issue 3: The District Plan does not manage Geo-Heritage Features.

The Gore District Plan Review Efficiency and Effectiveness Report 2022, highlights that the Operative District Plan has been partially effective at protecting the identified ONFLs. The management of ONFLs has historically focussed on the Hokonui Hills. Consequently, development has been small scale and largely in keeping with the ONFL Values. The Mataura River and Falls have not been managed through the District Plan, and as a result more industrial larger scale development has occurred within proximity to both the Mataura River and Falls.

Feedback from stakeholders and iwi partners on the Draft District Plan also provided suggestions on the development of the draft NFL Chapter including:

- The need for alignment with regional and national direction
- The need to maintain and protect NFL.

Issue1: Identification and management of Outstanding Natural Features and Landscapes

There is a need to ensure that the identification and protection of the ONFLs in the District Plan are consistent with best practice, national and regional direction, and the findings within the landscape assessment.

The current provisions that manage the Gore Districts identified landscapes appear to have effectively managed development within the Hokonui Hills, however there is a gap in current policy concerning the landscape values of the Mataura Falls and River. The Operative District Plan identified the Mataura River as a Significant Landscape Feature, however the regulatory management of this has been left to the Regional Council.

Landscape values associated with the Mataura River are a District Plan function and moving forward need to be managed at a District Plan level. The cultural value of the Mataura Falls and River have not historically been managed through the district plan and as a result uncontrolled development has occurred within proximity to the rivers margins. This can be seen within the Mataura Falls area, more specifically the Mataura Industrial area.

Through the Draft District Plan process a landscape assessment was commissioned to identify possible ONFLs within the district and provide a values and risks to values assessment for each identified feature and landscape.

This assessment found that while the Hokonui Hills warranted protection as ONFLs, the Mataura River was best suited as a section 6a feature, or a "High Natural Character Feature". Based on this the protection for the Mataura Falls has been addressed through river and stream setbacks within

the underlying zones along with a matter of discretion to refer plan users to the values schedule, addressing the identified values and risks to the Maitara River.

Issue 2: The District Plan does not Identify and manage visual amenity landscapes.

There is a need to determine whether there is a gap in amenity landscape identification that may need to be addressed through the Gore District Plan Review. Gore currently does not have any identified amenity landscapes. The RMA requires that decision makers have regard to 7(c) “the maintenance and enhancement of amenity values” and 7(f) “the maintenance and enhancement of the quality of the environment “. Other plans identify and protect these areas as “Visual Amenity Landscapes” or similar. These differ from landscapes protected under Section 6 of the Act (ONFLs) in that they may not meet the criteria and there is no requirement that these landscapes will be retained in their current state in perpetuity. Amenity landscapes may change as land use patterns change over time, with the goal of accommodating change whilst maintaining amenity values.

It is noted that the RMA reform programme is moving away from amenity landscape protection. Additionally, the landscape assessment did not conclusively identify any amenity landscapes. Based on this, any introduction of amenity landscape protection is unlikely to have a strong evidential basis. Additionally, there is a risk that any addition of amenity protection may result in required removal to align with national requirements, following the implementation of the RMA reform. Based on this and given that the Gore District currently has no identified visual amenity landscapes (VAL) any policy change towards amenity protection is not considered appropriate.

Issue 3: The District Plan does not manage Geo-Heritage Features

It is noted that the Gore District has a number of geo-heritage features mapped within the Geo-preservation Inventory. While these features may warrant some level of protection through the District Plan, specifically as an ONF based on scientific values under Section 6b of the RMA, a further assessment from a Geologist has not been undertaken to confirm this. These features, if present, may be managed via other controls in the plan.

The PDP seeks to address the above issues through the following:

- Incorporation of a district wide landscape assessment.
- Undertaking a co-authored landscape values schedule with Hokonui Runanga to incorporate landscape and cultural values; and
- Develop provisions to:
 - o Provide more directive, values focussed management of ONFLs.
 - o Include protection and management of the Maitara Falls.
 - o Implement national and regional direction.
 - o Implement the landscape assessment.
 - o Establish a link to the values schedule throughout the underlying zones to provide protection for the Maitara River.
 - o Provide a balance between providing for activities and development and protecting landscape values.

4.2 Operative Plan Approach

The issues outlined in the Operative District Plan (ODP) relating to NFL are:

- (1) The Hokonui Hills are a working rural landscape and arising from that changes to it can be anticipated. However, other activities could take place that result in its landscape and geological values being adversely affected to a significant degree.
- (2) The Mataura River is a Significant Natural Feature, however, that is best protected through the provisions of a regional plan. A non-regulatory role can be adopted by the Gore District Council to ensure that people are aware of its significance and the positive actions they can take to protect the values of the river.

While the ODP appears to have effectively managed development within the Hokonui Hills, there is a gap in current policy concerning the landscape values of the Mataura Falls and River, where protection of the landscape values has been left as a regional council function. While the regional council policy does provide management of some biophysical values of the Mataura River, with particular attention given to those values outlined within the water conservation order, there are values associated with the river beyond the biophysical that also need to be managed. This includes sensory attributes such as aesthetic values, legibility, and wildness as well as associative attributes such as cultural and heritage values. These values have been identified within Appendix 5 of the PDP.

The ODP does not identify or manage amenity landscapes or provide for any specific geoheritage protection.

4.3 Effectiveness of Operative Plan

Issue	Comment	Response
Does not give effect to the Southland Regional Policy Statement	Operative plan provisions have not utilised the regional criteria in identifying outstanding and locally distinctive landscapes or methods to appropriately manage their subdivision, use and development.	Updated landscape assessments utilising regional criteria to identify the ONFLs, the values that make them outstanding and appropriate management mechanisms for the protection of the values and to inform a response to national and regional policy direction.
Matura River landscape values are not managed	The Operative provisions have left the management of the Mataura River as a Regional Plan function and as such the landscape values are not managed, resulting in structures within close proximity to the Mataura River and Falls	Updated management mechanisms will ensure that appropriate protection is given to the Mataura River and Falls to ensure that further loss of landscape values is not experienced. This may result in setback policy provisions within the Proposed District Plan

No Amenity Landscapes have been identified or managed	There is a gap in current landscape amenity value areas with little acknowledgement within the operative plan supporting information as to why.	Review whether landscape amenity areas will need to be identified and assess whether protection is required while being mindful of RMA reform in terms of amenity.
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The ODP provisions have been partially effective at protecting the identified ONL (Hokonui Hills); however, the ODP does not protect the Mataura Falls or River, stating this is best suited through a regional council function. As the landscape and cultural values associated with the Mataura River and Falls are a District Plan function, they therefore need to be managed at a District Plan level. This may necessitate establishing river set back controls for development.

Based on recent landscape analysis and changes to both national and regional policy direction there is a gap in current landscape amenity value areas that may need to be addressed through the Gore District Plan Review.

4.4 Technical Reports and Research

Mike More Landscape Architect:

The council commissioned Mike Moore, Landscape Architect, to undertake a landscape assessment “*Gore District Plan Review – Natural Features and Landscapes. Preliminary Assessment*”. This work was to determine possible ONFLs as well as to investigate the possibility of Amenity Features and Landscapes, Natural Character Features and pending this to provide a schedule of landscape values for identified landscapes and features. The Schedule of Landscape Values has been incorporated as Appendix 5 of the Draft District Plan and provides useful insights for plan users of the values and risks to each ONFL and Natural Character Feature.

This assessment then informed the development of the Draft NFL Chapter to ensure that the provisions were fit for purpose, achieve best practice principles, and provide for appropriate outcomes.

Mike Moore also undertook a review of the draft NFL Chapter providing guidance for which activities need to be managed and which values need to be protected.

This assessment identified the Hokonui Hills as an ONL, The Mataura Falls as an ONF, and the Mataura River as a High Natural Character Feature (referred to as a Significant Natural Feature within the assessment). The assessment did not identify any other features or landscapes as outstanding, nor did it provide conclusive evidence that other features such as the Inland Catlins Strike Ridges warrant protection as an amenity landscape.

Hokonui Rūnanga:

The Hokonui Rūnanga undertook a review the draft NFL Chapter in March and April 2023 and suggested some amendments, which were incorporated into the final iteration of the Chapter.

The Rūnanga also reviewed and ultimately co-authored the Schedule of Landscape Values, providing useful cultural input for the identified Features and Landscapes.

This feedback was incorporated into both the Proposed NFL Chapter and the corresponding Values schedule within Appendix 5.

4.5 Analysis of Best Practice

The following District Plans were reviewed in order to assess how other similar councils are addressing Landscape management, while focussing on recent plans to reflect regional and national legislation changes. These were chosen as the districts are comparable to Gore, whilst having fairly recent plan review processes in order to be more up to date with national policy changes.

- Proposed Selwyn District Plan
- Proposed Timaru District Plan
- Proposed New Plymouth District Plan

Overall, the landscape protection afforded to the above Proposed District Plans has increased when compared to their Operative District Plan counterparts. This is primarily due to the inclusion of the protection of ONFLs as a matter of national importance within section 6 of the RMA. Generally, the intent of these plans is to identify and protect areas and the values of ONFLs from inappropriate subdivision, use and development, in accordance with the direction of the RMA.

Selwyn have incorporated amenity landscape areas a “VAL – Visual Amenity Landscapes” noting these were identified through the Operative Plan, albeit without directive protection. Overall, the Proposed Selwyn District Plan has a similar approach to the Gore Proposed District Plan with a focus on enabling activities only where the values of protected landscape areas can be maintained or improved.

Timaru has a similar approach to Selwyn with Visual Amenity Landscapes which were also carried over from the Operative Plan.

New Plymouth has not incorporated Value Amenity Landscapes however has addressed coastal character areas, noting this approach is not as relevant in Gore, being a landlocked district.

4.6 Other Relevant Documents and feedback

Photographic records of existing ONFLs show limited changes between 1980 and 2022 on the Hokonui Hills however an increase in development within proximity to the Mataura River and Falls.

Hokonui Hills:

An analysis of consenting data, building, subdivision, and land use consent data overlaid with the existing identified ONL area indicates that a small number of structures have been consented within the Hokonui Hills area, largely consistent with the character and values associated with the Hokonui Hills. This suggests that the district plan rules have been effective at managing development within the identified Hokonui Hills ONL area.

Mataura River and Falls:

An analysis of structures and aerial photos within 20m of the Mataura River found 21 structures. All of these structures are within Mataura township, predominantly within the existing industrial area. Based on the aerial imagery, many of these structures may have been constructed prior to the implementation of the ODP. However, as the plan provisions do not specifically protect these areas, additional unchecked development has likely taken place.

Based on the above information, the ODP provisions have been fairly effective at protecting the identified ONL of the Hokonui Hills, however an elevated number of structures have been constructed within proximity to the Mataura River and Falls. This suggests that there is a gap in current policy concerning the landscape management of the Mataura River which may necessitate establishing river set back controls for buildings.

5. Scale and Significance

5.1 Scale and Significance Evaluation

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

	Assessment				
	Low	Low - Moderate	Moderate	Moderate - High	High
Degree of change from the Operative Plan			X		
Scale of effects – geographically (local, district wide, regional, national).			X		
Effects on matters of national importance (s6 RMA)					x
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).		x			
Scale of effects on those with specific interests, e.g., Tangata Whenua				x	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?			x		
Likelihood of increased costs or restrictions on individuals, communities, or businesses.		x			

5.2 Evaluation Summary

The management of ONFLs is not substantially controlled through other planning documents such as regional plans, or through other legislation. Whilst the Southland Regional Policy statement does set out requirements of district plans and manages some biophysical aspects of ONFLs, District Plans are the method for managing the visual, character, and cultural values and the impacts from land use activities.

The PDP provisions differ from the approach provided through the ODP through the following:

- More specific objectives and policies.
- Clearer matters of discretion.
- Increased management of the Mataura Falls (ONF) and the Mataura River (HNCF) to better protect the identified values;
- Move towards protection of specific values identified through the schedule of landscape values; and
- The rules control and manage landscapes from a broader range of land use activities.

Overall, the scale of significance is considered to be moderate and therefore, the level of detail provided within this evaluation is commensurate with the scale and significance of the environmental, economic, and cultural effects that are anticipated from the implementation of the provisions.

6. Consultation

6.1 Overview

The Section 32 – Overview Evaluation Report provides an overview of the consultation undertaken to date in respect of the PDP. The PDP has been prepared in partnership with Hokonui Rūnanga who have reviewed and provided feedback on the landscape chapter and co-authored the schedule of landscape values, to ensure consistency with the Mana Whenua Chapter and that cultural values are appropriately integrated throughout the proposed provisions.

Feedback was received during the 2022 exposure draft of the plan from several stakeholders seeking that they be given an opportunity to provide feedback on a draft NFL chapter before the Proposed District Plan (PDP) was notified. A draft chapter was circulated to Hokonui Rūnanga with initial feedback provided in April 2023, a further draft was then circulated to Hokonui Rūnanga along with key stakeholders in May with feedback received in June.

The feedback received is summarised below:

Person / Organisation	Feedback summary	Response
Waka Kotahi	- Broadly supportive, however seeks a more specific and permissive framework for critical infrastructure in ONFL's, specifically State Highways	- Infrastructure is primarily managed through the infrastructure chapter and Transport is managed through the transport chapter. Both are currently set at a discretionary activity. - The maintenance of Critical Infrastructure has now been included as a permitted activity, and an additional policy has been included to give a stronger consenting pathway for new critical infrastructure.
Southland Federated Farmers	- Requests ground truthed mapping for identified ONFLs - Requests significant values of each ONFL and their spatial temporal extent be undertaken.	- The proposed mapping for the Hokonui Hills is carried on from the existing mapping of the Hokonui Hills ONL, no further ground truthing is proposed.

	- Wish to avoid duplication with regional planning requirements. - Requests more permissive standards for farming activities	- The values schedule provides important context of the significant values of the ONF/Ls which will flow through to the consenting process. - The draft chapter aims to give effect to the regional planning requirements, noting the Regional Plans have a separate function to District Plans. - Some concession to the Federated Farmers feedback has been given, specifically an increased permissibility for farm buildings, and an allowance for some instances of indigenous vegetation clearance, however a balance between providing for activities and protecting the landscape values needs to be struck.
Department of Conservation	- Notes that the Hokonui Hills are highly valued by the community, the Pukerau Red Tussock lands are identified as a priority ecosystem and the Croydon Bush reserve is a gateway destination. - Requests that the ecological and natural landscape values of these areas should be recognised and protected through the development of the landscape chapter. - Requests that the schedule consider important ecological features and vegetation types. - Supports inclusion of the Mataura Falls as an ONF and notes the water conservation order, significant cultural values and high ecological values for native fish, wading birds, and gulls. - Supports the inclusion of the Hokonui Hills as an ONL	- The proposed values schedules (that was not provided for feedback) does provide for ecological features and vegetation types, based on this it is considered that DOC feedback has been incorporated into the Draft Chapter and Schedule and no further changes are recommended.
Royal Forest and Bird Protection Society of New Zealand	- Expressed disappointment that the Biodiversity and Landscape chapters had not been included as part of the draft plan and outlines the Gore Districts responsibilities under the RMA. - Requests that the landscape chapter is developed to recognise and protect ecosystems, indigenous biodiversity, natural character, and natural features, and landscapes. - No further feedback was received by Forest and Bird during the May/ June 2023 consultation period.	- This feedback was provided through the initial exposure draft consultation which did not include the natural features and landscape chapter. No further feedback was provided through the May 2023 consultation period. - It is considered that the development of the Natural Features and Landscape Chapter was developed to recognise and protect ecosystems, indigenous biodiversity, natural character, features, and landscapes.

Environment Southland	- ES provided informal feedback after the May/June consultation period querying if there was room for the Āpiti Hono Tātai approach to recognise the cultural values.	- This approach is managed through the Sites and Areas of Significance to Māori chapter. - Cultural values associated with the specific ONF'ls are identified through Appendix 5 - Landscape Values.
Hokonui Rūnanga	Hokonui Rūnanga provided more of a co-authored approach. More specific requested changes include the following: - Correction of names - Additional matters of discretion - Extension of the Mataura Falls ONF to include a portion of the Waikana Stream - Co-authored the values schedule (Appendix 5)	- Requested changes where they relate to cultural concerns and values were adopted through the drafting process.

Feedback summary

As the draft landscape chapter was not developed at the time of public engagement the feedback received focused on what was hoped to be included. Southland Federated Farmers stated their desire to be involved in the review and submission process of the eventual chapter, Waka Kotahi requested that the development of the chapter should consider the importance of the State Highway network. The Department of Conservation (DoC) outlined some important landscape and ecological areas of the district and expressed that the chapter be developed with the protection of these areas in mind, DoC also provided a summary of Ecological values of the Gore District. The Royal Forest and Bird Protection Society of New Zealand underlined the importance of developing a Natural Features and Landscapes chapter in accordance with national direction and the districts responsibilities under the RMA and requested that the eventual chapter recognises and protects ecosystems, indigenous biodiversity, natural character, and natural features, and landscapes.

Through the May 2023 Consultation period feedback received was more targeted. As a general theme feedback was provided in isolation from the balance of the PDP, meaning some queries or concerns were addressed through other chapters of the plan, such as infrastructure or transport. Stakeholders such as Waka Kotahi and Federated Farmers sought a more permissive policy framework to enable their various interests to be undertaken more easily. Organisations such as the Department of Conservation, Forest and Bird requested that ecological and natural landscape values be recognised and protected through the provisions.

Key changes in response to feedback

Where possible feedback has been incorporated to meet the balance between providing for desired activities and development and protecting the recognised values. Changes include an increased permissibility for farm buildings, an allowance for some small level of indigenous vegetation clearance and greater provision for the maintenance of existing critical infrastructure.

Hokonui Rūnanga interests were provided through more of a co-authored approach with suggested changes incorporated directly into both the chapter and values schedule.

7. Proposed Plan Provisions

7.1 Strategic Direction:

The PDP includes a number of strategic objectives which have been tested in terms of s32(1)(a) in their relevant s32 reports. However, the other chapters of the plan should align with these strategic objectives to ensure vertical integration within the PDP.

In terms of the Natural Features and Landscape Chapter, objective UFD-O1 and UFD-O7 are the most relevant. These objectives seek that the district develops in a way that minimises adverse effects on natural and cultural values and recognises the relationship of Māori with their culture, traditions, lands, waterbodies, sites, areas and landscapes and other taonga of significance.

The mana whenua chapter articulates mana whenua and Te Taiao values. The values of most relevance to natural features and landscapes include the provision of Kotahitanga, wairua, ki uta ki tai, and consideration of whenua and mahinga kai. Landscape values are integrated into the environment and mana whenua have a kaitiaki role in protecting landscapes.

7.2 Objectives and Policies, Rules, Standards and Definitions

The proposed objectives, policies, rules, standards, and definitions have been drafted to address the resource management issues relating to natural features and landscape as identified in section 2.1 of this report. The background assessment of other Council's Plans and the ODP along with the scale and significance of the issues and topic have also informed the PDP provisions.

The following provisions are proposed within the NFL Chapter of the PDP:

Objectives
The PDP has one objective which seeks to protect the identified ONFLs, whilst allowing for development provided the values and characteristics of the ONFLs are safeguarded. This objective aims to direct plan users to focus on the protection of identified values rather than less directive general protection of the landscapes and features, with the aim that this may enable activities and development that are consistent with the identified values and discourage those activities that may have adverse effects on the identified features and landscapes.
Policies
The policies allow for development and land use within ONFLs where the values and characteristics of the identified landscapes and features are protected. - Policy 1 gives strong direction outlining which activities should be generally avoided whilst demonstrating that development may be appropriate in instances where adverse effects on the values of the landscapes and features can be avoided or mitigated. - Policy 2 encourages the restoration of the natural character of the Mataura Falls, attempting to restore the degraded character, with a focus on the natural character and cultural values of the river. - Policy 3 requires that critical infrastructure be avoided unless there is no reasonable alternative and adverse effects can be avoided or mitigated. This recognises the operational and functional restraints whilst stating that these activities should not impede upon the identified values. - Policy 4 directs plan users to consider the ability for effects on the values to be managed, avoided or mitigated, recognition and provision for Ngāi Tahu Values and the operational or functional need for an activity to be undertaken within an ONFL.

Rules
There are six permitted activity rules which give effect to the Objectives and Policies, noting these are all subject to standards: - Buildings and structures - Tree planting, other than plantation forestry - Land disturbance and earthworks - Maintenance of critical infrastructure, existing roads, farm tracks, walking and cycling trails - Fencing - Indigenous Vegetation Clearance (very low levels) There is one restricted discretionary activity rule managing new roads, farm tracks, walking and cycling tracks. There are two non-complying activity rules – Mining and quarrying, and plantation forestry
Standards
Aside from the standards outlined within the individual rules the underlying zone standards will apply.
Definitions
Amenity values Has the same meaning as per the Resource Management Act – means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. Sensitive Environments Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity

8. Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objective	Appropriateness to achieve the purpose of the Act
2.2.3 – Objective 1: “To protect the District’s Outstanding Natural Features and Landscapes”	This objective provides high level guidance to decision makers around the expectations for the protection of the districts Outstanding natural features and landscapes within the district and in this respect, they are broadly consistent with the RMA Section 6(b) but are not considered to fully achieve the purpose of the Act due to the lack of specific clarity and direction. Relevance and Usefulness Due to the broad nature of this objective, it is of limited relevance and provides little guidance and direction therefore are of limited usefulness to decision makers or plan users. Reasonableness Provisions in relation to ONFLs will not result in unjustifiably high costs on the community, although the lack of clarity and direction in the Objectives may increase costs in a situation where there is dispute over the outcome of a non-compliance. Achievability The provisions seek outcomes within the scope of Council’s responsibilities and can be realistically achieved through regulations at a district level.
Proposed Objective	Appropriateness to achieve the purpose of the Act
NFL-O1: “To protect the values and characteristics of the Outstanding Natural Features and Landscapes of the Gore District from inappropriate subdivision, use and development.”	The objective is considered the most appropriate way to achieve the purpose of the Act because it: - Provides for the protection of the values of the Mataura Falls and river from inappropriate subdivisions, use and development - consistent with the requirements of the RMA Section 6(a) and 6(b) as the Mataura Falls is identified as an ONFL, and the Mataura River as a High Natural Character Feature. - Provides for the protection of ONFL from inappropriate subdivision, use and development - consistent with the requirements of the RMA Section 6(b). Relevance The objective is relevant to the issues identified which seek to identify and manage ONFLs. The objective aligns with the Councils obligations under s31 of the Act, specifically s31(1)(a) - integrated management of the effects of development on the natural and physical resources of a district, and s31(1)(e) – The control of any actual or potential effects in relation to the surface of water. The objective gives effect to higher order documents, specifically the Southland Regional Policy Statement. Usefulness: The objective guides the decision maker to consider the context of the site and the values associated with the identified landscape to determine the appropriateness of the land use and development. The objective meets best practice by providing clear direction on the appropriateness of land use and development in relation to the values of the Outstanding Natural Features and Landscapes. Reasonableness: The objective will avoid unjustifiably high costs of the community as it provides clear direction which aims to reduce consenting costs. Achievability: The provisions seek outcomes within the scope of Council’s responsibilities and can be realistically achieved through regulations at a district level. Increased specificity will make the objective more achievable than the ODP approach.

Summary

Overall, the proposed Objective provides greater clarity and certainty for Plan users and decision makers whilst also achieving the purpose of the Act in a reasonable, useful, relevant, and achievable manner. The objective will allow Council to fulfil their obligations under s31 of the Act, is consistent with identified tangata whenua outcomes and will align with relevant strategic direction.

9. Evaluation of Options to Achieve the Objectives

9.1 Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 4 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). For the purpose of this evaluation, the Council has considered the following potential options:

- Option A - The proposed provisions
- Option B - The 'status quo' provisions.

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Based on the scale and significance of the proposed changes, specifically the degree of change from the ODP, level of policy risk and scale of effects, it is considered that quantifying costs and benefits is unnecessary.

Therefore, exact quantification of the benefits and costs identified in this report was not considered necessary, beneficial or practicable. Rather, the table below generally identifies where there may be additional cost(s) and benefit(s).

Option A – Proposed Provisions
Objective NFL-O1 To protect the values and characteristics of the Outstanding Natural Features and Landscapes of the Gore District from inappropriate subdivision, use and development. HAZS-O1 Locate, design and operate significant hazardous facilities to prevent significant adverse effects on the health of people, the values of sensitive environments and the underlying relationship Ngāi Tahu hold with the natural environment. Policies, rules, and standards which give effect to the objective. NFL-P1 - Avoid adverse effects on the values and characteristics of identified Outstanding Natural Features and landscapes described within Appendix 5 NFL-P2 - Provide for and encourage the restoration and/or enhancement of the natural character of the Te Au Nui Pihapiha Kanakana Mataura Falls NFL-P3 - Avoid the placement of critical infrastructure within identified Outstanding Natural Features and Landscapes NFL-P4 - When assessing resource consents within Outstanding Natural Features and Landscapes, consider the various matters. HAZS-P1 - Manage adverse effects from new significant hazardous facilities locating in the General Industrial Zone and Rural Industry Precinct by locating significant hazardous facilities outside of, and setback from, <i>sensitive environments</i> and avoiding adverse effects on Ngāi Tahu cultural values; HAZS-P2 - Avoid adverse effects from new significant hazardous facilities by locating significant hazardous facilities outside of, and setback from, <i>sensitive environments</i>. HAZS-P3 - Allow the extension of existing significant hazardous facilities located outside of <i>sensitive environments</i> where the risks associated with hazardous substance storage, use or disposal are not increased. NFL-R1 - Buildings and Structures (excluding fences) within an identified ONF/L NFL-R2 - Tree planting, other than plantation forestry within an identified ONF/L NFL-R3 - Land disturbance and Earthworks within an identified ONF/L NFL-R4 - Maintenance of critical infrastructure, existing roads, farm tracks, walking and cycling trails within an identified ONF/L NFL-R5 – Fences within an identified ONF/L NFL-R6 – Indigenous Vegetation Clearance within an identified ONF/L NFL-R7 - New Roads, farm tracks, walking and cycling tracks within an identified ONF/L NFL-R8 - Mining and Quarrying within an identified ONF/L

NFL-R9 – Plantation Forestry within an identified ONF/L HAZS-R1 - Extension or upgrade to existing significant hazardous facility within a <i>sensitive environment</i> is a discretionary activity. SUB-R1 – Subdivision and Boundary Adjustments within a ONF/L is a discretionary activity Underlying zones: 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). * Mataura River is classified as a “high order river”	
Benefits	Costs
Environmental - Improved clarity and direction for plan users and decision makers. To better manage the environmental effects on the Districts ONFLs. - Increased recognition and protection of the values associated with the Mataura Falls and River	Environmental - There are not considered to be any environmental costs associated with the PDP as the provisions seek to be manage adverse effects to safeguard the environment.
Economic - The increased clarity and direction focussing on identified values may reduce costs by giving greater certainty to plan users and increased processing efficiencies.	Economic - Anyone developing within or near the identified ONFLs may experience an increased cost associated with the proposed plan. However, as a portion of the cost of an overall development on these features would be a minimal expense.
Social - The provisions will clarify the regulation and expected activities in relation to ONFLs and be more user friendly for decision makers and plan users. - Improved management of ONFLs - The community understands the particular values and risks associated with each feature/ landscape. - Greater protection of the identified features/ landscapes enables a social benefit from the passive and recreational use.	Social - The provisions may appear more complex to plan users as they are lengthier and more detailed compared to those within the Operative Plan.
Cultural - The provisions, specifically the values schedule provide recognition on the identified cultural values of each identified feature along with the risks.	Cultural - There are not considered to be any cultural costs associated with the PDP as the provisions seek to manage adverse effects and to acknowledge specific cultural values.
Efficiency	
There are a number of improved efficiency outcomes associated with the PDP provisions. These include improved clarity through a more directive objective and set of policies, which provides greater certainty for plan users and decision makers and will improve efficiency compared to the status quo option. It is considered that the proposed provisions will achieve the NFL objective in the Plan as: - The values schedule provides clear direction on identified values and risks to those values; - The values schedule and the chapter provide for the identification of ONFLs and their different values, including details and direction on appropriate and inappropriate activities, thereby providing a high level of certainty; - The policies recognise Māori cultural practices; - The rules enable activities and development, provided that these can be undertaken in accordance with the values schedule; and - The rules require that activities that may impact the identified values are appropriately managed through the resource consent process. Overall, the benefits of managing identified values of NFL via this approach outweigh the costs.	
Effectiveness	
The proposed provisions are considered to be the most effective means of achieving the objective as: • The provisions are practical and enable the Council to fulfil its statutory obligations, including duties imposed on the Council by s31 of the RMA; • The adverse effects from inappropriate land use, development and subdivision activities are managed appropriately by the rules helping to reduce the possibility that such activities will damage or harm the values of identified features and landscapes; • This approach is not considered to be overly restrictive or onerous for landowners;	

- The rules reflect best practice and expert landscape and cultural advice and the types of activities that can occur as a permitted activity and the types of activities that require a resource consent are clearly set out enabling decision-makers to make an informed decision based on policy guidance and on the values of the feature/ landscape; - Any proposal to undertake a higher risk activity such as mining, quarrying or plantation forestry triggers a non-complying activity consent which is consistent with the expert input; and - The provisions enable the Council to effectively administer its District Plan in a clear and consistent manner. Overall, the benefits of managing identified ONFLs via this approach outweigh the costs.
Risk of acting or not acting
Risks of not acting: - The resource management issues would not be adequately addressed. - The status quo does not provide adequate protection for the Mataura Falls and River. - ODP policies and rules lack clarity and therefore certainty. Risks of acting: - Landowners will need time to understand the new provisions. - Generally low risk, as the proposed schedule and the provisions have been reviewed by key parties, who have provided feedback on the draft provisions. Overall, there is sufficient information to act and the risks from not acting is higher than the risk of acting.
Overall Evaluation
The proposed policies and methods are an appropriate option to achieve the objective for ONFLs. The benefits outweigh the costs, and the methods efficiently give effect to the proposed objective. The methods help to protect ONFLs and manage activities in relation to ONFLs to ensure that their values are maintained, along with the health and safety of the community, in order to address the identified resource management issues.

Option B – Status Quo	
Objective 2.2.3 To protect the Districts Outstanding Natural Features and Landscapes 2.2.4 Policies (1) While recognising that the Hokonui Hills is a working rural landscape subject to ongoing change as a result of farming activities, protect the Hokonui Hills from development and use those results in adverse effects on landscape values (2) Avoid the erection of structures that project beyond the ridgelines of the Hokonui Hills when observed from areas, sites, or land other than that on which the structure is being built. (3) Avoid activities that could compromise the visual values or geological significance of the strike ridges of the Hokonui Hills. (4) Ensure that any domestication of the Hokonui Hills landscape that may be required is undertaken, as far as practical, in locations away from public view. (5) Liaise with Environment Southland on all RMA processes to ensure that the natural values of the Mataura River are protected. (6) Adopt non-regulatory methods to educate users of the Mataura River and adjoining land as to actions they can take to protect and enhance the values of the river. 2.2.9 Rules - Within the area notated “Hokonui Hills Significant Landscape” the following is a discretionary activity: (1) Farm quarry or quarrying activities. (2) Commercial Forestry and Woodlots. (3) Earthworks associated with the construction of any road or track greater than 7 metres in width or requiring more than 2 metres of cut or fill for a total distance greater than 100 metres. (4) Earthworks, other than those associated with the tilling of the soil, fencing or pest plant management, and not provided for by (3) above, exceeding: (a) more than 100 linear metres in any direction; or (b) 2 metres in depth in the case of excavation; or(c) 3 metres in height in the case of stockpiles or fill; or (d) 50 cubic metres in volume. (5) The erection of any building or structure, except for buildings or structures (other than dwellings) associated with the pastoral farming of that land. (6) The erection of any building or structure where the external building materials or finish results in reflective glare.	
Benefits	Costs
Environmental The Hokonui Hills have been identified and managed, low levels of development likely to be experienced in the short term	Environmental - No protection of the Mataura Falls or River. - No strong direction of protection of the values of the Hokonui Hills - Values of the identified feature/ landscape have not been provided. - Objectives and policies are high level and provide little guidance for plan users.

Economic - Resource consent is not required for any activities in proximity to the Mataura Falls and for a number of activities on the Hokonui Hills such as farm buildings and plantation forestry.	Economic - Loose policy direction may lead to uncertainty and costs for plan users.
Social - Plan users and landowners are familiar with current provisions	Social - Possible unintended development of the Hokonui Hills, Mataura Falls and River which may compromise the social benefit from the passive and recreational use of these areas.
Cultural - There are no known cultural benefits associated with the current provisions	Cultural - The cultural value of the Mataura Falls, River, and Hokonui Hills are not protected.
Efficiency	
The status quo approach is inconsistent with the PS that require a standalone chapter for NFLs in Part 2 District Wider Matters. Nor does it give effects to regional planning requirements. The current policy and rule framework of the Gore District Plan appears to have enabled a fairly efficient administration of resource management functions within the district. Gore overall tends to receive a low volume of consents when compared to other districts within Southland. Most consents are processed on time and with comparatively low staffing levels. It is possible that this is partly due to a particularly permissive policy framework resulting in a greater level of permitted activities, or in some cases a greater level of unmonitored and unconsented activities. In particular, the landscape provisions do not provide policy guidance on the management of the Mataura Falls and the policy framework for the Hokonui Hills is high level and therefore does not provide strong direction or certainty for plan users.	
Effectiveness	
While the ODP appears to have effectively managed development within the Hokonui Hills there is however a gap in current policy concerning the landscape values of the Mataura River. Additionally, while unchecked development has not occurred within the Hokonui Hills this may be due more to a lack of development pressure rather than effective policy settings.	
Risk of acting or not acting	
Risk of not acting - The resource management issues would not be adequately addressed. - The National Planning Standards would not be implemented. - The ODP rules lack clarity and therefore certainty for plan users. Risk of acting - Landowners and relevant stakeholders will need time to understand the new provisions. - Generally low risk, as the proposed schedule and provisions have been reviewed by key parties, who have provided feedback on draft provisions. - Overall, there is sufficient information to act and the risks from not acting is higher than the risk of acting.	
Overall Evaluation	
The existing policy and methods are somewhat outdated and do not effectively address the identified resource management issues.	

9.2 Summary of Preferred Options

Summary The preferred option is Option A, the Proposed District Plan provisions, which are anticipated to address the resource management issues and achieve the purpose of the Act. The PDP provides greater clarity and direction to plan users and decision makers, thereby being consistent with section 5 of the RMA 1991. Option B, the ODP approach is ineffective at addressing the resource management issues. The plan needs to be updated to accurately represent the current ONFLs across the district. A revised approach is proposed based on applying rules for different types of activities to help to protect the features and landscapes and manage activities to ensure that their values are maintained. The proposed provisions provide a sufficient balance between allowing for appropriate activities whilst protecting the identified values.
