

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

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

Statement of supplementary planning evidence of Joanne Skuse on behalf of Gore District Council for Hearing Stream 3.

Date: 22 July 2024

Introduction:

1. My full name is:
 - Joanne Skuse
2. My Section 42A report sets out my qualifications and experience as an expert in planning.
3. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
4. I have prepared this statement of evidence to provide a response to expert evidence presented in relation to Hearing Stream 3 – Rural Zones. This includes the evidence of:
5. **Alliance Group Limited (s121 and FS27)**

a) Doyle Richardson

Ravensdown (s28)

- Carmen Taylor

Silver Fern Farms Limited (s40 and FS29)

- Steve Tuck

Clark Fortune McDonald and Associates (s99 and FS22)

- Benjamin Wilson

Rural Contractors NZ Inc (s145)

- Graeme Mathieson

KiwiRail Holdings Limited (s132)

- Michelle Grinlinton-Hancock

Greenbriar (s128)

- Megan Justice
- John Howes
- Andrew Schoultz

Kowhai Trust (s42)

- Hamish Weir

- Jason Bartlett

NZTA (FS14)

- Helen Dempster

Department of Conservation (s109 and FS31)

- Elizabeth Williams

Stoney Creek Station (s3)

- Claire Perkins

Hokonui Rūnanga (s139)

- Amy Beran
- Ailsa Cain
- Jo Brand,
- Terence Nicholas
- Lynda Murchison (Hearing Stream 2 evidence)

Southland Federated Farmers (S126 and FS17)

- Rachel Thomas
- Bernadette Hunt

6. As directed by Minute 8 I acknowledge deferral of consideration of the submissions from Hokonui Rūnanga on Hearing Stream 2 until Hearing Stream 3 so these matters will be considered here and by Courtney Bennett's supplementary evidence. Minute 13 also defers Zone specific submission points from McNabb Management Ltd to Hearing Stream 8. I have not, therefore, provided any further evidence on these submission points.
7. My evidence also seeks to correct some errors in the Rural Section 42A Reports as follows:
 - a) There is an error on page 171 where paragraphs skip from 808 to 845. I confirm there is no missing text in relation to paragraph numbers 809-844.
 - b) There are two paragraphs labelled 876 on page 176 and an additional paragraph 876 on page 182. They have been amended to 876 and 876A and 876B respectively.

- c) There is an error in the paragraph numbering at Page 177 where paragraph numbers alter from 879 to 845. From Page 177 – 183 paragraph numbers 845-879 will be followed by an 'A'.
- d) There are three paragraphs labelled 861 on page 173, and twice on 179. They have been amended to 861, 861A and 861B respectively.
- e) The recommendation at paragraph 876A on page 176, I have recommended 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.~~

The Appendix A for the Rural Topics Section 42a Report was incorrectly updated. This has been rectified in Appendix 2 of this evidence.

Recommendations Overview

- 8. The Section 42A report provides an overview of issues raised in submissions and the changes recommended relating to Hearing Stream 3. I do not propose to repeat those here but instead focus on responding to submitters evidence.
- 9. Recommended changes to the chapters are shown in **Appendix 2**.
- 10. I acknowledge the support of Silver Fern Farms Limited noting the drafting omission which has been addressed at paragraph 7(e) above.
- 11. I acknowledge the support of Ravensdown Limited and Alliance Group Limited noting their intention to attend later hearing on Topics such as Industrial and Noise.
- 12. I note that while NZ Heavy Haulage (s77) and Environment Southland (s85) propose to speak at the hearing, they have not tabled evidence. Discussion of their submission points is included in the s42A hearings reports as follows:
 - a) NZ Heavy Haulage (s77) – Submission (s77.005), (s77.006), (s77.007) relating to relocated buildings at paragraphs 196 to 199.
 - b) Environment Southland (s85) – relating to development in natural hazards areas at paragraphs 210 to 212.

Detailed Responses to Evidence seeking changes to s42A Recommendations

Silver Fern Farms Limited (s40 and FS29)

- 13. Silver Fern Farms Ltd submitted on the definition of “rural industry” and objective RLZ-O3. Steve Tuck, on behalf of Silver Fern Farms Ltd, supports the s42A report recommendations in relation to these provisions. Mr Tuck supports the amendments to RLZ-O3 recommended at paragraph 877 of the section 42A report, which more clearly

protect lawfully established activities from reverse sensitivity effects. It notes that “in adjacent zones” is omitted from the text of RLZ-O3 shown in Appendix A – Recommended Amendments to the Rural Lifestyle Zone, but assumes this discrepancy will be corrected, to align with the section 42A report. This has been corrected in Appendix 2 of this evidence.

Alliance Group Limited (s121 and FS27)

14. Doyle Richardson presented evidence on behalf of Alliance Group outlining that they support my recommendations in relation to GRUZ-P8 and RLZ-O3 and noting that their request to re-zone the Alliance water treatment plant is deferred to Hearing Stream 4 to which they will present evidence. I thank the submitter for their support.

Clark Fortune McDonald and Associates (s99 and FS22)

15. Benjamin Wilson tabled evidence relating to Minor residential units (s99.034), Minimum Lot size (s99.015), Zoning at Whiterig (s99.001 & s99.003), Zoning at Main St Maitua (FS22.061), Re-zoning Reaby Road north of SH94 (S99.046), Additional objectives and policies (s99.031), GRUZ-R5 – Woodlots (s99.032), GRUZ-R6 – Conservation Activities (99.003), GRUZ – S4 – Side and Rear Setbacks (s99.035), GRUZ – S5 – Road Setback (s99.036), Hokonui Hills Lifestyle Precinct (FS22.061 and FS22.063), SETZ Policies (FS22.060), SETZ Rules (99.038), SETZ Standards (s99.037, s99.039, s99.040 & s99.041).
16. Mr Wilson has agreed with my recommendations relating to:
 - a) A restricted discretionary activity for minor residential units with an 8ha density;
 - b) Maintaining split Zoning in Whiterig (s99.001 and a99.003) and Main Street Maitua (FS22.061);
 - c) The approach to Conservation Activities (s99.003) and Woodlots (s99.032, FS10.004);
 - d) Reducing the Road setback from interregional roads from 100m to 50m in GRUZ – S5 (s99.036);
 - e) FS22.061 relating to Hokonui Hills Lifestyle Precinct; Mr Wilson notes that FS22.063 in the Hokonui Hills Lifestyle Precinct relates principally to landscape and ecology and the primary submitters are better placed to address this matter; and
 - f) SETZ Policies (FS22.060).
17. Mr Wilson does not agree with my recommendation relating the following matters:
 - a) The 8.0ha minimum density and seeks that an exception is made to allow 2.0ha subdivision to occur around an existing and legitimate residential unit existing at the time the PDP is made operative and that the 8.0ha limit needs further evidence to justify the density.

- b) Re-zoning Reaby Road north of SH94 decisions should be deferred until some form of detailed occupational analysis is undertaken.
 - c) The 30m setback as this would result in inefficient and less productive land use and seeks the ODP setback of 6.0m be retained.
 - d) SETZ Rules and seeks the density is adjusted in SETZ-S1 to allow one residential unit on sites existing at the time the PDP is made operative or that the density infringement is a restricted discretionary rather than non-complying activity on the basis that a large portion of sites are below 2000m² and servicing can occur on 1000m² sites.
 - e) SETZ – S5 and seeks that the 4.0m side or rear boundary is reduced to 1.5m for allotments below 2000m² existing at the time the PDP is made operative and SETZ-S6 should be 4.0m for road boundaries in similar circumstances.
18. In relation to the 8.0ha minimum lot size, I consider that the s32 assessment and associated technical work has justified the approach. This is further commented on, in terms of the legality of the proposed density and lot size, by Mr Garbett at paragraphs 12-19 of his legal submissions.
19. In relation to the allowance for 2.0ha subdivision to occur around an existing and legitimate residential unit, I do not support this. A two-hectare minimum lot size and/or density is reflective of a rural lifestyle sized site and does not suitably align with the objectives of the National Policy Statement: Highly Productive Land (NPS-HPL). Specifically, Objectives 4, 6, 8 and 9 which seek to ensure the use of highly productive land for land-based primary production is prioritised and supported; development of highly productive land as rural lifestyle is avoided; highly productive land is protected from inappropriate use and development and reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.
20. The proposed minimum lot size of the General Rural Zone is to avoid rural lifestyle development which in turn protects the General Rural Zone for primary production, and other activities that rely on the rural resource. Whilst I understand the reasoning proposed by Mr Wilson, there is not a mechanism to ensure these subdivisions are for the purpose of retiring farmers. Increased rural lifestyle living negatively impacts the primary productive resource through reverse sensitivity effects and permanently fragments land beyond productive use. I note that 8ha is a minimum and it is anticipated that most productive farms will require significantly more land than 8ha. The 8ha lot size provides greater flexibility for a range of existing and future rural production opportunities.
21. In relation to GRUZ-S4 the primary planning method for buffering one activity from the impacts of another is to impose separation distances or boundary setbacks. Examples of impacts that often cause 'cross boundary effects' are noise, dust, odour, smoke and traffic. There is the potential for new residential activities in rural areas to pressurise existing rural productive activities to limit their impacts. This may constrain the practicality or viability of some rural productive activities. I consider the proposed setback distances are required to alleviate this. I further note the standard requiring dwellings to be located such that they are no closer than 20m from a dwelling on adjoining property has been

removed, thus removing the 'first come, first served' principle. I consider the benefits of the proposed setback include improved amenity, increased open space and reduced potential conflict for landowners and the community about cross boundary effects into the future.

22. Nonetheless, in recognition of existing buildings within the newly proposed setback I consider an exemption can be added to GRUZ-R1 and GRUZ-R7 enabling buildings, legally established at the provision becomes operative, to be extended provided the non-compliance is not exacerbated. For example, if a residential unit is within the 30m setback requirement from the side boundary, it can be extended into the allotment but not further into the setback. This recommendation is discussed further in response to the evidence from Stoney Creek below.
23. In relation to the zoning along Reaby Road, I do not agree that there is a significant amount of existing lifestyle land use in that area. The majority of existing rural lifestyle lots front Reaby Road and have been re-zoned to Rural Lifestyle. Rezoning additional land to this extent is not necessary to achieve future growth and therefore I stand by my assessment in my Section 42a¹. The current rural lifestyle boundary aligns with the High-Class Soils mapping and avoids Land Use Capability Class 2. Extending the zoning to the State Highway may have implications on critical infrastructure and potential safety implications in relation to access.
24. In relation to the SETZ density, I acknowledge the submitter's evidence. I consider given the townships have evolved organically it is difficult to draw a line in the sand on density. I take into account the argument that there is a common occurrence of the historic 'quarter acre' site in Pukerau, Mandeville and Waikaka. As such the character and amenity of the area is a mix of varying lots. Many 'quarter acre' sites are amalgamated and form larger landholdings for example. It is appropriate to enable residential land use on existing sites in the three settlement zones. Nonetheless, I consider onsite servicing is a factor to be considered, as well as potential flood hazards. I therefore recommend the density rule is amended to enable a density of one residential unit per 1000m² where a restricted discretionary activity consent is obtained. The matters of discretion are restricted to the provision of onsite servicing and the management of natural hazards.
25. In relation to the setback provisions in the SETZ Chapter, my statements in the Section 42a Report regarding the disadvantage to smaller sites relate to the fact the current zoning under the ODP is Rural and therefore a 6m setback is required from all boundaries. The proposed setbacks are therefore more permissive than the status quo. Regardless, it is not my intention to limit residential activity in these areas and I acknowledge that there are any 'quarter acre' sites in the three settlement zones. Whilst I see the benefit of the drafting proposed in Mr Wilsons evidence I consider a consistent

¹ Rural Topic Section 42a Report, Para 377- 379 Page 95-96

approach across the zone is appropriate in order to achieve some semblance of character.

26. I therefore recommend the side and rear setbacks are amended:

Any building or structure is setback a minimum of 4 2m from any side or rear boundary.

27. I recommend the road setbacks are amended:

Any building or structure shall be setback a minimum of 6 4m from any road boundary.

Rural Contractors NZ Inc (s145)

28. Graeme Mathieson tabled evidence in support of the S42A recommendations to decline a new rule for Rural Contractor Depots on the basis that GRUZ-R4 is amended to remove reference to GRUZ-S2 to GRUZ-S5, reduce the setback requirement from 100m to 50m, include screening, increase the activity area limit to 5,000m² and the building coverage limit to 1000m². This is on the basis that the recommended changes provide sufficient flexibility to enable a small-scale rural contractor depot. I concur with this statement.

KiwiRail Holdings Limited (s132)

29. Michelle Grinlinton-Hancock has tabled evidence opposing my recommendations to reject a 5.0m setback to the rail corridor in the GRUZ, RLZ, and SETZ noting that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks and protect the rail corridor from interference and refers back to earlier evidence presented in HS2.
30. Ms Grinlinton-Hancock notes support for my recommendations relating to GRUZ-O2, GRUZ-P8, GRUZ-P9, GRUZ-P10, RLZ-O3, PREC8, SETZ-P7 but not SETZ-P2 and SETZ-P8 as a 5.0m setback and flooding and erosion risk are still matters of concern for KiwiRail.
31. As part of Hearing Stream 2 the Panel requested the submitter provided a response to the suggestion raised by Commissioner Hovell that the setback distance varies with the height of any building in proximity to the rail corridor boundary. KiwiRail proposed a stepped approach to setbacks which would require all buildings and structures to be setback based on their height:
- a) Less than 3m high - 2.5 metres
 - b) Between 3m to 9.5m high – 4 metres
 - c) Above 9.5m high – 5 metres
32. The Panel requested the Section 42a Authors for Hearing Stream 2 respond to the additional information from KiwiRail. In principle a stepped approach to setbacks is supported, as the space required for maintenance structures increases with the height of buildings and this method could reduce the impact on the landowner.

33. KiwiRail has argued that permanent space within private property is required to not only allow for temporary scaffolding and support structures, but additional space around scaffolding to allow for hypothetical dropped objects, where this object bounces off a scaffolding guardrail. The extent of the setback distance is primarily derived from the outputs from Dropped Objects Exclusion Zone Tool². The Section 42a Authors for Hearing Stream 2 raise issues with the KiwiRail methodology and do not agree with the proposed setbacks. The full assessment is contained in the Right of Reply document³, dated 19 July 2024. For efficiency I haven't repeated it here but concur with the assessment and resultant recommendation in the Right of Reply, however I have made minor amendments noting the likely activities in the Rural Zones. I have my recommendations below.
34. The Rail Corridor does not pass through the RLZ areas. I therefore do not recommend changes to this zone Chapter.
35. In relation to the GRUZ, buildings under 10m² are permitted to be 2m from the side and rear boundary in the GRUZ. Given the proposed setbacks in the right of reply only require buildings above 9.5m to be setback more than 2m, I do not consider a full new standard is necessary. Buildings up to 10m² in area are unlikely to be more than 5m in height albeit 9.5m. I do however recommend a matter of discretion in GRUZ-S4 requiring consideration of the safe and efficient operation of the rail network if a setback standard is breached.
36. In relation to the SETZ Chapter I recommend the following standard is applied to all Rules enabling buildings subject to standards as the rail corridor does pass through the zone. I have lowered the height in clause 4 from 9.5m to 8m to align with the maximum height permitted in the SETZ zone.

SETZ-S10 Setback from Rail Corridor

1. Any building no greater than 3m in height shall be setback at least 1m from the legal boundary with the rail corridor of the Main South Line.

2. Any building greater than 3m but no greater than 5m in height shall be setback at least 1.5m from the legal boundary with the rail corridor of the Main South Line.

3. Any building greater than 5m but no greater than 8m in height shall be setback at least 2.5m from the legal boundary with the rail corridor of the Main South Line.

² Appendix A to Hearing Stream 2: Memorandum of Counsel on Behalf of Kiwirail Holdings Limited, 5 July 2024

³ Hearing Stream 2 Reporting Officer Right of Reply of Joanne Skuse, Mishka Banhidi, Tina Carlson-McColl and Victoria Woodbridge on behalf of Gore District Council, Date: 19 July 2024

4. Any building greater than 8m in height shall be setback at least 3.5m from the legal boundary with the rail corridor of the Main South Line.

Activity status where compliance is not achieved: **Restricted Discretionary**

Matters of discretion:

1. The safe and efficient operation of the rail network.

2. Compatibility with the surrounding environment.

3. The reason for the reduced setback.

37. As a result of the additional standard I recommend SETZ-P2 is amended to provide policy direction for applications that breach SETZ-S10 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, and
5. Maintain the safe and efficient operation of the rail network.

38. The Council equivalent Code of Practice for Development is the Subdivision and Land Development Bylaw 2019⁴. I make no further amendments to SETZ-P8 relying on my reasoning in the Section 42a report⁵.

Greenbriar (s128)

39. Megan Justice provides planning evidence seeking amendments to my recommended New Vale Precinct to ensure the precinct operates efficiently and effectively, maintains consistency with GRUZ provisions, and implements the objectives of the UFD chapter. Ms Justice also provides an overview of the mine site, demonstrates alignment with the

⁴ [Subdivision and Land Development Bylaw 2019.pdf \(goredc.govt.nz\)](#)

⁵ Rural Topic Section 42a Report, Para 996, Page 202

NPS-HPL, and outlines the importance of the site. Ms Justice notes that a Precinct is consistent with NPS-HPL clause 3.9(2)(j)(iii) because the mine has a functional and operational need to locate where coal seams are located and the expansion of the mine provides significant national benefit as outlined by Mr Schoultz evidence summarised below. As such Ms Justice considers the alignment with the NPS-HPL should be confirmed now and the provisions exempt the Precinct from further assessment against the NPS-HPL. This would result in changes to GRUZ-R2.

40. Ms Justice further recommends an amended Precinct boundary citing a potential confusion with the maps provided in the original submission. Ms Justice has provided a map at Appendix A of the evidence which illustrates the full extent of the site which Greenbriar seeks to be included in the New Vale Precinct. The map identifies the full extent of the existing mine and processing facilities, and the proposed area of expansion, as well as the area where ecological enhancement is proposed to the eastern side of the site.
41. Ms Justice has proposed amendments to the GRUZ Overview and Purpose in relation to the Precinct, and the Precinct Objectives and Policies to streamline the drafting. Ms Justice further seeks amendments to GRUZ-R4 in relation to the rural industry activities within the Precinct, seeking provision for 20 customers per day to visit the site and to remove the matter of discretion relating to consideration of potential reverse sensitivity effects and/or conflict with existing activities.
42. Ms Justice further seeks an amendment to GRUZ-P6 to include the wording 'significant' in relation to adverse environment and cultural effects. Ms Justice cites the National Policy Statement: Indigenous Biodiversity (NPS-IB) as requiring only the "significant" adverse effects on indigenous biodiversity to be managed by applying the effects management hierarchy.
43. John Howes evidence describes the mining operation that occurs at New Vale and the role of the mine within Gore along with the plan for the end of life for the mine (including a rehabilitation plan) and the traffic movement associated with the site.
44. Andrew Schoultz has provided economic evidence to consider whether the mine provides a significant national public benefit that could not otherwise be achieved using resources within NZ. Mr Schoultz notes that the mine supports a further \$499m in economic activity, is the only operating source of low-cost coal in Southland, and that the mine extension provides a significant public benefit and as such meets the tests set out in the NPS-HPL.
45. I will address the elements of Ms Justice's evidence in turn below, concluding with my thoughts on the approach to the NPS-HPL and changes to GRUZ-R2.
46. In relation to the Precinct Map I agree it is appropriate to include the eastern area of the site, previously omitted from the Section 42a Appendix C recommendation. The eastern area contains areas where ecological enhancement is proposed.
47. In relation to the Overview and Purpose of the New Vale Precinct I concur with the rewording proposed by Ms Justice. I further agree with the proposed amendments to the

objectives and policies noting the changes streamline the drafting but maintain the original intent of the provisions.

48. In relation to GRUZ-P6, I consider the policy intent is to manage environmental and cultural effects more widely. Inputting 'significant' will result in effects less than this to not be avoided, remedied, mitigated etc. I therefore reject this proposed amendment.
49. In relation to GRUZ-R4, I accept the reasons provided for enabling a limited number of customers to visit the site. I consider, having visited the mine site, and given its operational requirements, customer visits will be managed and no adverse effects will be generated.
50. Having reviewed the matters of discretion I consider the consideration of reverse sensitivity is not necessary. The clauses of GRUZ-R4 require a 100m setback from the Precinct boundary, should the rural industry activities locate closer to the precinct boundary, I consider effects on neighbouring land uses would be covered by clause 2 and reference to rural character and amenity.
51. In relation to the NPS-HPL I consider the evidence from Mr Schoultz is thorough and well-reasoned. However, as economics is outside the realm of my expertise I have commissioned a peer review to determine whether the methodology, approach, suitability of data is accurate and therefore supportable. The peer review is due to be completed before the Greenbriar hearing timeslot on Wednesday and as such I will provide an overview of the peer review and my determination on this element of the evidence at the hearing.

NZTA (FS14)

52. Helen Dempster has provided evidence on behalf of NZTA noting the need for an Integrated Transport Assessment (ITA) for rezoning at 205 Reaby Road (FS14.056). Ms Dempster acknowledges the additional information provided by Jason Bartlett on behalf of the submitter and notes that a verbal response can be provided to this at the scheduled hearing.
53. Since filing evidence, Ms Dempster has provided Council with an update, following NZTA staff having further time to consider the comments from Jason Bartlett and completing an internal assessment of the likely traffic effects of the rezoning proposal on the state highway network. NZTA advise they are comfortable with the effects being assessed and managed through the proposed subdivision and transport rules in the PDP. As such, NZTA wish to withdraw the further submission on the Kowhai Trust rezoning proposal and ask that the Hearing Panel disregard that part of the evidence.
54. I have taken this into account in my response to the further evidence provided by Kowhai Trust below.
55. Ms Dempster has also provided evidence in relation to the proposal to rezone land between Reaby Road, Kingdon Road and SH94 (FS14.055) noting that an ITA is necessary particularly given the direct interface with SH94 and the need to address potential reverse sensitivity noise effects, visual amenity effects and headlight glare

effects that might arise. Ms Dempster retains the view that in the absence of sufficient information the proposed re-zoning proposal should be declined.

Department of Conservation (s109 and FS31)

56. Elizabeth Williams has provided evidence on behalf of the Department of Conservation (DoC) supporting the recommended changes to GRUZ-P4, GRUZ-P6 and GRUZ-P13 as these policies still retain exceptions to manage activities to avoid adverse environmental effects and inappropriate areas in Outstanding Natural Landscapes/Features and Significant Natural Areas. I concur with this statement.
57. In relation to GRUZ-R3 Ms Williams seeks an amendment to clause 13 of the Matters of discretion as follows:

Effects on ecology values, including indigenous biodiversity, how these effects are avoided, remedied or mitigated and the potential for compensation or offsetting where appropriate.
58. This change is recommended to better align with GRUZ-P6 as noted in my s42A report (para 677) and the wording in the NPS-IB relating to compensation and offsetting. I concur with the evidence from Ms Williams and recommend changes to GRUZ-P6 in line with Ms Williams' suggestions.
59. In relation to River Setback Standards, Ms Williams accepts the changes recommended to GRUZ-S7 clause 3 and acknowledges that to include wetland setbacks would duplicate rules in the National Environmental Standard for Freshwater (NES-F). I concur with this statement.
60. Ms Williams acknowledges my comments relating to RLZ-PREC11 objective 1 and Policy 1 noting that some of the precinct lies within the Hokonui Hills Outstanding Landscape area, contains pockets of indigenous vegetation, and that four lower order streams run through the area. It is also acknowledged that stream and building setbacks would provide separation to the Croydon Bush Scenic Reserve, RLZ-S11 requires indigenous planting, and indigenous vegetation clearance or land disturbance is managed via ECO-R1. These provisions will be further discussed in HS9 noting that the PDP must protect and maintain indigenous biodiversity in accordance with the NPS-IB, and s6(c) and s31(1)(b)(ii) of the RMA. Ms Williams also notes that the need for a Hokonui Hills Special Precinct will also be considered in HS9. I agree with this statement and these matters can be further considered in HS9.

Stoney Creek Station (s3)

61. Claire Perkins has tabled evidence on behalf of Stoney Creek Station. Ms Perkins also notes general support for my recommendations relating to numerous objectives and policies, rules and standards.⁶
62. This evidence also notes that work is ongoing to develop the Hokonui Hills Special Precinct provisions to be heard in HS9 which may require some consequential changes to GRUZ provisions. Similarly, matters relating to Agricultural Aviation will be addressed in HS6 that have cross over with GRUZ-P7 and GRUZ-S9 along with the definition of Helicopter Landing Area and the Noise chapter in particular.
63. In relation to HS3, the evidence seeks the following changes;
- a) Add a definition of Farm Infrastructure to include irrigation infrastructure, stock water tanks, pump infrastructure and hydrants, fixed stock ramps and yards, water storage infrastructure, and bridges and stock crossings
 - b) Farm quarries should be included in GRUZ-R3(2)(3) as follows - The activity is not located on *Highly Productive Land* unless it is an existing lawfully established activity or is a farm quarry.
 - c) Amend GRUZ – R7 to reference alterations to a historic heritage item so that other alterations to existing buildings are not captured by this rule, or specifically allow for alterations to existing buildings more generally.
 - d) Amend GRUZ – R1 as follows – Any new ~~or extended~~ building, structure (excluding fences and farm infrastructure) and activity complies with General Rural Zone Standards....
 - e) Amend GRUZ-S1 – Density to allow for a minimum 2.0ha density with an average 8.0ha density as this better aligns with GRUZ-O1, GRUZ-O2, and GRUZ – O5.
 - f) Amend GRUZ-S4 – Setback to Side and Rear Boundaries as follows – “Any building is setback from any side or rear boundary of a site not owned by the same landowner the minimum distances as follows....” in order to capture situations where farms have multiple lots but are in single ownership.
 - g) Amend GRUZ-S5 – Setback to Road Boundaries as follows – “5. All other *buildings and structures*, except *fences and farm infrastructure*, are setback 15m”
 - h) Amend GRUZ- S7 – Setbacks from rivers and streams to address flood impacts as follows – “is not constructed with wire mesh, if located within an area of Actual

⁶ GRUZ-O1 to GRUZ-O5, GRUZ – P1 to GRUZ – P11, and GRUZ R5, R6, R9, R11, R13, R16, and R17, as well as GRUZ-S3

or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps”

64. In relation to a new definition for ‘farm infrastructure’, I see merit in its inclusion to enable structures such as stock water tanks, pump infrastructure and hydrants or other irrigation infrastructure. I believe the definition should be refined so that it is more specific. I recommend the definition is amended as follows:
- Those structures ~~(excluding buildings)~~ reasonably necessary to enable primary production activities ~~relating relation~~ to irrigation, and 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~~ dams and reservoirs.
65. I recommend these changes for the following reasons:
- a) Some structures may be considered buildings, for example water tanks or pivot irrigators.
 - b) If ‘the storage and distribution of animal feed’ is included I consider we need to specifically exclude things like feedlots, grain silos and silage pits, terms we have removed from the plan as they are not present elsewhere. I am unsure what else would be captured that is not already permitted as a structure not fixed to land, i.e. troughs. I am happy to reconsider this inclusion though based on discussion with the submitter at the hearing.
 - c) Stock yards and ramps are already permitted as an exemption to GRUZ-S5.
 - d) Dams and reservoirs may be extensive and may result in stability issues for neighbouring sites. I therefore consider they should comply with setback or obtain consent.
66. As some structures may be considered buildings, I consider that provision for ‘farm infrastructure’ should also be included in GRUZ-S4.
67. I do not support permitting farm infrastructure in the setback from streams standard GRUZ-S7. Structures such as water tanks may be a potential hazard or adversely effect ecology or the natural character of the stream. I recognise the rule may capture structures such as bridges and crossings and consider that potentially an allowance could be made for some permitted threshold, based on scale, or potentially determined by the stream order.
68. In relation to GRUZ-R3(2)(3) I am comfortable to include the submitters proposed text to remove any ambiguity and improve the useability of the plan.
69. In relation to GRUZ-R1 and GRUZ-R7 and alterations to existing buildings which may currently breach the standards, I acknowledge the concerns raised. The phrase ‘addition or external alteration’ in relation to GRUZ-R7 does cause confusion, as Ms Perkins is correct that these terms are defined only in relation to heritage buildings. I consider this is a drafting error, noting all other rules state ‘new, relocated or extended buildings’ and as such recommend the rule is amended to be consistent with the remainder of the

GRUZ Chapter. In terms of alterations to existing buildings, I consider an exemption can be added to the rules enabling buildings, legally established at the date the provision becomes operative, to be extended provided the non-compliance is not exacerbated. For example, if a residential unit is within the 30m setback requirement from the road, it can be extended into the allotment but not further into the setback. I consider this is a favourable way to achieve the outcome sought by Ms Perkin. If we remove the words 'or extended' from GRUZ-R1 and no other rule provides for the extension of farm buildings, it will fall into the default activity rule.

70. In relation to GRUZ-S1 and density, a two-hectare minimum lot size and/or density is reflective of a rural lifestyle sized site and does not suitably align with the NPS-HPL. The proposed minimum lot size of the General Rural Zone is to avoid rural lifestyle development which in turn protects the General Rural Zone for primary production, and other activities that rely on the rural resource. Increased rural lifestyle living further negatively impacts the primary productive resource through reverse sensitivity effects. I note that 8ha is a minimum and it is anticipated that most productive farms will require significantly more land than 8ha. This lot size is to provide greater flexibility for a range of existing and future rural production opportunities. Furthermore, additional rural lifestyle development has been enabled in the district through the creation of the RLZ zone, as well as recognition and growth of the Settlements, to provide a range of housing choice.
71. Standard GRUZ-S1 introduces a density 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. I do not support an averaging rule which enables Lots down to two hectares as this is inconsistent with GRUZ-O1, GRUZ-P9 and GRUZ-P10. Further, a 2ha lot size is inconsistent with the Objectives of the NPS-HPL. Specifically, Objectives 4, 6, 8 and 9 which seek to ensure the use of highly productive land for land-based primary production is prioritised and supported; development of highly productive land as rural lifestyle is avoided; highly productive land is protected from inappropriate use and development and reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.
72. In relation to GRUZ-S4- setback to side and rear boundaries, the definition of site is defined by the National Planning Standards. A site includes an area of land comprised in a single record of title or an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council, for example amalgamated lots. Whilst I recognise that farming operations span multiple sites, I do not consider the proposed inclusion is appropriate. The standards cannot, in my opinion, be written to capture every potential

circumstance of ownership or site operation. I note there are streamlined consent pathways for boundary breaches, such as Deemed Permitted Boundary Activities⁷.

73. In relation to GRUZ-S5(5) I recommend the inclusion of farm infrastructure as an exemption. Equally I recommend the exemption is included in GRUZ-S4(5). As farm infrastructure is excluded from the standard, I do not believe it needs to be specifically excluded from GRUZ-R1. However if I am misinterpreting this, I welcome further comment from the submitter at the hearing.
74. In relation to GRUZ-S7 I acknowledge the points raised by Ms Perkins and confirm the intent of the changes is to require more permeable fences within floodplain areas. As such, I accept the proposed wording changes put forward by Ms Perkins. I note this may result in a consequential change for the stream setback standard in other zones. I recommend this for consistency.

Kowhai Trust (s42)

75. Hamish Weir has provided evidence on behalf of Kowhai Trust to support their submission to amend the zoning of 205 Reaby Road from GRUZ to RLZ. Mr Weir notes that a resource consent has been issued for a six-stage subdivision (SC23038), and the transport issues raised by NZTA are unfounded. Mr Weir contests the need for an Integrated Transport Assessment at this stage particularly given the PDP TRANS provisions and the need for consent under TRANS-R4. Mr Weir also notes that without the RLZ density the consented subdivision would not be viable and RLZ is a more appropriate zoning than GRUZ. Mr Weir has provided:
- a) A concept plan for 1ha average subdivision (refer to Mr Weir's Appendix C);
 - b) a copy of the 38 Lot subdivision (refer to Mr Weir's Appendix B);
 - c) a s32AA assessment (refer to Mr Weir's Appendix A);
 - d) correspondence from NZTA (refer to Mr Weir's Appendix D); and
 - e) a comment from Kowhai Trusts Traffic Engineer – Jason Bartlett (refer to Mr Weir's Appendix E)
76. Mr Bartlett acknowledges the need for an Integrated Transport Assessment but that there will be no effects on the state highway network generally but there may be impacts on the intersections of Reaby Road/Kingdom Road and Kingdom Road/SH94 which may need further assessment, as part of an integrated Transport Assessment that could be undertaken as part of a future subdivision consent.

⁷ Section 87BA, RMA 1991 - Boundary activities approved by neighbours on infringed boundaries are permitted activities

77. As discussed above, following NZTA staff having further time to consider the comments from Jason Bartlett and completing an internal assessment of the likely traffic effects of the rezoning proposal on the state highway network, NZTA advise they are comfortable with the effects being assessed and managed through the proposed subdivision and transport rules in the PDP. As such, NZTA wish to withdraw the further submission on the Kowhai Trust rezoning proposal.
78. I have discussed the Kowhai Trust submission (s42.001 and s42.002) at paragraphs 334 to 338 of my S42A report.
79. I consider that given the position of NZTA, and the requirement of an Integrated Transport Assessment pursuant to TRANS-R4 of the PDP, traffic effects can be addressed and managed through a future subdivision consent.
80. A resource consent has been approved to create 38 two hectare sites and, as such, fragments the land beyond any productive capacity. In my opinion this exemplifies the concerns of the current minimum lot size standard in the Operative District Plan Rural Zone and the adverse effect on the productive resource. Should the subdivision be implemented the site will no longer align with the objectives and policies of the General Rural zone.
81. Following my review of this evidence and Section 32AA report provided, I consider the upzoning of the land to Rural Lifestyle is supportable.

Southland Federated Farmers (S126 and FS17)

82. Rachel Thomas and Bernadette Hunt tabled evidence on behalf of the Southland Province of Federated Farmers of NZ. Ms Thomas and Hunt agree with my recommendations relating to a range of amendments to definitions⁸, the GRUZ Overview and Purpose, and SUB-S1 8.0ha density, along with a number of other objectives, policies and rules⁹.
83. Ms Thomas and Hunt seek the following relating to the rural provisions:
- a) Amend the definition of fences to exclude 'screen' and 'barrier' given the detail will be provided in relevant rules and there may be ambiguity with these terms;

⁸ Farm Quarry, cultivation, feedlot, fresh water, highly productive land, intensive indoor primary production, intensive winter grazing, commercial forestry, primary production, and woodlot

⁹ GRUZ-O2 to GRUZ-O5, GRUZ-P1, GRUZ-P5 to GRUZ-P11, GRUZ-R3, GRUZ-R11, GRUZ-R12, GRUZ-S5, RLZ – Overview and Purpose, RLZ-O2, RLZ-O3, RLZ-P3, RLZ-P6, RLZ-P9, RLZ-R3 and RLZ-R5

- b) Include a definition of Farm Infrastructure as proposed by Stoney Creek to enable a range of items including pivot stops, moisture probe/weather stations, and pivot centres¹⁰
 - c) Stop Significant Natural Area mapping;
 - d) GRUZ-S1 to exclude reliance on primary production for minor units with three units permitted per site;
 - e) Support that GRUZ-S7 (River and Stream Setbacks) for post and wire fences are permitted but considers that 'farm infrastructure' should also be permitted;
 - f) Amend GRUZ-O1 noting that other objectives use the term "enable" as follows - 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.
 - g) GRUZ – R9 - Commercial activities and GRUZ-R10 Educational Activities should be amended to delete the hours of operation and limit on staff numbers to reflect the low-risk effects and extended hours of these activities associated with farming;
 - h) GRUZ-S8 – Height is amended from 12m to 15m to reflect farming activities such as a tractor or pole shed;
84. With regard to the definition of fence, I do not consider changes are necessary. The definition is sourced from the Operative District Plan, and modified to remove types of fences which will be stipulated in the rules if exempt. It is therefore familiar to plan users. The definition states 'permanent' therefore electric fencing would not be captured.
85. In relation to farm infrastructure, I thank Ms Thomas and Hunt for the additional information. A definition and application of farm infrastructure is accepted with amendments as discussed above.
86. In relation to minor units, it is not a requirement for the minor unit to support primary production. It is a matter of discretion for consideration as part of a resource consent application. Enabling the number of units comparatively to the size of the site is more appropriate, in my opinion, than enabling three minor units on all sites, in relation to meeting the objectives of the zone. Specifically, GRUZ-O2, GRUZ-O4 and GRUZ-O5 in relation to protecting the rural resource from inappropriate activities, maintaining open space and open pasture, and preserving highly productive land.
87. In relation to GRUZ-S7, I do not support permitting farm infrastructure in the setback from streams standard. Structures such as water tanks may be a potential hazard or

¹⁰ Pictures of these items are included in Appendix 1 of the evidence

adversely affect ecology or the natural character of the stream. I recognise the rule may capture structures such as bridges and crossings and consider that potentially an allowance could be made for some permitted threshold, based on scale, or potentially determined by the stream order.

88. In relation to GRUZ-O1, I consider the proposed changes by the submitter achieve the intention of the objective and arguably still describes an outcome to be achieved. I therefore accept the revised wording of GRUZ-O1.
89. With regards to GRUZ-R9 – Commercial Activities, day to day farming operations are permitted under GRZ-R1 and therefore will not be captured by operating hours for the commercial activities listed. The operating hours relate only to people visiting a site. I recognise there may be instances of emergency care for a vet clinics. If the panel is so inclined, they could add a note to the rule exempting instances of emergency care for vet clinics, or alternatively exempt vet clinics from GRUZ-R9(2). I consider twelve employees can enable a relatively large commercial operation and therefore an appropriate scale of a permitted activity.
90. With regards to GRUZ-R10 – Education Facilities, the permitted standards manage the scale of the activity. I recognise this type of activity does not generate customers visiting a site, and so by limiting the activity to 12 people, the activity can operate outside of the operating hours with minimal effects. If the scale was to increase, a discretionary consent is required and therefore hours of operation can be considered. For these reasons I recommend hours of operation are removed but number of persons should remain.
91. In relation to height, the proposed standard aligns with the current operative district plan for the Rural zone. A higher limit is permitted in the Rural Industry Precinct in anticipation for industrial processing buildings which may require greater heights. The submitter's evidence states a tractor or pole shed could be around 14-15m high but this is unlikely. A standard is intended to apply broadly, rather than to accommodate exceptions. I therefore do not recommend further changes.
92. In relation to SNA mapping, this matter will be discussed in February 2025 as part of Hearing Stream 9, by which time it is anticipated that the Resource Management (freshwater and Other Matters) Amendment Bill will be enacted.

Hokonui Rūnanga (s139)

93. Terence Nicholas, Jo Brand, Ailsa Cain and Amy Beran tabled evidence on behalf of Hokonui Rūnanga and refer to evidence presented by Lynda Murchison for Hearing Stream 2 which has been deferred to Hearing Stream 3 for consideration. Ms Bennett has provided a synopsis and analysis of this evidence in her supplementary evidence so I do not repeat this here.
94. Ms Beran's evidence outlines the statutory context under the RMA generally and provides a synopsis of the relevant provisions of the Ngāi Tahu Claims Settlement Act, the Southland Regional Policy Statement, the Ngāi Tahu Ki Murihiku Natural Resource and Environmental Management Plan and the Āpiti Hono Tātai Hono approach.

95. Ms Beran also provides evidence on various chapters of the plan. I will address the General Rural Zone, the Rural Lifestyle Zone and the Settlement Zone below.

General Rural Zone

96. Ms Beran supports changes that I recommended to GRUZ-P2 to refer to “the mauri of whenua, wai, and ecosystems” rather than “underlying Ngāi Tahu relationships with the natural environment” as this provides more specificity. I concur with this.
97. Ms Beran also supports wording changes that I recommended to GRUZ-P6. I concur with this.
98. Ms Beran does not support changes that I recommended to GRUZ-P13 but instead prefers the original wording proposed by Hokonui Rūnanga as follows:

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.

99. Originally, I had opposed this wording on the basis that there was reference to wāhi tapu sites in the policy and there are no wāhi tapu sites identified in the plan. Given the statements about wāhi tapu in Ms Beran’s evidence and following discussion with Ms Bennett, I have changed my view and accept the changes in part as, wāhi tapu in the context of this plan refers to the concept of wāhi tapu as opposed to specific locations within the district. I note Ms Brean’s change removes the reference to environmental effects which weakens the policy. I recommend the policy is updated as follows:

Recognise ~~critical infrastructure~~ that Regionally Significant ~~Infrastructure~~ might be best located in the General Rural Zone, except where there is an Outstanding Natural Landscape, Outstanding Natural Feature, ~~Significant Natural Area~~, ~~Natural Hazard risk~~ or ~~Site of Significance to Māori~~, that has a functional and operational need to locate in the General Rural Zone, by enabling the operation, maintenance and upgrading of ~~critical infrastructure~~ and providing for new ~~critical infrastructure~~ except where:

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

Rural Lifestyle Zone

100. Ms Beran supports my recommended changes below to RLZ-P5 and I concur with this.

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

Settlement Zone

101. Ms Beran has confirmed support for my recommended changes to SETZ-P2 as follows:

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.

102. I note based on Ms Beran's evidence there is a desire to move away from the phrase "underlying relationship Ngāi Tahu hold with the natural environment" and so encourage revised wording to be brought to the hearing if Hokonui Rūnanga deem it necessary.
103. As a general observation, based on Mr Bennett's evidence the panel may wish to consider adding 'wāhi tapu' to the above policies.

S32AA assessment

104. The proposed amendments will enable the Council to effectively administer the PDP in a clear and consistent manner.
105. The recommended changes are consistent with the purpose of the Act in that they manages use and development of the land resource in a way that enables people and communities to provide for their social, economic, and cultural well-being.
106. The recommended amendments are consistent with strategic direction objectives, including UFD-O10, UFD-O11 and UFD-O12 that allows primary production and rural industry activities to operate efficiently and effectively, protect highly productive land and enable rural lifestyle areas adjacent to Gore. This in turn achieve UFD-O1 as the district develops in a cohesive, compact and structured way that provides for social and cultural vitality, productivity and economic growth and manages adverse effects between incompatible activities and zones.
107. The benefits of the proposed amendments are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.
108. 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.